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1988

# JOURNAL OF THE HOUSE

## 1988 REGULAR SESSION SEVENTY-SECOND GENERAL ASSEMBLY

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Adjourned April 17, 1988

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April 4 - April 17

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

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# JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day — Fifty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 4, 1988

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

Prayer was offered by the Honorable Linda Beatty, state representative from Warren County.

The Journal of Thursday, March 31, 1988 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Eddie of Buena Vista, from one hundred ninety-six constituents opposing any increase in beer, wine, or liquor taxing measures.

By Jay of Appanoose, from one hundred eleven constituents of the 66th District opposing House File 2057, an act providing for the creation of county review commissions.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton, until his arrival, on request of Stromer of Hancock; Hanson of Delaware, until his arrival, on request of Paulin of Plymouth; Johnson of Winneshiek, for April 4, 5 and 6, on request of Spear of Lee.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 102, a bill for an act relating to the prohibition of polygraph examinations as a condition of employment, and providing a penalty.

Also: That the Senate has on March 30, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2226, a bill for an act relating to the calculation of budget enrollment of a reorganized school district.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:



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.

Also: That the Senate has on March 30, 1988, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 30, 1988, passed the following bill in which the concurrence of the Senate was asked:

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.

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 2406, a bill for an act relating to access by the citizens' aide to confidential records and proceedings.

JOHN F. DWYER, Secretary

## SENATE AMENDMENTS CONSIDERED

Spear of Lee called up for consideration **House File 2262**, a bill for an act relating to the deduction and disbursement of certain moneys from an allowance paid to an inmate, amended by the Senate, and moved that the House concur in the following Senate amendment H-6065:

H-6065

- 1 Amend House File 2262, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 13 through 15 and
- 4 inserting the following: "established in the Justice
- 5 Assistance Act of 1984, Pub. L. No. 98-473, including
- 6 an amount to pay all or part of the cost of the
- 7 inmate's incarceration. The director".

The motion prevailed and the House concurred in the Senate amendment H-6065.

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

On the question "Shall the bill pass?" (H.F. 2262)

The ayes were, 93:

Adams

Arnould

Beaman

Beatty

Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	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
Schnekloth	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Fogarty	Halvorson, R. A.	Hanson, D. R.	Johnson
Sherzan	Stromer	Swearingen	

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

Wise of Lee called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—6072:

H—6072

- 1 Amend House File 2277, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 13 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 294A.15, Code Supplement 1987,
- 6 is amended by adding the following new unnumbered
- 7 paragraph after unnumbered paragraph 1:
- 8 NEW UNNUMBERED PARAGRAPH. A plan adopted by the

9 board of directors of a school district or area  
 10 education agency may include as a part of the plan a  
 11 proposal that continues a performance-based pay plan  
 12 or a supplemental pay plan, or a combination of the  
 13 two pay plans, that meets the criteria listed in  
 14 section 294A.14 and was in effect in the school  
 15 district or area education agency prior to July 1,  
 16 1987. The budget for the plan submitted to the  
 17 department of education shall include both the phase  
 18 III moneys, and general fund moneys equal to those  
 19 used prior to July 1, 1987, for programs that would  
 20 have met the criteria listed in section 294A.14."

21 2. By striking page 3, line 35 through page 4,  
 22 line 1, and inserting the following: "state  
 23 resources. The payments shall be separate from state  
 24 aid payments made pursuant to sections".

25 3. Page 4, line 20, by striking the figure "3"  
 26 and inserting the following: "4".

The motion prevailed and the House concurred in the Senate amendment H—6072.

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

On the question "Shall the bill pass?" (H.F. 2277)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
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
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Fogarty	Halvorson, R. A.	Hanson, D. R.	Harbor
Haverland	Johnson	Stromer	Swearingen

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

Hatch of Polk called up for consideration **House File 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, amended by the Senate amendment H—5214 as follows:

H—5214

- 1 Amend House File 278, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. **NEW SECTION. 330.23 NO RESTRICTION**
- 6 **ON ADMINISTRATIVE AGENCIES.**
- 7 This chapter does not prohibit a city from
- 8 establishing an administrative agency pursuant to
- 9 chapter 392 to manage and control all or part of its
- 10 airport in lieu of an airport commission under this
- 11 chapter. A city may abolish an airport commission and
- 12 provide for the management and control of its airport
- 13 by an administrative agency.
- 14 Sec. 2. Section 331.101, Code 1987, is amended by
- 15 adding the following new subsections:
- 16 **NEW SUBSECTION. 16. "Committee"** means a body of
- 17 eligible electors authorized to study, review,
- 18 analyze, and recommend an alternative form of county
- 19 government.
- 20 **NEW SUBSECTION. 17. "Plan"** means a formal
- 21 document establishing the functions, powers,
- 22 organization, structure, privileges, rights, and
- 23 duties of county government not inconsistent with
- 24 state law.
- 25 Sec. 3. **NEW SECTION. 331.217 ALTERNATIVE FORMS**
- 26 **OF COUNTY GOVERNMENT.**
- 27 The alternative forms of county government are as
- 28 follows:
- 29 1. Board of supervisor form as provided in
- 30 division II.
- 31 2. Board-elected executive form as provided in
- 32 section 331.225.
- 33 3. Board-manager form as provided in section
- 34 331.227.
- 35 4. Charter government form as provided in section
- 36 331.232.
- 37 5. City-county consolidated form as provided in
- 38 section 331.233.
- 39 6. County-county consolidated form as provided in

40 section 331.239.

41 Sec. 4. NEW SECTION. 331.218 PLAN FOR AN  
42 ALTERNATIVE FORM OF GOVERNMENT.

43 1. A plan to change a form of county government  
44 may be submitted to the electors of a county only by a  
45 committee established by resolution of the board upon  
46 petition of the number of eligible electors of the  
47 county equal to at least twenty-five percent of the  
48 votes cast in the county for the office of president  
49 of the United States or governor at the preceding  
50 general election or the signatures of at least ten

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1 thousand eligible electors of the county, whichever  
2 number is fewer.

3 2. The plan shall be submitted to the county  
4 electorate by the committee in the form of a charter  
5 or charter amendment.

6 Sec. 5. NEW SECTION. 331.219 APPOINTMENT OF  
7 COMMITTEE MEMBERS.

8 1. Within forty-five days after the adoption of  
9 the resolution creating the committee, the members of  
10 the committee shall be appointed as follows:

11 a. Two members shall be appointed by each of the  
12 following officers:

- 13 (1) County auditor.
- 14 (2) County recorder.
- 15 (3) County treasurer.
- 16 (4) County sheriff.
- 17 (5) County attorney.

18 b. Two members shall be appointed by each member  
19 of the board.

20 c. Two members shall be appointed by each state  
21 representative whose legislative district is located  
22 in the county if a majority of the constituents of  
23 that legislative district resides in the county.  
24 However, if a county does not have a state  
25 representative's legislative district which has a  
26 majority of a state representative's constituency  
27 residing in the county, the state representative  
28 having the largest plurality of constituents residing  
29 in the county shall appoint two members.

30 2. The membership shall be bipartisan. In  
31 counties having multiple state legislative districts,  
32 the districts shall be represented as equally as  
33 possible. Only eligible electors of the county not  
34 holding a city, county, or state office shall be  
35 members of the committee. A vacancy on the committee  
36 shall be filled by appointment in the same manner as  
37 the original appointment. The county auditor shall  
38 notify the appropriate appointing authority of a  
39 vacancy.

40 Sec. 6. NEW SECTION. 331.220 ORGANIZATION AND  
41 EXPENSES.

- 42 1. Within thirty days after the appointment of the  
43 members of the committee, the county auditor shall  
44 give written notice of the date, time, and location of  
45 the first meeting of the committee. At the first  
46 meeting the committee shall organize by electing a  
47 chairperson, vice chairperson, and other officers as  
48 necessary. The committee shall adopt rules governing  
49 the conduct of its meetings, subject to chapter 21.  
50 2. The members of the committee shall serve

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1 without compensation, but they are entitled to travel  
2 and other necessary expenses relating to their duties  
3 of office.

4 3. The board shall provide office space, rooms,  
5 supplies, and equipment for the committee and shall  
6 pay the necessary expenses of the committee including  
7 compensation for secretarial, clerical, professional,  
8 and consultant services. The total expenses shall not  
9 exceed one hundred thousand dollars. The committee  
10 may employ staff as necessary.

11 4. The expenses of the committee may be paid from  
12 the general fund of the county or from any combination  
13 of public or private funds available for that purpose.

14 **Sec. 7. NEW SECTION. 331.221 COMMITTEE**  
15 **PROCEDURES AND REPORTS.**

16 1. Within sixty days after its organization, the  
17 committee shall hold at least one public hearing for  
18 the purpose of receiving information and material  
19 which will assist in the drafting of a plan. Notice  
20 of the date, time, and place of the hearing shall be  
21 given as provided in chapter 21.

22 2. Within nine months after the organization of  
23 the committee, the committee shall submit a  
24 preliminary report to the board, which report may  
25 include the text of the proposed plan. If a proposed  
26 plan is included in the preliminary report, the report  
27 shall also include an analysis of the fiscal impact of  
28 the proposed plan. Sufficient copies of the report  
29 shall be made available for distribution to residents  
30 of the county who request a copy. The committee shall  
31 hold at least one public hearing after submission of  
32 the preliminary report to obtain public comment.

33 3. Within fifteen months after organization, the  
34 committee shall submit the final report to the board.  
35 If the committee recommends a plan other than the  
36 existing form of government, the final report shall  
37 include the full text and an explanation of the  
38 proposed plan, an analysis of the fiscal impact of the  
39 proposed plan, any comments deemed desirable by the  
40 committee, a written opinion by the attorney general  
41 stating that the proposed plan is not in conflict with  
42 constitutional or statutory law, and any minority

43 reports. The final report may recommend no change to  
 44 the existing form of government and that no plan be  
 45 submitted to the electorate. The final report shall  
 46 be made available to the residents of the county upon  
 47 request. A summary of the final report shall be  
 48 published in the official newspaper of the county. If  
 49 a plan is not recommended, the committee is dissolved  
 50 upon submission of its final report to the board.

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1 4. The committee is dissolved on the date of the  
 2 general election at which the proposed plan is  
 3 submitted to the electorate. If a plan is not  
 4 recommended, the committee is dissolved upon  
 5 submission of its final report to the board.

6 Sec. 8. NEW SECTION. 331.222 BALLOT  
 7 REQUIREMENTS.

8 The existing form of government shall be printed as  
 9 the first item on the ballot and the proposed  
 10 alternative form following in the same order on all  
 11 ballots.

12 1. The question of adopting the proposed  
 13 alternative form of government shall be submitted to  
 14 the electors in substantially the following form:

15 Vote for one:

16 \_\_\_\_\_ For (the existing form of government).

17 \_\_\_\_\_ For adoption of the (plan, amendment to the  
 18 existing form of county government, or charter)  
 19 proposed for (insert name of local government).

20 2. If an existing office is affected by the  
 21 proposed alternative form of government, a separate  
 22 vote for each affected office shall be included on the  
 23 ballot. The separate vote on the affected office  
 24 becomes effective only if the proposed alternative  
 25 form of government is adopted.

26 \_\_\_\_\_ For election.

27 \_\_\_\_\_ For appointment.

28 3. If consolidation is proposed, the affected  
 29 county or city shall be separately listed as provided  
 30 in section 331.238 or 331.241 as appropriate.

31 Sec. 9. NEW SECTION. 331.223 REFERENDUM —  
 32 EFFECTIVE DATE.

33 1. If a proposed plan for county government is  
 34 received not later than sixty days before the next  
 35 general election, the board shall direct the county  
 36 commissioner of elections to submit to the qualified  
 37 electors of the county at the next general election  
 38 the question of whether the proposed plan shall be  
 39 adopted. If a majority of the votes cast on the  
 40 question is in favor of the proposal, the proposal is  
 41 adopted.

42 2. If a proposed plan for county government is  
 43 adopted:

44 a. The adopted plan shall take effect July 1

45 following the general election at which it is approved  
46 unless the plan provides a later effective date. If  
47 the adopted plan calls for a change in the form of  
48 government, a special election shall be called to  
49 elect the new elective officers. If the adopted plan  
50 provides for a special election, the board shall

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1 direct the county commissioner of elections to conduct  
2 the election.

3 b. The adoption of the alternative form of county  
4 government does not alter any right or liability of  
5 the county in effect at the time of the election at  
6 which the plan was adopted.

7 c. All departments and agencies shall continue to  
8 operate until replaced.

9 d. All ordinances or resolutions in effect remain  
10 effective until amended or repealed, unless they are  
11 irreconcilable with the adopted plan.

12 e. Upon the effective date of the adopted plan,  
13 the county shall adopt the alternative form by  
14 ordinance, and shall file a copy with the secretary of  
15 state, and maintain available copies for public  
16 inspection.

17 3. If a plan is submitted to the electorate,  
18 another plan shall not be submitted to the electorate  
19 for six years.

20 **Sec. 10. NEW SECTION. 331.224 LIMITATIONS TO**  
21 **ALTERNATIVE FORMS OF COUNTY GOVERNMENT.**

22 1. A county may adopt or amend an alternative form  
23 of county government subject to the requirements and  
24 limitations provided in this section.

25 2. An alternative form of county government shall  
26 provide for the exercise of home rule power and  
27 authority not inconsistent with state law and may  
28 include provisions for any of the following:

29 a. A board of an odd number of members which may  
30 exceed the number of members specified in sections  
31 331.201, 331.203, and 331.204.

32 b. A supervisor representation plan for the county  
33 which may differ from the supervisor representation  
34 plans as provided in division II.

35 c. The initial compensation for members of the  
36 board which, thereafter, shall be determined as  
37 provided in section 331.215.

38 d. The method of selecting officers of the board  
39 and fixing their terms of office which may differ from  
40 the requirements of sections 331.208 through 331.211.

41 e. Determining meetings of the board and rules of  
42 procedure which may differ from the requirements of  
43 section 331.213, except the meetings shall be  
44 scheduled and conducted in compliance with chapter 21.

45 f. The combining of duties of elected county  
46 officials which may differ from the requirements of



47 section 331.323.

48 g. The organization of county departments,  
49 agencies, or boards. The organization plan may pro-  
50 vide for the abolition or consolidation of a board or

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1 a commission and the assumption of its powers and  
2 duties by the board of supervisors or another officer.  
3 This paragraph does not apply to the board of trustees  
4 of a county hospital.

5 h. In lieu of the election or appointment of  
6 township trustees, a method providing for the exercise  
7 of their powers and duties by the board of supervisors  
8 or other governing body of the county or another  
9 office.

10 i. Consolidating city-county government or  
11 government functions.

12 j. Consolidating county-county government or  
13 government functions.

**BOARD-ELECTED EXECUTIVE FORM**

14 **Sec. 11. NEW SECTION. 331.225 BOARD-ELECTED**  
15 **EXECUTIVE FORM.**

16 The board-elected executive form consists of an  
17 elected board of an odd number with staggered terms of  
18 office and one elected executive whose term shall be  
19 the same as that of a member of the board. If the  
20 administrative offices of the county, excluding the  
21 county executive, are appointive under the plan, the  
22 board shall have at least five members. The board  
23 shall have a chairperson who shall be elected by the  
24 members of the board from their own number for a term  
25 established by ordinance, and who shall vote as a  
26 member of the board. The elected executive may veto  
27 ordinances and resolutions, subject to an override by  
28 a two-thirds vote of the board.

29 **Sec. 12. NEW SECTION. 331.226 DUTIES OF**  
30 **EXECUTIVE.**

31 The executive shall:

32 1. Enforce laws, ordinances, and resolutions of  
33 the county.

34 2. Perform duties required by law, ordinance, or  
35 resolution of the county.

36 3. Administer affairs of the county government.

37 4. Carry out policies established by the board.

38 5. Recommend measures to the board.

39 6. Report to the board on the affairs and  
40 financial condition of the county government.

41 7. Execute bonds, notes, contracts, and written  
42 obligations of the board, subject to the approval of  
43 the board.

44 8. Report to the board as the board may require.

45 9. Attend board meetings and take part in  
46 discussion, but shall not vote.

47 10. Prepare and execute the budget adopted by the  
48

49 board.

50 11. Appoint, with the consent of the board, all

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1 members of county boards, except the executive may  
2 appoint without the consent of the board temporary  
3 advisory committees established by the executive.

4 12. Appoint and remove all employees.

5 **BOARD-MANAGER GOVERNMENT**

6 **Sec. 13. NEW SECTION. 331.227 BOARD-MANAGER**  
7 **FORM.**

8 The board-manager form consists of an elected board  
9 and a manager appointed by the board, who shall be the  
10 chief administrative officer of the county government.  
11 The board shall have staggered terms of office. The  
12 chairperson shall be elected by the members of the  
13 board from their own number for a term established by  
14 ordinance and shall vote as a member of the board. If  
15 the administrative offices of the county are  
16 appointive under the plan, the board shall have at  
17 least five members.

18 The manager shall be appointed by the board and  
19 removed only by a majority vote of the membership of  
20 the board. The manager shall be responsible to the  
21 board for the administration of all county government  
22 affairs placed in the manager's charge by law,  
23 ordinance, or resolution.

24 **Sec. 14. NEW SECTION. 331.228 DUTIES OF MANAGER.**

25 The manager shall:

26 1. Enforce laws, ordinances, and resolutions.

27 2. Perform the duties required of the manager by  
28 law, ordinance, or resolution.

29 3. Administer the affairs of the county  
30 government.

31 4. Direct, supervise, and administer all  
32 departments, agencies, and offices of the county  
33 government unit except as otherwise provided by law or  
34 ordinance.

35 5. Carry out policies established by the board.

36 6. Prepare the board agenda.

37 7. Recommend measures to the board.

38 8. Report to the board on the affairs and  
39 financial condition of the county government.

40 9. Execute bonds, notes, contracts, and written  
41 obligations of the board, subject to the approval of  
42 the board.

43 10. Report to the board as the board may require.

44 11. Attend board meetings and take part in the  
45 discussion, but shall not vote.

46 12. Prepare and present the budget to the board  
47 for its approval and execute the budget adopted by the  
48 board.

49 13. Appoint, suspend, and remove all employees of  
50 the county government except as otherwise provided by

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1 law or ordinance.

2 14. Appoint members of temporary advisory  
3 committees.

4 Sec. 15. NEW SECTION. 331.229 EMPLOYEES OF  
5 BOARD-MANAGER GOVERNMENT.

6 1. Employees appointed by the manager or  
7 subordinates shall be administratively responsible to  
8 the manager.

9 2. The board or its members shall not dictate the  
10 appointment or removal of any employee appointed by  
11 the manager or any subordinate of the manager.

12 3. Except for the purpose of inquiry or  
13 investigation, the board or its members shall deal  
14 with the county employees who are subject to the  
15 direction and supervision of the manager solely  
16 through the manager, and the board or its members  
17 shall not give orders to an employee under the  
18 manager's direction or supervision.

19 AMENDMENT TO COUNTY GOVERNMENT

20 Sec. 16. NEW SECTION. 331.230 AMENDMENT TO  
21 COUNTY GOVERNMENT.

22 1. An amendment to county government organization  
23 shall only be made by submitting the question of  
24 amendment to the electors of the county government  
25 pursuant to section 331.222. To become effective, a  
26 proposed amendment must receive an affirmative vote of  
27 a majority of the electors voting on the question. An  
28 amendment approved by the electors becomes effective  
29 pursuant to section 331.223.

30 2. An amendment to a county government  
31 organization may be proposed by initiative upon  
32 petition of the number of eligible electors of the  
33 county equal to at least ten percent of the votes cast  
34 at the preceding election for the office of president  
35 of the United States or governor, or by resolution  
36 adopted by the governing body. The question on  
37 amendment of county government organization shall be  
38 submitted to the electors as soon as possible after  
39 the submission of a petition or adoption of a resolu-  
40 tion, either at a general election or at a special  
41 election.

42 Sec. 17. NEW SECTION. 331.231 LIMITATIONS ON  
43 AMENDMENTS TO COUNTY GOVERNMENT.

44 The electors of a county who have adopted an  
45 amendment to county government may not vote on the  
46 question of amending the county government for two  
47 years. An amendment shall not include an alternative  
48 form of county government.

49 CHARTER FORM

50 Sec. 18. NEW SECTION. 331.232 CHARTER FORM OF

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## 1 GOVERNMENT.

2 The charter form of government shall be specified  
3 in a plan written by a charter committee. The plan  
4 shall establish an elected legislative body. The plan  
5 shall specify the number of members and term of office  
6 pursuant to section 331.224. If the administrative  
7 offices of the county, excluding an elected county  
8 executive, are appointive under the plan, the board  
9 shall have at least five members. The plan may  
10 establish legislative or administrative organizational  
11 structure. The plan may include the provisions  
12 necessary to permit an orderly transition to the  
13 charter form of government. However, the provisions  
14 shall be limited in scope consistent with the intent  
15 of, and in accordance with, section 331.224.

## 16 CITY-COUNTY CONSOLIDATION

17 Sec. 19. NEW SECTION. 331.233 CITY-COUNTY  
18 CONSOLIDATION FORM.

19 1. A county and one or more cities within the  
20 county may unite to form a single unit of local  
21 government in accordance with this part.

22 2. An alternative form of government, including a  
23 charter form, for a consolidated unit of government  
24 may be submitted to the voters only by a committee and  
25 one or more commissions established by the affected  
26 cities under section 372.9 that have cooperated in the  
27 formulation of the plan. A majority vote by each of  
28 the affected committee and commission is required for  
29 the submission of an alternative form of government  
30 for a consolidated unit of local government. The  
31 affected committee and commission submitting a  
32 consolidated form shall issue a single joint report  
33 and proposal.

34 3. An alternative form of government for a  
35 consolidated unit of local government does not need to  
36 include more than one city. A city shall not be  
37 included unless the charter commission of the affected  
38 city participates in the cooperative study, its  
39 commission by a majority vote approves the proposed  
40 plan for consolidated government, and a majority of  
41 the electors of the affected city voting approves the  
42 proposed alternative plan for the consolidated  
43 government.

44 4. If an alternative form of government for a  
45 consolidated unit of local government is proposed,  
46 approval of the consolidation plan shall be a separate  
47 ballot issue from approval of the alternative form of  
48 government in those cities proposed to be included in  
49 the consolidation. The consolidation plan shall be  
50 effective in regard to a city government only if a

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1 majority of the voters of the city voting on the  
2 question voted for participation in the consolidation  
3 plan.

4 Sec. 20. NEW SECTION. 331.234 PLAN OF  
5 CONSOLIDATION.

6 1. The affected committee and commission proposing  
7 consolidation shall prepare, adopt, and submit to the  
8 voters a consolidation plan in addition to the  
9 alternative form of government. If the affected  
10 committee and commission propose a charter, the plan  
11 may be included in the charter.

12 2. The consolidation plan shall:

13 a. Provide for adjustment of existing bonded  
14 indebtedness and other obligations in a manner which  
15 will provide for a fair and equitable burden of  
16 taxation for debt service.

17 b. Provide for establishment of service areas.

18 c. Provide for the transfer or other disposition  
19 of property and other rights, claims, assets, and  
20 franchises of local governments consolidated under the  
21 alternative form.

22 d. Provide the official name of the consolidated  
23 unit of local government.

24 e. Provide for the transfer, reorganization,  
25 abolition, absorption, and adjustment of boundaries of  
26 all existing boards, bureaus, commissions, agencies,  
27 special districts, and political subdivisions of the  
28 consolidated government.

29 f. Include other provisions which the committee  
30 and commission elect to include and which are not  
31 inconsistent with state law.

32 3. The plan may grant the legislative body of the  
33 consolidated government the authority to transfer,  
34 reorganize, and provide a method for adjusting the  
35 boundaries of the entities within the consolidated  
36 government.

37 Sec. 21. NEW SECTION. 331.235 EFFECT OF  
38 CONSOLIDATION.

39 1. As a political subdivision of the state, the  
40 consolidated unit of local government shall have the  
41 status of a county and a city for all purposes and  
42 shall replace and be the successor of the county and  
43 the affected city.

44 2. On its effective date, the alternative form of  
45 government and consolidation plan operate to dissolve  
46 county and city governments within the area of  
47 consolidation in accordance with its provisions. On  
48 the effective date, the separate corporate existence  
49 of the county and of each participating city shall be  
50 consolidated into one local government unit under the

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1 name selected, designated, and adopted. The  
 2 consolidated local government shall succeed to,  
 3 possess, and own all of the property and assets of  
 4 every kind and description and shall, except as  
 5 otherwise provided, become responsible for all the  
 6 obligations and liabilities of the county and cities  
 7 so consolidated.

8 3. All provisions of law authorizing contributions  
 9 of any kind, in money or otherwise, from the state or  
 10 federal government to counties and cities shall remain  
 11 in full force with respect to a consolidated local  
 12 government.

13 Sec. 22. NEW SECTION. 331.236 GENERAL POWERS OF  
 14 CONSOLIDATED LOCAL GOVERNMENTS.

15 A consolidated local government shall have and may  
 16 exercise all powers that are conferred on counties and  
 17 cities by the constitution and laws of the state. The  
 18 consolidated local government may levy all taxes which  
 19 counties and cities are authorized to levy except that  
 20 city taxes shall be levied only within areas of the  
 21 consolidated local government designated as urban  
 22 service areas.

23 Sec. 23. NEW SECTION. 331.237 RULES, ORDINANCES,  
 24 AND RESOLUTIONS OF CONSOLIDATED UNIT.

25 Within two years after ratification of the  
 26 consolidation, the governing body of the consolidated  
 27 unit of local government shall revise, repeal, or  
 28 reaffirm all rules, ordinances, and resolutions in  
 29 force within the participating county and cities at  
 30 the time of consolidation. Each rule, ordinance, or  
 31 resolution in force at the time of consolidation shall  
 32 remain in force within the former geographic jurisdic-  
 33 tion until superseded by action of the new governing  
 34 body. Ordinances and resolutions relating to public  
 35 improvements to be paid for in whole or in part by  
 36 special assessments shall remain in effect until paid  
 37 in full.

38 Sec. 24. NEW SECTION. 331.238 FORM OF BALLOT.

39 Pursuant to section 331.222, the question of  
 40 county-city consolidation shall be submitted to the  
 41 electors in substantially the following form:

42 \_\_\_\_\_ For (the existing forms of government).

43 \_\_\_\_\_ For the consolidation of the corporate  
 44 existence and governments of the county of \_\_\_\_\_  
 45 \_\_\_\_\_ and the cities of \_\_\_\_\_ and  
 46 \_\_\_\_\_ into one joint county-municipal  
 47 corporation government.

48 If section 331.233, subsection 4, applies, the  
 49 following question shall be placed on the ballot of  
 50 each participating city:

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- 1       \_\_\_\_\_ For participating in the consolidation plan.
- 2       \_\_\_\_\_ Against participating in the consolidation
- 3 plan.

COUNTY-COUNTY CONSOLIDATION

Sec. 25 NEW SECTION. 331.239 REQUIREMENTS FOR COUNTY-COUNTY GOVERNMENT CONSOLIDATION.

- 7 1. Consolidation may be placed on the ballot only
- 8 by a joint report by contiguous counties.
- 9 2. A final report must contain a consolidation
- 10 plan if county-county consolidation is recommended.
- 11 The consolidation plan must conform to the provisions
- 12 and requirements in accordance with this part.

Sec. 26. NEW SECTION. 331.240 PLAN OF CONSOLIDATION.

- 15 When county consolidation is recommended, a
- 16 petition must contain a consolidation plan which
- 17 provides for:
- 18 1. Adjustment of existing bonded indebtedness and
- 19 other obligations in a manner which assures a fair and
- 20 equitable burden of taxation for debt service.
- 21 2. Establishment of subordinate service districts.
- 22 3. The transfer or other disposition of property
- 23 and other rights, claims, assets, and franchises of
- 24 the counties consolidated under the plan.
- 25 4. The official name of the consolidated county.
- 26 5. The transfer, reorganization, abolition,
- 27 adjustment of boundaries, or absorption of existing
- 28 boards, subordinate service districts, local
- 29 improvement districts, and agencies of the
- 30 consolidated counties.

The consolidation plan may include other provisions that are not inconsistent with state law.

Sec. 27. NEW SECTION. 331.241 FORM OF BALLOT.

Pursuant to section 331.222, the question of county-county consolidation shall be submitted to the electors in substantially the following form:

- 37       \_\_\_\_\_ For (the existing forms of government).
- 38       \_\_\_\_\_ For the consolidation of the corporate
- 39 existence and governments of the county of \_\_\_\_\_
- 40 and the county of \_\_\_\_\_ into one county
- 41 corporation and government.

Sec. 28. CODIFICATION. The Code editor shall codify new sections 331.217 through 331.241 as a new part or parts of division II of chapter 331."

- 45 2. Amend the title page, by striking lines 1
- 46 through 4 and inserting the following: "An Act
- 47 authorizing a city to establish an administrative
- 48 agency to manage and control a city airport, and
- 49 authorizing local government reorganization by the
- 50 establishment of an alternative form of county

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- 1 government or city-county government, or by
- 2 consolidating county governments, and making
- 3 corresponding amendments to the Code.”

Hatch of Polk offered the following amendment H—6163, to the Senate amendment H—5214, filed by Hatch, et al., and moved its adoption:

**H—6163**

- 1 Amend the Senate amendment, H—5214, to House File
- 2 278, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 16, by striking the word
- 5 “Committee” and inserting the following:
- 6 “Commission”.
- 7 2. Page 1, line 20, by striking the word “Plan”
- 8 and inserting the following: “Charter”.
- 9 3. Page 1, line 43, by striking the word “plan”
- 10 and inserting the following: “charter”.
- 11 4. Page 1, line 45, by striking the word
- 12 “committee” and inserting the following:
- 13 “commission”.
- 14 5. Page 2, line 3, by striking the words “The
- 15 plan” and inserting the following: “An alternative
- 16 form of county government”.
- 17 6. Page 2, line 4, by striking the word
- 18 “committee” and inserting the following:
- 19 “commission”.
- 20 7. Page 2, line 7, by striking the word
- 21 “COMMITTEE” and inserting the following:
- 22 “COMMISSION”.
- 23 8. Page 2, line 9, by striking the word
- 24 “committee” and inserting the following:
- 25 “commission”.
- 26 9. Page 2, line 10, by striking the word
- 27 “committee” and inserting the following:
- 28 “commission”.
- 29 10. Page 2, by striking line 35 and inserting the
- 30 following: “members of the commission. A vacancy on
- 31 the commission”.
- 32 11. Page 2, line 43, by striking the word
- 33 “committee” and inserting the following:
- 34 “commission”.
- 35 12. Page 2, line 45, by striking the word
- 36 “committee” and inserting the following:
- 37 “commission”.
- 38 13. Page 2, line 46, by striking the word
- 39 “committee” and inserting the following:
- 40 “commission”.



- 41 14. Page 2, line 48, by striking the word  
42 "committee" and inserting the following:  
43 "commission".  
44 15. Page 2, line 50, by striking the word  
45 "committee" and inserting the following:  
46 "commission".  
47 16. Page 3, line 5, by striking the word  
48 "committee" and inserting the following:  
49 "commission".  
50 17. Page 3, line 6, by striking the word

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- 1 "committee" and inserting the following:  
2 "commission".  
3 18. Page 3, line 9, by striking the word  
4 "committee" and inserting the following:  
5 "commission".  
6 19. Page 3, line 11, by striking the word  
7 "committee" and inserting the following:  
8 "commission".  
9 20. Page 3, line 14, by striking the word  
10 "COMMITTEE" and inserting the following:  
11 "COMMISSION".  
12 21. Page 3, line 17, by striking the word  
13 "committee" and inserting the following:  
14 "commission".  
15 22. Page 3, line 19, by striking the word "plan"  
16 and inserting the following: "charter".  
17 23. Page 3, by striking line 23 and inserting the  
18 following: "the commission, the commission shall  
19 submit a".  
20 24. Page 3, line 25, by striking the word "plan"  
21 and inserting the following: "charter".  
22 25. Page 3, line 26, by striking the word "plan"  
23 and inserting the following: "charter".  
24 26. Page 3, line 28, by striking the word "plan"  
25 and inserting the following: "charter".  
26 27. Page 3, line 30, by striking the word  
27 "committee" and inserting the following:  
28 "commission".  
29 28. Page 3, line 34, by striking the word  
30 "committee" and inserting the following:  
31 "commission".  
32 29. Page 3, line 35, by striking the word  
33 "committee" and inserting the following:  
34 "commission".  
35 30. Page 3, line 35, by striking the word "plan"  
36 and inserting the following: "charter including a  
37 form of government".  
38 31. Page 3, line 38, by striking the word "plan"  
39 and inserting the following: "charter".

- 40 32. Page 3, line 39, by striking the word "plan"  
41 and inserting the following: "charter".  
42 33. Page 3, line 40, by striking the word  
43 "committee" and inserting the following:  
44 "commission".  
45 34. Page 3, line 41, by striking the word "plan"  
46 and inserting the following: "charter".  
47 35. Page 3, line 44, by striking the word "plan"  
48 and inserting the following: "charter".  
49 36. Page 3, line 49, by striking the word "plan"  
50 and inserting the following: "charter".

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- 1 37. Page 3, line 49, by striking the word  
2 "committee" and inserting the following:  
3 "commission".  
4 38. Page 4, line 1, by striking the word  
5 "committee" and inserting the following:  
6 "commission".  
7 39. Page 4, line 2, by striking the word "plan"  
8 and inserting the following: "charter".  
9 40. Page 4, line 3, by striking the word "plan"  
10 and inserting the following: "charter".  
11 41. Page 4, line 4, by striking the word  
12 "committee" and inserting the following:  
13 "commission".  
14 42. Page 4, line 17, by striking the word "plan,"  
15 and inserting the following: "charter or".  
16 43. Page 4, line 18, by striking the words ", or  
17 charter".  
18 44. Page 4, line 33, by striking the word "plan"  
19 and inserting the following: "charter".  
20 45. Page 4, line 38, by striking the word "plan"  
21 and inserting the following: "charter".  
22 46. Page 4, line 42, by striking the word "plan"  
23 and inserting the following: "charter".  
24 47. Page 4, line 44, by striking the word "plan"  
25 and inserting the following: "charter".  
26 48. Page 4, line 46, by striking the word "plan"  
27 and inserting the following: "charter".  
28 49. Page 4, line 47, by striking the word "plan"  
29 and inserting the following: "charter".  
30 50. Page 4, line 49, by striking the word "plan"  
31 and inserting the following: "charter".  
32 51. Page 5, line 6, by striking the word "plan"  
33 and inserting the following: "charter".  
34 52. Page 5, line 11, by striking the word "plan"  
35 and inserting the following: "charter".  
36 53. Page 5, line 12, by striking the word "plan"  
37 and inserting the following: "charter".  
38 54. Page 5, line 17, by striking the word "plan"

- 39 and inserting the following: "charter".  
40 55. Page 5, line 18, by striking the word "plan"  
41 and inserting the following: "charter".  
42 56. Page 6, by inserting after line 13 the  
43 following:  
44 "k. A charter or charter amendment shall not  
45 contain a provision which relates to the method of  
46 conducting nominations or elections pursuant to  
47 chapter 43 and 49."  
48 57. Page 9, line 3, by striking the words "a  
49 plan" and inserting the following: "a proposed  
50 charter".

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- 1 58. Page 9, line 3, by striking the words "The  
2 plan" and inserting the following: "The proposed  
3 charter".  
4 59. Page 9, line 4, by striking the word "plan"  
5 and inserting the following: "charter".  
6 60. Page 9, line 8, by striking the word "plan"  
7 and inserting the following: "charter".  
8 61. Page 9, line 9, by striking the word "plan"  
9 and inserting the following: "charter".  
10 62. Page 9, line 11, by striking the word "plan"  
11 and inserting the following: "charter".  
12 63. Page 9, line 24, by striking the word  
13 "committee" and inserting the following: "commission  
14 established under this chapter".  
15 64. Page 9, line 27, by striking the word "plan"  
16 and inserting the following: "charter".  
17 65. Page 9, line 28, by striking the words  
18 "committee and commission" and inserting the  
19 following: "county charter commission and city  
20 charter commission".  
21 66. Page 9, line 31, by striking the words  
22 "committee and commission" and inserting the  
23 following: "county charter commission and city  
24 charter commission".  
25 67. Page 9, line 40, by striking the word "plan"  
26 and inserting the following: "charter".  
27 68. Page 9, line 42, by striking the words  
28 "alternative plan" and inserting the following:  
29 "charter".  
30 69. Page 9, line 46, by striking the word "plan"  
31 and inserting the following: "charter".  
32 70. Page 9, line 49, by striking the word "plan"  
33 and inserting the following: "charter".  
34 71. Page 10, line 3, by striking the word "plan"  
35 and inserting the following: "charter".  
36 72. Page 10, line 4, by striking the word "PLAN"  
37 and inserting the following: "CHARTER".

- 38 73. Page 10, line 6, by striking the words  
 39 "committee and commission" and inserting the  
 40 following: "county charter commission and city  
 41 charter commission".  
 42 74. Page 10, line 8, by striking the words "plan  
 43 in addition to the" and inserting the following:  
 44 "charter including an".  
 45 75. Page 10, by striking lines 9 through 11 and  
 46 inserting the following: "alternative form of  
 47 government."  
 48 76. Page 10, line 12, by striking the word "plan"  
 49 and inserting the following: "charter".  
 50 77. Page 10, lines 29 and 30, by striking the

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- 1 words "committee and commission" and inserting the  
 2 following: "county charter commission and the city  
 3 charter commission".  
 4 78. Page 10, line 32, by striking the word "plan"  
 5 and inserting the following: "charter".  
 6 79. Page 10, line 45, by striking the word "plan"  
 7 and inserting the following: "charter".  
 8 80. Page 12, line 1, by striking the word "plan"  
 9 and inserting the following: "charter".  
 10 81. Page 12, line 3, by striking the word "plan"  
 11 and inserting the following: "charter".  
 12 82. Page 12, line 10, by striking the word "plan"  
 13 and inserting the following: "charter".  
 14 83. Page 12, line 11, by striking the word "plan"  
 15 and inserting the following: "charter".  
 16 84. Page 12, line 13, by striking the word "PLAN"  
 17 and inserting the following: "CHARTER".  
 18 85. Page 12, line 16, by striking the word "plan"  
 19 and inserting the following: "charter".  
 20 86. Page 12, line 24, by striking the word "plan"  
 21 and inserting the following: "charter".  
 22 87. Page 12, line 31, by striking the word "plan"  
 23 and inserting the following: "charter".

Amendment H—6163 was adopted.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—6123, to the Senate amendment H—5214, filed by him on March 30, 1988.

Sherzan of Polk offered the following amendment H—6054, to the Senate amendment H—5214, filed by him and moved its adoption:

**H—6054**

- 1 Amend the Senate amendment, H—5214, to House File  
 2 278, as amended, passed, and reprinted by the House,

3 as follows:

4 1. Page 2, by inserting after line 29 the  
5 following:

6 "d. Two members shall be appointed by the board of  
7 trustees of a county hospital located in a county with  
8 a population of two hundred fifty thousand or more."

9 2. Page 6, by striking line 4 and inserting the  
10 following: "of a county hospital in a county having a  
11 population of less than two hundred fifty thousand.

12 \_\_\_\_\_. In lieu of the election of hospital trustees  
13 in a county with a population of two hundred fifty  
14 thousand or more, a method providing for the exercise  
15 of their powers and duties by the board of supervisors  
16 or other governing body of the county or another  
17 officer of the county."

18 3. By renumbering and relettering as necessary to  
19 conform with this amendment.

Amendment H—6054 lost.

Black of Jasper offered the following amendment H—6166, to the Senate amendment H—5214, filed by him from the floor and moved its adoption:

H—6166

1 Amend the Senate amendment, H—5214, to House File  
2 278, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 2, by inserting after line 29 the  
5 following:

6 "d. The county conservation board may appoint one  
7 nonvoting member."

Amendment H—6166 lost.

Sherzan of Polk asked and received unanimous consent to withdraw the following amendments, to the Senate amendment H—5214, filed by him on March 30, 1988: H—6053, H—6101, H—6102, H—6103, H—6104, H—6107 and H—6112.

On motion by Hatch of Polk, the House concurred in the Senate amendment H—5214, as amended.

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

On the question "Shall the bill pass?" (H.F. 278)

The ayes were, 72:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jochum	Knapp	Lundby	May
McKinney	Metcalf	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poney	Renaud
Rosenberg	Royer	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Stromer	Stueland	Swartz
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 24:

Beaman	Bennett	Branstad	Buhr
Daggett	Fuller	Garman	Hummel
Koenigs	Kremer	Lageschulte	Maulsby
McKean	Miller	Muhlbauer	Pavich
Peters	Renken	Running	Skow
Svoboda	Tabor	Tyrrell	Van Maanen

Absent or not voting, 4:

Halvorson, R. A.	Hanson, D. R.	Johnson	Swearingen
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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.

Koenigs of Mitchell called up for consideration **House File 2102**, a bill for an act to prohibit the taking of a white deer and protected game, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—6086:

H—6086

- 1 Amend House File 2102, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 1, by inserting after the word
- 4 "TAKING" the following: "PREDOMINANTLY".
- 5 2. Page 1, line 1, by inserting after the word
- 6 "DEER" the following: "OF THE WHITETAILED SPECIES".
- 7 3. Page 1, line 3, by inserting before the word
- 8 "white" the following: "predominantly".
- 9 4. Page 1, by inserting after line 3 the
- 10 following:

- 11 "\_\_\_\_\_. This section applies to deer of the species  
 12 whitetail only."  
 13 5. Page 1, by striking lines 6 through 9.  
 14 6. Title page, line 1, by inserting before the  
 15 word "white" the following: "predominantly".  
 16 7. Title page, lines 1 and 2, by striking the  
 17 words "and protected game, and providing penalties"  
 18 and inserting the following: "and providing a  
 19 penalty".  
 20 8. By renumbering, relettering, or redesignating  
 21 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6086.

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

On the question "Shall the bill pass?" (H.F. 2102)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
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, 4:

Corey	Garman	Paulin	Renken
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Absent or not voting, 6:

Halvorson, R. A.	Hanson, D. R.	Haverland	Johnson
Kremer	Swearingen		

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

Daggett of Adams called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—6079:

H—6079

- 1 Amend House File 2327 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 22, by striking the figure "1988"
- 4 and inserting the following: "1989".

The motion prevailed and the House concurred in the Senate amendment H—6079.

Daggett of Adams 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. 2327)

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. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	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	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:

Connors	Halvorson, R. A.	Hanson, D. R.	Haverland
Johnson	Swearingen		

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

Harper of Black Hawk called up for consideration **House File 2367**, a bill for an act relating to training for mandatory reporters of dependent adult abuse and child abuse, amended by the Senate amendment H-6077 as follows:

H-6077

- 1 Amend House File 2367 as follows:
- 2 1. Page 1, lines 7 and 8, by striking the words
- 3 "one year month" and inserting the following: "one
- 4 year six months".
- 5 2. Page 1, by striking lines 10 through 12 and
- 6 inserting the following: "on a regular basis. Within
- 7 one month of initial employment or self-employment,
- 8 the person shall obtain a statement of the abuse
- 9 reporting requirements from the person's employer or,
- 10 if self-employed, from the department. The person
- 11 shall complete at least".
- 12 3. Page 1, by inserting after line 26 the
- 13 following:
- 14 "Sec. \_\_\_\_\_. Section 235B.1, Code Supplement 1987,
- 15 is amended by adding the following new subsection and
- 16 renumbering as necessary:
- 17 **NEW SUBSECTION. 5.** "Individual employed as an
- 18 outreach person" means a natural person who, in the
- 19 course of employment, makes regular contacts with
- 20 dependent adults regarding available community
- 21 resources."
- 22 4. Page 1, line 35, by striking the words "one
- 23 month" and inserting the following: "six months".
- 24 5. Page 2, by striking lines 2 through 4 and
- 25 inserting the following: "of adults on a regular
- 26 basis. Within one month of initial employment or
- 27 self-employment, the person shall obtain a statement
- 28 of the abuse reporting requirements from the person's
- 29 employer or, if self-employed, from the department.
- 30 The person shall complete at least".

Haverland of Polk offered the following amendment H—6135, to the Senate amendment H—6077, filed by him and moved its adoption:

H—6135

- 1 Amend the Senate amendment, H—6077, to House File
- 2 2367 as passed by the House as follows:
- 3 1. Page 1, by inserting after line 30 the
- 4 following:
- 5 "\_\_\_\_\_. Page 2, line 10, by inserting after the
- 6 word "training." the following: "To the extent that
- 7 the employer provides approved training on the
- 8 employer's premises, the hours of training completed
- 9 by employees shall be included in the calculation of
- 10 nursing or service hours required to be provided to a
- 11 patient or resident per day."

Amendment H—6135 was adopted.

On motion by Harper of Black Hawk, the House concurred in the Senate amendment H—6077, as amended.

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

On the question "Shall the bill pass?" (H.F. 2367)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	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.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Knapp	Koenigs	Lageschulte	Lundy
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	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:

Connolly	Groninga	Hanson, D. R.	Johnson
Kremer	Parker	Shoultz	Swearingen

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

Blanshan of Greene called up for consideration **House File 2387**, a bill for an act relating to the construction of cable systems and telegraph and telephone lines in the state, amended by the Senate, and moved that the House concur in the following Senate amendment H—6071:

H—6071

- 1 Amend House File 2387 as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "therefor." the following: "However, construction of
- 5 a telegraph or telephone line or cable system along a
- 6 primary road is subject to rules adopted by the state
- 7 department of transportation."

The motion prevailed and the House concurred in the Senate amendment H—6071.

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

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

The ayes were, 94:

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.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie

Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	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, 6:

Connolly	Hanson, D. R.	Johnson	Norrgard
Parker	Swearingen		

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

Blanshan of Greene called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—6058:

H—6058

1 Amend House File 2415, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. **NEW SECTION. 275.59 EARLY RETIREMENT**  
 6 **FOLLOWING SCHOOL REORGANIZATION OR DISSOLUTION.**  
 7 A certificated employee of a school district which  
 8 reorganizes or dissolves under this chapter during the  
 9 period beginning July 1, 1990, and ending June 30,  
 10 1992, is eligible to receive a retirement incentive as  
 11 provided in this section. The retirement incentive is  
 12 in addition to any retirement incentive provided by  
 13 the board of directors of a school district under  
 14 section 279.46. The certificated employee shall be  
 15 between fifty-nine and sixty-five years of age at the  
 16 time the reorganization or dissolution occurs. If the  
 17 certificated employee is less than sixty-five years of  
 18 age when the certificated employee terminates em-  
 19 ployment, the certificated employee is eligible to  
 20 receive a retirement bonus which is a lump sum payment  
 21 equal to ten percent of the final annual salary of the  
 22 employee, not to exceed five thousand dollars. The  
 23 board of directors of the school district shall notify  
 24 the department of management of the names of employees

25 eligible for payments under this section and shall  
 26 submit other verification of employment required by  
 27 the department of management. For the purposes of  
 28 this section, "certificated employee" means an  
 29 administrator or teacher who possesses a certificate  
 30 issued under chapter 260 and at the time of retirement  
 31 is employed on a full-time basis by one or more school  
 32 districts. The governor shall authorize payment from  
 33 the salary adjustment fund for the retirement bonuses  
 34 paid under this section. Section 8.39 does not apply  
 35 to payments made from the salary adjustment fund under  
 36 this section."

37 2. Title page, line 1, by inserting after the  
 38 word "state" the following: "and local".

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

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

On the question "Shall the bill pass?" (H.F. 2415)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	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.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	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	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:

Bisignano	Hanson, D. R.	Johnson	Muhlbauer
Parker	Swearingen		

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

Mullins of Kossuth called up for consideration **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 penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—6141:

H—6141

- 1 Amend House File 2106, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 1, by striking the figure
- 4 "139.43" and inserting the following: "203A.21".
- 5 2. Page 1, line 14, by striking the words and
- 6 figure "or section 203A.4".

The motion prevailed and the House concurred in the Senate amendment H—6141.

Mullins of Kossuth 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. 2106)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
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	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:

Bennett	Hanson, D. R.	Johnson	Muhlbauer
Parker	Sherzan	Swearingen	

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

Adams of Hamilton called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—6138:

H—6138

- 1 Amend House File 2338 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 12, by striking the words
- 4 "Following the deposit of the" and inserting the
- 5 following: "The".
- 6 2. Page 1, line 16, by inserting before the word
- 7 "in" the following: "shall be deposited".
- 8 3. By striking page 1, line 26 through page 3,
- 9 line 11.
- 10 4. Page 3, by striking lines 12 through 25.
- 11 5. By striking page 3, line 26 through page 4,
- 12 line 14.
- 13 6. By striking page 4, line 15 through page 5,
- 14 line 17.
- 15 7. By striking page 6, line 17 through page 8,
- 16 line 18.
- 17 8. By renumbering, relettering, or redesignating
- 18 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6138.

Adams of Hamilton 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. 2338)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	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	Holveck	Hummel	Jay
Jochum	Knapp	Koenigs	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 12:

Branstad	Daggett	De Groot	Garman
Hester	Maulsby	Pellett	Renken
Schnekloth	Stromer	Tyrrell	Van Maanen

Absent or not voting, 4:

Harbor	Johnson	Kremer	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.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House Files 2458, 2459 and 2453.

### CONSIDERATION OF BILLS

#### Ways and Means Calendar

**House File 2458**, 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, was taken up for consideration.



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

On the question "Shall the bill pass?" (H.F. 2458)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Daggett	De Groot	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	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	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, 9:

Brammer	Corbett	Corey	Diemer
Halvorson, R. N.	McKean	Pellett	Royer
Running			

Absent or not voting, 2:

Johnson	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.

**House File 2459**, an act relating to the imposition and collection of the state sales, services, and use taxes by out-of-state retailers, was taken up for consideration.

Metcalf of Polk offered the following amendment H—6003 filed by her and Doderer of Johnson:

H-6003

1 Amend House File 2459 as follows:

- 2 1. Page 1, by inserting after line 27 the  
3 following:  
4 "Sec. \_\_\_\_\_. Section 422.69, Code 1987, is amended  
5 by adding the following new subsection:  
6 **NEW SUBSECTION. 4.** The director shall estimate  
7 the amount of tax revenues collected as a result of  
8 the sales tax imposed under section 422.43, subsection  
9 12, and shall deposit a like amount in a "GAAP escrow  
10 account" to be created within the general fund.  
11 Amounts deposited in the GAAP escrow account shall be  
12 used to implement generally accepted accounting  
13 principles as required in 1986 Iowa Acts, chapter  
14 1245, subsection 2046, as amended by 1986 Iowa Acts,  
15 chapter 1238, section 59."

Metcalf of Polk offered the following amendment H-6015, to amendment H-6003, filed by her and moved its adoption:

H-6015

- 1 Amend the amendment, H-6003, to House File 2459 as  
2 follows:  
3 1. Page 1, line 14, by striking the word  
4 "subsection" and inserting the following: "section".

Amendment H-6015 was adopted.

On motion by Metcalf of Polk, amendment H-6003, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2459)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohon	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.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney

Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 5:

Branstad	Corey	Maulsby	Stueland
Van Maanen			

Absent or not voting, 4:

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

**House File 2453**, 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, was taken up for consideration.

Schrader of Marion offered the following amendment H—6035 filed by him and moved its adoption:

H—6035

- 1 Amend House File 2453 as follows:
- 2 1. Page 2, line 21, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 2, line 30, by inserting after the word
- 6 "clothing." the following: "For the purpose of this
- 7 subsection and subsection 19B, "point of sale" means
- 8 the point at which payment is exchanged for tangible
- 9 personal property."
- 10 3. Page 2, by inserting after line 30 the
- 11 following:
- 12 "NEW SUBSECTION. 19B. The gross receipts from the
- 13 sale of property which is a container, carton,
- 14 packaging case, wrapping paper, bag, bottle, shipping
- 15 carton, or other similar article or receptacle sold to
- 16 retailers for the purpose of nonpoint-of-sale
- 17 packaging."

Amendment H—6035 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?" (H.F. 2453)

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	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	Poney	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

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

### RULES SUSPENDED

Halvorson of Webster asked and received unanimous consent to suspend the rules for the immediate consideration of House Files 2451, 2461 and 2462.

Tabor of Jackson in the chair at 3:12 p.m.

**House File 2451**, 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, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2451)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	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	Shultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	
		(Tabor)	

The nays were, none.

Absent or not voting, 5:

Harbor	Johnson	Koenigs	Stueland
Swearingen			

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

**House File 2461**, a bill for an act relating to tax refunds paid by the county treasurer, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2461)

The ayes were, 95:

Adams	Arnould	Avenson	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.	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Knapp
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	Pony
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker (Tabor)	

The nays were, none.

Absent or not voting, 5:

Harbor	Johnson	Koenigs	Ollie
Swearingen			

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

#### HOUSE FILE 677 WITHDRAWN

Connolly of Dubuque asked and received unanimous consent to withdraw House File 677 from further consideration by the House.

The House stood at ease at 3:12 p.m., until the fall of the gavel.

The House resumed session at 3:26 p.m., Tabor of Jackson in the chair.

**House File 2462**, 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, was taken up for consideration.

Swartz of Marshall offered amendment H—6183 filed by him from the floor. Division was requested as follows:

H—6183

- 1 Amend House File 2462 as follows:

H—6183A

- 2 1. Page 3, line 35, by striking the word "five"
- 3 and inserting the following: "ten".

H—6183B

- 4 2. Page 4, line 5, by striking the word "five"
- 5 and inserting the following: "ten".

H—6183C

- 6 3. Page 4, line 22, by striking the words
- 7 "However, a".
- 8 4. Page 4, by striking lines 23 through 25.

Swartz of Marshall moved the adoption of amendment H—6183A.

A non-record roll call was requested.

The ayes were 34, nays 23.

Amendment H—6183A was adopted.

The following amendment H—6190, to amendment H—6183B, filed by Swartz of Marshall from the floor was adopted by unanimous consent:

H—6190

- 1 Amend amendment H—6183 to House File 2462 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word "ten"
- 4 and inserting the word "seven".

On motion by Swartz of Marshall, amendment H—6183B, as amended, was adopted.

Swartz of Marshall asked and received unanimous consent to reconsider the vote by which amendment H—6183A was adopted by the House on April 4, 1988.

The following amendment H—6191, to amendment H—6183A, filed by Swartz of Marshall from the floor was adopted by unanimous consent:

H—6191

- 1 Amend amendment H—6183 to House File 2462 as

2 follows:

- 3 1. Page 1, line 3, by striking the word "ten"  
4 and inserting the word "seven".

Arnould of Scott asked and received unanimous consent that House File 2462 be deferred and that the bill retain its place on the calendar.

(Amendment H—6183A, as amended, pending.)

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corey of Louisa, until his return, on request of Kremer of Buchanan; Svoboda of Tama, for the remainder of the day, on request of Brammer of Linn.

Speaker Avenson in the chair at 3:52 p.m.

### SENATE AMENDMENTS CONSIDERED

Skow of Guthrie called up for consideration **House File 529**, a bill for an act relating to governmental competition with and purchase of goods and services from private enterprise, amended by the Senate, and moved that the House concur in the following Senate amendment H—6150:

H—6150

- 1 Amend House File 529, as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, line 17, by inserting after the word  
4 "statute," the following: "rule,".  
5 2. By striking page 1, line 29 through page 2,  
6 line 26 and inserting the following:  
7 "2. The state board of regents or a school  
8 corporation may, by rule, provide for exemption from  
9 the application of this chapter for the following  
10 activities:  
11 a. Goods and services that are directly and  
12 reasonably related to the educational mission of an  
13 institution or school.  
14 b. Goods and services offered only to students,  
15 employees, or guests of the institution or school and  
16 which cannot be provided by private enterprise at the  
17 same or lower cost.  
18 c. Use of vehicles owned by the institution or  
19 school for charter trips offered to the public, full  
20 or part-time, or temporary students.  
21 d. Durable medical equipment or devices sold or  
22 leased for use off premises of an institution, school  
23 or University of Iowa hospitals or clinics.  
24 e. Goods or services which are not otherwise



25 available in the quantity or quality required by the  
26 institution or school.

27 f. Telecommunications other than radio or  
28 television stations.

29 g. Sponsoring or providing facilities for fitness  
30 and recreation.

31 h. Food service and sales.

32 i. Sale of books, records, tapes, software,  
33 educational equipment, and supplies.”

34 3. Page 2, by striking lines 31 through 33 and  
35 inserting the following: “state agency can provide  
36 the goods or services at a competitive price. The  
37 documentation”.

38 4. Page 3, by striking lines 11 through 23 and  
39 inserting the following: “rule, provide for  
40 exemptions from this chapter.

41 \_\_\_\_\_. However, this chapter shall not be construed  
42 to impair cooperative agreements between Iowa state  
43 industries and private enterprise.”

44 5. Page 3, by inserting after line 27 the  
45 following:

46 “\_\_\_\_\_. The state department of transportation may,  
47 in accordance with chapter 17A, provide for exemption  
48 from the application of subsection 1 for the  
49 activities related to highway maintenance, highway  
50 design and construction, publication and distribution

**Page 2**

1 of transportation maps, state aircraft pool  
2 operations, inventory sales to other state agencies  
3 and political subdivisions, equipment management and  
4 disposal, vehicle maintenance and repair services for  
5 other state agencies, and other similar essential  
6 operations.”

7 6. Page 4, by inserting after line 19 the  
8 following:

9 “i. The operation of a public transit system, as  
10 defined in chapter 601J, except that charter services,  
11 outside of a public transit system’s normal service  
12 area, shall be conducted in Iowa intrastate commerce  
13 under the same conditions, restrictions, and  
14 obligations as those contained in 49 C.F.R., Part 604.  
15 For purposes of this chapter, the definition and  
16 conduct of charter services shall be the same as those  
17 contained in 49 C.F.R., Part 604.”

18 7. Page 4, by inserting after line 19 the  
19 following:

20 “j. The following on-campus activities of an  
21 institution or school under the control of the state  
22 board of regents or a school corporation:

23 (1) Residence halls.

- 24 (2) Student transportation, except as specifically  
 25 listed in subsection 2, paragraph "c".
- 26 (3) Overnight accommodations for participants in  
 27 programs of the institution or school, visitors to the  
 28 institution or school, parents, and alumni.
- 29 (4) Sponsoring or providing facilities for  
 30 cultural and athletic events.
- 31 (5) Items displaying the emblem, mascot, or logo  
 32 of the institution or school, or that otherwise  
 33 promotes the identity of the institution or school and  
 34 its programs.
- 35 (6) Souvenirs and programs relating to events  
 36 sponsored by or at the institution or school.
- 37 (7) Radio and television stations.
- 38 (8) Services to patients and visitors at the  
 39 University of Iowa hospitals and clinics, except as  
 40 specifically listed in subsection 2, paragraph "d".
- 41 (9) Goods, products, or professional services  
 42 which are produced, created, or sold incidental to the  
 43 schools' teaching, research, and extension missions.
- 44 (10) Services to the public at the Iowa State  
 45 University college of veterinary medicine."
- 46 8. Page 4, line 21, by inserting after the word  
 47 "county," the following: "area education agency,".
- 48 9. Page 4, line 24, by inserting after the word  
 49 "county," the following: "area education agency,".
- 50 10. Page 4, line 32, by inserting after the word

**Page 3**

- 1 "may" the following: ", after pursuing remedies  
 2 offered by chapter 17A,".
- 3 11. Page 5, line 5, by striking the words "This  
 4 section is" and inserting the following: "Chapter 17A  
 5 and this section are".
- 6 12. Page 5, by inserting after line 8 the  
 7 following:  
 8 "Sec. \_\_\_\_\_. NEW SECTION. 246.815 SALE OF  
 9 PRODUCTS.  
 10 1. Iowa state industries may produce and sell  
 11 products to any tax-supported institution or  
 12 governmental subdivision in any level of government  
 13 which includes the state, county, city, or school  
 14 corporation. Iowa state industries may sell products  
 15 to employees of those entities.  
 16 2. Iowa state industries may sell products to  
 17 nonprofit organizations including parochial schools,  
 18 churches, or fraternal organizations.  
 19 3. Iowa state industries may sell products to  
 20 nonprofit health care facilities serving Medicaid or  
 21 social security patients."  
 22 13. By renumbering, relettering, or redesignating  
 23 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6150.

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

On the question "Shall the bill pass?" (H.F. 529)

The ayes were, 96:

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	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
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	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:

Corey	Halvorson, R. N.	Johnson	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.

Pavich of Pottawattamie called up for consideration **House File 578**, a bill for an act providing for the use of vintage Iowa registration plates, amended by the Senate, and moved that the House concur in the following Senate amendment H—6085:

H—6085

1 Amend House File 578 as passed by the House as  
2 follows:

3 1. Page 1, by striking lines 9 through 12 and  
4 inserting the following: "given a registration for a  
5 registration fee of five dollars per annum permitting  
6 the driving of said the motor vehicle upon the public  
7 roads to and from said fair state and county fairs or  
8 other place places of entertainment or education for a  
9 registration fee of five dollars per annum for  
10 exhibition or educational purposes and to and from  
11 service stations for the purpose of receiving  
12 necessary maintenance."

13 2. Page 1, by striking lines 18 through 32 and  
14 inserting the following:

15 "3. The owner of a motor vehicle which is  
16 registered under subsection 1, may display a  
17 registration plate from or representing the model year  
18 of the motor vehicle, furnished by the person, in lieu  
19 of a current and valid Iowa registration plate issued  
20 to the vehicle, provided that any replaced current and  
21 valid Iowa registration plate and the registration  
22 card issued to the vehicle are simultaneously carried  
23 within the vehicle and are available for inspection to  
24 any peace officer upon the officer's request."

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

The motion prevailed and the House concurred in the Senate amendment H—6085.

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

On the question "Shall the bill pass?" (H.F. 578)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	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.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	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	Siegrist	Skow
Spear	Stromer	Stueland	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 1:

Black

Absent or not voting, 8:

Corey	Fuller	Hatch	Johnson
Parker	Shoultz	Svoboda	Swearingen

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

Beatty of Warren called up for consideration **House File 105**, a bill for an act relating to the appointment of assessors, amended by the Senate amendment H—6093 as follows:

H—6093

- 1 Amend House File 105, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 10, by inserting after the word
- 4 "assessor" the following: "or deputy assessor".
- 5 2. Page 2, by inserting after line 26 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. This Act, being deemed of immediate
- 8 importance, takes effect upon enactment."
- 9 3. Amend the title page, line 1, by inserting
- 10 after the word "assessors" the following: "and deputy
- 11 assessors".
- 12 4. Renumber sections and correct internal
- 13 references as necessary.

Beatty of Warren offered the following amendment H—6109, to the Senate amendment H—6093, filed by her and moved its adoption:

H—6109

- 1 Amend the Senate Amendment H—6093, to House File
- 2 105, as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, line 11, by inserting after the word

5 "assessors" the words "and providing an effective  
6 date".

Amendment H—6109 was adopted.

On motion by Beatty of Warren, the House concurred in the Senate amendment H—6093, as amended.

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

On the question "Shall the bill pass?" (H.F. 105)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	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
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	Poney
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Swartz
Tabor	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Corey	Hermann	Johnson	Svoboda
Swearingen	Teaford		

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

## HOUSE REFUSED TO CONCUR

Fuller of Hardin called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-6084:

H-6084

- 1 Amend House File 2016, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 24.
- 4 2. Title page, by striking lines 3 through 5 and
- 5 inserting the following: "counties, and by providing
- 6 effective dates."
- 7 3. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-6084.

## SENATE AMENDMENT CONSIDERED

Beatty of Warren called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5226 to the House amendment:

H-5226

- 1 Amend the House amendment S-5124, to Senate File
- 2 370, as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, line 32, by striking the word and
- 5 figure "July 1989" and inserting in lieu thereof the
- 6 following: "July 1, 1989".

The motion prevailed and the House concurred in the Senate amendment H-5226 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. 370)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	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	Holveck	Hummel	Jay
Jochum	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	Schneklath	Schrader	Sherzan
Shoning	Shultz	Siegrist	Skow
Spear	Stromer	Stueland	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none. }

Absent or not voting, 5:

Bisignano	Corey	Johnson	Svoboda
Swearingen			

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

## Unfinished Business Calendar

The House resumed consideration of **Senate File 2068**, a bill for an act to require a public hearing before the issuance of a permit to construct and operate a sanitary landfill, deferred and placed on the unfinished business calendar March 31, 1988.

Shultz of Black Hawk offered the following amendment H-6154 filed by him and Petersen of Muscatine and moved its adoption:

H-6154

- 1 Amend Senate File 2068 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the word "public".



- 4 2. Page 1, line 4, by inserting after the word  
5 "landfill" the following: "which receives municipal  
6 or industrial waste".  
7 3. Page 1, line 6, by striking the words "conduct  
8 a" and inserting the following: "provide for public  
9 notice and the opportunity for".  
10 4. Page 1, line 10, by striking the word  
11 "public".

Amendment H—6154 was adopted.

Black of Jasper offered the following amendment H—6095 filed by him:

H—6095

- 1 Amend Senate File 2068, as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by inserting after line 13 the  
4 following:  
5 "Sec. 2. NEW SECTION. 455B.313 RESTRICTION ON  
6 SANITARY LANDFILL SERVICE AREA.  
7 A city, county, or private agency operating a  
8 sanitary landfill permitted under this part shall not  
9 provide sanitary landfill service to the residents of  
10 more than eight counties. The director shall revoke  
11 the permit of any sanitary landfill operating in  
12 violation of this section.  
13 Sec. 2. Section 2 of this Act applies  
14 retroactively to any permit issued on or after January  
15 1, 1988, for the construction or operation of a  
16 sanitary landfill.  
17 Sec. 3. This Act, being deemed of immediate  
18 importance, takes effect upon enactment."  
19 2. Title page, by striking lines 1 and 2 and  
20 inserting the following: "An Act relating to sanitary  
21 landfills by requiring a public hearing before  
22 issuance of a permit to construct and operate a  
23 sanitary landfill, by restricting the service area of  
24 a sanitary landfill, by providing for retroactive  
25 applicability, and by providing an effective date."

Shultz of Black Hawk rose on a point of order that amendment H—6095 was not germane.

The Speaker ruled the point well taken and amendment H—6095 not germane.

Shultz of Black offered the following amendment H—6185 filed by him from the floor and moved its adoption:

H-6185

- 1 Amend Senate File 2068 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 13, the
- 4 following:
- 5 "A new sanitary landfill which receives municipal
- 6 or industrial waste from outside of the county in
- 7 which the sanitary landfill is located shall not be
- 8 issued a permit for the construction and operation of
- 9 a sanitary landfill until the department of natural
- 10 resources has adopted rules, pursuant to chapter 17A,
- 11 regarding the comprehensive plans required pursuant to
- 12 section 455B.306 and until the new sanitary landfill
- 13 is in compliance with the rules adopted."

Amendment H-6185 was adopted.

Shultz 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. 2068)

The ayes were, 90:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	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
Holveck	Hummel	Jay	Jochum
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Running	Schnekloth	Schrader	Sherzan
Shoning	Shultz	Siegrist	Skow
Spear	Stromer	Stueland	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 1:

Platt

Absent or not voting, 9:

Beaman	Brammer	Corey	Johnson
Ollie	Royer	Svoboda	Swartz
Swearingen			

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

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 4, 1988, he approved and transmitted to the Secretary of State the following bills:

Senate File 2020, an act relating to the return of cash or other qualified security deposited with the clerk of the district court as bail.

Senate File 2064, 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.

Senate File 2074, 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, taxing unrelated business income of certain nonprofit organizations, striking obsolete provisions, and providing an effective date.

Senate File 2183, an act relating to the publication of notice of a drainage district hearing.

Senate File 2256, an act relating to the admission of a report or findings of the criminalistics laboratory as evidence in a civil proceeding.

Senate File 2258, an act relating to the destruction and retention of court reporters' notes and certified transcripts in civil and criminal proceedings.

Senate File 2270, an act relating to the suspension of the collection of taxes, special assessments, and other assessments by the county board of supervisors.

Senate File 2271, an act relating to claims against public corporations for non-payment of moneys due on public improvements.

**COMMUNICATIONS RECEIVED**

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

**CITIZENS' AIDE OFFICE**

The annual report, pursuant to Chapter 601G.18, Code of Iowa.

**DEPARTMENT OF NATURAL RESOURCES**

A report on the feasibility of limiting wastes accepted at a hazardous waste facility in Iowa, pursuant to Chapter 180.6(10), Acts of the Seventy-second General Assembly, 1987 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

- 1988-41 Kevin Nixon, Abraham Lincoln High School, Council Bluffs — Being selected to the first team in the INA Large School All-State Basketball Team.
- 1988-42 Grace Cottrell, Washington — Attaining her 110th birthday on Friday, April 1, 1988.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

## House Study Bill 833

Judiciary and Law Enforcement: Tabor, Chair; Hansen of Woodbury and Kremer.

## AMENDMENTS FILED

H—6164	S.F.	2312	Beatty of Warren
H—6165	S.F.	2092	Swartz of Marshall Halvorson of Clayton
H—6167	S.F.	2304	McKinney of Dallas
H—6168	H.F.	2406	Senate Amendment
H—6169	H.F.	102	Senate Amendment
H—6170	H.F.	2444	Blanshan of Greene Beatty of Warren Carpenter of Polk
H—6171	S.F.	2312	Jochum of Dubuque Maulsby of Calhoun
H—6172	S.F.	2312	Jochum of Dubuque Swartz of Marshall
H—6173	S.F.	356	Osterberg of Linn Kremer of Buchanan
H—6174	S.F.	2250	Dvorsky of Johnson Shoultz of Black Hawk
H—6175	H.F.	2440	Cooper of Lucas
H—6176	S.F.	2312	Hammond of Story
H—6177	S.F.	2092	Parker of Jasper Halvorson of Webster
H—6178	S.F.	2250	Shoultz of Black Hawk
H—6179	S.F.	2312	Daggett of Adams
H—6180	S.F.	2312	Daggett of Adams
H—6181	S.F.	2312	Tyrrell of Iowa

H-6182	S.F.	2312	Ollie of Clinton Fey of Scott Swartz of Marshall
H-6184	S.F.	2312	Daggett of Adams
H-6186	S.F.	2312	Hammond of Story Rosenberg of Story Hatch of Polk Teaford of Black Hawk Shoultz of Black Hawk
H-6187	H.F.	2444	Van Camp of Scott
H-6188	S.F.	2092	Bennett of Ida
H-6189	S.F.	2130	Rosenberg of Story
H-6192	S.F.	2312	Rosenberg of Story Osterberg of Linn Hatch of Polk Swartz of Marshall
H-6193	S.F.	2312	Rosenberg of Story
H-6194	S.F.	2312	Ollie of Clinton Swartz of Marshall
H-6195	H.F.	2462	Spear of Lee
H-6196	H.F.	649	Corbett of Linn
H-6197	S.F.	2262	Gruhn of Dickinson Branstad of Winnebago Running of Linn McKean of Jones Kremer of Buchanan
			Fogarty of Palo Alto Muhlbauer of Crawford Osterberg of Linn
H-6198	H.F.	2444	Halvorson of Webster
H-6199	S.F.	2312	Daggett of Adams Maulsby of Calhoun Van Maanen of Mahaska
H-6200	S.F.	356	Norrsgard of Des Moines Bisignano of Polk
H-6201	S.F.	356	Osterberg of Linn Kremer of Buchanan

On motion by Arnould of Scott, the House adjourned at 4:25 p.m., until 9:00 a.m., Tuesday, April 5, 1988.

# JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day — Fifty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 5, 1988

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

Prayer was offered by the Honorable Ron Corbett, state representative from Linn County.

The Journal of Monday, April 4, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Gruhn of Dickinson, from one hundred eighty-five constituents favoring a \$1.00 surcharge to fund emergency medical services.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fey of Scott on request of Brammer of Linn; Sherzan of Polk on request of Harper of Black Hawk; Black of Jasper and Skow of Guthrie on request of Koenigs of Mitchell, all until their arrival.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 31, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2315, a bill for an act relating to commercial paper by modifying the definition of "sum certain".

JOHN F. DWYER, Secretary

## IMMEDIATE MESSAGES (House Files 2451, 2458 and 2461)

Arnould of Scott asked and received unanimous consent that House Files 2451, 2458 and 2461 be immediately messaged to the Senate.

## CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar March 31, 1988.

McKinney of Dallas offered the following amendment H—6030 filed by him and Jay of Appanoose and moved its adoption:

H—6030

1 Amend Senate File 2304 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 4, lines 32 and 33, by striking the words  
4 "or the administrator".

5 2. Page 4, by inserting after line 33 the  
6 following:

7 "b. Represent an indigent party, without fee and  
8 upon an order of the court, in child in need of  
9 assistance, family in need of assistance, delinquency,  
10 and termination of parental rights proceedings  
11 pursuant to chapter 232. The local public defender  
12 shall counsel and represent an indigent party in all  
13 proceedings pursuant to chapter 232 and prosecute  
14 before or after judgment any appeals or other remedies  
15 which the local public defender considers to be in the  
16 interest of justice unless the court appoints other  
17 counsel. The state public defender shall be  
18 reimbursed by the counties for services rendered by  
19 employees of the local public defenders' offices under  
20 this subsection, pursuant to section 232.141."

21 3. Page 5, by inserting after line 34 the  
22 following:

23 "Sec. \_\_\_\_\_. Section 19A.3, subsection 11, Code  
24 Supplement 1987, is amended to read as follows:

25 11. Professional employees under the supervision  
26 of the attorney general, the appellate defender state  
27 public defender, the auditor of state, the treasurer  
28 of state, and the public employment relations board.  
29 However, employees of the consumer advocate division  
30 of the department of justice, other than the consumer  
31 advocate, are subject to the merit system."

32 4. Page 6 by inserting after line 17 the  
33 following:

34 "Sec. \_\_\_\_\_. ACCRUED EMPLOYEE RIGHTS.

35 1. Persons who were paid salaries by the counties  
36 immediately prior to becoming state employees as a  
37 result of this Act shall not forfeit accrued vacation,  
38 accrued sick leave, or longevity, except as provided  
39 in this section.

40 2. As a part of its rulemaking authority, the  
41 department of inspections and appeals, after

- 42 consulting with the department of management, shall  
43 prescribe rules to provide for the following:
- 44 a. Each person referred to in subsection 1 shall  
45 have to the person's credit as a state employee  
46 commencing on the date of becoming a state employee  
47 the number of accrued vacation days that was credited  
48 to the person as a county employee as of the end of  
49 the day prior to becoming a state employee.
- 50 b. Each person referred to in subsection 1 shall

**Page 2**

- 1 have to the person's credit as a state employee  
2 commencing on the date of becoming a state employee  
3 the number of accrued days of sick leave that was  
4 credited to the person as a county employee as of the  
5 end of the day prior to becoming a state employee.  
6 However, the number of days of sick leave credited to  
7 a person under this subsection and eligible to be  
8 taken when sick or eligible to be received upon  
9 retirement shall not respectively exceed the maximum  
10 number of days, if any, or the maximum dollar amount  
11 as provided in section 79.23 that state employees  
12 generally are entitled to accrue or receive according  
13 to rules in effect as of the date the person becomes a  
14 state employee.
- 15 c. Commencing on the date of becoming a state  
16 employee, each person referred to in subsection 1 is  
17 entitled to claim the person's most recent continuous  
18 period of service in full-time county employment as  
19 full-time state employment for purposes of determining  
20 the number of days of vacation which the person is  
21 entitled to earn each year. The actual vacation  
22 benefit, including the limitation on the maximum  
23 accumulated vacation leave, shall be determined as  
24 provided in section 79.1 according to rules in effect  
25 for state employees of comparable longevity,  
26 irrespective of any greater or lesser benefit as a  
27 county employee.
- 28 Sec. \_\_\_\_\_. COLLECTIVE BARGAINING.
- 29 A person who becomes a state employee as a result  
30 of this Act is a public employee, as defined in  
31 section 20.3, subsection 3, for purposes of chapter  
32 20. The person may bargain collectively on and after  
33 January 1, 1989, as provided by law for a state  
34 employee. However, if the person is subject to a  
35 collective bargaining agreement negotiated prior to  
36 January 1, 1989, the person is entitled to the rights  
37 and benefits obtained by the person pursuant to that  
38 contract after January 1, 1989, until that contract  
39 expires. If the person is subject to a collective  
40 bargaining agreement negotiated by a public employer



41 other than the department of inspections and appeals  
42 on or after January 1, 1989, the person is not  
43 entitled to any rights or benefits obtained by the  
44 person pursuant to that contract after becoming a  
45 state employee.

46 The department of inspections and appeals is the  
47 public employer of the state and local public  
48 defenders and employees of those offices for purposes  
49 of chapter 20, relating to public employment  
50 relations.

### Page 3

1 For purposes of chapter 20, the certified  
2 representative, which on January 1, 1989, represents  
3 employees who become department of inspections and  
4 appeals employees as a result of this Act, shall  
5 remain the certified representative when the employees  
6 become department of inspections and appeals employees  
7 and thereafter, unless the public employee  
8 organization is decertified in an election held under  
9 section 20.15 or amended or absorbed into another  
10 certified organization pursuant to chapter 20.

11 Collective bargaining negotiations shall be conducted  
12 on a statewide basis and the certified employee  
13 organizations which engage in bargaining shall  
14 negotiate on a statewide basis, although bargaining  
15 units shall be organized by judicial district. The  
16 public employment relations board shall adopt rules  
17 pursuant to chapter 17A to implement this subsection."

18 5. Page 6, line 27, by striking the words "or  
19 employee benefits".

20 6. Title page, line 2, by inserting after the  
21 word "cases" the following: "and proceedings under  
22 chapter 232".

23 7. By renumbering as necessary.

McKinney of Dallas offered the following amendment H-6167,  
to amendment H-6030, filed by him and moved its adoption:

### H-6167

1 Amend the amendment, H-6030, to Senate File 2304,  
2 as amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, line 38, by striking the word  
5 "longevity" and inserting the following: "seniority".

6 2. Page 1, line 41, by striking the words  
7 "inspections and appeals" and inserting the following:  
8 "personnel".

9 3. By striking page 2, line 32 through page 3,  
10 line 15, and inserting the following: "20. Such  
11 employees shall be accreted into bargaining units  
12 which exist for state employees. The".

13 4. By renumbering as necessary.

Amendment H—6167 was adopted.

On motion by McKinney of Dallas, amendment H—6030, as amended, was adopted.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H—6029 filed by him on March 29, 1988.

Jay of Appanoose offered the following amendment H—6059 filed by Jay, et al., and moved its adoption:

H—6059

- 1 Amend Senate File 2304 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, by inserting after line 4 the
- 4 following:
- 5 "2. An appointed attorney under this section is
- 6 not liable to a person represented by the attorney
- 7 pursuant to this chapter for damages as a result of a
- 8 conviction unless the court determines in a
- 9 postconviction appeal that the person's conviction
- 10 resulted from ineffective assistance of counsel."
- 11 2. By renumbering as necessary.

Amendment H—6059 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. 2304)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	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
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	Schnekloth
Schrader	Shoning	Shultz	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:

Black	Fey	Haverland	Johnson
Running	Sherzan	Skow	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 Files 356 and 2046.

The House resumed consideration of **Senate File 356**, a bill for an act relating to the exemptions from regulation of a home used to prepare food for a cafe, and the committee amendment H—5843 (found on pages 1148 through 1151 of the House Journal), deferred and placed on the unfinished business calendar March 29, 1988.

Osterberg of Linn offered the following amendment H—6201, to the committee amendment H—5843, filed by him and Kremer of Buchanan and moved its adoption:

H—6201

- 1 Amend amendment, H—5843, to Senate File 356, as
- 2 passed by the Senate, as follows:
- 3 1. Page 2, by inserting after line 4 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. **NEW SECTION. 170.57 EXEMPTION.**
- 6 This chapter does not apply to the premises of a
- 7 residence in which food is prepared to be used or sold
- 8 by churches, fraternal societies, charitable
- 9 organizations, or civic organizations."
- 10 2. Page 2, line 24, by inserting after the word
- 11 "dollars." the following: "However, a home food
- 12 establishment does not include a residence in which
- 13 food is prepared to be used or sold by churches,
- 14 fraternal societies, charitable organizations, or
- 15 civic organizations."

Amendment H—6201 was adopted.

Osterberg of Linn asked and received unanimous consent to withdraw amendment H—6173, to the committee amendment H—5843, filed by him on April 4, 1988.

Norrgard of Des Moines offered the following amendment H—6200, to the committee amendment H—5843, filed by him and Bisignano of Polk and moved its adoption:

H—6200

- 1 Amend amendment, H—5843, to Senate File 356, as
- 2 passed by the Senate, as follows:
- 3 1. Page 2, by striking lines 25 through 35 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. "Prepared food" means soft pies, bakery
- 6 products with a custard or cream filling, or any other
- 7 potentially hazardous baked goods. "Prepared food"
- 8 does not mean nonhazardous baked goods, including but
- 9 not limited to breads, fruit pies, cakes, or other
- 10 nonhazardous pastries."

Amendment H—6200 was adopted.

On motion by Norrgard of Des Moines, the committee amendment H—5843, 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. 356)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	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	Pony	Renaud	Rosenberg

Royer	Schnekloth	Schrader	Shoning
Shoultz	Siegrist	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 4:

Garman	Renken	Tyrrell	Van Maanen
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Absent or not voting, 8:

Black	Fey	Haverland	Johnson
Running	Sherzan	Skow	Swearingen

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

The House resumed consideration of **Senate File 2046**, a bill for an act relating to the method of election of directors of certain school districts and providing an effective date, deferred and placed on the unfinished business calendar March 31, 1988.

Harper of Black Hawk offered the following amendment H—5402 filed by the committee on education:

H—5402

1 Amend Senate File 2046, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 18 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 278.1, subsection 8, Code 1987,  
 6 is amended to read as follows:  
 7 8. Authorize a change to either five or seven  
 8 directors. The proposition for the change shall  
 9 specify the number of directors to be elected, and  
 10 which of the methods of election authorized by section  
 11 275.12, subsection 2 2A or 2B is to be used if the  
 12 change is approved by the voters."  
 13 2. Page 1, by inserting after line 18 the  
 14 following:  
 15 "Sec. \_\_\_\_\_. Notwithstanding section 275.23A, school  
 16 districts that have adopted a plan prior to September  
 17 1, 1991, for compliance with section 275.12,  
 18 subsection 2B, are not required to meet the  
 19 requirements of section 275.23A for the federal  
 20 decennial census taken in 1990."  
 21 3. By numbering and renumbering sections as  
 22 necessary.

Harper of Black Hawk offered the following amendment H—5605, to the committee amendment H—5402, filed by her and moved its adoption:

H—5605

- 1 Amend the amendment, H—5402, to Senate File 2046,  
 2 as amended, passed, and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, by striking lines 13 through 20 and  
 5 inserting the following:  
 6 “\_\_\_\_\_. Page 1, by striking line 21 and inserting  
 7 the following: “effect September 1992. Prior to  
 8 September 1, 1992, the”.  
 9 \_\_\_\_\_. Page 1, line 28, by striking the figure  
 10 “1991” and inserting the following: “1992”.  
 11 \_\_\_\_\_. Page 1, line 28, by inserting after the word  
 12 “section” the following: “275.23A and section”.  
 13 \_\_\_\_\_. Page 1, line 31, by striking the figure  
 14 “1993” and inserting the following: “1994”.”

Amendment H—5605 was adopted.

On motion by Harper of Black Hawk, the committee amendment H—5402, as amended, was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Running of Linn, for the morning session, on request of Poncy of Wapello.

Schnekloth of Scott asked and received unanimous consent to defer action on amendment H—5923.

Schnekloth of Scott offered the following amendment H—5924 filed by him and moved its adoption:

H—5924

- 1 Amend Senate File 2046 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 9, by striking the word “nine”  
 4 and inserting the following: “one”.  
 5 2. Page 1, line 15, by striking the word “nine”  
 6 and inserting the following: “one”.

Roll call was requested by Schnekloth of Scott and Van Camp of Scott.

On the question “Shall amendment H—5924 be adopted?”  
 (S.F. 2046)

The ayes were, 39:

Beaman	Beatty	Bennett	Branstad
Buhr	Chapman	Connolly	Connors
Corbett	Corey	Daggett	De Groot
Dvorsky	Fogarty	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hermann
Holveck	Hummel	Knapp	Lageschulte

Lundby	Maulsby	Miller	Pellett
Petersen, D. F.	Peterson, M. K.	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Van Camp	Van Maanen	

The nays were, 52:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Clark	Cohoon
Diemer	Doderer	Eddie	Fuller
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Jay
Jochum	Koenigs	Kremer	May
McKean	McKinney	Metcalf	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Platt	Poncy	Renaud
Rosenberg	Schrader	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Wise	Mr. Speaker

Absent or not voting, 9:

Carpenter	Cooper	Fey	Groninga
Johnson	Plasier	Running	Sherzan
Swearingen			

Amendment H—5924 lost.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5923 (previously deferred) filed by him on March 28, 1988.

Haverland of Polk in the chair at 10:06 a.m.

Metcalf of Polk offered the following amendment H—5612 filed by her and Siegrist of Pottawattamie and moved its adoption:

H—5612

- 1 Amend Senate File 2046, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 9 and inserting the
- 4 following: "enrollment and area in square miles that
- 5 do not meet the criteria listed in subsection 2B, the
- 6 directors".
- 7 2. Page 1, line 14, by inserting after the word
- 8 "has" the following: "both".
- 9 3. Page 1, by striking line 15 and inserting the
- 10 following: "certified enrollment of three thousand or
- 11 more pupils and an area of one hundred twenty-five or
- 12 more square miles, the".

A non-record roll call was requested.

The ayes were 25, nays 35.

Amendment H—5612 lost.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H—5613 filed by her on March 15, 1988.

Arnould of Scott asked and received unanimous consent that Senate File 2046 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 2146.

The House resumed consideration of **Senate File 2146**, a bill for an act relating to entering private land for highway construction purposes, deferred and placed on the unfinished business calendar March 30, 1988.

Jay of Appanoose moved to suspend the rules to reconsider the committee amendment H—5834 (found on page 1204 of the House Journal).

A non-record roll call was requested.

The ayes were 38, nays 27.

The motion to suspend the rules, having failed to receive a constitutional majority, lost.

Speaker Avenson in the chair at 11:25 a.m.

Arnould of Scott asked and received unanimous consent that Senate File 2146 be deferred and that the bill retain its place on the calendar.

### IMMEDIATE MESSAGE

(House File 2453)

Arnould of Scott asked and received unanimous consent that House File 2453 be immediately messaged to the Senate.

### MOTION TO RECONSIDER WITHDRAWN

(Senate File 2017)

Hammond of Story asked and received unanimous consent to withdraw the motion to reconsider 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, filed by her on March 31, 1988, placing out of order amendment H—6159 filed by her on March 31, 1988.

On motion by Arnould of Scott, the House was recessed at 11:28 a.m., until 1:00 p.m.



AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

CONSIDERATION OF BILLS  
Appropriations Calendar

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, with report of committee recommending amendment and passage was taken up for consideration.

Pony of Wapello offered the following amendment H-6119 filed by the committee on appropriations:

H-6119

1 Amend Senate File 2312, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking line 2 and inserting the  
4 following:  
5 ".....\$ 1,177,842".

6 2. Page 2, by striking line 13 and inserting the  
7 following:  
8 ".....\$ 6,030,706".

9 3. Page 2, by striking lines 14 through 25.

10 4. Page 3, by inserting after line 2 the  
11 following:

12 "Sec. \_\_\_\_\_. The director of the department of  
13 cultural affairs shall include in reports that compile  
14 national statistical financial data on expenditures  
15 for the arts, the total spending for the community  
16 cultural grants program of the department of cultural  
17 affairs, funded under section 99E.32, subsection 3,  
18 paragraph "c", and expenditures of the arts division  
19 of the department of cultural affairs."

20 5. Page 4, by striking lines 21 through 30.

21 6. Page 5, by striking line 23 and inserting the  
22 following:  
23 ".....\$ 279,251".

24 7. Page 7, by striking lines 21 through 24 and  
25 inserting the following:

26 "Sec. \_\_\_\_\_. Notwithstanding the appropriation  
27 provided in section 261.53, there is appropriated from  
28 the general fund of the state to the college aid  
29 commission for the fiscal year beginning July 1, 1988,  
30 and ending June 30, 1989, the sum of twenty-five  
31 thousand (25,000) dollars for loans under the science  
32 and mathematics loan program."

33 8. By striking page 7, line 35 through page 8,  
34 line 4, and inserting the following: "provided in  
35 section 261.85."

36 9. Page 9, by inserting after line 9 the

37 following:

38 "Sec. \_\_\_\_\_. Section 261.2, Code 1987, is amended by  
39 adding the following new subsection:

40 NEW SUBSECTION. 11. Review reports filed by  
41 accredited private institutions under section 261.9,  
42 subsection 5, to determine compliance."

43 10. Page 9, line 10, by striking the words and  
44 figures "subsections 4 and 7, Code Supplement 1987,  
45 are" and inserting the following: "subsection 4, Code  
46 Supplement 1987, is".

47 11. Page 9, by inserting after line 14 the  
48 following:

49 "Sec. \_\_\_\_\_. Section 261.9, subsection 5, Code  
50 Supplement 1987, is amended by adding the following

**Page 2**

1 new paragraph:

2 NEW PARAGRAPH. e. Which promotes equal  
3 opportunity and affirmative action efforts in the  
4 recruitment, appointment, assignment, and advancement  
5 of personnel at the institution. In carrying out this  
6 responsibility the institution shall do all of the  
7 following:

8 (1) Designate a position as the affirmative action  
9 coordinator.

10 (2) Adopt affirmative action standards.

11 (3) Gather data necessary to maintain an ongoing  
12 assessment of affirmative action efforts.

13 (4) Monitor accomplishments with respect to  
14 affirmative action remedies identified in affirmative  
15 action plans.

16 (5) Conduct studies of preemployment and  
17 postemployment processes in order to evaluate  
18 employment practices and develop improved methods of  
19 dealing with all employment issues related to equal  
20 employment opportunity and affirmative action.

21 (6) Establish an equal employment committee to  
22 assist in addressing affirmative action needs,  
23 including recruitment.

24 (7) Address equal opportunity and affirmative  
25 action training needs by:

26 (a) Providing appropriate training for managers  
27 and supervisors.

28 (b) Insuring that training is available for all  
29 staff members whose duties relate to personnel  
30 administration.

31 (c) Investigating means for training in the area  
32 of career development.

33 (8) Require development of equal employment  
34 opportunity reports, including the initiation of the  
35 processes necessary for the completion of the annual

36 EEO-6 reports required by the federal equal employment  
37 opportunity commission.

38 (9) Address equal opportunity and affirmative  
39 action policies with respect to employee benefits and  
40 leaves of absence.

41 (10) File annual reports with the college aid  
42 commission of activities under this paragraph."

43 12. Page 9, by inserting before line 15 the  
44 following:

45 "Sec. \_\_\_\_\_. Section 261.9, subsection 7, Code  
46 Supplement 1987, is amended to read as follows:".

47 13. Page 12, by inserting after line 10 the  
48 following:

49 "Sec. \_\_\_\_\_. Section 261.85, unnumbered paragraph 2,  
50 Code Supplement 1987, is amended to read as follows:

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1 ~~From The~~ moneys appropriated in this section, ~~one~~  
2 ~~million one hundred fifty thousand dollars~~ shall be  
3 allocated to institutions of higher education ~~under~~  
4 ~~the state board of regents and merged area schools and~~  
5 ~~the remaining one million dollars~~ shall be allocated  
6 by the commission on the basis of need as determined  
7 by the portion of the federal formula for distribution  
8 of work study funds that relates to the current need  
9 of institutions."

10 14. Page 12, by striking line 22 and inserting  
11 the following:

12 "..... \$ 5,226,825".

13 15. By striking page 13, line 25 through page 15,  
14 line 6.

15 16. Page 15, by striking line 35 and inserting  
16 the following:

17 "..... \$ 3,146,215".

18 17. Page 17, line 5, by striking the word "For"  
19 and inserting the following: "a. For".

20 18. By striking page 17, line 10 through page 18,  
21 line 3, and inserting the following: "fifty-three  
22 million six hundred nineteen thousand three hundred  
23 fifty-two (53,619,352) dollars to be allocated as  
24 follows:

25	(1) Merged Area I .....	\$ 2,482,712
26	(2) Merged Area II .....	\$ 3,088,066
27	(3) Merged Area III .....	\$ 2,897,612
28	(4) Merged Area IV .....	\$ 1,421,669
29	(5) Merged Area V .....	\$ 3,226,937
30	(6) Merged Area VI .....	\$ 3,232,353
31	(7) Merged Area VII .....	\$ 4,290,348
32	(8) Merged Area IX .....	\$ 4,408,595
33	(9) Merged Area X .....	\$ 7,063,275
34	(10) Merged Area XI .....	\$ 6,816,265

35 (11) Merged Area XII ..... \$ 3,207,905  
 36 (12) Merged Area XIII ..... \$ 3,329,698  
 37 (13) Merged Area XIV ..... \$ 1,411,000  
 38 (14) Merged Area XV ..... \$ 4,190,954  
 39 (15) Merged Area XVI ..... \$ 2,551,963  
 40 b. For distribution as property tax replacement  
 41 moneys to each of the merged area schools in amounts  
 42 determined by the department:  
 43 ..... \$ 588,246  
 44 The moneys distributed under this paragraph shall  
 45 be considered as part of the moneys generated under  
 46 chapter 286A on a statewide basis.”  
 47 19. Page 20, by striking lines 18 through 28.  
 48 20. Page 20, by inserting after line 35 the  
 49 following:  
 50 “Sec. \_\_\_\_\_. The department of education may solicit

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1 gifts and grants to be used to finance the costs of  
 2 conducting a study of the literacy of Iowa's young  
 3 adults.  
 4 If sufficient moneys are received for the study,  
 5 the department of education shall award the contract  
 6 to an independent testing corporation located in this  
 7 state. The specifications for the study shall be  
 8 substantially similar to the specifications for the  
 9 national assessment of educational progress study of  
 10 the literacy of young adults in the United States  
 11 conducted by the educational testing service.”  
 12 21. Page 21, by inserting after line 7 the  
 13 following:  
 14 “Sec. 100. For the fiscal year beginning July 1,  
 15 1988, and ending June 30, 1989, section 280.4,  
 16 subsection 4, is void and weighted enrollment  
 17 calculated under section 442.4, subsection 6, does not  
 18 include application of the non-English speaking  
 19 weighting plan in section 280.4.”  
 20 22. Page 21, by striking lines 9 through 13 and  
 21 inserting the following:  
 22 “1. The state board of education may approve the  
 23 request of an area vocational school to be  
 24 reclassified as an area community college, but shall  
 25 not allow the school to create an associate of arts  
 26 program leading to the associate of arts degree until  
 27 the requirements of this section have been met. An  
 28 area vocational school reclassified as an area  
 29 community college may contract with an accredited  
 30 private institution, as defined in section 261.9,  
 31 subsection 5, that is located within the merged area,  
 32 for the area community college students to enroll in  
 33 courses leading to an associate of arts degree.”

34 23. Page 21, by striking lines 28 and 29, and  
 35 inserting the following: "creation of the associate  
 36 of arts degree program under subsection 1 and of the  
 37 creation of a separate arts and".

38 24. Page 21, line 30, by inserting after the word  
 39 "division" the following: "under subsection 2".

40 25. Page 21, line 33, by striking the word  
 41 "reclassification" and inserting the following:  
 42 "creation of the associate of arts degree program  
 43 under subsection 1".

44 26. Page 21, line 34, by inserting after the word  
 45 "division" the following: "under subsection 2".

46 27. Page 22, by inserting after line 7 the  
 47 following:

48 "Sec. \_\_\_\_\_. Section 19B.11, subsections 1 and 2,  
 49 Code 1987, are amended to read as follows:

50 1. It is the policy of this state to provide equal

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1 opportunity in school district, area education agency,  
 2 and merged area school employment to all persons. An  
 3 individual shall not be denied equal access to school  
 4 district, ~~or~~ area education agency, or merged area  
 5 school employment opportunities because of race,  
 6 creed, color, religion, national origin, sex, age, or  
 7 physical or mental disability. It also is the policy  
 8 of this state to apply affirmative action measures to  
 9 correct deficiencies in school district, area  
 10 education agency, and merged area school employment  
 11 systems where those remedies are appropriate. This  
 12 policy shall be construed broadly to effectuate its  
 13 purposes.

14 2. The director of the department of education  
 15 shall actively promote fair employment practices for  
 16 all school district, area education agency, and merged  
 17 area school employees and the state board of education  
 18 shall inform adopt rules requiring specific steps by  
 19 school districts, area education agencies, and merged  
 20 area schools concerning their efforts to accomplish  
 21 this goal the goals of equal employment opportunity  
 22 and affirmative action in the recruitment,  
 23 appointment, assignment, and advancement of personnel.  
 24 Each school district, area education agency, and  
 25 merged area school shall be required to develop  
 26 affirmative action standards which are based on the  
 27 population of the community in which it functions, the  
 28 student population served, or the persons who can be  
 29 reasonably recruited. The director of education shall  
 30 consult with the department of personnel in the  
 31 performance of duties under this section."

32 28. By striking page 22, line 27 through page 25,

33 line 25.

34 29. Page 28, by striking lines 6 through 18.

35 30. Page 28, by striking lines 19 through 25.

36 31. Page 28, by striking line 32, and inserting  
37 the following:

38 " ..... \$138,237,397

39 It is the intent of the general assembly that as a  
40 condition, limitation, and qualification of the  
41 appropriation made in this subparagraph, the  
42 University of Iowa shall expend moneys for salaries  
43 and support for the labor center."

44 32. Page 28, line 35, by inserting after the word  
45 "subparagraph," the following: "from moneys available  
46 to the state University of Iowa,".

47 33. Page 29, by striking line 13 and inserting  
48 the following:

49 " ..... \$ 25,585,101".

50 34. Page 30, line 15, by inserting after the

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1 letter "b," the following: "subparagraph (1)."

2 35. Page 30, line 16, by striking the words "this  
3 section" and inserting the following: "that  
4 subparagraph".

5 36. Page 31, by inserting after line 5 the fol-  
6 lowing:

7 "\_\_\_\_\_. As a condition of the appropriation made in  
8 paragraph "b", subparagraph (1), university hospitals  
9 shall compile and transmit to the general assembly the  
10 following information for the fiscal year beginning  
11 July 1, 1987:

12 (1) Revenue from all income sources, by source,  
13 including but not limited to state appropriations,  
14 other state funds, tuition income, patient charges,  
15 payments from political subdivisions, interest income,  
16 and gifts, and grants from public and private sources.

17 (2) Expenditures by program and revenue source.

18 (3) Net revenue over spending from hospital opera-  
19 tions, including the method used to calculate the  
20 results.

21 The legislative fiscal bureau shall develop forms  
22 for collecting the information required in this sub-  
23 paragraph."

24 37. Page 31, by striking line 33 and inserting  
25 the following:

26 " ..... \$113,120,286".

27 38. Page 32, line 1, by inserting after the word  
28 "paragraph," the following: "from moneys available to  
29 Iowa State University,".

30 39. Page 32, by striking lines 22 through 25.

31 40. Page 32, by striking line 30 and inserting

32 the following:

33 "..... \$ 45,136,113".

34 41. Page 32, line 33, by inserting after the word  
35 "subsection," the following: "from moneys available  
36 to the University of Northern Iowa,".

37 42. Page 32, line 35, by inserting after the word  
38 "assistants" the following: "and three hundred  
39 thousand (300,000) dollars shall constitute an equity  
40 adjustment to maintain and support the university's  
41 academic programs".

42 43. Page 32, by inserting before line 36 the  
43 following:

44 "It is a condition, limitation, and qualification  
45 of the appropriation made in this subsection that  
46 moneys appropriated in this subsection not be expended  
47 for the power plant addition at the University of  
48 Northern Iowa."

49 44. Page 33, line 22, by striking the figure "43"  
50 and inserting the following: "49".

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1 45. Page 34, by inserting after line 7 the  
2 following:

3 "Sec. \_\_\_\_\_. It is the intent of the general  
4 assembly that the office of the state board of regents  
5 shall study the child care needs of faculty members,  
6 other staff members, and students at each institution  
7 of higher education under its control. The state  
8 board of regents shall survey each institution for  
9 potential locations for child care centers, explore  
10 the possibility of receiving federal funding for  
11 operation of the child care centers, and examine the  
12 feasibility of adopting a sliding fee scale based upon  
13 income of the parent or guardian. As a part of this  
14 study, the office of the state board of regents shall  
15 solicit input from the state association composed of  
16 students from the three institutions.

17 The state board of regents shall present to the  
18 general assembly no later than November 30, 1988, a  
19 comprehensive proposal for meeting the child care  
20 needs at each institution. This proposal shall  
21 include recommendations for using students enrolled at  
22 the institutions for meeting the child care needs with  
23 payment through the state work-study program."

24 46. Page 34, by striking lines 13 through 21 and  
25 inserting the following: "medically indigent  
26 persons."

27 47. Page 34, by inserting after line 28 the fol-  
28 lowing:

29 "Sec. \_\_\_\_\_. HIGHER EDUCATION TASK FORCE. There is  
30 established a citizens higher education task force to

31 study and make recommendations regarding the goals,  
32 and the legislation necessary to meet the goals, of  
33 the state's higher education system in the future.  
34 The study shall include, but not be limited to, the  
35 following:

36 1. Ways to preserve equal educational opportunity  
37 and equal access to a quality education for the  
38 students of Iowa.

39 2. An inventory of the distribution of the educa-  
40 tional programs and services available in the state's  
41 board of regents institutions, merged area schools,  
42 private colleges and universities, and technical  
43 schools, and the college aid commission.

44 3. Demographic projections of enrollment trends,  
45 including trends among the various kinds of higher  
46 education offerings available.

47 4. A comprehensive fiscal analysis of the state's  
48 higher education financing effort, including historic  
49 financing trends, per pupil trends, and projections of  
50 the state's capacity to finance its higher education

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1 system in the future.

2 5. A twenty-year higher education plan that  
3 recommends methods and the structure necessary to  
4 match the recommended goals with the state resources  
5 necessary to fund them, accompanied by a recommended  
6 chronology and coordination within the higher  
7 education system itself and within the elementary and  
8 secondary education systems.

9 The members of the citizens committee shall be  
10 appointed by the speaker and the minority leader of  
11 the house of representatives and by the majority and  
12 minority leaders of the senate. There shall be seven  
13 citizen members whose composition shall be bipartisan,  
14 and from which a chairman shall be appointed. Four  
15 legislators, one from each political party in the  
16 house and one from each political party in the senate,  
17 shall be appointed by the joint leaders of the house  
18 and senate. The task force shall be appointed by no  
19 later than June 1, 1988, and shall report to the  
20 legislative council by December 15, 1988, how it will  
21 be organized and conduct its research in order to  
22 report its recommendations to the general assembly by  
23 no later than November 1, 1990. If the legislative  
24 council approves of the task force organizational  
25 plan, it may authorize the task force to employ an  
26 executive director beginning February 1, 1989, until  
27 completion of report in November 1990, and may  
28 authorize the expenditure of moneys from section 2.12  
29 to fund the cost of the task force. The task force



30 may request and receive research assistance from the  
31 education commission of the states. The task force  
32 may accept gifts and donations, and may contract with  
33 a foundation for additional funds. The legislative  
34 council may authorize the payment of per diem and  
35 expenses for the citizen members of the task force.

36 Staff assistance to the task force shall be  
37 provided by the legislative service bureau, the  
38 legislative fiscal bureau, and the caucus staffs, who  
39 shall work under the direction of the chairman of the  
40 task force and the executive director.

41 Sec. \_\_\_\_\_. NEW SECTION. 182.23 BOARD MEMBER  
42 DISCLOSURE.

43 Notwithstanding section 182.13, a member of the  
44 board may receive compensation, including a salary,  
45 from an organization or agency, including an  
46 educational institution, receiving funds from the  
47 board. If a member of the board has a pecuniary  
48 interest, either direct or indirect, in matter  
49 considered by the board, the interest shall be  
50 disclosed by the member to the board and included in

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1 the minutes for that meeting of the board. The member  
2 having the pecuniary interest shall not participate in  
3 an action taken by the board on the matter.

4 Sec. \_\_\_\_\_. NEW SECTION. 269.3 CLASSROOM TEACHERS.

5 For purposes of chapter 20, classroom teachers  
6 employed by the Iowa braille and sight-saving school  
7 may be accreted to the faculty employee organization  
8 at the University of Northern Iowa.

9 Sec. \_\_\_\_\_. NEW SECTION. 270.11 CLASSROOM  
10 TEACHERS.

11 For purposes of chapter 20, classroom teachers  
12 employed by the school for the deaf may be accreted to  
13 the faculty employee organization at the University of  
14 Northern Iowa.

15 Sec. \_\_\_\_\_. NEW SECTION. 347.25A SELECTION OF  
16 TRUSTEES.

17 1. For purposes of this section, unless the  
18 context otherwise requires:

19 a. "Board" means the board of trustees of the  
20 hospital.

21 b. "Hospital" means the hospitals, medical service  
22 clinics, and medical service laboratories of the state  
23 University of Iowa.

24 c. "Trustee" means a duly appointed member of the  
25 board.

26 2. A board of trustees of the hospital of the  
27 state University of Iowa is established which shall  
28 report to the state board of regents. The leadership

29 of the senate and house of representatives shall  
30 submit a list of eighteen names from which the  
31 governor shall appoint at least six in addition to the  
32 governor's own appointments, all of which shall be for  
33 staggered three-year terms. The board shall consist  
34 of nine members. Each congressional district shall be  
35 represented on the board by no more than two trustees  
36 who are residents of a single congressional district.  
37 A trustee shall be appointed to represent the health  
38 insurance industry, a trustee shall be appointed who  
39 is knowledgeable regarding hospital finance, and a  
40 trustee shall be appointed who is knowledgeable  
41 regarding rural health services delivery needs. The  
42 gender balance provisions under section 69.16A and  
43 political affiliation provisions under section 69.16  
44 shall apply.

45 3. In addition to the pecuniary interest  
46 prohibition under section 347.15, all of the following  
47 apply to trustees:

48 a. A person or spouse of a person with medical or  
49 special staff privileges in the hospital, or who  
50 receives direct or indirect compensation from the

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1 hospital, or direct or indirect compensation from a  
2 person contracting for services with the hospital  
3 shall not be eligible to serve as a trustee.

4 b. A trustee who accepts a ticket from an employee  
5 of an institution under the state board of regents to  
6 an athletic event of the state University of Iowa  
7 without charge shall not be eligible to serve as a  
8 trustee.

9 c. If a person or member of the immediate family  
10 of the person receives medical care or services from  
11 the hospital or staff of the hospital at no charge or  
12 reduced charge, the person shall not be eligible to  
13 serve as a trustee.

14 4. The board shall meet every other month and may  
15 hold special meetings on the call of the chairperson.  
16 The meetings of the board shall comply with the  
17 provisions for official meetings open to the public  
18 under chapter 21. The board may adopt rules pursuant  
19 to chapter 17A as it deems necessary for the conduct  
20 of its business. The trustees shall be reimbursed for  
21 actual expenses while engaged in their official  
22 duties.

23 5. The board, with the approval of the state board  
24 of regents, shall:

25 a. Adopt bylaws and rules for its own guidance and  
26 for the government of the hospital.

27 b. Purchase, condemn, or lease a site for the

- 28 hospital, and provide and equip suitable hospital  
29 buildings.
- 30 c. Cause plans and specifications to be subject to  
31 the provisions under section 135.63 regarding  
32 certificate of need for all hospital buildings, and  
33 advertise for bids, as required by law for state  
34 buildings, before making a contract for the  
35 construction of a building.
- 36 d. Procure equipment under bidding and contracting  
37 requirements prescribed by law and procure supplies  
38 necessary for the operation of the hospital.
- 39 e. Have general supervision and care of the  
40 hospital grounds and buildings.
- 41 f. Employ an administrator, and necessary  
42 assistants and employees, and fix their compensation.
- 43 g. Cause one of its members to visit and examine  
44 the hospital at least twice each month.
- 45 h. Determine whether or not a patient is indigent  
46 and entitled to free treatment, and fix the price to  
47 be paid by other patients admitted to the hospital.
- 48 i. Fix at the regular August meeting in each year,  
49 the amount necessary for the improvement and  
50 maintenance of the hospital and for support of

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- 1 ambulance service during the ensuing fiscal year, and  
2 cause the president and the secretary to certify the  
3 amount to the state board of regents before September  
4 1 of each year.
- 5 j. File with the state board of regents and the  
6 legislative council during the fourth week in July of  
7 each year, a report covering their proceedings with  
8 reference to the hospital, and a statement of all  
9 receipts and expenditures during the preceding fiscal  
10 year which are not otherwise covered in reporting  
11 requirements elsewhere in the statutes.
- 12 6. The administrator of the hospital shall serve  
13 as the administrative officer to the board and shall  
14 be responsible for implementing policies and programs.  
15 The administrator may employ other persons necessary  
16 to carry out the programs of the board.
- 17 Sec. \_\_\_\_\_. NEW SECTION. 262.12A BOARD OF TRUSTEES  
18 UNDER BOARD.
- 19 The state board of regents shall maintain a board  
20 of trustees over the hospitals, medical service  
21 clinics, and medical service laboratories of the state  
22 University of Iowa. The state board of regents shall  
23 delegate responsibilities as outlined under section  
24 347.25A to the board of trustees, subject to approvals  
25 deemed necessary by the state board of regents.
- 26 Sec. \_\_\_\_\_. Section 262.44, subsection 1, Code

27 Supplement 1987, is amended by striking the subsection  
28 and inserting in lieu thereof the following:

29 1. Set aside and use portions of the respective  
30 campuses of the institutions of higher education under  
31 its control, namely, the state University of Iowa, the  
32 Iowa State University of science and technology, and  
33 the University of Northern Iowa, as the board  
34 determines are suitable for the acquisition or  
35 construction of the following self-liquidating and  
36 revenue producing buildings and facilities: Student  
37 unions, recreational buildings, auditoriums, stadiums,  
38 field houses, athletic buildings and areas, parking  
39 structures and areas, research equipment if the debt  
40 incurred in its acquisition will be retired by  
41 federal, private, or other lawfully available  
42 nonappropriated funds, and additions to or alterations  
43 of existing buildings or structures.

44 Except as provided for self-liquidating dormitories  
45 and buildings and facilities specifically listed in  
46 this subsection, the state board of regents, or any  
47 bonding authority established by them, shall not issue  
48 any notes, bonds, or other evidence of indebtedness  
49 for construction of other buildings or facilities  
50 without prior approval by the general assembly and the

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1 governor in the manner provided in section 262A.4 for  
2 bonds issued under that chapter.

3 Sec. \_\_\_\_\_. NEW SECTION. 263A.1A BOARD OF TRUSTEES  
4 UNDER BOARD.

5 The state board of regents shall maintain a board  
6 of trustees over the buildings and facilities. The  
7 state board of regents shall delegate responsibilities  
8 as outlined under section 347.25A to the board of  
9 trustees, subject to approvals deemed necessary by the  
10 state board of regents.

11 Sec. 103. INITIAL APPOINTMENTS. Three of the  
12 members appointed to the initial board of trustees  
13 established in section 347.25A shall be designated by  
14 the governor to serve a one-year term, three shall be  
15 designated by the governor to serve two-year terms and  
16 three shall be designated by the governor to serve  
17 three-year terms."

18 48. Page 34, by inserting before line 31 the  
19 following:

20 "Sec. 101. Section 442.4, subsection 1, unnumbered  
21 paragraph 6, Code Supplement 1987, is amended to read  
22 as follows:

23 A school district shall certify its basic  
24 enrollment to the department of education by October 1  
25 of each year, and the department shall promptly

26 forward the information to the department of  
27 management. For purposes of determining whether a  
28 district is entitled to an advance for increasing  
29 enrollment a determination of actual enrollment shall  
30 be made on the third Friday of September in the budget  
31 year by counting the pupils in the same manner and to  
32 the same extent that they are counted in determining  
33 basic enrollment, but substituting the count in the  
34 budget year for the count in the base year. In  
35 addition, a school district shall determine its  
36 additional enrollment because of special education, as  
37 defined in this section 442.38, on December 1 of each  
38 year and ~~if the district is entitled to an advance for~~  
39 ~~special education~~, it shall certify its additional  
40 enrollment because of special education to the  
41 department of education by December 15 of each year,  
42 and the department shall promptly forward the  
43 information to the department of management.

44 For the purposes of this chapter, "additional  
45 enrollment because of special education" is determined  
46 by multiplying the weighting of each category of child  
47 under section 281.9 times the number of children in  
48 each category totaled for all categories minus the  
49 actual enrollment.

50 Sec. 102. Section 442.4, subsection 6, unnumbered

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1 paragraph 2, Code Supplement 1987, is amended to read  
2 as follows:

3 Commencing with the school year beginning July 1,  
4 ~~1981~~ 1988, and each school year thereafter, the  
5 weighted enrollment shall be determined on the basis  
6 of a count of a district's additional enrollment  
7 because of special education, as defined in ~~section~~  
8 ~~442.38~~ subsection 1, on December 1 of the base year."

9 49. Page 35, line 9, by striking the word and  
10 figure "section 442.38" and inserting the following:  
11 "subsection 1".

12 50. Page 38, by inserting after line 19 the  
13 following:

14 "Sec. 103. Section 442.26, unnumbered paragraph 2,  
15 Code 1987, is amended to read as follows:

16 All state aids paid under this chapter, unless  
17 otherwise stated, shall be paid in monthly  
18 installments beginning on September 15 of a budget  
19 year and ending on June 15 of the budget year and the  
20 installments shall be as nearly equal as possible as  
21 determined by the department of management, taking  
22 into consideration the relative budget and cash  
23 position of the state resources. However, the state  
24 aids paid to school districts under section 442.28

25 shall be paid in monthly installments beginning on  
 26 December 15 and ending on June 15 of a budget year and  
 27 state aids paid to school districts under section  
 28 442.38 shall be paid in monthly installments beginning  
 29 on February 15 and ending on June 15 of a budget  
 30 year."

31 51. Page 40, by inserting after line 2 the  
 32 following:

33 "Sec. 104. Section 442.38, Code 1987, is  
 34 repealed."

35 52. Page 40, line 7, by striking the words and  
 36 figures "subsections 5 and 6" and inserting the  
 37 following: "subsection 6".

38 53. Page 40, by striking lines 9 through 11 and  
 39 inserting the following:

40 "Sec. \_\_\_\_\_. Sections 55 through 63 and 100 through  
 41 104 of this Act".

42 54. Page 40, line 14, by inserting after the  
 43 figure "50" the following: ", 55 through 64, and 100  
 44 through 104".

45 55. By numbering and renumbering sections and  
 46 correcting internal references as necessary.

The House stood at ease at 2:08 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—6119 to Senate File 2312 at 4:10 p.m., Speaker Avenson in the chair.

Hammond of Story asked and received unanimous consent to defer action on amendment H—6186.

Jochum of Dubuque offered the following amendment H—6212, to the committee amendment H—6119, filed by him from the floor and moved its adoption:

H—6212

1 Amend the amendment H—6119 to Senate File 2312, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 2, line 2, by striking the word "e" and  
 5 inserting the following: "f".

6 2. Page 6, line 42, by striking the words and  
 7 figure "before line 36" and inserting the following:  
 8 "after line 35".

9 3. Page 7, line 29, by striking the word "Sec.  
 10 \_\_\_\_\_." and inserting the following: "Sec. 200."

11 4. Page 8, line 40, by inserting after the word  
 12 "director" the following: "if an executive director  
 13 is employed".

14 5. Page 12, line 11, by striking the word and

- 15 figure "Sec. 103." and inserting the following: "Sec.
- 16 \_\_\_\_\_."
- 17 6. Page 13, line 43, by striking the word "and".
- 18 7. Page 13, line 44, by inserting after the
- 19 figure "104" the following: "and 200".

Amendment H-6212 was adopted.

Daggett of Adams offered the following amendment H-6184, to the committee amendment H-6119, filed by him and moved its adoption:

H-6184

- 1 Amend the amendment, H-6119, to Senate File 2312,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 1, line 36, through page 2,
- 5 line 46.

Amendment H-6184 lost.

Miller of Cherokee offered the following amendment H-6229, to the committee amendment H-6119, filed by him from the floor:

H-6229

- 1 Amend the amendment, H-6119, to Senate File 2312,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking line 12 and inserting the
- 5 following:
- 6 "..... \$ 5,231,825
- 7 It is the intent of the general assembly that as a
- 8 condition, limitation, and qualification of the
- 9 appropriation in this subsection the department shall
- 10 expend moneys to provide additional assistance to
- 11 school districts to implement the school standards
- 12 adopted by the state board of education under section
- 13 256.17." "
- 14 2. Page 5, by inserting after line 31 the
- 15 following:
- 16 "\_\_\_\_\_. Page 22, by inserting after line 7 the
- 17 following:
- 18 "Sec. \_\_\_\_\_. Section 256.17, unnumbered paragraph 2,
- 19 Code Supplement 1987, is amended to read as follows:
- 20 Notwithstanding the standards included in section
- 21 256.11, not later than July 1, 1987, the state board
- 22 shall adopt rules establishing new standards for
- 23 accredited schools. The rules shall be adopted under
- 24 chapter 17A and shall require that schools and school
- 25 districts meet the standards adopted by the state
- 26 board not later than July 1, ~~1989~~ 1990. Standards

27 adopted by the state board specifically relating to  
 28 the number of instructional days and length of the  
 29 school day for kindergarten programs take effect July  
 30 1, 1993.

31 Sec. \_\_\_\_\_. The legislative council is requested to  
 32 establish a study committee composed of members of the  
 33 house and senate committees on education from both  
 34 political parties to conduct a comprehensive study of  
 35 the provision of vocational education courses for  
 36 secondary school students. The study shall include,  
 37 but not be limited to, the vocational education  
 38 requirements contained in the rules adopted by the  
 39 state board of education pursuant to section 256.17,  
 40 the courses offered by school districts, the costs of  
 41 offering the various areas of vocational education  
 42 courses, enrollment trends, and the feasibility of  
 43 alternative means of offering vocational education  
 44 courses, including but not limited to, requiring that  
 45 secondary school vocational education courses be  
 46 provided by the area schools in either the high school  
 47 or area school setting or an alternative setting.

48 The study committee shall submit a report of its  
 49 recommendations to the legislative council and the  
 50 general assembly meeting in 1989.

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1 Sec. \_\_\_\_\_. The legislative fiscal bureau shall  
 2 conduct a survey of school districts to determine the  
 3 feasibility of requiring that the kindergarten program  
 4 operate a minimum of one hundred eighty days and meet  
 5 a minimum school day time requirement of four and one-  
 6 half hours. The survey shall include an inventory of  
 7 additional space requirements and the availability of  
 8 vacant classrooms in school district facilities,  
 9 additional staff requirements, availability of  
 10 educational materials, and transportation needs.

11 The legislative fiscal bureau shall report the  
 12 results of the survey to the chairpersons and ranking  
 13 members of the senate and house committees on  
 14 education not later than December 1, 1988." "

Connors of Polk in the chair at 4:28 p.m.

Miller of Cherokee moved the adoption of amendment H—6229,  
 to the committee amendment H—6119.

Roll call was requested by Miller of Cherokee and Daggett of  
 Adams.

Rule 75 was invoked.



On the question "Shall amendment H—6229, to the committee amendment H—6119, be adopted?" (S.F. 2312)

The ayes were, 43:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Cooper	Corey
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schneklath
Shoning	Skow	Stueland	Svoboda
Tyrrell	Van Camp	Van Maanen	

The nays were, 53:

Adams	Arnould	Avenson	Beatty
Bisignano	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Corbett
Doderer	Dvorsky	Fey	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Knapp
Koenigs	May	Metcalf	Muhlbauer
Neuhauser	Norrgard	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Siegrist	Spear
Swartz	Tabor	Teaford	Wise
Mr. Speaker (Connors)			

Absent or not voting, 4:

Johnson	Parker	Stromer	Swearingen
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Amendment H—6229 lost.

Jochum of Dubuque offered the following amendment H—6233, to the committee amendment H—6119, filed from the floor by him and Teaford of Black Hawk and moved its adoption:

H—6233

- 1 Amend the amendment, H—6119, to Senate File 2312,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking line 12 and inserting the
- 5 following:
- 6 " " ..... \$5,337,825

7 It is the intent of the general assembly that as a  
 8 condition, limitation, and qualification of the  
 9 appropriation in this subsection, the department shall  
 10 expend moneys for the development of model human  
 11 growth and development curricula for grades  
 12 kindergarten through twelve and for the identification  
 13 and dissemination of information about early interven-  
 14 tion programs for students who are at the greatest  
 15 risk of suffering from the problems of dropping out of  
 16 school, substance abuse, adolescent pregnancy, or  
 17 suicide.””

Amendment H—6233 was adopted.

Jochum of Dubuque offered the following amendment H—6171,  
 to the committee amendment H—6119, filed by him and Maulsby of  
 Calhoun and moved its adoption:

H—6171

1 Amend amendment, H—6119 to Senate File 2312 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 3, by striking lines 22 through 39 and  
 5 inserting the following: “million seven hundred  
 6 ninety-five eight hundred twenty-seven (53,795,827)  
 7 dollars to be allocated as follows:

8	(1) Merged Area I .....	\$ 2,494,872
9	(2) Merged Area II .....	\$ 3,098,246
10	(3) Merged Area III .....	\$ 2,905,157
11	(4) Merged Area IV .....	\$ 1,427,185
12	(5) Merged Area V .....	\$ 3,239,688
13	(6) Merged Area VI .....	\$ 3,239,235
14	(7) Merged Area VII .....	\$ 4,301,483
15	(8) Merged Area IX .....	\$ 4,424,934
16	(9) Merged Area X .....	\$ 7,083,862
17	(10) Merged Area XI .....	\$ 6,849,985
18	(11) Merged Area XII .....	\$ 3,218,460
19	(12) Merged Area XIII .....	\$ 3,340,208
20	(13) Merged Area XIV .....	\$ 1,415,447
21	(14) Merged Area XV .....	\$ 4,198,779
22	(15) Merged Area XVI .....	\$ 2,558,286”.

23 2. Page 3, by inserting after line 46 the  
 24 following:

25 “\_\_\_\_\_ Page 18, by striking lines 7 through 23 and  
 26 inserting the following: “the amount of eight hundred  
 27 twenty-eight thousand twelve (828,012) dollars to be  
 28 allocated as follows:

29	a. Merged Area I .....	\$ 65,152
30	b. Merged Area II .....	\$ 50,567
31	c. Merged Area III .....	\$ 33,891

32	d.	Merged Area IV	\$	23,204
33	e.	Merged Area V	\$	60,042
34	f.	Merged Area VI	\$	34,514
35	g.	Merged Area VII	\$	57,884
36	h.	Merged Area IX	\$	69,103
37	i.	Merged Area X	\$	97,180
38	j.	Merged Area XI	\$	142,463
39	k.	Merged Area XII	\$	46,200
40	l.	Merged Area XIII	\$	40,972
41	m.	Merged Area XIV	\$	20,826
42	n.	Merged Area XV	\$	55,026
43	o.	Merged Area XVI	\$	30,988"
44	_____	By striking page 18, line 27 through page		
45	19, line 12,	and inserting the following: "state		
46	financial aid to merged areas the amount of twenty-			
47	three million fifty-five thousand three hundred fifty-			
48	six (23,055,356) dollars, to be accrued as income and			
49	used for expenditures incurred by the area schools			
50	during the fiscal year beginning July 1, 1988, and			

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1	ending June 30, 1989, to be allocated to each area			
2	school as follows:			
3	1.	Merged Area I	\$	1,069,231
4	2.	Merged Area II	\$	1,327,820
5	3.	Merged Area III	\$	1,245,067
6	4.	Merged Area IV	\$	611,651
7	5.	Merged Area V	\$	1,388,438
8	6.	Merged Area VI	\$	1,388,244
9	7.	Merged Area VII	\$	1,843,493
10	8.	Merged Area IX	\$	1,896,400
11	9.	Merged Area X	\$	3,035,941
12	10.	Merged Area XI	\$	2,935,708
13	11.	Merged Area XII	\$	1,379,340
14	12.	Merged Area XIII	\$	1,431,518
15	13.	Merged Area XIV	\$	606,620
16	14.	Merged Area XV	\$	1,799,477
17	15.	Merged Area XVI	\$	1,096,408".
18	_____	By striking page 19, line 19, through page		
19	20, line 3,	and inserting the following: "replacement		
20	payments under section 427A.13, the amount of three			
21	hundred fifty-four thousand eight hundred sixty			
22	(354,860) dollars, to be accrued as income and used			
23	for expenditures incurred by the area schools during			
24	the fiscal year beginning July 1, 1988, and ending			
25	June 30, 1989, to be allocated to each area as			
26	follows:			
27	1.	Merged Area I	\$	27,922
28	2.	Merged Area II	\$	21,671
29	3.	Merged Area III	\$	14,525
30	4.	Merged Area IV	\$	9,924

31	5.	Merged Area V	\$	25,732
32	6.	Merged Area VI	\$	14,792
33	7.	Merged Area VII	\$	24,807
34	8.	Merged Area IX	\$	29,615
35	9.	Merged Area X	\$	41,649
36	10.	Merged Area XI	\$	61,056
37	11.	Merged Area XII	\$	19,800
38	12.	Merged Area XIII	\$	17,559
39	13.	Merged Area XIV	\$	8,925
40	14.	Merged Area XV	\$	23,582
41	15.	Merged Area XVI	\$	13,281".

Amendment H—6171 was adopted.

Tyrrell of Iowa offered the following amendment H—6181, to the committee amendment H—6119, filed by him and moved its adoption:

H—6181

- 1 Amend the amendment, H—6119, to Senate File 2312,
- 2 as amended, passed, and reprinted by Senate, as
- 3 follows:
- 4 1. Page 4, line 27, by inserting after the word
- 5 "met." the following: "A request may be made by the
- 6 board of directors to the state board of education
- 7 following an affirmative vote in the merged area of at
- 8 least sixty percent of the voters voting on the
- 9 proposition at the annual school election or a special
- 10 election called by the board of directors."

Amendment H—6181 lost.

Blanshan of Greene offered the following amendment H—6213, to the committee amendment H—6119, filed by him from the floor and moved its adoption:

H—6213

- 1 Amend the amendment, H—6119, to Senate File 2312,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by inserting after line 33 the
- 5 following:
- 6 "\_\_\_\_\_. Page 21, line 24, by inserting after the
- 7 word "board" the following: ", the task force created
- 8 in section 500 of this Act,."
- 9 2. Page 4, by inserting after line 45 the
- 10 following:
- 11 "\_\_\_\_\_. Page 22, line 5, by inserting after the
- 12 word "assembly" the following: ", the task force
- 13 created in section 500 of this Act,."
- 14 3. Page 7, line 29, by striking the word "Sec.
- 15 \_\_\_\_\_" and inserting the following: "Sec. 500."

Amendment H—6213 was adopted, placing out of order lines 9 and 10 of amendment H—6212, previously adopted, (found on pages 1398 and 1399 of the House Journal).

Daggett of Adams offered the following amendment H—6199, to the committee amendment H—6119, filed by Daggett, et al., and moved its adoption:

H—6199

- 1 Amend the amendment, H—6119, to Senate File 2312,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, by striking line 11 through 13 and
- 5 inserting the following: "systems where those
- 6 remedies are appropriate."
- 7 2. Page 5, by striking lines 24 through 29 and
- 8 inserting the following: "The director of education
- 9 shall".

Amendment H—6199 lost.

Ollie of Clinton offered amendment H—6228, to the committee amendment H—6119, filed from the floor by him and Jochum of Dubuque and requested division as follows:

H—6228

- 1 Amend the amendment, H—6119, to Senate File 2312,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:

H—6228A

- 4 1. Page 5, by inserting after line 31 the
- 5 following:
- 6 "\_\_\_\_\_. Page 22, by inserting after line 7 the
- 7 following:
- 8 "Sec. \_\_\_\_\_. Section 256.17, unnumbered paragraph 2,
- 9 Code Supplement 1987, is amended to read as follows:
- 10 Notwithstanding the standards included in section
- 11 256.11, not later than July 1, 1987, the state board
- 12 shall adopt rules establishing new standards for
- 13 accredited schools. The rules shall be adopted under
- 14 chapter 17A and shall require that schools and school
- 15 districts meet the standards adopted by the state
- 16 board not later than July 1, 1989, except for the
- 17 following:
- 18 1. Schools and school districts are not required
- 19 to meet the standard adopted by the state board
- 20 requiring that ten units of vocational education be
- 21 offered and taught in grades nine through twelve
- 22 unless the general assembly enacts legislation

H—6228A

23 relating to the requirements stated in the standard.  
24 Until that time the occupational education  
25 requirements stated in section 256.11, subsection 6,  
26 paragraph "h", remain in effect.

27 2. Schools and school districts are not required  
28 to meet the standard adopted by the state board  
29 specifically relating to the number of instructional  
30 days and length of the school day for kindergarten  
31 programs on July 1, 1992, unless the general assembly  
32 has adopted legislation that provides additional state  
33 moneys to school districts for the increased costs of  
34 the kindergarten programs. The kindergarten program  
35 standard shall not take effect until the additional  
36 state moneys have been provided.

37 3. Schools and school districts are not required  
38 to meet the requirement stated in the standards that  
39 prohibits an individual who is employed or contracted  
40 for as superintendent from also serving as a principal  
41 in that school or school district unless the general  
42 assembly adopts legislation to prohibit the  
43 combination. The department of education shall review  
44 the literature relating to administrative  
45 organizational structure of schools and make  
46 recommendations for an alternative structure to the  
47 general assembly not later than February 1, 1989.

48 Sec. \_\_\_\_\_. The legislative council is requested to  
49 establish a study committee composed of members of the  
50 house and senate committees on education from both

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1 political parties to conduct a comprehensive study of  
2 the provision of vocational education courses for  
3 secondary school students. The study shall include,  
4 but not be limited to, the vocational education  
5 requirements contained in the rules adopted by the  
6 state board of education pursuant to section 256.17,  
7 the courses offered by school districts, the costs of  
8 offering the various areas of vocational education  
9 courses, enrollment trends, and the feasibility of  
10 alternative means of offering vocational education  
11 courses, including but not limited to, requiring that  
12 secondary school vocational education courses be  
13 provided by the area schools in either the high school  
14 or area school setting or an alternative setting.

15 The study committee shall submit a report of its  
16 recommendations to the higher education task force  
17 created in section 500 of this Act, the legislative  
18 council, and the general assembly meeting in 1989.

19 Sec. \_\_\_\_\_. The legislative fiscal bureau shall  
20 conduct a survey of school districts to determine the  
21 feasibility of requiring that the kindergarten program

H-6228A

22 operate a minimum of one hundred eighty days and meet  
 23 a minimum school day time requirement of four and one-  
 24 half hours. The survey shall include an inventory of  
 25 additional space requirements and the availability of  
 26 vacant classrooms in school district facilities,  
 27 additional staff requirements, availability of  
 28 educational materials, and transportation needs.  
 29 The legislative fiscal bureau shall report the  
 30 results of the survey to the chairpersons and ranking  
 31 members of the senate and house committees on  
 32 education not later than December 1, 1988." "

H-6228B

33 2. Page 7, line 29, by striking the word "Sec.  
 34 \_\_\_\_\_" and inserting the following: "Sec. 500."

Ollie of Clinton asked and received unanimous consent to withdraw amendment H-6228B.

Ollie of Clinton moved the adoption of amendment H-6228A, to the committee amendment H-6119.

Roll call was requested by Ollie of Clinton and Wise of Lee.

On the question "Shall amendment H-6228A, to the committee amendment H-6119, be adopted?" (S.F. 2312)

The ayes were, 92:

Adams	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	Hester
Holveck	Hummel	Jay	Jochum
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	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	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker (Connors)

The nays were, none.

Absent or not voting, 8:

Arnould	Haverland	Hermann	Johnson
Miller	Osterberg	Stromer	Swearingen

Amendment H—6228A was adopted.

Rosenberg of Story offered the following amendment H—6210, to the committee amendment H—6119, filed from the floor by him and Hammond of Story and moved its adoption:

H—6210

- 1 Amend the amendment, H—6119, to Senate File 2312 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, by striking line 30.

Amendment H—6210 lost.

Hammond of Story asked and received unanimous consent to withdraw amendment H—6176, to the committee amendment H—6119, filed by her on April 4, 1988.

Hammond of Story offered the following amendment H—6214, to the committee amendment H—6119, filed by her from the floor and moved its adoption:

H—6214

- 1 Amend the amendment, H—6119, to Senate File 2312,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, line 29, by striking the word "HIGHER"
- 5 and inserting the following: "POSTSECONDARY".
- 6 2. Page 7, line 30, by striking the word "higher"
- 7 and inserting the following: "postsecondary".
- 8 3. Page 7, line 33, by striking the word "higher"
- 9 and inserting the following: "postsecondary".
- 10 4. Page 7, by inserting after line 38 the
- 11 following:
- 12 "\_\_\_\_\_. An analysis of present and future needs of
- 13 Iowans for postsecondary education."
- 14 5. Page 7, line 45, by striking the word "higher"
- 15 and inserting the following: "postsecondary".
- 16 6. Page 7, line 48, by striking the word "higher"
- 17 and inserting the following: "postsecondary".
- 18 7. Page 7, line 50, by striking the word "higher"
- 19 and inserting the following: "postsecondary".
- 20 8. Page 8, line 2, by striking the word "higher"
- 21 and inserting the following: "postsecondary".
- 22 9. Page 8, line 6, by striking the word "higher"



- 23 and inserting the following: "postsecondary".  
24 10. Page 8, line 14, by striking the word  
25 "chairman" and inserting the following: "chair".  
26 11. Page 8, line 23, by striking the word  
27 "November" and inserting the following: "July".  
28 12. Page 8, line 27, by striking the word  
29 "November" and inserting the following: "July".  
30 13. Page 8, line 39, by striking the word  
31 "chairman" and inserting the following: "chair".

Amendment H—6214 was adopted.

Daggett of Adams asked and received unanimous consent to withdraw amendment H—6180, to the committee amendment H—6119, filed by him on April 4, 1988.

Siegrist of Pottawattamie offered the following amendment H—6153, to the committee amendment H—6119, filed by Siegrist, et al., and moved its adoption:

H—6153

- 1 Amend the amendment, H—6119, to Senate File 2312,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 9, line 8, by inserting after the word  
5 "Iowa" the following: "or any other approved employee  
6 organization established under chapter 20 upon the  
7 affirmative vote of a majority of the classroom  
8 teachers employed by the school".  
9 2. Page 9, line 14, by inserting after the word  
10 "Iowa" the following: "or any other approved employee  
11 organization established under chapter 20 upon the  
12 affirmative vote of a majority of the classroom  
13 teachers employed by the school".

Amendment H—6153 was adopted.

Hummel of Benton offered the following amendment H—6157, to the committee amendment H—6119, filed by him and moved its adoption:

H—6157

- 1 Amend amendment, H—6119, to Senate File 2312, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 9, by striking lines 4 through 8.

Amendment H—6157 lost.

Poncy of Wapello offered the following amendment H—6160, to the committee amendment H—6119, filed by him and moved its adoption:

H-6160

- 1 Amend the amendment, H-6119, to Senate File 2312,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 10, by striking lines 4 through 8.

Amendment H-6160 was adopted.

Neuhauser of Johnson offered the following amendment H-6143, to the committee amendment H-6119, filed by Neuhauser, et al., and moved its adoption:

H-6143

- 1 Amend the amendment H-6119 to Senate File 2312, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 9, line 15, through page 11,
- 5 line 25.
- 6 2. Page 12, by striking lines 3 through 17.

Roll call was requested by Neuhauser of Johnson and Dvorsky of Johnson.

On the question "Shall amendment H-6143, to the committee amendment H-6119, be adopted?" (S.F. 2312)

The ayes were, 33:

Blanshan	Brammer	Branstad	Cooper
Corbett	Daggett	Diemer	Doderer
Dvorsky	Fuller	Garman	Harbor
Hummel	Lageschulte	Lundby	Maulsby
May	Miller	Neuhauser	Pavich
Pellett	Peters	Petersen, D. F.	Plasier
Platt	Poncy	Royer	Running
Stromer	Swartz	Tyrrell	Van Camp
Van Maanen			

The nays were, 62:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Black	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Corey	De Groot	Eddie
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Hermann
Hester	Holveck	Jay	Jochum
Knapp	Koenigs	Kremer	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Norrgard	Ollie	Osterberg	Parker
Paulin	Peterson, M. K.	Renaud	Renken

Rosenberg	Schnekloth	Schrader	Sherzan
Shoning	Shultz	Siegrist	Skow
Spear	Svoboda	Tabor	Teaford
Wise	Mr. Speaker (Connors)		

Absent or not voting, 5:

Bisignano	Haverland	Johnson	Stueland
Swearingen			

Amendment H—6143 lost.

Mullins of Kossuth offered the following amendment H—6236, to the committee amendment H—6119, filed by her from the floor and moved its adoption:

H—6236

- 1 Amend amendment H—6119 to Senate File 2312 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 I. Page 13, line 4 by striking "1988" and inserting
- 4 "1989".

Amendment H—6236 lost.

Harper of Black Hawk offered the following amendment H—6223, to the committee amendment H—6119, filed from the floor by Harper, Teaford and Shultz and moved its adoption:

H—6223

- 1 Amend the amendment, H—6119, to Senate File 2312 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 12, line 18 through page 13,
- 5 line 34.

Amendment H—6223 lost.

Shultz of Black Hawk offered the following amendment H—6226, to the committee amendment H—6119, filed by him from the floor and moved its adoption:

H—6226

- 1 Amend the amendment, H—6119, to Senate File 2312,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 12, line 18, through page 13,
- 5 line 11.
- 6 2. Page 13, by striking lines 26 through 30 and
- 7 inserting the following: "December 15 and ending on
- 8 June 15 of a budget year and if state aids are paid to
- 9 school districts under section 442.38, they shall be

10 paid in monthly installments beginning on February 15  
11 and ending on June 15 of a budget year.”

12 3. Page 13, line 33, by inserting after the  
13 figure “442.38,” the following: “unnumbered paragraph  
14 1,”.

15 4. Page 13, by striking line 34 and inserting the  
16 following: “amended to read as follows:

17 If a the school districts in an area education  
18 agency transmit the money generated in the districts  
19 as a result of the special education weighting plan to  
20 the area education agency and the area education  
21 agency provides the special education instructional  
22 programs for the school districts in the area and a  
23 school district’s additional enrollment because of  
24 special education determined by the district on  
25 December 1 in the budget year is greater than its  
26 additional enrollment because of special education  
27 determined by the district on December 1 in the base  
28 year, the school district is entitled to an advance  
29 from the state of an amount equal to its district cost  
30 per pupil for the budget year less the amount per  
31 pupil for special education support services, computed  
32 as a part of district cost under section 442.7 for the  
33 budget year multiplied by the district’s increase in  
34 additional enrollment because of special education.  
35 The advance shall be miscellaneous income.”

Amendment H—6226 lost.

Hammond of Story offered the following amendment H—6243, to the committee amendment H—6119, filed from the floor by Hammond, Connolly and Rosenberg and moved its adoption:

H—6243

1 Amend the amendment, H—6119, to Senate File 2312,  
2 as amended, passed and reprinted by the Senate as follows:

3 1. Page 1, line 33, by striking the figure “35”  
4 and inserting the following: “25”.

5 2. Page 1, by striking lines 34 and 35 and in-  
6 serting the following: “line 4.”

7 3. Page 2, line 49, by striking the words and  
8 figure “, unnumbered paragraph 2”.

9 4. Page 2, by inserting after line 50 the  
10 following:

11 “261.85 APPROPRIATION.

12 There is appropriated from the general fund of the  
13 state to the commission for each fiscal year the sum  
14 of two million ~~one~~ six hundred fifty thousand dollars  
15 for the work-study program.”

16 5. Page 3, by striking lines 1 through 5 and  
17 inserting the following:

18 "From moneys appropriated in this section, one  
19 million ~~one~~ five hundred ~~fifty~~ thousand dollars shall  
20 be allocated to institutions of higher education under  
21 the state board of regents and merged area schools and  
22 the remaining ~~one~~ million dollars appropriated in this  
23 section shall be allocated".

A non-record roll call was requested.

The ayes were 49, nays 16.

Amendment H—6243 was adopted.

The House resumed consideration of amendment H—6186, previously deferred.

Hammond of Story asked and received unanimous consent to withdraw amendment H—6186, to the committee amendment H—6119, filed by Hammond, et al., on April 4, 1988.

Speaker Avenson in the chair at 6:22 p.m.

Division of the committee amendment H—6119, as amended, was requested as follows:

H—6119A, Lines 3 through 50, page 1; all of pages 2, 3, 4, 5 and 6; lines 1 through 26 of page 7; lines 18 through 50, page 12; lines 1 through 46, page 13.

H—6119B, Lines 27 through 50, page 7; all of pages 8, 9, 10, 11; lines 1 through 17, page 12.

On motion by Poncy of Wapello, the committee amendment H—6119A, as amended, was adopted.

Harbor of Mills rose on a point of order that the committee amendment H—6119B was not germane.

The Speaker ruled the point well taken and the committee amendment H—6119B not germane.

Jochem of Dubuque asked and received unanimous consent to suspend the rules to consider amendment H—6119B.

Poncy of Wapello moved the adoption of the committee amendment H—6119B, as amended.

A non-record roll call was requested.

The ayes were 42, nays 13.

The committee amendment H—6119B, as amended, was adopted.

Shoultz of Black Hawk in the chair at 6:38 p.m.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H—6161 filed by him on March 31, 1988.

Ollie of Clinton offered the following amendment H—6182 filed by Ollie, et al., and moved its adoption:

H—6182

1 Amend Senate File 2312, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 4, by inserting after line 20 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Notwithstanding 1986 Iowa Acts, chapter  
 6 1246, section 102 and section 103, as amended by 1987  
 7 Iowa Acts, chapter 228, section 7, moneys appropriated  
 8 in those sections that remain unobligated and  
 9 unencumbered on June 30, 1988, shall not revert to the  
 10 general fund on June 30, 1988, but shall remain  
 11 available for expenditure for the purposes specified  
 12 until June 30, 1989."

Amendment H—6182 was adopted.

Beatty of Warren offered the following amendment H—6164 filed by her:

H—6164

1 Amend Senate File 2312, 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. \_\_\_\_\_. Section 392.5, Code 1987, is amended by  
 6 adding the following new unnumbered paragraph after  
 7 unnumbered paragraph 2:  
 8 NEW UNNUMBERED PARAGRAPH. A library board shall  
 9 allow students who are not city residents but who are  
 10 enrolled in school districts whose boundaries are  
 11 within the city or who are enrolled in approved or  
 12 accredited nonpublic schools located in the city to  
 13 use the library and may charge a fee not exceeding  
 14 five dollars per year for that use."

Paulin of Plymouth rose on a point of order that amendment H—6164 was not germane.

The Speaker ruled the point well taken and amendment H—6164 not germane.

Maulsby of Calhoun offered the following amendment H—6140 filed by him and Tyrrell of Iowa and moved its adoption:

H-6140

- 1 Amend Senate File 2312, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 6, by striking lines 23 and 24 and
- 4 inserting the following: "1989, the sum of twenty-
- 5 eight million nine hundred eight thousand four hundred
- 6 fifty (28,908,450) dollars, or as".

Amendment H-6140 was adopted.

Van Maanen of Mahaska asked and received unanimous consent to defer action on amendment H-6206.

Jochum of Dubuque offered the following amendment H-6120 filed by him and moved its adoption:

H-6120

- 1 Amend Senate File 2312 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 10, line 10, by striking the word
- 4 "parttime" and inserting the word "part-time".

Amendment H-6120 was adopted.

Speaker Avenson in the chair at 6:57 p.m.

Daggett of Adams offered the following amendment H-6206, previously deferred, filed from the floor by Van Maanen, Haverland and Daggett and moved its adoption:

H-6206

- 1 Amend Senate File 2312, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 9, by inserting after line 9 the fol-
- 4 lowing:
- 5 "Sec. \_\_\_\_\_. Section 261.9, subsection 5, paragraph
- 6 b, Code Supplement 1987, is amended to read as
- 7 follows:
- 8 b. Which has been certified by the North Central
- 9 Association of Colleges and Secondary Schools
- 10 accrediting agency based on their requirements as of
- 11 April 1, 1969, (1) as a candidate for accreditation by
- 12 such agency or (2) as a school giving satisfactory
- 13 assurance that it has the potential for accreditation
- 14 and is making progress which, if continued, will
- 15 result in its achieving accreditation by such agency
- 16 within a reasonable time, or has been certified by the
- 17 American association of bible colleges as fully
- 18 accredited, or".

Amendment H-6206 lost.

Stromer of Hancock offered the following amendment H—6205 filed by Van Maanen of Mahaska from the floor and moved its adoption:

H—6205

- 1 Amend Senate File 2312, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 12, line 23, through page 13,
- 4 line 9.

Amendment H—6205 lost.

De Groot of Lyon offered the following amendment H—6232 filed by him from the floor and moved its adoption:

H—6232

- 1 Amend Senate File 2312, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 21, line 16, by striking the word
- 4 "February" and inserting the following: "March".

Amendment H—6232 lost.

Ollie of Clinton offered the following amendment H—6194 filed by him and Swartz of Marshall and moved its adoption:

H—6194

- 1 Amend Senate File 2312, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 22, by inserting after line 7 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 256.30, unnumbered paragraph 2,
- 6 Code Supplement 1987, is amended to read as follows:
- 7 The tribal council shall first use moneys
- 8 distributed to it by the department of education for
- 9 the purposes of this section to pay the additional
- 10 costs of salaries for certificated instructional staff
- 11 for educational attainment and full-time equivalent
- 12 years of experience to equal the salaries listed on
- 13 the proposed salary schedule for the school at the Sac
- 14 and Fox Indian settlement for the that school year
- 15 beginning July 1, 1987 as that salary schedule existed
- 16 on May 1, 1987, but the salary for a certificated
- 17 instructional staff member employed on a full-time
- 18 basis shall not be less than eighteen thousand
- 19 dollars. The department of management shall approve
- 20 allotments of moneys appropriated in this section when
- 21 the department of education certifies to the
- 22 department of management that the requirements of this
- 23 section have been met."

Amendment H—6194 was adopted.



Daggett of Adams offered the following amendment H-6179 filed by him and moved its adoption:

H-6179

- 1 Amend Senate File 2312, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, by striking lines 8 through 20.
- 4 2. By striking page 26, line 1, through page 27,
- 5 line 18.

Amendment H-6179 was adopted.

Siegrist of Pottawattamie offered the following amendment H-6162 filed by him and Peterson of Carroll and moved its adoption:

H-6162

- 1 Amend Senate File 2312, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, by inserting after line 20 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 279.19B, unnumbered paragraph
- 6 1, Code 1987, is amended to read as follows:
- 7 The board of directors of a school district shall
- 8 offer an extracurricular contract for varsity head
- 9 coach of the interscholastic athletic activities of
- 10 football, basketball, track not including cross
- 11 country, baseball, softball, volleyball, gymnastics,
- 12 hockey, and wrestling only to an individual possessing
- 13 a teaching certificate with a coaching endorsement
- 14 issued pursuant to chapter 260.

Amendment H-6162 was adopted.

Jochum of Dubuque offered the following amendment H-6172 filed by him and Swartz of Marshall and moved its adoption:

H-6172

- 1 Amend Senate File 2312, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 22, by inserting after line 20 the fol-
- 4 lowing:
- 5 "Sec. \_\_\_\_\_. Notwithstanding 1986 Iowa Acts, chapter
- 6 1246, section 105, subsection 1, paragraph "c", the
- 7 moneys appropriated to the department of education and
- 8 allocated for the development of a mental retardation
- 9 model curriculum shall not revert to the general fund
- 10 of the state on June 30, 1988, but shall remain
- 11 available for expenditure for the purpose specified
- 12 until June 30, 1989."

Amendment H-6172 was adopted.

Rosenberg of Story offered the following amendment H—6193 filed by him and moved its adoption:

H—6193

1 Amend Senate File 2312, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 22, by inserting after line 26 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 282.31, subsection 1, paragraph  
6 b, Code Supplement 1987, is amended by adding the  
7 following new unnumbered paragraph:  
8 NEW UNNUMBERED PARAGRAPH. However, on June 30 of a  
9 school year, if the board of directors of a school  
10 district determines that the number of children under  
11 this paragraph who were counted in the basic  
12 enrollment of the school district on the third Friday  
13 of September of that school year is fewer than the sum  
14 of the number of months all children were enrolled in  
15 the school district under this paragraph during the  
16 school year divided by nine, the secretary of the  
17 school district may submit a claim to the department  
18 of education by August 1 following the school year for  
19 an amount equal to the district cost per pupil of the  
20 district for the previous school year multiplied by  
21 the difference between the number of children counted  
22 and the number of children calculated by the number of  
23 months of enrollment. The amount of the claim shall  
24 be paid by the department of revenue and finance to  
25 the school district by October 1 in the same manner as  
26 the claims are paid under paragraph "a"."

Amendment H—6193 was adopted.

Rosenberg of Story offered the following amendment H—6192 filed by Rosenberg, et al., and moved its adoption:

H—6192

1 Amend Senate File 2312, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. Page 27, line 29, by inserting after the word  
4 "purposes" the following: "and for the establishment  
5 of a consortium consisting of representatives of Iowa  
6 State University, the University of Iowa, and the  
7 University of Northern Iowa as equal participants to  
8 establish and use a process for the exchange and  
9 integration of knowledge among the universities in the  
10 fields including but not limited to food production,  
11 food processing, food preservation, nutrition,  
12 medicine, pharmacy, chemical-free water, clean air,  
13 and environmental safety. The consortium shall also  
14 establish a means for the integration of knowledge

15 across disciplines in each of the universities. In  
16 the establishment of the process for integration and  
17 exchange of knowledge for these purposes, the  
18 consortium shall also develop a process for  
19 disseminating this knowledge to the public for  
20 personal and business use by Iowans”.

Amendment H—6192 was adopted.

Pavich of Pottawattamie offered the following amendment  
H—6155 filed by Pavich, et al., and moved its adoption:

H—6155

1 Amend Senate File 2312, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 34, by inserting after line 28 the  
4 following:  
5 “Sec. \_\_\_\_\_. Section 262.9, Code Supplement 1987, is  
6 amended by adding the following new subsection:  
7 NEW SUBSECTION. 19. Establish a hall of fame for  
8 distinguished graduates at the Iowa braille and sight-  
9 saving school and at the Iowa school for the deaf.”

Amendment H—6155 was adopted.

Ollie of Clinton offered the following amendment H—6215 filed  
from the floor by Ollie, Rosenberg and Poncy and moved its adoption:

H—6215

1 Amend Senate File 2312, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 34, by inserting after line 28 the  
4 following:  
5 “Sec. \_\_\_\_\_. Notwithstanding House File 2444,  
6 section 1, if House File 2444 is enacted by the  
7 Seventy-second General Assembly, the auditor of state  
8 shall monitor the costs of performing examinations of  
9 the state board of regents and shall seek  
10 reimbursement under section 11.5A.”

Amendment H—6215 was adopted.

The House stood at ease at 7:30 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2312  
at 8:08 p.m., Speaker Avenson in the chair.

Fogarty of Palo Alto offered the following amendment H—6248  
filed from the floor by Fogarty, Maulsby, Bennett, Eddie, Stueland,  
Pellett, Mullins, Petersen of Muscatine, Schnekloth, De Groot, Gruhn,  
Osterberg, Schrader, May, Adams, Svoboda, Koenigs, Fuller, Cooper  
and Muhlbauer and moved its adoption:

H-6248

1 Amend Senate File 2312 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 31, by striking line 33 and inserting the  
 4 following:  
 5 " .....\$115,840,995  
 6 It is the intent of the general assembly that as a  
 7 condition, limitation, and qualification of the  
 8 appropriation made in this paragraph, Iowa State  
 9 University shall expend two million (2,000,000)  
 10 dollars for the construction of livestock units for  
 11 cattle and swine research and one million (1,000,000)  
 12 dollars for the purchase of agronomy building  
 13 equipment."  
 14 2. Page 40, line 7, by inserting after the figure  
 15 "6" the following: "and section 49, subsection 3,  
 16 paragraph "a"".

Amendment H-6248 was adopted.

Arnould of Scott offered the following amendment H-6249 filed from the floor by him and Stromer of Hancock and moved its adoption:

H-6249

1 Amend Senate File 2312, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 33, by inserting after line 16 the fol-  
 4 lowing:  
 5 "Sec. 600.  
 6 1. From funds in the state treasury not otherwise  
 7 appropriated there is appropriated to the state board  
 8 of regents for the fiscal year beginning July 1, 1987,  
 9 and ending June 30, 1988, an amount not exceeding  
 10 eleven million one hundred thousand (11,100,000)  
 11 dollars to be allocated to the University of Northern  
 12 Iowa for construction of a power plant addition.  
 13 Notwithstanding section 262.28, the moneys  
 14 appropriated in this section shall not be committed by  
 15 the state board of regents or paid, either in full or  
 16 in part, until the governor has certified to the  
 17 department of revenue and finance that the estimated  
 18 budget resources during the fiscal year are sufficient  
 19 to pay all other appropriations in full and to pay all  
 20 or a portion of the appropriation made in this  
 21 section.  
 22 2. From funds in the state treasury not otherwise  
 23 appropriated, there is appropriated to the state board  
 24 of regents for the fiscal year beginning July 1, 1988,  
 25 and ending June 30, 1989, an amount equal to the dif-  
 26 ference between the amount of the appropriation  
 27 approved by the governor under subsection 1 for the

28 purpose specified in subsection 1 and eleven million  
 29 one hundred thousand (11,100,000) dollars. The  
 30 payment of the appropriation made in this subsection  
 31 is subject to the same restrictions as the  
 32 appropriation made in subsection 1.

33 3. Unobligated or unencumbered funds appropriated  
 34 by subsection 1 for the fiscal year beginning July 1,  
 35 1987, and ending June 30, 1988, remaining on June 30,  
 36 1988, and unobligated or unencumbered funds  
 37 appropriated by subsection 2 for the fiscal year  
 38 beginning July 1, 1988, and ending June 30, 1989,  
 39 remaining on June 30, 1989, shall revert to the  
 40 general fund of the state on September 30, 1990.  
 41 However, if the project for which these funds are  
 42 appropriated is completed prior to June 30, 1990, the  
 43 remaining unobligated or unencumbered funds shall  
 44 revert to the general fund of the state on September  
 45 30 following the end of the fiscal year in which the  
 46 project is completed."

47 2. Page 40, line 7, by inserting after the figure  
 48 "6" the following: "and section 600".

49 3. Page 40, line 14, by striking the word and  
 50 figure "and 50" and inserting the following: ", 50,

**Page 2**

1 and 600".

Amendment H—6249 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2312)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Jay	Jochum	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	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, 3:

Hummel	Plasier	Renken
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Absent or not voting, 2:

Johnson	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.

#### MOTION TO RECONSIDER WITHDRAWN (Senate File 2193)

Corey of Louisa asked and received unanimous consent to withdraw the motion to reconsider Senate File 2193, a bill for an act relating to requirements for approved teacher education programs, filed by him on March 30, 1988.

#### MOTION TO RECONSIDER (Senate File 2304)

I move to reconsider the vote by which Senate File 2304 passed the House on April 5, 1988.

**MUHLBAUER of Crawford**

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 665, a bill for an act authorizing a tax levy for city libraries by petition and referendum.

Also: That the Senate has on April 5, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2113, a bill for an act relating to the dispensing of prescription drugs.

Also: That the Senate has on April 5, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2155, a bill for an act relating to payment of costs of asbestos identification and removal by boards of directors of school districts.

Also: That the Senate has on April 5, 1988, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 5, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2348, a bill for an act relating to certain ambiguities and inconsistencies of the Code as they relate to city government.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 4, 1988. Had I been present, I would have voted "aye" on House Files 105, 529 and 578; Senate Files 370 and 2068.

COREY of Louisa

I was necessarily absent from the House chamber on March 30 and April 4, 1988. Had I been present, I would have voted "aye" on House File 2461 and Senate Files 2051 and 2068.

OLLIE of Clinton

### PRESENTATION OF VISITORS

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

Thirty fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Mary Huggins. By Carpenter of Polk.

Thirty-seven junior high students from Holmes Junior High School, Cedar Falls, accompanied by David Andreason. By Diemer of Black Hawk.

Fifty fifth grade students from Edmunds Elementary School, Des Moines, accompanied by Larry Jones, Barbara James and Nancy McClimen. By Hatch of Polk.

Twenty-eight eighth grade students from Lake View Auburn Middle School, Lake View, accompanied by Bruce Stevens. By Maulsby of Calhoun.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 834 Ways and Means**

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.

## 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 the lease or lease-purchase and disposal of real or personal property by the department of general services and providing certain property tax and sales, services, and use tax exemptions in connection with the lease or lease-purchase and providing a standing appropriation of proceeds previously deposited.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 5, 1988.

**Committee Resolution**, a concurrent resolution relating to the board of regents' ten-year building program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 5, 1988.

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Committee Bill** (Formerly House Study Bill 833), 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, Amanã, 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.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1988.



## RESOLUTIONS FILED

**HCR 124**, by Harper, Teaford, Metcalf, Mullins, Adams, Connors, Hammond, Rosenberg, Osterberg, Ollie, Haverland, Garman and Avenson, a concurrent resolution relating to vocational-technical programs for the 1990's.

Laid over under **Rule 25**.

**HCR 125**, by Haverland, Teaford, Harper, Clark, Mullins, Hatch, Fey, Brammer, Jay, Peterson of Carroll, Hammond, Doderer, Buhr and Rosenberg, a concurrent resolution calling upon the United States Congress to adopt the Act for Better Child Care Services (ABC), H.R. 3660 and S. 1885, to address the pressing need for quality child care in Iowa and the nation.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-6202	H.F.	649	Corbett of Linn
H-6203	H.F.	649	Corbett of Linn
H-6204	H.F.	649	Corbett of Linn
H-6207	H.F.	653	Groninga of Cerro Gordo
H-6208	S.F.	2262	Schrader of Marion
H-6209	H.F.	2443	Rosenberg of Story
H-6211	H.F.	2463	Bennett of Ida
H-6217	H.F.	649	Jay of Appanoose Halvorson of Clayton
H-6218	H.F.	2463	Bennett of Ida
H-6220	S.F.	2092	Dvorsky of Johnson
H-6221	H.F.	2444	Haverland of Polk Chapman of Linn Groninga of Cerro Gordo
H-6222	S.F.	2046	Metcalf of Polk Hansen of Woodbury
H-6224	S.F.	2146	McKean of Jones
H-6225	S.F.	2304	Muhlbauer of Crawford McKinney of Dallas
H-6227	S.F.	2046	Sherzan of Polk
H-6230	H.F.	2444	Renaud of Polk Van Camp of Scott Hammond of Story Doderer of Johnson Shoultz of Black Hawk Tyrrell of Iowa De Groot of Lyon

H—6231	S.F.	2046	Metcalf of Polk
H—6234	S.F.	2263	Black of Jasper
			Tyrrell of Iowa
			Sherzan of Polk
H—6237	S.F.	2263	Black of Jasper
			Tyrrell of Iowa
			Sherzan of Polk
H—6239	H.F.	2348	Senate Amendment
H—6240	H.F.	2113	Senate Amendment
H—6241	S.F.	2262	Gruhn of Dickinson
			Black of Jasper
			Fuller of Hardin
			Running of Linn
			McKean of Jones
			Osterberg of Linn
			Tabor of Jackson
			Teaford of Black Hawk
			Peterson of Carroll
			Harper of Black Hawk
			Pavich of Pottawattamie
			May of Worth
			Schrader of Marion
			Muhlbauer of Crawford
			Blanshan of Greene
			Halvorson of Webster
H—6242	S.F.	2262	Gruhn of Dickinson
			Kremer of Buchanan
H—6244	H.F.	2155	Senate Amendment
H—6245	S.F.	2263	Hatch of Polk
H—6246	S.F.	2263	Hatch of Polk
H—6247	H.F.	2444	Blanshan of Greene
			Beatty of Warren
			Carpenter of Polk
H—6250	H.F.	2462	Bisignano of Polk

On motion by Arnould of Scott, the House adjourned at 8:18 p.m., until 9:00 a.m., Wednesday, April 6, 1988.

# JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day — Fifty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 6, 1988

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

Prayer was offered by Alfred Edwards, Doorkeeper.

The Journal of Tuesday, April 5, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Harbor of Mills, from one hundred sixty-two constituents of the 94th District opposing an increase in beer, wine, or liquor taxing measures.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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 providing for data collection and utilization review, and by providing for other properly related matters.

Also: That the Senate has on April 4, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2086, a bill for an act relating to 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 April 4, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 4, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 4, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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, and revising other provisions relating to the suspension and revocation of licenses by the board.

JOHN F. DWYER, Secretary

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, until his arrival, on request of Stromer of Hancock.

Connors of Polk in the chair at 9:25 a.m.

### MOTION RULED OUT OF ORDER (House Joint Resolution 13)

Schnekloth of Scott asked for unanimous consent to immediately consider House Joint Resolution 13.

Objection was raised.

Schnekloth of Scott moved to immediately consider House Joint Resolution 13.

The Speaker ruled the motion out of order pursuant to Joint Rule 20, limiting bills eligible for consideration.

### SENATE AMENDMENTS CONSIDERED

Gruhn of Dickinson called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-6080:

H-6080

- 1 Amend House File 429 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. By striking, everything after the enacting
- 4 clause and inserting the following:
- 5 Section 1. NEW SECTION. 321.372A PROMPT
- 6 INVESTIGATION OF REPORTED VIOLATION OF FAILING TO OBEY
- 7 SCHOOL BUS WARNING DEVICES.
- 8 The driver of a school bus who observes a violation
- 9 of section 321.372, subsection 3, may prepare a
- 10 written report on a form provided by the department of
- 11 public safety indicating that a violation has

12 occurred. The school bus driver or a school official  
 13 may deliver the report not more than twenty-four hours  
 14 after the violation occurred to a peace officer of the  
 15 state or a peace officer of the county or municipality  
 16 in which the violation occurred. The report shall  
 17 state the time and the location at which the violation  
 18 occurred and shall include the registration plate  
 19 number and a description of the vehicle involved in  
 20 the violation.

21 Not more than forty-eight hours after receiving a  
 22 report of a violation of section 321.372, subsection  
 23 3, from a school bus driver or a school official, the  
 24 peace officer shall investigate the reported violation  
 25 and contact the owner of the motor vehicle involved in  
 26 the reported violation and request that the owner  
 27 supply information identifying the driver in  
 28 accordance with section 321.484. If, from the  
 29 investigation, the peace officer is able to identify  
 30 the driver and has reasonable cause to believe a  
 31 violation of section 321.372, subsection 3, has  
 32 occurred, the peace officer shall prepare a uniform  
 33 traffic citation for the violation and shall  
 34 personally serve it upon the driver of the vehicle."

35 2. Title page, by striking lines 1 through 4 and  
 36 inserting the following: "An Act relating to the  
 37 investigation of a driver of a vehicle violating the  
 38 warning lamps or stop arm of a school bus and  
 39 requiring the issuance of a uniform citation in  
 40 certain circumstances."

The motion prevailed and the House concurred in the Senate amendment H—6080.

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. 429)

The ayes were, 86:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
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	Jochum	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrsgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Schnekloth	Schrader
Shoning	Shoultz	Skow	Spear
Stromer	Stueland	Svoboda	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker (Connors)		

The nays were, 8:

Doderer	Jay	Peters	Renken
Running	Sherzan	Siegrist	Tyrrell

Absent or not voting, 6:

Blanshan	Daggett	Johnson	Parker
Royer	Swartz		

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

Rosenberg of Story called up for consideration **House File 498**, a bill for an act to restrict the possession of ballistic knives and providing for the application of a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H—6081:

H—6081

- 1 Amend House File 498 as passed by the House as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 702.7, Code 1987, is amended
- 6 to read as follows:
- 7 702.7 DANGEROUS WEAPON.
- 8 A "dangerous weapon" is any instrument or device
- 9 designed primarily for use in inflicting death or
- 10 injury upon a human being or animal, and which is
- 11 capable of inflicting death upon a human being when
- 12 used in the manner for which it was designed.
- 13 Additionally, any instrument or device of any sort
- 14 whatsoever which is actually used in such a manner as
- 15 to indicate that the defendant intends to inflict
- 16 death or serious injury upon the other, and which,
- 17 when so used, is capable of inflicting death upon a
- 18 human being, is a dangerous weapon. Dangerous weapons
- 19 include, but are not limited to, any offensive weapon,

20 pistol, revolver, or other firearm, dagger, razor,  
21 stiletto, switchblade knife, or knife having a blade  
22 of three exceeding five inches or longer in length."

23 2. Page 1, by inserting after line 17 the  
24 following:

25 "Sec. 4. Section 724.4, Code Supplement 1987, is  
26 amended to read as follows:

27 724.4 CARRYING WEAPONS.

28 1. A Except as otherwise provided in this section,  
29 a person who goes armed with a dangerous weapon  
30 concealed on or about the person, or who, within the  
31 limits of any city, goes armed with a pistol or  
32 revolver, or any loaded firearm of any kind, whether  
33 concealed or not, or who knowingly carries or  
34 transports in a vehicle a pistol or revolver, commits  
35 an aggravated misdemeanor, provided that this section  
36 shall not apply to any of the following:

37 2. A person who goes armed with a knife concealed  
38 on or about the person, if the person uses the knife  
39 in the commission of a crime, commits an aggravated  
40 misdemeanor.

41 3. A person who goes armed with a knife concealed  
42 on or about the person, if the person does not use the  
43 knife in the commission of a crime:

44 a. If the knife has a blade exceeding eight inches  
45 in length, commits an aggravated misdemeanor.

46 b. If the knife has a blade exceeding five inches  
47 but not exceeding eight inches in length, commits a  
48 serious misdemeanor.

49 4. Subsections 1 through 3 do not apply to any of  
50 the following:

**Page 2**

1 1 a. A person who goes armed with a dangerous  
2 weapon in the person's own dwelling or place of  
3 business, or on land owned or possessed by the person.

4 2 b. Any A peace officer, when the officer's  
5 duties require the person to carry such weapons.

6 3 c. Any A member of the armed forces of the  
7 United States or of the national guard or person in  
8 the service of the United States, when the weapons are  
9 carried in connection with the person's duties as  
10 such.

11 4 d. A correctional officer, when the officer's  
12 duties require, serving under the authority of the  
13 Iowa department of corrections.

14 5 e. Any A person who for any lawful purpose  
15 carries an unloaded pistol, revolver, or other  
16 dangerous weapon inside a closed and fastened  
17 container or securely wrapped package which is too  
18 large to be concealed on the person.

19 6 f. Any A person who for any lawful purpose  
 20 carries or transports an unloaded pistol or revolver  
 21 in any a vehicle inside a closed and fastened  
 22 container or securely wrapped package which is too  
 23 large to be concealed on the person or inside a cargo  
 24 or luggage compartment where the pistol or revolver  
 25 will not be readily accessible to any person riding in  
 26 the vehicle or common carrier.

27 7 g. Any A person while the person is lawfully  
 28 engaged in target practice on a range designed for  
 29 that purpose or while actually engaged in lawful  
 30 hunting.

31 h. A person who carries a knife used in hunting or  
 32 fishing, while actually engaged in lawful hunting or  
 33 fishing.

34 8 i. Any A person who has in the person's  
 35 possession and who displays to any a peace officer on  
 36 demand a valid permit to carry weapons which has been  
 37 issued to the person, and whose conduct is within the  
 38 limits of that permit. No A person shall not be  
 39 convicted of a violation of this section if the person  
 40 produces at the person's trial a permit to carry  
 41 weapons which was valid at the time of the alleged  
 42 offense and which would have brought the person's  
 43 conduct within this exception if the permit had been  
 44 produced at the time of the alleged offense.

45 9 j. A law enforcement officer from another state  
 46 when the officer's duties require the officer to carry  
 47 the weapon and the officer is in this state for any of  
 48 the following reasons:

49 a. (1) The extradition or other lawful removal of  
 50 a prisoner from this state.

### Page 3

1 b. (2) Pursuit of a suspect in compliance with  
 2 chapter 806.

3 e. (3) Activities in the capacity of a law  
 4 enforcement officer with the knowledge and consent of  
 5 the chief of police of the city or the sheriff of the  
 6 county in which the activities occur or of the  
 7 director of public safety."

8 3. Title page, by striking lines 1 and 2 and  
 9 inserting the following: "An Act to revise provisions  
 10 relating to dangerous weapons and the carrying of  
 11 dangerous weapons and knives, and providing  
 12 penalties."

13 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6081.

Rosenberg of Story moved that the bill, as amended by the Senate



and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 498)

The ayes were, 99:

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	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	Shultz
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, 1:

Johnson

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

Kremer of Buchanan called up for consideration **House File 2117**, a bill for an act allowing certain name changes in divorce and annulment decrees, amended by the Senate, and moved that the House concur in the following Senate amendment H-6087:

H-6087

- 1 Amend House File 2117 as passed by the House as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the

4 following:  
 5 "Section 1. Section 595.5, Code 1987, is amended  
 6 to read as follows:  
 7 595.5 SURNAME ADOPTED.  
 8 Upon marriage either A party may request on the  
 9 application for a marriage license a name change to  
 10 that of the other party or to some other surname  
 11 mutually agreed upon by the parties. The names used  
 12 on the marriage license shall become the legal names  
 13 of the parties to the marriage. The marriage license  
 14 shall contain a statement that when a name change is  
 15 requested and affixed to the marriage license, the new  
 16 name is the legal name of the requesting party. If a  
 17 party requests a name change, other than a change of  
 18 surname to that of the other spouse or to a ~~hyphenated~~  
 19 combination of the surnames of both spouses, the party  
 20 shall request approval of the court pursuant to  
 21 chapter 674 and shall submit to the court the  
 22 information required by section 674.2, and upon. Upon  
 23 approval of the court and solemnization of the  
 24 marriage, the clerk of the district court shall send a  
 25 certified copy of the return of marriage to the  
 26 recorder's office in every county in this state where  
 27 real property is owned by either of the parties. The  
 28 judge may approve the name change. The new names and  
 29 the immediate former names shall appear on the return  
 30 of marriage, and the return of marriage shall be  
 31 recorded in the miscellaneous records in the  
 32 recorder's office. An individual ~~can~~ shall have only  
 33 one legal name at any one time."  
 34 2. Title, line 1, by inserting after the word  
 35 "changes" the following: "on an application for  
 36 marriage or".

The motion prevailed and the House concurred in the Senate amendment H-6087.

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

On the question "Shall the bill pass?" (H.F. 2117)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Cooper	Corbett	Corey
De Groot	Diemer	Doderer	Dvorsky

Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Muhlbauer	Mullins	Neuhausser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	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 (Connors)	

The nays were, none.

Absent or not voting, 5:

Daggett	Johnson	Miller	Parker
Sherzan			

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

Spear of Lee called up for consideration **House File 2233**, a bill for an act relating to work programs for inmates of state correctional institutions, amended by the Senate, and moved that the House concur in the following Senate amendment H—6068:

H—6068

- 1 Amend House File 2233 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 4, by striking the word "chapter"
- 4 and inserting the following: "section".

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

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

On the question "Shall the bill pass?" (H.F. 2233)

The ayes were, 93:

Adams	Arnould	Avenson	Beaman
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Beatty	Bennett	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	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	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker (Connors)			

The nays were, none.

Absent or not voting, 7:

Bisignano	Corey	Daggett	Harper
Johnson	Svoboda	Swartz	

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

### HOUSE REFUSED TO CONCUR

Holveck of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-6064:

H-6064

- 1 Amend House File 2316 as passed by the House as
- 2 follows:
- 3 1. Page 1, by inserting after line 15 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 478A.7, Code 1987, is
- 6 repealed."

The motion lost and the House refused to concur in the Senate amendment H—6064.

Lundby of Linn called up for consideration **House File 2336**, a bill for an act relating to the confidentiality of certain records of a library, amended by the Senate, and moved that the House concur in the following Senate amendment H—6078:

H—6078

- 1 Amend House File 2336, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting after line 13 the  
4 following:  
5 "Sec. \_\_\_\_\_. NEW SECTION. 22A.1 DISCLOSURE OF  
6 INFORMATION CONCERNING USE OF VIDEOTAPES — PENALTY.  
7 1. A person engaged in the business of renting,  
8 leasing, loaning, or otherwise distributing for a fee  
9 videotapes or other like items to individuals for  
10 personal use shall not disclose any information which  
11 would reveal the identity of an individual renting,  
12 leasing, borrowing, or otherwise obtaining through the  
13 business a videotape or other like item, except to the  
14 extent permitted by the individual as evidenced by the  
15 individual's written consent or as otherwise provided  
16 in this section. In the absence of consent, the  
17 information may be released to a criminal justice  
18 agency only pursuant to an investigation of a  
19 particular person or organization suspected of  
20 committing a known crime. The information shall be  
21 released only upon a judicial determination that a  
22 rational connection exists between the requested  
23 release of information and a legitimate end and that  
24 the need for the information is cogent and compelling.  
25 2. A person who violates this section commits a  
26 simple misdemeanor."  
27 2. Title page, lines 1 and 2, by striking the  
28 words "of a library." and inserting the following:  
29 "and information concerning individual use of services  
30 provided by libraries and video rental businesses, and  
31 providing a penalty."

The motion prevailed and the House concurred in the Senate amendment H—6078.

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

On the question "Shall the bill pass?" (H.F. 2336)

The ayes were, 90:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
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	Hermann	Hester
Holveck	Hummel	Jay	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrgard	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	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Maanen
Wise	Mr. Speaker (Connors)		

The nays were, 1:

Van Camp

Absent or not voting, 9:

Bisignano	Daggett	Haverland	Jochum
Johnson	Miller	Ollie	Plasier
Svoboda			

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

### RULES SUSPENDED

Buhr of Polk moved to suspend the rules to immediately consider House File 2450.

### CONSIDERATION OF BILLS

#### Ways and Means Calendar

**House File 2450**, 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, was taken up for consideration.

Doderer of Johnson moved that the bill be read a last time now

and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2450)

The ayes were, 31:

Buhr	Carpenter	Chapman	Clark
Diemer	Doderer	Eddie	Groninga
Hammond	Hanson, D. R.	Harper	Haverland
Hermann	Hummel	Koenigs	Kremer
Lageschulte	Maulsby	Metcalf	Miller
Neuhauser	Osterberg	Pellett	Petersen, D. F.
Renken	Rosenberg	Schnekloth	Spear
Stueland	Tabor	Teaford	

The nays were, 65:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Cohoon	Connolly
Cooper	Corbett	Corey	De Groot
Dvorsky	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Harbor	Hatch	Hester
Holveck	Jay	Jochum	Knapp
Lundby	May	McKean	McKinney
Muhlbauer	Mullins	Norrgard	Ollie
Parker	Paulin	Pavich	Peters
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Royer	Running	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Stromer	Swartz	Swearingen
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker (Connors)			

Absent or not voting, 4:

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

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2234**, a bill for an act relating to the starting date and the calendar for schools, deferred and placed on the unfinished business calendar March 30, 1988.

Cohoon of Des Moines offered the following amendment H—5910 filed by the committee on education and moved its adoption:

H—5910

- 1 Amend Senate File 2234, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 2, by inserting after line 20 the follow-
- 4 ing:
- 5 "Sec. 4. NEW SECTION. 442.26A AID REDUCTION FOR
- 6 EARLY SCHOOL STARTS.
- 7 State aid payments made pursuant to section 442.26
- 8 for a fiscal year shall be reduced by one one-hundred-
- 9 eightieth for each day of that fiscal year for which
- 10 the school district begins school before the earliest
- 11 starting date specified in section 279.10, subsection
- 12 1. However, this section does not apply to a school
- 13 district that has received approval from the director
- 14 of the department of education under section 279.10,
- 15 subsection 4, to commence classes for regularly
- 16 established elementary and secondary schools in
- 17 advance of the starting date established in section
- 18 279.10, subsection 1."
- 19 2. Title page, line 2, by inserting after the
- 20 word "schools" the following: "and providing a
- 21 penalty".
- 22 3. By renumbering as necessary.

The committee amendment H—5910 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2234)

The ayes were, 87:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Clark	Cohoon	Connolly
Cooper	Corbett	Corey	De Groot
Diemer	Doderer	Eddie	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
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	Metcalfe	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pellet



Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renken	Rosenberg
Royer	Schneklath	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker (Connors)	

The nays were, 7:

Dvorský	Fey	Groninga	Halvorson, R. N.
Pavich	Renaud	Running	

Absent or not voting, 6:

Chapman	Daggett	Johnson	Parker
Shoultz	Svoboda		

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 Buhr of Polk, the House was recessed at 11:32 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### SENATE AMENDMENTS CONSIDERED

May of Worth called up for consideration **House File 2395**, a bill for an act permitting certain water utilities to become cooperatives and expanding allowable purposes under Chapter 499, amended by the Senate, and moved that the House concur in the following Senate amendment H-6070:

H-6070

- 1 Amend House File 2395 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 28, by inserting after the word
- 4 "customers" the following: "either by secondary line
- 5 or from an alternate energy production facility or
- 6 small hydro facility,".
- 7 2. Title page, line 1, by striking the word
- 8 "cooperatives" and inserting the following:
- 9 "cooperatives, restricting the exemption from the
- 10 application of the provisions of chapter 476 for
- 11 persons furnishing electricity to five or fewer
- 12 customers to those such persons who are furnishing the
- 13 electricity by secondary line, from an alternate
- 14 energy production facility, or small hydro facility,".

The motion prevailed and the House concurred in the Senate amendment H—6070.

May of Worth 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. 2395)

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	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Mausby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasir	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Swartz
Swearingen	Taber	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Connolly	Harbor	Johnson	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.

Lundby of Linn called up for consideration **House File 2406**, a bill for an act relating to access by the citizens' aide to confidential records and proceedings, amended by the Senate, and moved that the House concur in the following Senate amendment H—6168:

H-6168

1 Amend House File 2406, as amended, passed, and  
2 reprinted, by the House, as follows:

3 1. Page 1, line 5, by inserting after the figure  
4 "22.7," the following: "pursuant to an  
5 investigation".

6 2. Page 1, lines 13 and 14, by striking the words  
7 "as described in section 22.7".

8 3. Page 1, line 21, by inserting after the word  
9 "hearings," the following: "with the consent of the  
10 interested party".

11 4. Page 1, line 25, by inserting after the word  
12 "agency," the following: "This subsection does not  
13 permit the examination of records or access to  
14 hearings and proceedings which are the work product of  
15 an attorney under section 22.7, subsection 4, or which  
16 are privileged communications under section 622.10."

The motion prevailed and the House concurred in the Senate amendment H-6168.

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

On the question "Shall the bill pass?" (H.F. 2406)

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	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	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
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, none.

Absent or not voting, 5:

Doderer	Harbor	Johnson	Royer
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 File 2092.

### CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar March 31, 1988.

Parker of Jasper offered the following amendment H—5921 filed by the committee on economic development:

H—5921

- 1 Amend Senate File 2092, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by striking lines 28 through 32 and
- 4 inserting the following: "so that at least fifty-five
- 5 percent of the moneys are for the traditional
- 6 infrastructure category, at least fifteen percent of
- 7 the moneys are for the new infrastructure category,
- 8 and thirty percent of the moneys are for the housing
- 9 category. If moneys allocated to the housing category
- 10 are not used or dedicated by January 1, of the fiscal
- 11 year, the moneys shall be reallocated to the other
- 12 categories that have the most need as determined by
- 13 the department. At least fifty percent of the
- 14 moneys".
- 15 2. Page 2, lines 24 and 25, by striking the words

16 "be below the prevailing market rate" and inserting  
17 the following: "range from zero to five percent".

18 3. Page 3, lines 22 and 23, by striking the words  
19 "be below the prevailing market rate" and inserting  
20 the following: "range from zero to five percent".

21 4. Page 4, line 1, by striking the words ", or  
22 elderly people,".

23 5. Page 4, line 2, by inserting after the word  
24 "housing" the following: "or in meeting the purposes  
25 of the housing trust fund program as described in  
26 section 220.100, subsection 2".

27 6. Page 4, by inserting after line 2, the  
28 following:

29 "\_\_\_\_\_. For purposes of this section:

30 a. "Low-income" means an amount less than or equal  
31 to one hundred fifty percent of the then current  
32 poverty level as published by the federal department  
33 of health and human services in the federal register.

34 b. "Moderate-income" means an amount less than or  
35 equal to three hundred percent of the then current  
36 poverty level as published by the federal department  
37 of health and human services in the federal register."

38 7. Page 4, line 3, by inserting after the figure  
39 "3." the following: "a."

40 8. Page 4, by inserting after line 9 the  
41 following:

42 "b. The Iowa finance authority shall give a  
43 preference in the awarding of assistance to the  
44 following:

45 (1) The assistance will be used to meet the  
46 purposes of the housing trust fund program.

47 (2) The applicant is a nonprofit entity.

48 (3) Programs to assist low income and the  
49 disadvantaged.

50 (4) A project that will qualify for the low-income

## Page 2

1 housing credit under section 42 of the Internal  
2 Revenue Code.

3 (5) A project that will not otherwise qualify for  
4 the low-income housing credit but will provide an  
5 income mix of the residents as described in section  
6 42(g)(1)(A) or (B) of the Internal Revenue Code."

7 9. Page 5, line 16, by striking the word "Two"  
8 and inserting the following: "One".

9 10. Page 5, line 19, by striking the word "five"  
10 and inserting the following: "three".

11 11. Page 5, line 21, by inserting after the  
12 figure "15.287." the following: "Deposits under this  
13 section to the revolving fund in section 15.287 shall  
14 not be made during a fiscal year for which an

15 appropriation from other sources to the revolving fund  
 16 has been made. However, if the amount of such  
 17 appropriations does not equal three million dollars or  
 18 has to be reduced below that amount for any reason,  
 19 deposits under this section shall be made to the  
 20 extent that the amount appropriated, less any  
 21 reduction, is less than three million dollars."

22 12. Page 8, line 19, by striking after the word  
 23 "authority" the following: "treasurer of state".

24 13. Page 11, by inserting after line 1 the  
 25 following:

26 "Sec. \_\_\_\_\_. Section 220.100, subsection 7, Code  
 27 Supplement 1987, is amended by striking the  
 28 subsection."

29 14. Title page, line 8, by inserting after the  
 30 word "program" the following: ", and providing  
 31 effective dates".

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, until his return, on request of Halvorson of Clayton.

Metcalf of Polk offered the following amendment H—6122, to the committee amendment H—5921, filed by her and moved its adoption:

H—6122

1 Amend the Committee amendment, H—5921, to Senate  
 2 File 2092, as amended, passed, and reprinted by the  
 3 Senate, as follows:

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

6 "\_\_\_\_\_. Page 1, lines 8 and 9, by striking the  
 7 words ", new infrastructure, and housing" and  
 8 inserting the following: "and new infrastructure".

9 \_\_\_\_\_. Page 1, line 18, by striking the word  
 10 "three" and inserting the following: "two".

11 \_\_\_\_\_. Page 1, by striking line 20 and inserting  
 12 the following: "category and new infrastructure".

13 \_\_\_\_\_. Page 1, by striking lines 24 through 26 and  
 14 inserting the following: "administered by the  
 15 department.""

16 2. Page 1, line 6, by striking the word  
 17 "category," and inserting the following: "category  
 18 and".

19 3. Page 1, line 7, by striking the word  
 20 "category," and inserting the following: "category."

21 4. Page 1, by striking lines 8 through 13 and  
 22 inserting the following: "At least fifty percent of  
 23 the".

24 5. By striking page 1, line 21 through page 2,

- 25 line 6 and inserting the following:  
26 "\_\_\_\_\_. By striking page 3, line 27 through page 4,  
27 line 14."  
28 6. Page 2, by inserting after line 28 the  
29 following:  
30 "\_\_\_\_\_. Title page, lines 4 and 5, by striking the  
31 words "and housing for needy and elderly"."

A non-record roll call was requested.

The ayes were 36, nays 49.

Amendment H—6122 lost.

Cooper of Lucas in the chair at 2:09 p.m.

Bennett of Ida offered the following amendment H—6188, to the committee amendment H—5921, filed by him and moved its adoption:

H—6188

- 1 Amend the Committee amendment, H—5921, to Senate  
2 File 2092, as amended, passed and reprinted by the  
3 Senate, as follows:  
4 1. Page 1, by inserting after line 2 the  
5 following:  
6 "\_\_\_\_\_. Page 1, line 8, by striking the words "  
7 new infrastructure,".  
8 \_\_\_\_\_. Page 1, line 18, by striking the word  
9 "three" and inserting the following: "two".  
10 \_\_\_\_\_. Page 1, line 20, by striking the words "  
11 the new infrastructure category,".  
12 \_\_\_\_\_. Page 1, line 23, by striking the words "and  
13 the new infrastructure category"."  
14 2. Page 1, by striking lines 6 and 7 and  
15 inserting the following: "infrastructure category".  
16 3. Page 1, by striking line 12 and inserting the  
17 following: "category as determined by".  
18 4. Page 1, by striking lines 18 through 20 and  
19 inserting the following:  
20 "\_\_\_\_\_. By striking page 2, line 35 through page 3,  
21 line 26."  
22 5. Page 2, by inserting after line 28 the  
23 following:  
24 "\_\_\_\_\_. Title page, line 4, by striking the words  
25 "and new"."

A non-record roll call was requested.

The ayes were 30, nays 50.

Amendment H—6188 lost.

Hanson of Delaware offered the following amendment H—6047, to the committee amendment H—5921, filed by Hanson of Delaware, et al., and moved its adoption:

H—6047

- 1 Amend the committee amendment, H—5921, to Senate
- 2 File 2092, as amended, passed, and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, line 13, by striking the words "fifty
- 5 percent" and inserting the following: "one-third".
- 6 2. Page 1, by inserting after line 14 the
- 7 following:
- 8 "\_\_\_\_\_. Page 1, line 34, by striking the word
- 9 "twenty" and inserting the following: "five"."

Roll call was requested by McKean of Jones and Eddie of Buena Vista.

Rule 75 was invoked.

On the question "Shall amendment H—6047, to the committee amendment H—5921, be adopted?" (S.F. 2092)

The ayes were, 57:

Beaman	Bennett	Black	Blanshan
Branstad	Carpenter	Clark	Corbett
Corey	Daggett	De Groot	Diemer
Eddie	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Hermann	Hester	Hummel	Jay
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Osterberg	Paulin	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Renken	Rosenberg
Royer	Schneklath	Schrader	Shoning
Siegrist	Skow	Stromer	Stueland
Svoboda	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 41:

Adams	Arnould	Avenson	Beatty
Bisignano	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Doderer
Dvorsky	Fey	Groninga	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jochum	Knapp	Neuhauser
Norrgard	Ollie	Parker	Pavich
Peters	Platt	Poncy	Renaud
Running	Sherzan	Shoultz	Spear



Swartz  
Mr. Speaker  
(Cooper)

Tabor

Teaford

Wise

Absent or not voting, 2:

Harbor

Johnson

Amendment H—6047 was adopted.

Parker of Jasper offered the following amendment H—6177, to the committee amendment H—5921, filed by him and Halvorson of Webster and moved its adoption:

H—6177

- 1 Amend the Committee amendment, H—5921, to Senate
- 2 File 2092, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 2, line 10, by striking the word "three"
- 5 and inserting the following: "four".
- 6 2. Page 2, line 17, by striking the word "three"
- 7 and inserting the following: "four".
- 8 3. Page 2, line 21, by striking the word "three"
- 9 and inserting the following: "four".

Amendment H—6177 was adopted.

Dvorsky of Johnson offered the following amendment H—6220, to the committee amendment H—5921, filed by him and moved its adoption:

H—6220

- 1 Amend the Committee amendment, H—5921, to Senate
- 2 File 2092, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 2, by striking lines 22 and 23 and
- 5 inserting the following:
- 6 "\_\_\_\_. Page 8, line 19, by striking the words "may
- 7 be invested at the direction of" and inserting the
- 8 following: "shall be invested by the treasurer of
- 9 state in cooperation with"."

Amendment H—6220 was adopted.

On motion by Parker of Jasper, the committee amendment H—5921, as amended, was adopted, placing out of order amendment H—6152 filed by Parker of Jasper on March 31, 1988.

Swartz of Marshall offered the following amendment H—6165 filed by him and Halvorson of Clayton and moved its adoption:

H-6165

- 1 Amend Senate File 2092, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 6, by inserting after the word
- 4 "services," the following: "physical improvements
- 5 under town square and main street programs, physical
- 6 improvements to historic, art, and cultural sites and
- 7 attractions,".

Amendment H-6165 was adopted.

Metcalf of Polk offered the following amendment H-6106 filed by her and moved its adoption:

H-6106

- 1 Amend Senate File 2092 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 5 and 6.
- 4 2. Page 3, line 7, by striking the word
- 5 "services,".

Amendment H-6106 was adopted, placing out of order amendment H-6165, previously adopted.

Gruhn of Dickinson offered the following amendment H-6151 filed by her and moved its adoption:

H-6151

- 1 Amend Senate File 2092, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by inserting after line 5 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 358.20, unnumbered paragraph 1,
- 6 Code Supplement 1987, is amended to read as follows:
- 7 Any sanitary district may by ordinance establish
- 8 just and equitable rates or charges or rentals for the
- 9 utilities and services furnished by it to be paid to
- 10 ~~such the~~ district by every person, firm, or
- 11 corporation whose premises are served by a connection
- 12 to ~~such the~~ utilities and services directly or
- 13 indirectly. ~~Such The~~ rates, charges, or rentals, as
- 14 near as may be in the judgment of the board of
- 15 trustees of the district, shall be equitable and in
- 16 proportion to the services rendered and the cost
- 17 ~~thereof of the services~~, and taking into consideration
- 18 ~~in the case of for each such of the premises~~, the
- 19 quantity of sewage produced ~~thereby~~ and its
- 20 concentration, strength, and pollution qualities. The
- 21 board of trustees may change ~~such the~~ rates, charges,
- 22 or rentals from time to time as it may deem advisable,
- 23 and by ordinance may provide for the collection

24 thereof of the rates, charges, or rentals. The board  
25 is authorized to may contract with any municipality  
26 within the district, whereby such the municipality may  
27 collect or assist in collecting any of such the rates,  
28 charges, or rentals, whether in conjunction with water  
29 rentals or otherwise, and any such municipality is  
30 hereby empowered to may undertake such the collection  
31 and render such the service. Such The rates, charges,  
32 or rentals, if not paid when due, shall constitute a  
33 lien upon the property served by a connection as  
34 aforsaid and shall be collected in the same manner as  
35 other taxes. Assessments for delinquent sewer charges  
36 have equal precedence with ordinary taxes and are not  
37 divested by judicial sale."

Dvorsky of Johnson rose on a point of order that amendment H-6151 was not germane.

The Speaker ruled the point well taken and amendment H-6151 not germane.

Speaker Avenson in the chair at 3:14 p.m.

McKean of Jones called up for consideration the motion to reconsider amendment H-6106 filed by him from the floor and moved to reconsider the vote by which amendment H-6106 (found on page 1450 of the House Journal) was adopted by the House on April 6, 1988.

A non-record roll call was requested.

The ayes were 40, nays 34.

The motion to reconsider prevailed and the House reconsidered amendment H-6106.

Metcalf of Polk moved the adoption of amendment H-6106.

A non-record roll call was requested.

The ayes were 24, nays 47.

Amendment H-6106 lost, placing back in order amendment H-6165, previously 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?" (S.F. 2092)

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	Hester	Holveck
Hummel	Jay	Jochum	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	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	Renken	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, 2:

Metcalf                      Schneklath

Absent or not voting, 1:

Johnson

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

#### UNANIMOUS CONSENT TO CHANGE VOTE

Fogarty of Palo Alto asked and received unanimous consent to change his vote from "nay" to "aye" on amendment H — 6047 to Senate File 2092, and the vote was so recorded.

#### IMMEDIATE MESSAGE

(Senate File 2092)

Arnould of Scott asked and received unanimous consent that Senate File 2092 be immediately messaged to the Senate.

The House stood at ease at 3:34 p.m., until the fall of the gavel.

The House resumed session at 5:53 p.m., Speaker Avenson in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed 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 April 6, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2433, a bill for an act relating to public school vocational education in agriculture technology and creating a council for agricultural education.

Also: That the Senate has on April 6, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 6, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2070, a bill for an act relating to the application of certain transportation safety regulations.

Also: That the Senate has on April 6, 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 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 April 5, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2157, a bill for an act relating to a comprehensive acquired immune deficiency syndrome (AIDS) prevention and intervention plan.

Also: That the Senate has on April 5, 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 2164, a bill for an act relating to the composition of the Iowa economic development board.

Also: That the Senate has on April 6, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 25, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2188, a bill for an act relating to the mobile home annual tax, the property tax credit and rent reimbursement for elderly and disabled individuals by changing the formula used for determining the amount of the annual tax, credit and reimbursement and providing effective dates.

Also: That the Senate has on April 6, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 6, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 6, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2233, a bill for an act relating to the registration of voters in state offices.

Also: That the Senate has on April 5, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2253, a bill for an act to require that students in grades nine through twelve take history and government classes.

Also: That the Senate has on April 6, 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 2284, a bill for an act relating to the disclosure of mental health information.

Also: That the Senate has on April 6, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2291, a bill for an act 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 April 6, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 6, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2303, a bill for an act relating to 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 Senate File 484.

## CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar March 31, 1988.

Hammond of Story in the chair at 6:03 p.m.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—3700 filed by the committee on judiciary and law enforcement and found on page 2493 of the 1987 House Journal.

Jay of Appanoose offered the following amendment H—5985 filed by the committee on judiciary and law enforcement:

H—5985

1 Amend Senate File 484 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. FINDINGS. The general assembly finds  
6 that a situation exists in Iowa's health care provider  
7 industry impacting high quality health care.  
8 Physicians in certain specialty and high-risk areas  
9 are paying high costs for liability insurance.

10 The general assembly further finds that it is in  
11 the public interest that statistical data be obtained  
12 so that an analysis of the cause of unavailability and  
13 unaffordability of liability insurance be undertaken  
14 so that an attempt to determine the cause of the  
15 problems can be made and a long-term solution can be  
16 provided.

17 The general assembly further finds that it is in  
18 the public interest that high quality medical and  
19 hospital services be available to the citizens of Iowa  
20 at reasonable costs. It is in the public interest to  
21 encourage competent physicians to enter into and  
22 remain in the practice of medicine in this state. It  
23 is in the public interest to assure that funds are  
24 available to compensate an injured party while  
25 protecting health care providers from catastrophic  
26 injury liability.

27 Sec. 2. NEW SECTION. 147B.1 SHORT TITLE.

28 This chapter shall be known as the "Health Care  
29 Provider and Patient Assistance Act."

30 Sec. 3. NEW SECTION. 147B.2 DEFINITIONS.

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

33 1. "Administrator" means the compensation fund  
34 administrator appointed pursuant to section 147B.12,  
35 or the administrator's designee.

36 2. "Commissioner" means the commissioner of  
37 insurance.

38 3. "Fund" means the patient catastrophic injury  
39 fund established in section 147B.6.

40 4. "Health care provider" means a person licensed  
41 or certified in this state under chapter 148, 150A,  
42 152, or 153 to provide professional health care  
43 services to an individual during that individual's  
44 medical care, treatment, or confinement.

45 5. "Health services" means clinically related  
46 diagnostic, curative, or rehabilitative services, and  
47 includes alcoholism, drug abuse, and mental health  
48 services.

49 6. "Hospital" means a hospital licensed pursuant  
50 to chapter 135B.



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1 7. "Injured person" means the person during whose  
2 medical treatment or care the acts or omissions of  
3 medical malpractice are determined to have occurred.

4 8. "Injured party" means a party plaintiff to a  
5 medical malpractice action or other person not a party  
6 to the action but who may have a cause of action  
7 against a health care provider or hospital as a result  
8 of an injury alleged to have occurred as a result of  
9 medical malpractice, and includes the injured person.

10 9. "Injury" means a legal harm for which damages  
11 are recoverable in an action arising under this  
12 chapter.

13 10. "Medical malpractice" means acts or omissions  
14 of a health care practitioner in the practice of the  
15 practitioner's profession or occupation, or acts or  
16 omissions of a hospital in patient treatment or care,  
17 including but not limited to negligence, failure to  
18 provide care, breach of contract relating to providing  
19 care, or claim based upon failure to obtain informed  
20 consent for an operation or treatment.

21 Sec. 4. NEW SECTION. 147B.3 QUALIFIED PROVIDER -  
22 - PATIENT.

23 1. A health care provider is qualified to  
24 participate under this chapter if the health care  
25 provider does the following:

26 a. Files with the commissioner proof that the  
27 health care provider is insured with an insurance  
28 company admitted to do business in this state under a  
29 policy of medical liability insurance providing a  
30 minimum of five hundred thousand dollars in coverage.

31 b. Pays a surcharge or special surcharge levied on  
32 the health care provider pursuant to section 147B.6 or  
33 147B.8.

34 2. A hospital is qualified to participate under  
35 this chapter if the hospital does the following:

36 a. Files with the commissioner proof of financial  
37 responsibility in an amount of five hundred thousand  
38 dollars per occurrence. The hospital is qualified as  
39 long as the required proof of financial responsibility  
40 remains effective. Financial responsibility is proven  
41 by providing a certified copy of a professional  
42 liability insurance policy currently in force, with  
43 annual proof of policy renewal required; a notarized  
44 letter from the professional liability insurance  
45 carrier stating that the hospital is covered by a  
46 policy of professional liability insurance, with  
47 annual proof of policy renewal required; the posting  
48 of a bond; or the payment of cash to the commissioner.  
49 If proof of financial responsibility is by  
50 professional liability insurance the hospital shall

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1 provide information evidencing the policy period,  
2 amount of coverage, premium paid, claim form of  
3 policy, and any reservation of rights by the carrier.

4 b. Pays a surcharge or special surcharge levied on  
5 the hospital pursuant to section 147B.6 or 147B.8.

6 3. The commissioner or the commissioner's designee  
7 may permit qualification of a health care provider who  
8 has retired or ceased doing business if the health  
9 care provider files proof of financial responsibility  
10 as required in subsection 1.

11 4. A claim or cause of action against a health  
12 care provider or hospital shall not be denied as a  
13 result of the health care provider or hospital not  
14 being qualified at the time the action is instituted  
15 if the health care provider or hospital was qualified  
16 at the time of the alleged occurrence. A health care  
17 provider or hospital not qualified at the time of the  
18 alleged occurrence is not qualified under this chapter  
19 by filing proof of financial responsibility and making  
20 payment of the required surcharge subsequent to the  
21 occurrence giving rise to the claim.

22 **Sec. 5. NEW SECTION. 147B.4 EXPRESS CONTRACT**  
23 **ASSURING RESULTS.**

24 Liability shall not be imposed upon a health care  
25 provider or hospital as a result of an alleged breach  
26 of an express or implied contract assuring results to  
27 be obtained by any procedure undertaken in the course  
28 of health care unless the contract is expressly set  
29 forth in writing and is signed by the health care  
30 provider or hospital or by an authorized agent of the  
31 health care provider or hospital. The only exception  
32 to the written requirement shall be when the health  
33 care provider or hospital expressly represents to the  
34 patient in the presence of an employee of the health  
35 care provider or hospital the results to be obtained  
36 from a procedure undertaken. This section does not  
37 exempt a health care provider or hospital from the  
38 standard of due care in administering any procedure  
39 undertaken.

40 **Sec. 6. NEW SECTION. 147B.5 PATIENT ELECTION NOT**  
41 **TO BE BOUND.**

42 1. A patient's exclusive remedy against a health  
43 care provider or hospital qualifying under section  
44 147B.3 for medical malpractice is the remedy provided  
45 for under this chapter unless the patient has elected  
46 not to be bound by this chapter. A patient may elect  
47 not to be bound by this chapter by filing the election  
48 with the commissioner, pursuant to rules adopted by  
49 the commissioner, in advance of any treatment, act, or  
50 omission upon which a claim may be based, and

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1 notifying the health care provider or hospital of the  
2 election within a reasonable time before any treatment  
3 begins. Failure to provide the required notice is  
4 conclusive evidence of the patient's election to be  
5 bound by this chapter.

6 2. The election to be bound under this section  
7 shall not affect in any way an action against a health  
8 care provider or hospital which is based upon the  
9 common law doctrine of res ipsa loquitur.

10 3. An election by a patient not to be bound by  
11 this chapter is effective for a period of two years  
12 after filing unless the election is withdrawn. The  
13 patient may withdraw the election in writing at any  
14 time by filing the withdrawal with the commissioner.

15 4. A qualified health care provider or hospital  
16 shall provide a patient with notice that the health  
17 care provider or hospital is qualified under this  
18 chapter prior to any treatment, and shall inform the  
19 patient of the patient's right to elect not to be  
20 bound by this chapter. A copy of any notice provided  
21 for under this section must be provided to the patient  
22 or the patient's guardian, signed by the patient or  
23 the patient's guardian, and witnessed by an employee  
24 of the health care provider or hospital after the  
25 notice is explained to the patient or the patient's  
26 guardian by the employee. If the patient is not  
27 provided a copy of the form, the election is invalid.

28 5. An election under this chapter does not apply  
29 to an action brought by a patient based upon an  
30 express or implied contract assuring results.

31 6. Notwithstanding subsections 1 through 5 of this  
32 section, in the case of a medical emergency, when  
33 immediate care and treatment are required and a  
34 patient, or someone authorized to act on the patient's  
35 behalf, is not able or is otherwise not available to  
36 receive notice, a provider shall not be required to  
37 give notice as set forth in this section and for  
38 purposes of the immediate care and treatment received,  
39 the patient shall be deemed to have elected to be  
40 bound by this chapter.

41 **Sec. 7. NEW SECTION. 147B.6 PATIENT CATASTROPHIC**  
42 **INJURY FUND.**

43 1. A patient catastrophic injury fund is created  
44 for the purposes stated in this chapter. The fund and  
45 income from the fund shall be deposited with the  
46 treasurer of state to be used for the payment of  
47 qualifying claims under this chapter, and the fund is  
48 appropriated for that purpose. Appropriations to the  
49 fund are not subject to reversion under section 8.33.

50 The fund shall be wholly responsible for paying

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1 settlements or judgments in excess of the amount of  
2 the combined financial responsibility required under  
3 section 147B.3. If more than one health care provider  
4 or hospital, or both, are liable on a claim, the  
5 combined financial responsibility amounts shall be  
6 primary coverage, and the fund shall constitute  
7 secondary coverage.

8 2. An annual surcharge shall be levied on all  
9 health care providers and hospitals qualifying under  
10 section 147B.3. The surcharge for a health care  
11 provider or hospital is determined by the commissioner  
12 subject to the following limitations:

13 a. The annual surcharge shall not exceed fifty  
14 percent of the annual premium paid by the health care  
15 provider or hospital for maintenance of current  
16 financial responsibility as provided in section  
17 147B.3, or as provided by the commissioner if the  
18 health care provider or hospital proves financial  
19 responsibility by the posting of a bond or the payment  
20 of cash to the commissioner pursuant to section  
21 147B.3.

22 b. The amount of the surcharge shall not exceed  
23 the amount necessary to maintain the fund.

24 3. The surcharge required for qualification under  
25 section 147B.3 is due and payable within thirty days  
26 after the health care provider or hospital has  
27 qualified pursuant to section 147B.3, and is payable  
28 annually thereafter in amounts as determined by the  
29 commissioner.

30 4. If the annual premium surcharge required for  
31 qualification under section 147B.3 is not paid within  
32 the time specified in subsection 3, the qualification  
33 of the health care provider or hospital shall be  
34 suspended until the annual premium surcharge is paid.  
35 The suspension shall not be effective as to patients  
36 claiming against the health care provider or hospital  
37 unless, at least thirty days before the effective date  
38 of the suspension, a written notice giving the date  
39 upon which the suspension becomes effective has been  
40 provided by the commissioner to the health care  
41 provider or hospital.

42 5. All expenses of collecting, protecting, and  
43 administering the funds shall be paid from the fund,  
44 including necessary costs of outside legal counsel.  
45 The attorney general is not responsible for  
46 representation or legal defense of the fund.

47 **Sec. 8. NEW SECTION. 147B.7 COVERAGE BY FUND.**

48 The fund shall provide coverage to the health care  
49 provider or hospital on the same basis as the  
50 underlying professional liability insurance or other

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1 proof of financial responsibility maintained by the  
2 health care provider or hospital.

3 **Sec. 9. NEW SECTION. 147B.8 SPECIAL SURCHARGE —**  
4 **REINSURANCE.**

5 The commissioner may, at any time, analyze the fund  
6 to determine if the amount in the fund is adequate to  
7 pay in full all claims allowed or to be allowed during  
8 the calendar year. If the fund is determined to be  
9 inadequate, the commissioner may levy a special  
10 surcharge on all health care providers and hospitals  
11 who have qualified under this chapter on the date of  
12 the special surcharge or at any time during the  
13 preceding twelve months. The special surcharge shall  
14 be in an amount proportionate to the surcharge each  
15 health care provider or hospital has paid to the fund.  
16 The special surcharge shall be an amount sufficient to  
17 permit full payment of all claims allowed against the  
18 fund during a calendar year. The special surcharge  
19 shall be levied against all health care providers and  
20 hospitals who have qualified under this chapter. The  
21 special surcharge is due and payable within thirty  
22 days after it is levied.

23 The commissioner may cause all or any part of the  
24 potential liability of the fund to be reinsured, if  
25 reinsurance is available on a fair and reasonable  
26 basis. The cost of the reinsurance shall be paid by  
27 the fund and the fact of the reinsurance shall be  
28 taken into account in determining the surcharge or  
29 special surcharge.

30 **Sec. 10. NEW SECTION. 147B.9 SOURCE OF FUNDING**  
31 **FOR PATIENT CATASTROPHIC INJURY FUND.**

32 1. An assessment of one percent is imposed upon  
33 the gross billings for all charges, other than those  
34 involving Medicaid and Medicare, by hospitals  
35 beginning January 1, 1989. The receipts of this  
36 assessment shall be collected by the hospitals and  
37 transferred to the patient catastrophic injury fund  
38 monthly. The assessment created by this section shall  
39 be considered a usual, customary, and reasonable  
40 charge for purposes of third-party reimbursement, and  
41 shall be paid to the charging hospital. The  
42 assessment shall be paid to the fund on a quarterly  
43 basis. The assessment created by this section shall  
44 be charged to and paid in full by the primary payor  
45 directly to the charging hospital. An assessment  
46 shall not be made or collected where no charge is made  
47 by the hospital.

48 2. The assessment on uncollectible billings shall,  
49 upon application by the hospital on a form determined  
50 by the treasurer, be refunded to the paying hospital

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1 out of the fund on a quarterly basis for the quarter  
2 ending six months prior to the start of the quarter in  
3 which the application is made for refund.  
4 3. The assessment pursuant to subsection 1 shall  
5 be implemented on January 1, 1989, and shall only  
6 continue in force and effect until the patient  
7 catastrophic injury fund is found to be actuarially  
8 sound. The determination that the fund is actuarially  
9 sound shall be made by the commissioner. The  
10 assessment shall only be reinstated upon order of  
11 the commissioner based upon evidence that the fund is  
12 no longer actuarially sound. The order shall only be  
13 made following notice and hearing to interested  
14 parties.

15 **Sec. 11. NEW SECTION. 147B.10 LIABILITY OF**  
16 **PATIENT CATASTROPHIC INJURY FUND – STANDING**  
17 **APPROPRIATION.**

18 The patient catastrophic injury fund is liable for  
19 all sums to be paid exceeding five hundred thousand  
20 dollars under a judgment, verdict, award, or  
21 settlement approved by the court with respect to an  
22 occurrence of medical malpractice in this state.

23 There is appropriated from the general fund of the  
24 state to the patient catastrophic injury fund each  
25 fiscal year an amount sufficient to pay any amounts  
26 outstanding for which the fund is liable when all  
27 moneys deposited in the fund for that year have been  
28 expended.

29 **Sec. 12. NEW SECTION. 147B.11 ANNUAL REPORT.**

30 The commissioner shall, pursuant to rules issued by  
31 the commissioner, on or before the first day of  
32 February of each year, provide to the chairpersons,  
33 vice chairpersons, and ranking members of the senate  
34 standing committees on judiciary and commerce, and the  
35 house of representatives standing committees on  
36 judiciary and law enforcement, and small business and  
37 commerce, a report regarding claims filed against the  
38 fund and claims closed involving the fund for the  
39 previous calendar year. However, the report shall not  
40 include any confidential information regarding a claim  
41 currently being litigated or which will be litigated,  
42 or a claim where the parties have entered into or will  
43 enter into discussions intended to result in a  
44 settlement of the claim, if the release of the  
45 information may impede settlement negotiations or  
46 adversely affect either party to the negotiations or  
47 litigation. The report shall contain to the extent  
48 the information is available the following  
49 information:

50 1. Parties to the claims.

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- 1 2. Causes of action.
- 2 3. Amounts reserved or paid per claim, including
- 3 the present value for structured settlements or
- 4 awards.
- 5 4. Legal fees, expert witness fees, court costs,
- 6 or other associated costs of judgments or decrees per
- 7 claim.
- 8 5. Allocated loss adjustment expense.
- 9 6. Administrative costs.
- 10 7. Other claims information as deemed necessary by
- 11 the commissioner.

12 The report is a public record.

13 Sec. 13. NEW SECTION. 147B.12 CLAIM REPORT.

14 1. Each malpractice claim settled or adjudicated  
15 to final judgment against a health care provider or  
16 hospital under this chapter shall be reported to the  
17 commissioner by the plaintiff's attorney and by the  
18 health care provider or hospital or the provider's or  
19 hospital's insurer within sixty days following final  
20 disposition of the claim. The report to the  
21 commissioner shall state the following:

- 22 a. The nature of the claim and date of occurrence.
- 23 b. The alleged injury and the damages asserted.
- 24 c. Attorney's fees and expenses incurred in
- 25 connection with the claim or defense.
- 26 d. The amount of any settlement or judgment.
- 27 e. The name and address of each health care
- 28 provider or hospital assessed any fault or found to be
- 29 liable under chapter 668.

30 2. The commissioner shall forward the name of  
31 every health care provider, except a hospital, against  
32 whom a settlement has been made or judgment has been  
33 rendered to the appropriate licensing board of the  
34 health care provider for any action it deems to be  
35 appropriate under the circumstances.

36 3. The commissioner shall forward the identity of  
37 every hospital against which a settlement has been  
38 made or judgment has been rendered to the department  
39 of inspections and appeals for any action it deems to  
40 be appropriate under the circumstances.

41 Sec. 14. NEW SECTION. 147B.13 CATASTROPHIC  
42 INJURY FUND ADMINISTRATOR.

43 The commissioner may appoint an administrator to  
44 perform all duties and responsibilities pursuant to  
45 this chapter. The administrator shall serve at the  
46 pleasure of the commissioner. The salary and expenses  
47 of the administrator shall be paid from the fund.

48 Sec. 15. NEW SECTION. 147B.14 ADMINISTRATION.

49 The commissioner shall provide staff services  
50 necessary for the implementation of this chapter, or

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1 may contract with an insurance company licensed to do  
2 business in this state, or both, to perform any  
3 administrative duties of the commissioner pursuant to  
4 this chapter. The commissioner shall retain  
5 supervisory control over all services for which a  
6 contract is entered into. All reasonable costs and  
7 charges incurred in the administration of this chapter  
8 shall be paid from the fund.

9 Sec. 16. NEW SECTION. 147B.15 RULES.

10 The commissioner shall adopt rules pursuant to  
11 chapter 17A for the efficient administration of this  
12 chapter in accordance with its terms and intent.

13 Sec. 17. NEW SECTION. 147B.16 INDEMNIFICATION  
14 AGREEMENT.

15 1. A hospital and a health care provider may agree  
16 that the hospital shall indemnify the health care  
17 provider for any liability of the health care provider  
18 arising while the health care provider is providing  
19 services at the hospital. The agreement may also  
20 provide that the hospital shall indemnify the health  
21 care provider for liability arising from services  
22 provided outside of the hospital. The agreement shall  
23 not provide for indemnification of liability arising  
24 from services provided by the health care provider in  
25 another hospital.

26 2. A hospital may, before entering into an  
27 agreement pursuant to this section, require the health  
28 care provider to provide information regarding all  
29 claims filed against the health care provider and  
30 losses resulting from the claims.

31 Sec. 18. NEW SECTION. 147B.17 ADVANCE PAYMENT  
32 NOT ADMISSION.

33 A payment made by a health care provider or  
34 hospital or the health care provider's or hospital's  
35 insurer or surety to or for the patient or any other  
36 person on the patient's behalf in advance of a final  
37 determination of liability shall not be construed as  
38 an admission of liability for injuries or damages  
39 suffered in a medical malpractice action. In the  
40 event of an advance payment, the court shall reduce  
41 the judgment to the plaintiff by the amount of the  
42 advance payment. If the advance payment exceeds the  
43 liability of the defendant, the court shall order any  
44 adjustment necessary to equalize the amount under  
45 which each defendant is obligated to pay and in no  
46 case shall an advance in excess of the amount found to  
47 be due be repayable to the health care provider or  
48 hospital or the issuer or surety making the payment.

49 Sec. 19. NEW SECTION. 147B.18 SETTLEMENT NOT  
50 ADMISSION.



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1 If at any time the health care provider, hospital,  
2 an insurance carrier, a surety, or the fund tenders  
3 payment to the patient or a person acting on the  
4 patient's behalf of any sum for the purpose of  
5 settlement and not as an advance, the tender shall not  
6 be considered an admission of liability by the health  
7 care provider or hospital. Liability or fault is not  
8 deemed admitted as a matter of law.

9 Sec. 20. NEW SECTION. 147B.19 FRIVOLOUS ACTIONS.

10 In all cases against a health care provider or  
11 hospital under this chapter, the court may, in its  
12 discretion, upon application by the prevailing party  
13 and in an amount determined by the court, charge  
14 reasonable attorney fees as costs payable to the  
15 prevailing party, if the court finds that the losing  
16 party did not have a reasonable likelihood of recovery  
17 or a reasonable likelihood of a successful defense.  
18 The charging of costs under this section is the sole  
19 responsibility of the named parties and shall not in  
20 any way be considered a cost of defense or reduce in  
21 any manner insurance coverage provided to either party  
22 thereby reducing the amount of coverage available for  
23 the payment of any judgment rendered against that  
24 party.

25 Sec. 21. NEW SECTION. 147B.20 DEFENSE COSTS.

26 Coverage for medical malpractice under the fund and  
27 under professional liability policies or other items  
28 posted for proof of financial responsibility to comply  
29 with the requirements of this chapter shall include  
30 defense costs and allocation for loss adjustment  
31 expense. Such benefits or coverage shall not in any  
32 way reduce the coverage available to provide for  
33 payment of judgments by a health care provider or  
34 hospital to an injured party.

35 Sec. 22. NEW SECTION. 147B.21 FAILURE TO  
36 QUALIFY.

37 1. A health care provider or hospital who fails to  
38 qualify under this chapter is not covered by this  
39 chapter and is subject to liability under any  
40 applicable doctrine of common law. A patient's  
41 remedies against a nonqualified health care provider  
42 or hospital shall not be affected by this chapter.

43 2. A health care provider need not be a resident  
44 of this state to be eligible for coverage under this  
45 chapter. A nonresident may submit an application to  
46 the commissioner or the commissioner's designee to  
47 qualify for coverage under the terms and conditions  
48 provided by rule.

49 Sec. 23. NEW SECTION. 147B.22 ACTION — AMOUNT  
50 RECOVERABLE — SETTLEMENT.

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1 1. Parties commencing an action governed by the  
2 provisions of this chapter have all rights afforded to  
3 them under common law unless provided otherwise, and  
4 actions shall be commenced and governed as provided  
5 for under the rules of civil procedure.

6 2. The fund shall not be a named party to any  
7 suit. However, notice of suit shall be served upon  
8 the commissioner.

9 3. Payment of policy limits by the health care  
10 provider's or hospital's professional liability  
11 carrier or surety absolves the health care provider or  
12 hospital from any additional individual liability.  
13 The payment of policy or bond limits or any portion  
14 thereof must be coordinated with the fund and shall  
15 not absolve the carrier from participation in the  
16 defense of the fund on behalf of the health care  
17 provider or hospital. The payment of policy or bond  
18 limits or any portion thereof shall not affect the  
19 injured parties' right to a jury trial.

20 4. The fund may participate in the settlement of  
21 claims prior to a health care provider's or hospital's  
22 liability carrier or surety tendering policy limits.

23 5. If multiple health care providers or hospitals  
24 are named as individual defendants, this chapter  
25 applies only to those providers or hospitals who are  
26 qualified under this chapter.

27 Sec. 24. NEW SECTION. 147B.23 STRUCTURED  
28 JUDGMENTS.

29 1. In a medical malpractice action against a  
30 health care provider subject to this chapter, the  
31 verdict shall be itemized to distribute the monetary  
32 damages, if any, between past loss and future loss.  
33 In a trial to the court, the court shall itemize its  
34 findings in accordance with this section.

35 2. The court, in a medical malpractice action  
36 subject to this chapter in which a damage award for  
37 future injuries to a party exceeds one hundred  
38 thousand dollars and upon application of one of the  
39 parties, shall enter a judgment ordering the portion  
40 of the award to the party in excess of one hundred  
41 thousand dollars to be paid in periodic payments,  
42 subject to the limitations contained in this section.  
43 The court shall make a specific finding as to the  
44 dollar amount of regular payments which will be  
45 required to compensate the party periodically for loss  
46 of future income and future noneconomic harm, based  
47 upon the life expectancy of the party and the damages  
48 awarded. The periodic payments shall reflect interest  
49 in accordance with annuity principles. The judgment  
50 shall specify the recipient of the periodic payments,

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1 the dollar amount of each payment, the interval  
2 between payments, and the number of payments required  
3 to be made. The judgment shall specify the amount of  
4 and the purposes for which the balance of the judgment  
5 awarded for the future care and treatment of the party  
6 may be used.

7 3. Attorney fees of the party receiving an award,  
8 if payable out of the judgment, shall be assessed by  
9 the court and applied pro rata against amounts awarded  
10 for past injuries and for future injuries. The amount  
11 determined by the court to be payable out of damages  
12 for future injuries shall be deducted by the court  
13 from the amount to be ordered paid as provided in this  
14 subsection, and shall be deducted pro rata from those  
15 amounts awarded, if any, for loss of future income,  
16 future expenses for care and treatment, and future  
17 noneconomic harm. The amount of attorney fees  
18 attributable to the award for future injuries shall be  
19 payable upon entry of judgment.

20 4. If a judgment has been entered ordering  
21 periodic payments pursuant to this section, the health  
22 care provider's insurer shall pay to the fund the  
23 amount for which the insurer is liable under this  
24 chapter, after apportionment of costs of defense, for  
25 distribution by the fund to the party receiving the  
26 award.

27 5. If a judgment has been entered ordering  
28 periodic payments pursuant to this section, the fund  
29 shall make the payments as ordered or, alternatively,  
30 the fund may purchase an annuity from an insurance  
31 company admitted to do business in this state  
32 sufficient to make the periodic payments.

33 6. If the party receiving the award dies, amounts  
34 to be paid for loss of future income are payable to  
35 those persons to whom the party receiving the award  
36 owed a duty of support. If the party receiving the  
37 award dies prior to payment of the amounts for other  
38 than loss of future income, the judgment is satisfied  
39 upon the payment of all obligations incurred up to the  
40 time of death and of the expenses of final illness and  
41 reasonable burial expenses. Amounts remaining for  
42 other than loss of future income upon satisfaction of  
43 the judgment shall remain in the fund.

44 7. Except with respect to amounts representing  
45 loss of future income, a judgment for future injuries  
46 is a contingent award, and the right to payment vests  
47 only at such times and in such amounts as accrue  
48 pursuant to the order specifying the amount of  
49 periodic payments and the interval of those payments.

50 8. The district court shall retain jurisdiction of

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1 a medical malpractice action in which the judgment in  
2 the action orders periodic payments, and upon the  
3 death of the party receiving the award in the case of  
4 an award for loss of future income, the dependents of  
5 the decedent or any other interested party to the  
6 action or a representative of an interested party, may  
7 petition the court for a modification of the judgment  
8 and for a redesignation of the recipient of the  
9 payments, in accordance with the rights of persons  
10 established by this section. Unless otherwise  
11 ordered, the redesignated recipients of payments for  
12 loss of future income shall be paid in those amounts  
13 and at those intervals specified in the original  
14 judgment. Payments shall continue until the remaining  
15 amounts designated for that purpose have been paid, or  
16 until the death of those dependents, whichever occurs  
17 first. If the last surviving dependent dies prior to  
18 depletion of the amount specified for loss of future  
19 income, the judgment is deemed satisfied upon payment  
20 of amounts accrued up to the time of that death.  
21 Amounts remaining for loss of future income upon  
22 satisfaction of the judgment shall remain in the fund.

23 **Sec. 25. NEW SECTION. 147B.24 MEDIATION SYSTEM.**

24 The commissioner shall establish a mediation system  
25 which consists of mediation panels to assist in the  
26 resolution of disputes, regarding medical malpractice  
27 between an injured party and a health care provider.

28 **Sec. 26. NEW SECTION. 147B.25 REQUEST FOR**  
29 **MEDIATION.**

30 1. An injured party who may have a cause of action  
31 against a health care provider or hospital as a result  
32 of an injury alleged to have occurred as a result of  
33 medical malpractice may file a request for mediation.  
34 However, if the injured party has filed a court action  
35 claiming a cause of action against a health care  
36 provider or hospital as a result of an injury alleged  
37 to have occurred as a result of medical malpractice,  
38 the injured party shall file a request for mediation  
39 within fifteen days after the date of filing.

40 2. A request for mediation must be in writing and  
41 must include all of the following:

- 42 a. The name and address of all injured parties.
- 43 b. The name and address of the injured patient, if  
44 not included in paragraph "a".
- 45 c. The name and address of all health care  
46 providers and hospitals alleged to have committed  
47 medical malpractice resulting in the injury.
- 48 d. The condition or disease for which the health  
49 care provider or hospital was treating the injured  
50 party when the alleged medical malpractice occurred.

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1 e. A brief description of the injury alleged to  
2 have been caused by the health care provider or  
3 hospital.

4 3. a. A request for mediation shall be delivered  
5 to the commissioner in person or by certified mail.  
6 The injured party requesting mediation and all health  
7 care providers named in the request for mediation  
8 shall participate in the mediation.

9 b. An injured party shall pay a filing fee of  
10 eleven dollars at the time the request is filed with  
11 the commissioner.

12 4. If a court action has not been commenced at the  
13 time the request for mediation is filed with the  
14 commissioner, any applicable statute of limitations is  
15 tolled on the date the commissioner receives the  
16 request for mediation if delivered in person or on the  
17 date of mailing if sent by certified mail and remains  
18 tolled until thirty days after the last day of the  
19 mediation period. A court action shall not be  
20 commenced unless a request for mediation has been  
21 filed and the mediation period has expired. An  
22 injured party who has filed a request for mediation  
23 and commences a court action after the expiration of  
24 the mediation period shall notify the commissioner  
25 that a court action has been filed.

26 5. If a court action has been commenced prior to  
27 the time the request for mediation is filed with the  
28 commissioner, any applicable statute of limitations is  
29 tolled during the mediation period.

30 Sec. 27. NEW SECTION. 147B.26 NOTICE TO HEALTH  
31 CARE PROVIDERS AND HOSPITALS.

32 The commissioner shall serve notice upon all health  
33 care providers and hospitals named in the request for  
34 mediation by certified mail within seven days after  
35 the commissioner receives the request if delivered in  
36 person or within ten days after the date of mailing of  
37 the request to the commissioner if sent by certified  
38 mail.

39 Sec. 28. NEW SECTION. 147B.27 MEDIATION PANELS.

40 1. The commissioner shall appoint the members of a  
41 mediation panel and send notice to the claimant and  
42 all respondents by certified mail. The notice shall  
43 inform the claimant and all respondents of the names  
44 of the members appointed to the mediation panel and  
45 the date, time, and place of the first mediation  
46 session. The commissioner may change the date, time,  
47 or place of the mediation session as necessary to  
48 accommodate the parties, but the session shall be held  
49 before the expiration of the mediation period.

50 2. A mediation panel shall consist of the

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1 following members appointed by the commissioner:

2 a. One public member who is neither an attorney  
3 nor a health care provider and who is selected from a  
4 list of ten public member mediators appointed by the  
5 commissioner every two years. A member on the list  
6 may be reappointed to the list.

7 b. One attorney who is licensed to practice law in  
8 this state.

9 c. One health care provider as follows:

10 (1) Except as provided in subparagraphs (4) and  
11 (5), if all respondents named in the request for  
12 mediation are health care providers, a health care  
13 provider who is licensed to practice in this state and  
14 who is selected from a list prepared by the Iowa  
15 medical society.

16 (2) Except as provided in subparagraphs (4) and  
17 (5), if none of the respondents named in the request  
18 for mediation is a health care provider, a health care  
19 provider who is licensed to practice in this state in  
20 the same health care field as the respondent and who  
21 is selected from a list prepared by the examining  
22 board that regulates health care providers in that  
23 health care field.

24 (3) Except as provided in subparagraphs (4) and  
25 (5), if more than one respondent is named in the  
26 request for mediation at least one of whom is a health  
27 care provider and one of whom is a hospital, a health  
28 care provider who is licensed to practice in this  
29 state and who is selected from a list under  
30 subparagraph (1) or (2), as determined by the  
31 commissioner.

32 (4) If the commissioner determines that a list  
33 under subparagraph (1) or (2) is inadequate to permit  
34 the selection of an appropriate health care provider,  
35 a health care provider who is licensed to practice in  
36 this state and who is selected from an additional list  
37 prepared by the commissioner.

38 (5) If the commissioner determines that the lists  
39 under subparagraph (1) or (2) and subparagraph (4) are  
40 inadequate to permit the selection of an appropriate  
41 health care provider for a particular dispute, a  
42 health care provider who is licensed to practice in  
43 this state and is selected by the commissioner.

44 3. If a person appointed to a panel resigns from  
45 or is unable to serve on the mediation panel, the  
46 commissioner shall appoint a replacement selected  
47 pursuant to subsection 2.

48 4. A person shall not serve on a mediation panel  
49 if the person has a professional or personal interest  
50 in the dispute.

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1 5. Each member of the mediation panel is entitled  
2 to one hundred fifty dollars per diem plus actual and  
3 necessary expenses for each day of mediation  
4 conducted. The amounts provided for under this  
5 subsection shall be paid from the mediation fund  
6 established under section 147B.30.

7 6. A person serving as a mediator is immune from  
8 civil liability for any good faith act or omission  
9 within the scope of the mediator's powers and duties  
10 under this chapter.

11 Sec. 29. NEW SECTION. 147B.28 MEDIATION PERIOD.

12 The period for mediation shall expire ninety days  
13 after the commissioner receives a request for  
14 mediation if delivered in person or within ninety-  
15 three days after the date of mailing the request to  
16 the commissioner by certified mail, or within a longer  
17 period agreed to by the claimant and all respondents  
18 and specified by them in writing.

19 Sec. 30. NEW SECTION. 147B.29 PROCEDURE.

20 The mediation shall be conducted without record or  
21 transcript. Physical examinations or production of  
22 records are not allowed, and no witnesses may be  
23 subpoenaed and no oaths may be administered during the  
24 mediation period. However, the mediation panel or any  
25 member of the panel may consult with any expert, and  
26 upon authorization of the commissioner, the expert may  
27 be compensated out of the mediation fund established  
28 under section 147B.30.

29 All patient health care records in the possession  
30 of a mediation panel shall be kept confidential by all  
31 members of the mediation panel and all other persons  
32 participating in the mediation. Any finding,  
33 statement, or opinion made in the course of mediation  
34 is not admissible in any court action.

35 Any person participating in mediation may be  
36 represented by counsel authorized to act for the  
37 person.

38 Sec. 31. NEW SECTION. 147B.30 MEDIATION FUND.

39 A mediation fund is created in the state treasury  
40 to pay the administrative expenses of the mediation  
41 system established in this chapter. Management of the  
42 fund is vested in the commissioner.

43 The mediation fund shall be financed from fees  
44 charged to health care providers and other fees  
45 designated to be deposited in this fund. The  
46 commissioner shall determine by February 1, annually,  
47 the amount needed for the operation of the mediation  
48 system during the succeeding fiscal year. The  
49 commissioner shall assess each health care provider  
50 and hospital an annual fee sufficient to finance the

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1 mediation system. The commissioner shall adopt rules  
2 pursuant to chapter 17A for the collection of the  
3 fees.

4 The commissioner shall submit a report on the  
5 operation of the mediation system and on the status of  
6 the mediation fund on or before March 1 of each year  
7 to the majority leader and minority leader of the  
8 senate, and the speaker, majority leader, and minority  
9 leader of the house of representatives.

10 Sec. 32. NEW SECTION. 519B.1 DEFINITIONS.

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

13 1. "Commissioner" means the commissioner of  
14 insurance.

15 2. "Fund" means the Iowa medical care availability  
16 assistance trust fund.

17 3. "Hospital" means a hospital licensed pursuant  
18 to chapter 135B.

19 4. "Medical malpractice" means acts or omissions  
20 of a health care provider in the practice of the  
21 provider's profession or occupation, or acts or  
22 omissions of a hospital in patient treatment or care,  
23 including but not limited to negligence, failure to  
24 provide care, breach of contract relating to providing  
25 care, or claim based upon failure to obtain informed  
26 consent for an operation or treatment.

27 5. "Physician" means a physician and surgeon  
28 licensed pursuant to chapter 148; an osteopath  
29 licensed pursuant to chapter 150; an osteopathic  
30 physician and surgeon licensed pursuant to chapter  
31 150A; or a dentist licensed pursuant to chapter 153.

32 Sec. 33. NEW SECTION. 519B.2 TRUST FUND — DIS-  
33 TRIBUTIONS.

34 1. The Iowa medical care availability assistance  
35 trust fund is established to be administered by the  
36 commissioner for the purposes set forth in this  
37 chapter. Distributions from the fund shall be made on  
38 an annual basis commencing July 1, 1989, as follows:

39 a. The commissioner shall, on July 1 of each year,  
40 distribute from the fund to each eligible physician an  
41 amount equal to the amount by which the physician's  
42 premium payments for medical liability insurance for  
43 the preceding calendar year exceeded fifteen percent  
44 of the physician's annual gross income derived from  
45 the physician's delivery of medical services for the  
46 preceding calendar year. The physician shall have the  
47 burden of establishing to the commissioner's  
48 satisfaction the gross income derived from the  
49 delivery of medical services in the preceding calendar  
50 year, the amount of premiums paid for medical



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1 liability insurance in the preceding calendar year,  
2 the medical specialty practiced by the physician  
3 during the previous calendar year, and the physician's  
4 eligibility to participate in the premium assistance  
5 plan.

6 b. If the amount in the fund is inadequate to pay  
7 in full all claims to qualified physicians, the amount  
8 paid to each eligible physician shall be prorated.

9 2. The amount of premium payments considered under  
10 this section shall not be less than or exceed the  
11 premium amount necessary for the physician to obtain  
12 medical liability insurance coverage in an amount of  
13 one million dollars per occurrence and three million  
14 dollars annual aggregate. If a physician applying for  
15 assistance is currently paying premiums for coverage  
16 in excess of one million dollars per occurrence and  
17 three million dollars annual aggregate, the department  
18 shall determine the premium amount which would be paid  
19 if coverage were limited to one million dollars per  
20 occurrence and three million dollars annual aggregate.  
21 If more than one policy is in effect during a calendar  
22 year for which application for assistance is made, the  
23 premium paid under each policy shall be prorated by  
24 the number of months the policy is in effect during  
25 that calendar year, and the amounts determined for  
26 each policy for that year shall constitute in total  
27 the premium paid for the calendar year.

28 If a single policy provides coverage for more than  
29 one physician, the commissioner shall determine the  
30 amount of premium to be attributed to the coverage for  
31 the applying physician.

32 3. An eligible physician entitled to a  
33 distribution under this section must file an  
34 application with the commissioner on or before May 1  
35 of the year following the year for which assistance is  
36 sought. Failure to file an application by May 1 of  
37 any year constitutes a waiver of any distribution to  
38 which the physician might have been entitled for the  
39 preceding year. The commissioner shall provide the  
40 application form.

41 4. Prior to making a distribution to an eligible  
42 physician, the commissioner shall obtain an assignment  
43 of any right the physician may have to a dividend,  
44 refund, or reimbursement of premium under the terms of  
45 the physician's medical liability insurance contract  
46 or agreement. Amounts received by the commissioner as  
47 a result of the assignment shall be deposited in the  
48 fund. The commissioner's rights under an assignment  
49 shall not exceed the amount distributed to the  
50 physician under this section.

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1     Sec. 34. NEW SECTION. 519B.3 PHYSICIAN  
2 ELIGIBILITY.

3     1. A physician is eligible to receive a  
4 distribution if the physician files an application for  
5 a distribution as provided in section 519B.2, and  
6 meets the following requirements:

7     a. The physician was engaged in the active  
8 practice of medicine in Iowa during the entire  
9 preceding calendar year.

10    b. The physician was insured with an insurance  
11 company admitted to this state under a policy of  
12 medical liability insurance during the entire  
13 preceding calendar year providing coverage in an  
14 amount of at least one million dollars per occurrence.

15    c. The physician had staff privileges during the  
16 entire preceding calendar year at a hospital in this  
17 state, which had an emergency room and which required  
18 physicians with staff privileges to provide, when  
19 needed, medical care to unassigned patients entering  
20 the hospital through the emergency room. The  
21 physician has the burden of establishing to the  
22 commissioner's satisfaction that the physician was  
23 available to provide medical care to unassigned  
24 patients and that, when needed, did provide medical  
25 care to unassigned patients entering the hospital  
26 through the emergency room.

27    d. The physician has not incurred two or more  
28 claims for medical malpractice resulting in judgments,  
29 awards, or settlements exceeding one hundred twenty-  
30 five thousand dollars each in the preceding five  
31 years. Payment of a claim by an uninsured physician  
32 exceeding one hundred twenty-five thousand dollars  
33 shall be counted when determining the number of  
34 judgments, awards, or settlements under this  
35 paragraph.

36    e. The physician does not have an unsatisfied  
37 medical malpractice judgment which was entered within  
38 the preceding five years, or if one exists, the  
39 physician can show that at least two hundred fifty  
40 thousand dollars of the judgment has been satisfied.

41    2. The burden to establish eligibility under all  
42 criteria in this chapter by clear and convincing  
43 evidence is upon an applying physician.

44     Sec. 35. STUDY OF MEDICAL SERVICES. The division  
45 of insurance shall conduct a study to determine where  
46 the state is experiencing a shortage of needed medical  
47 services, which shall be based on the availability of  
48 physicians by geographic area and medical specialty.  
49 The division shall consider the following factors in  
50 conducting the study:

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1 1. The supply and demand for medical services and  
2 facilities.

3 2. The health of the population in a geographic  
4 area, including mortality, morbidity, and births.

5 3. Any other relevant demographic information  
6 which indicates the need for medical services and  
7 facilities.

8 The results of the study shall be reported on or  
9 before January 15, 1989, to the governor, majority and  
10 minority leaders of the senate, and the speaker and  
11 majority and minority leaders of the house of  
12 representatives.

13 Sec. 36. APPROPRIATION. There is appropriated  
14 from the general fund of the state to the division of  
15 insurance in the department of commerce for the fiscal  
16 year beginning July 1, 1988, and ending June 30, 1989,  
17 one hundred fifty thousand dollars, or as much thereof  
18 as is necessary, for services necessary for the  
19 implementation of sections 32 through 34 this Act. In  
20 addition, the commissioner shall provide an estimate  
21 of the cost of the program and shall provide that  
22 estimate to the governor, majority and minority  
23 leaders of the senate, and the speaker and majority  
24 and minority leaders of the house of representatives  
25 on or before January 15, 1989.

26 Sec. 37. Sections 1 through 31 of this Act apply  
27 only to occurrences after January 1, 1989.

28 Sec. 38. Sections 32 through 34 of this Act take  
29 effect on January 1, 1990, with the initial  
30 distribution to be made to eligible physicians  
31 commencing July 1, 1990, for the 1989 calendar year."

32 2. Title page, by striking lines 1 through 11 and  
33 inserting the following: "An Act relating to health  
34 care providers, hospitals, and patients by providing  
35 for the creation of a patient catastrophic injury fund  
36 for health care providers and hospitals, establishing  
37 a surcharge and a special surcharge to be deposited in  
38 the fund, providing for an assessment on hospital  
39 charges, establishing qualifications for a health care  
40 provider, hospital, or patient to be protected by the  
41 fund, establishing a limitation on the liability of  
42 the fund, and a health care provider or hospital,  
43 establishing a study and certain other powers and  
44 duties of the commissioner of insurance, providing for  
45 indemnification agreements between a hospital and a  
46 health care provider, providing that the Act does not  
47 apply to certain contracts guaranteeing results,  
48 establishing certain reporting requirements, providing  
49 for the appointment of a fund administrator and for  
50 administration of the fund, providing that an advance

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1 payment or a settlement is not an admission of  
 2 liability, providing for liability of defense costs in  
 3 certain actions, authorizing the fund to procure  
 4 reinsurance, providing for structured settlements,  
 5 establishing a mediation system ensuring the  
 6 availability of physicians to all citizens of this  
 7 state by establishing a medical care availability  
 8 assistance plan and trust fund, providing  
 9 appropriations, establishing an effective date, and  
 10 providing for applicability."

Jay of Appanoose offered the following amendment H—6255, to the committee amendment H—5985, filed from the floor by Jay, Groninga and Halvorson of Clayton and moved its adoption:

**H—6255**

1 Amend the amendment, H—5985, to Senate File 484 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 34, by striking the figure  
 5 "147B.12" and inserting the following: "147B.13".  
 6 2. Page 1, by inserting after line 39 the  
 7 following:  
 8 "\_\_\_\_\_. "Future injuries" means all legal harm  
 9 relating to an injury which the trier of fact  
 10 determines will be incurred by the injured party  
 11 subsequent to the entry of judgment."  
 12 3. Page 2, line 31, by striking the words "or  
 13 special surcharge".  
 14 4. Page 2, lines 32 and 33 by striking the word  
 15 and figure "or 147B.8".  
 16 5. Page 3, line 4, by striking the words "or  
 17 special surcharge".  
 18 6. Page 3, line 5, by striking the word and  
 19 figure "or 147B.8".  
 20 7. Page 3, line 6, by striking the words "or the  
 21 commissioner's designee".  
 22 8. Page 3, line 9, by striking the words  
 23 "financial responsibility" and inserting the  
 24 following: "insurance".  
 25 9. Page 3, by inserting after line 21 the  
 26 following:  
 27 "Sec. \_\_\_\_\_. NEW SECTION. 147B.3A NOTICE — AP-  
 28 PLICATION FEE.  
 29 1. Prior to consideration for qualification  
 30 pursuant to this chapter, a health care provider shall  
 31 give notice to the commissioner of the provider's  
 32 intention to qualify. The notice of intention shall  
 33 be accompanied by a one-time application fee of fifty

34 dollars for health care practitioners and five hundred  
35 dollars for hospitals.

36 2. Fees received by the commissioner pursuant to  
37 subsection 1 shall only be expended for purposes of  
38 payment of the reasonable expenses incurred or to be  
39 incurred in the implementation of this chapter.

40 3. To the extent that fees received pursuant to  
41 subsection 1 are in excess of the expenses of  
42 implementation of this chapter, the commissioner shall  
43 transfer the excess fees to the fund.

44 4. Notice and application fees received subsequent  
45 to the implementation of this chapter shall be placed  
46 in the fund upon receipt."

47 10. By striking page 3, line 40 through page 4,  
48 line 40.

49 11. Page 4, by striking lines 47 and 48 and  
50 inserting the following: "qualifying claims under

## Page 2

1 this chapter and administrative expenses of the  
2 mediation system established pursuant to section  
3 147B.24, and the fund is appropriated for those  
4 purposes. Appropriations to the".

5 12. Page 5, by striking lines 13 through 21 and  
6 inserting the following:

7 "a. The annual surcharge shall not exceed the  
8 difference of the premium amount which the health care  
9 provider or hospital would pay annually to maintain a  
10 policy of medical liability insurance providing one  
11 million dollars of coverage less the premium amount  
12 which the health care provider or hospital pays or  
13 would pay to maintain a policy of medical liability  
14 insurance providing five hundred thousand dollars of  
15 coverage."

16 13. Page 5, by striking lines 25 through 27 and  
17 inserting the following: "section 147B.3 is due and  
18 payable at the time the health care provider or  
19 hospital qualifies pursuant to section 147B.3, and is  
20 payable".

21 14. Page 6, by striking lines 3 through 22 and  
22 inserting the following:

23 "Sec. 9. NEW SECTION. 147B.8 REINSURANCE."

24 15. Page 6, lines 28 and 29, by striking the  
25 words "or special surcharge".

26 16. By striking page 6, line 32 through page 7,  
27 line 3 and inserting the following:

28 "1. An assessment of one percent is imposed on  
29 patient billings for inpatient acute care services and  
30 routine and surgical outpatient services, other than  
31 those involving Medicaid or Medicare, by hospitals  
32 beginning January 1, 1989. This assessment shall be

33 collected by the hospital and the assessments received  
 34 shall be remitted by the hospital to the patient cata-  
 35 strophic injury fund monthly. A hospital shall not be  
 36 responsible for the collection or remittance of  
 37 assessments on billings deemed uncollectible by the  
 38 hospital.

39 2. The assessment created by this section shall be  
 40 charged to and paid in full by the primary payor and  
 41 shall be considered a covered benefit for purposes of  
 42 third-party reimbursement. A primary payor's  
 43 obligations under this section shall not be altered by  
 44 contract or agreement."

45 17. Page 7, lines 11 and 12, by striking the  
 46 words "fund is no longer actuarially sound" and  
 47 inserting the following: "reinstatement of the  
 48 assessment is necessary to maintain actuarial  
 49 soundness of the fund".

50 18. Page 7, by inserting after line 28, the

### Page 3

1 following:

2 "Sec. \_\_\_\_\_. NEW SECTION. 147B.10A FUND NOT PART  
 3 OF THE IOWA INSURANCE GUARANTY ASSOCIATION.

4 The fund is not an insurance company or insurer  
 5 under the laws of this state and shall not be a member  
 6 of, nor be entitled to file a claim against, the Iowa  
 7 insurance guaranty association created under chapter  
 8 515B."

9 19. Page 8, by striking lines 13 through 40 and  
 10 inserting the following:

11 "Sec. \_\_\_\_\_. NEW SECTION. 147B.12A PROFESSIONAL  
 12 LIABILITY PREMIUM DISCOUNT.

13 Every insurer providing a policy of professional  
 14 liability insurance to a health care provider in Iowa  
 15 on or after January 1, 1989, shall review the health  
 16 care provider's civil and criminal record for a period  
 17 of not less than five years prior to the effective  
 18 date of any new or renewed policy of insurance.

19 If the record establishes that the health care  
 20 provider is claim-free for the period, the insurer  
 21 shall do one of the following according to rules  
 22 established by the commissioner:

23 1. Discount the provider's premium by an amount to  
 24 be determined annually by the commissioner.

25 2. Issue the health care provider a policy based  
 26 upon a preferred risk selection program, if the  
 27 insurer has previously established such a program.

28 3. Specifically provide within the policy a review  
 29 of the underwriting considerations accounting for the  
 30 fact that the provider has had no claims within the  
 31 last five years. However, the policy may be reviewed

32 by the commissioner for reasonableness of underwriting  
33 considerations, and the commissioner may order that  
34 the underwriting considerations be replaced by a  
35 discount in the minimum amount provided in subsection  
36 1.”

37 20. Page 9, by inserting after line 8, the  
38 following:

39 “The administrator and all persons employed or  
40 contracted with to provide staff services necessary  
41 for the operation of this chapter are employees of the  
42 state for purposes of chapter 25A, but for no other  
43 purposes.”

44 21. Page 10, by striking lines 9 through 24.

45 22. Page 10, line 25, by striking the words  
46 “DEFENSE COSTS” and inserting the following: “COSTS  
47 OF DEFENSE”.

48 23. Page 10, line 26, by striking the word  
49 “Coverage” and inserting the following: “1.  
50 Coverage”.

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1 24. Page 10, by inserting after line 34, the  
2 following:

3 “2. The administrator may employ the services of  
4 outside legal counsel to defend the fund against  
5 claims and to assist a health care provider’s insurer  
6 in defending a claim.

7 3. The administrator may, by agreement with the  
8 health care provider’s insurer, allow the health care  
9 provider’s insurer to provide a defense for a claim  
10 against the health care provider and the fund. The  
11 administrator and the health care provider’s insurer  
12 may agree to any apportionment of the costs of  
13 defense.

14 4. All actual expenses of collecting, protecting,  
15 and administering the fund shall be paid from the  
16 fund, including necessary costs of outside legal  
17 counsel. The attorney general is not responsible for  
18 representation or legal defense of the fund.”

19 25. Page 10, lines 39 and 40, by striking the  
20 words “under any applicable doctrine of” and inserting  
21 the following: “as provided elsewhere in statute or”.

22 26. Page 10, line 48, by inserting after the word  
23 “rule.” the following: “However, the fund shall not  
24 be liable for any occurrence occurring outside of this  
25 state involving a resident or nonresident health care  
26 provider, unless the commissioner has by rule reached  
27 an agreement of reciprocity with the other state.”

28 27. Page 11, line 3, by inserting after the word  
29 “under” the following: “statute or”.

30 28. Page 11, line 30, by inserting after the word

31 "provider" the following: "or hospital".  
 32 29. Page 11, line 36, by inserting after the word  
 33 "award" the following: "against all defendant health  
 34 care providers and hospitals exceeds the financial  
 35 responsibility of those health care providers and  
 36 hospitals required under section 147B.3 and where the  
 37 fund is responsible for paying damages".  
 38 30. Page 12, lines 8 and 9, by striking the words  
 39 "assessed by the court and".  
 40 31. Page 12, line 22, by inserting after the word  
 41 "provider's" the following: "or hospital's".  
 42 32. Page 13, line 27, by inserting after the word  
 43 "provider" the following: "or hospital".  
 44 33. Page 14, line 7, by inserting after the word  
 45 "providers" the following: "and hospitals".  
 46 34. Page 14, line 10, by striking the word  
 47 "eleven" and inserting the following: "twenty".  
 48 35. Page 14, line 11, by inserting after the word  
 49 "commissioner" the following: ", to be deposited in  
 50 the patient catastrophic injury fund created pursuant to

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1 to section 147B.6".  
 2 36. Page 15, line 12, by inserting after the word  
 3 "providers" the following: "licensed under chapter  
 4 148 or 150A".  
 5 37. Page 15, lines 14 and 15, by striking the  
 6 words "Iowa medical society" and inserting the  
 7 following: "board of medical examiners".  
 8 38. Page 15, line 18, by inserting after the word  
 9 "provider" the following: "licensed under chapter 148  
 10 or 150A".  
 11 39. Page 16, by striking lines 5 and 6 and  
 12 inserting the following: "subsection shall be paid  
 13 from the patient catastrophic injury fund created  
 14 pursuant to section 147B.6."  
 15 40. Page 16, by striking lines 21 and 22 and  
 16 inserting the following: "transcript and all parties  
 17 shall be in attendance unless excused by the panel.  
 18 Discovery is not allowed, and no witnesses may be".  
 19 41. Page 16, by striking lines 27 and 28 and  
 20 inserting the following: "be compensated out of the  
 21 patient catastrophic injury fund created pursuant to  
 22 section 147B.6."  
 23 42. By striking page 16, line 38, through page  
 24 17, line 3, and inserting the following:  
 25 "Sec. \_\_\_\_\_. NEW SECTION. 147B.30 MEDIATION SYSTEM  
 26 EXPENSES AND REPORT.  
 27 The administrative expenses of the mediation system  
 28 established in this chapter shall be paid out of the  
 29 patient catastrophic injury fund created pursuant to



30 section 147B.6.”

31 43. Page 17, line 6, by striking the word “fund”  
32 and inserting the following: “system expenses”.

33 44. Page 17, by inserting after line 9 the  
34 following:

35 “Sec. \_\_\_\_\_. Section 258A.4, subsection 1, paragraph  
36 i, unnumbered paragraph 2, Code 1987, is amended to  
37 read as follows:

38 The commissioner of insurance shall by rule in  
39 consultation with the licensing boards enumerated in  
40 section 258A.1 and the department of public health,  
41 require insurance carriers which insure professional  
42 and occupational licensees or hospitals licensed  
43 pursuant to chapter 135B for acts or omissions which  
44 constitute negligence, careless acts or omissions in  
45 the practice of a profession or occupation or patient  
46 care to file reports with the commissioner of  
47 insurance within sixty days following final  
48 disposition of each malpractice claim settled or  
49 adjudicated. If the licensee or hospital is not  
50 insured by an insurance carrier admitted in this

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1 state, the licensee or hospital shall file the report.  
2 The reports shall include information pertaining to  
3 incidents by a licensee which may affect the licensee  
4 as defined by rule, involving an insured of the  
5 insurer the following:

- 6 (1) The nature of the claim and date of
- 7 occurrence.
- 8 (2) The alleged injury and the damages asserted.
- 9 (3) Attorney’s fees and expenses incurred in
- 10 connection with the claim or defense.
- 11 (4) The amount of any settlement or judgment.
- 12 (5) The name and address of the licensee or

13 hospital. The commissioner of insurance shall forward  
14 reports pursuant to this section to the appropriate  
15 licensing board or to the department of public health.  
16 Reports of a settlement shall at the request of any  
17 party to the settlement be confidential and not a  
18 public record.

19 Sec. \_\_\_\_\_. NEW SECTION. 258A.9A DUTIES OF CERTAIN  
20 MEDICAL LICENSEES.

21 1. As used in this section, unless the context  
22 otherwise requires, “licensee” means a person subject  
23 to the authority of a board specified in section  
24 258A.1, subsection 1, paragraph “j”, “l”, or “m”, or  
25 subject to chapter 135B.

26 2. A licensee shall make a report within seven  
27 days to the appropriate licensing authority of any act  
28 which the licensee knows or should reasonably know

29 constitutes malpractice, unauthorized practice, or  
 30 professional misconduct. Where a hospital is a  
 31 licensee, the hospital administrator shall make a  
 32 report within ten days of any such acts by a person  
 33 licensed under chapters 148, 150A, 152, or 153.  
 34 Reports required under this section shall, where  
 35 applicable, be coordinated with a report required  
 36 under section 147.135, subsection 3. Failure to make  
 37 the report is grounds for licensee discipline and a  
 38 civil penalty of not less than five hundred dollars  
 39 nor more than five thousand dollars. Fines collected  
 40 pursuant to this section shall be transferred to the  
 41 patient catastrophic injury fund created in section  
 42 147B.6 for use as authorized in chapter 147B.  
 43 3. A report received pursuant to this section is  
 44 confidential and shall not be released by the  
 45 licensing board except where an action against the  
 46 health care provider or hospital has been commenced  
 47 and the release is pursuant to a court order. In no  
 48 case shall the identity of the licensee making the  
 49 report under subsection 2 be disclosed. Upon receipt  
 50 of a report pursuant to this section, the licensing

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1 board shall investigate and take action as appropriate  
 2 and within the authority provided in this chapter.

3 4. The duties in this section are in addition to  
 4 any other duties of licensees and licensing boards  
 5 contained elsewhere in this chapter.

6 Sec. \_\_\_\_\_. NEW SECTION. 515A.31 REGIONAL PRICING  
 7 – AUTHORIZATION TO COMMISSIONER – PROCEDURE.

8 1. The commissioner of insurance shall conduct an  
 9 examination of insurance rating practices relating to  
 10 the use of nonstate specific experience in the setting  
 11 of rates in this state, and shall take or recommend  
 12 such action as necessary to maximize the impact which  
 13 state experience has on the setting of rates in this  
 14 state.

15 2. For purposes of such action, the commissioner  
 16 may do all of the following:

17 a. Determine which lines of insurance necessary to  
 18 the public welfare and safety are presently not price  
 19 competitive.

20 b. Determine the lines of insurance which have  
 21 sufficient state experience and permit the use of only  
 22 state experience for ratemaking purposes.

23 c. Determine which lines of insurance presently  
 24 lack sufficient state experience credibility and allow  
 25 the use of regional experience to augment present  
 26 state experience for ratemaking purposes.

27 d. Determine which lines of insurance presently

28 lack sufficient state and regional credibility and  
29 allow the use of countrywide experience to augment  
30 present state and regional experience for ratemaking  
31 purposes.  
32 e. Determine which states, jurisdictions, or  
33 rating areas are excessively dissimilar to this state,  
34 and suggesting the prohibition of their inclusion in  
35 any countrywide experience used for ratemaking  
36 purposes in this state. For purposes of this  
37 paragraph, excessively dissimilar may be measured by  
38 evidence including, but not limited to, the following:  
39 (1) The number of suits per one hundred thousand  
40 population in a covered line.  
41 (2) The average size of judgments, awards, and  
42 settlements in a covered line.  
43 (3) The significant differences in civil justice  
44 systems or procedures.  
45 (4) The significant differences in insurance  
46 regulatory systems or procedures.  
47 3. Prior to taking any action pursuant to this  
48 section, the commissioner shall publish notice of such  
49 action in the Iowa administrative bulletin not less  
50 than sixty days prior to the proposed action. Any

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1 affected insurer may request a hearing concerning the  
2 action prior to implementation.”  
3 45. Page 18, by striking lines 13 and 14, and  
4 inserting the following: “five hundred thousand  
5 dollars per occurrence. If a physician applying for”.  
6 46. Page 18, by striking lines 16 and 17, and  
7 inserting the following: “in excess of five hundred  
8 thousand dollars per occurrence, the department”.  
9 47. Page 18, by striking lines 19 and 20, and  
10 inserting the following: “if coverage were limited to  
11 five hundred thousand dollars per occurrence.”  
12 48. Page 19, line 14, by striking the words “one  
13 million” and inserting the following: “five hundred  
14 thousand”.  
15 49. Page 19, by inserting after line 43 the  
16 following:  
17 “3. The commissioner may waive the requirements  
18 provided in subsection 1, paragraphs “a”, “b”, or “c”,  
19 if the physician establishes that it was not possible  
20 for the physician to meet the requirement through no  
21 fault of the physician.”  
22 50. Page 19, line 45, by inserting after the word  
23 “insurance” the following: “, in conjunction with the  
24 department of public health.”  
25 51. Page 20, line 37, by striking the words “and  
26 a special surcharge”.  
27 52. By renumbering, relettering, or redesignating  
28 and correcting internal references as necessary.

Amendment H—6255 was adopted.

Halvorson of Clayton offered the following amendment H—6261, to the committee amendment H—5985, filed from the floor by him and Jay of Appanoose and moved its adoption:

H—6261

- 1 Amend amendment, H—5985, to Senate File 484, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 41, by inserting after the figure
- 5 "148," the following: "150,".
- 6 2. Page 5, by striking line 23 and inserting the
- 7 following: "the amount necessary to assure that the
- 8 fund is actuarially sound."
- 9 3. Page 17, line 38, by striking the words
- 10 "commencing July 1, 1989".
- 11 4. Page 20, line 25, by inserting after the
- 12 figure "1989." the following: "Appropriations to the
- 13 fund are not subject to reversion under section 8.33."
- 14 5. Page 20, line 31, by striking the words "July
- 15 1" and inserting the following: "June 30".

Amendment H—6261 was adopted.

Groninga of Cerro Gordo offered the following amendment H—6263, to the committee amendment H—5985, filed by him from the floor and moved its adoption:

H—6263

- 1 Amend the amendment, H—5985, to Senate File 484, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking line 10 and inserting the
- 5 following: "as required in subsection 1 and pays a
- 6 one-time surcharge as may be determined to be
- 7 appropriate by the commissioner. The amount of the
- 8 surcharge shall not exceed the cost of five hundred
- 9 thousand dollars of medical liability coverage above
- 10 the initial five hundred thousand dollars of medical
- 11 liability coverage for the period subsequent to the
- 12 health care provider's retirement or ceasing to do
- 13 business. The commissioner shall adopt rules to
- 14 implement this subsection."
- 15 2. Page 5, line 48, by striking the word "The"
- 16 and inserting the following:
- 17 "1. The".
- 18 3. Page 6, by inserting after line 2 the
- 19 following:
- 20 "2. If at any time prior to the health care
- 21 provider's or hospital's qualification under this

22 chapter, the health care provider or hospital had  
 23 acquired coverage under an occurrence form policy of  
 24 medical liability insurance for an occurrence of  
 25 alleged medical malpractice occurring during the term  
 26 that policy was in effect, the fund shall provide  
 27 coverage only for claims for alleged medical  
 28 malpractice covered under the policy to the extent  
 29 that a judgment or settlement exceeds the limits of  
 30 the policy.

31 3. The fund shall not provide coverage for a  
 32 medical malpractice claim against a health care  
 33 provider or hospital qualified under this chapter if  
 34 the medical malpractice claim was made against that  
 35 health care provider or hospital prior to the time of  
 36 the health care provider's or hospital's qualification  
 37 under this chapter.

38 4. The fund may provide coverage for an alleged  
 39 occurrence of medical malpractice by a health care  
 40 provider or hospital which occurred prior to the  
 41 health care provider's or hospital's qualification  
 42 under this chapter if the health care provider or  
 43 hospital had not received notice and the health care  
 44 provider or hospital had a claims made policy of  
 45 medical liability insurance in effect immediately  
 46 prior to the health care provider's or hospital's  
 47 qualification under this chapter. A health care  
 48 provider or hospital may be required to pay a  
 49 surcharge for such coverage as determined by the  
 50 commissioner to be appropriate if the prior claims

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1 made policy was not mature."

Amendment H—6263 was adopted.

Jay of Appanoose offered the following amendment H—6264, to the committee amendment H—5985, filed by him from the floor:

H—6264

1 Amend amendment, H—5985, to Senate File 484, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 5, by striking lines 42 through 46 and  
 5 inserting the following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.6A LIMITATION OF  
 7 LIABILITY.

8 A health care provider or hospital qualified under  
 9 this chapter determined to be liable for an  
 10 occurrence, to which this chapter applies, resulting  
 11 in an injury or death of a patient arising out of  
 12 medical malpractice shall be liable for all amounts

13 due under a judgment or settlement recoverable by an  
14 injured party in excess of any amount for which the  
15 fund is liable under section 147B.10.”

16 2. Page 7, by striking lines 19 through 21 and  
17 inserting the following: “all sums to be paid under a  
18 judgment, verdict, award, or settlement approved by  
19 the court which exceeds five hundred thousand dollars,  
20 but does not exceed three million dollars, with  
21 respect to an”.

22 3. Page 7, by inserting after line 28, the  
23 following:

24 “However, the fund is liable for the repayment to  
25 the general fund for any amounts expended for payment  
26 of any claims under this chapter. These amounts shall  
27 be repaid out of any amounts collected pursuant to  
28 this chapter in subsequent years which are in excess  
29 of the amount determined by the commissioner necessary  
30 to maintain the fund in an actuarially sound manner.”

31 4. By renumbering as necessary.

Stromer of Hancock asked for unanimous consent to defer action on amendment H—6264 to consider amendment H—6271.

Objection was raised.

Teaford of Black Hawk in the chair at 6:59 p.m.

Stromer of Hancock moved to defer action on amendment H—6264 to consider amendment H—6271.

A non-record roll call was requested.

The ayes were 35, nays 52.

The motion to defer lost.

Jay of Appanoose moved the adoption of amendment H—6264, to the committee amendment H—5985.

A non-record roll call was requested.

The ayes were 47, nays 34.

Amendment H—6264 was adopted.

Speaker Avenson in the chair at 7:13 p.m.

Stromer of Hancock offered the following amendment H—6273, to the committee amendment H—5985, filed by him from the floor:

H—6273

- 1 Amend the amendment, H—5985, to Senate File 484, as
- 2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 7, by inserting after line 28 the fol-  
5 lowing:

6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.10A MAXIMUM  
7 LIABILITY FOR NONECONOMIC DAMAGES.

8 1. In a verdict issued pursuant to this chapter,  
9 that portion of a verdict attributable to noneconomic  
10 damages including, but not limited to, damages for  
11 pain and suffering, loss of consortium, loss of  
12 chance, or punitive or exemplary damages against any  
13 one defendant shall not exceed two hundred fifty  
14 thousand dollars.

15 2. In an action pursuant to this chapter and tried  
16 to a jury, and in which noneconomic damages including,  
17 but not limited to, damages for pain and suffering,  
18 loss of consortium, loss of chance, or punitive or  
19 exemplary damages are sought or argued, the court  
20 shall, unless otherwise agreed to by all parties,  
21 instruct the jury that the portion of a verdict  
22 attributable to noneconomic damages including, but not  
23 limited to, damages for pain and suffering, loss of  
24 consortium, loss of chance, or punitive or exemplary  
25 damages against any one defendant shall not exceed two  
26 hundred fifty thousand dollars.

27 3. In an action brought pursuant to this chapter  
28 and tried to a jury, and in which noneconomic damages  
29 including, but not limited to, damages for pain and  
30 suffering, loss of consortium, loss of chance, or  
31 punitive or exemplary damages are sought or argued,  
32 the court shall, unless otherwise agreed to by all  
33 parties, require that the jury return a verdict  
34 itemizing the injuries and damages awarded pursuant to  
35 the verdict."

36 2. Renumber as necessary.

Gruhn of Dickinson in the chair at 7:42 p.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk on request of Stromer of Hancock; Royer of Page on request of Corey of Louisa, 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 seventy-one members present, twenty-nine absent.

Speaker Avenson in the chair at 8:20 p.m.

Stromer of Hancock moved the adoption of amendment H—6273, to the committee amendment H—5985.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall amendment H—6273, to the committee amendment H—5985, be adopted?" (S.F. 484)

The ayes were, 43:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
Daggett	De Groot	Diemer	Eddie
Garman	Groninga	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Koenigs	Kremer	Lageschulte	Maulsby
May	McKean	Metcalf	Miller
Muhlbauer	Paulin	Pellett	Petersen, D. F.
Plasier	Renken	Running	Schnekloth
Shoning	Siegrist	Skow	Stromer
Stueland	Tyrrell	Van Maanen	

The nays were, 54:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Knapp
Lundby	McKinney	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

Absent or not voting, 3:

Johnson	Royer	Swearingen
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Amendment H—6273 lost.

Schnekloth of Scott offered the following amendment H—6276, to the committee amendment H—5985, filed by him from the floor and moved its adoption:

H—6276

- 1 Amend amendment, H—5985, to Senate File 484, as
- 2 amended, passed, and reprinted by the Senate, as



3 follows:

4 1. Page 7, by inserting after line 28 the

5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 147B.6A LIMITATION OF  
7 RECOVERY.

8 1. The total amount recoverable by an injured  
9 party from all liable health care providers and  
10 hospitals and the fund for an occurrence to which this  
11 chapter applies resulting in an injury or death of a  
12 patient arising out of medical malpractice shall not  
13 exceed one million dollars.

14 2. A health care provider or hospital is not  
15 liable for an amount of any one judgment or settlement  
16 in excess of five hundred thousand dollars. Subject  
17 to the limits in this section, an amount due from a  
18 judgment or settlement which is in excess of the  
19 liability of all health care providers and hospitals  
20 shall be paid from the fund pursuant to this chapter."

21 2. Renumber as necessary.

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

On the question "Shall amendment H-6276, to the committee amendment H-5985, be adopted?" (S.F. 484)

The ayes were, 23:

Bennett	Branstad	Carpenter	Clark
De Groot	Diemer	Garman	Halvorson, R. A.
Harbor	Hermann	Hester	Kremer
Lageschulte	Maulsby	Metcalf	Miller
Paulin	Pellett	Petersen, D. F.	Renken
Schnekloth	Stromer	Van Maanen	

The nays were, 69:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Knapp	Koenigs
May	McKean	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Siegrist	Skow

Spear	Stueland	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Mr. Speaker			

Absent or not voting, 8:

Daggett	Hummel	Johnson	Lundby
Royer	Shoultz	Swearingen	Wise

Amendment H—6276 lost.

Bennett of Ida offered the following amendment H—6279, to the committee amendment H—5985, filed by him from the floor and moved its adoption:

H—6279

- 1 Amend amendment, H—5985, to Senate File 484, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 6, line 30 through page 7,
- 5 line 14.

Roll call was requested by Bennett of Ida and Petersen of Muscatine.

On the question “Shall amendment H—6279, to the committee amendment H—5985, be adopted?” (S.F. 484)

The ayes were, 34:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
Diemer	Eddie	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Maulsby	McKean
Metcalf	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Renken	Schnekloth
Shoning	Siegrist	Stromer	Stueland
Tyrrell	Van Maanen		

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Knapp
Koenigs	Lundby	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	Van Camp	Mr. Speaker	

Absent or not voting, 11:

Blanshan	De Groot	Garman	Halvorson, R. N.
Johnson	Mullins	Platt	Royer
Skow	Swearingen	Wise	

Amendment H—6279 lost.

Tabor of Jackson in the chair at 8:52 p.m.

Hummel of Benton offered amendment H—6269, to the committee amendment H—5985, filed by him from the floor and requested division as follows:

H—6269

- 1 Amend the amendment, H—5985, to Senate File 484, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:

H—6269A

- 4 1. By striking page 1, line 5 through page 8,
- 5 line 12.

H—6269B

- 6 2. Page 8, line 17, by striking the word
- 7 "commissioner" and inserting the following: "health
- 8 data commission".
- 9 3. Page 8, line 21, by striking the word
- 10 "commissioner" and inserting the following: "health
- 11 data commission".
- 12 4. Page 8, line 30, by striking the word
- 13 "commissioner" and inserting the following: "health
- 14 data commission".
- 15 5. Page 8, line 36, by striking the word
- 16 "commissioner" and inserting the following: "health
- 17 data commission".

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- 18 6. By striking page 8, line 41 through page 13,
- 19 line 22.
- 20 7. Page 19, by inserting after line 43 the
- 21 following:
- 22 "Sec. \_\_\_\_\_. Section 617.16, Code 1987, is amended
- 23 by striking the section and inserting in lieu thereof
- 24 the following:
- 25 617.16 FRIVOLOUS ACTIONS.
- 26 In all cases the court may, in its discretion, upon

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27 application by the prevailing party and in an amount  
 28 determined by the court, charge reasonable attorney  
 29 fees as costs payable to the prevailing party, if the  
 30 court finds that the losing party did not have a  
 31 reasonable likelihood of recovery or a reasonable  
 32 likelihood of a successful defense. The charging of  
 33 costs under this section is the sole responsibility of  
 34 the named parties and shall not in any way be  
 35 considered a cost of defense or reduce in any manner  
 36 insurance coverage provided to either party thereby  
 37 reducing the amount of coverage available for the  
 38 payment of any judgment rendered against that party.

39 Sec. \_\_\_\_\_. Section 668.3, subsection 7, Code  
 40 Supplement 1987, is amended to read as follows:

41 7. When a A final judgment or award is entered,  
 42 any shall be itemized as to past and future losses.  
 43 Any party may petition the court for a determination  
 44 of the appropriate payment method of such judgment or  
 45 award. If so petitioned the court may order that the  
 46 payment method for all or part of the judgment or  
 47 award be by structured, periodic, or other nonlump-sum  
 48 payments. However, the court shall not order a  
 49 structured, periodic, or other nonlump-sum payment  
 50 method if it finds that any of the following are true:

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1 a. The payment method would be inequitable.

2 b. The payment method provides insufficient  
 3 guarantees of future collectibility of the judgment or  
 4 award.

5 c. Payments made under the payment method could be  
 6 subject to other claims, past or future, against the  
 7 defendant or the defendant's insurer.

8 The court shall enter a judgment ordering periodic  
 9 payments for future losses if the portion of the  
 10 judgment or award entered for future losses exceeds  
 11 one hundred thousand dollars.

12 Sec. \_\_\_\_\_. **NEW SECTION. 668.15 MAXIMUM LIABILITY**  
 13 **FOR NONECONOMIC DAMAGES.**

14 1. In a verdict issued pursuant to this chapter,  
 15 that portion of a verdict attributable to noneconomic  
 16 damages for pain and suffering, loss of consortium, or  
 17 loss of chance against any one defendant shall not  
 18 exceed two hundred fifty thousand dollars.

19 2. In an action pursuant to this chapter and tried  
 20 to a jury, and in which noneconomic damages for pain  
 21 and suffering, loss of consortium, or loss of chance  
 22 are sought or argued, the court shall, unless  
 23 otherwise agreed to by all parties, instruct the jury  
 24 that the portion of a verdict attributable to  
 25 noneconomic damages for pain and suffering, loss of

H—5269A

26 consortium, or loss of chance against any one  
 27 defendant shall not exceed two hundred fifty thousand  
 28 dollars.  
 29 3. In an action brought pursuant to this chapter  
 30 and tried to a jury, and in which noneconomic damages  
 31 for pain and suffering, loss of consortium, or loss of  
 32 chance are sought or argued, the court shall, unless  
 33 otherwise agreed to by all parties, require that the  
 34 jury return a verdict itemizing the injuries and  
 35 damages awarded pursuant to the verdict."

Jay of Appanoose rose on a point of order that amendment H—6269A was not germane.

The Speaker ruled the point well taken and amendment H—6269A not germane.

Hummel of Benton moved that the rules be suspended to consider amendment H—6269A.

Roll call was requested by Hummel of Benton and Paulin of Plymouth.

On the question "Shall the rules be suspended to consider amendment H—6269A, to the committee amendment H—5985?" (S.F. 484)

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	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

The nays were, 54:

Adams	Arnould	Avenson	Beatty
Bisignano	Blanshan	Brammer	Buhr
Chapman	Cohon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Knapp	Koenigs	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan

Skow  
Teaford

Spear  
Mr. Speaker  
(Tabor)

Svoboda

Swartz

Absent or not voting, 6:

Black  
Swearingen

Johnson  
Wise

Royer

Shoultz

The motion to suspend the rules lost.

The Speaker announced that amendment H—6269B was out of order with the adoption of amendment H—6255.

Groninga of Cerro Gordo offered the following amendment H—6277, to the committee amendment H—5985, filed by him from the floor and moved its adoption:

H—6277

- 1 Amend amendment, H—5985, to Senate File 484, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 9, by striking lines 13 through 30.

Amendment H—6277 was adopted.

Connors of Polk offered the following amendment H—6278, to the committee amendment H—5985, filed from the floor by him and Bisignano of Polk and moved its adoption:

H—6278

- 1 Amend amendment, H—5985, to Senate File 484 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 13, by striking line 25 and inserting the
- 5 following: "to assist the".
- 6 2. By striking page 14, line 39 through page 16,
- 7 line 10 and inserting the following:
- 8 "Sec. \_\_\_\_\_. NEW SECTION. 147B.27 MEDIATOR.
- 9 Upon receipt of a request for mediation by the
- 10 injured party, the commissioner shall submit a written
- 11 request to the American arbitration association for
- 12 appointment of a mediator to resolve the dispute. If
- 13 the parties fail to resolve the dispute the mediator
- 14 shall file a report stating that the dispute has not
- 15 been resolved with the commissioner upon expiration of
- 16 the mediation period. The person serving as the
- 17 mediator is immune from civil liability for any good
- 18 faith act or omission within the scope of the
- 19 mediator's powers and duties under this chapter. The
- 20 mediator's fee and reasonable expenses shall be paid
- 21 out of the patient catastrophic injury fund created

- 22 pursuant to section 147B.6.”  
 23 3. Page 16, lines 24 and 25, by striking the  
 24 words “mediation panel or any member of the panel” and  
 25 inserting the following: “mediator”.  
 26 4. Page 16, by striking lines 30 and 31 and  
 27 inserting the following: “of a mediator shall be kept  
 28 confidential by the mediator and all other persons”.

Amendment H—6278 lost.

Halvorson of Clayton offered the following amendment H—6270, to the committee amendment H—5985, filed from the floor by him and Lageschulte of Bremer:

H—6270

- 1 Amend the amendment, H—5985, to Senate File 484 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 19, by inserting after line 43 the  
 5 following:  
 6 “Sec. \_\_\_\_\_. Section 614.8, Code 1987, is amended to  
 7 read as follows:  
 8 614.8 MINORS AND MENTALLY ILL PERSONS.  
 9 The Other than in actions by minors brought for  
 10 medical malpractice, the times limited for actions  
 11 herein, except those brought for penalties and  
 12 forfeitures, shall be are extended in favor of minors  
 13 and mentally ill persons, so that they shall have one  
 14 year from and after the termination of such the  
 15 disability within which to commence said an action.  
 16 The times limited for actions brought for medical  
 17 malpractice are extended in favor of minors less than  
 18 six years of age so that they have until their eighth  
 19 birthday to commence an action.”  
 20 2. Renumber as necessary.

Jay of Appanoose rose on a point of order that amendment H—6270 was not germane.

The Speaker ruled the point well taken and amendment H—6270 not germane.

Jay of Appanoose offered the following amendment H—6280, to the committee amendment H—5985, filed from the floor by Jay, Groninga and Halvorson of Clayton and moved its adoption:

H—6280

- 1 Amend the amendment, H—5985, to Senate File 484 as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, by striking lines 5 through 26, and

5 inserting the following:

6 "Section 1. FINDINGS – PURPOSE. The general  
7 assembly finds that access to high quality medical and  
8 hospital services at reasonable costs is in the public  
9 interest and is necessary to ensure the health,  
10 safety, and welfare of Iowa citizens.

11 The general assembly finds that the increasing  
12 costs and decreasing availability of adequate medical  
13 liability insurance for health care providers and  
14 hospitals threaten the public access to high quality  
15 medical and hospital services at reasonable costs.

16 The general assembly finds that it has become  
17 necessary to take legislative action to achieve the  
18 public interest and assure the health, safety, and  
19 welfare of Iowa citizens, such action to include the  
20 balancing of interests between an individual's right  
21 of recovery for injuries and society's need for  
22 necessary services.

23 It is the purpose of this Act to maintain and  
24 increase the public's access to high quality medical  
25 and hospital services at reasonable costs, thereby  
26 protecting the health, safety, and welfare of the  
27 citizens of this state. To effectuate this purpose,  
28 it is the intent of the general assembly that the  
29 provisions of this Act be construed liberally to  
30 achieve the following:

31 1. An increase in the availability and  
32 affordability of medical liability insurance for  
33 health care providers and hospitals.

34 2. To maximize an individual's right to redress  
35 for injuries within the confines of the broader  
36 purpose of protecting the health, safety, and welfare  
37 of all citizens.

38 3. To obtain such data as is necessary to develop  
39 long-term solutions to the problems related to these  
40 findings.

41 4. To decrease the incidence of medical  
42 malpractice.

43 5. To provide such incentives as are necessary to  
44 retain medical and hospital services in all parts of  
45 this state.

46 6. To increase the resolution of medical liability  
47 actions by more cost-efficient means than traditional  
48 litigation.

49 7. To insure that the costs of medical liability  
50 insurance accurately reflect the exposure to risk."

A non-record roll call was requested.

The ayes were 30, nays 11.

Amendment H—6280 was adopted.



Chapman of Linn offered the following amendment H—6274, to the committee amendment H—5985, filed by her from the floor and moved its adoption:

H—6274

1 Amend amendment, H—5985, to Senate File 484 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, line 30, by inserting after the word  
5 “dollars” the following: “per occurrence”.

Amendment H—6274 was adopted.

Speaker Avenson in the chair at 9:30 p.m.

Skow of Guthrie offered the following amendment H—6283, to the committee amendment H—5985, filed by him from the floor and moved its adoption:

H—6283

1 Amend amendment, H—5985, to Senate File 484, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 7, by inserting after line 28 the  
5 following:

6 “Sec. \_\_\_\_\_. NEW SECTION. 147B.10A MAXIMUM  
7 LIABILITY FOR NONECONOMIC DAMAGES.

8 1. In a verdict issued pursuant to this chapter,  
9 that portion of a verdict attributable to noneconomic  
10 damages including, but not limited to, damages for  
11 pain and suffering, loss of consortium, loss of  
12 chance, or punitive or exemplary damages against any  
13 one defendant shall not exceed five hundred thousand  
14 dollars.

15 2. In an action pursuant to this chapter and tried  
16 to a jury, and in which noneconomic damages including,  
17 but not limited to, damages for pain and suffering,  
18 loss of consortium, loss of chance, or punitive or  
19 exemplary damages are sought or argued, the court  
20 shall, unless otherwise agreed to by all parties,  
21 instruct the jury that the portion of a verdict  
22 attributable to noneconomic damages including, but not  
23 limited to, damages for pain and suffering, loss of  
24 consortium, loss of chance, or punitive or exemplary  
25 damages against any one defendant shall not exceed  
26 five hundred thousand dollars.

27 3. In an action brought pursuant to this chapter  
28 and tried to a jury, and in which noneconomic damages  
29 including, but not limited to, damages for pain and  
30 suffering, loss of consortium, loss of chance, or  
31 punitive or exemplary damages are sought or argued,

32 the court shall, unless otherwise agreed to by all  
33 parties, require that the jury return a verdict  
34 itemizing the injuries and damages awarded pursuant to  
35 the verdict.”

36 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 34, nays 40.

Amendment H—6283 lost.

Hansen of Woodbury offered the following amendment H—6281, to the committee amendment H—5985, filed from the floor by Hansen, Bisignano and Jochum and moved its adoption:

H—6281

1 Amend the amendment, H—5985, to Senate File 484, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 11, by striking lines 35 through 38 and  
5 inserting the following:

6 “2. The court, in a medical malpractice action  
7 subject to this chapter in which the fund is liable  
8 for a damage award for future damages to a party in  
9 excess of two hundred fifty thousand dollars and upon  
10 application of one of the”.

11 2. By striking page 12, line 33, through page 13,  
12 line 22.

Amendment H—6281 lost.

Stromer of Hancock rose on a point of order that the committee amendment H—5985, as amended, was not germane.

The Speaker ruled the point well taken and the committee amendment H—5985, as amended, not germane.

Arnould of Scott asked for unanimous consent to consider amendment H—5985.

Objection was raised.

Arnould of Scott moved that the rules be suspended to consider the committee amendment H—5985, as amended.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question “Shall the rules be suspended to consider amendment H—5985, as amended?” (S.F. 484)

## The ayes were, 56:

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	Knapp	Koenigs	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

## The nays were, 39:

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

## Absent or not voting, 5:

Daggett	Johnson	Royer	Shoultz
Swearingen			

The motion prevailed and the rules were suspended to consider the committee amendment H—5985, as amended.

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

The House resumed session and consideration of the committee amendment H—5985, as amended, to Senate File 484 at 10:00 p.m., Speaker Avenson in the chair.

Jay of Appanoose moved the adoption of the committee amendment H—5985, as amended.

Roll call was requested by Hummel of Benton and Swartz of Marshall.

On the question "Shall the committee amendment H—5985, as amended, be adopted?" (S.F. 484)

## The ayes were, 63:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cphoon	Connolly
Connors	Cooper	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Knapp
Koenigs	Lundby	May	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Pellett	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

## The nays were, 33:

Bennett	Branstad	Carpenter	Clark
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Garman	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Maulsby	McKean
Metcalf	Miller	Paulin	Petersen, D. F.
Plasier	Renken	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Tyrrell
Van Maanen			

## Absent or not voting, 4:

Johnson	Royer	Shoultz	Swearingen
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The committee amendment H-5985, as amended, was adopted placing out of order the following amendments filed in 1987 and found in the 1987 House Journal:

H-3905, H-3917, H-3918, H-3919, H-3920, H-3921, H-3927, H-3928, H-3929, H-3930, H-3932, H-3933, H-3934, H-3935, H-3936, H-3937, H-3938, H-3939, H-3940, H-3941, H-3942, H-3943, H-3944, H-3945, H-3946, H-3947, H-3948, H-3949, H-3953, H-3954, H-3955, H-3956, H-3957, H-3958, H-3959, H-3960, H-3961, H-3962, H-3963, H-3964, H-3965, H-3966, H-3967, H-3968, H-3969, H-3970, H-3971, H-3972, H-3973, H-3974, H-3975, H-3976, H-3977, H-3978, H-3979, H-3980, H-3981, H-3983, H-3984, H-3985, H-3986, H-3987, H-3988, H-3989, H-3990, H-3991, H-3992, H-3993, H-3994, H-3995, H-3996, H-3997, H-3998, H-3999, H-4009, H-4010, H-4011, H-4012, H-4013, H-4014, H-4015, H-4016, H-4017, H-4018, H-4084 and H-4256.

Bennett of Ida rose on a point of order and invoked Joint Rule 17, requiring a fiscal note.

The Speaker ruled the point not well taken and a fiscal note not in order pursuant to Joint Rule 17, "A revised fiscal note may be requested if the fiscal effect of the bill has been changed by adoption of an amendment. However, a request for a revised fiscal note shall not delay action on a bill unless so ordered by the presiding officer of the house in which the bill is under consideration."

Bennett of Ida rose on a point of order and invoked Rule 32 to refer Senate File 484 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Arnould of Scott moved to suspend Rule 32 on Senate File 484.

A non-record roll call was requested.

The ayes were 54, nays 39.

The motion prevailed and Rule 32 was suspended.

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. 484)

The ayes were, 78:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	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	Jay	Jochum
Knapp	Koenigs	Lageschulte	Lundby
May	McKinney	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stueland	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 18:

Bennett	Branstad	Carpenter	Daggett
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Garman	Holveck	Hummel	Kremer
Maulsby	McKean	Metcalf	Miller
Petersen, D. F.	Plasier	Renken	Schnekloth
Stromer	Van Maanen		

Absent or not voting, 4:

Johnson	Royer	Shoultz	Swearingen
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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.

### INTRODUCTION OF BILLS

**House File 2464**, by committee on appropriations, a bill for an act relating to the lease or lease-purchase and disposal of real or personal property by the department of general services and providing a standing appropriation of proceeds previously deposited.

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

**House File 2465**, by committee on ways and means, a bill for an act relating to taxation 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 and use 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, prohibiting a motor fuel excise tax refund for motor fuel or special fuel taken out of the state in fuel supply tanks of aircraft or watercraft, prohibiting an income tax credit on fuel tax paid on motor fuel used in watercraft or aircraft, and providing an appropriation.

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

### IMMEDIATE MESSAGE

(Senate File 484)

Arnould of Scott asked and received unanimous consent that Senate File 484 be immediately messaged to the Senate.

### MOTIONS TO RECONSIDER

(House File 2450)

I move to reconsider the vote by which House File 2450 failed to pass the House on April 6, 1988.

GRUHN of Dickinson

(Senate File 2312)

I move to reconsider the vote by which Senate File 2312 passed the House on April 5, 1988.

PONCY of Wapello

**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	Marvin L. Thomas	10-1	S-O	3-14-88
Legislative Secretary	Wilma R. Scieszinski	16-1	S-O	3-14-88
Legislative Secretary	Benjamin J. Campney	16-2	S-O	2-29-88
Legislative Research Analyst I	Joseph P. Romano	27-1	P-FT	3-17-88

CHAPMAN of Linn, Chair

**COMMUNICATION RECEIVED**

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

**IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM**

The 34th Annual Report for Fiscal Year 1987, pursuant to Chapter 97B.7, Code of Iowa.

**PRESENTATION OF VISITORS**

Blanshan of Greene presented to the House the Honorable Ernie Gilson, former member of the House representing Greene County.

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

Twenty-nine ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Bruce Willemsen, Mitch Murphy and Carl Heller. By Avenson of Fayette.

Twenty-seven senior students from North Kossuth High School, Swea City, accompanied by John Larson and Mike Hanna. By Branstad of Winnebago.

Fifty-five fifth grade students from Willard Elementary School, Des Moines. By Connors of Polk.

Forty-five students from Peet Junior High School, Cedar Falls, accompanied by Carolyn Haurum, Tom Haurum and Linda Brooks. By Diemer and Teaford of Black Hawk.

Thirty high school students from Notre Dame High School, Cresco, accompanied by Jim Zajicek. By Koenigs of Mitchell.

Forty 4-H members from Worth County. By May of Worth and Clark of Cerro Gordo.

Sixty-six fifth grade students from Audubon Elementary School, Audubon, accompanied by Judy Edelman. By Peterson of Carroll.

Twenty eighth grade students from Holy Family School, Des Moines, accompanied by Dennis Elings. By Sherzan of Polk.

Fifteen senior students from Y.J.B. High School, Jamaica. By Skow of Guthrie.

Thirty-two senior students from Green Mountain and Garwin, accompanied by Gary Sinclair. By Svoboda of Tama.

Fifty fourth grade students from Van Allen Elementary School, Chariton, accompanied by Cindy Hamilton. By Cooper of Lucas.

#### SUBCOMMITTEE ASSIGNMENT

##### Senate File 2316

State Government: Buhr, Chair; Carpenter and Hammond.

#### 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 2301**, a bill for an act relating to the maintenance of local financial support by governmental subdivisions for operating expenses of local libraries.

Fiscal Note is not required.



Recommended **Do Pass** April 6, 1988.

**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.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1988.

**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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-6265** April 6, 1988.

**Committee Bill** (Formerly House File 2438), a bill for an act relating to and making appropriations of the petroleum overcharge funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 6, 1988.

COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 832), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 5, 1988.

RESOLUTION FILED

**HCR 126**, by committee on appropriations, a concurrent resolution relating to the board of regents' ten-year building program and the issuance of revenue bonds.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-6251	S.F.	2311	Fogarty of Palo Alto
H-6252	H.F.	2462	Spear of Lee
H-6253	S.F.	2055	Paulin of Plymouth
H-6254	S.F.	2311	Jochum of Dubuque
H-6256	S.F.	2039	Van Camp of Scott
			Running of Linn
			Renken of Grundy
			Tyrrell of Iowa
			Poncy of Wapello
			Sherzan of Polk
			Hummel of Benton

H—6257	S.F.	2263	Hatch of Polk Osterberg of Linn
H—6258	S.F.	2263	Garman of Story
H—6259	S.F.	2262	Koenigs of Mitchell
H—6260	H.F.	2444	Jochum of Dubuque
H—6262	H.F.	2462	Connors of Polk
H—6265	S.F.	2323	Committee on Appropriations
H—6266	S.F.	2135	Senate Amendment
H—6267	S.F.	2284	Senate Amendment
H—6268	S.F.	2250	Sherzan of Polk
H—6272	S.F.	2164	Senate Amendment
H—6275	H.F.	2433	Senate Amendment
H—6282	S.F.	2312	Hammond of Story Rosenberg of Story Fogarty of Palo Alto
H—6284	S.F.	2312	Jochum of Dubuque

On motion by Arnould of Scott, the House adjourned at 10:33 p.m., until 9:00 a.m., Thursday, April 7, 1988.

# JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day — Fifty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 7, 1988

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

Prayer was offered by the Honorable Joseph Kremer, state representative from Buchanan County.

The Journal of Wednesday, April 6, 1988 was approved.

## SENATE MESSAGE CONSIDERED

**Senate File 2188**, by Boswell, Hannon and Goodwin, a bill for an act relating to the mobile home annual tax, the property tax credit and rent reimbursement for elderly and disabled individuals by changing the formula used for determining the amount of the annual tax, credit and reimbursement and providing effective dates.

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

## SENATE AMENDMENTS CONSIDERED

Sherzan of Polk called up for consideration **House File 102**, a bill for an act relating to the prohibition of polygraph examinations as a condition of employment, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H—6169:

H—6169

- 1 Amend House File 102 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 25, by inserting after the word
- 4 "officer" the following: "or a corrections officer".
- 5 2. Page 1, by inserting after line 34 the
- 6 following:
- 7 "5. This section may be enforced through a civil
- 8 action.
- 9 a. A person who violates this section or who aids
- 10 in the violation of this section is liable to an
- 11 aggrieved employee or applicant for employment for
- 12 affirmative relief including reinstatement or hiring,
- 13 with or without back pay, or any other equitable
- 14 relief as the court deems appropriate including
- 15 attorney fees and court costs.
- 16 b. When a person commits, is committing, or

17 proposes to commit, an act in violation of this  
 18 section, an injunction may be granted through an  
 19 action in district court to prohibit the person from  
 20 continuing such acts. The action for injunctive  
 21 relief may be brought by an aggrieved employee or  
 22 applicant for employment, the county attorney, or the  
 23 attorney general.

24 A person who in good faith brings an action under  
 25 this subsection alleging that an employer has required  
 26 or requested a polygraph examination in violation of  
 27 this section shall establish that sufficient evidence  
 28 exists upon which a reasonable person could find that  
 29 a violation has occurred. Upon proof that sufficient  
 30 evidence exists upon which a finding could be made  
 31 that a violation has occurred as required under this  
 32 paragraph, the employer has the burden of proving that  
 33 the requirements of this section were met."

34 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6169.

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

On the question "Shall the bill pass?" (H.F. 102)

The ayes were, 82:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Cooper	Corbett	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	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKinney	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 17:

Bennett	Corey	Daggett	De Groot
Garman	Hermann	Hummel	Maulsby
McKean	Metcalf	Paulin	Pellett
Petersen, D. F.	Renken	Royer	Schnekloth
Van Maanen			

Absent or not voting, 1:

Haverland

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

### HOUSE REFUSED TO CONCUR

Harper of Black Hawk called up for consideration **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, amended by the Senate amendment H—6244 as follows:

H—6244

- 1 Amend House File 2155, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 1, by striking the word and
- 4 figure "subsection 1".
- 5 2. Page 1, by inserting after line 2 the
- 6 following:
- 7 "279.43 OPTIONAL FUNDING OF ASBESTOS ~~REMOVAL OR~~
- 8 ENCAPSULATION PROJECT."
- 9 3. By striking page 1, line 15, through page 2,
- 10 line 6, and inserting the following:
- 11 "2. The board of directors may also submit a
- 12 proposal to the qualified electors of the school
- 13 district at a regular school election or at a special
- 14 election, to authorize an additional tax levy to pay
- 15 the actual cost of an asbestos ~~removal or~~
- 16 encapsulation project.
- 17 3. The election proposal shall include the
- 18 following two parts:
- 19 a. Shall a tax levy be certified for not more than
- 20 three consecutive years to pay the actual costs of the
- 21 asbestos ~~removal or encapsulation~~ project?
- 22 b. If a tax levy is authorized by the electorate,
- 23 which of the following tax methods shall be used to
- 24 pay for the project:
- 25 (1) A property tax sufficient to pay the actual
- 26 costs of the project.
- 27 (2) A combination of an enrichment property tax
- 28 and a school district income surtax certified and
- 29 levied as provided in sections 442.14 through 442.20.

30 c. If a property tax levy is selected under  
 31 paragraph "b", subparagraph (1), the levy shall be  
 32 certified for not more than three consecutive years.  
 33 d. If a combination of an enrichment property tax  
 34 and a school district income surtax is selected, the  
 35 amount of tax revenue raised shall not exceed the  
 36 actual cost of the ~~removal or encapsulation of the~~  
 37 asbestos project or the maximum amount which may be  
 38 raised by the levy of the combination of the taxes for  
 39 the three school years, as determined under section  
 40 442.14, subsections 3 and 4, whichever amount is less.  
 41 4. If a majority of the qualified electors voting  
 42 for and against the tax authorization proposed under  
 43 subsection 3, paragraph "a", favor the certification  
 44 of a tax levy, the tax method receiving the largest  
 45 number of votes under subsection 3, paragraph "b",  
 46 shall be used to pay the actual costs of the ~~removal~~  
 47 ~~or encapsulation~~ project.  
 48 5. The taxes certified for levy under this section  
 49 are in addition to any other taxes or additional  
 50 enrichment amount raised for other programs as

## Page 2

1 provided by law.  
 2 6. Nothing in sections 442.14 through 442.20 or  
 3 this section ~~shall be construed to require~~ requires  
 4 more than one favorable election to authorize the use  
 5 of a property tax or the combination of an enrichment  
 6 property tax and a school district income surtax to  
 7 pay the actual cost of an asbestos ~~removal or~~  
 8 ~~encapsulation~~ project under this section."  
 9 4. Page 2, by inserting after line 6 the  
 10 following:  
 11 "Sec. \_\_\_\_\_. Section 280.14, Code 1987, is amended  
 12 by adding the following new unnumbered paragraph:  
 13 NEW UNNUMBERED PARAGRAPH. The board of directors  
 14 of a school district may contract with the department  
 15 of corrections to provide for removal of asbestos from  
 16 the district's facilities under chapter 88B."  
 17 5. By renumbering, relettering, or redesignating  
 18 and correcting internal references as necessary.

Jochum of Dubuque in the chair at 9:55 a.m.

Speaker Avenson in the chair at 10:00 a.m.

Harper of Black Hawk moved that the House concur in the Senate amendment H-6244.

A non-record roll call was requested.

The ayes were 19, nays 43.

The motion lost and the House refused to concur in the Senate amendment H-6244.

Platt of Muscatine called up for consideration **House File 2348**, a bill for an act relating to certain ambiguities and inconsistencies of the Code as they relate to city government, amended by the Senate, and moved that the House concur in the following Senate amendment H—6239:

H—6239

- 1 Amend House File 2348 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 10, by striking the word "water"
- 4 and inserting the following: "water,".
- 5 2. Page 3, by striking line 33 through page 4,
- 6 line 10.
- 7 3. Page 5, by striking lines 3 through 15.
- 8 4. Page 5, by striking lines 16 through 20.
- 9 5. By renumbering, relettering, or redesignating
- 10 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6239.

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

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

The ayes were, 93:

Adams	Beaman	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	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	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
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:

Arnould	Bisignano	Connolly	Corey
Hermann	Kremer	Skow	

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

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 666)**

Chapman of Linn called up for consideration the report of the conference committee on House File 666 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 666**

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

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

1. That the Senate amendment, H—4098, to House File 666, as passed by the House, be amended as follows:

1. Page 1, by striking lines 14 through 20.

**ON THE PART OF THE HOUSE:**

KAY CHAPMAN, Chair  
CLIFFORD O. BRANSTAD  
DAN PETERSEN  
RALPH ROSENBERG  
DAVID TABOR

**ON THE PART OF THE SENATE:**

WILLIAM DIELEMAN, Chair  
DONALD V. DOYLE  
MICHAEL E. GRONSTAL  
LEE HOLT  
DAVID M. READINGER

The motion prevailed and the conference committee report 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. 666)



The ayes were, 93:

Arnould	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Cooper
Corbett	Daggett	De Groot	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
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	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, 7:

Adams	Connolly	Corey	Hansen, S. D.
Kremer	Maulsby	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 File 2262 and House File 2462.

### CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar March 30, 1988.

Gruhn of Dickinson offered the following amendment H—5900 filed by the committee on agriculture:

H—5900

- 1 Amend Senate File 2262, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the words
- 4 "a product" the following: "other than beef or pork".
- 5 2. Page 2, line 14, by striking the word "two-
- 6 year" and inserting the following: "one-year".
- 7 3. Page 2, line 15, by striking the word "In".
- 8 4. Page 2, by striking lines 16 through 18.
- 9 5. Page 3, line 4, by inserting after the words
- 10 "whom the" the following: "food product or".
- 11 6. By striking page 3, line 33 through page 6,
- 12 line 22.
- 13 7. Title page, by striking lines 2 and 3, and
- 14 inserting the following: "establishment of standards,
- 15 and requiring documentation."

Gruhn of Dickinson asked and received unanimous consent to withdraw amendment H—6197, to the committee amendment H—5900, filed by Gruhn, et al., on April 4, 1988.

Gruhn of Dickinson offered the following amendment H—6241, to the committee amendment H—5900, filed by Gruhn, et al., and moved its adoption:

H—6241

- 1 Amend the amendment, H—5900, to Senate File 2262,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 11 through 15 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 6, line 20, by striking the figure
- 7 "1990" and inserting the following: "1989"."

Amendment H—6241 was adopted.

On motion by Gruhn of Dickinson, the committee amendment H—5900, as amended, was adopted.

Schrader of Marion offered the following amendment H—6208 filed by him and moved its adoption:

H—6208

- 1 Amend Senate File 2262, 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 190.1, Code 1987, is amended  
 6 by adding the following new subsection:  
 7 **NEW SUBSECTION. 68. SORGHUM SYRUP.** Sorghum syrup  
 8 is liquid food derived by the concentration and heat  
 9 treatment of the juice of sorghum cane."  
 10 2. Page 1, line 34, by inserting after the word  
 11 "were" the following: "all".  
 12 3. Page 3, line 28, by inserting after the word  
 13 "food." the following: "A food product advertised as  
 14 organic, organically produced, or by using a  
 15 derivative of the term organic, shall not include an  
 16 ingredient unless the product or receptacle containing  
 17 the product is marked in a manner that identifies the  
 18 ingredient."  
 19 4. By renumbering as necessary.

Amendment H—6208 was adopted.

Gruhn of Dickinson offered the following amendment H—6242 filed by her and Kremer of Buchanan and moved its adoption:

H—6242

- 1 Amend Senate File 2262, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 8, by striking the word "meat,".  
 4 2. Page 1, line 27, by striking the word  
 5 "arsenic" and inserting the following: "arsenical".

Amendment H—6242 was adopted.

Tabor of Jackson in the chair at 10:25 a.m.

Koenigs of Mitchell offered the following amendment H—6259 filed by him and moved its adoption:

H—6259

- 1 Amend Senate File 2262 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by striking line 4 and inserting the  
 4 following: "treated."  
 5 2. Page 2, by striking lines 6 through 9 and  
 6 inserting the following: "applied within the last  
 7 five years."

A non-record roll call was requested.

The ayes were 15, nays 43.

Amendment H—6259 lost.

Maulsby of Calhoun rose on a point of order and invoked Joint Rule 17, to require a fiscal note.

The Speaker ruled the point not well taken and a fiscal note not required.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Neuhauser of Johnson, until her return, on request of Dvorsky of Johnson.

The House stood at ease at 11:05 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2262 at 11:41 a.m., Speaker Avenson in the chair.

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. 2262)

The ayes were, 60:

Adams	Arnould	Beaman	Beatty
Bisignano	Blanshan	Brammer	Buhr
Carpenter	Clark	Cohoon	Connolly
Connors	Corey	Daggett	Doderer
Dvorsky	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	May	McKean
McKinney	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Running	Schrader	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 30:

Bennett	Branstad	Cooper	Corbett
De Groot	Diemer	Eddie	Harbor
Hermann	Hester	Koenigs	Lageschulte
Lundby	Maulsby	Metcalf	Miller
Muhlbauer	Paulin	Pellett	Petersen, D. F.
Platt	Royer	Schneklath	Shoning
Siegrist	Stromer	Stueland	Swearingen
Tyrrell	Van Maanen		

Absent or not voting, 10:

Black	Chapman	Fuller	Hummel
Knapp	Kremer	Mullins	Neuhauser
Renken	Sherzan		

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 12:03 p.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.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hester of Pottawattamie, until her return, on request of Plasier of Sioux.

### SENATE AMENDMENTS CONSIDERED

Muhlbauer of Crawford called up for consideration **House File 2433**, a bill for an act relating to public school vocational education in agriculture technology and creating a council for agricultural education, amended by the Senate, and moved that the House concur in the following Senate amendment H—6275:

H—6275

- 1 Amend House File 2433 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 3, by striking the word "A" and
- 4 inserting the following: "An advisory".
- 5 2. Page 1, by striking lines 31 through 34, and
- 6 inserting the following: "agricultural education.
- 7 The council shall annually issue a report to the state
- 8 board of education and the chairpersons of the house
- 9 and senate agriculture and education committees
- 10 regarding both short-term and long-term curricular
- 11 standards for agricultural education and the council's
- 12 activities."
- 13 3. Page 2, line 2, by inserting after the word
- 14 "meeting" the following: "and to take any final
- 15 council action".
- 16 4. Page 2, line 16, by inserting after the word
- 17 "technology" the following: "to meet the diverse
- 18 needs of Iowa's students and".
- 19 5. Page 2, lines 17 and 18, by striking the words
- 20 "and appropriate representation of racial and ethnic
- 21 groups".
- 22 6. Page 2, by striking lines 23 through 26 and
- 23 inserting the following:
- 24 "It is also the intent of the general assembly to

25 encourage the development of programs for vocational  
26 education in agriculture technology which are  
27 structured on a twelve-month basis and which include  
28 the following:".

29 7. Page 2, line 32, by striking the words "in  
30 cooperation with the" and inserting the following:  
31 "board."

32 8. Page 2, by striking line 33.

33 9. Page 3, by striking lines 1 through 7 and  
34 inserting the following: "contract basis.

35 c. The following reports shall be made available  
36 to the council for agriculture education upon  
37 request:".

38 10. Page 3, line 12, by striking the words "by  
39 each student enrolled" and inserting the following:  
40 "during the year".

41 11. Page 3, by striking lines 14 through 17.

42 12. By renumbering, relettering, or redesignating  
43 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6275.

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

On the question "Shall the bill pass?" (H.F. 2433)

The ayes were, 95:

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.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	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, 5:

Clark	Haverland	McKean	Neuhauser
Shoultz			

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

Renaud of Polk called up for consideration **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, amended by the Senate amendment H-6013 as follows:

H-6013

1 Amend House File 2444, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, line 1, by striking the word "filing"  
 4 and inserting the following: "case".  
 5 2. Page 3, line 2, by striking the word "filing"  
 6 and inserting the following: "case".  
 7 3. Page 3, by striking line 7, and inserting the  
 8 following: "case fee. The case fee shall be  
 9 collected after final administrative determination of  
 10 the case, and not as a condition of filing."  
 11 4. Page 3, by inserting after line 12, the  
 12 following:  
 13 "Sec. \_\_\_\_\_. The department of employment services,  
 14 division of labor services, may, conditioned upon the  
 15 adoption of a contractor registration requirement  
 16 similar to that provided for by Senate File 2318,  
 17 expend up to fifty thousand dollars, or so much  
 18 thereof as is necessary, out of the funds collected  
 19 under the contractor registration requirements, for  
 20 the purposes of implementation and administration of

21 the contractor registration program. This  
22 appropriation is exempt from the department of  
23 management's quarterly allocation recapture  
24 procedure."

25 5. Page 5, lines 1 and 2, by striking the words  
26 "and the department of management".

27 6. Page 8, by inserting after line 2 the  
28 following:

29 "Sec. 100. There is appropriated from the road use  
30 tax fund to the department of inspections and appeals  
31 for the fiscal year beginning July 1, 1987, and ending  
32 June 30, 1988, the following amount, or so much  
33 thereof as is necessary, for the purposes designated:

34 For salary adjustments:  
35 ..... \$ 24,124".

36 7. Page 10, by inserting after line 32, the  
37 following:

38 "Sec. \_\_\_\_\_. The Code editor shall change all  
39 references to the "real estate examining board" to  
40 read "real estate commission", to conform with  
41 amendments in this Act to section 117.8."

42 8. Page 11, line 16, by inserting after the word  
43 "purposes" the following: "or additional funds as  
44 necessary for the orderly and efficient operation of  
45 the liquor system, subject to the approval of the  
46 department of management. The department of  
47 management shall notify the legislative fiscal  
48 committee of the need for additional funds".

49 9. Page 11, lines 32 and 33, by striking the  
50 words "and the department of management".

**Page 2**

1 10. Page 16, by striking lines 9 through 12, and  
2 inserting the following: "the state."

3 11. Page 21, by inserting after line 11, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 117.8, Code 1987, is amended to  
6 read as follows:

7 **117.8 REAL ESTATE EXAMINING BOARD COMMISSION**  
8 **CREATED - STAFF.**

9 A real estate ~~examining board~~ commission is created  
10 within the professional licensing and regulation  
11 division of the department of commerce. The ~~board~~  
12 commission consists of three members licensed under  
13 this chapter and two members not licensed under this  
14 chapter and who shall represent the general public.  
15 At least one of the licensed members shall be a  
16 licensed real estate salesperson, except that if the  
17 licensed real estate salesperson becomes a licensed  
18 real estate broker during a term of office, that  
19 person may complete the term, but is not eligible for



20 reappointment on the board commission as a licensed  
21 real estate salesperson. A licensed member shall be  
22 actively engaged in the real estate business and shall  
23 have been so engaged for five years preceding the  
24 appointment, the last two of which shall have been in  
25 Iowa. Professional associations or societies of real  
26 estate brokers or real estate salespersons may  
27 recommend the names of potential board commission  
28 members to the governor. However, the governor is not  
29 bound by their recommendations. A board commission  
30 member shall not be required to be a member of any  
31 professional association or society composed of real  
32 estate brokers or salespersons. Board Commission  
33 members shall be appointed by the governor subject to  
34 confirmation by the senate. Appointments shall be for  
35 three-year terms and shall commence and end as  
36 provided in section 69.19. A member shall serve no  
37 more than three terms or nine years, whichever is  
38 less. No more than one member shall be appointed from  
39 a county. A board commission member shall not hold  
40 any other elective or appointive state or federal  
41 office. Vacancies shall be filled for the unexpired  
42 term by appointment of the governor and are subject to  
43 senate confirmation. A majority of the board  
44 commission members constitutes a quorum. The  
45 administrator of the professional licensing and  
46 regulation division shall hire and provide staff to  
47 assist the board commission with implementing this  
48 chapter."

49 12. Page 21, by inserting after line 11 the  
50 following:

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1 "Sec. \_\_\_\_\_. Section 118.16, Code 1987, is amended  
2 by adding the following new subsection:  
3 NEW SUBSECTION. 14. "Interior designer" means a  
4 person using such designation in the performance of  
5 interior design services who has either passed the  
6 NCIDQ (National Council for Interior Design  
7 Qualification) prior to or subsequent to enactment of  
8 this Act, or who were qualified under established  
9 NCIDQ criteria to take the examination as of the date  
10 of enactment of this Act.

11 Sec. \_\_\_\_\_. Section 118.17, Code 1987, is amended by  
12 adding the following new subsection:  
13 NEW SUBSECTION. 4. Interior designers, as defined  
14 in section 118.16."

15 13. Page 22, by striking lines 7 through 17.

16 14. Page 22, by striking lines 18 and 19.

17 15. Page 22, by inserting after line 20, the  
18 following:

19 "Sec. \_\_\_\_\_. Section 100 of this Act, being deemed  
 20 of immediate importance, is effective upon enactment."  
 21 16. By renumbering, relettering, or redesignating  
 22 and correcting internal references as necessary.

Jochum of Dubuque offered the following amendment H-6288, to the Senate amendment H-6013, filed by him from the floor and moved its adoption:

H-6288

1 Amend the amendment, H-6013, to House File 2444, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by inserting after line 2, the  
 5 following:  
 6 "\_\_\_\_\_. Page 1, lines 17 and 18, by striking the  
 7 words "the offices of the clerks of the district court  
 8 of the judicial department,"."

Amendment H-6288 was adopted.

Lundby of Linn offered the following amendment H-6116, to the Senate amendment H-6013, filed by her and Connors of Polk and moved its adoption:

H-6116

1 Amend the amendment, H-6013, to House File 2444 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 10.

A non-record roll call was requested.

The ayes were 53, nays 16.

Amendment H-6116 was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-6260 filed by him on April 6, 1988.

Renaud of Polk offered the following amendment H-6033, to the Senate amendment H-6013, filed by him and moved its adoption:

H-6033

1 Amend the amendment, H-6013, to House File 2444 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 3, line 1, by inserting after the word  
 5 "Code" the following: "Supplement".  
 6 2. Page 3, by inserting after line 20, the  
 7 following:

8 "\_\_\_\_\_. Title page, lines 12 and 13, by striking  
9 the words "an effective date" and inserting the  
10 following: "certain effective dates".

Amendment H—6033 was adopted.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—6097 filed by Blanshan, et al., on March 30, 1988.

Haverland of Polk asked and received unanimous consent to withdraw amendment H—6221 filed by Haverland, et al., on April 5, 1988.

Blanshan of Greene offered the following amendment H—6247, to the Senate amendment H—6013, filed by him and moved its adoption:

H—6247

1 Amend the amendment, H—6013, to House File 2444 as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 3, line 10, by inserting after the word  
5 "Act." the following: "An interior designer  
6 performing customary interior design services shall  
7 not be deemed to be engaged in the unlawful practice  
8 of architecture. Customary interior design services  
9 include nonstructural aspects of interior space as  
10 provided in section 118.18." "  
11 2. Page 3, by striking lines 11 through 14.

Amendment H—6247 was adopted.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—6170 filed by Blanshan, et al., on April 4, 1988.

Van Camp of Scott offered amendment H—6187, to the Senate amendment H—6013, filed by him and requested division as follows:

H—6187

1 Amend the amendment, H—6013, to House File 2444, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

H—6187A

4 1. By striking page 2, line 49 through page 3,  
5 line 14.

H—6187B

6 2. Page 3, by striking line 15.

H-6187C

7 3. Page 3, by striking line 16.

Van Camp of Scott moved the adoption of amendment H-6187A, to the Senate amendment H-6013.

A non-record roll call was requested.

The ayes were 36, nays 43.

Amendment H-6187A lost.

Renaud of Polk offered the following amendment H-6230, to the Senate amendment H-6013, filed by Renaud, et al.:

H-6230

1 Amend the amendment, H-6013, to House File 2444 as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 3, by inserting after line 14 the  
5 following:

6 "\_\_\_\_\_. Page 21, by inserting after line 15 the  
7 following:

8 "Sec. \_\_\_\_\_. NEW SECTION. 258A.11 CONTINUING  
9 EDUCATION MINIMUM REQUIREMENTS.

10 The board of barber examiners and the board of  
11 cosmetology examiners, created pursuant to chapter  
12 147, shall each require, as a condition of license  
13 renewal, a minimum of six hours of continuing  
14 education in the two years immediately prior to a  
15 licensee's license renewal." "

16 2. Page 3, by inserting before line 16 the  
17 following:

18 "\_\_\_\_\_. Page 22, by inserting after line 17, the  
19 following:

20 "Sec. \_\_\_\_\_. Section 714.23, unnumbered paragraph 1,  
21 Code 1987, is amended by striking the unnumbered  
22 paragraph and inserting in lieu thereof the following:

23 A student enrolled in a proprietary school which  
24 offers a course of study of more than four months in  
25 length and leads to a degree, diploma, or license  
26 shall, upon terminating study in the course, be  
27 obligated to the school for costs not to exceed the  
28 following:

29 1. The total cost of all textbooks, tools,  
30 equipment, uniforms, and other course-related  
31 materials purchased and received by the student as of  
32 the date of termination.

33 2. Fees charged by the school, not to exceed one  
34 hundred fifty dollars.

35 3. The total tuition cost of the course multiplied  
36 by a factor whose numerator shall be the time the

37 student was in attendance and whose denominator shall  
38 be the total length of the course. In determining the  
39 student's tuition obligation to the school, the  
40 following rules shall apply:

41 a. The student's starting date shall be the first  
42 day the student attends classes.

43 b. The student's termination date shall be the  
44 last day the student attends classes.

45 c. Time in attendance shall be the actual time the  
46 student was at the school; total length of the course  
47 shall be stated in identical units as time in  
48 attendance.

49 All moneys collected by the proprietary school from  
50 or for the benefit of the student in excess of the

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1 total of subsections 1 through 3 shall, within thirty  
2 days of the student's termination date, be returned to  
3 the appropriate agency or person. For purposes of  
4 this chapter, unless the context otherwise requires,  
5 "proprietary school" means a person offering a course  
6 of instruction at the postsecondary level, for profit,  
7 that is more than four months in length and leads to a  
8 degree, diploma, or license.

9 Sec. \_\_\_\_\_. NEW SECTION. 714.24 PERFORMANCE BOND.

10 A proprietary school shall, prior to enrollment of  
11 any students and thereafter annually on or before June  
12 30 of each year, present evidence to the attorney  
13 general that the school has obtained a performance  
14 bond to be used to make refunds of moneys received by  
15 the school for the benefit of students in the event  
16 the school ceases business or is otherwise unable to  
17 perform as required by section 714.23.

18 The amount of the performance bond shall be fifty  
19 thousand dollars for a school which has not operated  
20 in the state in the previous twelve months, and shall  
21 be fifty thousand dollars or twenty-five percent of  
22 the school's previous year's tuition receipts,  
23 whichever is less, for a school which has operated in  
24 the state in the previous calendar year.

25 Sec. \_\_\_\_\_. NEW SECTION. 714.25 DISCLOSURE.

26 A proprietary school located within the state  
27 shall, prior to the time a student is obligated for  
28 payment of any moneys, inform the student of all of  
29 the following:

30 1. The total cost of the course of instruction as  
31 charged by the school.

32 2. An estimate of any fees which may be charged  
33 the student by others which would be required if the  
34 student is to successfully complete the course and, if  
35 applicable, obtain a degree, diploma, or license.

36 3. The percentage of students who successfully  
 37 complete the course, the percentage who terminate  
 38 prior to completing the course, and the period of time  
 39 upon which the school has based these percentages.  
 40 The reporting period shall not be less than one year  
 41 in length and shall not extend more than five years  
 42 into the past.

43 4. If claims are made by the school as to  
 44 successful placement of students in jobs upon  
 45 completion of the course of study, the school shall  
 46 provide the student with all of the following:

47 a. The percentage of graduating students who were  
 48 placed in jobs in fields related to the course of  
 49 instruction.

50 b. The percentage of graduating students who went

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1 on to further education immediately upon graduation.

2 c. The percentage of students who, ninety days  
 3 after graduation, were without a job and had not gone  
 4 on to further education.

5 d. The period of time upon which the reports  
 6 required by paragraphs "a" through "c" were based.  
 7 The reporting period shall not be less than one year  
 8 in length and shall not extend more than five years  
 9 into the past.

10 5. If claims are made by the school as to income  
 11 levels of students who have graduated and are working  
 12 in fields related to the school's course of  
 13 instruction, the school shall inform the student of  
 14 the method used to derive such information."

15 3. By renumbering as necessary.

Tabor of Jackson in the chair at 1:55 p.m.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Fuller of Hardin on request of Bisignano of Polk; Muhlbauer of Crawford on request of Pavich of Pottawattamie, both for the remainder of the day.

Platt of Muscatine rose on a point of order that amendment H-6230 was not germane.

The Speaker ruled the point well taken and amendment H-6230 not germane.

Renaud of Polk asked for unanimous consent to suspend the rules to consider amendment H-6230.

Objection was raised.

Renaud of Polk moved that the rules be suspended to consider amendment H—6230.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 60, nays 34.

The motion prevailed and the rules were suspended to consider amendment H—6230.

On motion by Renaud of Polk, amendment H—6230 was adopted.

The House resumed consideration of amendment H—6187B.

On motion by Van Camp of Scott, amendment H—6187B, to the Senate amendment H—6013, was adopted.

The House resumed consideration of amendment H—6187C.

On motion by Van Camp of Scott, amendment H—6187C, to the Senate amendment H—6013, was adopted, placing out of order amendment H—6198 filed by Halvorson of Webster on April 4, 1988.

Renaud of Polk asked and received unanimous consent that House File 2444 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—6013, as amended, pending.)

Knapp of Dubuque called up for consideration **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, amended by the Senate amendment H—6014 as follows:

H—6014

- 1 Amend House File 2440, as passed by the House, as
- 2 follows:
- 3 1. Page 2, line 10, by striking the word
- 4 "nineteen" and inserting the following: "twenty-
- 5 three".
- 6 2. Page 5, line 31, by striking the figure
- 7 "169.4" and inserting the following: "169.5".
- 8 3. Page 5, line 34, by striking the word "thirty"
- 9 and inserting the following: "fifteen".
- 10 4. Title page, line 3, by inserting after the
- 11 word "resources" the following: ", and providing for
- 12 an increase in certain fees."
- 13 5. By renumbering, relettering, or redesignating
- 14 and correcting internal references as necessary.

Knapp of Dubuque offered the following amendment H—6133, to the Senate amendment H—6014, filed by him and moved its adoption:

H—6133

- 1 Amend the Senate amendment, H—6014, to House File
- 2 2440, as passed by the House, as follows:
- 3 1. Page 1, by striking lines 6 through 9, and
- 4 inserting the following:
- 5 “\_\_\_\_\_. Page 5, by striking lines 31 through 35.”
- 6 2. By renumbering as necessary.

Amendment H—6133 was adopted.

Cooper of Lucas asked and received unanimous consent to withdraw amendment H—6175, to the Senate amendment H—6014, filed by him on April 4, 1988.

On motion by Knapp of Dubuque, the House concurred in the Senate amendment H—6014, as amended.

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

On the question “Shall the bill pass?” (H.F. 2440)

The ayes were, 68:

Adams	Arnould	Avenson	Beaman
Beatty	Black	Blanshan	Brammer
Buhr	Clark	Cohoon	Connolly
Connors	Cooper	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Lundby	May	McKean
McKinney	Mullins	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Svoboda	Swartz	Swearingen
Teaford	Van Camp	Wise	Mr. Speaker (Tabor)

The nays were, 23:

Bennett	Branstad	Carpenter	Corbett
Corey	Eddie	Garman	Hermann



Hummel	Kremer	Maulsby	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Renken	Royer	Running	Schnekloth
Stromer	Tyrrell	Van Maanen	

Absent or not voting, 9:

Bisignano	Chapman	Fuller	Hatch
Koenigs	Lageschulte	Muhlbauer	Neuhauser
Plasier			

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 452 and Senate Joint Resolution 1.

Speaker Avenson in the chair at 2:21 p.m.

### CONSIDERATION OF BILLS

#### Ways and Means Calendar

The House resumed consideration of **House File 2462**, 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, and amendment H—6183A, as amended (found on page 1359 of the House Journal), deferred April 4, 1988.

Swartz of Marshall asked and received unanimous consent to defer action on amendment H—6183A.

Connors of Polk offered the following amendment H—6262 filed by him:

H—6262

- 1 Amend House File 2462 as follows:
- 2 1. Page 4, line 11, by striking the word "bitten"
- 3 and inserting the following: "~~bitten~~ attacked".
- 4 2. Page 4, line 25, by inserting after the word
- 5 "rabies," the following: "As used in this section,
- 6 "attack" means a menacing act directed toward causing
- 7 injury."
- 8 3. Page 4, by striking line 26, and inserting the
- 9 following:
- 10 "Sec. 13. NEW SECTION. 351B.1 DEFINITIONS.
- 11 As used in this chapter, unless the context
- 12 otherwise requires:
- 13 1. "Animal warden" means the same as defined in
- 14 section 162.2, subsection 17.

15 2. "Attack" means a menacing act directed toward  
16 causing injury to a person or domestic animal.

17 3. "Impounded" means to be confined in a dog pound  
18 as defined in section 162.2, subsection 1.

19 4. "Licensing authority" means the county or city  
20 in which the owner resides, and which licenses dogs.

21 5. "Owner" includes a person who owns, keeps, or  
22 harbors a dog.

23 6. "Person" means the same as defined in section  
24 4.1, subsection 13.

25 7. "Primary enclosure" or "enclosure" means a  
26 primary enclosure as defined in section 162.2,  
27 subsection 12. However, the primary enclosure must be  
28 constructed to prevent the entry of children and the  
29 escape of the dog or dogs confined in the enclosure.

30 8. "Provocation" means an action which causes or  
31 intends to cause harm to a dog or which threatens to  
32 cause harm to a dog, committed by a person knowing  
33 that the action may incite a normal dog to act  
34 violently.

35 9. "Serious injury" means a physical injury which  
36 results in broken bones or disfiguring lacerations  
37 requiring multiple sutures or cosmetic surgery.

38 10. "Vicious dog" means any of the following:

39 a. A dog owned or harbored primarily or in part  
40 for the purpose of dog fighting.

41 b. A dog which without provocation chases or  
42 approaches a person upon public or private property in  
43 a menacing fashion or apparent attitude of attack.

44 c. A dog having a known propensity or disposition  
45 to attack without provocation and to cause injury to  
46 human beings or domestic animals.

47 d. A dog which without provocation inflicts  
48 serious injury upon a person.

49 e. A dog which kills a domestic animal while not  
50 on the owner's property.

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1 f. A dog which is used by the owner to guard  
2 property located on the premises of a business.

3 g. A dog which has been declared to be abused as  
4 determined by a court.

5 h. A dog which has been found running at large, or  
6 which has been impounded for four or more times.

7 **Sec. 14. NEW SECTION. 351B.2 REGISTRATION**  
8 **REQUIREMENTS.**

9 1. A licensing authority shall not license a  
10 vicious dog unless the dog has been registered. If a  
11 city is the registering authority, it shall report the  
12 information required under this section to the county  
13 where the owner resides. The county shall file the

14 information for immediate access. The registration  
15 requirements include all of the following:

16 a. The owner shall present proof to the licensing  
17 authority that the owner has procured liability  
18 insurance in the amount of at least one hundred  
19 thousand dollars, covering any damage or injury which  
20 may be caused by the dog during the twelve-month  
21 period for which licensing is sought. The owner shall  
22 present to the licensing authority a certificate of  
23 insurance provided to the owner by the insurer. The  
24 policy shall contain a provision requiring the  
25 licensing authority to be named as additional insured  
26 and ensuring notification of the licensing authority  
27 if the liability insurance policy is canceled or  
28 expires.

29 b. The owner shall have the license number  
30 assigned to the dog tattooed upon the dog by a  
31 licensed veterinarian on the upper inner lip, the ear,  
32 the medial side of the fold of the flank, or on the  
33 medial side of the midhigh of the dog. The licensing  
34 number and method of tattooing shall conform with  
35 requirements established by the county in which the  
36 owner resides. The county requirements shall ensure  
37 that tattoos are immediately identifiable by county  
38 authorities. The first two digits of the licensing  
39 number shall designate the county in which the dog is  
40 registered. The digits designating a county shall  
41 correspond to the name of the county as listed in a  
42 ranking in alphabetical order of all counties. The  
43 list of counties shall begin with Adair county which  
44 shall be designated with the digits "01" and end with  
45 Wright county which shall be designated with the  
46 digits "99". For the purposes of this section,  
47 "tattoo" means a permanent numbering of a dog by means  
48 of indelible or permanent ink which the number  
49 designated by the licensing authority, or any other  
50 permanent method of tattooing acceptable to the

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1 licensing authority.

2 c. The owner shall display at least one sign on  
3 the owner's premises which provides reasonable warning  
4 that there is a vicious dog on the premises. The sign  
5 displayed shall be visible and legible from the public  
6 highway. The sign shall include a symbol warning  
7 children of the presence of the dog.

8 d. The owner shall sign a statement attesting  
9 that:

10 (1) The owner will maintain and not voluntarily  
11 cancel the liability insurance required by this  
12 section during the twelve-month period for which

13 licensing is sought, unless the owner ceases to own or  
14 keep the dog before the license expires.

15 (2) The owner, on or before the effective date of  
16 the license for which application is being made, will  
17 have a primary enclosure for the dog on the property  
18 where the dog will be kept, and the enclosure will  
19 always be locked when it confines a vicious dog.

20 (3) The owner will notify the licensing authority  
21 within twenty-four hours if a vicious dog is on the  
22 loose, is unconfined, has attacked another animal, has  
23 attacked a human, has died, or has been sold or given  
24 away. If the dog has been sold or given away, the  
25 owner shall also provide the licensing authority with  
26 the name, address, and telephone number of the new  
27 owner of the dog.

28 2. Animal wardens may make any necessary inquiry  
29 to ensure compliance with this chapter, and may seize  
30 and impound any vicious dog whose owner or keeper  
31 fails to comply.

32 3. This section does not apply to boarding kennels  
33 or commercial kennels as defined in section 162.2,  
34 subsections 5 and 6.

35 Sec. 15. NEW SECTION. 351B.3 CONFINEMENT OF  
36 VICIOUS DOGS.

37 A vicious dog shall be confined in a primary  
38 enclosure. It is unlawful for an owner to maintain a  
39 vicious dog on premises which do not have a primary  
40 enclosure.

41 It is unlawful for an owner to allow a vicious dog  
42 outside of the housing facilities, as defined in  
43 section 162.2, subsection 13, of the owner unless it  
44 is necessary for the owner to obtain veterinary care  
45 for the dog, to sell or give away the dog, to comply  
46 with commands or directions of the animal warden with  
47 respect to the dog, or to comply with section 351B.2,  
48 subsection 1, paragraphs "a" and "b". In those  
49 events, the vicious dog shall be securely muzzled and  
50 restrained with a chain having a minimum tensile

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1 strength of three hundred pounds, not exceeding three  
2 feet in length, and under the owner's direct control  
3 and supervision.

4 Sec. 16. NEW SECTION. 351B.4 PURPOSE OR INTENT  
5 OF HARBORING.

6 1. A person shall not own, harbor, or breed a dog  
7 for the purpose of dog fighting, or train, torment,  
8 badger, bait, or use a dog for the purpose of causing  
9 or encouraging the dog to make unprovoked attacks upon  
10 human beings or domestic animals.

11 2. A person shall not possess with intent to sell,

12 offer for sale, breed, buy, or attempt to buy a  
13 vicious dog in this state.

14 Sec. 17. NEW SECTION. 351B.5 LIABILITY OF  
15 PARENTS OR GUARDIANS.

16 The parent or guardian of a minor who owns a  
17 vicious dog is liable for all injuries or property  
18 damage resulting from an unprovoked attack by the  
19 vicious dog.

20 Sec. 18. NEW SECTION. 351B.6 SEIZURE OF VICIOUS  
21 DOGS.

22 If an animal warden or peace officer has probable  
23 cause to believe that a vicious dog is being harbored  
24 or cared for in violation of a provision of this  
25 chapter, the warden or officer may order the seizure  
26 and impoundment of the dog pending trial. If the dog  
27 is not registered under section 351B.2, the court  
28 shall determine whether the dog is a vicious dog.  
29 Upon determining if a dog is a vicious dog, the dog  
30 shall be declared and deemed to be a vicious dog. The  
31 owner shall have ten days from the date of receiving  
32 custody of the dog in which to comply with section  
33 351B.2.

34 Sec. 19. NEW SECTION. 351B.7 DESTRUCTION OF  
35 VICIOUS DOGS.

36 If a vicious dog kills or wounds, or assists in  
37 killing or wounding a domestic animal, or attacks or  
38 injures a person, whether or not confined or on a  
39 leash or securely muzzled, or whether or not having  
40 escaped without fault of the owner, the owner is  
41 liable to the person aggrieved for all damage  
42 sustained, to be recovered in a civil action, with  
43 costs of suit. It is presumed as a matter of law that  
44 owning a vicious dog in violation of a provision of  
45 this chapter is a nuisance. Upon attack or injury,  
46 the animal warden in the licensing authority where the  
47 attack or injury occurred may confiscate and destroy  
48 the dog if the conduct of the dog or its owner  
49 constituted a violation of a provision of this  
50 chapter.

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1 Sec. 20. NEW SECTION. 351B.8 PENALTIES.

2 1. A person who violates a provision of this  
3 chapter, other than this section, is guilty of a  
4 serious misdemeanor. A person found guilty of a third  
5 or subsequent violation is guilty of an aggravated  
6 misdemeanor.

7 2. The owner of a dog is guilty of a serious  
8 misdemeanor if the dog attacks and causes injury to a  
9 person, and the dog, prior to the violation, was not a  
10 vicious dog.

11 3. The owner of a dog is guilty of an aggravated  
12 misdemeanor if the dog attacks and causes injury to a  
13 person, and the dog, prior to the violation, was a  
14 vicious dog.

15 4. The owner of a dog is guilty of a class "D"  
16 felony, if the dog attacks and causes serious injury  
17 to a person and the dog was a vicious dog prior to the  
18 violation. In addition, the dog shall be immediately  
19 confiscated by the animal control officer, placed in  
20 quarantine for the proper length of time, and  
21 thereafter euthanatized.

22 Sec. 21. NEW SECTION. 351B.9 EXCEPTIONS.

23 This chapter does not apply to the following:

24 1. An act by a dog performed against a person  
25 assaulting the owner of the dog.

26 2. An act by a dog performed against a trespasser  
27 on the property of the owner, unless the trespasser is  
28 ten years old or younger.

29 3. An act by a dog performed to defend a person  
30 from attack by another person or dog.

31 4. An act by a dog performed to defend its young  
32 or another animal from attack or threat of attack.

33 5. An act by a dog in performance of duties  
34 related to law enforcement, if the dog is on duty and  
35 under the control of a law enforcement officer  
36 competent to control the dog.

37 6. An act by a dog in response to teasing or  
38 baiting, unless the act is directed against a person  
39 ten years old or younger.

40 Sec. 22. Section 351.42, Code 1987, is repealed.

41 Sec. 23. Sections 1 through 12 of this Act take  
42 effect January 1, 1989. Sections 13 through 22 of  
43 this Act take effect January 1, 1990, by which time  
44 all licensing authorities shall have conducted  
45 registration drives and counties shall have adopted  
46 registration requirements designed to ensure  
47 compliance with this chapter."

48 4. Title page, line 1, by striking the word "by".

Schneklloth of Scott rose on a point of order that amendment H—6262 was not germane.

The Speaker ruled the point well taken and amendment H—6262 not germane.

Spear of Lee offered the following amendment H—6195 filed by him and moved its adoption:

H—6195

1 Amend House File 2462 as follows:

2 1. Page 4, line 20, by striking the word "an" and

- 3 inserting the following: "a domestic".  
 4 2. Page 4, line 21, by inserting after the word  
 5 "animal" the following: "that has bitten a person".

Amendment H—6195 was adopted.

Spear of Lee offered the following amendment H—6252 filed by him and moved its adoption:

H—6252

- 1 Amend House File 2462, as follows:  
 2 1. Page 4, line 23, by inserting after the word  
 3 "person" the following: "or a wild animal suspected  
 4 of having rabies".

Amendment H—6252 was adopted.

The House resumed consideration of amendment H—6183C (found on page 1359 of the House Journal).

Swartz of Marshall asked and received unanimous consent to defer action on amendment H—6183C.

Bisignano of Polk offered the following amendment H—6250 filed by him and moved its adoption:

H—6250

- 1 Amend House File 2462 as follows:  
 2 1. By striking page 3, line 20 through page 4,  
 3 line 25.  
 4 2. By renumbering as necessary.

Amendment H—6250 was adopted, placing out of order amendments H—6183A and H—6183C, previously deferred, and amendments H—6183B, H—6252, H—6195, H—6190 and H—6191, all previously adopted.

The following amendment H—6301 filed by Bisignano of Polk from the floor was adopted by unanimous consent:

H—6301

- 1 Amend House File 2462 as follows:  
 2 1. Title page by striking lines 1 through 3 and  
 3 inserting the following: "An Act relating to the  
 4 licensing of dogs, subjecting violators to a  
 5 penalty, and providing an effective date."

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. 2462)

The ayes were, 90:

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

The nays were, 6:

Hummel	Jay	Maulsby	Petersen, D. F.
Schneklloth	Van Maanen		

Absent or not voting, 4:

Fuller	Haverland	Muhlbauer	Neuhauser
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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.

### Ways and Means Calendar

**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, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 452)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
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Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohon	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.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Mullins
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	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Chapman	Fuller	Haverland	Jochum
Muhlbauer	Neuhauser	Swartz	

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

### Unfinished Business Calendar

The House resumed consideration of **Senate 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, deferred and placed on the unfinished business calendar March 31, 1988.

Halvorson of Webster asked and received unanimous consent to defer action on amendments H—5071 and H—5072.

De Groot of Lyon offered the following amendment H—5111 filed by him:

H—5111

- 1 Amend Senate Joint Resolution 1, as passed by the
- 2 Senate, as follows:
- 3 1. By striking page 1, line 1 through page 4,

4 line 11, and inserting the following:

5 "Section 1. The following amendment to the  
6 Constitution of the State of Iowa is proposed:

7 1. Section 3 of Article IV as amended by amendment  
8 number 1 of the Amendments of 1972 is repealed and the  
9 following adopted in lieu thereof:

10 RETURNS OF ELECTIONS. SEC. 3. In voting for  
11 governor, the electors shall designate for whom they  
12 vote as governor. The returns of every election for  
13 governor shall be sealed up and transmitted to the  
14 seat of government of the state, directed to the  
15 speaker of the house of representatives, who shall  
16 open and publish them in the presence of both houses  
17 of the general assembly.

18 2. Section 4 of Article IV as amended by amendment  
19 number 1 of the Amendments of 1952 is repealed and the  
20 following adopted in lieu thereof:

21 ELECTION BY GENERAL ASSEMBLY. SEC. 4. The person  
22 having the highest number of votes for governor shall  
23 be declared duly elected; but in case two or more  
24 persons have an equal and the highest number of votes  
25 for the office, the general assembly shall, by joint  
26 vote, forthwith proceed to elect one of the persons  
27 governor.

28 If, upon the completion of the canvass of votes for  
29 governor by the general assembly, it appears that the  
30 person who received the highest number of votes for  
31 governor has since died, resigned, is unable to  
32 qualify, fails to qualify, or for any other reason is  
33 unable to assume the duties of the office of governor  
34 for the ensuing term, the powers and duties of the  
35 office shall devolve upon the president of the senate  
36 until the disability is removed and, upon  
37 inauguration, the president of the senate shall assume  
38 the powers and duties of governor.

39 3. Section 5 of Article IV is repealed and the  
40 following adopted in lieu thereof:

41 CONTESTED ELECTIONS. SEC. 5. Contested elections  
42 for governor shall be determined by the general  
43 assembly in the manner prescribed by law.

44 4. Section 6 of Article IV is repealed and the  
45 following adopted in lieu thereof:

46 ELIGIBILITY. SEC. 6. A person is not eligible for  
47 the office of governor who has not been a citizen of  
48 the United States, and a resident of the state, two  
49 years next preceding the election, and attained the  
50 age of thirty years at the time of that election.

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1 5. Section 14 of Article IV is repealed and the  
2 following adopted in lieu thereof:

3 DISQUALIFICATION. SEC. 14. A person, while  
4 holding any office under the authority of the United  
5 States or this state, shall not execute the office of  
6 governor, except as expressly provided in this  
7 article.

8 6. Section 15 of Article IV as amended by  
9 amendment number 1 of the Amendments of 1972 is  
10 repealed and the following adopted in lieu thereof:

11 TERMS. SEC. 15. The official term of the governor  
12 commences on the second Monday of January next after  
13 the election, and continues until the successor is  
14 elected and qualified.

15 7. Section 17 of Article IV is repealed and the  
16 following adopted in lieu thereof:

17 SECRETARY OF STATE TO ACT AS GOVERNOR. SEC. 17.  
18 In case of the death, impeachment, resignation,  
19 removal from office, or other disability of the  
20 governor, the powers and duties of the office for the  
21 residue of the term, or until the governor is  
22 acquitted, or the disability removed, devolve upon the  
23 secretary of state.

24 8. Section 18 of Article IV is repealed.

25 9. Section 19 of Article IV as amended by  
26 amendment number 2 of the Amendments of 1952 is  
27 repealed and the following adopted in lieu thereof:

28 GUBERNATORIAL SUCCESSION. SEC. 19. If there is a  
29 vacancy in the office of governor, the secretary of  
30 state shall act as governor until the vacancy is  
31 filled or the disability removed; and if the secretary  
32 of state, for any of the causes in section 17, is  
33 incapable of performing the duties pertaining to the  
34 office of governor the duties shall devolve upon the  
35 president of the senate; and if the president of the  
36 senate, for any of the causes in section 17, is  
37 incapable of performing the duties pertaining to the  
38 office of governor the duties shall devolve upon the  
39 speaker of the house of representatives; and if the  
40 speaker of the house of representatives, for any of  
41 the causes in section 17, is incapable of performing  
42 the duties of the office of governor, the justices of  
43 the supreme court shall convene the general assembly  
44 by proclamation and the general assembly shall  
45 organize by the election of a president by the senate  
46 and a speaker by the house of representatives. The  
47 general assembly shall thereupon immediately proceed  
48 to the election of a governor in joint convention.

49 Sec. 2. The foregoing proposed amendment to the  
50 Constitution of the State of Iowa is referred to the

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1 general assembly to be chosen at the next general

2 election for members of the general assembly and the  
 3 secretary of state is directed to cause it to be  
 4 published for three consecutive months before the date  
 5 of that election as provided by law.”

6 2. Amend the title, line 2, by striking the words  
 7 “relating to the offices of governor and” and  
 8 inserting the following: “to eliminate the office  
 9 of”.

Blanshan of Greene rose on a point of order that amendment H—5111 was not germane.

The Speaker ruled the point not well taken and amendment H—5111 germane.

De Groot of Lyon moved the adoption of amendment H—5111.

A non-record roll call was requested.

The ayes were 39, nays 49.

Amendment H—5111 lost.

Connors of Polk in the chair at 3:24 p.m.

Halvorson of Webster offered the following amendment H—5163 filed by him and moved its adoption:

H—5163

1 Amend Senate Joint Resolution 1, as passed by the  
 2 Senate, as follows:

3 1. By striking page 1, line 1 through page 4,  
 4 line 11, and inserting the following:

5 “Section 1. The following amendment to the  
 6 Constitution of the State of Iowa is proposed:

7 1. Section 3 of Article IV of the Constitution of  
 8 the State of Iowa, as amended by amendment number 1 of  
 9 the Amendments of 1972, is repealed beginning with the  
 10 general election in the year 1994 and the following  
 11 adopted in lieu thereof:

12 SEC. 3. There shall be a Lieutenant Governor-  
 13 Secretary of State who shall hold the office for the  
 14 same term and be elected at the same time as the  
 15 Governor. In voting for Governor and Lieutenant  
 16 Governor-Secretary of State, the electors shall  
 17 designate for whom they vote as Governor, and for whom  
 18 they vote as Lieutenant Governor-Secretary of State.  
 19 The returns of every election for Governor, and  
 20 Lieutenant Governor-Secretary of State, shall be  
 21 sealed up and transmitted to the seat of government of  
 22 the State, directed to the Speaker of the House of  
 23 Representatives, who shall open and publish them in

24 the presence of both houses of the General Assembly.

25 2. Section 4 of Article IV of the Constitution of  
26 the State of Iowa, as amended by amendment number 1 of  
27 the Amendments of 1952, is repealed beginning with the  
28 general election in the year 1994 and the following  
29 adopted in lieu thereof:

30 SEC. 4. The persons respectively having the  
31 highest number of votes for Governor and Lieutenant  
32 Governor-Secretary of State, shall be declared duly  
33 elected; but in the case of two or more persons having  
34 an equal and the highest number of votes for either  
35 office, the General Assembly shall, by joint vote,  
36 forthwith proceed to elect one of the persons  
37 Governor, or Lieutenant Governor-Secretary of State,  
38 as the case may be.

39 If, upon the completion of the canvass of votes for  
40 Governor and Lieutenant Governor-Secretary of State by  
41 the General Assembly, it shall appear that the person  
42 who received the highest number of votes for Governor  
43 has since died, resigned, or is unable to qualify,  
44 fails to qualify, or for any other reason is unable to  
45 assume the duties of the office of Governor for the  
46 ensuing term, the powers and duties of the office  
47 shall devolve upon the person who received the highest  
48 number of votes for Lieutenant Governor-Secretary of  
49 State until the disability is removed and, upon  
50 inauguration, the person shall assume the powers and

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1 duties of the Governor.

2 3. Section 5 of Article IV of the Constitution of  
3 the State of Iowa is repealed beginning with the  
4 general election in the year 1994 and the following  
5 adopted in lieu thereof:

6 SEC. 5. Contested elections for Governor, or  
7 Lieutenant Governor-Secretary of State, shall be  
8 determined by the General Assembly in such manner as  
9 may be prescribed by law.

10 4. Section 6 of Article IV of the Constitution of  
11 the State of Iowa is repealed beginning with the  
12 general election in the year 1994 and the following  
13 adopted in lieu thereof:

14 SEC. 6. A person shall not be eligible to the  
15 office of Governor, or Lieutenant Governor-Secretary  
16 of State, if the person has not been a citizen of the  
17 United States, and a resident of the state, two years  
18 next preceding the election, and attained the age of  
19 thirty years at the time of the election.

20 5. Section 22 of Article IV of the Constitution of  
21 the State of Iowa, as amended by amendment number 1 of  
22 the Amendments of 1972, is repealed beginning with the  
23 general election in the year 1994 and the following  
24 adopted in lieu thereof:

25 SEC. 22. An Auditor of State and a Treasurer of  
26 State shall be elected by the qualified electors at  
27 the same time that the Governor is elected and for a  
28 four-year term commencing on the first day of January

29 next after their election, and they shall perform such  
30 duties as may be provided by law.

31 Sec. 2. The following amendment to the  
32 Constitution of the State of Iowa is proposed:

33 1. Section 14 of Article IV of the Constitution of  
34 the State of Iowa is repealed beginning with the  
35 second Monday in January 1995 and the following  
36 adopted in lieu thereof:

37 SEC. 14. A person shall not, while holding any  
38 office under the authority of the United States, or  
39 this state, execute the office of Governor, or  
40 Lieutenant Governor-Secretary of State, except as  
41 hereinafter expressly provided.

42 2. Section 15 of Article IV of the Constitution of  
43 the State of Iowa, as amended by amendment number 1 of  
44 the Amendments of 1972, is repealed beginning with the  
45 second Monday in January 1995 and the following  
46 adopted in lieu thereof:

47 SEC. 15. The official term of the Governor, and  
48 Lieutenant Governor-Secretary of State, shall commence  
49 on the second Monday of January next after their  
50 election, and continue until their successors are

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1 elected and qualify. The Lieutenant Governor-  
2 Secretary of State, while acting as Governor, shall  
3 receive the same compensation as provided for the  
4 Governor and at such other times, the amount as  
5 provided by law.

6 3. Section 17 of Article IV of the Constitution of  
7 the State of Iowa is repealed beginning with the  
8 second Monday in January 1995 and the following  
9 adopted in lieu thereof:

10 SEC. 17. In case of the death, impeachment,  
11 resignation, removal from office, or other disability  
12 of the Governor, the powers and duties of the office  
13 for the remainder of the term, or until the Governor  
14 shall be acquitted, or the disability removed, shall  
15 devolve upon the Lieutenant Governor-Secretary of  
16 State.

17 4. Section 18 of Article IV of the Constitution of  
18 the State of Iowa is repealed beginning with the  
19 second Monday in January 1995 and the following  
20 adopted in lieu thereof:

21 SEC. 18. The Lieutenant Governor-Secretary of  
22 State shall have the duties performed by the Secretary  
23 of State and such other duties as may be prescribed by  
24 law.

25 5. Section 19 of Article IV of the Constitution of  
26 the State of Iowa, as amended by amendment number 2 of  
27 the Amendments of 1952, is repealed beginning with the  
28 second Monday in January 1995 and the following  
29 adopted in lieu thereof:

30 SEC. 19. If there is a vacancy in the office of

31 the Governor, and the Lieutenant Governor-Secretary of  
32 State by reason of death, impeachment, resignation,  
33 removal from office, or other disability becomes  
34 incapable of performing the duties pertaining to the  
35 office of Governor, the President of the Senate shall  
36 act as Governor until the vacancy is filled or the  
37 disability is removed; and if the President of the  
38 Senate, for any of the above causes, shall be  
39 incapable of performing the duties pertaining to the  
40 office of Governor, the same shall devolve upon the  
41 Speaker of the House of Representatives; and if the  
42 Speaker of the House of Representatives, for any of  
43 the above causes, shall be incapable of performing the  
44 duties of the office of Governor, the Justices of the  
45 Supreme Court shall convene the General Assembly by  
46 proclamation and the General Assembly shall organize  
47 by the election of a President by the Senate and a  
48 Speaker by the House of Representatives. The General  
49 Assembly shall thereupon immediately proceed to the  
50 election of a Governor and Lieutenant Governor-

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1 Secretary of State in joint convention.  
2 Sec. 3. The foregoing proposed amendment to the  
3 Constitution of the State of Iowa is referred to the  
4 General Assembly to be chosen at the next general  
5 election for members of the General Assembly and the  
6 Secretary of State is directed to cause it to be  
7 published for three consecutive months before the date  
8 of that election as provided by law."

A non-record roll call was requested.

The ayes were 32, nays 45.

Amendment H—5163 lost.

Halvorson of Webster offered the following amendment H—5071,  
previously deferred, filed by him and moved its adoption:

**H—5071**

1 Amend Senate Joint Resolution 1, as passed by the  
2 Senate, as follows:  
3 1. Page 3, by striking lines 8 through 13.  
4 2. Page 4, by inserting after line 2 the  
5 following:  
6 "Sec. 3. Section 22 of Article IV of the  
7 Constitution of the State of Iowa, as amended by  
8 amendment number 1 of the Amendments of 1972, is  
9 repealed beginning with the general election in the  
10 year 1994, and the following adopted in lieu thereof:  
11 SEC 22. An auditor of state and a treasurer of  
12 state shall be elected by the qualified electors at  
13 the same time that the governor is elected and for a  
14 four-year term commencing on the first day of January

15 next after their election and they shall perform such  
16 duties as may be provided by law.  
17 Sec. 4. Section 18 of Article IV of the  
18 Constitution of the State of Iowa is repealed  
19 beginning with the second Monday in January, 1995, and  
20 the following adopted in lieu thereof:  
21 SEC. 18. The lieutenant governor shall perform  
22 those duties assigned to the secretary of state, those  
23 duties of the governor assigned to the lieutenant  
24 governor by the governor, and such other duties as may  
25 be provided by law.  
26 Sec. 5. The foregoing proposed amendment contained  
27 in sections 3 and 4 of this resolution to the  
28 Constitution of the State of Iowa is referred to the  
29 General Assembly to be chosen at the next general  
30 election for members of the General Assembly and the  
31 Secretary of State is directed to cause it to be  
32 published for three consecutive months before the date  
33 of that election as provided by law.”  
34 3. Page 4, line 3, by inserting after the word  
35 “amendment” the following: “contained in sections 1  
36 and 2 of this resolution”.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 47, nays 47.

Amendment H—5071 lost.

Halvorson of Webster offered the following amendment H—5072, previously deferred, filed by him and moved its adoption:

H—5072

- 1 Amend Senate Joint Resolution 1, as passed by the
- 2 Senate, as follows:
- 3 1. By striking page 2, line 28 through page 4,
- 4 line 2.

Amendment H—5072 was adopted.

Speaker Avenson in the chair at 4:06 p.m.

Halvorson of Webster asked and received unanimous consent to reconsider the vote by which amendment H—5072 was adopted by the House.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—5072.



Lundby of Linn called up for consideration the motion to reconsider amendment H—5071 filed by her from the floor and moved to reconsider the vote by which amendment H—5071 (found on pages 1543 and 1544 of the House Journal) failed to be adopted by the House on April 7, 1988.

A non-record roll call was requested.

The ayes were 47, nays 38.

The motion to reconsider prevailed and the House reconsidered amendment H—5071.

Halvorson of Webster moved the adoption of amendment H—5071.

A non-record roll call was requested.

The ayes were 47, nays 39.

Amendment H—5071 was adopted.

Blanshan of Greene moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

**Senate Joint Resolution 1**, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 2 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

2. Section 3 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 3. The electors shall designate their selections for governor and lieutenant governor as if these two offices were one and the same. The names of nominees for the governor and the lieutenant

governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and a nominee for lieutenant governor. The returns of every election for governor and lieutenant governor shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the house of representatives who shall open and publish them in the presence of both houses of the general assembly.

3. Section 4 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1952, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor. If, upon the completion by the general assembly of the canvass of votes for governor and lieutenant governor, it appears that the nominee for governor in the set of nominees for governor and lieutenant governor receiving the highest number of votes has since died or resigned, is unable to qualify, fails to qualify, or is for any other reason unable to assume the duties of the office of governor for the ensuing term, the powers and duties shall devolve to the nominee for lieutenant governor of the same set of nominees for governor and lieutenant governor, who shall assume the powers and duties of governor upon inauguration and until the disability is removed. If both nominees for governor and lieutenant governor are unable to assume the duties of the office of governor, the person next in succession shall act as governor.

4. Section 5 of Article IV of the Constitution of the State of Iowa is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 5. Contested elections for the offices of governor and lieutenant governor shall be determined by the general assembly as prescribed by law.

Sec. 2. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 15 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is

repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 15. The official terms of the governor and lieutenant governor shall commence on the Tuesday after the second Monday of January next after their election and shall continue until their successors are elected and qualify. The governor and lieutenant governor shall be paid compensation and expenses as provided by law. The lieutenant governor, while acting as governor, shall be paid the compensation and expenses prescribed for the governor.

2. Section 19 of Article IV of the Constitution of the State of Iowa as amended by amendment number 2 of the Amendments of 1952 is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

Sec. 3. Section 22 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1994, and the following adopted in lieu thereof:

SEC 22. An auditor of state and a treasurer of state shall be elected by the qualified electors at the same time that the governor is elected and for a four-year term commencing on the first day of January next after their election and they shall perform such duties as may be provided by law.

Sec. 4. Section 18 of Article IV of the Constitution of the State of Iowa is repealed beginning with the second Monday in January, 1995, and the following adopted in lieu thereof:

SEC. 18 The lieutenant governor shall perform those duties

assigned to the secretary of state, those duties of the governor assigned to the lieutenant governor by the governor, and such other duties as may be provided by law.

Sec. 5 the foregoing proposed amendment contained in sections 3 and 4 of this resolution to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause it to be published for three consecutive months before the date of that election as provided by law.

Sec. 6. The foregoing proposed amendment, contained in sections 1 and 2 of this resolution, having been adopted and agreed to by the Seventy-first General Assembly, 1986 Session, thereafter duly published, and now adopted and agreed to by the Seventy-second General Assembly in this joint resolution, shall be submitted to the people of the state of Iowa at the general election in November of the year nineteen hundred eighty-eight in the manner required by the Constitution of the State of Iowa and the laws of the state of Iowa.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 1)

The ayes were, 74:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Branstad	Carpenter	Chapman	Clark
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harper
Haverland	Hermann	Hester	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKinney	Metcalf	Miller
Mullins	Norrgard	Ollie	Osterberg
Parker	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Royer
Schneklath	Schrader	Sherzan	Shoning
Siegrist	Spear	Stromer	Stueland
Swearingen	Teaford	Tyrrell	Van Camp
Van Maanen	Mr. Speaker		

The nays were, 23:

Black	Buhr	Connors	Doderer
Hammond	Harbor	Hatch	Holveck
Jay	McKean	Paulin	Pavich
Poncy	Renaud	Renken	Rosenberg
Running	Shoultz	Skow	Svoboda
Swartz	Tabor	Wise	

Absent or not voting, 3:

Fuller                      Muhlbauer                      Neuhauser

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE  
(Senate Joint Resolution 1)

Arnould of Scott asked and received unanimous consent that Senate Joint Resolution 1 be immediately messaged to the Senate.

The House stood at ease at 4:34 p.m., until the fall of the gavel.

The House resumed session at 6:31 p.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk on request of Stromer of Hancock; Lageschulte of Bremer on request of Schnekloth of Scott, both for the remainder of the day; Pellett of Cass, until his return, on request of Schnekloth of Scott; Brammer of Linn, for the remainder of the day, on request of Bisignano of Polk; Branstad of Winnebago, until his return, on request of Maulsby of Calhoun; Doderer of Johnson, until her return, on request of Pavich of Pottawattamie; Mullins of Kossuth, Halvorson of Clayton and Harbor of Mills on request of Hummel of Benton, all for the remainder of the day.

INTRODUCTION OF BILLS

**House File 2466**, by Arnould and Stromer, a bill for an act relating to the extension of the exclusion of a residential care facility from certificate of need requirements.

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

**House File 2467**, by Arnould (Companion bill by Hutchins), a bill for an act relating to a conflict between civil service laws and the terms and conditions of a collective bargaining agreement pertaining to the mandatory bargaining subject of seniority as it affects promotions and transfers.

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

**House File 2468**, by Arnould and Stromer, a bill for an act permitting private instruction by parents, guardians, and other defined persons and providing for remediation, reporting, private instruction assistance by public schools, dual enrollment, curriculum specifications, testing mechanisms, and supervision by the department of education; denying tax exemption for private instruction sites, denying

certification to an instructor not otherwise certificated, and providing a penalty and a repealer.

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

### 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 education meeting upon adjournment to consider House File 2468.

### SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **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, and the Senate amendment H—6013, as amended, (found on pages 1519 through 1522 of the House Journal).

Jochum of Dubuque offered the following amendment H—6297, to the Senate amendment H—6013, filed by him from the floor and moved its adoption:

H—6297

- 1 Amend the Senate amendment, H—6013, to House File
- 2 2444, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2, the
- 5 following:
- 6 "\_\_\_\_\_. Page 2, by inserting after line 15 the
- 7 following:
- 8 "Sec. 101. There is appropriated from the
- 9 administrative surcharge trust fund to the department
- 10 of employment services for the fiscal year beginning
- 11 July 1, 1987, and ending June 30, 1988, the following
- 12 amounts, or so much thereof as is necessary, for the
- 13 purpose of rural job service office operations:
- 14 .....\$ 1,300,000".
- 15 2. Page 3, line 19, by striking the words "Section 100"
- 16 and inserting the following: "Sections 100 and 101".
- 17 3. Page 3, line 20, by striking the word "is" and
- 18 inserting the following: "are".
- 19 4. By renumbering as necessary.

Amendment H—6297 was adopted.

Jochum of Dubuque offered the following amendment H—6303, to the Senate amendment H—6013, filed by him from the floor and moved its adoption:

H—6303

- 1 Amend the Senate amendment, H—6013 to House File
- 2 2444, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 26 the
- 5 following:
- 6 "\_\_\_\_\_. Page 6, line 8, by striking the word
- 7 "twenty-six" and inserting the following: "twenty-
- 8 seven".
- 9 \_\_\_\_\_. Page 6, line 10, by striking the figure
- 10 "\$3,920,680" and inserting the following:
- 11 "\$3,960,680".

Amendment H—6303 was adopted.

On motion by Renaud of Polk, the House concurred in the Senate amendment H—6013, as amended.

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

On the question "Shall the bill pass?" (H.F. 2444)

The ayes were, 61:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Daggett	Dvorsky	Fey
Fogarty	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lundby
May	McKean	McKinney	Norrgard
Osterberg	Parker	Paulin	Pavich
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 19:

Bennett	Carpenter	Corbett	Corey
De Groot	Eddie	Garman	Hanson, D. R.
Hummel	Maulsby	Miller	Peters
Petersen, D. F.	Renken	Royer	Running
Schnekloth	Stueland	Van Maanen	

Absent or not voting, 20:

Brammer	Branstad	Clark	Diemer
Doderer	Fuller	Groninga	Halvorson, R. A.
Harbor	Hatch	Kremer	Lageschulte
Metcalf	Muhlbauer	Mullins	Neuhauser
Ollie	Pellet	Stromer	Swearingen

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 Files 2444 and 2440)

Arnould of Scott asked and received unanimous consent that House Files 2444 and 2440 be immediately messaged to the Senate.

**SENATE AMENDMENT CONSIDERED**

Spear of Lee called up for consideration **House File 2443**, a bill for an act relating to and making appropriations to the justice system and providing an effective date, amended by the Senate amendment H—5992 as follows:

H—5992

- 1 Amend House File 2443 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 12 and 13 and
- 4 inserting the following:
- 5 "Sec. \_\_\_\_\_. There is appropriated from the general
- 6 fund of the state to the office of state treasurer for
- 7 the fiscal year beginning July 1, 1988, and ending
- 8 June 30, 1989, the sum of four hundred thousand
- 9 (400,000) dollars, or so much thereof as is necessary,
- 10 of which two hundred thousand (200,000) dollars of the
- 11 appropriated amount shall be used for the legal
- 12 assistance for farmers program and two hundred
- 13 thousand (200,000) dollars of the appropriated amount
- 14 shall be used for the farm mediation service program."
- 15 2. Page 3, by striking lines 4 through 8 and
- 16 inserting the following: "positions, maintenance, and
- 17 miscellaneous purposes, the sum of seventeen million
- 18 one hundred twenty-six thousand three hundred sixty-
- 19 five (17,126,365) dollars, and as a condition,



20 limitation, and qualification of this appropriation,  
21 the facility shall employ two hundred ninety  
22 correctional officers."

23 3. Page 3, by striking lines 12 through 16 and  
24 inserting the following: "miscellaneous purposes, the  
25 sum of eleven million nine hundred twenty-five  
26 thousand five (11,925,005) dollars, and as a  
27 condition, limitation, and qualification of this  
28 appropriation, the facility shall employ one hundred  
29 seventy-eight correctional officers."

30 4. Page 3, by striking lines 20 through 24 and  
31 inserting the following: "maintenance, and  
32 miscellaneous purposes, the sum of eight million three  
33 hundred eighty thousand seven hundred sixty-five  
34 (8,380,765) dollars, and as a condition, limitation,  
35 and qualification of this appropriation, the facility  
36 shall employ one hundred twenty-four correctional  
37 officers."

38 5. Page 3, by striking lines 28 through 31 and  
39 inserting the following: "purposes, the sum of two  
40 million one hundred eight thousand one hundred  
41 seventy-two (2,108,172) dollars, and as a condition,  
42 limitation, and qualification of this appropriation,  
43 the facility shall employ eighteen correctional  
44 officers."

45 6. By striking page 3, line 35 through page 4,  
46 line 4, and inserting the following: "positions,  
47 maintenance, and miscellaneous purposes, the sum of  
48 nine million one hundred six thousand seven hundred  
49 eighty-seven (9,106,787) dollars, and as a condition,  
50 limitation, and qualification of this appropriation,

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1 the facility shall employ one hundred thirty-four  
2 correctional officers."

3 7. Page 4, by striking lines 8 through 12 and  
4 inserting the following: "miscellaneous purposes, the  
5 sum of two million two hundred forty-four thousand  
6 four hundred eighty-one (2,244,481) dollars, and as a  
7 condition, limitation, and qualification of this  
8 appropriation, the facility shall employ thirty-six  
9 correctional officers."

10 8. Page 4, by striking lines 16 through 19 and  
11 inserting the following: "maintenance, and  
12 miscellaneous purposes, the sum of three million two  
13 hundred eighty thousand two hundred thirty-two  
14 (3,280,232) dollars, and as a condition, limitation,  
15 and qualification of this appropriation, the facility  
16 shall employ fifty-nine correctional officers."

17 9. Page 4, by striking lines 23 through 27 and  
18 inserting the following: "miscellaneous purposes, the

19 sum of two million seven hundred thirteen thousand  
20 eight hundred forty-one (2,713,841) dollars, and as a  
21 condition, limitation, and qualification of this  
22 appropriation, the facility shall employ forty-four  
23 correctional officers.”

24 10. Page 5, line 30, by striking the word “forty-  
25 one” and inserting the following: “thirty-seven”.

26 11. Page 5, lines 31 and 32, by striking the  
27 words “including three personnel management  
28 specialists”.

29 12. Page 5, line 33, by striking the figure  
30 “1,854,534” and inserting the following: “1,693,744”.

31 13. Page 12, by inserting after line 9 the  
32 following:

33 “Sec. \_\_\_\_\_. The legislative council shall create an  
34 interim study committee to review the validation and  
35 implementation of the inmate classification system and  
36 risk assessment program. The interim study committee  
37 shall be composed of legislative members including the  
38 chairpersons, vice-chairpersons, and ranking members  
39 of the Senate standing committee on judiciary and the  
40 House of Representatives standing committee on  
41 judiciary and law enforcement and the co-chairpersons  
42 and ranking members of the justice system  
43 appropriations subcommittee. The interim study  
44 committee shall review the impact of the  
45 classification system on the availability of minimum,  
46 medium, and maximum security beds and related issues.  
47 The interim study committee is authorized to invite  
48 individuals to testify before the committee concerning  
49 the issues studied. The interim study committee is  
50 also authorized to visit the adult correctional

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1 institutions to determine the physical condition of  
2 buildings utilized at the institutions.”

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

Spear of Lee asked and received unanimous consent to withdraw amendment H—6144, to the Senate amendment H—5992, filed by him on March 31, 1988.

Spear of Lee asked and received unanimous consent to defer action on amendments H—6158 and H—6148.

The House stood at ease at 6:45 p.m., until the fall of the gavel.

The House resumed session and consideration of the Senate amendment H—5992 to House File 2443 at 7:16 p.m., Speaker Avenson in the chair.

Jochum of Dubuque offered the following amendment H—6293, to the Senate amendment H—5992, filed by him from the floor and moved its adoption:

H—6293

- 1 Amend amendment, H—5992, to House File 2443, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 14 and
- 5 inserting the following:
- 6 "\_\_\_\_\_ Page 2, by inserting after line 13 the
- 7 following:
- 8 "7. For the legal assistance for farmers program
- 9 .....\$ 60,000"."

Amendment H—6293 was adopted, placing out of order amendments H—6148 and H—6158, to the Senate amendment H—5992, (both previously deferred) filed by Spear of Lee on March 31, 1988.

Sherzan of Polk offered the following amendment H—6300, to the Senate amendment H—5992, filed from the floor by Sherzan, Tabor, Paulin and Halvorson of Clayton:

H—6300

- 1 Amend the amendment, H—5992, to House File 2443 as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by inserting after line 23, the
- 5 following:
- 6 "\_\_\_\_\_ Page 5, by inserting after line 23, the
- 7 following:
- 8 "Sec. \_\_\_\_\_. There is appropriated from the lottery
- 9 fund after the payment of expenses and prizes and
- 10 prior to the transfer of any revenues to the Iowa plan
- 11 fund pursuant to section 99E.10, to the department of
- 12 corrections for the fiscal year beginning July, 1,
- 13 1988 and ending June 30, 1989, the sum of two million
- 14 (2,000,000) dollars, or so much thereof as is
- 15 necessary, to be used toward the construction or
- 16 addition of two hundred medium security beds." "
- 17 2. Renumber as necessary.

Jochum of Dubuque rose on a point of order that amendment H—6300 was not germane.

The Speaker ruled the point well taken and amendment H—6300 not germane.

McKean of Jones offered the following amendment H—6302, to the Senate amendment H—5992, filed from the floor by McKean, Clark, Hammond, Mullins, Hummel, Osterberg and Spear:

H—6302

- 1 Amend the amendment, H—5992, to House File 2443 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 2, by inserting after line 23, the  
 5 following:  
 6 "\_\_\_\_\_. Page 5, by inserting after line 23, the  
 7 following:  
 8 "Sec. \_\_\_\_\_. There is appropriated from the lottery  
 9 fund after the payment of expenses and prizes and  
 10 prior to the transfer of any revenues to the Iowa plan  
 11 fund pursuant to section 99E.10, to the department of  
 12 corrections for the fiscal year beginning July, 1,  
 13 1988 and ending June 30, 1989, the sum of two million  
 14 (2,000,000) dollars, or so much thereof as is  
 15 necessary, to be used for repair and rehabilitation of  
 16 existing correctional facilities which may also result  
 17 in the addition of medium security bed space." "  
 18 2. Renumber as necessary.

Jochum of Dubuque rose on a point of order that amendment H—6302 was not germane.

The Speaker ruled the point well taken and amendment H—6302 not germane.

Rosenberg of Story offered the following amendment H—6209, to the Senate amendment H—5992, filed by him and moved its adoption:

H—6209

- 1 Amend the amendment, H—5992, to House File 2443 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 2, by inserting after line 30, the  
 5 following:  
 6 "\_\_\_\_\_. Page 9, line 14, by inserting after the  
 7 word "bureau." the following: "The department shall  
 8 not reduce the number of beds at any community-based  
 9 correctional facility except for the performance of  
 10 maintenance necessary for the upkeep of the  
 11 facility." "

Amendment H—6209 lost.

Rosenberg of Story offered the following amendment H—6295, to the Senate amendment H—5992, filed from the floor by Rosenberg, Dvorsky, McKean, Jay, Knapp and Hansen of Woodbury and moved its adoption:

H—6295

1 Amend amendment, H—5992, to House File 2443 as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. By striking page 2, line 33, through page 3,  
5 line 2, and inserting the following:

6 "Sec. \_\_\_\_\_. The legislative council shall create a  
7 corrections task force to review and assess the  
8 state's corrections system. The task force shall  
9 address how to achieve the maximum safety for the  
10 public in the most cost-effective and efficient manner  
11 for the taxpayers and citizens of Iowa. The task  
12 force shall be composed of five members of the senate,  
13 five members of the house of representatives, one  
14 member representing the board of parole, one member  
15 representing the department of corrections and one  
16 member representing the judicial district department  
17 of correctional services. The task force is  
18 authorized to contract with consultants and experts  
19 within the corrections area to review and assess the  
20 state's corrections system for the purpose of  
21 recommending a long-term master plan. The plan shall  
22 include two-year, five-year, and ten-year goals and a  
23 comprehensive ten-year master plan for the corrections  
24 system. This plan shall include a study and  
25 evaluation of the custody classification system  
26 regarding the availability of minimum, medium, and  
27 maximum security beds in the correctional institutions  
28 and the availability of beds within the judicial  
29 district departments of correctional services. The  
30 study shall compare recommended classification levels  
31 of the national institute of corrections and the  
32 federal board of parole. The classification study  
33 shall include the development of a profile of the  
34 state's prison population, a determination of whether  
35 an identifiable group of inmates exists which could be  
36 placed in alternative correctional programs without  
37 increased risk to the public safety, an examination of  
38 the current aggregate custody needs involving the  
39 state's prison population so that preliminary  
40 estimates may be made of prison capacity needs by  
41 custody level, and a determination of the overuse or  
42 underuse of bed space at the various custody levels.

43 The master plan shall also include an evaluation of  
44 the risk assessment model used by the board of parole

45 in comparison with other available models including  
46 the Rand study model.  
47 The master plan shall include recommendations  
48 relating to sentencing patterns and practices, release  
49 criteria, and resource allocation. The plan shall  
50 also include evaluation and recommendations for use of

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1 diversion and community service programs and the use  
2 of alternative and intermediate sanction programs,  
3 such as intensive supervision and electronic  
4 monitoring. Recommendations shall also be made as to  
5 institutional staffing levels and training programs  
6 for corrections officers. Correctional policy  
7 alternatives with cost-benefit analyses regarding  
8 those alternatives shall be provided. The plan shall  
9 project prison population for the next five years and  
10 if necessary make recommendations concerning the  
11 construction and maintenance of additional prison  
12 space. Any recommendations for additional space shall  
13 include the location or locations of additional  
14 correctional bed space and to the extent intermediate  
15 or alternative sanctions can reduce the need for any  
16 additional space. The plan shall also address  
17 programs targeted toward OWI offenders, substance  
18 abusers, and sex offenders, and shall include the  
19 cost-effectiveness of lease purchase arrangements to  
20 build any new prison space. The task force shall  
21 recommend a five-year to ten-year maintenance program  
22 for the correctional institutions in this state.

23 The task force shall report to the legislative  
24 council and the general assembly by January 15, 1989,  
25 its determinations and findings concerning the custody  
26 classification system and the risk assessment model  
27 used by the board of parole. The master plan shall be  
28 completed and a report made to the legislative council  
29 and the general assembly by January 1, 1990.”

A non-record roll call was requested.

The ayes were 37, nays 17.

Amendment H—6295 was adopted.

On motion by Spear of Lee, the House concurred in the Senate amendment H—5992, as amended.

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

## On the question "Shall the bill pass?" (H.F. 2443)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Garman	Gruhn
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	Metcalf	Miller	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Brammer	Doderer	Fuller	Groninga
Halvorson, R. A.	Halvorson, R. N.	Harbor	Lageschulte
Muhlbauer	Mullins	Pellett	Stueland
Swearingen			

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 return the following bills to committees originally referred: Senate Files 4, 288 and 2019 and Senate Joint Resolution 2005.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 678, a bill for an act authorizing the establishment of a benefited recreational lake district and its dissolution, the election of trustees, the levy of a tax, and the contract of indebtedness.

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 2192, a bill for an act exempting certain vessels from registration.

Also: That the Senate has on April 6, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2319, a bill for an act to exclude Saturday as a banking day.

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 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.

Also: That the Senate has on April 6, 1988, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 31, 1988, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 6, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2320, a bill for an act relating to the exclusion of a certain portion of United States central intelligence agency retirement and disability benefits for state income tax purposes and providing retroactive applicability and effective dates.

Also: That the Senate has on April 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2325, a bill for an act prohibiting the assessment of penalty for the late filing of a farmer's state individual income tax return if the farmer was entitled to an extension for filing the farmer's federal individual income tax return under certain circumstances and providing an effective date.



Also: That the Senate has on April 7, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2327, a bill for an act to provide for a state individual income tax check-off for the United States olympic committee, a portion of which shall be made available for amateur sports and special olympic programs in Iowa, and providing a retroactive effective date.

JOHN F. DWYER, Secretary

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 7th day of April, 1988: House Files 2061, 2129, 2166, 2168, 2259, 2265, 2287, 2263, 2363 and 2388.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 7, 1988, he approved and transmitted to the Secretary of State the following bills:

Senate File 2011, an act relating to meat and poultry regulation and inspection, providing penalties, and providing for injunctive relief.

Senate File 2159, an act relating to the provision of hospice care within health care facilities by medicare certified hospice programs.

Senate File 2236, an act relating to the qualification for office by elected school board members and school officers.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 6 and 7, 1988. Had I been present, I would have voted "aye" on House Files 2233, 2348 and 666.

COREY of Louisa

I was necessarily absent from the House chamber on April 6, 1988. Had I been present, I would have voted "aye" on House File 2336.

OLLIE of Clinton

I was necessarily absent from the House chamber on April 6, 1988. Had I been present, I would have voted "aye" on amendments

H—6273, H—6276, H—6279, to Senate File 484; “nay” on amendments H—6269A and H—5985, and the motion to consider H—5985 and “aye” on Senate File 484.

ROYER of Page

### SPECIAL PRESENTATION

Mullins of Kossuth presented to the House the following delegation from our sister Province, Hebei, China; Sun Guozhi, Li Tie, Xuping, Liu Haiquan, Li Wenye and their interpreter Cui Shunyi.

Deng Chaocong, Consul General of the Peoples Republic of China in Chicago and Sun Guozhi addressed the House briefly.

The House rose and expressed its welcome.

### PRESENTATION OF VISITORS

Koenigs of Mitchell presented to the House the Honorable Vince Steffen, former Speaker and member of the House representing Chickasaw County.

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

Twenty-one political science students from Valley Community High School, Elgin, accompanied by Bill Hamilton and Wilbur Nadling. By Avenson of Fayette.

Sixty fifth grade students from State Center Elementary School, State Center, accompanied by Carol Eddie, Pat Maxwell and Marcia Quick. By Black of Jasper.

Thirty-five twelfth grade students from Nora Springs-Rock Falls High School, Nora Springs, accompanied by Frank Altman. By Clark of Cerro Gordo.

Fifty-five senior students from Rudd-Rockford-Marble Rock High School, Rockford, accompanied by Robert Druckery. By Clark of Cerro Gordo.

Fourteen FFA members from West Lyon Community School, Inwood, accompanied by David Lantz. By De Groot of Lyon.

Five FFA members from Newell-Providence Community School, Newell, accompanied by Marlyn Hogrete. By Eddie of Buena Vista.

Thirty-one eighth grade students from Alden Community High School, Alden, accompanied by Janet Ziesman. By Fuller of Hardin.

Thirty-three twelfth grade students from Colo-Nesco High School, Colo, accompanied by Jack Roberts and Steve Johns. By Garman of Story.

Four FFA members from North Linn School District, Coggon, accompanied by Joe Yedlik. By Hanson of Delaware.

Sixty-five fifth grade students from Windsor Elementary School, Des Moines, accompanied by Kathy Kuhn. By Holveck of Polk.

Thirty FHA members from Algona High School, Algona, accompanied by Brenda Bormann. By Mullins of Kossuth.

Nineteen sixth grade students from Klemme Elementary School, Klemme, accompanied by Gladys Wessels. By Stromer of Hancock.

AMENDMENTS FILED

H - 6285	S.F.	2039	Van Camp of Scott
H - 6286	S.F.	2250	Harbor of Mills
H - 6287	S.F.	2311	Jochum of Dubuque
H - 6290	S.F.	2311	Jochum of Dubuque
H - 6294	S.F.	2250	Shoultz of Black Hawk
H - 6296	H.F.	649	Corbett of Linn
H - 6298	S.F.	2312	Jochum of Dubuque
H - 6299	S.F.	2039	Schrader of Marion
H - 6304	H.F.	2344	Senate Amendment
H - 6305	H.F.	2192	Senate Amendment
H - 6306	H.F.	649	Corbett of Linn
H - 6307	S.F.	2263	Ollie of Clinton
			Fey of Scott
H - 6308	H.F.	2463	Skow of Guthrie
Gruhn of Dickinson			Koenigs of Mitchell
Black of Jasper			Renken of Grundy
Halvorson of Clayton			Harbor of Mills
De Groot of Lyon			Lageschulte of Bremer
Pellett of Cass			Fogarty of Palo Alto
Cooper of Lucas			Royer of Page
Schrader of Marion			Daggett of Adams
Petersen of Muscatine			May of Worth
H - 6309	S.F.	2323	Hatch of Polk
			Connors of Polk
			Buhr of Polk
			Doderer of Johnson
			Schrader of Marion

H—6310	S.F.	2263	Holveck of Polk Lundby of Linn Neuhauser of Johnson Hatch of Polk Garman of Story
H—6311	S.F.	2263	Holveck of Polk Lundby of Linn Neuhauser of Johnson Hatch of Polk Osterberg of Linn
H—6312	S.F.	2263	Holveck of Polk Lundby of Linn Neuhauser of Johnson Hatch of Polk Garman of Story
H—6313	H.F.	2463	Wise of Lee

On motion by Arnould of Scott, the House adjourned at 8:16 p.m., until 9:00 a.m., Friday, April 8, 1988.

# JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day — Sixtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 8, 1988

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

Prayer was offered by the Reverend John Chilcott, pastor of the Hamilton Memorial Missionary Church, Bedford.

The Journal of Thursday, April 7, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corey of Louisa, until his arrival, on request of Royer of Page; Muhlbauer of Crawford on request of Pavich of Pottawattamie.

## INTRODUCTION OF BILL

**House File 2469**, by committee on appropriations, a bill for an act relating to energy development and conservation, making appropriations of the petroleum overcharge funds, and providing an effective date.

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

## SENATE MESSAGES CONSIDERED

**Senate File 2320**, by committee on ways and means, a bill for an act relating to the exclusion of a certain portion of United States central intelligence agency retirement and disability benefits for state income tax purposes and providing retroactive applicability and effective dates.

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

**Senate File 2325**, by committee on ways and means, a bill for an act prohibiting the assessment of penalty for the late filing of a farmer's state individual income tax return if the farmer was entitled to an extension for filing the farmer's federal individual income tax return under certain circumstances and providing an effective date.

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

**Senate File 2327**, by a committee on ways and means, a bill for an act to provide for a state individual income tax checkoff for the United States olympic committee, a portion of which shall be made available for amateur sports and special olympic programs in Iowa, and providing a retroactive 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 April 4, 1988, failed to pass the following bill in which the concurrence of the Senate was asked:

House File 468, a bill for an act authorizing limited gambling on excursion gambling boats, by specifying additional powers and duties of the state racing and gaming commission, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing taxes on admissions, by requiring licenses and imposing fees, by allocating revenue received, by making corresponding amendments to the Code, and by providing penalties for violations.

Also: That the Senate has on April 7, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2377, a bill for an act relating to 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.

Also: That the Senate has on April 7, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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 for submittal to the office of disaster services on or before March 1, 1989, by requiring conversion of pay telephones to accept 911 calls without charge, by allowing a local E911 service surcharge, by providing certain liability exemptions in conjunction with the delivery of E911 services, and by providing a limited privacy waiver to permit nonlisted or unpublished numbers to be included in E911 service.

Also: That the Senate has on April 7, 1988, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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.

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 2039.

### CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar March 31, 1988.

Neuhauser of Johnson offered the following amendment H—5880 filed by the committee on transportation and moved its adoption:

H—5880

- 1 Amend Senate File 2039, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 17 and inserting the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 321.45, subsection 3, Code
- 6 Supplement 1987, is amended to read as follows:
- 7 3. Upon the transfer of any registered vehicle,
- 8 the owner, except as otherwise provided in this
- 9 chapter, shall endorse an assignment and warranty of
- 10 title upon the certificate of title for such vehicle
- 11 with a statement of all liens and encumbrances
- 12 thereon, and the owner shall deliver the certificate
- 13 of title to the purchaser or transferee at the time of
- 14 delivering the vehicle except as otherwise provided in
- 15 this chapter. The owner, ~~except as otherwise provided~~
- 16 ~~in this chapter, shall also sign the reverse side of~~
- 17 ~~the registration card issued for such vehicle~~
- 18 ~~indicating the name and address of indicate to the~~
- 19 ~~transferee and the date of the transfer the name of~~
- 20 ~~the county in which the vehicle was last registered~~
- 21 ~~and the registration expiration date.~~
- 22 Sec. \_\_\_\_\_. Section 321.46, subsection 1, Code
- 23 Supplement 1987, is amended to read as follows:
- 24 1. The transferee shall within fifteen calendar
- 25 days after purchase or transfer apply for and obtain
- 26 from the county treasurer of the person's residence,
- 27 or if a nonresident, the county treasurer of the
- 28 county where the primary users of the vehicle are
- 29 located or the county where all other vehicles owned
- 30 by the nonresident are registered, a new registration
- 31 and a new certificate of title for the vehicle except
- 32 as provided in section 321.25 or 321.48. The
- 33 transferee shall present with the application the
- 34 certificate of title endorsed and assigned by the

35 previous owner and the signed registration card or  
36 other evidence of current registration as required by  
37 the department shall indicate the name of the county  
38 in which the vehicle was last registered and the  
39 registration expiration date. The transferee shall be  
40 required to list a motor vehicle license number as  
41 part of the application for a registration transfer  
42 and a new title. The motor vehicle license number  
43 shall not be the social security number of the  
44 transferee unless requested by the transferee.

45 Sec. \_\_\_\_\_. Section 321.48, subsection 1, unnumbered  
46 paragraph 1, Code 1987, is amended to read as follows:

47 When the transferee of a vehicle is a dealer who  
48 holds the vehicle for resale and operates the vehicle  
49 only for purposes incident to a resale and displays a  
50 dealer plate on the vehicle or does not drive such

## Page 2

1 vehicle or permit it to be driven upon the highways,  
2 such transferee shall not be required to obtain a new  
3 registration or a new certificate of title but upon  
4 transferring title or interest to another person shall  
5 execute and acknowledge an assignment and warranty of  
6 title upon the certificate of title assigned to the  
7 person and deliver the same to the person to whom such  
8 transfer is made. The dealer shall also sign the  
9 reverse side of the registration card for such vehicle  
10 indicating the name and address of the new purchaser.

11 Sec. \_\_\_\_\_. Section 321.52, subsection 2, Code 1987,  
12 is amended to read as follows:

13 2. The purchaser or transferee of a motor vehicle  
14 for which a certificate of title is issued which is  
15 sold for scrap or junk shall surrender the certificate  
16 of title and registration receipt to the county  
17 treasurer of the county of residence of the transferee  
18 within fifteen days after assignment of the  
19 certificate of title. The county treasurer shall  
20 issue to such person without fee a junking  
21 certificate. A junking certificate shall authorize  
22 the holder to possess, transport or transfer by  
23 endorsement the ownership of the junked vehicle. A  
24 certificate of title shall not again be issued for the  
25 vehicle subsequent to the issuance of a junking  
26 certificate. The county treasurer shall cancel the  
27 record of the vehicle and forward the certificate of  
28 title to the department. The junking certificate  
29 shall be of a form to allow for the assignment of  
30 ownership of the vehicle. The junking certificate  
31 shall provide a space for the notation of the  
32 transferee of the component parts of the vehicle  
33 transferred by the owner of the vehicle.



34 Sec. \_\_\_\_\_. Section 321.52, subsection 3, unnumbered  
35 paragraph 1, Code 1987, is amended to read as follows:

36 When a vehicle for which a certificate of title is  
37 issued is junked or dismantled by the owner, the owner  
38 shall detach the registration plates and surrender the  
39 plates to the county treasurer, unless the plates are  
40 properly assigned to another vehicle. The owner shall  
41 also surrender the registration receipt and  
42 certificate of title to the county treasurer. Upon  
43 surrendering the certificate of title, the county  
44 treasurer shall issue to the person, without fee, a  
45 junking certificate, which shall authorize the holder  
46 to possess, transport or transfer ownership of the  
47 junked vehicle by endorsement of the junking  
48 certificate. The county treasurer shall hold the  
49 surrendered certificate of title, registration receipt  
50 and, if applicable, the registration plates for a

**Page 3**

1 period of fourteen days following the issuance of a  
2 junking certificate under this subsection. Within the  
3 fourteen-day period the person who was issued the  
4 junking certificate and to whom the vehicle was titled  
5 or assigned may surrender to the county treasurer the  
6 junking certificate, and upon the person's payment of  
7 appropriate fees and taxes and payment of any credit  
8 for registration fees received by the person for the  
9 vehicle under section 321.46, subsection 3, the county  
10 treasurer shall issue to the person a certificate of  
11 title for the vehicle. After the expiration of the  
12 fourteen-day period, a county treasurer shall not  
13 issue a certificate of title for a junked vehicle for  
14 which a junking certificate is issued. The county  
15 treasurer shall cancel the record of the vehicle and  
16 forward the certificate of title to the department.

17 Sec. \_\_\_\_\_. Section 321.52, subsection 4, unnumbered  
18 paragraph 1, Code 1987, is amended to read as follows:

19 A vehicle rebuilder or a motor vehicle dealer  
20 licensed under chapter 322, upon acquisition of a  
21 wrecked or salvage vehicle, shall surrender the  
22 certificate of title and registration receipt or  
23 manufacturer's or importer's statement of origin  
24 properly assigned, together with an application for a  
25 salvage certificate of title to the county treasurer  
26 of the county of residence of the purchaser or  
27 transferee within fourteen days after the date of  
28 assignment of the certificate of title for the wrecked  
29 or salvage motor vehicle. This subsection applies  
30 only to vehicles with a fair market value of five  
31 hundred dollars or more, based on the value before the  
32 vehicle became wrecked or salvage. Upon payment of a

33 fee of two dollars, the county treasurer shall issue a  
 34 salvage certificate of title which shall bear the word  
 35 "SALVAGE" stamped on the face of the title in bold  
 36 letters and coded in a manner prescribed by the  
 37 department. A salvage certificate of title may be  
 38 assigned to any person. Notwithstanding any other  
 39 provisions in this section a vehicle on which  
 40 ownership has transferred to an insurer of the  
 41 vehicle, as a result of a settlement with the owner of  
 42 the vehicle arising out of damage to, or unrecovered  
 43 theft of the vehicle, shall be deemed to be a wrecked  
 44 or salvage vehicle and the insurer shall comply with  
 45 this subsection to obtain a salvage certificate of  
 46 title within fourteen days after the date of  
 47 assignment of the certificate of title of the vehicle.  
 48 Sec. \_\_\_\_\_. Section 1 of this Act takes effect July  
 49 1, 1990."  
 50 2. Title page, line 1, by inserting after the

**Page 4**

- 1 word "Act" the following: "relating to the titling
- 2 and registration of motor vehicles and".
- 3 3. Renumber as necessary.

The committee amendment H—5880 was adopted.

Schneklath of Scott offered the following amendment H—5495  
 filed by him:

**H—5495**

- 1 Amend Senate File 2039, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 321.37, unnumbered paragraph 1,
- 6 Code 1987, is amended to read as follows:
- 7 Registration plates issued for a motor vehicle
- 8 other than a motorcycle, motorized bicycle or a truck
- 9 tractor shall be attached to the motor vehicle, one in
- 10 the front and the other in the rear. The registration
- 11 plate issued for a motor vehicle, motorcycle,
- 12 motorized bicycle, or other vehicle required to be
- 13 registered hereunder under this chapter, other than a
- 14 truck tractor, shall be attached to the rear of the
- 15 vehicle. The registration plate issued for a truck
- 16 tractor shall be attached to the front of the truck
- 17 tractor. The special plate issued to a dealer shall
- 18 be attached on the rear of the vehicle when operated
- 19 on the highways of this state."
- 20 2. Title page, line 1, by inserting after the
- 21 word "Act" the following: "relating to registration

22 plates by providing that only one registration plate  
23 be displayed on each motor vehicle and by”.

Neuhauser of Johnson rose on a point of order that amendment  
H—5495 was not germane.

The Speaker ruled the point well taken and amendment H—5495  
not germane.

Van Camp of Scott offered the following amendment H—6256 filed  
by Van Camp, et al.:

H—6256

1 Amend Senate File 2039, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 16 the  
4 following:  
5 “Sec. \_\_\_\_\_. Section 321.34, Code Supplement 1987,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 10. CONGRESSIONAL MEDAL OF HONOR  
8 PLATES. The owner of a motor vehicle subject to  
9 registration under section 321.109, subsection 1,  
10 light delivery truck, panel delivery truck or pickup  
11 who has been awarded the congressional medal of honor  
12 may, upon written application to the department, order  
13 special registration plates which shall be red, white,  
14 and blue in color and shall bare an emblem of the  
15 congressional medal of honor and an identifying  
16 number. Each applicant applying for special  
17 registration plates under this subsection may purchase  
18 only one set of registration plates under this  
19 subsection. The application is subject to approval by  
20 the department and the special registration plates  
21 shall be issued to the applicant in exchange for the  
22 registration plates previously issued to the person.  
23 The special plates are subject to an annual  
24 registration fee of fifteen dollars. The department  
25 shall validate the special plates in the same manner  
26 as regular registration plates are validated under  
27 this section. The department shall not issue special  
28 registration plates until service organizations in the  
29 state have furnished the department either the special  
30 dies or the cost of the special dies necessary for the  
31 manufacture of the special registration plate.”  
32 2. Title page, line 1, by inserting after the  
33 word “Act” the following: “relating to the issuance  
34 of registration plates by providing for the issuance  
35 of congressional medal of honor plates, by”.

Van Camp of Scott offered the following amendment H—6285, to amendment H—6256, filed by him and moved its adoption:

H—6285

- 1 Amend the amendment, H—6256, to Senate File 2039,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 14, by striking the word “bare”
- 5 and inserting the word “bear”.

Amendment H—6285 was adopted.

On motion by Van Camp of Scott, amendment H—6256, as amended, was adopted.

Schrader of Marion offered the following amendment H—6299 filed by him and moved its adoption:

H—6299

- 1 Amend Senate File 2039, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 “Sec. \_\_\_\_\_. Section 321.34, subsection 5, paragraph
- 6 b, Code Supplement 1987, is amended to read as
- 7 follows:
- 8 b. The county treasurer shall validate
- 9 personalized registration plates in the same manner as
- 10 regular registration plates are validated under this
- 11 section at an annual fee of five dollars in addition
- 12 to the regular annual registration fee. A person may
- 13 renew a personalized registration plate without paying
- 14 the additional registration fee under paragraph “a”
- 15 unless a new series of registration plates are being
- 16 issued to replace a current series. A person failing
- 17 to renew a personalized registration plate within the
- 18 time requirements under section 321.40 may renew a
- 19 personalized plate without paying the additional
- 20 registration fee under paragraph “a” but shall pay the
- 21 five-dollar fee in addition to the regular
- 22 registration fee and any penalties subject to regular
- 23 registration plate holders for late renewal.”
- 24 2. Title page, line 1, by inserting after the
- 25 word “Act” the following: “relating to the issuance
- 26 of registration plates by equalizing penalties for
- 27 late renewals, by”.

Amendment H—6299 was adopted.

Neuhauser of Johnson offered the following amendment H—6146 filed by her and moved its adoption:

H-6146

1 Amend Senate File 2039, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, by inserting after line 16 the fol-  
4 lowing:

5 "Sec. \_\_\_\_\_. Section 321.34, Code Supplement 1987,  
6 is amended by adding the following new subsection:

7 NEW SUBSECTION: 10. COLLEGIATE PLATES.

8 a. Upon application and payment of the proper  
9 fees, the director may issue to the owner of a motor  
10 vehicle registered in this state, other than a  
11 motorcycle or a motor bicycle, collegiate registration  
12 plates. Upon receipt of the collegiate registration  
13 plates, the applicant shall surrender the regular  
14 registration plates to the county treasurer.

15 b. Collegiate registration plates shall be  
16 designed for each of the three state universities.  
17 The colors of the collegiate registration plates shall  
18 be as follows:

19 (1) Cardinal and gold for Iowa State University of  
20 science and technology.

21 (2) Purple and old gold for the University of  
22 Northern Iowa.

23 (3) Old gold and black for the state University of  
24 Iowa.

25 c. The special collegiate registration fee for a  
26 collegiate registration plate is thirty dollars. This  
27 fee is in addition to the regular annual registration  
28 fee. The special collegiate registration fees  
29 collected by the director under this subsection shall  
30 be paid monthly to the treasurer of state and credited  
31 by the treasurer of state to the road use tax fund.

32 Notwithstanding section 423.24 and prior to the  
33 application of section 423.24, subsection 1, paragraph  
34 "b", the treasurer of state shall credit monthly from  
35 revenues derived from the operation of section 423.7,  
36 respectively, to Iowa State University of science and  
37 technology, the University of Northern Iowa, and the  
38 state University of Iowa, the amount of the special  
39 collegiate registration fees collected in the previous  
40 month for collegiate registration plates designed for  
41 the university. The moneys credited are appropriated  
42 to the respective universities to be used for  
43 scholarships for students attending the universities.  
44 The scholarships shall be based fifty percent on  
45 scholarship and fifty percent on need.

46 d. The county treasurer shall validate collegiate  
47 registration plates in the same manner as regular  
48 registration plates are validated under this section  
49 at an annual fee of five dollars in addition to the  
50 regular annual registration fee.

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1 Sec. \_\_\_\_\_. Section 321.166, subsection 5, Code  
2 1987, is amended to read as follows:

3 5. There shall be a marked contrast between the  
4 color of the registration plates and the data which is  
5 required to be displayed on the registration plates.  
6 When a new series of registration plates is issued to  
7 replace a current series, the new registration plates  
8 shall be of a distinctively different color from the  
9 series which is replaced, except for collegiate  
10 registration plates issued under section 321.34,  
11 subsection 10."

12 2. Title page, line 1, by inserting after the  
13 word "Act" the following: "relating to the issuance  
14 of registration plates by providing for the issuance  
15 of collegiate registration plates, by".

16 3. Title page, line 2, by inserting before the  
17 word "and" the following: ", and by including an  
18 appropriation,".

Amendment H—6146 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?" (S.F. 2039)

The ayes were, 88:

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

The nays were, 4:

Eddie	Maulsby	Royer	Van Maanen
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Absent or not voting, 8:

Arnould	Bisignano	Corey	Fey
Muhlbauer	Parker	Skow	Teaford

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

### CONSIDERATION OF HOUSE RESOLUTION 104

Holveck of Polk called up for consideration House Resolution 104 as follows:

1 HOUSE RESOLUTION 104

2 By Committee On Ethics

3 A Resolution to amend the House code of ethics.

4 *Be It Resolved By The House Of Representatives,*

5 That the HOUSE CODE OF ETHICS be amended to read as  
6 follows:

7 HOUSE CODE OF ETHICS

8 PREAMBLE. Every legislator owes a duty to uphold  
9 the integrity and honor of the general assembly, to  
10 encourage respect for the law and for the general  
11 assembly and the members thereof, and to observe the  
12 house code of ethics.

13 Each member of the house has a responsibility to  
14 conduct herself or himself so as to reflect credit on  
15 the general assembly, to inspire the confidence,  
16 respect, and trust of the public, and to avoid illegal  
17 and unethical conduct and the appearance of illegal  
18 and unethical conduct. Recognizing that service in  
19 the Iowa general assembly is a part-time endeavor and  
20 that members of the General Assembly are honorable  
21 citizens individuals who are active in the business,  
22 religious and public service affairs of their  
23 community, state, and nation, and that it is necessary  
24 in most cases that they maintain a livelihood and  
25 source of income in addition to their legislative  
26 duties, the following rules were are adopted pursuant  
27 to chapter 68B of the Code, to assist the members in  
28 the conduct of their legislative affairs. The  
29 definitions of terms provided in chapter 68B apply to  
30 the use of those terms in this resolution. activities:

Page 2

1 1. DEFINITIONS. The definitions of terms provided  
2 in chapter 68B of the Code apply to the use of those  
3 terms in these rules.

4 1 2. ECONOMIC INTEREST OF MEMBER OF HOUSE.

5     a. Economic or investment opportunity. A member  
6 of the house shall not accept economic or investment  
7 opportunity under circumstances where the member  
8 knows, or should know, that there is a reasonable  
9 possibility that the opportunity is being afforded  
10 with the intent to influence the member's conduct in  
11 the performance of official duties. If a member of  
12 the house learns that an economic or investment  
13 opportunity previously accepted was offered with the  
14 intent of influencing the member's conduct in the  
15 performance of the official duties, the member shall  
16 take steps to divest himself or herself of that  
17 investment or economic opportunity, and shall report  
18 the matter in writing to the house ethics committee.

19     2. b. Excessive charges for services, goods, or  
20 property interests. A member of the house shall not  
21 charge to or accept from a person known to have a  
22 legislative interest, a price, fee, compensation, or  
23 other consideration for the sale or lease of any  
24 property or the furnishing of services which is in  
25 excess of that which the member would ordinarily  
26 charge another person.

27     3. c. Use of confidential information. A member  
28 of the house, in order to further the member's own  
29 economic interests, or those of any other person,  
30 shall not disclose or use confidential information

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1 acquired in the course of the member's official  
2 duties. For the purpose of this rule, information  
3 disclosed in open session at a public meeting under  
4 chapter 21 and information that is a public record  
5 under chapter 22 is not confidential information.

6     4. 3. APPEARANCE BEFORE STATE AGENCY. A member  
7 of the house may appear before a state agency in any  
8 representation case. Whenever a member of the house  
9 appears before a state agency, the member shall  
10 carefully avoid all conduct which might in any way  
11 lead members of the general public to conclude that  
12 the member is using the member's official position to  
13 further the member's professional success or general  
14 personal financial interest.

15     4A. Any dress code adopted by any other body  
16 applies to members of that body when they are in the  
17 house chamber and the dress code shall be enforced by  
18 the house of representatives sergeant-at-arms.

19     5. 4. CONFLICTS OF INTEREST. In order to permit  
20 for the general assembly to function effectively,  
21 members of the house will, of necessity, be required  
22 to vote on bills and participate in committee work  
23 which will affect their employment and other areas in



24 which they may have a monetary interest. Action on  
 25 bills and in committee work which specifically deal  
 26 deals with a member's specific employment or specific  
 27 investment, as opposed to a profession, trade, or  
 28 business in general, should be avoided. In making a  
 29 decision relating relative to a member's activity on  
 30 particular bills or in committee work which are

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1 subject to this code, the following factors should be  
 2 considered:

3 a. Whether a substantial threat to the member's  
 4 independence of judgment has been created by the  
 5 conflict situation.

6 b. The effect of the member's participation on  
 7 public confidence in the integrity of the legislature.

8 c. Whether the member's participation is likely to  
 9 have any significant effect on the disposition of the  
 10 matter.

11 d. The need for the member's particular  
 12 contribution, such as special knowledge of the subject  
 13 matter, to the effective functioning of the  
 14 legislature.

15 If a member decides not to participate in committee  
 16 work or to abstain from voting, the member should  
 17 disclose this fact to the legislative body. The  
 18 member may, however, decide to participate in a manner  
 19 which is contrary to the member's economic interest  
 20 which creates the conflict situation, but if the  
 21 member abstains, the member should disclose that fact  
 22 to the legislative body.

23 A member with a conflict of interest may  
 24 participate in floor debate if prior to the debate,  
 25 the member discloses the conflict of interest.

26 6. 5. STATUTORY REQUIREMENTS. Members of the  
 27 house are urged to familiarize themselves with  
 28 chapters 68B, 721 and, 722, and section 711.4 of the  
 29 Code.

30 7. 6. CHARGE ACCOUNTS. Members of the house

**Page 5**

1 shall not charge any amount or item to a charge  
 2 account held in the name of to be paid for by a  
 3 lobbyist or any organization represented by a lobbyist  
 4 represents.

5 7. TRAVEL EXPENSES. A member shall not charge to  
 6 the state of Iowa amounts for travel and expenses  
 7 unless the member actually has incurred those mileage  
 8 and expense costs. Members shall not file the  
 9 vouchers for weekly mileage reimbursement required by  
 10 section 2.10, subsection 1, unless the travel expense

11 was actually incurred.

12 8. DISCLOSURE REQUIRED. Members, officers, and  
13 employees of the house shall file a report with the  
14 chief clerk of the house of the acceptance from any  
15 one donor of any gift or series of gifts made to them  
16 or to each an immediate family member which exceeds  
17 fifteen dollars in cumulative value during any one  
18 calendar day. The report shall list the nature, date,  
19 and donor of the gift.

20 The reports shall be filed in the office of the  
21 chief clerk of the house by the twentieth fifteenth  
22 day of the month following the month in which a gift  
23 is provided which is required to be reported. Subject  
24 to the approval of the committee on ethics, the chief  
25 clerk of the house shall prepare forms for the filing  
26 of these reports and make them available to any person  
27 who is required to file a report. The reports filed  
28 shall be maintained by the chief clerk of the house  
29 and be available for public inspection as provided in  
30 chapter 22 of the Code. The committee on ethics may

**Page 6**

1 authorize the chief clerk of the house to prepare and  
2 make available to the public an annual summary of the  
3 reports filed under this rule.

4 9. COMPLAINTS.

5 a. Filing of complaint. A complaint under these  
6 rules or under section 68B.10, subsection 4, of the  
7 Code against any member of the house or a lobbyist  
8 operating in the house shall be in writing, made under  
9 oath, and filed with the chairperson of the ethics  
10 committee of the house. A complaint shall specify the  
11 person or persons against whom the complaint is made,  
12 the date and location of any event, incident or  
13 transaction involved, the connection of the event,  
14 incident or transaction with the official position of  
15 any accused member or with the lobbying activities of  
16 any accused lobbyist, and the facts or evidence on  
17 which the complainant relies, and the section in the  
18 code of ethics, rules governing lobbyists, or Code  
19 section or chapter which is alleged to have been  
20 violated. The complainant shall attach to the  
21 complaint a copy of any relevant document.

22 Complaints may be filed by any person believing  
23 that a member of the house or lobbyist is guilty of a  
24 violation of the house code of ethics, the house rules  
25 governing lobbyists, or chapter 68B of the Code.

26 Complaint forms shall be available from the chief  
27 clerk of the house, and the chairperson of the ethics  
28 committee, but a complaint shall not be rejected for  
29 failure to use the approved form if it complies with  
30 the requirements of these rules.

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1 The ethics committee may, upon its own motion,  
2 initiate a complaint, investigation, or disciplinary  
3 action.  
4 A complaint shall be considered to be timely filed  
5 if it is filed within forty-five days from the time  
6 the complainant knew or should have known about the  
7 alleged unethical or illegal conduct.

8 b. Probable cause hearing. Upon the receipt of a  
9 complaint in proper form, the committee shall accept  
10 it for filing as a public record. A copy of the  
11 complaint shall be delivered. The chairperson of the  
12 ethics committee shall deliver by certified mail,  
13 return receipt requested, to the person or persons  
14 accused, a copy of the complaint and any supporting  
15 information. The accused person shall be requested to  
16 submit a written response to the complaint within ten  
17 days. At the request of the accused person and upon a  
18 showing of good cause, the committee may extend the  
19 time for the response, not to exceed ten additional  
20 calendar days. The After the expiration of the ten  
21 days, or the extension, the committee shall then  
22 conduct such investigation as it deems appropriate,  
23 including but not limited to, requesting additional  
24 information from the complainant and the accused  
25 person and scheduling a probable cause hearing to  
26 review the complaint and relevant information.

27 The ethics committee may employ independent legal  
28 counsel to assist it in carrying out its duties with  
29 the approval of the house when the general assembly is  
30 in session and with the approval of the rules and

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1 administration committee of the house when the general  
2 assembly is not in session.

3 During the committee's investigation, the accused  
4 person may request that the ethics committee convene  
5 to receive testimony from the accused person. If so  
6 requested by the accused person, the ethics committee  
7 shall convene not less than three nor more than ten  
8 days after the notification of by the accused person  
9 that a complaint has been filed the accused person  
10 wishes to testify. However, the accused person may  
11 waive the deadlines for the convening of the  
12 committee. When its investigation is complete, the  
13 committee shall determine whether probable cause  
14 exists to believe that a violation of law or rule  
15 within its authority under section 68B.10, subsection  
16 4, of the Code has occurred. If probable cause is not  
17 found, the complaint shall be dismissed and the  
18 parties notified accordingly. If probable cause is

19 found, the complaint shall be set for hearing on  
 20 notice to the accused. The notice shall be in writing  
 21 and delivered either by personal service as in civil  
 22 cases or by certified mail return receipt requested.

23 At the meeting the accused person may appear,  
 24 present evidence, and cross-examine witnesses. All  
 25 testimony at the meeting shall be under oath.

26 c. Formal hearing. If probable cause is found at  
 27 the probable cause hearing, the complaint shall be set  
 28 for hearing on notice to the accused person. The  
 29 notice shall be in writing and delivered either by  
 30 personal service as in civil cases or by certified

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1 mail, return receipt requested.

2 The notice shall include a statement of the nature  
 3 of the charge, a statement of the time and place of  
 4 hearing, a short and plain statement of the facts  
 5 asserted, and a statement of the rights of the accused  
 6 person to be present and to be heard in person and by  
 7 counsel, to cross-examine witnesses, and to present  
 8 evidence.

9 Evidence at the hearing will shall be received in  
 10 accordance with procedures in ordinary civil cases.  
 11 The Iowa rules of evidence will apply. Counsel  
 12 Independent counsel designated by the committee will  
 13 shall present the evidence in support of the  
 14 complaint. The burden shall be on the complainant to  
 15 prove the charge by a preponderance of clear and  
 16 convincing evidence. Upon completion of the hearing,  
 17 the committee shall adopt written findings of fact and  
 18 conclusions concerning the merits of the complaint and  
 19 make its report and recommendation to the house.

20 The committee shall recommend to the house that:

21 (1) The complaint be dismissed, or

22 (2) The member of the house or lobbyist be cen-  
 23 sured or reprimanded, and recommend an appropriate  
 24 form of censure or reprimand, or

25 (3) The member of the house be suspended or  
 26 expelled from membership in the house and required to  
 27 forfeit the member's salary for that period or that  
 28 the lobbyist's lobbying privileges be suspended.

29 (4) Other sanctions be used.

30 10. PERMANENT RECORD. The chief clerk of the

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1 house shall maintain a permanent record of all  
 2 complaints filed, containing the date filed, name and  
 3 address of the complainant, name and address of the  
 4 accused person, a brief statement of the charges made,  
 5 and ultimate disposition of the complaint. The chief

6 clerk shall keep each complaint confidential until  
7 public disclosure is made by the ethics committee.  
8 11. MEETING AUTHORIZATION. The house ethics com-  
9 mittee may meet during the time the general assembly  
10 is not in session upon approval of the speaker to  
11 conduct hearings and other business that properly may  
12 come before it. If the committee submits a report  
13 seeking house action against a member of the house or  
14 lobbyist after the second regular session of a general  
15 assembly has adjourned sine die, the report shall be  
16 submitted to and considered by the subsequent general  
17 assembly.  
18 10. 12. ADVISORY OPINIONS. Advisory opinions may  
19 be rendered as set out in section 68B.10 of the Code  
20 upon request of a member of the general assembly.

Holveck of Polk offered the following amendment H—6316  
filed by him and Rosenberg of Story from the floor:

H—6316

1 Amend House Resolution 104 as follows:  
2 1. Page 3, by inserting after line 5 the  
3 following:  
4 "d. Employment. A member of the house shall not  
5 accept employment, either directly or indirectly, from  
6 a political action committee. However, this paragraph  
7 shall not prohibit a member of the house from working  
8 for a candidate's committee, a political party's  
9 action committee, or a political action committee  
10 which does not support or oppose a candidate for  
11 public office in this state or a ballot issue in this  
12 state and which is not interested in issues before the  
13 general assembly.  
14 For the purpose of this rule, a political action  
15 committee means a committee, but not a candidate's  
16 committee, which accepts contributions, makes  
17 expenditures, or incurs indebtedness in the aggregate  
18 of more than two hundred fifty dollars in any one  
19 calendar year for the purpose of supporting or  
20 opposing a candidate for public office in this state  
21 or a ballot issue in this state or for the purpose of  
22 influencing legislative action in this state."

Arnould of Scott asked and received unanimous consent that  
House Resolution 104 be temporarily deferred.

(Amendment H—6316 pending.)

**IMMEDIATE MESSAGE**  
(House File 2443)

Arnould of Scott asked and received unanimous consent that House File 2443 be immediately messaged to the Senate.

**FURTHER CONSIDERATION OF HOUSE RESOLUTION 104**

The House resumed consideration of House Resolution 104, a resolution to amend the House code of ethics, and amendment H—6316, temporarily deferred.

Blanshan of Greene in the chair at 10:28 a.m.

The following amendment H—6321, to amendment H—6316, filed by Halvorson of Clayton from the floor was adopted by unanimous consent:

H—6321

- 1 Amend amendment H—6316 to House Resolution 104 as
- 2 follows:
- 3 Page 1, line 5, by striking the words "either
- 4 directly or indirectly."

The following amendment H—6322, to amendment H—6316, filed by Holveck of Polk from the floor was adopted by unanimous consent:

H—6322

- 1 Amend amendment H—6316 to House Resolution 104 as
- 2 follows:
- 3 1. Page 1, line 8, by striking the word "committee,"
- 4 and inserting the word "committee;"
- 5 2. Page 1, line 9, by striking the word "committee,"
- 6 and inserting the word "committee;"

Holveck of Polk moved the adoption of amendment H—6316, as amended.

Roll call was requested by Holveck of Polk and Hammond of Story.

Rule 75 was invoked.

On the question "Shall amendment H—6316, as amended, be adopted?" (H.R. 104)

The ayes were, 48:

Adams	Arnould	Avenson	Beatty
Black	Brammer	Buhr	Cohoon
Connolly	Cooper	Doderer	Fey
Fogarty	Fuller	Groninga	Gruhn

Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKean	Miller
Norrgard	Ollie	Osterberg	Parker
Rosenberg	Running	Schrader	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker (Blanshan)

The nays were, 49:

Beaman	Bennett	Bisignano	Branstad
Carpenter	Chapman	Clark	Connors
Corbett	Corey	Daggett	De Groot
Diemer	Dvorsky	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Jochum	Kremer
Maulsby	McKinney	Metcalf	Mullins
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poney	Renaud	Renken	Royer
Schnekloth	Sherzan	Shoning	Siegrist
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

Absent or not voting, 3:

Muhlbauer	Neuhauser	Stromer
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Amendment H—6316, as amended, lost.

Holveck of Polk offered the following amendment H—5313 filed by him and De Groot of Lyon and moved its adoption:

H—5313

- 1 Amend House Resolution 104 as follows:
- 2 1. Page 6, by striking line 25 and inserting the
- 3 following: "governing lobbyists, or chapter 68B, 721,
- 4 or 722, or section 711.4 of the Code."
- 5 2. Page 8, by striking line 23 and inserting the
- 6 following:
- 7 "At the probable cause hearing, and at the meeting
- 8 requested by the accused person, the accused person
- 9 may appear,".

Amendment H—5313 was adopted.

Carpenter of Polk asked for unanimous consent to defer action on House Resolution 104.

Objection was raised.

Carpenter of Polk moved to defer action on House Resolution 104 for preparation of an amendment.

Arnould of Scott asked and received unanimous consent that House Resolution 104 be deferred and that the resolution retain its place on the calendar, placing the motion to defer out of order.

**MOTION TO RECONSIDER PREVAILED**  
(Senate File 2312)

Poncy of Wapello called up for consideration the motion to reconsider Senate File 2312, filed on April 6, 1988, and moved to reconsider the vote by which 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, passed the House and was placed on its last reading on April 5, 1988.

A non-record roll call was requested.

The ayes were 60, nays none.

The motion prevailed and Senate File 2312 was reconsidered.

Jochum of Dubuque moved to reconsider the vote by which the committee amendment H-6119A, as amended (found on pages 1385 through 1398 (see page 1413 for divisions) of the House Journal) was adopted by the House on April 5, 1988, which motion prevailed and the committee amendment H-6119A was reconsidered.

Jochum of Dubuque moved to reconsider the vote by which amendment H-6171, to the committee amendment H-6119A, (found on pages 1402 through 1404 of the House Journal) was adopted by the House on April 5, 1988, which motion prevailed and amendment H-6171 was reconsidered.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-6171, to the committee amendment H-6119A.

Jochum of Dubuque offered the following amendment H-6284, to the committee amendment H-6119A, filed by him and moved its adoption:



H-6284

1 Amend the amendment, H-6119, to Senate File 2312,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 2 the fol-  
5 lowing:

6 "\_\_\_\_\_. Page 1, by striking line 24 and inserting  
7 the following:

8 "3. For the historical division:  
9 a. For salaries and support".

10 \_\_\_\_\_. Page 1, line 30, by striking the word  
11 "subsection" and inserting the following:  
12 "paragraph".

13 \_\_\_\_\_. Page 1, by inserting after line 33 the  
14 following:

15 "b. For equipment, planning and construction costs  
16 for exhibits:  
17 .....\$ 600,000".

18 2. Page 1, by inserting after line 9 the  
19 following:

20 "\_\_\_\_\_. Page 3, by inserting after line 2 the  
21 following:

22 "\_\_\_\_\_. To assist the Iowa newspaper association in  
23 funding the Iowa tomorrow: 2010 project, a project  
24 that will consist of statewide consensus building for  
25 Iowa's economic future:  
26 .....\$ 100,000".

27 3. Page 3, line 14, by inserting after the figure  
28 "6" the following: "and inserting the following:

29 "\_\_\_\_\_. SPECIAL PROGRAMS AND PROJECTS.  
30 For enhancing the preparation, teaching  
31 experiences, and induction of educators, and for  
32 assisting teachers to use technologies in the  
33 classroom:

34 .....\$ 750,000

35 The department shall expend the moneys appropriated

36 in this subsection for the following programs:  
37 a. To develop, in cooperation with approved  
38 teacher education programs, model training and  
39 incentive programs for cooperating teachers, including  
40 studying the feasibility of establishing a cooperating  
41 teacher approval.

42 b. To develop criteria for enhancing the clinical  
43 experiences of prospective teachers and for grants for  
44 pilot projects that designate certain schools as  
45 clinical schools.

46 c. For grants for pilot projects that enhance the  
47 interaction between the faculty of approved teacher  
48 education institutions and teachers in school  
49 districts that accept student teachers from that  
50 institution.

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1 d. For developing an evaluation system to be used  
2 by evaluator panels that are evaluating teachers after  
3 the initial certification and before advancement to  
4 the next certification level.

5 e. For developing, in cooperation with approved  
6 teacher education institutions, model systems for  
7 evaluating student teachers and for self-evaluation  
8 systems for student teachers and teachers.

9 f. To provide funds to be used in conjunction with  
10 the University of Northern Iowa to develop a  
11 networking system that translates effective teaching  
12 methods through the use of a computer conferencing  
13 system to form information exchange networks.

14 g. For grants for pilot projects for approved  
15 teacher education institutions to develop  
16 instructional programs that will instruct teachers in  
17 the use of electronic technologies.

18 h. To conduct a feasibility study of the  
19 establishment of five-year teacher education programs.

20 School districts and institutions receiving moneys  
21 under this subsection shall file a report with the  
22 department upon completion of the pilot project.

23 Notwithstanding the maximum number of full-time  
24 equivalent employees authorized in subsection 1, the  
25 department may employ a full-time equivalent  
26 individual to assist the department employees in  
27 fulfilling the requirements of this subsection.

28 Notwithstanding section 8.33, moneys appropriated  
29 in this subsection shall not revert to the general  
30 fund of the state but shall remain available for  
31 expenditure for the purposes specified until June 30,  
32 1990." "

33 4. Page 5, by striking line 49 and inserting the  
34 following:  
35 " " ..... \$ 26,199,603" "

Amendment H—6284 was adopted.

Jochum of Dubuque offered the following amendment H—6298,  
to the committee amendment H—6119A, filed by him and moved its  
adoption:

H—6298

1 Amend the amendment, H—6119, to Senate File 2312,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 3, by striking lines 20 through 39 and  
5 inserting the following:

6 "\_\_\_\_\_. Page 17, by striking lines 10 through 27  
 7 and inserting the following: "fifty-seven million two  
 8 hundred ninety-five thousand eight hundred twenty-  
 9 seven (57,295,827) dollars to be allocated as follows:  
 10 (1) Merged Area I ..... \$ 2,654,050  
 11 (2) Merged Area II ..... \$ 3,294,267  
 12 (3) Merged Area III ..... \$ 3,058,380  
 13 (4) Merged Area IV ..... \$ 1,493,218  
 14 (5) Merged Area V ..... \$ 3,460,235  
 15 (6) Merged Area VI ..... \$ 3,465,025  
 16 (7) Merged Area VII ..... \$ 4,573,775  
 17 (8) Merged Area IX ..... \$ 4,739,009  
 18 (9) Merged Area X ..... \$ 7,529,839  
 19 (10) Merged Area XI ..... \$ 7,392,910  
 20 (11) Merged Area XII ..... \$ 3,392,923  
 21 (12) Merged Area XIII ..... \$ 3,584,746  
 22 (13) Merged Area XIV ..... \$ 1,489,940  
 23 (14) Merged Area XV ..... \$ 4,432,771  
 24 (15) Merged Area XVI ..... \$ 2,734,739".

25 2. Page 3, by inserting before line 40 the following:

26 "\_\_\_\_\_. Page 17, line 30, by inserting after the word "expend"  
 27 the following: "from moneys appropriated in this paragraph".

28 \_\_\_\_\_ Page 18, by inserting after line 3 the following:"

29 3. Page 3, by inserting after line 46 the  
 30 following:

31 "\_\_\_\_\_. Page 18, by striking lines 7 through 23 and  
 32 inserting the following: "the amount of eight hundred  
 33 twenty-eight thousand twelve (828,012) dollars to be  
 34 allocated as follows:

35	a. Merged Area I .....	\$ 65,152
36	b. Merged Area II .....	\$ 50,567
37	c. Merged Area III .....	\$ 33,891
38	d. Merged Area IV .....	\$ 23,204
39	e. Merged Area V .....	\$ 60,042
40	f. Merged Area VI .....	\$ 34,514
41	g. Merged Area VII .....	\$ 57,884
42	h. Merged Area IX .....	\$ 69,103
43	i. Merged Area X .....	\$ 97,180
44	j. Merged Area XI .....	\$ 142,463
45	k. Merged Area XII .....	\$ 46,200
46	l. Merged Area XIII .....	\$ 40,972
47	m. Merged Area XIV .....	\$ 20,826
48	n. Merged Area XV .....	\$ 55,026
49	o. Merged Area XVI .....	\$ 30,988".

50 \_\_\_\_\_ By striking page 18, line 27 through page

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1 19, line 12, and inserting the following: "state  
 2 financial aid to merged areas the amount of twenty-  
 3 three million fifty-five thousand three hundred fifty-  
 4 six (23,055,356) dollars, to be accrued as income and

5 used for expenditures incurred by the area schools  
6 during the fiscal year beginning July 1, 1988, and  
7 ending June 30, 1989, to be allocated to each area  
8 school as follows:

9	1. Merged Area I .....	\$ 1,069,231
10	2. Merged Area II .....	\$ 1,327,820
11	3. Merged Area III .....	\$ 1,245,067
12	4. Merged Area IV .....	\$ 611,651
13	5. Merged Area V .....	\$ 1,388,438
14	6. Merged Area VI .....	\$ 1,388,244
15	7. Merged Area VII .....	\$ 1,843,493
16	8. Merged Area IX .....	\$ 1,896,400
17	9. Merged Area X .....	\$ 3,035,941
18	10. Merged Area XI .....	\$ 2,935,708
19	11. Merged Area XII .....	\$ 1,379,340
20	12. Merged Area XIII .....	\$ 1,431,518
21	13. Merged Area XIV .....	\$ 606,620
22	14. Merged Area XV .....	\$ 1,799,477
23	15. Merged Area XVI .....	\$ 1,096,408".

24 \_\_\_\_\_ By striking page 19, line 19, through page  
25 20, line 3, and inserting the following: "replacement  
26 payments under section 427A.13, the amount of three  
27 hundred fifty-four thousand eight hundred sixty  
28 (354,860) dollars, to be accrued as income and used  
29 for expenditures incurred by the area schools during  
30 the fiscal year beginning July 1, 1988, and ending  
31 June 30, 1989, to be allocated to each area as  
32 follows:

33	1. Merged Area I .....	\$ 27,922
34	2. Merged Area II .....	\$ 21,671
35	3. Merged Area III .....	\$ 14,525
36	4. Merged Area IV .....	\$ 9,924
37	5. Merged Area V .....	\$ 25,732
38	6. Merged Area VI .....	\$ 14,792
39	7. Merged Area VII .....	\$ 24,807
40	8. Merged Area IX .....	\$ 29,615
41	9. Merged Area X .....	\$ 41,649
42	10. Merged Area XI .....	\$ 61,056
43	11. Merged Area XII .....	\$ 19,800
44	12. Merged Area XIII .....	\$ 17,559
45	13. Merged Area XIV .....	\$ 8,925
46	14. Merged Area XV .....	\$ 23,582
47	15. Merged Area XVI .....	\$ 13,281".

48 4. Page 5, by inserting after line 46 the following:  
49 "\_\_\_\_\_. Page 29, by inserting after line 6 the following:  
50 "(3) For acquisition of library materials:

**Page 3**

1	.....	\$ 341,250".
2	5. Page 6, by inserting after line 30 the	
3	following:	

- 4 "\_\_\_\_\_. Page 32, by inserting before line 26 the
- 5 following:
- 6 "g. For acquisition of library materials:
- 7 .....\$ 234,400".
- 8 "\_\_\_\_\_. Page 32, line 27, by striking the word "For" and inserting
- 9 the following:
- 10 "a. For":
- 11 6. Page 6, by inserting after line 48 the
- 12 following:
- 13 "\_\_\_\_\_. Page 32, by inserting after line 35 the
- 14 following:
- 15 "b. For acquisition of library materials:
- 16 .....\$ 60,850".

Amendment H—6298 was adopted.

Jochum of Dubuque offered the following amendment H—6318, to the committee amendment H—6119A, filed by him from the floor and moved its adoption:

H—6318

- 1 Amend the amendment, H—6119, to Senate File 2312,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, by inserting after line 33 the fol-
- 5 lowing:
- 6 "\_\_\_\_\_. Page 27, by striking line 30 and inserting
- 7 the following:
- 8 ".....\$ 516,272".
- 9 2. Page 5, by striking line 38 and inserting the
- 10 following:
- 11 ".....\$138,262,377" .
- 12 3. Page 5, by inserting after line 46 the
- 13 following:
- 14 "\_\_\_\_\_. Page 29, by striking line 6 and inserting
- 15 the following:
- 16 ".....\$ 59,940".
- 17 4. Page 5, by inserting after line 49 the fol-
- 18 lowing:
- 19 "\_\_\_\_\_. Page 29, by striking line 20 and inserting
- 20 the following:
- 21 ".....\$1,511,061"
- 22 "\_\_\_\_\_. Page 29, by striking line 27 and inserting
- 23 the following:
- 24 ".....\$ 337,256".
- 25 5. Page 6, by inserting after line 23 the
- 26 following:
- 27 "\_\_\_\_\_. Page 31, by striking line 12 and inserting
- 28 the following:
- 29 ".....\$6,014,532"

- 30 \_\_\_\_\_ Page 31, by striking line 17 and inserting
- 31 the following:
- 32 " ..... \$2,507,968"
- 33 \_\_\_\_\_ Page 31, by striking line 22 and inserting
- 34 the following:
- 35 " ..... \$4,542,607"
- 36 \_\_\_\_\_ Page 31, by striking line 27 and inserting
- 37 the following:
- 38 " ..... \$2,498,481"."
- 39 6. Page 6, by striking lines 24 through 26.
- 40 7. Page 6, by inserting after line 29 the fol-
- 41 lowing:
- 42 "\_\_\_\_\_ Page 32, by striking line 8 and inserting
- 43 the following:
- 44 " ..... \$13,556,178"
- 45 \_\_\_\_\_ Page 32, by striking line 14 and inserting
- 46 the following:
- 47 " ..... \$13,317,224"
- 48 \_\_\_\_\_ Page 32, by striking line 18 and inserting
- 49 the following:
- 50 " ..... \$ 90,000"

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- 1 \_\_\_\_\_ Page 32, by striking line 21 and inserting
- 2 the following:
- 3 " ..... \$ 389,456"."
- 4 8. Page 6, by inserting after line 48 the
- 5 following:
- 6 "\_\_\_\_\_ Page 33, by striking line 5 and inserting
- 7 the following:
- 8 " ..... \$4,957,177"
- 9 \_\_\_\_\_ Page 33, by striking line 10 and inserting
- 10 the following:
- 11 " ..... \$2,742,752"."

Amendment H—6318 was adopted.

On motion by Jochum of Dubuque, the committee amendment H—6119A, as amended, was adopted.

Fogarty of Palo Alto asked and received unanimous consent to reconsider the vote by which amendment H—6248 (found on page 1420 of the House Journal) was adopted by the House on April 5, 1988.

Hammond of Story asked and received unanimous consent to withdraw amendment H—6282, to amendment H—6248, filed by Hammond, et al., on April 6, 1988.

Hammond of Story offered the following amendment H-6319, to amendment H-6248, filed from the floor by Hammond, Rosenberg and Fogarty and moved its adoption:

H-6319

- 1 Amend the amendment, H-6248, to Senate File 2312,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 5 and inserting the
- 5 following:
- 6 " " .....\$116,234,916" "

Amendment H-6319 was adopted.

On motion by Fogarty of Palo Alto, amendment H-6248, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 2312)

The ayes were, 99:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	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	Schneklloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp

Van Maanen

Wise

Mr. Speaker  
(Blanshan)

The nays were, none.

Absent or not voting, 1:

Muhlbauer

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

### CONSIDERATION OF HOUSE RESOLUTION 103

Holveck of Polk called up for consideration House Resolution 103 as follows:

1 HOUSE RESOLUTION 103

2 By Committee On Ethics

3 A Resolution to amend the rules governing lobbyists in the  
4 House of Representatives.

5 *Be It Resolved By The House Of Representatives,*

6 That the HOUSE RULES GOVERNING LOBBYISTS be amended to  
7 read as follows:

8 HOUSE RULES GOVERNING LOBBYISTS

9 1. DEFINITIONS OF TERMS. As used in these rules,  
10 the word "gift" and the phrases "immediate family  
11 members" and "public disclosure" have the meaning  
12 provided in section 68B.2 of the Code and "person" has  
13 the meaning provided in section 4.1 of the Code.

14 1. 2. Definitions: DEFINITION OF LOBBYIST. a.  
15 For the purposes of these rules, "lobbyist" is defined  
16 as a person who does any of the following:

17 (1) a. Is paid compensation or expends money to  
18 encourage the passage, defeat, or modification of  
19 legislation or to influence the decisions of members  
20 of a legislative committee or subcommittee.

21 (2) Expends money in an attempt to encourage the  
22 passage, defeat, or modification of legislation.

23 (3) b. Represents an organization which has as one  
24 of its purposes the encouragement of the passage,  
25 defeat, or modification of legislation or influencing  
26 the decisions of the members of a legislative  
27 committee or subcommittee.

28 (4) c. Is a federal, state, or local official or  
29 employee who represents representing the official  
30 position of his or her the official or employee's

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1 department, commission, board, or agency, and who



2 attempts to encourage the passage, defeat, or  
3 modification of legislation or to influence the  
4 decisions of the members of a legislative committee or  
5 subcommittee.

6 b. 3. EXCEPTIONS. The term "lobbyist" shall not  
7 include within its definition:

8 (1) a. Designated representatives of political  
9 parties organized in the state of Iowa and  
10 representing more than two percent of the total votes  
11 cast for governor or president in the preceding  
12 general election but only when representing the  
13 political party in an official capacity.

14 (2) b. Representatives of the news media engaged  
15 only in the reporting and disseminating of news and  
16 editorials.

17 (3) c. Officials and employees of federal, state,  
18 and local government who in the course of their  
19 official duties submit legislation or amendments to a  
20 representative or a house committee, or who are  
21 requested or required to provide information to a  
22 representative, or who are requested or required to  
23 appear before a house committee, and who do not  
24 encourage the passage, defeat, or modification of  
25 legislation.

26 (4) d. Any elected state official.

27 (5) e. Constituents of a legislator in lobbying  
28 their legislator.

29 2. 4. REGISTRATION REQUIRED. All lobbyists shall  
30 on or before the day their lobbying activity begins,

### Page 3

1 register with the chief clerk of the house by filing a  
2 lobbyist registration ~~form~~ statement listing:

3 a. Name, permanent business and residential  
4 addresses, temporary residential and business  
5 addresses during the legislative session, if any; and  
6 their telephone numbers.

7 b. The name and address of each individual,  
8 company, firm, corporation, union, association or  
9 cause for which the person lobbies.

10 c. The general subjects of legislation in which  
11 the lobbyist is or may be interested, the file number  
12 of the bills and resolutions and the bill number of  
13 study bills (if known) which will be lobbied, whether  
14 the lobbyist intends to lobby for or against each  
15 bill, resolution, or study bill (if known), and on  
16 whose behalf the lobbyist is lobbying the bill,  
17 resolution, or study bill.

18 Any change in or addition to the information  
 19 required in this rule shall be registered with the  
 20 chief clerk of the house within ten days from the time  
 21 the change or addition is known to the lobbyist.

22 Only one registration statement need be filed by a  
 23 lobbyist, even if the lobbyist represents more than  
 24 one client.

25 5. CANCELLATION OF REGISTRATION. If a lobbyist's  
 26 service on behalf of a particular employer, client, or  
 27 cause is concluded prior to the end of the calendar  
 28 year, the lobbyist may cancel the registration on  
 29 appropriate forms supplied by the chief clerk of the  
 30 house. Upon cancellation of registration, a lobbyist

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1 is prohibited from engaging in any lobbying activity  
 2 on behalf of that particular employer, client, or  
 3 cause until reregistering and complying with these  
 4 rules. A lobbyist's registration is valid for a  
 5 calendar year.

6 3. 6. PUBLIC ACCESS. All information filed under  
 7 these rules shall be are public record records and  
 8 open to public inspection at any reasonable time.

9 4. 7. GOVERNMENT OFFICIALS. Employees of federal,  
 10 state, and local government offices who are designated  
 11 representatives of their agency shall not lobby on  
 12 behalf of such their offices without a letter of  
 13 authorization from such office.

14 8. CHARGE ACCOUNTS. Lobbyists and the  
 15 organizations they represent shall not allow members  
 16 of the house to charge any amounts or items to a  
 17 charge account to be paid for by those lobbyists or by  
 18 the organizations they represent.

19 5. 9. ACCESS TO HOUSE FLOOR. Lobbyists shall only  
 20 be permitted on the floor of the house pursuant to  
 21 rule 20 of the rules of the house.

22 6. 10. FEE OR BONUS PROHIBITED. A fee or bonus  
 23 shall not be paid to any lobbyist with reference to  
 24 any legislative action that is conditioned wholly or  
 25 in part upon the results attained by the lobbyist.

26 7. 11. OFFERS OF ECONOMIC OR INVESTMENT  
 27 OPPORTUNITY. A lobbyist, or employer of a lobbyist,  
 28 shall not offer economic or investment opportunity or  
 29 promise of employment to any member of the house with  
 30 intent to influence conduct in the performance of

**Page 5**

1 official duties.

2 8. 12. PERSONAL OR FINANCIAL OBLIGATION. A  
 3 lobbyist shall not do anything with the purpose of  
 4 placing a member of the house under personal or

5 financial obligation to a lobbyist or a lobbyist's  
6 principal or agent.

7 13. FALSE STATEMENT OR MISREPRESENTATION. A

8 lobbyist shall not knowingly or willfully make a false  
9 statement or misrepresentation of a material fact  
10 pertinent to any pending or proposed legislation to a  
11 member. Failure to make a timely written correction  
12 upon learning of the actual fact shall be considered  
13 prima facie evidence of an attempt to deceive.

14 9. 14. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT.

15 A lobbyist shall not cause or influence the  
16 introduction of any bill or amendment for the purpose  
17 of thereafter being employed to secure its passage or  
18 defeat.

19 10. 15. CAMPAIGN SUPPORT. A lobbyist shall not  
20 influence or attempt to influence a member's actions  
21 by the promise of financial support for the member's  
22 candidacy or threat of financial support of for the  
23 opposition candidate.

24 11. 16. COMMUNICATION WITH MEMBER'S EMPLOYER

25 PROHIBITED. A lobbyist shall not communicate with a  
26 member's employer for the purpose of influencing a  
27 vote of the member.

28 12. 17. EXCESS PAYMENTS. A lobbyist shall not pay  
29 or agree to pay to a member a price, fee, compensation  
30 or other consideration for the sale or lease of any

**Page 6**

1 property or the furnishing of services which is  
2 substantially in excess of that which other persons in  
3 the same business or profession would charge in the  
4 ordinary course of business.

5 13. As used in these rules, the word "gift" and  
6 the phrases "immediate family member" and "public  
7 disclosure" have the meaning provided in section 68B.2  
8 of the Code and "person" has the meaning provided in  
9 section 4-1 of the Code.

10 18. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or  
11 employer of a lobbyist, shall not pay for membership  
12 in or contributions to clubs or organizations on  
13 behalf of a member of the house.

14 14. 19. REPORTING OF GIFTS.

15 a. A person who provides a gift or series of gifts  
16 which exceeds fifteen dollars in cumulative value in  
17 any one calendar day to any member, officer, or  
18 employee of the house or the immediate family members  
19 of a member, officer, or employee of the house shall  
20 report the gift to the chief clerk of the house. The  
21 report shall show the nature, amount, date, donee, and  
22 donor of the gift. If more than one person shares in  
23 the expense of providing a gift or series of gifts

24 which exceeds fifteen dollars in cumulative value in  
 25 any one calendar day and which is required to be  
 26 reported, each of the persons sharing in the expense  
 27 shall report the gift to the chief clerk of the house  
 28 as provided in section 68B.11 of the Code regardless  
 29 of the amount of the person's share of the expense.  
 30 b. A person who provides a gift or series of gifts

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1 to a member, officer, or employee of the house or the  
 2 immediate family members of a member, officer, or  
 3 employee of the house shall report to the member,  
 4 officer, or employee the value of each gift which is  
 5 required to be reported by the member, officer, or  
 6 employee by the fifteenth tenth day of the month  
 7 following the month in which a gift is provided.

8 15. c. Persons who provide gifts to members,  
 9 officers and employees of the house and their  
 10 immediate families shall include in the report to the  
 11 chief clerk of the house the monthly total of all  
 12 gifts made by the person, and the employer or  
 13 employers, regardless of the dollar value, including  
 14 the total of each of the following listed separately:

- 15 a. (1) Food and beverage.
- 16 b. (2) Entertainment, including the cost of a  
 17 hospitality room.
- 18 e. (3) Travel.
- 19 d. (4) Recreation expense.
- 20 e. (5) Lodging expense.
- 21 f. (6) Other (including the nature of the gift).
- 22 d. Persons who host a group event to which all  
 23 members of the house or all members of both houses  
 24 have been invited shall file a report with the chief  
 25 clerk of the house, separately for each event, listing  
 26 the date, location, and total expense incurred by the  
 27 donor or donors for food, beverages, registration, and  
 28 scheduled entertainment.

29 16. e. The reports required to be filed with the  
 30 chief clerk of the house under rules 16 and 17 this

**Page 8**

1 rule shall be filed in the office of the chief clerk  
 2 by the twentieth fifteenth day of the month following  
 3 the month in which a gift is provided which is  
 4 required to be reported or in which an event is  
 5 hosted.

6 17. 20. FINANCIAL TRANSACTIONS. Each lobbyist  
 7 shall report any financial transaction with a value of  
 8 at least five hundred dollars between the lobbyist, or  
 9 a principal or agent of the lobbyist, and a member of  
 10 the house, a member of the house's house member's

11 immediate family, or a business with which the member  
12 or the member's family is associated. Each report  
13 shall include:

- 14 1. a. The date of the transaction.
- 15 2. b. The nature of the transaction.
- 16 3. c. The parties to the transaction.
- 17 4. d. The amount involved in the transaction.

18 A financial transaction does not include a  
19 transaction undertaken in the ordinary course of  
20 business of a lobbyist if the primary business of the  
21 lobbyist is something other than lobbying, if  
22 consideration of equal or greater value is received by  
23 the lobbyist, and if fair market value is given or  
24 received for the benefit conferred.

25 The report shall be filed in the office of the  
26 chief clerk of the house by the ~~twentieth~~ fifteenth  
27 day of the month following the month in which the  
28 financial transaction takes place.

29 18. 21. GIFT LIMITS. A person is prohibited from  
30 providing a gift or series of gifts to a member,

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1 officer, or employee of the house which has a  
2 cumulative value of fifty thirty-five dollars or more  
3 in any one calendar day, pursuant to section 68B.5 of  
4 the Iowa Code.

5 19. 22. REPORTING OF HONORARIA. A lobbyist, or an  
6 organization which a lobbyist represents that has as  
7 one of its purposes the encouragement of the passage,  
8 defeat, or modification of legislation, shall report  
9 the amount of any honorarium paid to a member,  
10 officer, or employee of the house for a speaking  
11 engagement or other formal public appearance in the  
12 official capacity of the member, officer, or employee.  
13 The report shall be filed in the office of the chief  
14 clerk of the house by the ~~twentieth~~ fifteenth day of  
15 the month following the month in which the honorarium  
16 is paid.

17 20. 23. COMPLAINTS. The procedures for complaints  
18 and enforcement of these rules shall be the same as  
19 those provided in the House Code of Ethics.

20 21. 24. REPORTS AND FORMS. The chief clerk of the  
21 house, subject to the approval of the house ethics  
22 committee, shall prescribe procedures for compliance  
23 with these rules, and shall prepare forms for the  
24 filing of these reports and make them available to any  
25 person who is required to file a report. The reports  
26 filed with the chief clerk of the house shall be  
27 maintained by the chief clerk of the house and be  
28 available for public inspection as provided in chapter  
29 22 of the Code. The committee on ethics may authorize  
30 the chief clerk of the house to prepare and make

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- 1 available to the public an annual summary of the
- 2 reports filed with the chief clerk of the house under
- 3 these rules.

Holveck of Polk offered the following amendment H—5314 filed by him and De Groot of Lyon and moved its adoption:

H—5314

- 1 Amend House Resolution 103 as follows:
- 2 1. Page 3, line 28, by striking the word "may"
- 3 and inserting the following: "shall".

Amendment H—5314 was adopted.

Black of Jasper offered the following amendment H—5513 filed by him and Skow of Guthrie and moved its adoption:

H—5513

- 1 Amend House Resolution 103 as follows:
- 2 1. Page 5, by inserting after line 13 the
- 3 following:
- 4 "A legislator shall not knowingly or willfully make
- 5 a false statement or misrepresentation of a material
- 6 fact pertinent to any pending or proposed legislation
- 7 to a member or a lobbyist. Failure to make a timely
- 8 written correction upon learning of the actual fact
- 9 shall be considered prima facie evidence of an attempt
- 10 to deceive."

Amendment H—5513 was adopted.

Bisignano of Polk moved to reconsider the vote by which amendment H—5513 was adopted by the House on April 8, 1988.

Arnould of Scott asked and received unanimous consent that House Resolution 103 be deferred and that the resolution retain its place on the calendar.

(Motion to reconsider amendment H—5513 pending.)

On motion by Arnould of Scott, the House was recessed at 12:02 p.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

**IMMEDIATE MESSAGE**  
(Senate File 2312)

Arnould of Scott asked and received unanimous consent that Senate File 2312 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 2449 and Senate File 2058.

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1988, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was 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.

JOHN F. DWYER, Secretary

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Hanson of Delaware on request of Metcalf of Polk; Cooper of Lucas on request of Koenigs of Mitchell, both for the remainder of the day.

**CONSIDERATION OF BILLS**  
Regular Calendar

**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, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2449)

The ayes were, 96:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors

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
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:

Beatty	Cooper	Hanson, D. R.	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.

### Ways and Means Calendar

**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, with report of committee recommending passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—6142 filed by him and moved its adoption:

H—6142

- 1 Amend Senate File 2058, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Title page, line 5, by inserting after the
- 4 word "information" the following: "and providing for
- 5 retroactive applicability and an effective date".

Amendment H—6142 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. 2058)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	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	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	Swearingen	Tabor	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Cooper	Hanson, D. R.	Muhlbauer	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 AMENDMENTS CONSIDERED

Johnson of Winneshiek called up for consideration **House File 2437**, a bill for an act relating to utilization of energy resources in the state including the implementation of energy conservation measures, amended by the Senate, and moved that the House concur in the following Senate amendment H—6099:

H—6099

1 Amend House File 2437 as passed by the House, as  
2 follows:

3 1. Page 2, line 27, by inserting after the word  
4 "which" the following: "are economically feasible and  
5 practical and which".

6 2. Page 3, line 3, by inserting after the word  
7 "financing" the following: "under section 19.34".

8 3. Page 3, by striking lines 6 through 12 and  
9 inserting the following:  
10 "3. The state board of regents shall annually  
11 report on October 1 to the department the status of  
12 all energy conservation measures identified in their  
13 comprehensive engineering analysis, whether or not the  
14 measures have been acquired or implemented, and the  
15 results of energy usage analysis of the board's  
16 facilities."

17 4. Page 3, line 15, by inserting after the word  
18 "transportation" the following: "utilizing the  
19 services of the state of Iowa facilities improvement  
20 corporation".

21 5. Page 3, by inserting after line 33, the  
22 following:  
23 "Sec. \_\_\_\_\_. NEW SECTION. 93.20D ANNUAL REPORT.

24 The department shall include in the annual report  
25 required under section 455A.4 an assessment of the  
26 progress achieved by public agencies in implementing  
27 energy life cycle cost analyses.

28 Sec. \_\_\_\_\_. Section 470.3, subsection 2, Code 1987,  
29 is amended to read as follows:

30 2. A public agency or a person preparing a life  
31 cycle cost analysis for a public agency shall consider  
32 the methods and analytical models in section 6 of the  
33 **Manual of Procedures for authorized class "A" energy**  
34 **auditors as amended to March 31, 1979 by the**  
35 **engineering research institute at Iowa State**  
36 **University of Science and Technology in preparing a**  
37 **life cycle cost analysis provided by the department of**  
38 **natural resources and available through the state**  
39 **building code commissioner, which are suited to the**  
40 **purpose for which the project is intended. Within**  
41 **sixty days of final selection of a design architect or**  
42 **engineer, a public agency, which is also a state**  
43 **agency under section 19.34, shall notify the state**  
44 **building code commissioner and the department of**  
45 **natural resources of the methodology to be used to**  
46 **perform the life cycle cost analysis on forms provided**  
47 **by the department of natural resources."**

48 6. Page 4, by striking line 1 and inserting the  
49 following:

50 "The public agency responsible for the new

**Page 2**

- 1 construction or renovation".
- 2 7. Page 4, line 2, by striking the words "new  
3 state" and inserting the following: "public".
- 4 8. Page 4, line 3, by striking the words  
5 "approval to" and inserting the following: "review  
6 by".
- 7 9. Page 4, by striking line 5, and inserting the  
8 following: "resources."
- 9 10. Page 4, by striking lines 6 through 8 and  
10 inserting the following: "If the public agency is  
11 also a state agency under section 19.34, comments by  
12 the department of natural resources or the state  
13 building code commissioner, including any  
14 recommendation for changes in the analysis, shall,  
15 within thirty days of receipt of the analysis, be  
16 forwarded in writing to the public agency. If either  
17 the department or the commissioner disagrees with any  
18 aspects of the life cycle cost analysis, the public  
19 agency affected shall timely respond in writing to the  
20 state building code commissioner and the department of  
21 natural resources. The response shall indicate  
22 whether the agency intends to implement the  
23 recommendations and, if the agency does not intend to  
24 implement them, the public agency shall present its  
25 reasons. The reasons may include, but are not limited  
26 to, a description of the purpose of the facility or  
27 renovation, preservation of historical architectural  
28 features, architectural and site considerations, and  
29 health and safety concerns."
- 30 11. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6099.

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

On the question "Shall the bill pass?" (H.F. 2437)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	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	Johson	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	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, none.

Absent or not voting, 3:

Cooper                      Hanson, D. R.                      Muhlbauer

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

Norrgard of Des Moines called up for consideration **House File 2113**, a bill for an act relating to the dispensing of prescription drugs, amended by the Senate, and moved that the House concur in the following Senate amendment H—6240:

H—6240

- 1 Amend House File 2113, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "choice" the following: "or offer to transmit the
- 5 prescription to a pharmacy of the patient's choice".

The motion prevailed and the House concurred in the Senate amendment H—6240.

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

On the question "Shall the bill pass?" (H.F. 2113)

The ayes were, 94:

Adams                      Arnould                      Beaman                      Beatty

Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
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	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	Cooper	Hanson, D. R.	Muhlbauer
Parker	Skow		

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

Black of Jasper called up for consideration **House File 2192**, a bill for an act exempting certain vessels from registration, amended by the Senate, and moved that the House concur in the following Senate amendment H—6305:

H—6305

- 1 Amend House File 2192, as passed by the House, as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 106.4, Code 1987, is amended
- 6 to read as follows:
- 7 106.4 OPERATION OF UNNUMBERED VESSELS PROHIBITED.
- 8 Every vessel except as provided in ~~section~~ sections
- 9 106.6 and 106.6A on the waters of this state under the
- 10 jurisdiction of the commission shall be numbered. A
- 11 person shall not operate, maintain or give permission
- 12 for the operation or maintenance of any vessel on such

13 waters unless the vessel is numbered in accordance  
 14 with this chapter or in accordance with applicable  
 15 federal laws or in accordance with a federally  
 16 approved numbering system of another state and unless  
 17 the certificate of number awarded to the vessel is in  
 18 full force and effect.

19 Sec. 2. NEW SECTION. 106.6A EXEMPTION FROM  
 20 DISPLAY OF REGISTRATION AND CAPACITY NUMBERS.

21 The following vessels are exempt from displaying a  
 22 registration number and a passenger capacity number as  
 23 required in section 106.5:

24 1. Authentically constructed native American  
 25 styled craft including birchbark canoes, dugout  
 26 canoes, competitive racing shells, reed boats, and  
 27 skin-covered canoes or boats.

28 2. Historically styled craft such as keel boats  
 29 used only during historic recreations or public  
 30 demonstrations.

31 3. A vessel which has a valid marine document  
 32 issued by the United States coast guard and the vessel  
 33 bears the identification required in the document."

34 2. Title page, by striking the word  
 35 "registration" and inserting the following:  
 36 "displaying registration and passenger capacity  
 37 numbers".

The motion prevailed and the House concurred in the Senate amendment H—6305.

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

On the question "Shall the bill pass?" (H.F. 2192)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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	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
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	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Bisignano	Cooper	Hanson, D. R.	Harper
Muhlbauer	Parker	Skow	Teaford

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

Koenigs of Mitchell called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6266 to the House amendment:

H—6266

1 Amend the House amendment, S—5750, to Senate File  
 2 2135, as passed by the Senate, as follows:  
 3 1. Page 1, by striking lines 36 through 42 and  
 4 inserting the following: "subject to a penalty of ten  
 5 dollars for each day the grain dealer or warehouse  
 6 operator is delinquent or an amount equal to the  
 7 amount of the deficiency, whichever is less. The  
 8 department may establish and apply a margin of error  
 9 in determining whether a grain dealer or warehouse  
 10 operator is delinquent. If the per-bushel fee has not  
 11 been".

The motion prevailed and the House concurred in the Senate amendment H—6266.

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

On the question "Shall the bill pass?" (S.F. 2135)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Mullins	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
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:

Bisignano	Cooper	Hanson, D. R.	Muhlbauer
Parker	Plasier	Skow	

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

Groninga of Cerro Gordo called up for consideration **Senate File 2164**, a bill for an act relating to the composition of the Iowa economic development board, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6272 to the House amendment:

H—6272

- 1 Amend the House amendment, S—5652, to Senate File
- 2 2164 as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 4 the
- 4 following:
- 5 "\_\_\_\_\_. Page 2, by inserting after line 6 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. **NEW SECTION. 15.280 DEFINITIONS.**
- 8 For the purposes of this part unless the context



9 otherwise requires:

10 1. "Chairperson" means the chairperson of the  
11 council.

12 2. "Council" means the "Council for Iowa's  
13 Economic Future" established pursuant to this part.

14 3. "Strategic plan" means the five-year strategic  
15 plan for state economic growth prepared by the board.

16 Sec. \_\_\_\_\_. NEW SECTION. 15.281 COUNCIL CREATED –  
17 MEMBERSHIP AND ORGANIZATION.

18 1. The director shall establish a council to be  
19 known as the "Council for Iowa's Economic Future".  
20 The membership of the council shall consist of not  
21 more than thirty members. Members are appointed for  
22 three-year terms beginning and ending on a fiscal year  
23 basis. Members may be reappointed. A vacancy on the  
24 council shall be filled in the same manner as regular  
25 appointments for the unexpired term. The members  
26 shall be appointed by the chairperson who shall be the  
27 director. The lieutenant governor shall be honorary  
28 chairperson. Members of the council shall include:

29 a. The directors of the departments of economic  
30 development, education, employment services, cultural  
31 affairs, transportation, natural resources, human  
32 services, human rights, and commerce.

33 b. Representatives of economic development offices  
34 from one or more of the board of regents universities,  
35 the community colleges, and the private colleges and  
36 universities.

37 c. Two members of labor organizations in Iowa.

38 d. A representative of a utility organization.

39 e. Representatives of professional developers and  
40 chamber of commerce executives.

41 f. The chairperson of the Iowa economic  
42 development board or the chairperson's designee.

43 g. Additional individuals as may be appointed by  
44 the chairperson.

45 2. The chairperson shall receive applications or  
46 recommendations for membership on the council from  
47 individuals, associations, and organizations located  
48 in the state.

49 3. The initial council shall, within sixty days  
50 after the effective date of this Act, meet for the

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1 purpose of organizing the council and to elect  
2 officers other than the chairperson. The other  
3 officers are elected for one-year terms. Thereafter,  
4 the council shall meet at least annually.

5 4. Members shall be reimbursed for necessary  
6 expenses incurred in the performance of duties from  
7 funds appropriated to the department specifically for

8 the purposes of funding the operation of the council.  
 9 5. Administrative support shall be provided to the  
 10 council by the department.

11 Sec. \_\_\_\_\_. NEW SECTION. 15.282 MISSION AND DUTIES  
 12 OF THE COUNCIL.

13 The mission of the council is to develop strategies  
 14 and recommend action plans to strengthen the state's  
 15 economy. This mission shall be accomplished by:

16 1. Coordinating the activities of all parties  
 17 having a role in the state's economic development  
 18 through evaluating, monitoring, and appraising those  
 19 activities on an ongoing basis.

20 2. Developing a plan of action for implementation  
 21 of the state's strategic plan and providing periodic  
 22 updates to that plan.

23 3. Educating and assisting all parties involved in  
 24 improving the long-range vitality of the state's  
 25 economy.

26 4. Meeting at least once annually with the board  
 27 to report on its findings and recommendations and to  
 28 discuss additional ideas for review and  
 29 implementation.

30 Sec. \_\_\_\_\_. NEW SECTION. 15.283 DUTIES OF  
 31 EXECUTIVE COMMITTEE.

32 The council shall have an executive committee  
 33 consisting of the chairperson, the vice chairperson,  
 34 the secretary, and at least four other members of the  
 35 council chosen by it. The duties of the executive  
 36 committee shall include, but are not limited to, all  
 37 of the following:

38 1. Receive recommendations from the council for  
 39 the appointment of task forces on specified projects.  
 40 These projects shall be in accordance with the state's  
 41 strategic plan.

42 2. Select task force chairpersons and members for  
 43 the selected projects. The task force chairpersons  
 44 shall be selected from the council membership.  
 45 Members of the task forces may be members of the  
 46 council or individuals in the state having an  
 47 expertise in the area being studied.

48 3. Review the strategic plan prepared by the  
 49 department and recommend updates and additional  
 50 strategic recommendations as necessary on an annual

**Page 3**

1 basis for presentation to the board.

2 4. Submit task force reports to the board and  
 3 report at least annually to the governor and the  
 4 general assembly.

5 The executive committee may employ an executive  
 6 director and consultants to assist the task forces, if

7 funds are appropriated for this purpose.

8 Sec. \_\_\_\_\_. NEW SECTION. 15.284 APPROPRIATION.

9 For the fiscal year beginning July 1, 1988, and for  
10 each succeeding fiscal year, there is appropriated  
11 from the general fund of the state to the department  
12 of economic development the sum of seven thousand five  
13 hundred sixty dollars, or so much thereof as is  
14 necessary, for the operation of the council.

15 Sec. \_\_\_\_\_. Notwithstanding section 15.281,  
16 subsection 1, of the original members appointed by the  
17 director of the department of economic development, as  
18 nearly as possible, one-third of the members shall be  
19 appointed for a term ending June 30, 1989, one-third  
20 of the members shall be appointed for a term ending  
21 June 30, 1990, and one-third of the members shall be  
22 appointed for a term ending June 30, 1991.

23 Sec. \_\_\_\_\_. The Code editor shall codify new  
24 sections 15.280 through 15.284 as a new part of  
25 subchapter II of chapter 15."

26 \_\_\_\_\_. Title page, line 2, by inserting after the  
27 word "board" the following: "and to the establishment  
28 of the council for Iowa's economic future by the Iowa  
29 department of economic development to contribute to  
30 the strengthening of the state's economy, and making  
31 an appropriation"."

The motion prevailed and the House concurred in the Senate amendment H-6272.

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

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

The ayes were, 67:

Adams	Arnould	Beaman	Beatty
Black	Blanshan	Brammer	Buhr
Chapman	Clark	Cphoon	Connolly
Connors	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKinney	Mullins
Norrgard	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Platt
Poney	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Siegrist

Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 23:

Bennett	Branstad	Carpenter	Corbett
Corey	De Groot	Garman	Halvorson, R. A.
Hammond	Hermann	Hummel	Kremer
Maulsby	McKean	Metcalf	Neuhauser
Paulin	Petersen, D. F.	Renken	Royer
Schnekloth	Tyrrell	Van Maanen	

Absent or not voting, 10:

Bisignano	Cooper	Hanson, D. R.	Hester
Miller	Muhlbauer	Parker	Plasier
Shoultz	Skow		

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

Adams of Hamilton called up for consideration **Senate File 2284**, a bill for an act relating to the disclosure of mental health information, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6267 to the House amendment:

H-6267

- 1 Amend the House amendment, S-5709, to Senate File
- 2 2284, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 36 the
- 5 following:
- 6 "Employees of a self-insured employer, and agents
- 7 of a self-insured employer which have not filed a
- 8 statement with the commissioner of insurance pursuant
- 9 to subsection 1, shall not be granted routine or
- 10 ongoing access to mental health information unless the
- 11 employees or agents have signed a statement indicating
- 12 that they are aware that the information shall not be
- 13 used or disclosed except as provided in this
- 14 subsection and that they are aware of the penalty for
- 15 unauthorized disclosure."
- 16 2. Page 1, by inserting after line 46, the
- 17 following:
- 18 "\_\_\_\_\_. Page 1, line 1, by striking the words
- 19 "subsection 1, Code 1987, is" and inserting the
- 20 following: "subsections 1 and 8, Code 1987, are"."
- 21 \_\_\_\_\_. Page 1, by inserting after line 11, the
- 22 following:
- 23 "8. "Third-party payor" means a person which

24 provides accident and health benefits or medical,  
 25 surgical, or hospital benefits, whether on an  
 26 indemnity, reimbursement, service, or prepaid basis,  
 27 including but not limited to, insurers, nonprofit  
 28 health service corporations, health maintenance  
 29 organizations, governmental agencies, and self-insured  
 30 employers." "

31 4. Page 1, line 50, by striking the word  
 32 "subsection" and inserting the following:  
 33 "subsections".

34 5. Page 2, by inserting after line 11, the  
 35 following:

36 "NEW SUBSECTION. 10. "Self-insured employer"  
 37 means a person which provides accident and health  
 38 benefits or medical, surgical, or hospital benefits on  
 39 a self-insured basis to its own employees or to  
 40 employees of an affiliated company or companies and  
 41 which does not otherwise provide accident and health  
 42 benefits or medical, surgical, or hospital benefits." "

The motion prevailed and the House concurred in the Senate amendment H—6267.

Adams of Hamilton 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. 2284)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
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	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	Cooper	Hanson, D. R.	Muhlbauer
Parker	Skow		

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

### HOUSE INSISTS (Senate File 394)

Norrsgard of Des Moines called up for consideration **Senate File 394**, a bill for an act relating to care of animals in commercial establishments and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

### CONFERENCE COMMITTEE APPOINTED (Senate File 394)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 394: Norrsgard of Des Moines, Chair; Gruhn of Dickinson, May of Worth, Branstad of Winnebago and Kremer of Buchanan.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux, for the remainder of the day, on request of Miller of Cherokee.

The House stood at ease at 2:12 p.m., until the fall of the gavel.

The House resumed session at 2:51 p.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2294, a bill for an act relating to testing for and confidentiality of human immunodeficiency virus-related matters and providing penalties.

Also: That the Senate has on April 8, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 8, 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 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 April 8, 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 2443, a bill for an act relating to and making appropriations to the justice system and providing an effective date.

Also: That the Senate has on April 8, 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 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.

Also: That the Senate has on April 8, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2447, a bill for an act relating to human services, and making appropriations to the department of human services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, and providing effective dates.

Also: That the Senate has on April 8, 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 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.

Also: That the Senate has on April 8, 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 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

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2311.

## CONSIDERATION OF BILLS Appropriations Calendar

**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, with report of committee recommending amendment and passage was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—5882 filed by the committee on appropriations:

H—5882

- 1 Amend Senate File 2311, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 1, line 9, by striking the figure
- 4 "1,429,237" and inserting the following: "1,450,437".
- 5 2. Page 1, line 11, by striking the figure
- 6 "62,000" and inserting the following: "72,470".
- 7 3. Page 4, by striking lines 5 through 7 and
- 8 inserting the following: "however, if the revenue
- 9 estimate for the fiscal year beginning July 1, 1988,
- 10 approved by the revenue estimating conference as of
- 11 December 15, 1988, is less than two billion seven
- 12 hundred forty million seven hundred thousand
- 13 (2,740,700,000) dollars the department shall transfer
- 14 three hundred fifty thousand (350,000) dollars, or so
- 15 much thereof as is necessary, of those savings to the
- 16 general fund of the state on June 30, 1989."
- 17 4. By striking page 5, line 30, through page 6,
- 18 line 10, and inserting the following: "this fund."
- 19 5. Page 6, line 11, by striking the words



- 20 "general service" and inserting the following:  
 21 "centralized purchasing permanent".  
 22 6. Page 6, line 16, by striking the words  
 23 "general service" and inserting the following:  
 24 "centralized purchasing permanent".  
 25 7. Page 10, lines 21 and 22, by striking the  
 26 words "and for program administration of justice  
 27 assistance funds".  
 28 8. Page 10, by striking lines 28 through 30.  
 29 9. Page 12, line 18, by striking the words  
 30 "general service" and inserting the following:  
 31 "centralized purchasing permanent".  
 32 10. Title page, by striking line 7 and inserting  
 33 the following: "collected by filing officers,".

Harbor of Mills offered the following amendment H—5930, to the committee amendment H—5882, filed by him and Van Maanen of Mahaska and moved its adoption:

H—5930

- 1 Amend the Committee amendment, H—5882, to Senate  
 2 File 2311, as amended, passed, and reprinted by the  
 3 Senate, as follows:  
 4 1. Page 1, by striking lines 3 and 4.  
 5 2. Page 1, by inserting after line 16 the  
 6 following:  
 7 "\_\_\_\_\_. Page 5, line 2, by striking the figure  
 8 "1,667,302" and inserting the following:  
 9 "1,687,302"."  
 10 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 38, nays 46.

Amendment H—5930 lost.

Van Maanen of Mahaska offered the following amendment H—6000, to the committee amendment H—5882, filed by Van Maanen, et al., and moved its adoption:

H—6000

- 1 Amend the committee amendment, H—5882, to Senate  
 2 File 2311, as amended, passed, and reprinted by the  
 3 Senate, as follows:  
 4 1. Page 1, by striking line 28.  
 5 2. By renumbering as necessary.

Amendment H—6000 lost.

Division of the committee amendment H—5882 was requested as follows:

Amendment H—5882A, lines 3 through 16 and lines 19 through 33.

Amendment H—5882B, lines 17 and 18.

On motion by Fogarty of Palo, the committee amendment H—5882A was adopted.

On motion by Fogarty of Palo Alto, the committee amendment H—5882B lost.

Hammond of Story offered the following amendment H—5978 filed by her and moved its adoption:

H—5978

- 1 Amend Senate File 2311, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 34, by inserting after the word
- 4 "members" the following: "and as a condition,
- 5 limitation, and qualification of this appropriation,
- 6 the ad hoc committees, councils, and task forces
- 7 appointed by the governor shall be subject to the
- 8 provisions of chapters 21 and 22 and the members shall
- 9 be so informed".

Amendment H—5978 was adopted.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—6009 filed by him on March 29, 1988.

Halvorson of Clayton offered the following amendment H—5914 filed by Halvorson of Clayton, et al., and moved its adoption:

H—5914

- 1 Amend Senate File 2311, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, by striking lines 20 through 23 and
- 4 inserting the following: "council prior to October 1,
- 5 1988."

Amendment H—5914 was adopted, placing out of order amendment H—6251 filed by Fogarty of Palo Alto on April 6, 1988.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Groot of Lyon, for the remainder of the day, on request of Hammond of Story.

Harbor of Mills offered the following amendment H—5895 filed by Harbor, et al., and moved its adoption:

H-5895

- 1 Amend Senate File 2311 as amended and passed by the
- 2 Senate, as follows:
- 3 1. Page 9, by striking lines 16 through 23.

Roll call was requested by Harbor of Mills and Halvorson of Clayton.

On the question "Shall amendment H-5895 be adopted?"  
(S.F. 2311)

The ayes were, 36:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Daggett
Diemer	Eddie	Garman	Halvorson, R. A.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Royer	Schnekloth	Shoning	Stromer
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Brammer	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Koenigs	May
McKinney	Metcalf	Neuhauser	Norrgard
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, 11:

Blanshan	Cooper	Corey	De Groot
Gruhn	Hanson, D. R.	Knapp	Muhlbauer
Ollie	Plasier	Stueland	

Amendment H-5895 lost.

Harbor of Mills asked and received unanimous consent to withdraw amendment H-5996 filed by him and Van Maanen of Mahaska on March 28, 1988.

Jochum of Dubuque offered the following amendment H—6290 filed by him and moved its adoption:

H—6290

- 1 Amend Senate File 2311, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by striking lines 13 and 14 and
- 4 inserting the following: "one million four hundred
- 5 eighty-five thousand eight hundred fifty-one
- 6 (1,485,851) dollars, or so much thereof as is
- 7 necessary,".
- 8 2. Page 10, by striking lines 16 and 17 and
- 9 inserting the following: "appropriation, no more than
- 10 one million three hundred thirty-five thousand seven
- 11 hundred fifty (1,335,750) dollars from all".
- 12 3. Page 10, line 20, by striking the word
- 13 "twenty-nine" and inserting the following: "thirty-
- 14 three".
- 15 4. Page 10, by striking lines 22 and 23 and
- 16 inserting the following: "funds and not more than two
- 17 hundred six thousand five hundred one (206,501)
- 18 dollars from all revenue".

Amendment H—6290 was adopted.

Jochum of Dubuque offered the following amendment H—6287 filed by him and moved its adoption:

H—6287

- 1 Amend Senate File 2311, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by striking lines 22 through 27 and
- 4 inserting the following:
- 5 "Sec. 26. Notwithstanding section 8.55, the moneys
- 6 in the Iowa economic emergency fund are transferred to
- 7 the general fund of the state if necessary to avoid a
- 8 deficit in the general fund of the state and to defray
- 9 expenses at the conclusion of the fiscal year
- 10 beginning July 1, 1988, and ending June 30, 1989."

Amendment H—6287 was adopted.

Schneklath of Scott offered the following amendment H—5939 filed by him:

H—5939

- 1 Amend Senate File 2311 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, by inserting after line 11 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 2.10, subsection 7, Code

6 Supplement 1987, is amended to read as follows:  
7 7. If a special session of the general assembly is  
8 convened, members of the general assembly shall  
9 receive, in addition to their annual salaries, the sum  
10 of forty dollars per day for each day the general  
11 assembly is actually in special session, and the same  
12 travel allowances and expenses as authorized by this  
13 section. A member of the general assembly shall  
14 receive the additional per diem, travel allowances and  
15 expenses only for the days of attendance during a  
16 special session."  
17 2. By renumbering as necessary.

Tabor of Jackson rose on a point of order that amendment H—5939 was not germane.

The Speaker ruled the point well taken and amendment H—5939 not germane.

Schneklath of Scott asked and received unanimous consent to consider amendment H—5939.

On motion by Schneklath of Scott, amendment H—5939 was adopted.

Jochum of Dubuque offered the following amendment H—6254 filed by him and moved its adoption:

H—6254

1 Amend Senate File 2311, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 13, by inserting after line 11 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 19.29, Code 1987, is amended to  
6 read as follows:  
7 19.29 PERFORMANCE OF DUTY — EXPENSE.  
8 The executive council shall not employ others, or  
9 incur any expense, for the purpose of performing any  
10 duty imposed upon such the council when such the duty  
11 may, without neglect of their usual duties, be  
12 performed by the members, or by their regular  
13 employees, but, subject to such this limitation, the  
14 council may incur the necessary expense to perform or  
15 cause to be performed any legal duty imposed on said  
16 the council, and pay the same out of any money in the  
17 state treasury not otherwise appropriated. The  
18 council shall consider the original sources of funds  
19 prior to committing general fund moneys in performing  
20 its duties under this section."

Amendment H—6254 was adopted.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—5991 filed by Van Maanen, et al., on March 28, 1988.

Harbor of Mills offered the following amendment H—6332 filed from the floor by him and Van Maanen of Mahaska and moved its adoption:

H—6332

- 1 Amend Senate File 2311 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, line 2 by striking the figure
- 4 "1,667,302" and inserting the figure "1,687,302".

A non-record roll call was requested.

The ayes were 22, nays 37.

Amendment H—6332 lost.

Halvorson of Webster offered the following amendment H—6333 filed by him from the floor and moved its adoption:

H—6333

- 1 Amend Senate File 2311, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 5, line 30 through page 6,
- 4 line 10 and inserting the following: "this fund."
- 5 2. Page 13, by inserting after line 11 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. Section 18.75, Code 1987, is amended by
- 8 inserting the following new subsection after
- 9 subsection 7 and renumbering the subsequent
- 10 subsection:
- 11 NEW SUBSECTION. 8. By September 1 of each year
- 12 supply a report which contains the name, gender,
- 13 county or city of residence when possible, official
- 14 title, salary received during the previous fiscal
- 15 year, base salary as computed on July 1 of the current
- 16 fiscal year, and traveling and subsistence expense of
- 17 the personnel of each of the departments, boards, and
- 18 commissions of the state government except personnel
- 19 who receive an annual salary of less than one thousand
- 20 dollars. The number of the personnel and the total
- 21 amount received by them shall be shown for each
- 22 department in the report. All employees who have
- 23 drawn salaries, fees, or expense allowances from more
- 24 than one department or subdivision shall be listed
- 25 separately under the proper departmental heading. On
- 26 the request of the superintendent, the head of each
- 27 department, board, or commission shall furnish the

28 data covering that agency. The report shall be paid  
 29 for out of moneys in the general fund not otherwise  
 30 appropriated. A report shall be distributed upon  
 31 request without charge to each member of the general  
 32 assembly and the state law library. Other persons may  
 33 purchase a copy for a fee not less than the amount  
 34 required to print the copy. All funds from the sale  
 35 of the report shall be deposited in the general fund.”  
 36 3. By renumbering as necessary.

Amendment H—6333 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. 2311)

The ayes were, 69:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	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
Hermann	Holveck	Jay	Jochum
Johnson	Koenigs	Kremer	Lageschulte
Lundby	May	McKinney	Miller
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Platt	Poney	Renaud
Rosenberg	Running	Schrader	Shoning
Shoultz	Skow	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 22:

Bennett	Branstad	Corbett	Corey
Daggett	Eddie	Garman	Halvorson, R. A.
Harbor	Hester	Hummel	Maulsby
McKean	Metcalf	Paulin	Pellett
Petersen, D. F.	Renken	Royer	Schneklath
Siegrist	Van Maanen		

Absent or not voting, 9:

Brammer	Cooper	De Groot	Hanson, D. R.
Knapp	Muhlbauer	Plasier	Sherzan
Stueland			

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:

Stueland of Clinton on request of Eddie of Buena Vista; Brammer of Linn on request of Svoboda of Tama, both for the remainder of the day.

### IMMEDIATE MESSAGE

(Senate File 2311)

Arnould of Scott asked and received unanimous consent that Senate File 2311 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Halvorson of Clayton called up for consideration **House File 649**, a bill for an act relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters, amended by the Senate amendment H—4383 as follows:

H—4383

- 1 Amend House File 649 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. By striking page 1, line 14 through page 2,
- 4 line 31 and inserting the following:
- 5 "Sec. \_\_\_\_\_. Section 627.6, Code 1987, is amended to
- 6 read as follows:
- 7 627.6 GENERAL EXEMPTIONS.
- 8 A debtor who is a resident of this state may hold
- 9 exempt from execution the following property:
- 10 1. Any combination of the following, not to exceed
- 11 a value of eight thousand five hundred dollars in the
- 12 aggregate:
- 13 a. All wearing apparel, including jewelry, of the
- 14 debtor and the debtor's dependents kept for actual use
- 15 and the trunks or other receptacles necessary for the
- 16 wearing apparel; not to exceed in value two hundred
- 17 dollars in any particular item or one thousand dollars
- 18 in the aggregate.
- 19 2. One shotgun, and either one rifle or one
- 20 musket.
- 21 b. Shotguns and rifles.
- 22 3 c. Private libraries, family bibles, portraits,
- 23 pictures, and paintings not to exceed two hundred
- 24 dollars in value for any particular item and one
- 25 thousand dollars in the aggregate.



26 d. Household furnishings, household goods,  
27 appliances, and musical instruments, including radios,  
28 television sets, and record or tape playing machines,  
29 held primarily for the personal, family, or household  
30 use of the debtor or a dependent of the debtor.

31 e. The debtor's interest, not to exceed five  
32 hundred dollars in the aggregate, in any cash on hand,  
33 bank deposits, credit union share drafts, or other  
34 deposits, wherever situated, or other personal  
35 property not otherwise specifically provided for in  
36 this chapter.

37 4 2. An interment space or an interest in a public  
38 or private burying ground, not exceeding one acre for  
39 any defendant debtor.

40 5. The debtor's interest, not to exceed two  
41 hundred dollars in value in any particular item, in  
42 household furnishings, household goods, and appliances  
43 held primarily for the personal, family, or household  
44 use of the debtor or a dependent of the debtor, not to  
45 exceed in value two thousand dollars in the aggregate.

46 6 3. Any unmaturred life insurance policy owned by  
47 the debtor, other than a credit life insurance  
48 contract. The interest of an individual in any  
49 accrued dividend or interest, loan or cash surrender  
50 value of, or any other interest in a life insurance

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1 policy owned by the individual if the beneficiary of  
2 the policy is the individual's spouse, child, or  
3 dependent. However, the amount of the exemption shall  
4 not exceed five thousand dollars in the aggregate of  
5 any interest or value in insurance acquired within six  
6 hundred days of the date execution is issued or  
7 exemptions are claimed, or for additions within the  
8 same time period to a prior existing policy which  
9 additions are in excess of the amount necessary to  
10 fund the amount of face value coverage of the policies  
11 for the six hundred day period. For purposes of this  
12 paragraph, acquisitions shall not include such  
13 interest in new policies used to replace prior  
14 policies to the extent of any accrued dividend or  
15 interest, loan or cash surrender value of, or any  
16 other interest in the prior policies at the time of  
17 their cancellation.

18 7 4. Professionally prescribed health aids for the  
19 debtor or a dependent of the debtor.

20 8 5. The debtor's rights in:

21 a. A social security benefit, unemployment  
22 compensation, or a local public assistance benefit.

23 b. A veteran's benefit.

24 c. A disability or illness benefit.

25 d. Alimony, support, or separate maintenance, to  
 26 the extent reasonably necessary for the support of the  
 27 debtor and dependents of the debtor.

28 e. A payment under a pension, annuity, or similar  
 29 plan or contract on account of illness, disability,  
 30 death, age, or length of service, to the extent  
 31 reasonably necessary for the support of the debtor and  
 32 any dependent of the debtor.

33 9. Any combination of the following, not to exceed  
 34 a value of five thousand dollars in the aggregate:

35 a. Musical instruments, not including radios,  
 36 television sets, or record or tape playing machines,  
 37 held primarily for the personal, family, or household  
 38 use of the debtor or a dependent of the debtor.

39 b 6. One motor vehicle, with the debtor's interest  
 40 not exceeding five thousand dollars.

41 c 7. In the event of a bankruptcy proceeding, the  
 42 The debtor's interest in accrued wages and in state  
 43 and federal tax refunds as of the date of the judgment  
 44 to be satisfied, the date of filing of the petition in  
 45 bankruptcy, or the date of execution, whichever occurs  
 46 first, not to exceed one thousand two hundred dollars in the  
 47 aggregate. This exemption is in addition to the  
 48 limitations contained in sections 642.21 and 537.5105.

49 10 8. If the debtor is engaged in any profession  
 50 or occupation other than farming, the proper

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1 implements, professional books, or tools of the trade  
 2 of the debtor or a dependent of the debtor, not to  
 3 exceed in value ten thousand dollars in the aggregate.

4 11 9. If the debtor is engaged in farming and does  
 5 not exercise the delay of the enforceability of a  
 6 deficiency judgment or general execution under section  
 7 654.6 in relation to the execution under which the  
 8 exemption is claimed, any combination of the  
 9 following, not to exceed a value of ten thousand  
 10 dollars in the aggregate:

11 a. Implements and equipment reasonably related to  
 12 a normal farming operation. This exemption is in  
 13 addition to a motor vehicle held exempt under  
 14 subsection 9 6.

15 b. Livestock and feed for the livestock reasonably  
 16 related to a normal farming operation.

17 12 10. If the debtor is engaged in farming the  
 18 agricultural land upon the commencement of an action  
 19 for the foreclosure of a mortgage on the agricultural  
 20 land or for the enforcement of an obligation secured  
 21 by a mortgage on the agricultural land, if a  
 22 deficiency judgment is issued against the debtor, and  
 23 if the debtor does not exercise the delay of the

24 enforceability of the deficiency judgment or general  
25 execution under section 654.6 in relation to the  
26 execution under which the exemption is claimed, the  
27 disposable earnings of the debtor are exempt from  
28 garnishment to enforce the deficiency judgment after  
29 two years from the entry of the deficiency judgment,  
30 sections 642.21 and 642.22 notwithstanding. However,  
31 earnings paid to the debtor directly or indirectly by  
32 the debtor are not exempt.

33 11. In the absence of a written agreement or  
34 assignment to the contrary, upon the death of the  
35 insured any benefit payable to the spouse, child, or  
36 dependent of the individual under a life insurance  
37 policy shall inure to the separate use of the  
38 beneficiary independently of the insured's creditors.

39 A benefit or indemnity paid under an accident,  
40 health, or disability insurance policy is exempt to  
41 the insured or in case of the insured's death to the  
42 spouse, child, or dependent of the insured, from the  
43 insured's debts.

44 In case of an insured's death the benefit or  
45 indemnity of all matured policies of life, accident,  
46 health, or disability insurance payable to the  
47 surviving spouse, child, or dependent are exempt from  
48 liability for all debts of the beneficiary contracted  
49 prior to death of the insured, but the amount thus  
50 exempted shall not exceed seventy-five thousand

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1 dollars in the aggregate.

2 12. The debtor's interest in a retirement plan,  
3 policy, or contract of a self-employed individual  
4 which is a qualified plan, policy, or contract under  
5 section 401 of the Internal Revenue Code and the  
6 debtor's interest in an individual retirement account  
7 as defined in section 408 of the Internal Revenue  
8 Code. However, an amount equal to the aggregate  
9 amount of contributions made on or after July 1, 1987  
10 which were not deductible in determining federal  
11 adjusted gross income under section 404 or 408 of the  
12 Internal Revenue Code shall not be exempt. For  
13 purposes of this subsection, Internal Revenue Code  
14 means Internal Revenue Code as defined in section,  
15 422.3."

16 2. Page 2, by inserting after line 31 the  
17 following:

18 "Sec. \_\_\_\_\_. NEW SECTION. 627.20 REQUEST FOR  
19 APPRAISAL.

20 If an appraisal of property is requested in  
21 connection with the claiming or granting of an  
22 exemption, the cost of the appraisal shall be paid by

23 the person making the request.”

24 3. Page 2, by inserting after line 32 the  
25 following:

26 “Sec. \_\_\_\_\_. APPLICABILITY.

27 The provisions of this Act amending the exemption  
28 in section 627.6, subsection 3, relating to interests  
29 in life insurance policies owned by the debtor, shall  
30 apply to contracts of insurance entered into on or  
31 after the effective date of this Act.

32 Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act, being deemed  
33 of immediate importance, takes effect upon enactment.”

34 4. Title page, line 5, by inserting after the  
35 word “matters” the following: “, providing for the  
36 applicability of the Act, and providing an effective  
37 date”.

38 5. By renumbering, relettering, or redesignating  
39 and correcting internal references as necessary.

Corbett of Linn offered the following amendment H—6196, to the Senate amendment H—4383, filed by him and moved its adoption:

H—6196

1 Amend the Senate amendment, H—4383, to House File  
2 649, as amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 1, line 11, by striking the word “eight”  
5 and inserting the following: “twelve”.

6 2. Page 1, line 31, by inserting after the word  
7 “exceed” the following: “four thousand”.

Amendment H—6196 lost.

Garman of Story offered the following amendment H—5002, to the Senate amendment H—4383, filed by her and moved its adoption:

H—5002

1 Amend the Senate Amendment H—4383 to House File 649  
2 as amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 1, line 13, by inserting after the word  
5 “jewelry” the words “other than a wedding or  
6 engagement ring described in subsection 13”.

7 2. Page 4, by inserting after line 15 the  
8 following:

9 “13. The debtor’s interest in any wedding or  
10 engagement ring owned and received by the debtor or  
11 the debtor’s dependents on or before the date of  
12 marriage.”

Amendment H—5002 was adopted.

Jay of Appanoose offered the following amendment H—6330, to the Senate amendment H—4383, filed from the floor by him and Halvorson of Clayton and moved its adoption:

H—6330

1 Amend the Senate amendment, H—4383, to House File  
2 649 as amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 1, by striking lines 3 through 13.

5 2. By striking page 1, line 14, through page 4,  
6 line 23, and inserting the following:

7 "\_\_\_\_\_. Page 1, by striking line 19 and inserting  
8 the following: "in value ~~two hundred dollars in any~~  
9 ~~particular item or one~~".

10 \_\_\_\_\_. Page 1, by inserting after line 23 the  
11 following:

12 "Sec. \_\_\_\_\_. Section 627.6, subsection 3, Code 1987,  
13 is amended to read as follows:

14 3. Private libraries, family bibles, portraits,  
15 pictures and paintings not to exceed ~~two hundred~~  
16 ~~dollars in value for any particular item and one~~  
17 thousand dollars in the aggregate.

18 Sec. \_\_\_\_\_. Section 627.6, subsection 5, Code 1987,  
19 is amended to read as follows:

20 5. The debtor's interest, ~~not to exceed two~~  
21 ~~hundred dollars in value in any particular item, in~~  
22 household furnishings, household goods, and appliances  
23 held primarily for the personal, family, or household  
24 use of the debtor or a dependent of the debtor, not to  
25 exceed in value two thousand dollars in the  
26 aggregate."

27 \_\_\_\_\_. Page 2, line 4, by striking the word "five"  
28 and inserting the following: "ten".

29 \_\_\_\_\_. Page 2, line 25, by striking the words  
30 "benefit or indemnity" and inserting the following:  
31 "avails".

32 3. Page 4, by striking lines 27 through 31 and  
33 inserting the following:

34 "1. The provisions of this Act relating to  
35 exemptions for the proceeds of a life insurance policy  
36 payable upon the death of the insured apply to  
37 proceeds payable on or after the effective date of  
38 this Act.

39 2. The provisions of this Act relating to  
40 exemptions for interests in life insurance policies,  
41 other than interests in the proceeds of a policy  
42 payable upon the death of the insured, apply to  
43 interests acquired on or after January 1, 1988."

44 4. Renumber as necessary.

Amendment H—6330 was adopted, placing the following amendments out of order:

H—5002, previously adopted.

H—6023 filed by Brammer of Linn on March 29, 1988.

H—6089 filed by Corbett of Linn on March 30, 1988.

H—6203 filed by Corbett of Linn on April 5, 1988.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—6217 filed by him and Halvorson of Clayton on April 5, 1988, placing out of order amendments H—6296 and H—6306, to amendment H—6217, filed by Corbett of Linn on April 7, 1988.

Corbett of Linn offered the following amendment H—6202, to the Senate amendment H—4383, filed by him and moved its adoption:

H—6202

- 1 Amend the Senate amendment, H—4383, to House File
- 2 649, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 1, line 3 through page 4,
- 5 line 15, and inserting the following:
- 6 “\_\_\_\_\_. By striking page 1, line 31 through page 2,
- 7 line 31, and inserting the following:
- 8 “Sec. \_\_\_\_\_. Section 627.6, subsection 6, Code 1987,
- 9 is amended by striking the subsection and inserting in
- 10 lieu thereof the following:
- 11 6. a. The interest of an individual in any
- 12 accrued dividend or interest, loan or cash surrender
- 13 value of, or any other interest in a life insurance
- 14 policy owned by the individual if the beneficiary of
- 15 the policy is the individual's spouse, child, or
- 16 dependent. However, the amount of the exemption shall
- 17 not exceed fifty thousand dollars in the aggregate of
- 18 any interest or value in insurance acquired within one
- 19 year of the date execution is issued or exemptions are
- 20 claimed, or additions within the same time period to a
- 21 prior existing policy which additions are in excess of
- 22 the amount necessary to fund the amount of face value
- 23 coverage of the policies for the one-year period. For
- 24 purposes of this paragraph, acquisitions do not
- 25 include interests in new policies used to replace
- 26 prior policies to the extent of any accrued dividend
- 27 or interest, loan or cash surrender value of, or any
- 28 other interest in the prior policies at the time of
- 29 their cancellation.
- 30 b. In the absence of a written agreement or
- 31 assignment to the contrary, upon the death of the
- 32 insured any benefit payable to the spouse, child, or
- 33 dependent of the individual under a life insurance

34 policy shall inure to the separate use of the  
35 beneficiary independently of the insured's creditors.

36 c. A benefit or indemnity paid under an accident,  
37 health, or disability insurance policy is exempt to  
38 the insured or in case of the insured's death to the  
39 spouse, child, or dependent of the insured, from the  
40 insured's debts.

41 d. The avails of all policies of life, accident,  
42 health, or disability insurance payable to the  
43 surviving spouse are exempt from liability for all  
44 debts of the beneficiary contracted prior to the death  
45 of the insured, but the amount thus exempted shall not  
46 exceed seventy-five thousand dollars in the  
47 aggregate."

48 2. Page 4, line 28, by striking the figure "3"  
49 and inserting the following: "6".

50 3. By renumbering as necessary.

Amendment H — 6202 lost.

Svoboda of Tama offered the following amendment H — 6145, to  
the Senate amendment H — 4383, filed by her and moved its adoption:

H — 6145

1 Amend the Senate amendment, H — 4383, to House File  
2 649 as amended, passed, and reprinted by the House as  
3 follows:

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

6 "Sec. \_\_\_\_\_. STUDY COMMITTEE. There is created an  
7 interim legislative study committee for the purpose of  
8 studying exemptions from execution and attachment.  
9 The exemptions to be studied shall include those  
10 exemptions authorized by federal and state law. The  
11 study shall determine the monetary amount of  
12 exemptions presently allowed by both the federal and  
13 state governments, where there is an abuse of the use  
14 of such exemptions, the purpose of the federal  
15 bankruptcy statutes and the state laws enacted in  
16 response to the federal law, the effect of modifying  
17 the state exemption statutes on persons and families  
18 who have financial problems, and the impact upon  
19 persons and financial institutions of proposed changes  
20 affecting exemption statutes.

21 The legislative council shall appoint the study  
22 committee members, who shall represent members of both  
23 the house and the senate and both political parties.  
24 The legislative council may appoint citizen members to  
25 the study committee including, but not limited to,  
26 persons who represent debtors and creditors as well as  
27 neutral experts having knowledge of bankruptcy laws.

28 The study committee shall file a report, accompanied  
 29 by bill drafts designed to carry out its  
 30 recommendations, with the general assembly meeting in  
 31 the year 1989."

32 2. Page 4, by inserting after line 33 the  
 33 following:

34 "\_\_\_\_\_. Title page, line 2, by inserting after the  
 35 word "revising" the following: "and providing a study  
 36 of".

37 \_\_\_\_\_. Title page, line 4, by striking the word  
 38 "providing".

39 3. By renumbering as necessary.

Amendment H—6145 lost.

Arnould of Scott asked and received unanimous consent to defer action on amendment H—6126.

Corbett of Linn offered the following amendment H—6204, to the Senate amendment H—4383, filed by him and moved its adoption:

H—6204

1 Amend the Senate amendment, H—4383, to House File  
 2 649, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. By striking page 1, line 3 through page 4,  
 5 line 33, and inserting the following:

6 "\_\_\_\_\_. By striking page 1, line 31 through page 2,  
 7 line 31, and inserting the following:

8 "Sec. \_\_\_\_\_. Section 627.6, subsection 6, Code 1987,  
 9 is amended by striking the subsection and inserting in  
 10 lieu thereof the following:

11 6. a. The interest of an individual in any  
 12 accrued dividend or interest, loan or cash surrender  
 13 value of, or any other interest in a life insurance  
 14 policy owned by the individual if the beneficiary of  
 15 the policy is the individual's spouse, child, or  
 16 dependent. However, the amount of the exemption shall  
 17 not exceed twenty-five thousand dollars in the  
 18 aggregate of any interest or value in insurance  
 19 acquired within one year of the date execution is  
 20 issued or exemptions are claimed, or additions within  
 21 the same time period to a prior existing policy which  
 22 additions are in excess of the amount necessary to  
 23 fund the amount of face value coverage of the policies  
 24 for the one-year period. For purposes of this  
 25 paragraph, acquisitions do not include interests in  
 26 new policies used to replace prior policies to the  
 27 extent of any accrued dividend or interest, loan or  
 28 cash surrender value of, or any other interest in the  
 29 prior policies at the time of their cancellation.



30 b. In the absence of a written agreement or  
 31 assignment to the contrary, upon the death of the  
 32 insured any benefit payable to the spouse, child, or  
 33 dependent of the individual under a life insurance  
 34 policy shall inure to the separate use of the  
 35 beneficiary independently of the insured's creditors.

36 c. A benefit or indemnity paid under an accident,  
 37 health, or disability insurance policy is exempt to  
 38 the insured or in case of the insured's death to the  
 39 spouse, child, or dependent of the insured, from the  
 40 insured's debts.

41 d. The avails of all policies of life, accident,  
 42 health, or disability insurance payable to the  
 43 surviving spouse are exempt from liability for all  
 44 debts of the beneficiary contracted prior to the death  
 45 of the insured, but the amount thus exempted shall not  
 46 exceed seventy-five thousand dollars in the  
 47 aggregate."

48 \_\_\_\_\_. Page 2, by inserting after line 32 the  
 49 following:

50 "Sec. \_\_\_\_\_. APPLICABILITY. The provisions of this

**Page 2**

- 1 Act amending the exemption in section 627.6,
- 2 subsection 6, relating to interests in life insurance
- 3 policies owned by the debtor, apply to contracts of
- 4 insurance entered into on or after January 1, 1989." "
- 5 2. Page 4, line 35, by inserting before the word
- 6 "providing" the following: "and".
- 7 3. Page 4, lines 36 and 37, by striking the words
- 8 ", and providing an effective date".
- 9 4. By renumbering as necessary.

Amendment H—6204 lost.

Svoboda of Tama asked and received unanimous consent to with-  
 draw amendment H—6061 filed by her on March 30, 1988.

Arnould of Scott asked and received unanimous consent that  
 House File 649 be deferred and that the bill retain its place on the  
 calendar.

(Senate amendment H—4383, as amended, pending.)

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to sus-  
 pend the rules and take up out of order House File 2465.

**CONSIDERATION OF BILLS**  
**Ways and Means Calendar**

**House File 2465**, a bill for an act relating to taxation 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 and use 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, prohibiting a motor fuel excise tax refund for motor fuel or special fuel taken out of the state in fuel supply tanks of aircraft or watercraft, prohibiting an income tax credit on fuel tax paid on motor fuel used in watercraft or aircraft, and providing an appropriation 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. 2465)

The ayes were, 67:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Diemer	Doderer	Dvorsky
Fey	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hermann	Holveck
Jay	Jochum	Johnson	Koenigs
Kremer	Lageschulte	May	McKinney
Metcalf	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swearingen	Tabar	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 25:

Beaman	Bennett	Branstad	Corbett
Corey	Daggett	Eddie	Fogarty
Fuller	Garman	Harbor	Hester
Hummel	Lundby	Maulsby	McKean
Miller	Pellett	Peters	Renken
Royer	Running	Swartz	Tyrrell
Van Maanen			

Absent or not voting, 8:

Brammer	Cooper	De Groot	Hanson, D. R.
Knapp	Muhlbauer	Plasier	Stueland

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

### IMMEDIATE MESSAGE

(House File 2465)

Arnould of Scott asked and received unanimous consent that House File 2465 be immediately messaged to the Senate.

### MOTION TO RECONSIDER WITHDRAWN

(Senate File 2051)

Hatch of Polk asked and received unanimous consent to withdraw the motion to reconsider 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, filed by him on March 30, 1988.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk on request of Carpenter of Polk; Peters of Woodbury on request of Fuller of Hardin, both for the remainder of the day.

The House stood at ease at 4:49 p.m., until the fall of the gavel.

The House resumed session at 5:02 p.m., Speaker Avenson in the chair.

### SENATE AMENDMENT CONSIDERED

Renaud of Polk called up for consideration **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 non-payment 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, amended by the Senate amendment H-6137 as follows:

H-6137

1 Amend House File 393 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 1 through 13.  
4 2. Page 1, line 14, by inserting after the word  
5 "Code" the following: "Supplement".

6 3. Page 2, line 5, by inserting after the word  
7 "Code" the following: "Supplement".

8 4. Page 3, by inserting after line 19 the  
9 following:

10 "Sec. 6. Section 123.30, subsection 1, unnumbered  
11 paragraph 2, Code Supplement 1987, is amended to read  
12 as follows:

13 As a further condition for issuance of a liquor  
14 control license, the applicant must give consent to  
15 members of the fire, police and health departments and  
16 the building inspector of cities; the county sheriff,  
17 deputy sheriff, and state agents, and any official  
18 county health officer to enter upon areas of the  
19 premises where alcoholic beverages are stored, served,  
20 or sold, without a warrant to inspect for violations  
21 of the provisions of this chapter or ordinances and  
22 regulations that cities and boards of supervisors may  
23 adopt. However, a subpoena issued under section  
24 421.17 or a warrant is required for inspection of  
25 records, cash register receipts, a private business  
26 office, or attached living quarters.

27 Sec. 7. Section 123.30, subsection 3, paragraph e,  
28 Code Supplement 1987, is amended to read as follows:

29 e. Class "E". A class "E" liquor control license  
30 may be issued and shall authorize the holder to  
31 purchase alcoholic liquor from the division only and  
32 to sell the alcoholic liquor to patrons for  
33 consumption off the licensed premise and to other  
34 liquor control licensees. A class "E" license shall  
35 not be issued to premises at which gasoline is sold.  
36 A holder of a class "E" liquor control license may  
37 hold other retail liquor control licenses or retail  
38 wine or beer permits, but the premises licensed under  
39 a class "E" liquor control license shall be separate  
40 from other licensed premises, though the separate  
41 premises may have a common entrance. However, the  
42 holder of a class "E" liquor control license may also  
43 hold a class "B" wine or class "C" beer permit or both  
44 for the premises licensed under a class "E" liquor  
45 control license.

46 The division may issue a class "E" liquor control  
47 license for premises covered by a liquor control  
48 license or wine or beer permit for on-premise  
49 consumption, if the premises are in a county having a  
50 population under nine thousand five hundred in which

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1 no other class "E" liquor control license has been  
2 issued by the division, and no other application for a  
3 class "E" license has been made within the previous  
4 twelve consecutive months.

5 Sec. 8. Section 123.39, Code 1987, is amended by  
6 adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. If the cause for  
8 suspension is a first offense violation of section  
9 123.49, subsection 2, paragraph "h", and the violation  
10 occurred on or after January 1, 1988, the  
11 administrator or local authority shall impose a civil  
12 penalty in the amount of three hundred dollars in lieu  
13 of suspension of the license or permit. Local  
14 authorities shall retain civil penalties collected  
15 under this paragraph if the proceeding to impose the  
16 penalty is conducted by the local authority. The  
17 division shall retain civil penalties collected under  
18 this paragraph if the proceeding to impose the penalty  
19 is conducted by the administrator of the division. If  
20 the matter is appealed to the division's hearing  
21 board, the hearing board shall not reduce the amount  
22 of the civil penalty imposed under this paragraph if a  
23 violation of section 123.49, subsection 2, paragraph  
24 "h" is found.

25 Sec. 9. Section 123.50, subsection 3, paragraph a,  
26 Code 1987, is amended to read as follows:

27 a. Upon a first conviction, the violator's liquor  
28 control license, wine permit, or beer permit shall be  
29 suspended for a period of fourteen days. However, if  
30 the conviction is for a violation of section 123.49,  
31 subsection 2, paragraph "h", which occurred on or  
32 after January 1, 1988, the violator's liquor control  
33 license or wine or beer permit shall not be suspended,  
34 but the violator shall be assessed a civil penalty in  
35 the amount of three hundred dollars. Failure to pay  
36 the civil penalty as ordered under section 123.39 or  
37 this subsection will result in automatic suspension of  
38 the license or permit for a period of fourteen days."

39 5. Page 3, line 20, by inserting after the word  
40 "Code" the following: "Supplement".

41 6. Page 3, line 30, by inserting after the word  
42 "Code" the following: "Supplement".

43 7. Page 4, line 6, by inserting after the word  
44 "Code" the following: "Supplement".

45 8. Page 5, line 19, by inserting after the word  
46 "Code" the following: "Supplement".

47 9. Page 6, by inserting after line 5 the  
48 following:

49 "Sec. \_\_\_\_\_. Section 123.177, subsection 1, Code  
50 1987, is amended to read as follows:

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1 1. A person holding a class "A" wine permit may  
 2 manufacture and sell, or sell at wholesale, wine for  
 3 consumption off the premises. Sales within the state  
 4 may be made only to the ~~division or to~~ persons holding  
 5 a class "A" or "B" wine permit, ~~and to~~ persons holding  
 6 a class "A", "B", "C" or "D" liquor control license,  
 7 and to persons holding a special permit issued under  
 8 section 123.29, subsection 3. A class "A" wine  
 9 permittee having more than one place of business shall  
 10 obtain a separate permit for each place of business  
 11 where wine is to be stored, warehoused, or sold."

12 10. Title page, line 6, by inserting after the  
 13 word "mail," the following: "by limiting the areas of  
 14 licensed premises which may be searched without a  
 15 warrant, by providing that separate licensed premises,  
 16 one under a class "E" liquor control license and the  
 17 other under another retail liquor control license or a  
 18 retail wine or beer permit, may share a common  
 19 entrance, by providing an exemption to the licensing  
 20 requirements for a class "E" liquor control license in  
 21 counties under nine thousand five hundred in  
 22 population, by providing for the assessment of a civil  
 23 penalty in lieu of a license suspension for an offense  
 24 by a licensee, by allowing a person holding a special  
 25 permit for the purchase of sacramental wine to  
 26 purchase from a class "A" wine permittee."

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

Renaud of Polk offered the following amendment H—6334, to the Senate amendment H—6137, filed by him from the floor:

## H—6334

1 Amend the Senate Amendment H—6137 to House File 393  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:

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

6 "\_\_\_\_\_. Page 1, by inserting after line 13 the  
 7 following:

8 "Sec. \_\_\_\_\_. Section 123.14, subsection 2, Code  
 9 1987, is amended to read as follows:

10 2. The other law enforcement divisions of the  
 11 department of public safety, the county attorney, the  
 12 county sheriff and the sheriff's deputies, and the  
 13 police department of every city, including the day and  
 14 night marshal of any city and the department of  
 15 inspections and appeals, shall be supplementary aids  
 16 to the division of beer and liquor law enforcement.

17 Any neglect, misfeasance, or malfeasance shown by any

18 peace officer included in this section shall be  
19 sufficient cause for the peace officer's removal as  
20 provided by law. Nothing in this section shall be  
21 construed to affect the duties and responsibilities of  
22 any county attorney or peace officer with respect to  
23 law enforcement." "

24 2. Page 1, by striking lines 10 through 26 and  
25 inserting the following:

26 "Sec. \_\_\_\_\_. Section 123.30, subsection 1,  
27 unnumbered paragraph 2, Code Supplement 1987, is  
28 amended to read as follows:

29 As a further condition for issuance of a liquor  
30 control license or wine or beer permit, the applicant  
31 must give consent to members of the fire, police and  
32 health departments and the building inspector of  
33 cities; the county sheriff, deputy sheriff, ~~and state~~  
34 agents members of the department of public safety,  
35 representatives of the department of inspections and  
36 appeals, and certified police officers, and any  
37 official county health officer to enter upon areas of  
38 the premises where alcoholic beverages are stored,  
39 served, or sold, without a warrant during business  
40 hours of the licensee or permittee to inspect for  
41 violations of the provisions of this chapter or  
42 ordinances and regulations that cities and boards of  
43 supervisors may adopt. However, a subpoena issued  
44 under section 421.17 or a warrant is required for  
45 inspection of private records, a private business  
46 office, or attached living quarters. Persons who are  
47 not certified peace officers shall limit the scope of  
48 their inspections of licensed premises to the  
49 regulatory authority under which the inspection is  
50 conducted. All persons who enter upon a licensed

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1 premise to conduct an inspection shall present  
2 appropriate identification to the owner of the  
3 establishment or the person who appears to be in  
4 charge of the establishment prior to commencing an  
5 inspection; however, this provision does not apply to  
6 undercover criminal investigations conducted by peace  
7 officers."

8 3. Page 2, by inserting after line 4 the  
9 following:

10 "Sec. \_\_\_\_\_. Section 123.33, Code 1987, is amended  
11 to read as follows:

12 123.33 RECORDS.

13 Every holder of a liquor control license shall keep  
14 a daily record of the gross receipts of the holder's  
15 business. The records required and the premises of  
16 the licensee shall be open to agents of the division

17 of beer and liquor law enforcement of the department  
 18 of public safety inspection pursuant to section  
 19 123.30, subsection 1, during normal business hours of  
 20 the licensee."

21 4. Page 2, by inserting after line 44 the  
 22 following:

23 "\_\_\_\_\_. Page 4, by inserting after line 31 the  
 24 following:

25 "Sec. \_\_\_\_\_. Section 123.127, subsection 4, Code  
 26 1987, is amended to read as follows:

27 4. Gives consent to ~~members of the fire, police~~  
 28 ~~and health departments and the building inspector of~~  
 29 ~~cities; the county sheriff, deputy sheriff, and state~~  
 30 ~~agents, and any official county health officer person,~~  
 31 pursuant to section 123.30, subsection 1, to enter  
 32 upon the premises without a warrant during the  
 33 business hours of the permittee to inspect for  
 34 violations of the provisions of this chapter or  
 35 ordinances and regulations that local authorities may  
 36 adopt.

37 Sec. \_\_\_\_\_. Section 123.128, subsection 4, Code  
 38 1987, is amended to read as follows:

39 4. Consents to inspection as required in section  
 40 ~~123.127~~ 123.30, subsection 4 1.

41 Sec. \_\_\_\_\_. Section 123.129, subsection 4, Code  
 42 1987, is amended to read as follows:

43 4. Consents to inspection as required in section  
 44 ~~123.127~~ 123.30, subsection 4 1." "

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

47 "\_\_\_\_\_. Page 5, by inserting after line 29 the  
 48 following:

49 "Sec. \_\_\_\_\_. Section 123.138, Code 1987, is amended  
 50 to read as follows:

### Page 3

#### 1 123.138 BOOKS OF ACCOUNT REQUIRED.

2 Each class "A" permittee shall keep proper books of  
 3 account and records showing the amount of beer sold by  
 4 the permittee, which books of account shall be at all  
 5 times open to inspection by the administrator and to  
 6 other persons pursuant to section 123.30, subsection  
 7 1. Each class "B" and class "C" permittee shall keep  
 8 proper books of account and records showing each  
 9 purchase of beer made by the permittee, and the date  
 10 and the amount of each purchase and the name of the  
 11 person from whom each purchase was made, which books  
 12 of account and records shall be open to inspection by  
 13 the administrator and agents of the division of beer  
 14 and liquor law enforcement of the department of public  
 15 safety pursuant to section 123.30, subsection 1,



16 during normal business hours of the permittee.” ”  
 17 6. Page 2, by striking line 49 and inserting the  
 18 following:

19 “Sec. \_\_\_\_\_. Section 123.175, Code 1987, is amended  
 20 by adding the following new subsection:

21 NEW SUBSECTION. 4. Consents to inspection as  
 22 required in section 123.30, subsection 1.

23 Sec. \_\_\_\_\_. Section 123.176, Code 1987, is amended  
 24 by adding the following new subsection:

25 NEW SUBSECTION. 4. Consents to inspection as  
 26 required in section 123.30, subsection 1.

27 Sec. \_\_\_\_\_. Section 123.177, subsection 1, Code”.  
 28 7. Page 3, line 11, by striking the word “sold.” ”

29 and inserting the following: “sold.” ”

30 Sec. \_\_\_\_\_. Section 123.185, Code 1987, is amended  
 31 to read as follows:

32 123.185 RECORDS REQUIRED.

33 Each class “A” wine permittee shall keep books of  
 34 account and records showing each sale of wine, which  
 35 shall be at all times open to inspection by the  
 36 administrator and agents of the division pursuant to  
 37 section 123.30, subsection 1. Each class “B” wine  
 38 permittee shall keep proper books of account and  
 39 records showing each purchase of wine and the date and  
 40 the amount of each purchase and the name of the person  
 41 from whom each purchase was made, which shall be open  
 42 to inspection by the administrator and agents of the  
 43 division pursuant to section 123.30, subsection 1,  
 44 during normal business hours of the permittee.” ”

45 8. By renumbering as necessary.

The following amendment H—6337, to amendment H—6334, to the Senate amendment H—6137, filed by Van Camp of Scott from the floor was adopted by unanimous consent:

H—6337

1 Amend amendment H—6334 to the Senate Amendment

2 H—6137, to House File 393 as amended, passed, and

3 reprinted by the House, as follows:

4 1. Page 2, line 30, by inserting after the

5 word “offieer” the word “a”.

On motion by Renaud of Polk, amendment H—6334, as amended, was adopted.

On motion by Renaud of Polk, the House concurred in the Senate amendment H—6137, as amended.

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

On the question "Shall the bill pass?" (H.F. 393)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Clark
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	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Brammer	Chapman	Cooper	De Groot
Hanson, D. R.	Knapp	Muhlbauer	Peters
Plasier	Stueland	Swearingen	

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

UNANIMOUS CONSENT TO PLACE  
ON THE CALENDAR

Stromer of Hancock asked and received unanimous consent to withdraw from the committee on state government and place House Concurrent Resolution 123 on the regular calendar.

Arnould of Scott asked and received unanimous consent to place House Concurrent Resolution 105 on the regular calendar.

IMMEDIATE MESSAGE  
(House File 393 and Senate File 2039)

Arnould of Scott asked and received unanimous consent that House File 393 and Senate File 2039 be immediately messaged to the Senate.

**MOTION TO RECONSIDER  
(Senate File 2164)**

I move to reconsider the vote by which Senate File 2164 passed the House on April 8, 1988.

**GRONINGA of Cerro Gordo**

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 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 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.

**JOHN F. DWYER, Secretary**

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 8th day of April, 1988: House Files 209, 2123, 2156, 2179, 2247, 2384, 2427 and 2440.

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

Report adopted.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on April 7, 1988. Had I been present, I would have voted "aye" on House File 666.

**ADAMS of Hamilton**

I was necessarily absent from the House chamber on April 8, 1988. Had I been present, I would have voted "nay" on Senate File 2039.

**COREY of Louisa**

I was necessarily absent from the House chamber on April 7, 1988. Had I been present, I would have voted "aye" on House Files 2443 and 2444.

**GRONINGA of Cerro Gordo**

I was necessarily absent from the House chamber on April 7, 1988. Had I been present, I would have voted "aye" on House Files 2440, 2443 and 2444.

**LAGESCHULTE of Bremer**

**COMMUNICATION RECEIVED**

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

**DEPARTMENT OF TRANSPORTATION**

A progress report on projects to collect and dispose of used motor oil from residences and farms in one urban and one rural county, pursuant to Chapter 225.511, Acts of the Seventy-second General Assembly, 1987 Session.

**PRESENTATION OF VISITORS**

Connolly of Dubuque presented to the House the Honorable Rollie Howell, former member of the House representing Floyd County.

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

Thirty eighth grade students from Mar-Mac Middle School, McGregor, accompanied by Ron Vick, James Elliott, Ken Daviss, Mrs. Larson, Mrs. Kelly, and Mrs. Kautman. By Halvorson of Clayton.

Twenty sixth grade students from Orient-Macksburg Elementary School, Orient, accompanied by John Dunlevy. By Skow of Guthrie and Beaman of Clarke.

Fifty fourth grade students from Columbus and Lucas Elementary School, Chariton, accompanied by Norma Mann and Linda Holm. By Cooper of Lucas.

Thirteen seventh and eighth grade students from Grinnell Middle School, Grinnell, accompanied by Julie Miller. By Tyrrell of Iowa.

Eighteen senior students from Twin Rivers High School, Bode, accompanied by Garvin Larson. By Mullins of Kossuth.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 2131**

Ways and Means: Tabor, Chair; Doderer and Schneklath.

**Senate File 2188**

Ways and Means: Osterberg, Chair; Fey and Lageschulte.

**Senate File 2327**

Ways and Means: Teaford, Chair; Bennett and Brammer.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 834**

Ways and Means: Brammer, Chair; Renken 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 EDUCATION

**House File 2468**, a bill for an act permitting private instruction by parents, guardians, and other defined persons and providing for remediation, reporting, private instruction assistance by public schools, dual enrollment, curriculum specifications, testing mechanisms, and supervision by the department of education; denying tax exemption for private instruction sites, denying certification to an instructor not otherwise certificated, and providing a penalty and a repealer.

Fiscal Note is not required.

Committee Action: Failed to Pass April 7, 1988.

## COMMITTEE ON STATE GOVERNMENT

**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.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-6323 April 8, 1988.

## RESOLUTION FILED

**HCR 127**, by Shoultz, a concurrent resolution relating to a study of the handling and disposal of solid waste.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-6314	H.F.	2438	Schrader of Marion
H-6317	S.F.	56	Hatch of Polk
H-6320	S.F.	56	Hatch of Polk
			Osterberg of Linn
H-6323	S.F.	2316	Committee on
			State Government
H-6324	S.F.	56	Hatch of Polk
			Osterberg of Linn

H-6325	H.R.	104	Carpenter of Polk Holveck of Polk De Groot of Lyon
H-6326	H.R.	103	Svoboda of Tama Harbor of Mills Hummel of Benton
H-6327	H.R.	103	Bennett of Ida Hermann of Scott De Groot of Lyon
H-6328	H.F.	2377	Senate Amendment
H-6329	H.F.	2463	Schnekloth of Scott
H-6331	S.F.	2133	Petersen of Muscatine May of Worth Branstad of Winnebago Fogarty of Palo Alto Mullins of Kossuth
H-6335	S.F.	2263	Black of Jasper
H-6336	H.F.	185	Rosenberg of Story
H-6338	H.F.	2400	Senate Amendment
H-6339	S.F.	2263	Holveck of Polk Corbett of Linn Doderer of Johnson McKean of Jones Hammond of Story
H-6340	S.F.	2263	Holveck of Polk Corbett of Linn Doderer of Johnson McKean of Jones Hammond of Story
H-6341	S.F.	2263	Holveck of Polk Corbett of Linn Doderer of Johnson McKean of Jones Hammond of Story
H-6342	S.F.	2248	Jay of Appanoose
H-6343	S.F.	2310	Senate Amendment
H-6344	H.F.	2294	Senate Amendment
H-6345	S.F.	2017	Senate Amendment
H-6346	S.F.	2314	Senate Amendment
H-6347	H.F.	2447	Senate Amendment
H-6348	H.F.	2386	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 5:09 p.m., until 10:00 a.m., Monday, April 11, 1988.

# JOURNAL OF THE HOUSE

Ninety-second Calendar Day — Sixty-first Session Day

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

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

Prayer was sung by Brenda Jensen, House secretary.

The Journal of Friday, April 8, 1988 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Hester of Pottawattamie, from forty-five constituents opposing any increase in beer, wine, or liquor taxing measures.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Black of Jasper, for the morning session, on request of Arnould of Scott; Kremer of Buchanan on request of Diemer of Black Hawk; Hanson of Delaware on request of Renken of Grundy; Doderer of Johnson on request of Neuhauser of Johnson, all until their arrival.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee, on the part of the Senate, appointed April 8, 1988, to Senate File 394, a bill for an act relating to care of animals in commercial establishments, are: The Senator from Dallas, Senator Riordan, Chair; the Senator from Marion, Senator Dieleman; the Senator from Decatur, Senator Boswell; the Senator from Clinton, Senator Goodwin; and the Senator from Osceola, Senator Vande Hoef.

Also: That the Senate has on April 8, 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 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.



Also: That the Senate has on April 7, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2018, a bill for an act creating a family support subsidy program.

Also: That the Senate has on April 7, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 7, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 7, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2307, a bill for an act relating to evidence for identification of certain criminals, providing for a study by the department of public safety, and providing an effective date.

Also: That the Senate has on April 8, 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 2309, a bill for an act relating to and making appropriations to the department of economic development.

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 2245 and 2323 and House File 2460.

## CONSIDERATION OF BILLS

### Unfinished Business Calendar

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 and placed on the unfinished business calendar March 31, 1988.

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. 2245)

The ayes were, 94:

Adams

Arnould

Beaman

Beatty

Bennett	Bisignano	Blanshan	Brammer
Branstad	Buhr	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
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	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	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:

Black	Carpenter	Doderer	Hanson, D. R.
Kremer	Mullins		

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

### Appropriations Calendar

**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, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas offered amendment H—6265 filed by the committee on appropriations. Division was requested as follows:

H—6265

- 1 Amend Senate File 2323, as amended, passed, and re-
- 2 printed by the Senate, as follows:

## H-6265A

3 1. Page 5, line 14, by inserting after the word  
4 "services," the following: "the fluoridation  
5 program,".

## H-6265B

6 2. Page 5, line 17, by inserting after the word  
7 "costs." the following: "If a federal grant for  
8 acquired immune deficiency syndrome prevention program  
9 activities is not received, the amount of the funds  
10 previously awarded for the fluoridation program shall  
11 be allocated to acquired immune deficiency syndrome  
12 prevention program activities."

## H-6265A

13 3. Page 8, by striking lines 3 through 6 and  
14 inserting the following: "on file with the department  
15 of economic development a multiyear community and  
16 economic development strategic plan for the  
17 subdivision. The department shall adopt rules which  
18 require that the plan shall be completed within one  
19 year of the receipt of an award and contain key  
20 concepts; however, a valid plan shall not be required  
21 to be comprehensive. Funds".

22 4. Page 8, line 15, by striking the word  
23 "incentive".

24 5. Page 8, line 17, by striking the word and  
25 figures "September 1, 1988" and inserting the  
26 following: "January 1, 1989".

27 6. Page 11, by striking line 34 and inserting the  
28 following: "the funds".

29 7. Page 13, by inserting after line 20 the  
30 following:

31 "Sec. \_\_\_\_\_. MENTAL HEALTH SERVICES FOR THE HOMELESS  
32 BLOCK GRANT. Upon receipt of the minimum block grant  
33 from the federal alcohol, drug abuse, and mental  
34 health administration to provide mental health  
35 services for the homeless, the division of mental  
36 health, mental retardation, and developmental  
37 disabilities of the department of human services shall  
38 assure that a project which receives funds under the  
39 block grant from either the federal, or nonfederal  
40 state match share of twenty-five percent in order to  
41 provide outreach services to persons who are  
42 chronically mentally ill and homeless or who are  
43 subject to a significant probability of becoming  
44 homeless shall do all of the following:  
45 1. Provide community mental health services,  
46 diagnostic services, crisis intervention services, and  
47 habilitation and rehabilitation services.

H—6265A

48 2. Refer clients to medical facilities for  
49 necessary hospital services, and to entities that  
50 provide primary health services and substance abuse

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1 services.  
2 3. Provide appropriate training to persons who  
3 provide services to persons targeted by the grant.  
4 4. Provide case management to homeless persons.  
5 5. Provide supportive and supervisory services to  
6 certain homeless persons living in residential  
7 settings which are not otherwise supported."  
8 8. By renumbering as necessary.

On motion by McKinney of Dallas, the committee amendment H—6265A was adopted.

De Groot of Lyon rose on a point of order that the committee amendment H—6265B was not germane.

The Speaker ruled the point not well taken and the committee amendment H—6265B germane.

McKinney of Dallas moved the adoption of the committee amendment H—6265B.

A non-record roll call was requested.

The ayes were 30, nays 5.

The committee amendment H—6265B was adopted.

Hatch of Polk offered the following amendment H—6309 filed by Hatch, et al., and moved its adoption:

H—6309

1 Amend Senate File 2323 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 10, line 12, by inserting after the word  
4 "sex," the following: "religion,".

A non-record roll call was requested.

The ayes were 38, nays 51.

Amendment H—6309 lost.

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. 2323)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	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.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	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, 7:

Black	Blanshan	Connolly	Hanson, D. R.
Kremer	Plasier	Platt	

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 2460**, 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, 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. 2460)

The ayes were, 94:

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
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	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	Poney	Renaud	Renken
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, none.

Absent or not voting, 6:

Black	Blanshan	Hanson, D. R.	Kremer
Ollie	Svoboda		

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

### HOUSE INSISTS

Sherzan of Polk called up for consideration **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, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

### CONFERENCE COMMITTEE APPOINTED (Senate File 2318)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2318: Sherzan of Polk, chair; Running of Linn, Brammer of Linn, Corey of Louisa and Plasier of Sioux.

## FURTHER CONSIDERATION OF SENATE AMENDMENT

The House resumed consideration of **House File 649**, a bill for an act relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters, and the Senate amendment H—4383, as amended, (found on pages 1624 through 1628 of the House Journal) deferred April 8, 1988.

Brammer of Linn asked and received unanimous consent to withdraw amendment H—6126 filed by him on March 30, 1988.

On motion by Halvorson of Clayton, the House concurred in the Senate amendment H—4383, as amended.

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

On the question "Shall the bill pass?" (H.F. 649)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Branstad	Buhr
Carpenter	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Haverland	Hermann	Hester
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	Schnekloth	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 4:

Brammer	Chapman	Holveck	Svoboda
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Absent or not voting, 8:

Black	Blanshan	Doderer	Hanson, D. R.
Hatch	Kremer	Plasier	Sherzan

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

**IMMEDIATE MESSAGE**  
(House File 649)

Arnould of Scott asked and received unanimous consent that House File 649 be immediately messaged to the Senate.

**SENATE AMENDMENTS CONSIDERED**

Rosenberg of Story called up for consideration **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, amended by the Senate amendment H—6088 as follows:

H—6088

- 1 Amend House File 185 as passed by the House as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 729.5 PROHIBITING
- 6 VIOLATIONS OF AN INDIVIDUAL'S CIVIL RIGHTS —
- 7 PENALTIES.
- 8 1. Persons within the state of Iowa have the right
- 9 to be free from any violence, or intimidation by
- 10 threat of violence, committed against their persons or
- 11 property because of their race, color, religion,
- 12 ancestry, national origin, political affiliation, or
- 13 sex.
- 14 2. A person who, by force or threat of force,
- 15 willfully injures, intimidates or interferes with, or
- 16 attempts to injure, intimidate or interfere with, or
- 17 oppresses or threatens any other person in the free
- 18 exercise or enjoyment of any right or privilege
- 19 secured to that person by the constitution or laws of
- 20 the state of Iowa or by the constitution or laws of
- 21 the United States, is upon conviction, guilty of a
- 22 class "D" felony.
- 23 3. A person who conspires with another person or
- 24 persons to injure, oppress, threaten, or intimidate or
- 25 interfere with any citizen in the free exercise or
- 26 enjoyment of any right or privilege secured to that
- 27 person by the constitution or laws of the state of
- 28 Iowa or by the constitution or laws of the United



29 States, and in furtherance of the conspiracy assembles  
 30 with one or more persons for the purpose of teaching  
 31 or being instructed in any technique or means capable  
 32 of causing property damage, bodily injury or death  
 33 when the person or persons intend to employ those  
 34 techniques or means to violate this section, is on  
 35 conviction, guilty of a class "D" felony.

36 4. The fact that a person committed a felony or  
 37 misdemeanor, or attempted to commit a felony, because  
 38 of the victim's race, color, religion, nationality,  
 39 country of origin, political affiliation, or sex,  
 40 shall be considered a circumstance in aggravation of  
 41 any crime in imposing sentence.

42 5. This section does not make unlawful the  
 43 teaching of any technique in self-defense.

44 6. This section does not make unlawful any  
 45 activity of:

46 a. Law enforcement officials of this or any other  
 47 jurisdiction while engaged in the lawful performance  
 48 of their official duties;

49 b. Federal officials required to carry firearms  
 50 while engaged in the lawful performance of their

**Page 2**

1 official duties;

2 c. Members of the armed forces of the United  
 3 States or the national guard while engaged in the  
 4 lawful performance of their official duties; or

5 d. Any conservation commission, law enforcement  
 6 agency, or any agency licensed to provide security  
 7 services, or any hunting club, gun club, shooting  
 8 range, or other organization or entity whose primary  
 9 purpose is to teach the safe handling or use of  
 10 firearms, archery equipment, or other weapons or  
 11 techniques employed in connection with lawful sporting  
 12 or other lawful activity."

13 2. Title page, by striking lines 1 through 4 and  
 14 inserting the following: "An Act relating to  
 15 violations of a person's civil rights and providing  
 16 penalties."

Rosenberg of Story offered the following amendment H-6336,  
 to the Senate amendment H-6088, filed by him and moved its  
 adoption:

**H-6336**

1 Amend the Senate amendment, H-6088, to House File  
 2 185, as passed by the House, as follows:

3 1. Page 1, by striking lines 14 through 22.

4 2. Page 1, line 29, by striking the words "in  
 5 furtherance of the conspiracy".

- 6 3. Page 1, line 34, by striking the words "to  
7 violate this section" and inserting the following:  
8 "in furtherance of the conspiracy".  
9 4. By renumbering as necessary.

Amendment H—6336 was adopted.

On motion by Rosenberg of Story, the House concurred in the Senate amendment H—6088, as amended.

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

On the question "Shall the bill pass?" (H.F. 185)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Branstad
Buhr	Carpenter	Chapman	Clark
Cohon	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.	Harper	Hatch	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
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:

Black	Brammer	Fey	Hanson, D. R.
Harbor	Haverland	Kremer	Plasier
Schneklath			

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

Hammond of Story called up for consideration **House File 2294**, a bill for an act relating to testing for and confidentiality of human immunodeficiency virus-related matters and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—6344:

H—6344

- 1 Amend House File 2294, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 34, and inserting the
- 4 following: "subject's legal guardian, except when the
- 5 provisions of section 135I.2, subsection 6, apply,
- 6 shall be provided with preliminary counseling which
- 7 shall include but is not limited to the".
- 8 2. Page 2, by striking lines 9 through 11.
- 9 3. Page 3, by striking lines 13 through 20.
- 10 4. Page 3, line 22, by striking the figure
- 11 "505.15" and inserting the following: "505.16".
- 12 5. Page 3, by striking line 23 and inserting the
- 13 following:
- 14 "6. A person may".
- 15 6. Page 5, by striking lines 13 and 14.
- 16 7. Page 7, by striking lines 7 and 8, and insert-
- 17 ing the following: "enforce this chapter."
- 18 8. Page 7, by inserting after line 23, the
- 19 following:
- 20 "The department shall adopt rules pursuant to
- 21 chapter 17A which require that if a health care
- 22 provider attending a person prior to the person's
- 23 death determines that the person suffered from or was
- 24 suspected of suffering from a contagious or infectious
- 25 disease, the health care provider shall place with the
- 26 remains written notification of the condition for the
- 27 information of any person handling the body of the
- 28 deceased person subsequent to the person's death."
- 29 9. By striking page 7, line 24 through page 9,
- 30 line 6, and inserting the following:
- 31 "The department, in cooperation with the department
- 32 of public safety, and persons who represent those who
- 33 attend dead bodies shall establish for all emergency
- 34 medical providers including paramedics, ambulance
- 35 personnel, physicians, nurses, hospital personnel,
- 36 first responders, peace officers, or firefighters, who
- 37 provide emergency care services to a person, and shall
- 38 establish for all persons who attend dead bodies,
- 39 protocol, and procedures for the use of universal
- 40 precautions to prevent the transmission of contagious
- 41 and infectious diseases."
- 42 10. Page 9, by inserting after line 6 the
- 43 following:

44 "Sec. \_\_\_\_\_. NEW SECTION. 246.515 HUMAN  
45 IMMUNODEFICIENCY VIRUS-RELATED MATTERS — EXEMPTION.

46 The provision of chapters 135H and 135I relating to  
47 knowledge and consent do not apply to persons  
48 committed to the custody of the department. The  
49 department may provide for medically acceptable  
50 procedures to inform employees, visitors, and persons

Page 2

1 committed to the department of possible infection and  
2 to protect them from possible infection."

3 11. Page 9, line 33, by inserting after the word  
4 "shall" the following: ", as appropriate,".

5 12. Page 9, line 34, by inserting after the word  
6 "Act" the following: ", with the exception of section  
7 7 of this Act,".

8 13. Page 10, by inserting after line 2, the  
9 following:

10 "Sec. \_\_\_\_\_. Section 135C.23, subsection 2, Code  
11 Supplement 1987, is amended to read as follows:

12 2. A health care facility shall not knowingly  
13 admit or retain a resident:

14 a. Who is dangerous to the resident or other  
15 residents.

16 b. Who is in an acute stage of alcoholism, drug  
17 addiction, or mental illness, or an active state of  
18 communicable disease.

19 c. Whose condition or conduct is such that the  
20 resident would be unduly disturbing to other  
21 residents.

22 d. Who is in need of medical procedures, as  
23 determined by a physician, or services which cannot be  
24 or are not being carried out in the facility.

25 This section does not prohibit the admission of a  
26 patient with a history of dangerous or disturbing  
27 behavior to an intermediate care facility, skilled  
28 nursing facility, or county care facility when the  
29 intermediate care facility, skilled nursing facility,  
30 or county care facility has a program which has  
31 received prior approval from the department to  
32 properly care for and manage the patient. An  
33 intermediate care facility, skilled nursing facility,  
34 or county care facility is required to transfer or  
35 discharge a resident with dangerous or disturbing  
36 behavior when the intermediate care facility, skilled  
37 nursing facility, or county care facility cannot  
38 control the resident's dangerous or disturbing  
39 behavior. The department, in coordination with the  
40 state mental health and mental retardation commission,  
41 shall adopt rules pursuant to chapter 17A for programs  
42 to be required in intermediate care facilities,

43 skilled nursing facilities, and county care facilities  
 44 that admit patients or have residents with histories  
 45 of dangerous or disturbing behavior.

46 The denial of admission of a person to a health  
 47 care facility shall not be based upon the patient's  
 48 condition, which is the existence of a specific  
 49 disease in the patient, but the decision to accept or  
 50 deny admission of a patient with a specific disease

**Page 3**

1 shall be based solely upon the ability of the health  
 2 care facility to provide the level of care required by  
 3 the patient."

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

The motion prevailed and the House concurred in the Senate amendment H-6344.

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

On the question "Shall the bill pass?" (H.F. 2294)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	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	Hatch
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	Running
Schneklath	Schrader	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 3:

Eddie                      Maulsby                      Van Maanen

Absent or not voting, 8:

Black                      Brammer                      Hanson, D. R.                      Haverland  
 Kremer                      Royer                      Sherzan                      Shoultz

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

Fey of Scott called up for consideration **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, amended by the House, further amended by the Senate, and moved that the House concur in the following Senate amendment H—6345 to the House amendment:

H—6345

- 1 Amend the House amendment, S—5800, to Senate File
- 2 2017, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 “\_\_\_\_\_. Page 1, line 27, by striking the figure
- 7 “601E.1” and inserting the following: “601E.1, unless
- 8 the applicant has previously provided satisfactory
- 9 evidence to the department that the owner of the
- 10 vehicle is permanently handicapped in which case the
- 11 furnishing of additional evidence shall not be
- 12 required for renewal.”
- 13 2. Page 1, by inserting before line 14 the
- 14 following:
- 15 “\_\_\_\_\_. Page 4, by inserting before line 8 the
- 16 following:
- 17 “Sec. \_\_\_\_\_. Section 601E.6, subsection 3, paragraph
- 18 b, Code Supplement 1987, is amended to read as
- 19 follows:
- 20 b. Requiring persons who seek permanent
- 21 handicapped identification devices or handicapped
- 22 identification stickers to furnish evidence upon
- 23 initial application that they are permanently
- 24 handicapped; and requiring persons who seek temporary
- 25 handicapped identification devices to furnish evidence
- 26 upon initial application that they are physically
- 27 handicapped and, in addition, to furnish evidence at
- 28 three-month intervals that they remain physically
- 29 handicapped. A person who has provided satisfactory
- 30 evidence to the department that the person is

31 permanently handicapped shall not be required to  
 32 furnish evidence of being handicapped at a later  
 33 date.””

The motion prevailed and the House concurred in the Senate amendment H—6345, to the House amendment.

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

On the question “Shall the bill pass?” (S.F. 2017)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	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
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	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Black	Hanson, D. R.	Hatch	Haverland
Kremer	Parker	Paulin	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 Senate File 69.

The House resumed consideration of **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, deferred and placed on the unfinished business calendar March 31, 1988.

Hatch of Polk asked and received unanimous consent to withdraw amendment H—4083 filed by him on April 29, 1987 and found on pages 2595 through 2602 of the 1987 House Journal.

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

On the question "Shall the bill pass?" (S.F. 69)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	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	Swoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Black	Hanson, D. R.	Haverland	Kremer
Parker			

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



## HOUSE REFUSED TO CONCUR

Pavich of Pottawattamie called up for consideration **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, amended by the House, further amended by the Senate, and moved that the House concur in the following Senate amendment H-6346 to the House amendment:

H-6346

- 1 Amend the House amendment, S-5786, to Senate File
- 2 2314, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the fol-
- 5 lowing:
- 6 "\_\_\_\_\_. Page 3, by striking lines 1 and 2 and
- 7 inserting the following: "information system, the sum
- 8 of one million nine hundred thirty-five thousand six
- 9 hundred eight (1,935,608) dollars, or so much"."
- 10 2. Page 2, by striking lines 4 through 12 and
- 11 inserting the following: "semiautomated system."
- 12 3. Page 2, by inserting after line 16 the
- 13 following:
- 14 "Sec. \_\_\_\_\_. **NEW SECTION. 80A.22 SPECIAL EMERGENCY**
- 15 **VEHICLES - CERTIFICATES.**
- 16 1. The commissioner shall adopt rules providing
- 17 for vehicles owned by private security licensees to be
- 18 certified as special emergency vehicles when the
- 19 vehicles are used to extricate or assist persons in
- 20 dangerous situations involving their bodily welfare.
- 21 The rules shall include:
- 22 a. A requirement for current liability insurance
- 23 coverage in an amount determined by the commissioner
- 24 sufficient to protect the public against damages that
- 25 might occur in the course of operation of the special
- 26 emergency vehicle.
- 27 b. Specifications for colored lights and other
- 28 equipment as the commissioner deems necessary.
- 29 c. Fees for the issuance and renewal of special
- 30 emergency vehicle certificates, which shall be
- 31 sufficient to cover administrative costs under this
- 32 section.
- 33 d. Provisions governing the duration and renewal
- 34 of certificates.

35 e. Grounds and procedures for the suspension and  
36 revocation of certificates.

37 2. A vehicle for which a special emergency vehicle  
38 certificate is issued has the privileges set forth in  
39 section 321.231A only when all of the following  
40 requirements are met:

41 a. The certificate is carried in the vehicle.

42 b. The vehicle is operated by a person who holds a  
43 private security identification card and a special  
44 training card.

45 c. The operator of the vehicle is responding to an  
46 emergency situation.

47 d. The operator of the vehicle is using a colored  
48 light in accordance with requirements established by  
49 the commissioner and the department of  
50 transportation."

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1 4. Page 2, by inserting before line 26 the fol-  
2 lowing:

3 "\_\_\_\_\_. Page 15, by inserting after line 14 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 302.1, Code Supplement 1987, is  
6 amended by adding the following new subsection:

7 **NEW SUBSECTION. 6. All other moneys by law**  
8 **credited to the permanent school fund."**

9 5. Page 2, by inserting after line 44 the  
10 following:

11 "\_\_\_\_\_. Page 18, by inserting before line 28 the  
12 following:

13 "Sec. \_\_\_\_\_. **NEW SECTION. 312.2B MAXIMUM**  
14 **APPROPRIATION TO DEPARTMENT OF PUBLIC SAFETY FROM ROAD**  
15 **USE TAX FUND.**

16 For the fiscal year beginning July 1, 1989, and  
17 ending June 30, 1990, no more than twenty-one million  
18 dollars shall be appropriated from the road use tax  
19 fund to the department of public safety, division of  
20 highway safety and uniformed force. For each  
21 succeeding fiscal year the maximum appropriation from  
22 the road use tax fund to the department of public  
23 safety, division of highway safety and uniformed  
24 force, shall be reduced by two point one million  
25 dollars. For fiscal years beginning on or after July  
26 1, 1999, no moneys shall be appropriated from the road  
27 use tax fund to the department of public safety,  
28 division of highway safety and uniformed force."

29 6. Page 3, by inserting after line 7 the  
30 following:

31 "Sec. \_\_\_\_\_. Section 321.449, Code Supplement 1987,  
32 is amended by adding the following new unnumbered  
33 paragraph:

34 NEW UNNUMBERED PARAGRAPH. Notwithstanding other  
 35 provisions of this section, those adopted under this  
 36 section for a driver of a commercial vehicle shall not  
 37 apply to a driver for a private carrier, who is not  
 38 for hire and who is engaged exclusively in intrastate  
 39 commerce, when the driver's commercial vehicle is not  
 40 operated more than one hundred miles from the driver's  
 41 work reporting location."

42 8. Page 4, by inserting after line 12 the  
 43 following:

44 "\_\_\_\_\_. Page 24, by inserting before line 4 the  
 45 following:

46 "Sec. \_\_\_\_\_. 1988 Iowa Acts, Senate File 2196,  
 47 section 8, is repealed." "

48 9. Page 4, by inserting after line 12 the fol-  
 49 lowing:

50 "\_\_\_\_\_. Page 24, by inserting before line 4 the

### Page 3

1 following:

2 "Sec. \_\_\_\_\_. There is appropriated from the general  
 3 fund to the permanent school fund the sum of fifty-  
 4 five thousand (55,000) dollars." "

5 7. Page 4, by inserting after line 12, the  
 6 following:

7 "\_\_\_\_\_. Page 24, by inserting after line 18, the  
 8 following:

9 "Sec. \_\_\_\_\_. The legislative fiscal bureau shall  
 10 evaluate the department of public safety's employee  
 11 recruitment, management, and retention policies and  
 12 practices, and submit a report to the legislative  
 13 council on or before January 14, 1989. The report  
 14 shall at minimum address the following:

15 1. A method of establishing, and recommended  
 16 structure of, a civil service type commission to  
 17 govern the department of public safety's employment  
 18 program, employer-employee relations, and related  
 19 issues, including recommendations on membership for  
 20 the commission. The commission should operate to  
 21 assure recruitment, development, and retention of  
 22 peace officers and other employees of high caliber,  
 23 and maintenance of fair and just employer-employee  
 24 relations." "

25 10. Page 4, by striking lines 30 through 39.

26 11. Page 5, by inserting after line 25 the  
 27 following:

28 "\_\_\_\_\_. Title page, line 3, by inserting after the  
 29 word "enforcement" the following: "and to the  
 30 permanent school fund"."

31 12. By renumbering, relettering, or redesignating  
 32 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-6346 to the House amendment.

On motion by Arnould of Scott, the House was recessed at 12:03 p.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Buhr of Polk in the chair.

### RULE 57 SUSPENDED

Groninga of Cerro Gordo asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for immediate meetings of the committee on ways and means and the committee on appropriations.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 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 105, a bill for an act relating to the appointment of assessors.

Also: That the Senate has on April 11, 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 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.

Also: That the Senate has, on April 11, 1988, adopted the conference committee report and passed House File 666, a bill for an act to provide that a homestead tax credit claim need not be refiled when the homestead is transferred to one of the spouses pursuant to a dissolution of marriage.

Also: That the Senate has on April 11, 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 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 April 11, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 11, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2451, 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.

Also: That the Senate has on April 5, 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 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 providing for the implementation of administrative rules and an effective date.

Also: That the Senate has on April 11, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2313, a bill for an act imposing additional hazardous waste fees with civil penalties applicable.

JOHN F. DWYER, Secretary

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Diemer of Black Hawk, until his return, on request of Tyrrell of Iowa.

The House stood at ease at 1:05 p.m., until the fall of the gavel.

The House resumed session at 3:10 p.m, Speaker Avenson in the chair.

### IMMEDIATE MESSAGE (Senate File 2314)

Arnould of Scott asked and received unanimous consent that Senate File 2314 be immediately messaged to the Senate.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for the remainder of the week, on request of Stromer of Hancock.

**MOTION TO RECONSIDER PREVAILED**  
(Senate File 2323)

Miller of Cherokee called up for consideration the motion to reconsider Senate File 2323, filed by him from the floor, and moved to reconsider the vote by which 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, passed the House and was placed on its last reading on April 11, 1988.

A non-record roll call was requested.

The ayes were 59, nays 6.

The motion prevailed and the House reconsidered Senate File 2323.

Plasier of Sioux moved to reconsider the vote by which amendment H—6309 failed to be adopted by the House on April 11, 1988 (found on page 1652 of the House Journal), which motion prevailed and amendment H—6309 was reconsidered.

On motion by Hatch of Polk, amendment H—6309 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. 2323)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
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	Johnson
Knapp	Koenigs	Kremer	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgrund	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	Van Camp	Wise
Mr. Speaker			

The nays were, 2:

De Groot            Van Maanen

Absent or not voting, 5:

Buhr                Halvorson, R. N.      Hanson, D. R.      Lageschulte  
Tyrrell

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

**MOTION TO RECONSIDER PREVAILED**  
**House Refused to Concur in Senate Amendment**  
**(Senate File 2164)**

Groninga of Cerro Gordo called up for consideration the motion to reconsider Senate File 2164, filed on April 8, 1988, and moved to reconsider the vote by which Senate File 2164, a bill for an act relating to the composition of the Iowa economic development board, passed the House and was placed on its last reading on April 8, 1988.

A non-record roll call was requested.

The ayes were 69, nays 4.

The motion prevailed and the House reconsidered Senate File 2164.

Groninga of Cerro moved to reconsider the vote by which the House concurred in the Senate amendment H—6272 (found on pages 1608 through 1611 of the House Journal), which motion prevailed.

On motion by Groninga of Cerro Gordo, the House refused to concur in the Senate amendment H—6272.

**MOTION TO RECONSIDER WITHDRAWN**  
**(Senate File 2304)**

Muhlbauer of Crawford asked and received unanimous consent to withdraw the motion to reconsider 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, filed by him on April

5, 1988, placing out of order amendment H—6225 filed by him and McKinney of Dallas on April 5, 1988.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Maulsby of Calhoun, for the remainder of the day, on request of Van Maanen of Mahaska.

### CONSIDERATION OF BILLS Appropriations Calendar

**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, with report of committee recommending passage was taken up for consideration.

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. 2301)

The ayes were, 97:

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	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	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	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.



Absent or not voting, 3:

Hanson, D. R.      Lageschulte      Maulsby

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

**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, with report of committee recommending passage 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?" (S.F. 2315)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	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	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Pony
Renaud	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Swearingen	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 6:

Brammer	McKean	Plasier	Renken
Svoboda	Teaford		

Absent or not voting, 6:

Chapman	Hanson, D. R.	Lageschulte	Maulsby
Shoultz	Tabor		

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

**IMMEDIATE MESSAGE**  
(Senate Files 2164 and 2323)

Arnould of Scott asked and received unanimous consent that Senate Files 2164 and 2323 be immediately messaged to the Senate.

**SENATE AMENDMENT CONSIDERED**

Running of Linn called up for consideration **Senate File 2309**, a bill for an act relating to and making appropriations to the department of economic development, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6349 to the House amendment:

H-6349

1 Amend the House amendment, S-5753, to Senate File  
2 2309, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 20, the  
5 following:

6 "\_\_\_\_\_. Page 1, line 18, by striking the figure  
7 "515,000" and inserting the following: "915,000"."

8 2. Page 1, by inserting after line 30, the  
9 following:

10 "\_\_\_\_\_. Page 2, line 7, by striking the figure  
11 "190,000" and inserting the following: "790,000"."

12 3. Page 1, by striking lines 35 through 44.

13 4. Page 1, by inserting after line 44 the  
14 following:

15 "\_\_\_\_\_. Page 2, by inserting after line 26 the  
16 following:

17 "\_\_\_\_\_. Export trade activities.

18 For the establishment of international trade  
19 activities including a program to encourage and  
20 increase participation in trade shows and trade  
21 missions by providing financial assistance to  
22 businesses for a percentage of their costs of  
23 participating in trade shows and trade missions,  
24 lease/sublease showcase space in existing world trade  
25 centers, provide temporary office space for foreign  
26 buyers, international prospects, and potential reverse  
27 investors, development of an Iowa export trading  
28 company, and other promotional and assistance  
29 activities.

30 .....\$ 400,000".

31 5. Page 1, by inserting after line 46 the  
32 following:

- 33 "\_\_\_\_\_. Page 3, line 10, by striking the figure  
 34 "342,094" and inserting the following: "302,094".  
 35 6. By striking page 1, line 47 through page 2,  
 36 line 5.  
 37 7. Page 2, by inserting after line 5 the  
 38 following:  
 39 "\_\_\_\_\_. Page 3, line 22, by striking the figure  
 40 "14,535" and inserting the following: "19,535" ".  
 41 8. Page 2, by striking lines 17 through 20.  
 42 9. Page 2, line 21, by striking the word "Sec."  
 43 and inserting the following: " "Sec."  
 44 10. Page 2, line 38, by striking the figure  
 45 "(5)".  
 46 11. By renumbering, relettering, or redesignating  
 47 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6349.

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

On the question "Shall the bill pass?" (S.F. 2309)

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	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	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:

Hanson, D. R.      Lageschulte                  Maulsby                  Skow

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 2309)

Arnould of Scott asked and received unanimous consent that Senate File 2309 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 2464.

### CONSIDERATION OF BILLS Appropriations Calendar

**House File 2464**, a bill for an act relating to the lease or lease-purchase and disposal of real or personal property by the department of general services and providing a standing appropriation of proceeds previously deposited, was taken up for consideration.

Sherzan of Polk offered the following amendment H—6350 filed by him from the floor and moved its adoption:

H—6350

- 1 Amend House File 2464 as follows:
- 2 1. Page 1, line 4, by striking the words "leases
- 3 or".
- 4 2. Page 1, line 13, by striking the words "leased
- 5 or".
- 6 3. Page 1, line 15, by striking the words "lease
- 7 or".
- 8 4. Page 1, line 21, by striking the words "lease
- 9 or".
- 10 5. Page 1, line 25, by striking the words "leases
- 11 or".
- 12 6. Page 1, line 26, by striking the words "lease
- 13 or".
- 14 7. Page 1, line 28, by striking the words "leases
- 15 or".
- 16 8. Page 1, lines 31 and 32, by striking the words
- 17 "leased or".
- 18 9. Page 1, line 35, by striking the words "leased
- 19 or".

- 20 10. Page 2, line 3, by striking the words "lease  
21 or".
- 22 11. Page 2, line 6, by striking the words "lease  
23 or".
- 24 12. Page 2, line 8, by striking the words "lease  
25 or".
- 26 13. Page 2, line 12, by striking the words "lease  
27 or".
- 28 14. Page 2, line 13, by striking the words "lease  
29 or".
- 30 15. Page 2, line 14, by striking the words  
31 "leased or".
- 32 16. Page 2, line 15, by striking the words "lease  
33 or".
- 34 17. Page 2, line 19, by striking the words  
35 "leases or".
- 36 18. Page 2, line 21, by striking the words  
37 "leases or".
- 38 19. Page 2, line 26, by striking the words "lease  
39 or".
- 40 20. Page 2, line 33, by striking the words  
41 "leases or".
- 42 21. Page 3, line 3, by striking the words "leased  
43 or".
- 44 22. Page 3, line 6, by striking the words "leased  
45 or".
- 46 23. Page 3, line 8, by striking the words "lease  
47 or".
- 48 24. Page 3, line 10, by striking the words "lease  
49 or".
- 50 25. Page 3, line 15, by striking the words

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- 1 "leases or".
- 2 26. Page 3, line 20, by striking the words  
3 "leases or".
- 4 27. Title page, line 1, by striking the words  
5 "lease or".

Amendment H—6350 was adopted.

Sherzan of Polk offered the following amendment H—6351 filed by him from the floor and moved its adoption:

**H—6351**

- 1 Amend House File 2464, as follows:
- 2 1. Page 3, line 9, by striking the word  
3 "lessee's" and inserting the following: "lessor's".
- 4 2. Page 3, line 12, by striking the words  
5 "lessee's moneys to the lessor" and inserting the  
6 following: "lessor's moneys to the lessee".

Amendment H—6351 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2464)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Koenigs
Kremer	Lundby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Petersen, D. F.	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, 3:

Knapp	Peters	Peterson, M. K.
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Absent or not voting, 3:

Hanson, D. R.	Lageschulte	Maulsby
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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 2464)

Arnould of Scott asked and received unanimous consent that House File 2464 be immediately messaged to the Senate.

## Unfinished Business Calendar

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 and placed on the unfinished business calendar March 30, 1988.

Carpenter of Polk offered the following amendment H—5885 filed by her and moved its adoption:

H—5885

1 Amend Senate File 2248, as amended, passed and  
2 reprinted by the Senate, as follows:

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

5 "Sec. \_\_\_\_\_. Section 25A.24, Code Supplement 1987,  
6 is amended to read as follows:

7 25A.24 STATE VOLUNTEERS.

8 A person who performs services for the state  
9 government or any agency or subdivision of state  
10 government and who does not receive compensation is  
11 not personally liable for a claim based upon an act or  
12 omission of the person performed in the discharge of  
13 the person's duties, except for acts or omissions  
14 which involve intentional misconduct or knowing  
15 violation of the law, ~~or for a transaction from which~~  
16 ~~the person derives an improper personal benefit.~~ For  
17 purposes of this section, "compensation" does not  
18 include payments to reimburse a person for expenses."

19 2. Page 2, by striking lines 27 through 29 and  
20 inserting the following: "intentional misconduct or a  
21 knowing violation of the law, ~~or for a transaction~~  
22 ~~from which the director derives an improper personal~~  
23 ~~benefit.~~ A provision in the articles of".

24 3. Page 5, by inserting after line 5 the  
25 following:

26 "Sec. \_\_\_\_\_. Section 504.17, Code Supplement 1987,  
27 is amended to read as follows:

28 504.17 PERSONAL LIABILITY.

29 Except as otherwise provided in this chapter, a  
30 director, officer, employee, or member of the  
31 corporation is not liable on the corporation's debts  
32 or obligations and a director, officer, member, or  
33 other volunteer is not personally liable in that  
34 capacity, for a claim based upon an act or omission of  
35 the person performed in the discharge of the person's  
36 duties, except for a breach of the duty of loyalty to  
37 the corporation, for acts or omissions not in good

38 faith or which involve intentional misconduct or  
 39 knowing violation of the law, ~~or for a transaction~~  
 40 ~~from which the person derives an improper personal~~  
 41 ~~benefit.~~  
 42 Sec. \_\_\_\_\_. Section 504A.101, Code Supplement 1987,  
 43 is amended to read as follows:  
 44 504A.101 PERSONAL LIABILITY.  
 45 Except as otherwise provided in this chapter, a  
 46 director, officer, employee, or member of the  
 47 corporation is not liable on the corporation's debts  
 48 nor obligations and a director, officer, member, or  
 49 other volunteer is not personally liable in that  
 50 capacity, for a claim based upon an act or omission of

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1 the person performed in the discharge of the person's  
 2 duties, except for a breach of the duty of loyalty to  
 3 the corporation, for acts or omissions not in good  
 4 faith or which involve intentional misconduct or  
 5 knowing violation of the law; ~~or for a transaction~~  
 6 ~~from which the person derives an improper personal~~  
 7 ~~benefit."~~

8 4. Page 6, by inserting after line 23 the  
 9 following:

10 "Sec. \_\_\_\_\_. Section 613.19, Code Supplement 1987,  
 11 is amended to read as follows:

12 613.19 PERSONAL LIABILITY.

13 A director, officer, employee, member, trustee, or  
 14 volunteer, of a nonprofit organization is not liable  
 15 on the debts or obligations of the nonprofit  
 16 organization and a director, officer, employee,  
 17 member, trustee, or volunteer is not personally liable  
 18 for a claim based upon an act or omission of the  
 19 person performed in the discharge of the person's  
 20 duties, except for acts or omissions which involve  
 21 intentional misconduct or knowing violation of the  
 22 law; ~~or for a transaction from which the person~~  
 23 ~~derives an improper personal benefit.~~ For purposes of  
 24 this section, "nonprofit organization" includes an  
 25 unincorporated club, association, or other similar  
 26 entity, however named, if no part of its income or  
 27 profit is distributed to its members, directors, or  
 28 officers.

29 Sec. \_\_\_\_\_. Section 613A.2, unnumbered paragraph 3,  
 30 Code Supplement 1987, is amended to read as follows:

31 A person who performs services for a municipality  
 32 or an agency or subdivision of a municipality and who  
 33 does not receive compensation is not personally liable  
 34 for a claim based upon an act or omission of the  
 35 person performed in the discharge of the person's  
 36 duties, except for acts or omissions which involve



37 intentional misconduct or knowing violation of the  
38 law, or for a transaction from which the person  
39 derives an improper personal benefit. For purposes of  
40 this section, "compensation" does not include payments  
41 to reimburse a person for expenses."  
42 5. Renumber as necessary.

Amendment H—5885 lost.

Jay of Appanoose offered the following amendment H—5881 filed  
by him:

H—5881

1 Amend Senate File 2248, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 25 through 32 and  
4 inserting the following:  
5 "1. The department of human services shall  
6 establish volunteer programs designed to enhance the  
7 services provided by the department. Roles for  
8 volunteers may include but shall not be limited to  
9 parent aides, friendly visitors, commodity  
10 distributors, clerical assistants, and medical  
11 transporters. Roles for volunteers shall include  
12 conservators and guardians. The department shall  
13 adopt rules for programs which are established.  
14 2. a. The commissioner shall appoint a  
15 coordinator of volunteer services to oversee the  
16 provision of services of volunteer conservators and  
17 guardians on a volunteer basis to individuals in this  
18 state requiring such services. The coordinator, after  
19 consulting with personnel assigned to the local office  
20 of the department in a county, shall recommend to the  
21 commissioner how best to serve the needs of  
22 individuals in need of the services of a guardian or  
23 conservator. Where possible, the coordinator shall  
24 recommend that the services be provided on a  
25 multicounty basis.  
26 b. Volunteer guardians and conservators under this  
27 program have the powers enumerated under chapter 633  
28 for guardians and conservators. A volunteer guardian  
29 or conservator who wishes to take an action for which  
30 court approval is necessary shall apply to the  
31 commissioner through the local office for approval of  
32 the action. If the commissioner approves the request,  
33 the department shall apply to the district court in  
34 the county where the individual receiving the services  
35 resides for approval of the action.  
36 c. Services required under this section shall be  
37 available to all residents of this state regardless of  
38 financial status. The department shall establish a

39 schedule of fees for these services. The fees  
40 collected shall be used to offset the costs of  
41 providing the services.

42 The department may waive the fee for any service if  
43 the person receiving the service is determined to be  
44 indigent. For the purposes of this subsection, the  
45 department shall find a person is indigent if the  
46 person's annual income and resources do not exceed one  
47 hundred fifty percent of the federal poverty level or  
48 the person would be unable to pay the fee without  
49 prejudicing the person's financial ability to provide  
50 economic necessities for the person or the person's

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1 dependents.

2 d. The coordinator shall cooperate with the  
3 directors of the divisions of the department in  
4 providing these services and shall seek out  
5 alternative sources for providing the services  
6 required under this section.

7 3. All volunteers registered with the department  
8 and in".

9 2. Page 6, by inserting after line 23 the  
10 following:

11 "Sec. \_\_\_\_\_. This section and section 2 of this Act,  
12 being deemed of immediate importance, are effective  
13 upon enactment.

14 Upon the enactment of section 2 of this Act, the  
15 commissioner of the department of human services shall  
16 immediately appoint a person at each local office of  
17 the department to provide the services of a volunteer  
18 guardian or conservator. These services shall be  
19 provided to all individuals in need of these services  
20 without cost until a determination is made by the  
21 commissioner on how best to provide these services and  
22 a fee schedule has been established pursuant to  
23 section 2 of this Act. In no case shall a fee be  
24 assessed for any services provided before the  
25 commissioner has adopted and implemented a schedule of  
26 fees. The person appointed at each local office shall  
27 either provide the necessary services or assure the  
28 availability of qualified volunteers to provide the  
29 services until such time as the coordinator appointed  
30 by the commissioner has implemented a plan to provide  
31 the services of volunteer conservators and guardians  
32 pursuant to section 2 of this Act."

33 3. Title page, line 4, by inserting after the  
34 word "care" the following: ", and providing an  
35 effective date".

36 4. Renumber as necessary.

Jay of Appanoose offered the following amendment H—6342, to amendment H—5881, filed by him and moved its adoption:

H—6342

1 Amend the amendment, H—5881, to Senate File 2248 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 2, by striking line 32 and inserting the  
5 following: "pursuant to section 2 of this Act."  
6 Sec. \_\_\_\_\_. INTERIM STUDY OF ISSUES RELATING TO  
7 GUARDIANSHIP AND CONSERVATORSHIP. The legislative  
8 council shall create an interim study committee during  
9 the 1988 interim to study issues relating to  
10 guardianship and conservatorship including, but not  
11 limited to, the need for reasons for a shortage of,  
12 and means to provide for, surrogate decision makers  
13 and case management services for clients, patients, or  
14 residents of health care facilities, and residents  
15 within communities, who are either temporarily or  
16 permanently incapacitated in their decision-making  
17 ability regarding health care, money management, or  
18 independent living, and who have no family, legally  
19 appointed decision maker, or other person willing or  
20 able to take responsibility for them. The study  
21 committee shall submit a report of its findings and  
22 recommendations to the legislative council and the  
23 Seventy-third General Assembly, 1989 Session." "

Amendment H—6342 was adopted.

On motion by Jay of Appanoose, amendment H—5881, as amended, was adopted.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—5875 filed by him on March 24, 1988.

Jay of Appanoose offered the following amendment H—5873 filed by him and moved its adoption:

H—5873

1 Amend Senate File 2248, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 5, by inserting after line 5 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 508C.16, Code Supplement 1987,  
6 is amended by adding the following new unnumbered  
7 paragraph:  
8 NEW UNNUMBERED PARAGRAPH. The provisions of sec-  
9 tion 496A.4A shall apply to the association."  
10 2. Renumber as necessary.

Amendment H—5873 was adopted.

Jay of Appanoose offered the following amendment H—6364 filed by him from the floor and moved its adoption:

H—6364

- 1 Amend Senate File 2248, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 22.
- 4 2. Renumber as necessary.

Amendment H—6364 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. 2248)

The ayes were, 96:

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	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	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	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Hanson, D. R.	Lageschulte	Maulsby	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.

The House resumed consideration of **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, deferred and placed on the unfinished business calendar March 30, 1988.

Johnson of Winneshiek offered the following amendment H—5858 filed by the committee on energy and environmental protection:

H—5858

1 Amend Senate File 2250 as passed by the Senate as  
2 follows:

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

5 "Section 1. Section 200.8, subsection 1,  
6 unnumbered paragraph 3, Code Supplement 1987, is  
7 amended to read as follows:

8 Any person other than a manufacturer who annually  
9 offers for sale, sells, or distributes specialty  
10 fertilizer in the amount of three thousand pounds or  
11 more in packages of twenty-five pounds or less or  
12 applies specialty fertilizer for compensation shall be  
13 required to pay an annual inspection fee of fifty  
14 thirty dollars in lieu of the semiannual inspection  
15 fee as set forth in this chapter."

16 2. Page 3, line 14, by inserting after the word  
17 "section." the following: "However, the department  
18 shall establish by rule, and shall collect a fee to  
19 defray the costs to the department for the expenses  
20 incurred through the issuance of permits, monitoring,  
21 and inspection of the facilities under this  
22 subsection."

23 3. Page 3, line 19, by striking the figure "15"  
24 and inserting the following: "30".

25 4. Page 3, line 25, by striking the words  
26 "department on" and inserting the following:  
27 "department on by".

28 5. Page 3, by inserting after line 27 the  
29 following:

30 "Sec. \_\_\_\_\_. Section 455E.11, subsection 1,  
31 unnumbered paragraph 1, Code Supplement 1987, is  
32 amended to read as follows:

33 A groundwater protection fund is created in the  
34 state treasury. Moneys received from sources  
35 designated for purposes related to groundwater  
36 monitoring and groundwater quality standards shall be  
37 deposited in the fund. Notwithstanding section 8.33,  
38 any unexpended balances in the groundwater protection  
39 fund and in any of the accounts within the groundwater  
40 protection fund at the end of each fiscal year shall  
41 be retained in the fund and the respective accounts  
42 within the fund. The fund may be used for the  
43 purposes established for each account within the fund.  
44 Notwithstanding section 453.7, subsection 2, interest  
45 or earnings on investments or time deposits of the  
46 moneys in the groundwater protection fund or in any of  
47 the accounts within the groundwater protection fund,  
48 with the exception of those interest or earnings on  
49 investments or time deposits of the moneys in the oil  
50 overcharge account, which shall be credited to the oil

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1 overcharge account, shall be credited to the solid  
2 waste account of the groundwater protection fund for  
3 appropriation to the department of natural resources.  
4 The department of natural resources shall use the  
5 moneys appropriated to provide grants to public water  
6 supply systems to abate or eliminate threats to public  
7 health and safety resulting from contamination of the  
8 water supply source. However, a public water supply  
9 system shall not receive a grant for more than ten  
10 percent of the moneys available for those purposes.

11 Sec. \_\_\_\_\_. Section 455E.11, subsection 2, paragraph  
12 a, Code Supplement 1987, is amended by adding the  
13 following new subparagraph (1) and by renumbering the  
14 subsequent subparagraphs:

15 **NEW SUBPARAGRAPH.** (1) The moneys received from  
16 the tonnage fee imposed under section 455B.310 for the  
17 fiscal year beginning July 1, 1987, and ending June  
18 30, 1988, shall be used for the following purposes:

19 (a) An amount equal to fifty percent of the moneys  
20 received from the tonnage fee imposed pursuant to  
21 section 455B.310 shall be reserved for the purpose of  
22 providing grants to cities and counties required to  
23 provide for sanitary disposal projects under section  
24 455B.302 for the purpose of developing or updating  
25 plans required to be filed under section 455B.306.  
26 Grants shall be governed by section 455B.311.

27 (b) An amount equal to twenty-five percent of the  
28 moneys received from the tonnage fee imposed under

29 section 455B.310 shall be reserved for the purpose of  
30 providing grants to public water supply systems to  
31 abate or eliminate threats to public health and safety  
32 resulting from contamination of the water supply  
33 source. However, a public water supply shall not  
34 receive a grant for more than ten percent of the  
35 moneys available for those purposes.

36 (c) An amount equal to twenty-five percent of the  
37 moneys received from the tonnage fee imposed under  
38 section 455B.310 shall be appropriated to the waste  
39 management authority."

40 6. Page 4, by inserting after line 35 the  
41 following:

42 "Sec. \_\_\_\_\_. Section 455F.7, Code Supplement 1987,  
43 is amended to read as follows:

44 455F.7 HOUSEHOLD HAZARDOUS MATERIALS PERMIT.

45 1. A retailer offering for sale or selling a  
46 household hazardous material shall have a valid permit  
47 for each place of business owned or operated by the  
48 retailer for this activity. All permits provided for  
49 in this division shall expire on June 30 of each year.  
50 Every retailer shall submit an annual application by

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1 July 1 of each year and a fee of ten dollars based  
2 upon gross retail sales of up to fifty thousand  
3 dollars, twenty-five dollars based upon gross retail  
4 sales of fifty thousand dollars to three million  
5 dollars, and one hundred dollars based upon gross  
6 retail sales of three million dollars or more to the  
7 department of revenue and finance for a permit upon a  
8 form prescribed by the director of revenue and  
9 finance. Permits are nonrefundable, are based upon an  
10 annual operating period, and are not prorated. A  
11 person in violation of this section shall be subject  
12 to permit revocation upon notice and hearing. The  
13 department shall remit the fees collected to the  
14 household hazardous waste account of the groundwater  
15 protection fund. A person distributing general use  
16 pesticides labeled for agricultural or lawn and garden  
17 use with gross annual pesticide sales of less than ten  
18 thousand dollars is subject to the requirements and  
19 fee payment prescribed by this section.

20 2. A manufacturer or distributor of household  
21 hazardous materials, which authorizes retailers as  
22 independent contractors to sell the products of the  
23 manufacturer or distributor on a person-to-person  
24 basis primarily in the customer's home, may obtain a  
25 single household hazardous materials permit on behalf  
26 of its authorized retailers in the state, in lieu of  
27 individual permits for each retailer, and pay a fee

28 based upon the manufacturer's or distributor's gross  
 29 retail sales in the state according to the fee  
 30 schedule and requirements of subsection 1 of twenty-  
 31 five dollars. However, a manufacturer or distributor  
 32 which has gross retail sales of three million dollars  
 33 or more in the state shall pay an additional permit  
 34 fee of one hundred dollars for each subsequent  
 35 increment of three million dollars of gross retail  
 36 sales in the state, up to a maximum permit fee of  
 37 three thousand dollars."

38 7. Page 5, line 30, by striking the word "if" and  
 39 inserting the following: "A buyer of property shall  
 40 be provided with a copy of the statement submitted,  
 41 and, following the fulfillment of this provision, if".

42 8. Page 6, by inserting after line 6, the  
 43 following:

44 "Sec. \_\_\_\_\_. CASH ADVANCE — SMALL BUSINESS  
 45 ASSISTANCE CENTER. The department of natural  
 46 resources shall provide a cash advance of not more  
 47 than one hundred thousand dollars for the period  
 48 beginning July 1, 1988, and ending June 30, 1989, to  
 49 the University of Northern Iowa to develop and  
 50 maintain the small business assistance center for the

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1 safe and economic management of solid waste and  
 2 hazardous substances established at the University of  
 3 Northern Iowa."

4 9. By renumbering as necessary.

De Groot of Lyon offered the following amendment H—6050, to the committee amendment H—5858, filed by him and moved its adoption:

H—6050

1 Amend the amendment, H—5858, to Senate File 2250 as  
 2 passed by the Senate as follows:

3 1. Page 1, line 10, by striking the word "three"  
 4 and inserting the following: "four".

A non-record roll call was requested.

The ayes were 44, nays 39.

Amendment H—6050 was adopted.

Johnson of Winneshiek offered the following amendment H—6352, to the committee amendment H—5858, filed by him from the floor and moved its adoption:



H-6352

- 1 Amend the amendment H-5858 to Senate File 2250, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, line 11, by striking the words "in
- 4 packages of twenty-five pounds or less" and inserting
- 5 the following: "in packages of twenty-five pounds or
- 6 less".

Amendment H-6352 was adopted.

Shultz of Black Hawk offered the following amendment H-6294, to the committee amendment H-5858, filed by him and moved its adoption:

H-6294

- 1 Amend the amendment, H-5858, to Senate File 2250 as
- 2 passed by the Senate as follows:
- 3 1. Page 1, by striking lines 16 through 22, and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 3, line 14, by inserting after the
- 6 word "section." the following: "However, solid waste
- 7 disposal facilities under this subsection are subject
- 8 to the fees imposed pursuant to section 455B.105,
- 9 subsection 12, paragraph "a". Notwithstanding the
- 10 provisions of section 455B.105, subsection 12,
- 11 paragraph "b", the fees collected pursuant to this
- 12 subsection shall be used by the department for the
- 13 regulation of these solid waste disposal facilities.""

Amendment H-6294 was adopted.

Bennett of Ida offered the following amendment H-6365, to the committee amendment H-5858, filed by him from the floor and moved its adoption:

H-6365

- 1 Amend the amendment, H-5858, to Senate File 2250 as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 8 through 15 and
- 4 inserting the following:
- 5 "Any person other than a manufacturer who offers
- 6 for sale, sells, or distributes prepackaged specialty
- 7 fertilizer in packages of twenty-five pounds or less
- 8 or applies specialty fertilizer for compensation shall
- 9 be required to pay an annual inspection fee of fifty
- 10 dollars in lieu of the semiannual exempt from the
- 11 payment of any inspection fee as set forth in this
- 12 chapter. However, a person other than a manufacturer
- 13 who applies specialty fertilizer for compensation
- 14 shall be required to pay an annual inspection fee of

- 15 fifty dollars in lieu of the semiannual inspection fee  
 16 as set forth in this chapter."

Roll call was requested by Bennett of Ida and Stueland of Clinton.

On the question "Shall amendment H—6365, to the committee amendment H—5858, be adopted?" (S.F. 2250)

The ayes were, 37:

Beaman	Bennett	Branstad	Carpenter
Corbett	Corey	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hansen, S. D.
Harbor	Hermann	Hester	Hummel
Kremer	Lundby	McKinney	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Skow	Stromer	Stueland
Swartz	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 58:

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

Absent or not voting, 5:

Daggett	Doderer	Lageschulte	Maulsby
Platt			

Amendment H—6365 lost.

On motion by Johnson of Winneshiek, the committee amendment H—5858, as amended, was adopted.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H—6178 filed by him on April 4, 1988.

Dvorsky of Johnson offered the following amendment H—6174 filed by him and Shoultz of Black Hawk:

H-6174

1 Amend Senate File 2250, as passed by the Senate, as  
2 follows:

3 1. By striking page 2, line 34, through page 3,  
4 line 3, and inserting the following: "1992. The city  
5 or county providing for the establishment and  
6 operation of the sanitary landfill may charge an  
7 additional tonnage fee for the disposal of solid waste  
8 at the sanitary landfill, to be used exclusively for  
9 the development and implementation of alternatives to  
10 sanitary landfills. A county in which a privately  
11 operated landfill accepts solid waste from outside of  
12 the county may charge an additional tonnage fee for  
13 the disposal of solid waste at the sanitary landfill  
14 which is not more than one hundred percent of the fee  
15 otherwise established in this section. The additional  
16 fee charged and the moneys collected shall be used  
17 exclusively for the development and implementation of  
18 alternatives to sanitary landfills or for the costs  
19 incurred by the county to abate problems associated  
20 with the operation of the sanitary landfill."

Parker of Jasper in the chair at 4:52 p.m.

Sherzan of Polk offered the following amendment H-6268, to amendment H-6174, filed by him and moved its adoption:

H-6268

1 Amend the amendment, H-6174, to Senate File 2250,  
2 as passed by the Senate, as follows:

3 1. Page 1, line 14, by striking the words "one  
4 hundred" and inserting the following: "fifty".

A non-record roll call was requested.

The ayes were 35, nays 45.

Amendment H-6268 lost.

On motion by Dvorsky of Johnson, amendment H-6174 was adopted.

Harbor of Mills offered the following amendment H-6286 filed by him and moved its adoption:

H-6286

1 Amend Senate File 2250, as passed by the Senate,  
2 as follows:

3 1. Page 3, line 8, by inserting after the word  
4 "coal", the words "or cob".

A non-record roll call was requested.

The ayes were 41, nays 48.

Amendment H—6286 lost.

Shoultz of Black Hawk offered the following amendment H—6355 filed by him from the floor:

H—6355

1 Amend Senate File 2250, as passed by the Senate, as  
2 follows:  
3 1. Page 3, by inserting after line 27, the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 455B.484, Code Supplement 1987,  
6 is amended by adding the following new subsection:  
7 **NEW SUBSECTION. 14.** Promote, consistent with the  
8 solid waste policy and the mandate for alternatives to  
9 landfills, the recycling of beverage containers as  
10 defined in section 455C.1, subsection 2. The  
11 authority may direct a specific dealer, distributor,  
12 manufacturer, or redemption center which would  
13 otherwise dispose of beverage containers in a sanitary  
14 landfill to cease doing so when the authority can  
15 demonstrate that an economically feasible alternative  
16 is available. Alternative disposal methods shall  
17 reflect the waste management hierarchy."

Petersen of Muscatine rose on a point of order that amendment H—6355 was not germane.

The Speaker ruled the point well taken and amendment H—6355 not germane.

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. 2250)

The ayes were, 90:

Adams	Arnould	Avenson	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	Holveck	Hummel
Jay	Jochum	Johnson	Knapp

Koenigs	Kremer	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Peters	Petersen, D. F.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker (Parker)		

The nays were, 6:

Bennett	Corey	Pellet	Renken
Schnekloth	Van Maanen		

Absent or not voting, 4:

Lageschulte	Maulsby	Peterson, M. K.	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.

#### IMMEDIATE MESSAGE (Senate File 2250)

Arnould of Scott asked and received unanimous consent that Senate File 2250 be immediately messaged to the Senate.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 11, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2419, a bill for an act relating to initiating and effecting whole-grade sharing agreements, setting maximum incentives and providing for collective bargaining agreements.

Also: That the Senate has on April 11, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2428, a bill for an act increasing and establishing certain court filing fees.

Also: That the Senate has on April 11, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 11, 1988, refused to concur in the House amendment to the following resolution in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 11, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 11, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2311, a bill for an act relating to 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 filing officers, 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.

Also: That the members of the conference committee, on the part of the Senate, appointed April 11, 1988, to 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, are: The Senator from Dallas, Senator Riordan, Chair; the Senator from Linn, Senator Wells; the Senator from Polk, Senator Mann; the Senator from Scott, Senator Holden; and the Senator from Buena Vista, Senator Fuhrman.

Also: That the Senate has on April 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2330, a bill for an act relating to the provision of certain services to persons with mental retardation, a developmental disability, or mental illness.

Also: That the Senate has on April 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2331, 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.

## ADOPTION OF SENATE CONCURRENT RESOLUTION 105

Hester of Pottawattamie called up for consideration Senate Concurrent Resolution 105, relating to the assessment of nursing personnel needs in the state, with report of committee recommending amendment and passage.

Hester of Pottawattamie offered the following amendment H—5696 filed by the committee on human resources and moved its adoption:

H—5696

- 1 Amend Senate Concurrent Resolution 105, as passed
- 2 by the Senate, as follows:
- 3 1. Page 1, line 20, by striking the figure "1"
- 4 and inserting the following: "11".

The committee amendment H—5696 was adopted.

On motion Hester of Pottawattamie, the resolution, as amended, was adopted.

## SENATE AMENDMENT CONSIDERED

Shultz of Black Hawk called up for consideration **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, amended by the Senate amendment H—6328 as follows:

H—6328

- 1 Amend House File 2377, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. LEGISLATIVE INTENT. The general
- 6 assembly finds:
- 7 1. It is in the state's interest to promote a
- 8 college education for Iowa children.
- 9 2. The cost of paying for a college education in
- 10 the future will be even more expensive than today and
- 11 may be out of reach for Iowa families of average
- 12 means.
- 13 3. A savings program is the best way to finance a
- 14 college education.
- 15 4. The state board of regents is authorized to

16 issue general obligation bonds for constructing  
 17 academic buildings on the campuses of its institutions  
 18 of higher education and a portion of these bonds could  
 19 be issued and sold to residents of this state to  
 20 facilitate savings for future higher education costs.

21 5. An Iowa college super savings plan should be  
 22 created as provided in this Act."

23 2. Page 1, line 4, by striking the words "and  
 24 with funding from".

25 3. By striking page 1, line 13 through page 4,  
 26 line 2, and inserting the following:

27 "Sec. \_\_\_\_\_, NEW SECTION. 262A.6A IOWA COLLEGE  
 28 SUPER SAVINGS PLAN.

29 1. The board shall issue bonds authorized under  
 30 section 262A.4 by the Seventy-second General Assembly  
 31 in an amount not exceeding nineteen million dollars in  
 32 the form of capital appreciation bonds as provided in  
 33 this section rather than the form prescribed in  
 34 sections 262A.5 and 262A.6. The capital appreciation  
 35 bonds shall be designed to be marketed primarily to  
 36 Iowans to facilitate savings for future higher  
 37 education costs.

38 2. Bonds issued under this section may be sold by  
 39 the board at public sale on the basis of sealed  
 40 proposals received pursuant to a notice specifying the  
 41 time and place of sale and the amount of bonds to be  
 42 sold which shall be published at least once not less  
 43 than seven days prior to the date of sale in a  
 44 newspaper published in the state of Iowa and having a  
 45 general circulation in the state but if the board  
 46 deems it advisable and in the best interests of the  
 47 public, bonds issued under this section may be sold at  
 48 private sale without published notice of any kind or  
 49 the taking of competitive bids in a manner and upon  
 50 terms as may be provided in the resolution of the

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1 board authorizing the issuance of the bonds. Chapter  
 2 75 does not apply to bonds issued under this section,  
 3 but the bonds shall be sold upon terms of not less  
 4 than ninety-seven percent of par plus accrued  
 5 interest. Bonds issued to refund other bonds issued  
 6 under this section may either be sold at public or  
 7 private sale in the manner specified in this section  
 8 and the proceeds applied to the payment of the  
 9 obligations being refunded, or the refunding bonds may  
 10 be exchanged for and in payment and discharge of the  
 11 obligations being refunded. The refunding bonds may  
 12 be sold or exchanged in installments at different  
 13 times or an entire issue or series may be sold or  
 14 exchanged at one time. An issue or series of



15 refunding bonds may be exchanged in part or sold in  
16 parts in installments at different times or at one  
17 time. The refunding bonds may be sold or exchanged at  
18 any time on, before, or after the maturity of the  
19 outstanding bonds or other obligations to be  
20 refinanced and may be issued for the purpose of  
21 refunding a like or greater principal amount of bonds,  
22 except that the principal amount of the refunding  
23 bonds may exceed the principal amount of the bonds to  
24 be refunded to the extent necessary to pay any premium  
25 due on the call of the bonds to be refunded or to fund  
26 interest in arrears or which is to become due.

27 Bonds issued under this section are payable solely  
28 and only from and shall be secured by an irrevocable  
29 pledge of a sufficient portion of the student fees and  
30 charges and institutional income received by the  
31 particular institution. Bonds issued under this  
32 section have all the qualities of a negotiable  
33 investment security under the laws of this state.

34 3. The bonds may bear a date or dates, may bear  
35 interest at a rate or rates, payable at a time or  
36 times, may mature at a time or times, may be in a form  
37 and denominations, may carry registration privileges,  
38 may be payable at a place or places, may be subject to  
39 terms of redemption prior to maturity with or without  
40 premium, if so stated on their face, and may contain  
41 terms and covenants, including the establishment of  
42 reserves, all as may be provided by the resolution of  
43 the board authorizing the issuance of the bonds. In  
44 addition to the estimated cost of construction,  
45 including site costs, the cost of the project may  
46 include interest upon the bonds during construction  
47 and for six months after the estimated completion  
48 date, the compensation of a fiscal agent or adviser,  
49 engineering, architectural, administrative and legal  
50 expenses and provision for contingencies. The bonds

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1 shall be executed by the president of the state board  
2 of regents and attested by the executive secretary,  
3 secretary or other official of the state board  
4 performing the duties of secretary, and the coupons  
5 attached to the bonds shall be executed with the  
6 original or facsimile signatures of the president,  
7 executive secretary, secretary or other official. The  
8 facsimile signatures of the officers executing the  
9 bonds may be imprinted on the face of the bonds in  
10 lieu of the manual signature of the officer, but at  
11 least one of the signatures appearing on the face of  
12 each bond shall be a manual signature. Bonds bearing  
13 the signatures of officers in office on the date of

14 the signing are valid and binding for all purposes,  
 15 notwithstanding that before delivery any or all of the  
 16 persons whose signatures appear have ceased to be  
 17 officers. Each bond shall state upon its face the  
 18 name of the institution on behalf of which it is  
 19 issued, that it is payable solely and only from the  
 20 student fees and charges and institutional income  
 21 received by the institution, and that it does not  
 22 constitute a debt of or charge against the state of  
 23 Iowa within the meaning or application of a  
 24 constitutional or statutory limitation or provision.  
 25 The issuance of these bonds shall be recorded in the  
 26 office of the treasurer of the institution on behalf  
 27 of which the bonds are issued, and a certificate by  
 28 the treasurer to this effect shall be printed on the  
 29 back of each bond.

30 4. In negotiating a private sale of the bonds  
 31 under this section the board shall assign preference  
 32 to a syndicate of underwriters which is led by an Iowa  
 33 domiciled underwriting firm to facilitate selling the  
 34 marketing of the bonds to Iowans within the plan for  
 35 the bonds. The plan shall include:

36 a. Provisions for advertisements in Iowa  
 37 newspapers which precede, by at least two weeks, the  
 38 date the bonds will go on sale to the public.

39 b. The advertisements shall include the date the  
 40 bonds will go on sale and a list of offices where  
 41 investors may purchase the bonds.

42 c. The bond issue shall be structured so that at  
 43 least fifty percent of the bonds are sold at a price  
 44 to the initial purchaser, not including an underwriter  
 45 or bond house, of one thousand dollars or less. The  
 46 board shall make a report of sale to the general  
 47 assembly within ninety days of sale date. The report  
 48 shall specify the terms and conditions of the sale as  
 49 well as the placement of the bonds by denomination and  
 50 by county."

Shoultz of Black Hawk offered the following amendment H-6363,  
 to the Senate amendment H-6328, filed by him from the floor and  
 moved its adoption:

H-6363

1 Amend the Senate amendment, H-6328, to House File  
 2 2377, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 1, by striking lines 38 through 47 and  
 5 inserting the following:

6 "2. Bonds issued under this section shall be sold  
 7 by the board at".

Amendment H—6363 was adopted.

Shoultz of Black Hawk moved that the House concur in the Senate amendment H—6328, as amended.

A non-record roll call was requested.

The ayes were 40, nays 23.

The motion prevailed and the House concurred in the Senate amendment H—6328, as amended.

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

On the question "Shall the bill pass?" (H.F. 2377)

The ayes were, 53:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Connors	Cooper	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Harper	Hatch	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Muhlbauer
Neuhauser	Norrgard	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shoultz	Skow
Spear	Swartz	Van Camp	Wise
Mr. Speaker (Parker)			

The nays were, 42:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Kremer	Lundby	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Siegrist	Stromer
Stueland	Svoboda	Swearingen	Tabor
Tyrrell	Van Maanen		

Absent or not voting, 5:

Haverland	Lageschulte	Maulsby	Platt
Teaford			

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

**IMMEDIATE MESSAGE**  
(House File 2377)

Arnould of Scott asked and received unanimous consent that House File 2377 be immediately messaged to the Senate.

Speaker Avenson in the chair at 5:42 p.m.

**SENATE AMENDMENT CONSIDERED**

Jay of Appanoose called up for consideration **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, amended by the House, further amended by the Senate amendment H—6353 to the House amendment as follows:

H—6353

- 1 Amend the House amendment, S—5840, to Senate File
- 2 484 as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 3, by striking lines 35 and 36 and
- 5 inserting the following: "business or a hospital
- 6 which has ceased doing business or providing services
- 7 if the health care provider or hospital files proof of
- 8 insurance as required in subsection 1 or 2, as
- 9 applicable, and pays a one".
- 10 2. Page 3, line 44, by inserting after the word
- 11 "business" the following: "or the hospital's ceasing
- 12 to do business or providing services".
- 13 3. Page 7, by striking lines 40 through 42 and
- 14 inserting the following: "or settlement approved by
- 15 the court in excess of five hundred thousand dollars,
- 16 and up to five million dollars, against a health care
- 17 provider or hospital qualified under this chapter with
- 18 respect to an occurrence of".
- 19 4. Page 8, line 22, by inserting after the word
- 20 "commerce," the following: "and to the legislative
- 21 fiscal bureau,".
- 22 5. Page 8, by inserting after line 46, the

23 following:

24 "The annual report shall also include an actuarial  
25 review of the solvency of the fund and contain  
26 appropriate recommendations relating to the protection  
27 of the solvency of the fund including, but not limited  
28 to, the need for mandatory participation by health  
29 care providers or hospitals, the need for additional  
30 revenue sources, and other recommendations deemed  
31 appropriate by the commissioner."

32 6. Page 8, by inserting after line 47 the  
33 following:

34 "The legislative fiscal bureau shall have the  
35 authority to retain an actuary, upon the approval of  
36 the legislative council, to examine and report on the  
37 patient catastrophic injury fund."

38 7. Page 11, by striking lines 33 through 36 and  
39 inserting the following: "3."

40 8. Page 12, line 16, by striking the words  
41 "exceeds one hundred" and inserting the following:  
42 "which exceed two hundred fifty".

43 9. Page 12, line 18, by inserting after the word  
44 "award" the following: "where the fund is responsible  
45 for paying damages for future injuries".

46 10. Page 12, line 19, by striking the words "one  
47 hundred thousand dollars" and inserting the following:  
48 "two hundred fifty thousand dollars, including any  
49 amount for future damages to be paid by the health  
50 care provider or hospital in excess of the limits of

## Page 2

1 the fund,".

2 11. Page 13, by striking lines 11 through 50.

3 12. Page 17, line 38, by inserting after the  
4 figure "258A.1" the following: "the department of  
5 inspections and appeals,".

6 13. Page 17, line 45, by inserting after the word  
7 "insurance" the following: "and to the legislative  
8 fiscal bureau".

9 14. Page 18, by striking line 13 and inserting  
10 the following: "licensing board authority of the  
11 health care provider or hospital."

12 15. Page 18, line 31, by inserting after the  
13 figure "153" the following: ", except where such acts  
14 also involve disciplinary actions against a health  
15 care provider by the hospital, reports shall be made".

16 16. Page 18, by striking lines 32 and 33.

17 17. Page 19, lines 30 and 31, by striking the  
18 words ", jurisdictions, or rating areas".

19 18. Page 20, by striking lines 6 and 7 and  
20 inserting the following:

21 "2. "Fund" means the patient catastrophic injury

22 fund established in section 147B.6.”

23 19. Page 20, by striking lines 23 through 30 and

24 inserting the following:

25 “Sec. \_\_\_\_\_. NEW SECTION. 519B.2 INSURANCE PREMIUM  
26 DISTRIBUTIONS.

27 The commissioner shall, on July 1 of each year,”.

28 20. Page 20, by striking lines 47 through 49.

29 21. Page 23, by striking lines 10 through 23 and

30 inserting the following:

31 “Sec. \_\_\_\_\_. An amount not to exceed one hundred  
32 thousand dollars shall be paid out of the patient  
33 catastrophic injury fund to the board of medical  
34 examiners established under chapter 147 for the  
35 purpose of enhancing the board’s administration and  
36 enforcement of the provisions of law relating to those  
37 licensed to practice medicine and surgery, osteopathic  
38 medicine and surgery, and osteopathy.”

39 22. Page 23, lines 39 and 40, by striking the  
40 words “and a health care provider or hospital,”.

41 23. Page 23, line 46, by inserting after the word  
42 “requirements” the following: “regarding claims”.

43 24. Page 24, by striking lines 3 through 7 and  
44 inserting the following: “system to assist in the  
45 resolution of disputes, establishing certain mandatory  
46 reporting requirements for health care providers  
47 regarding acts which may constitute malpractice,  
48 providing for regional pricing of insurance,  
49 establishing a system for the reimbursement of certain  
50 amounts paid for medical liability insurance to ensure

**Page 3**

1 the availability of physicians to all citizens of this  
2 state, establishing a study to determine where the  
3 state is experiencing a shortage of needed medical  
4 services, establishing an effective date, providing  
5 for applicability and establishing penalties.”

6 25. By renumbering as necessary.

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

The House resumed session and consideration of the Senate amendment H—6353 to Senate File 484 at 6:47 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that action on Senate File 484 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—6353 pending.)

## INTRODUCTION OF BILLS

**House File 2470**, by committee on judiciary and law enforcement, a bill for an act 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.

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

**House File 2471**, by committee on ways and means, 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, providing for inspection, 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 **ways and means calendar**.

## SENATE MESSAGES CONSIDERED

**Senate File 2313**, by committee on ways and means, a bill for an act imposing additional hazardous waste fees with civil penalties applicable.

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

**Senate File 2331**, by committee on ways and means, 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 referred to committee on **ways and means**.

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 11th day of April, 1988: House Files 470, 2063, 2127, 2443 and 2444.

**JOSEPH O'HERN**

Chief Clerk of the House

Report adopted.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 11, 1988, he approved and transmitted to the Secretary of State the following bills:

House File 2061, an act to require members of examining boards and board of review to be residents of the assessor jurisdiction.

House File 2129, an act relating to brake requirements for certain trucks and truck tractors.

House File 2166, an act relating to a disclaimer of interest by a beneficiary also acting as a fiduciary.

House File 2168, an act relating to the recording of instruments by a county recorder.

House File 2247, 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.

House File 2259, an act to permit persons who rebuild motor vehicles into emergency vehicles to be licensed as wholesalers.

House File 2263, an act relating to the use of the Iowa state industries revolving fund.

House File 2265, an act relating to reports to be submitted by superintendents of correctional institutions to the director of the department of corrections.

House File 2287, 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.

House File 2363, an act relating to the control of certain parasitic infestations common to bees by the state apiarist.

House File 2388, an act relating to the petition signatures required to call an election to fill a vacancy in an elective city office.

House File 2427, an act to repeal certain health-related regulation responsibilities of the department of agriculture and land stewardship.



Senate File 2050, an act appropriating funds to the office of the attorney general to fund the legal assistance for farmers program and providing an effective date.

Senate File 2090, an act authorizing the provision of law enforcement administrative services by agreement between a county and a city and providing an effective date.

Senate File 2129, an act relating to the issuance of warrants for drainage improvements.

Senate File 2142, an act relating to recording, without fee, an acknowledgment of a mortgage foreclosure decree.

Senate File 2167, an act relating to definition and regulation of tip-up fishing devices, and providing a penalty.

Senate File 2174, 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.

Senate File 2202, 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.

Senate File 2216, 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.

### PROOF OF PUBLICATION (House File 2470)

Published copy of House File 2470 and verified proof of publication of said bill in the following newspapers printed and published in the following counties on the dates listed was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House:

The Tipton Conservative and Advertiser, Cedar County, March 18, 1988;

The Delaware County Leader, Delaware County, February 17, 1988;

The Traer Star-Clipper, Tama County, February 11, 1988;

The Ogden Reporter, Boone County, February 10, 1988;

The Enterprise, Marshall County, March 16, 1988;

The Anita Tribune, Cass County, February 11, 1988;

The North Scott Press, Scott County, February 17 and 24, 1988;

The Preston Times, Jackson County, February 10, 1988;

The West Liberty Index, Muscatine County, February 11, 1988;

The Maquoketa Sentinel-Press, Jackson County, February 10, 1988;

The Story City Herald, Story County, March 16, 1988;

The Cedar Valley Daily Times, Benton County, February 5, 1988;  
 The Upper Des Moines, Kossuth County, February 10, 1988;  
 The Dysart Reporter, Tama County, February 11, 1988;  
 The Guthrie County Vedette, Guthrie County, February 25, 1988;  
 The Osceola County Gazette-Tribune, Osceola County, February 11, 1988;  
 The South Hamilton Record-News, Hamilton County, February 11, 1988;  
 The Whittimore Champion, Kossuth County, March 17, 1988;  
 The Laurens Sun, Pocahontas County, February 25, 1988;  
 The Globe-Free Press, Greene County, February 18, 1988;  
 The Grundy Register, Grundy County, March 24, 1988.

### PRESENTATION OF VISITORS

Fey of Scott presented to the House Robert and Donna Shaw, Davenport, 1988 Iowa Small Business Persons of the Year.

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

Thirty fifth grade students from Crossroads Park Grade School, West Des Moines; fifty fifth grade students from Rex Mathes Elementary School, West Des Moines, accompanied by Thalya Hanson; thirty fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Mary Burns, all by Carpenter of Polk.

Thirty sixth grade students from Gladbrook Elementary School, Gladbrook, accompanied by Ms. Schwarck. By Svoboda of Tama.

### 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

- |         |   |
|---------|---|
| 1988-43 | Maude Krouse, Rock Rapids Health Centre – Recognition for attaining her 104th birthday April 7, 1988.   |
| 1988-44 | Abraham Lincoln High School, Council Bluffs – Receiving the 1987-88 Iowa FINE Schools Recognition Projects award.   |
| 1988-45 | Woodrow Wilson Junior High School, Council Bluffs – Receiving the 1987-88 Iowa FINE Programs Recognition Project award for "In-House Alternative Program for High-Risk Junior High Students." |

- 1988-46 James B. Rue Elementary School, Council Bluffs — Receiving the 1987-88 Iowa FINE Programs Recognition Project award for "Teacher Assistant Teams."
- 1988-47 The City of Cumming, Iowa — Celebrating its Centennial anniversary July 1 through 3, 1988.
- 1988-48 The Renwick Public Library, Renwick — Recognition for 25 years of service to the Renwick community.
- 1988-49 Eldon L. Schroder, Sioux City — Receiving the 1988 Distinguished Service Award by the Commission of Persons with Disabilities.
- 1988-50 LONG LINES LTD., Sergeant Bluff — Receiving the 1988 Distinguished Service Award by the Commission of Persons with Disabilities.

### 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 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-6370** April 11, 1988.

**Senate File 2322**, a bill for an act relating to and making appropriations for the compensation and benefits for public officials and employees.

Fiscal Note is not required.

Recommended **Do Pass** April 11, 1988.

**Committee Bill**, relating to and making appropriations directly from the state general fund for purposes of the military service tax credit and payment of the franchise tax to local governments, and to the division of job service of the department of employment services as a supplemental appropriation for the fiscal year ending June 30, 1988, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 11, 1988.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 2429), 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 **Amend and Do Pass** April 11, 1988.

**Committee Bill** (Formerly House Study Bill 834), 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.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 11, 1988.

**Committee Resolution**, a concurrent resolution relating to the creation of an interim study committee to look at the present process by which capital projects are selected and financed and to consider and make recommendations on changes in that process or on the various methods to finance state and local capital projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 1988.

## RESOLUTIONS FILED

**HCR 128**, by committee on ways and means, a concurrent resolution relating to the creation of an interim study committee to look at the present process by which capital projects are selected and financed and to consider and make recommendations on changes in that process or on the various methods to finance state and local capital projects.

Laid over under **Rule 25**.

**HCR 129**, by Hummel, a concurrent resolution directing the Iowa Department of Education to develop a model policy for the handling of child abuse reports by schools, as required by statute.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-6354	H.F.	2447	Jochum of Dubuque
H-6356	H.F.	2463	Schnekloth of Scott
H-6357	H.F.	2412	De Groot of Lyon
H-6358	S.F.	323	Senate Amendment
H-6359	H.F.	2396	Senate Amendment
H-6360	H.F.	2463	Schnekloth of Scott
H-6361	H.F.	2386	Connolly of Dubuque
H-6362	S.F.	2321	Connolly of Dubuque

H-6366	S.F.	2130	Van Camp of Scott
H-6367	S.F.	2263	Holveck of Polk Lundby of Linn Neuhauser of Johnson Hatch of Polk Osterberg of Linn
H-6368	H.F.	2447	Mullins of Kossuth Haverland of Polk
H-6369	H.F.	2428	Senate Amendment
H-6370	S.F.	2321	Committee on Appropriations
H-6371	H.F.	2457	Senate Amendment
H-6372	S.F.	2321	Peterson of Carroll
H-6373	H.F.	2400	Blanshan of Greene Swartz of Marshall
H-6374	S.F.	2321	Running of Linn
H-6375	H.F.	2278	Senate Amendment
H-6376	S.F.	2169	Beatty of Warren
H-6377	H.F.	2447	Jochum of Dubuque
H-6378	S.F.	2321	Jochum of Dubuque
H-6379	H.F.	2447	Haverland of Polk
H-6380	H.F.	2419	Senate Amendment
H-6381	H.F.	2326	Parker of Jasper Skow of Guthrie

On motion by Arnould of Scott, the House adjourned at 6:50 p.m., until 9:00 a.m., Tuesday, April 12, 1988.

# JOURNAL OF THE HOUSE

Ninety-third Calendar Day — Sixty-second Session Day

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

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

Prayer was offered by the Reverend Kirk Stump, pastor of the Atlantic United Methodist Church, Atlantic.

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

## PETITIONS FILED

The following petitions were received and placed on file:

By Pavich of Pottawattamie, from five hundred fifty-six constituents of southwest Iowa opposing any increase in beer, wine or liquor taxing measures.

By Royer of Page, from fifty-five constituents opposing any increase in beer, wine or liquor taxing measures.

By Van Camp of Scott, from twenty-seven constituents favoring the belief that any employee injured in the course of employment should have the absolute right to choose the doctor of their own choice.

## SENATE MESSAGE CONSIDERED

**Senate File 2330**, by committee on appropriations, a bill for an act relating to the provision of certain services to persons with mental retardation, a developmental disability, or mental illness.

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

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2328, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED  
(Senate File 2314)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2314: Pavich of Pottawattamie, chair; Jochum of Dubuque, Cohoon of Des Moines, Platt of Muscatine and Beaman of Clarke.

SENATE AMENDMENT CONSIDERED

Connolly of Dubuque called up for consideration **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, amended by the Senate amendment H-6348 as follows:

H-6348

- 1 Amend House File 2386, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 9 and
- 4 inserting the following:
- 5 "Section 1. Section 7C.4A, subsection 2, Code
- 6 Supplement 1987, is amended to read as follows:
- 7 2. Twelve percent of the state ceiling shall be
- 8 allocated to bonds issued to carry out programs
- 9 established under chapters 280A, 280B, and 280C.
- 10 However, at any time during the calendar year the
- 11 director of the Iowa department of economic
- 12 development may determine that a lesser amount need be
- 13 allocated and on that date this lesser amount shall be
- 14 the amount allocated for those programs and the excess
- 15 shall be allocated under subsection 6. For the fiscal
- 16 years beginning July 1, 1988, and July 1, 1989, no
- 17 amount of the state ceiling shall be allocated under
- 18 this subsection to a program under chapter 280B
- 19 providing training funds to a project for a business
- 20 which the board of directors of the area school
- 21 determines to have a high turnover rate for its jobs
- 22 in comparison to businesses of a similar type or
- 23 nature based upon published standards adopted by the
- 24 Iowa department of economic development. The
- 25 standards shall be adopted and published by July 1,
- 26 1988, and shall be revised, if necessary, on July 1,
- 27 1989."
- 28 2. Page 1, line 21, by inserting after the word
- 29 "shall" the following: "make a good faith effort to".
- 30 3. Page 1, line 23, by inserting after the word
- 31 "shall" the following: "make a good faith effort to".
- 32 4. Page 2, line 19, by inserting after the word

33 "assistance." the following: "The department shall  
34 make a good faith effort to compile this information."

35 5. Page 2, line 25, by inserting after the word  
36 "state" the following: "or the economic development  
37 area".

38 6. Page 2, line 26, by inserting after the word  
39 "Iowa" the following: "or the economic development  
40 area".

41 7. Page 2, by inserting after line 28 the follow-  
42 ing:

43 "(8) A business that has an average hourly wage  
44 for a majority of its employees of less than five  
45 dollars fifty cents is disqualified from receiving  
46 assistance.

47 (9) A business that does not provide health  
48 insurance coverage to its employees shall lose three  
49 points in making the computations for determining  
50 assistance.

#### Page 2

1 (10) Not more than two hundred fifty thousand  
2 dollars may be provided as a grant unless the Iowa  
3 economic development board unanimously approves a  
4 grant in excess of that amount, but in no case may a  
5 grant exceed one million dollars.

6 (11) A business awarded a grant that does not  
7 create at least fifty percent of the expected jobs  
8 within two years of the awarding of the grant shall  
9 repay the full amount of the grant within six months  
10 of the end of the two-year period.

11 (12) A business that is a FORTUNE 500 company  
12 shall be given a low priority for providing  
13 assistance.

14 (13) The point rankings of the proposed projects  
15 shall be public information. If assistance is awarded  
16 to a project which has a ranking below that of  
17 proposed projects denied assistance, an explanation of  
18 the reason why one was approved over the other shall  
19 be written up and shall accompany the point rankings  
20 as public information."

21 8. Page 3, line 24, by inserting after the word  
22 "shall" the following: "make a good faith effort to".

23 9. Page 3, line 26, by inserting after the word  
24 "shall" the following: "make a good faith effort to".

25 10. Page 4, line 22, by inserting after the word  
26 "assistance." the following: "The department shall  
27 make a good faith effort to compile this information."

28 11. Page 4, line 28, by inserting after the word  
29 "state" the following: "or the economic development  
30 area".

31 12. Page 4, line 29, by inserting after the word



32 "Iowa" the following: "or the economic development  
33 area".

34 13. Page 4, by inserting after line 31 the  
35 following:

36 "8. A business that has an average hourly wage for  
37 a majority of its employees of less than five dollars  
38 fifty cents is disqualified from receiving assistance.

39 9. A business that does not provide health  
40 insurance coverage to its employees shall lose three  
41 points in making the computations for determining  
42 assistance.

43 10. A city or county that applies for a grant for  
44 a project shall specify the expected jobs to be  
45 created within the first year following completion of  
46 the project. If the project does not create at least  
47 fifty percent of the expected jobs within two years of  
48 the awarding of the grant, the city or county shall  
49 repay the full amount of the grant within six months  
50 of the end of the two-year period.

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1 11. A business that is a FORTUNE 500 company shall  
2 be given a low priority for providing assistance.

3 12. The point rankings of the proposed projects  
4 shall be public information. If assistance is awarded  
5 to a project which has a ranking below that of  
6 proposed projects denied assistance, an explanation of  
7 the reason why one was approved over the other shall  
8 be written up and shall accompany the point rankings  
9 as public information."

10 14. By renumbering, relettering, or redesignating  
11 and correcting internal references as necessary.

Connolly of Dubuque offered the following amendment H-6361,  
to the Senate amendment H-6348, filed by him:

H-6361

1 Amend the Senate amendment, H-6348, to House File  
2 2386, as passed by the House, as follows:

3 1. Page 1, by striking lines 3 through 27.

4 2. By striking page 1, line 41 through page 2,  
5 line 20.

6 3. By striking page 2, line 34 through page 3,  
7 line 9.

Connolly of Dubuque asked and received unanimous consent that  
House File 2386 be deferred and that the bill retain its place on the  
calendar.

(Amendment H-6361, to the Senate amendment H-6348,  
pending.)

Blanshan of Greene called up for consideration **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 for submittal to the office of disaster services on or before March 1, 1989, by requiring conversion of pay telephones to accept 911 calls without charge, by allowing a local E911 service surcharge, by providing certain liability exemptions in conjunction with the delivery of E911 services, and by providing a limited privacy waiver to permit nonlisted or unpublished numbers to be included in E911 service, amended by the Senate amendment H—6338 as follows:

H—6338

- 1 Amend House File 2400, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 20, by inserting after the figure
- 4 "E911" the following: "equipment,"
- 5 2. Page 2, line 8, by inserting after the word
- 6 "costs" the following: "to be incurred by the joint
- 7 E911 service board".
- 8 3. Page 2, line 11, by striking the words
- 9 "networking, equipment" and inserting the following:
- 10 "network equipment".
- 11 4. Page 2, line 13, by inserting after the word
- 12 "expenditures" the following: ", including the
- 13 purchase or lease of subscriber names, addresses, and
- 14 telephone information from the local exchange service
- 15 provider".
- 16 5. Page 2, line 16, by inserting after the word
- 17 "maintenance" the following: ", including the
- 18 purchase or lease of subscriber names, addresses, and
- 19 telephone information from the local exchange service
- 20 provider".
- 21 6. Page 2, by inserting after line 18, the
- 22 following:
- 23 "Costs are limited to nonrecurring and recurring
- 24 costs directly attributable to the provision of 911
- 25 emergency telephone communication service. Costs do
- 26 not include expenditures for any other purpose, and
- 27 specifically exclude costs attributable to other
- 28 emergency services or expenditures for buildings,
- 29 radios, or personnel."
- 30 7. Page 3, by inserting after line 15, the
- 31 following:
- 32 "11. "Local exchange service provider" means a
- 33 person engaged in providing telecommunications service
- 34 between points within an exchange."
- 35 8. Page 5, by striking lines 11 through 14, and
- 36 inserting the following:
- 37 "4. PARTICIPATION IN JOINT E911 SERVICE BOARD

38 REQUIRED. A political subdivision or state agency  
39 having a public safety agency within its territory or  
40 jurisdiction shall participate in a joint E911 service  
41 board and cooperate in preparing the E911 service  
42 plan."

43 9. Page 6, line 6, by striking the words "for  
44 E911 call retrieval purposes only" and inserting the  
45 following: "for all routing, for automatic retrieval  
46 of location information, and for associated emergency  
47 services".

48 10. Page 6, by inserting after line 6, the  
49 following:

50 "Sec. \_\_\_\_\_. NEW SECTION. 477B.5A REFERENDUM ON

**Page 2**

1 E911 IN PROPOSED SERVICE AREA.

2 1. Before a joint E911 service board may request  
3 imposition of the surcharge by the administrator, the  
4 board shall submit the following question to either  
5 voters or subscribers, as provided in subsection 2, in  
6 the proposed E911 service area, and the question shall  
7 receive a favorable vote from a simple majority of  
8 persons submitting valid ballots on the following  
9 question within the proposed E911 service area:  
10 "Should enhanced 911 emergency telephone service be  
11 funded, in whole or in part, by a surcharge of (up to  
12 twenty-five cents) per month per telephone access line  
13 collected as part of each telephone subscriber's  
14 monthly phone bill if provided within (description of  
15 the proposed E911 service area)?"

16 2. The referendum required as a condition of the  
17 surcharge imposition in subsection 1 shall be  
18 conducted using one of the following electoral  
19 mechanisms at the option of the joint E911 service  
20 board:

21 a. A local exchange access company providing  
22 service to subscribers within the proposed E911  
23 service area shall provide the name and address of  
24 each subscriber to be served to the joint E911 service  
25 board proposing to provide E911 service. The names  
26 and addresses may be used by the joint E911 service  
27 board for the purpose of mailing referendum ballots.  
28 Ballots shall be returned to the subscriber's county  
29 commissioner of elections who shall report the results  
30 to the joint E911 service board. The joint E911  
31 service board shall compile the results if subscribers  
32 from more than one county are included within the  
33 proposed service area. The board shall announce  
34 whether a simple majority of subscribers submitting  
35 valid ballots within the proposed E911 service area  
36 approved the referendum question. A subscriber may

37 only vote once.

38 b. At the request of the joint E911 service board  
39 a county commissioner of elections shall include the  
40 question on the next eligible election ballot in each  
41 electoral precinct to be served, in whole or in part,  
42 by the proposed E911 service area. The question may  
43 be included in the next election in which all of the  
44 voters in the proposed E911 service area will be  
45 eligible to vote on the same day, such as a primary,  
46 general, or school board election. The county  
47 commissioner of elections shall report the results to  
48 the joint E911 service board. The joint E911 service  
49 board shall compile the results if subscribers from  
50 more than one county are included within the proposed

**Page 3**

1 service area. The joint E911 service board shall  
2 announce whether a simple majority of the compiled  
3 votes reported by the commissioner approved the  
4 referendum question.

5 3. The secretary of state, in consultation with  
6 the administrator of the office of disaster services  
7 of the department of public defense, shall adopt rules  
8 for the conduct of joint E911 service referendums as  
9 required by and consistent with subsections 1 and 2."

10 11. Page 6, by inserting after line 8, the  
11 following:

12 "When an E911 service plan is implemented, the  
13 costs of providing E911 service within an E911 service  
14 area are the responsibility of the joint E911 service  
15 board and the member political subdivisions. Costs in  
16 excess of the amount raised by imposition of the E911  
17 service surcharge provided for under subsection 1,  
18 shall be paid by the joint E911 service board from  
19 such revenue sources allocated among the member  
20 political subdivisions as determined by the joint E911  
21 service board. Funding is not limited to the  
22 surcharge, and surcharge revenues may be supplemented  
23 by other permissible local and state revenue sources."

24 12. Page 6, line 10, by striking the word  
25 "Funding" and inserting the following: "To encourage  
26 local implementation of E911 service, one source of  
27 funding".

28 13. Page 6, by striking lines 11 and 12, and  
29 inserting the following: "systems shall come from a  
30 surcharge of twenty-five cents, per month, per access  
31 line on each access line subscriber, except as  
32 provided in".

33 14. Page 6, line 32, by inserting after the word  
34 "collected." the following: "If the compensation is  
35 insufficient to fully recover a provider's costs for

36 billing and collection of the surcharge, the  
 37 deficiency shall be included in the provider's costs  
 38 for ratemaking purposes to the extent it is reasonable  
 39 and just under section 476.6."

40 15. Page 6, lines 34 and 35, by striking the  
 41 words "within thirty days of collection of the  
 42 surcharge" and inserting the following: "quarterly".

43 16. Page 7, line 5, by inserting after the word  
 44 "surcharge" the following: "The E911 service  
 45 surcharge is not subject to sales or use tax."

46 17. Page 7, line 6, by inserting after the word  
 47 "SUBSCRIBER" the following: "BILLING".

48 18. Page 7, line 7, by inserting after the word  
 49 "pay" the following: "on a single periodic billing".

50 19. Page 7, line 9, by inserting after the word

#### Page 4

1 "equivalent" the following: ", in an E911 service  
 2 area. A subscriber shall pay the surcharge in each  
 3 E911 service area in which the subscriber receives  
 4 access line service".

5 20. Page 7, line 10, by striking the words  
 6 "operating authority" and inserting the following:  
 7 "joint E911 service board".

8 21. Page 8, line 3, by striking the words "ten  
 9 cents" and inserting the following: "twenty-five  
 10 cents".

11 22. Page 8, line 5, by striking the words  
 12 "increase the fee" and inserting the following: ",  
 13 upon application of the joint E911 service board,  
 14 increase the surcharge".

15 23. Page 8, line 8, by striking the words "ten  
 16 cents" and inserting the following: "twenty-five  
 17 cents".

18 24. Page 8, line 9, by inserting after the word  
 19 "year" the following: ", upon one hundred days' prior  
 20 notice to the provider".

21 25. Page 8, line 15, by inserting after the word  
 22 "service" the following: ", unless the act or  
 23 omission is determined to be willful and wanton  
 24 negligence".

25 26. Page 8, by inserting after line 15, the  
 26 following:

27 "Sec. \_\_\_\_\_. NEW SECTION. 477B.7 LOCAL EXCHANGE  
 28 SERVICE INFORMATION.

29 1. A local exchange service provider shall furnish  
 30 to the E911 service provider, designated by the joint  
 31 E911 service board, all names, addresses, and  
 32 telephone number information concerning its  
 33 subscribers which will be served by the E911 system  
 34 and shall periodically update the local exchange

35 service information. The local exchange service  
 36 provider shall receive as compensation for the  
 37 provision of local exchange service information  
 38 charges according to its tariffs on file with and  
 39 approved by the Iowa utilities board. The tariff  
 40 charges shall be the same whether or not the local  
 41 exchange service provider is designated as the E911  
 42 service provider by the joint E911 service board.

43 2. Subscriber information remains the property of  
 44 the local exchange service provider.

45 The joint E911 service board, the designated E911  
 46 provider, and the public safety answering point, their  
 47 agents, employees, and assigns shall use local  
 48 exchange service information provided by the local  
 49 exchange service provider solely for the purposes of  
 50 providing E911 emergency telephone service, and it

**Page 5**

1 shall otherwise be kept confidential. A person who  
 2 violates this section is guilty of a simple  
 3 misdemeanor.

4 This chapter does not require a local exchange  
 5 service provider to sell or provide its subscriber  
 6 names, addresses, or telephone number information to  
 7 any person other than the E911 service provider  
 8 designated by the joint E911 service board.”

9 27. Page 8, by inserting after line 26, the  
 10 following:

11 “Sec. \_\_\_\_\_. This Act, being deemed of immediate  
 12 importance, is effective upon enactment.”

13 28. Title page, line 9, by inserting after the  
 14 word “service” the following: “providing a penalty,  
 15 and an effective date”.

16 29. By renumbering, relettering, or redesignating  
 17 and correcting internal references as necessary.

Blanshan of Greene offered the following amendment H—6373,  
 to the Senate amendment H—6338, filed by him and Swartz of  
 Marshall and moved its adoption:

**H—6373**

1 Amend the Senate Amendment, H—6338, to House File  
 2 2400, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 1, line 15, by inserting after the word  
 5 “provider” the following: “. The costs of a public  
 6 hearing or referendum conducted pursuant to section  
 7 477B.5A are nonrecurring costs”.

8 2. By striking page 1, line 50, through page 2,  
 9 line 1, and inserting the following:

10 “Sec. \_\_\_\_\_. NEW SECTION. 477B.5A INITIATION OF

11 E911 WITHIN SERVICE AREA.”

12 3. Page 2, by striking lines 4 through 6, and  
13 inserting the following: “board shall elect one of  
14 the review mechanisms provided in subsection 2. If a  
15 referendum is held pursuant to either subsection 2,  
16 paragraph “a” or “b”, the following question shall be  
17 submitted to the voters within the proposed E911  
18 service area, and the question shall”.

19 4. Page 2, by striking lines 16 through 37, and  
20 inserting the following:

21 “2. A joint E911 service board may choose either  
22 one of the following two mechanisms for submitting a  
23 proposed E911 service surcharge to the scrutiny and  
24 approval of the persons to be served:

25 a. The joint E911 service board may publish notice  
26 of a public hearing at which the proposed E911 service  
27 surcharge will be presented for public comment and  
28 review. The board shall publish notice of the public  
29 hearing at least once, not less than four nor more  
30 than twenty days before the date of the hearing, in  
31 one or more newspapers which meet the requirements of  
32 section 618.14. The joint E911 service board shall  
33 submit the question in subsection 1 to the voters only  
34 if the following conditions are satisfied:

35 (1) A petition calling for the question of the  
36 E911 service surcharge to be submitted to a referendum  
37 is submitted to the board within thirty days of the  
38 hearing.

39 (2) The petition must contain the signatures of  
40 twenty-five percent of the voters within the proposed  
41 E911 service area, as determined from the most recent  
42 general election in which either the governor or the  
43 president was elected.

44 If a referendum is required by a successful  
45 petition, the electoral procedure in paragraph “b”  
46 shall be utilized. Otherwise, the board may request  
47 the administrator to impose the surcharge any time  
48 after the expiration of thirty days from the date of  
49 the public hearing.”

50 5. Page 2, line 46, by inserting after the word

**Page 2**

1 “election.” the following: “Notice of the election  
2 shall be published at least once, not less than four  
3 days nor more than twenty days before the date of the  
4 election, in one or more newspapers which meet the  
5 requirements of section 618.14. Notice of an election  
6 shall also comply with section 49.53.”

7 6. Page 3, line 30, by inserting after the word  
8 “of” the following: “up to”.

Roll call was requested by Swartz of Marshall and Blanshan of Greene.

On the question "Shall amendment H—6373, to the Senate amendment H—6338, be adopted?" (H.F. 2400)

The ayes were, 40:

Arnould	Beatty	Bisignano	Blanshan
Brammer	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Dvorsky
Fey	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Haverland
Hermann	Holveck	Jay	Jochum
Johnson	Koenigs	Neuhauser	Norrgard
Ollie	Osterberg	Petersen, D. F.	Platt
Poncy	Rosenberg	Schnekloth	Spear
Swartz	Teaford	Wise	Mr. Speaker

The nays were, 56:

Adams	Beaman	Bennett	Black
Branstad	Carpenter	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Eddie	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Harbor	Hatch
Hester	Hummel	Knapp	Kremer
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Paulin	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Renaud
Renken	Royer	Running	Schrader
Shoning	Shoultz	Siegrist	Skow
Stromer	Stueland	Svoboda	Swearingen
Tabor	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 4:

Doderer	Lageschulte	Parker	Sherzan
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Amendment H—6373 lost.

On motion by Blanshan of Greene, the House concurred in the Senate amendment H—6338.

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

On the question "Shall the bill pass?" (H.F. 2400)



The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Lageschulte	Ollie	Parker	Platt
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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 REFUSED TO CONCUR

Hammond of Story called up for consideration **Senate File 2310**, a bill for an act relating to and making appropriations to the department of human rights, the department for the blind, the department of elder affairs, and the department of public health, and establishing a division on the status of blacks, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6343 to the House amendment:

H-6343

- 1 Amend the House Amendment, S-5710, to Senate File
- 2 2310, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 39 through 43.
- 5 2. Page 1, by inserting after line 43 the fol-

- 6 lowing:  
 7 "\_\_\_\_\_. Page 5, by inserting after line 35, the  
 8 following:  
 9 "7. For salaries, support, and maintenance of the  
 10 elder law education program.  
 11 .....\$ 100,000" ".  
 12 3. Page 1, by inserting after line 46 the  
 13 following:  
 14 "\_\_\_\_\_. Page 6, by striking line 35 and inserting  
 15 the following:  
 16 "a. For salaries and support of not more than  
 17 fifty-nine full".  
 18 \_\_\_\_\_. Page 7, by inserting after line 3, the  
 19 following:  
 20 "b. For salaries and support of not more than five  
 21 full-time equivalent positions annually, maintenance,  
 22 and miscellaneous purposes:  
 23 .....\$1,000,000  
 24 It is the intent of the general assembly that the  
 25 moneys appropriated under this paragraph shall be used  
 26 for the training of emergency medical services  
 27 personnel at the state, county, and local levels." "  
 28 4. Page 1, by striking lines 47 and 48.  
 29 5. Page 1, by striking lines 49 and 50.  
 30 6. Page 2, by striking lines 7 through 16.  
 31 7. Page 2, by inserting after line 22, the  
 32 following:  
 33 "\_\_\_\_\_. Page 17, line 17, by inserting after the  
 34 figure "1989." the following: "Four thousand (4,000)  
 35 dollars of the moneys appropriated under this section  
 36 shall be used for the payment of interpretation  
 37 services contracted by the division of deaf services  
 38 for the fiscal period beginning July 1, 1988, and  
 39 ending June 30, 1989."  
 40 \_\_\_\_\_. By striking page 18, line 14 through page  
 41 19, line 22."  
 42 8. Page 2, by inserting after line 22, the  
 43 following:  
 44 "\_\_\_\_\_. Page 19, by inserting after line 22 the  
 45 following:  
 46 "Sec. 100. Section 331.424, Code 1987, is amended  
 47 by adding the following new subsection:  
 48 NEW SUBSECTION. 3. For general county services or  
 49 for rural county services, an amount sufficient to  
 50 fund the training of emergency medical services

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- 1 personnel and the acquisition of emergency medical  
 2 services equipment. The levy shall not exceed ten  
 3 cents per thousand dollars of the assessed value of  
 4 all taxable property in the county for general county

5 services, or in the county outside of incorporated  
6 city areas for rural county services. In expenditure  
7 of funds, the board shall meet the standards for  
8 emergency medical services established by the  
9 statewide emergency medical services task force." "

10 9. Page 2, by striking lines 23 through 46.

11 10. By striking page 2, line 47 through page 6,  
12 line 4.

13 11. Page 6, by inserting after line 4, the  
14 following:

15 "\_\_\_\_\_. Page 19, by inserting after line 33, the  
16 following:

17 "DIVISION OF CRIMINAL AND JUVENILE JUSTICE  
18 PLANNING.

19 Sec. \_\_\_\_\_. NEW SECTION. 601K.131 DEFINITIONS.

20 For the purpose of this subchapter, unless the  
21 context otherwise requires:

22 1. "Council" means the criminal and juvenile  
23 justice advisory council.

24 2. "Division" means the division of criminal and  
25 juvenile justice planning.

26 3. "Administrator" means the administrator of the  
27 division of criminal and juvenile justice planning.

28 Sec. \_\_\_\_\_. NEW SECTION. 601K.132 COUNCIL  
29 ESTABLISHED — TERMS — COMPENSATION.

30 A criminal and juvenile justice advisory council is  
31 established consisting of thirteen members. The  
32 governor shall appoint seven members each for a four-  
33 year term beginning and ending as provided in section  
34 69.19 and subject to confirmation by the senate as  
35 follows:

36 1. Three persons, each of whom is a county  
37 supervisor, county sheriff, mayor, city chief of  
38 police, or county attorney.

39 2. Two persons who represent the general public  
40 and are not employed in any law enforcement, judicial,  
41 or corrections capacity.

42 3. Two persons who are knowledgeable about Iowa's  
43 juvenile justice system.

44 The departments of human rights, human services,  
45 corrections, and public safety, the attorney general,  
46 and the chief justice of the supreme court shall each  
47 designate a person to serve on the council.

48 Members of the council shall receive reimbursement  
49 from the state for actual and necessary expenses  
50 incurred in the performance of their official duties.

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1 Members may also be eligible to receive compensation  
2 as provided in section 7E.3.

3 Sec. \_\_\_\_\_. NEW SECTION. 601K.133 DUTIES.

4 The council shall do all of the following:

5 1. Identify issues and analyze the operation and  
6 impact of present criminal and juvenile justice policy  
7 and make recommendations for policy changes.

8 2. Coordinate with data resource agencies to  
9 provide data and analytical information to federal,  
10 state, and local governments, and assist agencies in  
11 the use of criminal and juvenile justice data.

12 3. Report criminal and juvenile justice system  
13 needs to the governor, the general assembly, and other  
14 decision makers to improve the criminal and juvenile  
15 justice system.

16 4. Provide technical assistance upon request to  
17 state and local agencies.

18 5. Administer federal funds and funds appropriated  
19 by the state or that are otherwise available for  
20 study, research, investigation, planning, and  
21 implementation in the areas of criminal and juvenile  
22 justice.

23 6. Make grants to cities, counties, and other  
24 entities pursuant to applicable law.

25 Sec. \_\_\_\_\_. NEW SECTION. 601K.134 ADMINISTRATOR.

26 The administrator shall be responsible to the  
27 council, and pursuant to section 601K.2, with the  
28 approval of the council, shall employ and supervise  
29 other persons necessary to carry out the programs and  
30 policies established by the council.

31 Sec. \_\_\_\_\_. NEW SECTION. 601K.135 PLAN AND REPORT.

32 Beginning in 1989, and every five years thereafter,  
33 the division shall develop a twenty-year criminal and  
34 juvenile justice plan for the state which shall  
35 include ten-year, fifteen-year, and twenty-year goals  
36 and a comprehensive five-year plan for criminal and  
37 juvenile justice programs. The five-year plan shall  
38 be updated annually and each twenty-year plan and  
39 annual updates of the five-year plan shall be  
40 submitted to the governor and the general assembly by  
41 February 1.

42 Sec. \_\_\_\_\_. NEW SECTION. 601K.136 STATISTICAL  
43 ANALYSIS CENTER.

44 The division shall maintain an Iowa statistical  
45 analysis center for the purpose of coordinating with  
46 data resource agencies to provide data and analytical  
47 information to federal, state, and local governments,  
48 and assist agencies in the use of criminal and  
49 juvenile justice data. The division of criminal and  
50 juvenile justice planning and the statistical analysis

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1 center are considered criminal justice agencies for  
2 the purposes of receiving criminal history data." "

3 12. Page 6, by striking lines 8 through 10 and  
4 inserting the following:

5 "\_\_\_\_\_. Page 22, by striking line 30 and inserting  
6 the following:

7 "7. Division for the blind of criminal and  
8 juvenile justice planning.

9 Sec. \_\_\_\_\_. Section 601K.3, subsection 1, Code 1987,  
10 is amended to read as follows:

11 1. A human rights policy-coordinating council  
12 composed of ~~seven~~ eight members is created within the  
13 department of human rights. The council is composed  
14 of the administrators within the department."

15 \_\_\_\_\_. Page 23, by inserting after line 6, the  
16 following:

17 "Sec. \_\_\_\_\_. Chapter 80C, Code 1987, is repealed."

18 13. Page 6, by inserting after line 10 the  
19 following:

20 "\_\_\_\_\_. Page 23, by inserting after line 6 the  
21 following:

22 "Sec. \_\_\_\_\_. Section 100 of this Act takes effect  
23 July 1, 1990."

24 14. Page 6, by striking lines 11 through 15 and  
25 inserting the following:

26 "\_\_\_\_\_. Title page, by striking lines 4 through 6  
27 and inserting the following: "the department of  
28 public health and establishing a division of criminal  
29 and juvenile justice planning."

30 15. By renumbering, relettering, or redesignating  
31 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-6343.

### SENATE AMENDMENT CONSIDERED

Haverland of Polk called up for consideration **House File 2447**, a bill for an act relating to human services, and making appropriations to the department of human services for the fiscal year beginning July 1, 1988, and ending June 30, 1989 and providing effective dates, amended by the Senate amendment H-6347 as follows:

H-6347

1 Amend House File 2447 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 7, by striking the figure  
4 "45,400,000" and inserting the following:  
5 "48,328,449".

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

8 "5. As a condition, qualification, and limitation  
9 of the appropriation made by this section, there is

10 appropriated from the general fund of the state one  
11 million one hundred seventy-five thousand seven  
12 hundred (1,175,700) dollars to the department for  
13 transfer to the appropriate state agency to be used  
14 for the child development grants under Senate File  
15 2192 if Senate File 2192 is enacted by the Seventy-  
16 second General Assembly, 1988 Session. Grants shall  
17 be awarded on a two-year basis, subject to renewal,  
18 and the funds appropriated in this subsection shall be  
19 for support for the first twelve-month period the  
20 grant is in effect. Grants shall be awarded not later  
21 than January 1, 1989. Notwithstanding section 8.33,  
22 unexpended or unencumbered funds shall not revert to  
23 the general fund, but shall be available for the  
24 purposes set forth in this subsection.

25 6. As a condition, qualification, and limitation  
26 of the appropriation made by this section, there is  
27 appropriated from the general fund of the state six  
28 hundred ninety thousand (690,000) dollars to be used  
29 for the family development and self-sufficiency grant  
30 program under Senate File 2225 if Senate File 2225 is  
31 enacted by the Seventy-second General Assembly, 1988  
32 Session. A grant shall be awarded on a three-year  
33 basis, subject to annual renewal, and the funds  
34 appropriated under this subsection shall be for  
35 support for the first twelve-month period the grant is  
36 in effect. All grants shall be awarded not later than  
37 January 1, 1989. Not more than five percent of the  
38 appropriation shall be used for administration of the  
39 program. Notwithstanding section 8.33, unexpended or  
40 unencumbered funds shall not revert to the general  
41 fund, but shall be available for the purposes set  
42 forth in this subsection.

43 7. As a condition, qualification, and limitation  
44 of the appropriation made by this section, the  
45 schedule of basic needs under the aid to families with  
46 dependent children program is established for one  
47 person at one hundred sixty-nine dollars, for two  
48 persons at three hundred thirty-three dollars, for  
49 three persons at three hundred ninety-four dollars,  
50 for four persons at four hundred fifty-eight dollars,

## Page 2

1 for five persons at five hundred seven dollars, for  
2 six persons at five hundred sixty-four dollars, for  
3 seven persons at six hundred nineteen dollars, for  
4 eight persons at six hundred seventy-six dollars, for  
5 nine persons at seven hundred thirty-one dollars, for  
6 ten persons at seven hundred ninety-nine dollars, and  
7 for each additional person at eighty dollars."

8 3. By striking page 2, line 18 through page 3,

- 9 line 15.
- 10 4. Page 3, line 21 by inserting after the word  
11 "that" the following: "effective July 1, 1988,".
- 12 5. Page 3, line 25, by inserting after the word  
13 "data," the following: "on the condition that  
14 effective January 1, 1989, the basis for establishing  
15 and maintaining the maximum medical assistance rate  
16 for intermediate care facilities shall be the seventy-  
17 fourth percentile of all facility per diems as  
18 calculated from the June 30, 1988, unaudited  
19 compilation of cost and statistical data and that the  
20 minimum number of hours of care per resident of an  
21 intermediate care facility shall be two hours per  
22 resident per day computed on a seven-day week,".
- 23 6. Page 4, line 13, by striking the figure  
24 "148,328,442" and inserting the following:  
25 "163,290,645".
- 26 7. Page 4, line 20, by striking the word "The"  
27 and inserting the following: "As a condition,  
28 qualification, and limitation of the funds  
29 appropriated under this section, the".
- 30 8. Page 4, line 26, by inserting after the word  
31 "organization" the following: "and the cost of the  
32 services shall be billed directly to the medical  
33 assistance program".
- 34 9. Page 5, line 4, by striking the word "The" and  
35 inserting the following: "As a condition,  
36 qualification, and limitation of the funds  
37 appropriated under this section, the".
- 38 10. Page 5, line 8, by striking the word  
39 "Effective" and inserting the following: "As a  
40 condition, qualification, and limitation of the funds  
41 appropriated under this section, effective".
- 42 11. Page 5, line 19, by striking the word  
43 "Payments" and inserting the following: "As a  
44 condition, qualification, and limitation of the funds  
45 appropriated under this section, payments".
- 46 12. Page 6, line 6, by striking the word  
47 "Beginning" and inserting the following: "As a  
48 condition, qualification, and limitation of the funds  
49 appropriated under this section, beginning".
- 50 13. Page 7, line 8, by inserting after the period

**Page 3**

- 1 the following: "Notwithstanding any other provisions  
2 of this Act, the department may transfer funds from  
3 the foster care appropriation to the medical  
4 assistance appropriation if necessary for the purposes  
5 of this subsection."
- 6 14. Page 7, line 9, by striking the word "The"  
7 and inserting the following: "As a condition,

- 8 qualification, and limitation of the funds  
9 appropriated under this section, the".
- 10 15. Page 7, line 14, by striking the word  
11 "Effective" and inserting the following: "As a  
12 condition, qualification, and limitation of the funds  
13 appropriated under this section, effective".
- 14 16. Page 7, line 23, by striking the word "No"  
15 and inserting the following: "As a condition,  
16 qualification, and limitation of the funds  
17 appropriated under this section, no".
- 18 17. By striking page 7, line 28 through page 8,  
19 line 15, and inserting the following:  
20 "11. As a condition, qualification, and limitation  
21 of this appropriation, the department, with the  
22 approval of the legislative council, may expend not  
23 more than twenty thousand (20,000) dollars to obtain  
24 technical assistance from the national center for  
25 health services research in identifying and examining  
26 state approaches for providing health care services to  
27 uninsured and underinsured persons in the low-income  
28 population."
- 29 18. Page 8, line 16, by striking the word "The"  
30 and inserting the following: "As a condition,  
31 qualification, and limitation of the funds  
32 appropriated under this section, the".
- 33 19. Page 8, line 28, by inserting after the word  
34 "administration." the following: "Of the funds  
35 appropriated under this section, forty-two thousand  
36 (42,000) dollars may be used to contract for the  
37 development of the policies or guidelines or to add an  
38 additional full-time equivalent position for this  
39 purpose. If an additional full-time equivalent  
40 position is added, it is in addition to the positions  
41 authorized under the appropriation for general  
42 administration in this Act."
- 43 20. By striking page 8, line 29 through page 10,  
44 line 17, and inserting the following:  
45 "14. As a condition, qualification, and limitation  
46 of the appropriation made by this section, there is  
47 appropriated from the general fund of the state six  
48 hundred eight thousand (608,000) dollars, or so much  
49 thereof as is necessary to the department, effective  
50 on January 1, 1989, for medical assistance to all

**Page 4**

- 1 pregnant women and infants under one year of age whose  
2 income does not exceed one hundred fifty percent of  
3 the federal nonfarm poverty level, and for children up  
4 to age five on an incremental basis whose income does  
5 not exceed one hundred percent of the federal nonfarm  
6 poverty level, for salaries, support, and



7 miscellaneous purposes.

8 a. The department shall expend the funds  
9 appropriated under this section for not more than  
10 three full-time equivalent positions in the field at a  
11 cost of not more than thirty-seven thousand (37,000)  
12 dollars, for salaries and support for not more than  
13 four full-time equivalent positions in general  
14 administration at a cost of not more than fifty-nine  
15 thousand (59,000) dollars, for systems and fiscal  
16 agent development at a cost of no more than twenty-  
17 five thousand (25,000) dollars, and for payment of  
18 medical benefits at a cost of no more than four  
19 hundred eighty-seven thousand (487,000) dollars.  
20 These positions are in addition to the positions  
21 authorized under the appropriations for community  
22 services and general administration in this Act.

23 b. As a condition, qualification, and limitation  
24 of the funds appropriated under this section, resource  
25 limitations shall be five thousand dollars for a one  
26 person household and seven thousand five hundred  
27 dollars for a family of two or more persons. Pregnant  
28 women shall have resources considered according to the  
29 standards for computing resources under the  
30 supplemental security income program. Infants and  
31 children shall have resources considered in accordance  
32 with the standards for computing resources under the  
33 aid to families with dependent children program.  
34 Pregnant women, infants, and children shall have  
35 income considered in accordance with standards under  
36 the aid to families with dependent children program.  
37 All other medical assistance program requirements  
38 apply. Upon implementation, phased-in coverage for  
39 children shall begin with children up to age two and  
40 shall be continued through January 1, 1992.

41 c. For persons who do not have a spend-down  
42 requirement under the medically needy program, the  
43 department shall set the length of the certification  
44 period at the length authorized by federal  
45 regulations.

46 d. As a condition, qualification, and limitation  
47 of the funds appropriated under this section, the  
48 department shall report, in each month of the fiscal  
49 year, to the fiscal committee of the legislative  
50 council regarding the expenditure of the funds for the

**Page 5**

1 implementation of the medical assistance program for  
2 pregnant women, infants, and children and the  
3 additional full-time equivalent positions authorized  
4 for this purpose under this section. The report shall  
5 detail the number of additional authorized positions

6 which have been filled, describe problems encountered  
7 in filling the positions, and assess the impact of the  
8 additional positions upon the quality of services  
9 provided to the targeted persons. If the department  
10 is caused to reduce expenditures because of an  
11 unanticipated reduction in federal funding, or the  
12 average base salary and support cost in staffing is  
13 greater than anticipated, or the staff vacancy factor  
14 is lower than anticipated, the department shall fill  
15 the additional full-time equivalent positions by  
16 reducing other expenditures.

17 15. As a condition, qualification, and limitation  
18 of the funds appropriated under this section, the  
19 department, in cooperation with the Iowa department of  
20 public health, shall apply for federal waivers for the  
21 provision of case management services, homemaker/home  
22 health aide services and personal care services, adult  
23 day health services, habilitation services, and  
24 respite care under the medical assistance program  
25 pursuant to provision of the federal Omnibus Budget  
26 Reconciliation Act of 1987, Pub. L. No. 100-203."

27 21. Page 10, by striking lines 18 through 25.

28 22. Page 10, line 31, by striking the figure  
29 "2,471,000" and inserting the following: "2,527,045".

30 23. Page 11, by striking lines 2 through 16.

31 24. Page 12, line 8, by striking the word "The"  
32 and inserting the following: "As a condition,  
33 qualification, and limitation of the funds  
34 appropriated under this section, the".

35 25. Page 12, line 28, by striking the words  
36 "three point twenty-five" and inserting the following:  
37 "five point five".

38 26. Page 12, line 35, by striking the figure  
39 "31,863,000" and inserting the following:  
40 "31,890,603".

41 27. Page 13, line 1, by striking the word "The"  
42 and inserting the following: "As a condition,  
43 qualification, and limitation of the funds  
44 appropriated under this section, the".

45 28. Page 13, by striking lines 8 and 9 and  
46 inserting the following: "dollars, and a vacancy  
47 factor of four percent. The department shall seek".

48 29. Page 13, lines 26 and 27, by striking the  
49 words "ninety-five point twenty-five" and inserting  
50 the following: "ninety-seven point five".

#### Page 6

1 30. Page 13, by inserting after line 29 the  
2 following:

3 "3. As a condition, qualification, and limitation  
4 of the funds appropriated under this section, the

5 department shall not place any orders for computer  
6 terminals and other hardware related to the family  
7 assistance management information system project and  
8 shall not take delivery of any terminals or hardware  
9 previously ordered, when the general assembly is not in  
10 session without receiving approval from the  
11 legislative council after notification to the fiscal  
12 committee and the membership of the human services  
13 appropriations subcommittee.

14 4. As a condition, qualification, and limitation  
15 of the funds appropriated under this section, the  
16 department shall identify the amount of the state  
17 funds and federal block grant funds saved under this  
18 appropriation and the amount of additional federal  
19 funds gained as a result of the case management  
20 provided under section 19, subsection 1, of this Act  
21 and transfer the total of the amounts to the funds  
22 appropriated under section 19 to provide enhanced  
23 mental health, mental retardation, and developmental  
24 disabilities services."

25 31. Page 14, line 11, by striking the word "The"  
26 and inserting the following: "As a condition,  
27 qualification, and limitation of the funds  
28 appropriated under this section, the".

29 32. Page 14, by striking lines 19 and 20 and  
30 inserting the following: "percent. The department  
31 shall seek additional funds through supplemental".

32 33. Page 15, by striking line 6 and inserting the  
33 following:

34 "As a condition, qualification, and limitation of  
35 the funds appropriated under this section, eighteen".

36 34. Page 15, line 11, by inserting after the word  
37 "hospitals." the following: "The position is in  
38 addition to the other positions authorized under this  
39 section."

40 35. Page 16, by striking line 1 and inserting the  
41 following:

42 "1. As a condition, qualification, and limitation  
43 of the funds appropriated under this section, eight".

44 36. Page 16, by striking line 13 and inserting  
45 the following:

46 "2. As a condition, qualification, and limitation  
47 of the funds appropriated under this section, such  
48 funds shall be used to".

49 37. Page 16, by striking lines 22 and 23 and  
50 inserting the following:

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1 "3. As a condition, qualification, and limitation  
2 of the funds appropriated under this section, the  
3 juvenile institution at Eldora shall maintain an

4 average of two".

5 38. By striking page 17, line 23 through page 18,  
6 line 35.

7 39. Page 19, by inserting after line 9 the  
8 following:

9 "The state hospital-schools may exceed the  
10 specified number of full-time equivalent positions if  
11 the additional positions are specifically related to  
12 licensing, certification, or accreditation standards,  
13 or citations. The department shall notify the  
14 legislative fiscal bureau if the specified number is  
15 exceeded. The notification shall include an estimate  
16 of the number of full-time equivalent positions added  
17 and the fiscal effect of the addition."

18 40. Page 19, by inserting after line 19 the  
19 following:

20 "The state mental health institutes may exceed the  
21 specified number of full-time equivalent positions if  
22 the additional positions are specifically related to  
23 licensing, certification, or accreditation standards,  
24 or citations. The department shall notify the  
25 legislative fiscal bureau if the specified number is  
26 exceeded. The notification shall include an estimate  
27 of the number of full-time equivalent positions added  
28 and the fiscal effect of the addition."

29 41. Page 19, line 26, by striking the words  
30 "forty-two point thirteen" and inserting the  
31 following: "sixty-one point twenty-eight".

32 42. Page 19, by striking lines 28 through 34 and  
33 inserting the following: "the sixty new beds are  
34 phased into operation and salary and support is  
35 provided for not more than nineteen point fifteen  
36 full-time equivalent positions for this purpose:  
37 ..... \$ 23,181,000.

38 As a condition, qualification, and limitation of  
39 the funds appropriated by this section, five hundred  
40 thousand (500,000) dollars, or so much thereof as is  
41 necessary, shall be used to phase in and staff new  
42 beds at the Iowa veterans home; however, if federal or  
43 private per diem rates paid to the home exceed the  
44 rates budgeted for the fiscal year, then the amount of  
45 unplanned revenue from the increased rates shall be  
46 used first."

47 43. Page 20, by inserting after line 3 the  
48 following:

49 "The Iowa veterans home may exceed the specified  
50 number of full-time equivalent positions if the

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1 additional positions are specifically related to  
2 licensing, certification, or accreditation standards,

3 or citations. The department shall notify the  
4 legislative fiscal bureau if the specified number is  
5 exceeded. The notification shall include an estimate  
6 of the number of full-time equivalent positions added  
7 and the fiscal effect of the addition."

8 44. Page 20, line 10, by striking the figure  
9 "3,330,000" and inserting the following: "3,205,000".

10 45. Page 20, line 16, by striking the words  
11 "administrative support and for" and inserting the  
12 following: "enhanced mental health, mental  
13 retardation, and developmental disabilities  
14 services:".

15 46. Page 20, by striking line 17.

16 47. Page 20, line 18, by striking the figure  
17 "1,000,000" and inserting the following: "1,300,000".

18 48. By striking page 20, line 19 through page 22,  
19 line 4 and inserting the following:

20 "1. For purposes of this section, "candidate  
21 services" means rehabilitation services, day  
22 treatment, partial hospitalization, behavior  
23 management, and case management. Case management  
24 shall be limited to persons with mental retardation, a  
25 developmental disability, or chronic mental illness.

26 Effective October 1, 1988, the department shall add  
27 candidate services to the state Title XIX plan.

28 2. The county of legal settlement shall be billed  
29 for fifty percent of the nonfederal share of the cost  
30 of candidate services provided under the medical  
31 assistance program for persons with mental  
32 retardation, a developmental disability or chronic  
33 mental illness.

34 3. By using the general allocation application for  
35 the state community mental health and mental  
36 retardation services fund under section 225C.10, the  
37 department, with the agreement of each county, shall  
38 establish the actual amount expended by each county  
39 for persons with mental retardation, a developmental  
40 disability, or chronic mental illness in the fiscal  
41 year which ended on June 30, 1987, and this amount  
42 shall be deemed each county's maintenance of effort.  
43 A disagreement between the department and a county as  
44 to the actual amount spent in a category shall be  
45 decided by the state mental health and mental  
46 retardation commission. A county is responsible to  
47 continue to pay at least the agreed upon amount in  
48 fiscal year 1988-1989 for services to persons with  
49 mental retardation, a developmental disability, or  
50 chronic mental illness. If a county does not spend

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1 the agreed upon amount in a fiscal year, the balance  
2 not spent shall not revert to the general fund of the  
3 county, but shall be carried over to the next fiscal  
4 year to be expended for the provision of services to  
5 persons with mental retardation, a developmental  
6 disability, or mental illness including, but not  
7 limited to, the chronically mentally ill, and shall be  
8 used as additional funds. The additional funds shall  
9 be used, to the greatest extent possible, to meet  
10 unmet needs of persons with mental retardation, a  
11 developmental disability, or mental illness. This  
12 subsection does not relieve the county from any other  
13 funding obligations required by law, including but not  
14 limited to the obligations in section 222.60.

15 4. a. Notwithstanding section 8.33, funds  
16 appropriated under this section which are not  
17 obligated or expended, shall not revert to the general  
18 fund on June 30, 1989, but shall be deposited in the  
19 state community mental health and mental retardation  
20 services fund for use in the next fiscal year. It is  
21 the intent of the general assembly that the funds  
22 deposited in the fund for this purpose shall be used  
23 in addition to moneys appropriated in the next fiscal  
24 year for this purpose.

25 b. Notwithstanding section 8.39, funds  
26 appropriated to the department for the state hospital-  
27 schools by section 15 of this Act and to the state  
28 mental health institutes by section 16 of this Act  
29 shall not be subject to transfer, except to the state  
30 community mental health and mental retardation  
31 services fund after January 1, 1989, subsequent to a  
32 reevaluation of the institutional budgets for the  
33 remainder of the fiscal year.

34 c. Funds deposited in or transferred to the state  
35 community mental health and mental retardation  
36 services fund pursuant to paragraph "a" or "b" may be  
37 allocated by the mental health and mental retardation  
38 commission for the provision of services to  
39 developmentally disabled persons, notwithstanding  
40 contrary provisions of chapter 225C.

41 5. The department, with the agreement of each  
42 county, shall establish the actual amount expended for  
43 each candidate service for persons with mental  
44 retardation, a developmental disability, or chronic  
45 mental illness in the fiscal year which ended June 30,  
46 1987, and this amount shall be deemed each county's  
47 base year expenditure for the candidate service. A  
48 disagreement between the department and a county as to  
49 the actual amount spent shall be decided by the state  
50 mental health and mental retardation commission.

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1 The department, with the agreement of each county,  
2 shall determine the expenditures in the 1988-1989  
3 fiscal year by each county for the candidate services,  
4 including the amount the county contributes under  
5 subsection 2. If the expenditures in the 1988-1989  
6 fiscal year exceed the base year expenditures for  
7 candidate services, then the county shall receive from  
8 the funds under this appropriation the least amount of  
9 the following:

10 a. The difference between the total expenditures  
11 for the candidate services in fiscal year 1988-1989  
12 and the base year expenditures.

13 b. The amount expended by the county under  
14 subsection 2.

15 c. The amount by which the fiscal year 1988-1989  
16 total expenditures under subsection 3 exceed the  
17 maintenance of effort expenditures.

18 6. Case management shall be provided by the  
19 department except when a county or a consortium of  
20 counties contracts to be the provider. A county or  
21 counties may contract to be the provider at any time  
22 within ninety days of the final publication of the  
23 standards for case management in the Iowa  
24 administrative bulletin. The department shall agree  
25 to the contract so long as the contract meets the  
26 standards for case management established by the  
27 department and the criteria for case management as  
28 stated in the state Title XIX plan and rules. The  
29 county or consortium of counties may subcontract for  
30 the provision of case management services so long as  
31 the subcontract meets the same criteria.

32 7. This section does not relieve the county from  
33 any other funding obligations required by law,  
34 including but not limited to the obligations in  
35 section 222.60.

36 8. Nothing in this Act is intended by the general  
37 assembly to be the provision of a fair and equitable  
38 funding formula specified in 1985 Iowa Acts, chapter  
39 249, section 9. Nothing in this Act shall be  
40 construed, is intended, or shall imply a claim of  
41 entitlement to any programs or services specified in  
42 section 225C.28.

43 9. For the purposes of this section only, persons  
44 with organic mental disorders shall not be considered  
45 chronically mentally ill.

46 10. As a limitation of this appropriation, the  
47 funds shall be expended for not more than three full-  
48 time equivalent positions in general administration at  
49 a cost of not more than seventy thousand (70,000)  
50 dollars to administer the analysis of funding amounts

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1 and related issues required under this section. The  
2 positions are in addition to the positions authorized  
3 under the appropriation for general administration in  
4 this Act.

5 11. The legislative council is requested to  
6 appoint a committee staffed by the legislative fiscal  
7 bureau to conduct a study and develop recommendations  
8 regarding a fair and equitable funding formula for  
9 services provided to persons described in section  
10 225C.26. The committee shall study an equitable split  
11 in funding between state and counties, providing  
12 equitable services between population groups, and  
13 providing adequate reimbursement for providers to  
14 assure services are provided. The committee shall  
15 submit a report of the study on or before December 1,  
16 1988."

17 49. Page 22, line 15, by striking the figure  
18 "12,208,400" and inserting the following:  
19 "14,995,600".

20 50. By striking page 22, line 21 through page 24,  
21 line 16, and inserting the following:

22 "Sec. \_\_\_\_\_. BLOCK GRANT SUPPLEMENTATION. There is  
23 appropriated from the general fund of the state for  
24 the fiscal year beginning July 1, 1988, and ending  
25 June 30, 1989, to the department of human services for  
26 supplementation of federal social services block grant  
27 funds and for allocation to the various counties for  
28 the purchase of local services and child day care  
29 services for eligible individuals, the following  
30 amount, or so much thereof as is necessary, on the  
31 condition that the across-the-board cuts currently in  
32 effect are eliminated, followed by a three-percent  
33 increase in the reimbursement rate paid to service  
34 providers funded under this appropriation, as  
35 specified in section 39 of this Act:

36 ..... \$ 6,564,000

37 1. The funds appropriated in this section shall be  
38 allocated to the counties pursuant to the rules of the  
39 department in effect on January 1, 1985. The  
40 department shall increase the income guidelines for  
41 income eligible persons receiving services funded with  
42 federal social services block grant funds for the  
43 fiscal year beginning July 1, 1988, by the same  
44 percentage and at the same time as federal social  
45 security benefits are increased due to a recognized  
46 increase in the cost of living.

47 2. Of the funds appropriated in this section,  
48 three million sixty-four thousand (3,064,000) dollars  
49 shall be for the purchase of local services and three  
50 million five hundred thousand (3,500,000) dollars



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1 shall be for child day care services.

2 3. The department shall not require counties to  
3 match the state child day care services funds with  
4 local funds but shall require that the counties  
5 allocate local funds for child day care services in an  
6 amount at least equal to the county expenditures for  
7 child day care services in the fiscal year ending June  
8 30, 1983. The department shall reallocate state child  
9 day care services funds from counties which do not  
10 qualify for or do not utilize the funds to counties  
11 which do qualify for the funds.

12 4. Any funds allocated for the local purchase of  
13 child care services shall be available for purchase of  
14 services in any type of child care facility approved  
15 under 441 IAC § 170.

16 5. The department shall establish the income  
17 eligibility level for recipients of child day care  
18 services at the equivalent of one hundred twenty-five  
19 percent of the federal office of management and budget  
20 poverty guidelines for families of all sizes.

21 6. If the department determines that funds under  
22 this section for child day care services will not be  
23 fully expended, the department may increase the income  
24 guidelines in order to provide for the expenditure of  
25 all funds under this section for child day care  
26 services.

27 7. A county may deliver the child care services  
28 through a vendor-voucher or purchase of service system  
29 which requires the recipient to contribute to the cost  
30 of the child care in accordance with the sliding fee  
31 schedule currently utilized by the department for  
32 child care services. Allowable child care costs shall  
33 not exceed the rates paid in accordance with the  
34 purchase of service schedule currently utilized by the  
35 department for child care service providers. The  
36 department, after consultation with consumers and  
37 providers of child care, shall adopt rules which  
38 prescribe the usage of vendor-voucher payments. The  
39 county shall keep records of eligible clients and the  
40 services they have received.

41 8. As a condition, qualification, and limitation  
42 of this appropriation, the funds appropriated under  
43 this section shall be expended for not more than six  
44 full-time equivalent positions in the field at a cost  
45 of not more than one hundred seventy-five thousand  
46 (175,000) dollars, and for salary and support for not  
47 more than one full-time equivalent position in general  
48 administration at a cost of not more than twenty-three  
49 thousand (23,000) dollars. The positions are in  
50 addition to the positions authorized under the

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1 appropriations for community services and general  
2 administration in this Act.

3 Sec. \_\_\_\_\_. RESOURCE AND REFERRAL PROGRAMS. There  
4 is appropriated from the general fund of the state for  
5 the fiscal year beginning July 1, 1988, and ending  
6 June 30, 1989, to the department of human services the  
7 following amount, or so much thereof as is necessary,  
8 to be used for allocation in the form of grants to  
9 public agencies and private nonprofit corporations  
10 which provide child and dependent adult care resource  
11 and referral programs:

12 ..... \$ 150,000

13 Individual grants shall not exceed fifty thousand  
14 (50,000) dollars. A program which is allocated  
15 funding shall match funds appropriated with local  
16 funds which may be in the form of private donations,  
17 in-kind contributions, or public funding sources  
18 including block grant local purchase funds. The  
19 department of human services shall adopt rules  
20 pursuant to chapter 17A which establish the criteria  
21 for allocation of grant funds to local resource and  
22 referral programs. Of the funds appropriated in this  
23 section, not more than fifteen thousand (15,000)  
24 dollars may be used for a computerized information and  
25 referral system for children, youth, and families  
26 agencies, organizations, and departments within the  
27 state."

28 51. Page 25, line 15, by inserting after the word  
29 "used" the following: "beginning on or before October  
30 1, 1988,".

31 52. Page 25, lines 19 and 20, by striking the  
32 words "beginning on or before October 1, 1988".

33 53. Page 25, line 21, by striking the figure  
34 "1,600,000" and inserting the following: "2,100,000".

35 54. Page 25, line 29, by striking the word "The"  
36 and inserting the following: "As a condition,  
37 qualification, and limitation of the funds  
38 appropriated under this section, the".

39 55. Page 27, line 14, by striking the figure  
40 "2,002,000" and inserting the following: "2,502,000".

41 56. Page 27, line 24, by striking the figure  
42 "32,378,800" and inserting the following:  
43 "38,247,000".

44 57. By striking page 28, line 30 through page 29,  
45 line 10, and inserting the following:

46 "7. For those children who would otherwise be  
47 eligible for federal title IV-E funding, when a  
48 juvenile court considers ordering a "payment only"  
49 foster care placement, the juvenile court and the  
50 department shall determine whether departmental

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1 custody and placement is feasible. The department  
2 shall record the number of cases which were eligible  
3 for federal title IV-E funding, but were ordered into  
4 "payment only" foster care and report this information  
5 to the legislative fiscal bureau every three months  
6 beginning October 1, 1988. The department and the  
7 state court administrator shall work with the federal  
8 department of health and human services to develop an  
9 agreement between the department and the state court  
10 administrator which would enable the state to receive  
11 federal title IV-E funds for "payment only" cases and  
12 make recommendations to the general assembly as to  
13 legislation required to fulfill the agreement."

14 58. Page 29, line 29, by striking the word "By"  
15 and inserting the following: "As a condition,  
16 qualification, and limitation of the funds  
17 appropriated under this section, by".

18 59. Page 30, by striking line 23 and inserting  
19 the following:

20 "13. As a condition, qualification, and limitation  
21 of the appropriation made under this section, thirty".

22 60. Page 30, by inserting after line 30 the  
23 following:

24 "\_\_\_\_\_. As a condition, qualification, and  
25 limitation of the funds appropriated under this  
26 section, seventy-five thousand (75,000) dollars, or so  
27 much thereof as is necessary, shall be used for grants  
28 under the family support subsidy program as provided  
29 in Senate File 2018 if enacted by the Seventy-second  
30 General Assembly, 1988 Session."

31 61. Page 31, line 4, by striking the word "If"  
32 and inserting the following: "As a condition,  
33 qualification, and limitation of the funds  
34 appropriated under this section, if".

35 62. Page 32, line 27, by inserting after the word  
36 "unit," the following: "in section 30 for subsidized  
37 adoption and purchase of adoption services,".

38 63. Page 34, line 14, by striking the word "The"  
39 and inserting the following: "As a condition,  
40 qualification, and limitation of the appropriation for  
41 general administration, the".

42 64. Page 36, by striking line 21 and inserting  
43 the following: "following: Sections 3, 4, 5, 20, 21,  
44 23, 24, 25, 30, 31, 37, 38, and 39".

45 65. By striking page 36, line 25 through page 40,  
46 line 15.

47 66. Page 40, by inserting before line 16 the  
48 following:

49 "Sec. \_\_\_\_\_. Section 222.73, subsection 2, Code  
50 1987, is amended to read as follows:

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1 2. The superintendent shall certify to the  
2 director of revenue and finance the billings to each  
3 county for services provided to patients chargeable to  
4 the county during the preceding calendar quarter. The  
5 county billings shall be based on the average daily  
6 patient charge and outpatient treatment charges  
7 computed pursuant to subsection 1, and the number of  
8 inpatient days and outpatient treatment service units  
9 chargeable to the county. The county billing for a  
10 patient shall be reduced by an amount received for the  
11 patient's care from any source other than state  
12 appropriated funds. The per diem costs billed to each  
13 county shall not exceed the per diem costs in effect  
14 on July 1, 1988. However, the per diem costs may be  
15 adjusted annually to the extent of the adjustment in  
16 the consumer price index published annually in the  
17 federal register by the federal department of labor,  
18 bureau of labor statistics.

19 Sec. \_\_\_\_\_. Section 230.20, subsection 2, Code  
20 Supplement 1987, is amended to read as follows:

21 2. The superintendent shall certify to the  
22 director of revenue and finance the billings to each  
23 county for services provided to patients chargeable to  
24 the county during the preceding calendar quarter. The  
25 county billings shall be based on the average daily  
26 patient charge and other service charges computed  
27 pursuant to subsection 1, and the number of inpatient  
28 days and other service units chargeable to the county.  
29 However, a county billing shall be decreased by an  
30 amount equal to reimbursement by a third party payor  
31 or estimation of such reimbursement from a claim  
32 submitted by the superintendent to the third party  
33 payor for the preceding calendar quarter. When the  
34 actual third party payor reimbursement is greater or  
35 less than estimated, the difference shall be reflected  
36 in the county billing in the calendar quarter the  
37 actual third party payor reimbursement is determined.  
38 The per diem costs billed to each county shall not  
39 exceed the per diem costs in effect on July 1, 1988.  
40 However, the per diem costs may be adjusted annually  
41 to the extent of the adjustment in the consumer price  
42 index published annually in the federal register by  
43 the federal department of labor, bureau of labor  
44 statistics.

45 Sec. \_\_\_\_\_. STATE BOARD OF REGENTS REPORT. The  
46 state board of regents shall prepare a report  
47 regarding the professional training required to ensure  
48 there are a sufficient number of qualified staff to  
49 deliver the case management services under section 19  
50 of this Act in regard to enhanced mental health,

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- 1 mental retardation, and developmental disabilities
- 2 services. The report shall be submitted to the
- 3 legislative council on or before December 1, 1988.
- 4 Sec. 100. SUPPLEMENTAL APPROPRIATION. There is
- 5 appropriated from the general fund of the state for
- 6 the fiscal year beginning July 1, 1987, and ending
- 7 June 30, 1988, to the department of human services,
- 8 the following amount, or so much thereof as is
- 9 necessary, to supplement the prior appropriation for
- 10 medical assistance to be used for the same purposes
- 11 and to supplement funds appropriated by 1987 Iowa
- 12 Acts, chapter 234, section 203, subsection 2:
- 13 ..... \$ 3,600,000".
- 14 67. Page 41, by inserting after line 6 the
- 15 following:
- 16 "Sec. \_\_\_\_\_. Section 11, subsection 3 of this
- 17 Act takes effect upon enactment."
- 18 68. Page 41, by inserting after line 6 the
- 19 following:
- 20 "Sec. \_\_\_\_\_. EFFECTIVE DATE. Section 100 of this
- 21 Act takes effect upon enactment."
- 22 69. Title page, line 2, by striking the word
- 23 "year" and inserting the following: "years".
- 24 70. Title page, by striking line 3 and inserting
- 25 the following: "July 1, 1987, and July 1, 1988, and
- 26 providing effective".
- 27 71. By renumbering as necessary, including
- 28 renumbering internal references, and renumbering
- 29 internal references in the section of the Act
- 30 pertaining to emergency rulemaking. That section is
- 31 amended by this amendment only to correct internal
- 32 references in this Act, as the Act was amended,
- 33 passed, and reprinted by the House of Representatives.

Haverland of Polk offered the following amendment H—6379, to the Senate amendment H—6347, filed by him and moved its adoption:

**H—6379**

- 1 Amend the Senate amendment, H—6347, to House File
- 2 2447, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, line 31, by inserting after the word
- 5 "and" the following: "effective January 1, 1989,".
- 6 2. Page 2, by inserting after line 33 the
- 7 following:
- 8 "\_\_\_\_\_. Page 4, line 35, by striking the word
- 9 "facilities" and inserting the following:
- 10 "financing","
- 11 3. Page 3, by inserting after line 13 the
- 12 following:

13 " \_\_\_\_\_. Page 7, by striking lines 19 through 22 and  
14 inserting the following: "hundred dollars for a  
15 family of two or more persons." "

16 4. Page 5, line 20, by inserting after the word  
17 "health" the following: "and the department of elder  
18 affairs".

19 5. Page 5, by inserting after line 50 the  
20 following:

21 " \_\_\_\_\_. Page 13, line 29, by inserting after the  
22 word "year." the following: "However, if the state  
23 Title XIX plan amendments for candidate services under  
24 section 19 of this Act are approved by the federal  
25 government, the department may exceed the specified  
26 number of full-time equivalent positions for those  
27 full-time equivalent positions which are funded by  
28 cost savings and additional funds received by the  
29 state pursuant to section 19 of this Act." "

30 6. Page 7, by striking lines 5 and 6 and insert-  
31 ing the following:

32 " \_\_\_\_\_. Page 17, by striking lines 23 through 30  
33 and inserting the following:

34 "Sec. \_\_\_\_\_. It is the intent of the general  
35 assembly that the legislative council establish a  
36 advisory committee to develop a plan for the future  
37 use of the juvenile institutions at Eldora and  
38 Toledo."

39 \_\_\_\_\_. Page 18, line 25, by inserting after the  
40 word "system" the following: ", including  
41 representation of the juvenile court officers, the  
42 courts, the department of human services, the  
43 coalition for children and family services, and the  
44 advisory committees for Toledo and for Eldora". "

45 7. By striking page 8, line 10 through page 11,  
46 line 16 and inserting the following:

47 " \_\_\_\_\_. By striking page 20, line 11 through page  
48 22, line 4, and inserting the following:

49 "Sec. \_\_\_\_\_. ENHANCED MENTAL HEALTH – MENTAL  
50 RETARDATION – DEVELOPMENTAL DISABILITIES SERVICES.

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1 There is appropriated from the general fund of the  
2 state for the fiscal year beginning July 1, 1988, and  
3 ending June 30, 1989, to the state candidate services  
4 fund established in this section, the following  
5 amount, or so much thereof as is necessary:  
6 ..... \$ 1,300,000

7 1. An enhanced mental health, mental retardation,  
8 and developmental disabilities services plan oversight  
9 committee is created to assure the services plan is  
10 implemented within identified, budgeted, and  
11 appropriated funds. For purposes of this section

12 "oversight committee" means the enhanced mental  
13 health, mental retardation, and developmental dis-  
14 abilities services plan oversight committee.

15 The oversight committee shall have nine members.  
16 Two members shall be designated by the fiscal  
17 committee of the legislative council and subject to  
18 approval by the governor. The commissioner of human  
19 services and the director of the division of mental  
20 health, mental retardation, and developmental  
21 disabilities or their designees shall be members.  
22 Three members shall be designated by the Iowa state  
23 association of counties. One member shall be  
24 designated by the state mental health and mental  
25 retardation commission. One member shall be  
26 designated by the governor's planning council on  
27 developmental disabilities.

28 The oversight committee shall do all of the  
29 following:

30 a. Take action on whether to include behavior  
31 management as a candidate service in the state Title  
32 XIX plan amendment, to develop a federal waiver  
33 request for behavior management as a candidate  
34 service, or to take no action to include behavior  
35 management as a covered service. Decisions shall be  
36 based upon a determination of the availability of  
37 funds for the nonfederal share of the cost of the  
38 service.

39 b. Explore and make recommendations regarding the  
40 submission of a Title XIX plan waiver for any  
41 candidate services which are not accepted by the  
42 federal government as a state plan amendment.

43 c. Review and make recommendations regarding the  
44 county case management implementation plan and budget  
45 to the state mental health and mental retardation  
46 commission.

47 d. Track the expenditures for, and utilization of,  
48 candidate services. Report a variance in an approved  
49 plan to the governor, the legislative fiscal bureau,  
50 and each county.

**Page 3**

1 e. Recommend action regarding variations from the  
2 budgeted, appropriated, and identified expenditures  
3 and projected expenditure offsets to the council on  
4 human services and the state mental health and mental  
5 retardation commission.

6 f. Submit a report regarding the results of the  
7 implementation of the provisions of this section,  
8 including the impact upon the institutional  
9 populations, to the governor and the general assembly.  
10 The report shall contain recommendations regarding

11 continuing the provisions of this section in  
12 subsequent budget years.

13 g. Recommend rules, or amendments to existing  
14 rules, which implement the provisions of this section,  
15 to the council on human services and the state mental  
16 health and mental retardation commission.

17 h. Develop a methodology to determine the base  
18 year expenditure for a county maintenance of effort  
19 which includes an amount for each of the candidate  
20 services described in this section.

21 i. Issue a final decision regarding any issue of  
22 disagreement between a county and the department  
23 relating to expenditures for candidate services or the  
24 county's maintenance of effort.

25 2. For purposes of this section, "candidate  
26 services" means rehabilitation services, day  
27 treatment, partial hospitalization, and case  
28 management. Case management shall be limited to  
29 persons with mental retardation, a developmental  
30 disability, or chronic mental illness. A state  
31 candidate services fund is created in the office of  
32 the treasurer of state for the purposes of this  
33 section.

34 Effective October 1, 1988, the department shall add  
35 candidate services to the state Title XIX plan.  
36 Behavior management services shall be included in the  
37 plan as a candidate service if recommended by the  
38 oversight committee.

39 If recommended by the oversight committee, the  
40 department shall seek Title XIX plan waivers for any  
41 of the candidate services which are not accepted by  
42 the federal government as a state plan amendment.

43 3. The county of legal settlement shall be billed  
44 for fifty percent of the nonfederal share of the cost  
45 of candidate services provided under the medical  
46 assistance program for persons with mental  
47 retardation, a developmental disability or chronic  
48 mental illness.

49 4. By using the general allocation application for  
50 the state community mental health and mental

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1 retardation services fund under section 225C.10, the  
2 department, in conjunction with the oversight  
3 committee, and with the agreement of each county,  
4 shall establish the actual amount expended by each  
5 county for persons with mental retardation, a  
6 developmental disability, or chronic mental illness in  
7 the fiscal year which ended on June 30, 1987, and this  
8 amount shall be deemed each county's maintenance of  
9 effort. A disagreement between the department and a



10 county as to the actual amount spent in a category  
11 shall be decided by the oversight committee. A county  
12 is responsible to continue to pay at least the agreed  
13 upon amount in fiscal year 1988-1989 for services to  
14 persons with mental retardation, a developmental  
15 disability, or chronic mental illness. If a county  
16 does not spend the agreed upon amount in a fiscal  
17 year, the balance not spent shall not revert to the  
18 general fund of the county, but shall be carried over  
19 to the next fiscal year to be expended for the  
20 provision of services to persons with mental  
21 retardation, a developmental disability, or mental  
22 illness including, but not limited to, the chronically  
23 mentally ill, and shall be used as additional funds.  
24 The additional funds shall be used, to the greatest  
25 extent possible, to meet unmet needs of persons with  
26 mental retardation, a developmental disability, or  
27 mental illness. This subsection does not relieve the  
28 county from any other funding obligations required by  
29 law, including but not limited to the obligations in  
30 section 222.60.

31 5. a. Notwithstanding section 8.33, funds  
32 appropriated under this section which are not  
33 obligated or expended, shall not revert to the general  
34 fund on June 30, 1989, but shall be deposited in the  
35 state community mental health and mental retardation  
36 services fund for use in the next fiscal year. It is  
37 the intent of the general assembly that the funds  
38 deposited in the fund for this purpose shall be used  
39 in addition to moneys appropriated in the next fiscal  
40 year for this purpose.

41 b. Notwithstanding section 8.39, funds  
42 appropriated to the department for the state hospital-  
43 schools by section 15 of this Act and to the state  
44 mental health institutes by section 16 of this Act  
45 shall not be subject to transfer, except to the state  
46 candidate services fund after January 1, 1989,  
47 subsequent to a reevaluation of the institutional  
48 budgets for the remainder of the fiscal year.

49 6. The department, in conjunction with the  
50 oversight committee, and with the agreement of each

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1 county, shall establish the actual amount expended for  
2 each candidate service for persons with mental  
3 retardation, a developmental disability, or chronic  
4 mental illness in the fiscal year which ended June 30,  
5 1987, and this amount shall be deemed each county's  
6 base year expenditure for the candidate service. A  
7 disagreement between the department and a county as to  
8 the actual amount spent shall be decided by the

9 oversight committee.

10 The department, in conjunction with the oversight  
11 committee, and with the agreement of each county,  
12 shall determine the expenditures in the 1988-1989  
13 fiscal year by each county for the candidate services,  
14 including the amount the county contributes under  
15 subsection 3. If the expenditures in the 1988-1989  
16 fiscal year exceed the base year expenditures for  
17 candidate services, then the county shall receive from  
18 the funds under this appropriation the least amount of  
19 the following:

20 a. The difference between the total expenditures  
21 for the candidate services in fiscal year 1988-1989  
22 and the base year expenditures.

23 b. The amount expended by the county under  
24 subsection 3.

25 c. The amount by which the fiscal year 1988-1989  
26 total expenditures under subsection 4 exceed the  
27 maintenance of effort expenditures.

28 7. Case management shall be provided by the  
29 department except when a county or a consortium of  
30 counties contracts to be the provider. The criteria  
31 for the case management services shall include, but  
32 are not limited to, the appropriateness, availability,  
33 and accessibility of the services and financial  
34 resources. A county or counties may contract to be  
35 the provider at any time within ninety days of the  
36 final publication of the standards for case management  
37 in the Iowa administrative bulletin. The county or  
38 consortium of counties may subcontract for the  
39 provision of case management services so long as the  
40 subcontract meets the same criteria. The department  
41 shall agree to the contract so long as the contract  
42 meets the standards for case management established by  
43 the department and the criteria for case management as  
44 stated in the state Title XIX plan and rules.

45 8. This section does not relieve the county from  
46 any other funding obligations required by law,  
47 including but not limited to the obligations in  
48 section 222.60.

49 9. Nothing in this Act is intended by the general  
50 assembly to be the provision of a fair and equitable

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1 funding formula specified in 1985 Iowa Acts, chapter  
2 249, section 9. Nothing in this Act shall be  
3 construed, is intended, or shall imply a claim of  
4 entitlement to any programs or services specified in  
5 section 225C.28.

6 10. For the purposes of this section only, persons  
7 with organic mental disorders shall not be considered

8 chronically mentally ill.

9 11. As a limitation of this appropriation, the  
10 funds shall be expended for not more than three full-  
11 time equivalent positions in general administration at  
12 a cost of not more than seventy thousand (70,000)  
13 dollars to administer the analysis of funding amounts  
14 and related issues required under this section. The  
15 positions are in addition to the positions authorized  
16 under the appropriation for general administration in  
17 this Act.

18 12. The legislative council is requested to  
19 appoint a committee staffed by the legislative fiscal  
20 bureau to conduct a study and develop recommendations  
21 regarding a fair and equitable funding formula for  
22 services provided to persons described in section  
23 225C.26. The committee shall study an equitable split  
24 in funding between state and counties, providing  
25 equitable services between population groups, and  
26 providing adequate reimbursement for providers to  
27 assure services are provided. The committee shall  
28 submit a report of the study on or before December 1,  
29 1988." "

30 8. By striking page 11, line 22 through page 13,  
31 line 2, and inserting the following:

32 "Sec. \_\_\_\_\_. BLOCK GRANT SUPPLEMENTATION. There is  
33 appropriated from the general fund of the state for  
34 the fiscal year beginning July 1, 1988, and ending  
35 June 30, 1989, to the department of human services for  
36 supplementation of federal social services block grant  
37 funds and for allocation to the various counties for  
38 the purchase of local services, the following amount,  
39 or so much thereof as is necessary, on the condition  
40 that the across-the-board cuts currently in effect are  
41 eliminated, followed by a three-percent increase in  
42 the reimbursement rate paid to service providers  
43 funded under this appropriation, as specified in  
44 section 39 of this Act:

45 ..... \$ 3,064,000

46 The funds appropriated in this section shall be  
47 allocated to the counties pursuant to the rules of the  
48 department in effect on January 1, 1985. The  
49 department shall increase the income guidelines for  
50 income eligible persons receiving services funded with

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1 federal social services block grant funds for the  
2 fiscal year beginning July 1, 1988, by the same  
3 percentage and at the same time as federal social  
4 security benefits are increased due to a recognized  
5 increase in the cost of living. A county shall  
6 allocate funds for child day care services in an

7 amount at least equal to the amount expended by the  
8 county for government-assisted child day care services  
9 in the fiscal year ending June 30, 1988.

10 Sec. \_\_\_\_\_. STATE CHILD DAY CARE ASSISTANCE. There  
11 is appropriated from the general fund of the state for  
12 the fiscal year beginning July 1, 1988, and ending  
13 June 30, 1989, to the department of human services the  
14 following amount, or so much thereof as is necessary,  
15 to be used for supplemental payments of child care  
16 costs:

17 ..... \$ 3,500,000

18 1. The funds appropriated in this section shall be  
19 allocated to counties based upon the number of  
20 children living in a county whose family income is  
21 equivalent to or below one hundred twenty-five percent  
22 of the current federal office of management and budget  
23 poverty guidelines as estimated by the department.  
24 The department shall not require counties to match the  
25 state child day care services funds with local funds  
26 but shall require a maintenance of effort. The  
27 counties shall allocate local funds for child day care  
28 services in an amount at least equal to the county  
29 expenditures for child day care services in the fiscal  
30 year ending June 30, 1983 and expend at least the same  
31 amount of block grant supplemental funds for child day  
32 care services as expended for the purpose in the  
33 fiscal year ending June 30, 1988. If a county elects  
34 not to use the state child day care services funds, an  
35 amount equal to the county expenditure for its  
36 maintenance of effort and an amount equal to the  
37 county expenditure under the provision to use up to  
38 four percent of the federal social services block  
39 grant fund and supplemental state purchase of local  
40 services funds in the fiscal year ending June 30,  
41 1983, shall be deducted from the amount allocated to  
42 the county for the purchase of local services under  
43 this Act. The state day care services funds and the  
44 amount deducted from the local services funds for a  
45 county shall be administered by the district  
46 administrator for child day care services in the  
47 county. The department shall transfer the state child  
48 day care services funds which a county does not  
49 utilize to a county where there is a demonstrated  
50 need.

**Page 8**

1 2. The department shall establish the income  
2 eligibility level for recipients of child day care  
3 services at the equivalent of one hundred twenty-five  
4 percent of the federal office of management and budget  
5 poverty guidelines for families of all sizes.

6 However, a local office which is allocated funds under  
7 this section may manage the funds to assure that child  
8 care services are purchased in a system of slots which  
9 last for a period of twelve months. The local office  
10 shall maintain a list of persons who were eligible,  
11 but did not receive the child care services due to a  
12 lack of funds.

13 3. Any funds allocated for the local purchase of  
14 child care services shall be available for purchase of  
15 services in any type of child care facility approved  
16 under 441 I.A.C § 170.

17 4. If the department determines that funds under  
18 this section for child day care services will not be  
19 fully expended, the department may increase the income  
20 guidelines in order to provide for the expenditure of  
21 all funds under this section for child day care  
22 services.

23 The recipient of child day care services shall  
24 contribute to the cost of the child care in accordance  
25 with the sliding fee schedule currently utilized by  
26 the department for child care services.

27 5. As a condition, qualification, and limitation  
28 of this appropriation, the funds appropriated under  
29 this section shall be expended for not more than six  
30 full-time equivalent positions in the field at a cost  
31 of not more than one hundred seventy-five thousand  
32 (175,000) dollars, and for salary and support for not  
33 more than one full-time equivalent position in general  
34 administration at a cost of not more than twenty-three  
35 thousand (23,000) dollars. The positions are in  
36 addition to the positions authorized under the  
37 appropriations for community services and general  
38 administration in this Act.

39 6. It is the intent of the general assembly for  
40 the fiscal year ending June 30, 1990, that allocations  
41 to counties under the appropriation for federal social  
42 services block grant supplementation for child day  
43 care services and the allocation for this purpose  
44 under state child day care assistance will be  
45 combined. The allocation to a county for child day  
46 care services will be based upon the expenditures by  
47 the county for this purpose in the fiscal year ending  
48 June 30, 1989."

49 9. Page 13, by inserting after line 27 the  
50 following:

**Page 9**

- 1 "\_\_\_\_\_. Page 25, line 10, by striking the figure
- 2 "313,686" and inserting the following: "350,686"."
- 3 10. By renumbering as necessary.

**Amendment H—6379 was adopted.**

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—6377, to the Senate amendment H—6347, filed by him on April 11, 1988.

Jochum of Dubuque offered the following amendment H—6354, to the Senate amendment H—6347, filed by him and moved its adoption:

H—6354

- 1 Amend the Senate amendment, H—6347, to House File
- 2 2447, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 6, by inserting after line 24 the
- 5 following:
- 6 “\_\_\_\_\_. Page 14, line 3, by striking the figure
- 7 “6,691,245” and inserting the following:
- 8 “6,841,245”.
- 9 2. Page 13, by inserting after line 27 the
- 10 following:
- 11 “\_\_\_\_\_. Page 24, line 25, by inserting after the
- 12 word “funded,” the following: “that four hundred
- 13 fifty-five thousand (455,000) dollars of the following
- 14 amount is used for child care assistance pursuant to
- 15 section 237A.13,”
- 16 \_\_\_\_\_. Page 24, line 30, by striking the figure
- 17 “4,227,014” and inserting the following:
- 18 “4,682,014”.
- 19 3. By renumbering as necessary.

Amendment H—6354 was adopted.

Mullins of Kossuth offered the following amendment H—6368, to the Senate amendment H—6347, filed by her and Haverland of Polk and moved its adoption:

H—6368

- 1 Amend the Senate amendment, H—6347, to House File
- 2 2447, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 16, by inserting after line 15 the
- 5 following:
- 6 “Sec. \_\_\_\_\_. Sections 135.84 and 142B.1, Code
- 7 Supplement 1987, are repealed.”

Amendment H—6368 was adopted.

Arnould of Scott asked and received unanimous consent that House File 2447 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—6347, as amended, pending.)

**IMMEDIATE MESSAGE**  
(Senate File 2310)

Arnould of Scott asked and received unanimous consent that Senate File 2310 be immediately messaged to the Senate.

**SENATE AMENDMENTS CONSIDERED**

Ollie of Clinton called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6358 to the House amendment:

H—6358

- 1 Amend the House amendment, S—5668, to Senate File
- 2 323, as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 5, by striking the figure
- 5 "282.19" and inserting the following: "282.18".

The motion prevailed and the House concurred in the Senate amendment H—6358, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 323)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	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	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 2:

Dvorsky                      Van Maanen

Absent or not voting, 4:

Blanshan                      Groninga                      Lageschulte                      Parker

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

McKinney of Dallas called up for consideration **House File 2428**, a bill for an act increasing and establishing certain court filing fees, amended by the Senate, and moved that the House concur in the following Senate amendment H—6369:

H—6369

- 1 Amend House File 2428, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 2, by striking lines 2 through 30 and
- 4 inserting the following:
- 5 "Sec. 4. Notwithstanding section 805.6, subsection
- 6 1, paragraph "a", court costs in cases of parking
- 7 violations which are more than one year old and which
- 8 are dismissed by the city prior to January 1, 1989,
- 9 shall be five dollars."

The motion prevailed and the House concurred in the Senate amendment H—6369.

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

On the question "Shall the bill pass?" (H.F. 2428)

The ayes were, 62:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon



Connolly	Connors	Diemer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Hermann	Hester	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Svoboda	Swartz
Swearingen	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 33:

Beaman	Bennett	Branstad	Corbett
Corey	Daggett	De Groot	Eddie
Fuller	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Holveck	Hummel	Kremer
Lundby	Maulsby	McKean	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Running
Schnekloth	Stromer	Stueland	Tyrrell
Van Maanen			

Absent or not voting, 5:

Cooper	Doderer	Haverland	Lageschulte
Peters			

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

Jay of Appanoose called up for consideration **House File 2412**, a bill for an act relating to judicial sentencing options, amended by the Senate amendment H-6073 as follows:

H-6073

- 1 Amend House File 2412 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 2, by striking the word
- 4 "subsection" and inserting the following:
- 5 "subsections".
- 6 2. Page 1, line 6, by striking the word
- 7 "department" and inserting the words "commissioner of
- 8 public safety".
- 9 3. Page 1, line 10, by striking the words "of .10
- 10 or more" and inserting the words "greater than a level
- 11 set by rule of the commissioner of public safety".
- 12 4. Page 1, line 10, by inserting before the word
- 13 "The" the words "The commissioner of public safety
- 14 shall adopt rules to approve certain ignition

15 interlock devices and the means of installation of the  
 16 devices, and shall establish the level of alcohol  
 17 concentration beyond which an ignition interlock  
 18 device will not allow operation of the motor vehicle  
 19 in which it is installed.”

20 5. Page 1, by inserting after line 28 the  
 21 following:

22 “NEW SUBSECTION. 8. A person whose motor vehicle  
 23 license has been revoked under this chapter and who is  
 24 not eligible for a temporary restricted license under  
 25 this chapter may petition the court for an order to  
 26 the department to require the department to issue a  
 27 temporary restricted license to the person. The court  
 28 shall determine if the temporary restricted license is  
 29 necessary for the person to maintain the person’s  
 30 present employment. If the court determines that the  
 31 temporary restricted license is necessary for the  
 32 person to maintain the person’s present employment,  
 33 the court shall order the department to issue to the  
 34 person a temporary restricted license conditioned upon  
 35 the person’s certification to the court of the  
 36 installation of approved ignition interlock devices in  
 37 all motor vehicles that it is necessary for the person  
 38 to operate to maintain the person’s present  
 39 employment. If the person operates a motor vehicle  
 40 which does not have an approved ignition interlock  
 41 device or if the person tampers with or circumvents an  
 42 ignition interlock device, in addition to other  
 43 penalties provided, the person’s temporary restricted  
 44 license shall be revoked.”

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

De Groot of Lyon offered the following amendment H—6357, to  
 the Senate amendment H—6073, filed by him:

H—6357

1 Amend the amendment, H—6073, to House File 2412 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

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

6 “\_\_\_\_\_. Page 1, by inserting before line 1 the  
 7 following:

8 “Sec. 777. Section 321.215, subsection 1,  
 9 unnumbered paragraph 1, Code 1987, is amended to read  
 10 as follows:

11 Upon Notwithstanding sections 321.218 and 321.560,  
 12 upon conviction and the suspension or revocation of a  
 13 person’s motor vehicle license under section 321.209,  
 14 subsections 5 and 6, 321.210, 321.218, or 321.555,

15 subsection 2, and upon the denial by the director of  
 16 an application for a temporary restricted license, a  
 17 person may apply to the district court having  
 18 jurisdiction for the residence of the person for a  
 19 temporary restricted permit to operate a motor vehicle  
 20 to and from work and to and from school. The  
 21 application may be granted only if all the following  
 22 criteria is satisfied:

23 Sec. 778. Section 321.215, subsection 1, paragraph  
 24 c, Code 1987, is amended to read as follows:

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 2. Page 1, by inserting after line 44 the  
 29 following:

30 “\_\_\_\_\_. Page 5, by inserting after line 12, the  
 31 following:

32 “Sec. \_\_\_\_\_. EFFECTIVE DATE AND RETROACTIVE APPLI-  
 33 CATION. Sections 777 and 778 of this Act, being  
 34 deemed of immediate importance, take effect upon  
 35 enactment. The sections apply retroactively to  
 36 persons who have had their licenses suspended or re-  
 37 voked under section 321.218, and notwithstanding any  
 38 other provision of the Code, such persons may make  
 39 application for a temporary restricted permit under  
 40 section 321.215 and in such instances section 321.215,  
 41 subsection 1, paragraph “b” does not apply.”

42 Sec. \_\_\_\_\_. Title page, line 1, by inserting after  
 43 the word “options” the following: “, and providing  
 44 for retroactive applicability and an effective date”.”

45 3. Renumber as necessary.

Koenigs of Mitchell rose on a point of order that amendment H—6357 was not germane.

The Speaker ruled the point well taken and amendment H—6357 not germane.

On motion by Jay of Appanoose, the House concurred in the Senate amendment H—6073.

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

On the question “Shall the bill pass?” (H.F. 2412)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman

Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	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, 5:

Blanshan	Hatch	Lageschulte	Platt
Royer			

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:

Royer of Page, until his return, on request of Corey of Louisa.

The House stood at ease at 10:27 a.m., until the fall of the gavel.

The House resumed session at 11:14 a.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 464, a bill for an act relating to the regulation of health clubs and providing penalties.

Also: That the Senate has on April 8, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2063, a bill for an act relating to the jurisdiction of magistrates.

Also: That the Senate has on April 12, 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 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 April 8, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2091, a bill for an act relating to the offense of disorderly conduct and making a penalty applicable.

Also: That the Senate has on April 8, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 8, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 12, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2234, a bill for an act relating to the starting date and the calendar for schools.

Also: That the Senate has on April 8, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 8, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 12, 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 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.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 2447**, a bill for an act relating to human services, and making appropriations to the department of human services for the fiscal year beginning July 1, 1988, and ending June 30, 1989 and providing effective dates, and the Senate amendment H-6347, as amended, (found on pages 1725 through 1741 of the House Journal).

Hester of Pottawattamie offered the following amendment H-6397, to the Senate amendment H-6347, filed by her from the floor and moved its adoption:

H-6397

- 1 Amend the Senate amendment, H-6347, to House File
- 2 2447, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 13, by inserting after line 2 the follow-
- 5 ing:
- 6 "7. Nothing in this section shall be construed or
- 7 is intended as, or shall imply a grant of entitlement
- 8 for services to persons described in subsection 2 of
- 9 this section. Any state obligation to provide
- 10 services pursuant to this section is limited to the
- 11 extent of the funds appropriated under this section."

Amendment H-6397 was adopted.

On motion by Haverland of Polk, the House concurred in the Senate amendment H-6347, as amended.

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

On the question "Shall the bill pass?" (H.F. 2447)

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	Kremer	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
Running	Schneklloth	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:

Lageschulte	Petersen, D. F.	Royer	Schrader
Sherzan			

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

### IMMEDIATE MESSAGE (House File 2447)

Arnould of Scott asked and received unanimous consent that House File 2447 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration and take up out of order House File 2469.

### Appropriations Calendar

**House File 2469**, a bill for an act relating to energy development and conservation, making appropriations of the petroleum overcharge funds, and providing an effective date, was taken up for consideration.

Schrader of Marion offered the following amendment H—6386 filed by him from the floor and moved its adoption:

H—6386

- 1 Amend House File 2469 as follows:
- 2 1. Page 2, by striking lines 2 through 5.

A non-record roll call was requested.

The ayes were 45, nays 34.

Amendment H—6386 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2469)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	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.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 2:

Hummel Mullins

Absent or not voting, 4:

Blanshan Lageschulte Plasier Sherzan

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

### IMMEDIATE MESSAGE

(House File 2469)

Arnould of Scott asked and received unanimous consent that House File 2469 be immediately messaged to the Senate.



## SENATE AMENDMENT CONSIDERED

Swartz of Marshall called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—6371:

H—6371

- 1 Amend House File 2457, as passed by the House, as  
 2 follows:  
 3 1. Page 6, by inserting before line 1 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 411.20, subsection 1, Code  
 6 1987, is amended to read as follows:  
 7 1. There is appropriated from the general fund of  
 8 the state to the ~~municipal assistance fund established~~  
 9 ~~in chapter 405~~ for each fiscal year an amount  
 10 necessary to be distributed to cities which have  
 11 established fire and police retirement systems under  
 12 the provisions of this chapter. Funds shall be used  
 13 to finance the costs of benefits provided in this  
 14 chapter by amendments of the Acts of the Sixty-sixth  
 15 General Assembly, chapter 1089."  
 16 2. Page 8, line 28, by striking the words  
 17 "Sections 331.660 and 422.100, Code 1987, are" and  
 18 inserting the following: "Section 422.100, Code 1987,  
 19 is".  
 20 3. By renumbering, relettering, or redesignating  
 21 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6371.

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. 2457)

The ayes were, 94:

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	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	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, 6:

Corbett	Hatch	Lageschulte	Norrgard
Plasier	Sherzan		

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

#### IMMEDIATE MESSAGE (House File 2457)

Arnould of Scott asked and received unanimous consent that House File 2457 be immediately messaged to the Senate.

#### SENATE MESSAGE CONSIDERED

**Senate File 2328**, by committee on appropriations, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

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

On motion by Arnould of Scott, the House was recessed at 11:45 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 April 6, 1988, passed the following bill in which the concurrence of the Senate was asked:

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.

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 2169.

## CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar March 31, 1988.

Beatty of Warren asked and received unanimous consent to withdraw the committee amendment H—5940, filed by the committee on state government, placing out of order amendment H—6025 filed by Beatty of Warren on March 29, 1988 and amendment H—6098 filed by Blanshan of Greene and Carpenter of Polk on March 30, 1988, both to the committee amendment H—5940.

Beatty of Warren offered the following amendment H—6376 filed by her:

H—6376

- 1 Amend Senate File 2169 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, lines 27 and 28, by striking the words
- 4 “, and one nonvoting member who is licensed as a
- 5 physician assistant”.
- 6 2. Page 3, line 33, by striking the words “the
- 7 voting”.
- 8 3. By striking page 5, line 26 through page 6,
- 9 line 13.
- 10 4. By striking page 6, line 29 through page 7,
- 11 line 2 and inserting the following:
- 12 “Sec. \_\_\_\_\_. NEW SECTION. 148.13 AUTHORITY OF
- 13 BOARD AS TO SUPERVISING PHYSICIANS AND REVIEW OF

## 14 CONTESTED CASES UNDER CHAPTER 148C.

15 1. The board of medical examiners shall adopt  
 16 rules setting forth in detail its criteria and  
 17 procedures for determining the ineligibility of a  
 18 physician to serve as a supervising physician under  
 19 chapter 148C. The rules shall be adopted as soon as  
 20 possible after the effective date of this Act and in  
 21 no event later than December 31, 1988.

22 2. The board of medical examiners shall establish  
 23 by rule specific procedures for consulting with and  
 24 considering the advice of the board of physician  
 25 assistant examiners in determining whether to initiate  
 26 a disciplinary proceeding under chapter 17A against a  
 27 licensed physician in a matter involving the  
 28 supervision of a physician assistant.

29 3. In exercising their respective authorities, the  
 30 board of medical examiners and the board of physician  
 31 assistant examiners shall cooperate with the goal of  
 32 encouraging the utilization of physician assistants in  
 33 a manner that is consistent with the provision of  
 34 quality health care and medical services for the  
 35 citizens of Iowa.

36 4. A decision of the board of physician assistant  
 37 examiners in a contested case involving discipline of  
 38 a person licensed as a physician assistant under  
 39 chapter 148C may be appealed to the board of medical  
 40 examiners as provided in section 148C.6A."

41 5. Page 7, line 8, by inserting after the word  
 42 "board" the following: "in accordance with rules  
 43 adopted pursuant to this chapter".

44 6. Page 7, by inserting after line 28 the  
 45 following:

46 "7. "Review group" means the physician assistant  
 47 rules review group established in section 148C.7."

48 7. Page 7, line 29, by striking the figure "7"  
 49 and inserting the following: "8".

50 8. Page 8, by striking line 6 and inserting the

**Page 2**

1 following: "in health fields. The board shall adopt  
 2 and publish Rules shall be adopted pursuant to this  
 3 chapter setting forth standards".

4 9. Page 8, by striking line 20 and inserting the  
 5 following:

6 "Rules shall be adopted pursuant to this chapter  
 7 setting forth the fees to be charged in".

8 10. Page 8, line 26, by inserting after the word  
 9 "rules" the following: ", pursuant to section  
 10 148C.7,".

11 11. Page 9, line 15, by inserting after the word  
 12 "rules" the following: ", pursuant to section

13 148C.7.”

14 12. Page 9, line 22, by inserting after the word  
15 “submit” the following: “evidence of eligibility, as  
16 determined by the board of medical examiners, to serve  
17 as a supervising physician.”

18 13. Page 9, line 24, by inserting after the word  
19 “specialty,” the following: “scope of practice.”

20 14. Page 9, line 28, by inserting after the word  
21 “function” the following: “within the scope of  
22 practice”.

23 15. Page 10, by inserting after line 7 the  
24 following:

25 “9. Rules shall be adopted pursuant to this  
26 chapter which will enhance the utilization of  
27 registered physician assistants on a temporary basis  
28 at a free medical clinic where no fees are assessed  
29 for their services.”

30 16. Page 10, by inserting after line 16 the fol-  
31 lowing:

32 “Sec. \_\_\_\_\_. NEW SECTION. 148C.5A INITIATING  
33 DISCIPLINARY PROCEEDINGS – ADVICE FROM BOARD OF  
34 MEDICAL EXAMINERS.

35 Rules shall be adopted pursuant to section 148C.7  
36 to establish specific procedures for consulting with  
37 and considering the advice of the board of medical  
38 examiners in determining whether to initiate a disci-  
39 plinary proceeding under chapter 17A against a  
40 licensed physician assistant.

41 Sec. \_\_\_\_\_. NEW SECTION. 148C.6A APPEAL TO BOARD  
42 OF MEDICAL EXAMINERS IN CONTESTED CASES INVOLVING  
43 DISCIPLINE.

44 Pursuant to section 17A.15, a decision of the board  
45 in a contested case involving discipline of a person  
46 licensed as a physician assistant may be appealed to  
47 the board of medical examiners.”

48 17. Page 10, line 19, by striking the word  
49 “RULES” and inserting the following: “RULES – REVIEW  
50 GROUP”.

**Page 3**

1 18. Page 10, by inserting after line 19 the fol-  
2 lowing:

3 “1. A physician assistant rules review group is  
4 established consisting of one physician assistant  
5 member, one supervising physician member, and one  
6 public member from the board of physician assistant  
7 examiners and two members from the board of medical  
8 examiners who are licensed to practice medicine and  
9 surgery or osteopathic medicine and surgery. The  
10 respective boards shall select their members to serve  
11 on the physician assistant rules review group. The

12 review group shall select its own chairperson.  
 13 The review group shall review and approve or  
 14 disapprove rules proposed for adoption by the board of  
 15 physician assistant examiners. Approval shall be a  
 16 simple majority of the members of the group. A rule  
 17 shall not become effective without the approval of the  
 18 review group."

19 19. Page 10, line 20, by inserting before the  
 20 word "Regulations" the following: "2."

21 20. Page 10, line 23, by inserting after the word  
 22 "chapter." the following: "Proposed rules must be  
 23 submitted to the review group for prior review and  
 24 approval."

25 21. Page 11, by striking line 2 and inserting the  
 26 following: "physician's supervision or direction,  
 27 including orthopedic physician's assistant  
 28 technologists. Aides Such aides, assistants, or  
 29 orthopedic physician's assistant technologists, and".

30 22. Page 12, by striking lines 10 through 14 and  
 31 inserting the following:

32 "1. The term of the physician assistant currently  
 33 serving as a member of the board of medical examiners  
 34 expires on July 1, 1988."

35 23. Page 12, by striking lines 18 and 19 and  
 36 inserting the following: "physician assistant  
 37 examiners until modified by rules of the board of  
 38 physician assistant examiners adopted pursuant to  
 39 section 148C.7, as amended by this Act."

40 24. Page 12, by inserting after line 34 the  
 41 following:

42 "4. The board of medical examiners and the  
 43 professional licensure division of the Iowa department  
 44 of public health in conjunction with the board of  
 45 physician assistant examiners shall enter into an  
 46 agreement with respect to the distribution of funds on  
 47 a proportionate basis and other financial arrangements  
 48 to facilitate the transition under this Act."

49 25. By striking page 12, line 35 through page 13,  
 50 line 1 and inserting the following:

**Page 4**

1 "Sec. \_\_\_\_\_. EFFECTIVE DATE.

2 1. This section, being deemed of immediate  
 3 importance, takes effect upon enactment.

4 2. The other provisions of this Act, being deemed  
 5 of immediate importance, take effect upon enactment  
 6 for transition purposes, including the appointment of  
 7 board members, preliminary work on the development of  
 8 rules, and agreements with respect to financial  
 9 arrangements, and on July 1, 1988, for all other  
 10 purposes."

11 26. By renumbering as necessary.

Doderer of Johnson offered the following amendment H—6385, to amendment H—6376, filed by her and Beatty of Warren from the floor and moved its adoption:

H—6385

- 1 Amend the amendment, H—6376, to Senate File 2169,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 25 through 29 and
- 5 inserting the following:
- 6 "9. Rules shall be adopted pursuant to this
- 7 chapter which will permit qualified practicing
- 8 physicians to supervise licensed physician assistants
- 9 at a free medical clinic on a temporary basis."

Amendment H—6385 was adopted.

On motion by Beatty of Warren, amendment H—6376, as amended, was adopted, placing out of order amendment H—6031 filed by Beatty of Warren on March 29, 1988.

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. 2169)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	Mausby	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer
Stueland	Svoboda	Swearingen	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 12:

Carpenter	Chapman	Corey	De Groot
Garman	Metcalf	Plasier	Schnekloth
Swartz	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 5:

Cooper	Haverland	Lageschulte	Platt
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 for the immediate consideration of Senate Files 2321 and 2322.

### Appropriations Calendar

**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, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H—6370 filed by the committee on appropriations:

H—6370

- 1 Amend Senate File 2321 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, lines 7 through 9, by striking the
- 4 words "superintendent of the division of savings and
- 5 loan associations of the department of commerce,".
- 6 2. Page 4, line 18, by inserting after the word
- 7 "commerce," the following: "superintendent of the
- 8 division of savings and loan associations of the
- 9 department of commerce,".
- 10 3. Page 5, by striking lines 17 through 19 and
- 11 inserting the following: "department of corrections
- 12 and appeals."
- 13 4. Page 10, by inserting after line 15 the
- 14 following:
- 15 "Sec. \_\_\_\_\_. Section 2.10, subsections 1, 2, 6, and
- 16 7, Code Supplement 1987, are amended to read as
- 17 follows:
- 18 1. Every member of the general assembly except the



19 speaker of the house and majority and minority floor  
20 leaders of the senate and house shall receive an  
21 annual salary of sixteen thousand six hundred dollars  
22 for the year 1989 and subsequent years while serving  
23 as a member of the general assembly. The majority and  
24 minority floor leaders of the senate and house, except  
25 the senate majority leader, shall receive an annual  
26 salary of twenty-two thousand nine hundred dollars for  
27 the year 1989 and subsequent years while serving in  
28 such capacity. In addition, each such member shall  
29 receive the sum of ~~forty~~ fifty dollars per day for  
30 expenses of office, except travel, for each day the  
31 general assembly is in session commencing with the  
32 first day of a legislative session and ending with the  
33 day of final adjournment of each legislative session  
34 as indicated by the journals of the house and senate,  
35 except that in the event the length of the first  
36 regular session of the general assembly exceeds one  
37 hundred ten calendar days and the second regular  
38 session exceeds one hundred calendar days, such  
39 payments shall be made only for one hundred ten  
40 calendar days for the first session and one hundred  
41 calendar days for the second session. However,  
42 members from Polk county shall receive ~~twenty-five~~  
43 thirty-five dollars per day. Travel expenses shall be  
44 paid at the rate established by section 18.117 for  
45 actual travel in going to and returning from the seat  
46 of government by the nearest traveled route for not  
47 more than one time per week during a legislative  
48 session. However, any increase from time to time in  
49 the mileage rate established by section 18.117 shall  
50 not become effective for members of the general

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1 assembly until the convening of the next general  
2 assembly following the session in which the increase  
3 is adopted; and this provision shall prevail over any  
4 inconsistent provision of any present or future  
5 statute.

6 2. The lieutenant governor shall receive an annual  
7 salary of twenty-three thousand nine hundred dollars.  
8 Personal expense and travel allowances shall be the  
9 same for the lieutenant governor as for a senator.  
10 The lieutenant governor while performing  
11 administrative duties of the office of lieutenant  
12 governor when the general assembly is not in session  
13 or serving as the president of the senate during  
14 special sessions of the general assembly shall receive  
15 sixty seventy dollars per diem and reimbursement for  
16 expenses incurred in performing such duties. The  
17 salary, per diem, and expenses of the lieutenant

18 governor provided for under this subsection, including  
 19 office and staff expenses, shall be paid from funds  
 20 appropriated to the office of the lieutenant governor  
 21 by the general assembly.

22 6. In addition to the salaries and expenses  
 23 authorized by this section, members of the general  
 24 assembly shall be paid forty fifty dollars per day,  
 25 except the speaker of the house and the majority  
 26 leader of the senate who shall be paid sixty seventy  
 27 dollars per day, and necessary travel and actual  
 28 expenses incurred in attending meetings for which per  
 29 diem or expenses are authorized by law for members of  
 30 the general assembly who serve on statutory boards,  
 31 commissions, or councils, and for standing or interim  
 32 committee or subcommittee meetings subject to the  
 33 provisions of section 2.14, or when on authorized  
 34 legislative business when the general assembly is not  
 35 in session. However, if a member of the general  
 36 assembly or the lieutenant governor is engaged in  
 37 authorized legislative business at a location other  
 38 than at the seat of government during the time the  
 39 general assembly is in session, payment may be made  
 40 for the actual transportation and lodging costs  
 41 incurred because of the business. ~~Such~~ ~~The~~ per diem  
 42 or expenses shall be paid promptly from funds  
 43 appropriated pursuant to section 2.12.

44 7. If a special session of the general assembly is  
 45 convened, members of the general assembly shall  
 46 receive, in addition to their annual salaries, the sum  
 47 of forty fifty dollars per day for each day the  
 48 general assembly is actually in special session, and  
 49 the same travel allowances and expenses as authorized  
 50 by this section."

**Page 3**

1 5. Page 11, line 5, by inserting after the word  
 2 "as" the following: "otherwise".

3 6. Page 11, by striking lines 20 through 33 and  
 4 inserting the following: "initially eligible or  
 5 during the first subsequent annual insurance  
 6 enrollment period. A member of the general assembly  
 7 who elects to become a member of a state health or  
 8 medical group insurance plan shall be exempted from  
 9 pre-existing medical condition waiting periods. A  
 10 member of the general assembly may change programs or  
 11 coverage under the state health or medical service  
 12 group insurance plan during the month of January  
 13 following an election, but program and coverage change  
 14 selections shall be subject to the enrollment rules  
 15 established for full-time state employees excluded  
 16 from collective bargaining as provided in chapter 20."

17 7. Page 11, by inserting before line 34 the  
 18 following:  
 19 "Sec. \_\_\_\_\_. Section 79.1, unnumbered paragraph 1,  
 20 Code Supplement 1987, is amended to read as follows:  
 21 Salaries specifically provided for in an  
 22 appropriation Act of the general assembly shall be in  
 23 lieu of existing statutory salaries, for the positions  
 24 provided for in the Act, and all salaries, including  
 25 longevity where applicable by express provision in the  
 26 Code, shall be paid according to the provisions of  
 27 chapter 91A and shall be in full compensation of all  
 28 services, including any service on committees, boards,  
 29 commissions or similar duty for Iowa government,  
 30 except for members of the general assembly. A state  
 31 employee on an annual salary shall not be paid for a  
 32 pay period an amount which exceeds the employee's  
 33 annual salary transposed into a rate applicable to the  
 34 pay period by dividing the annual salary by the number  
 35 of pay periods in the fiscal year. When twenty-seven  
 36 biweekly pay periods occur in the fiscal year, the  
 37 biweekly salary for a state employee on an annual  
 38 salary is equal to the annual salary divided by  
 39 twenty-six. Salaries for state employees other than  
 40 annual salaries shall be established on an hourly  
 41 basis."  
 42 8. Page 12, by striking lines 11 through 16 and  
 43 inserting the following: "collective bargaining as  
 44 provided in chapter 20."

Jochum of Dubuque offered the following amendment H-6389, to the committee amendment H-6370, filed by him from the floor and moved its adoption:

H-6389

1 Amend the Committee amendment, H-6370, to Senate  
 2 File 2321, as amended, passed, and reprinted by the  
 3 Senate, as follows:  
 4 1. Page 1, line 11, by striking the word  
 5 "corrections" and inserting the following:  
 6 "inspections".

Amendment H-6389 was adopted.

Carpenter of Polk offered the following amendment H-6392, to the committee amendment H-6370, filed by her and Metcalf of Polk from the floor and moved its adoption:

H-6392

1 Amend the Committee amendment, H-6370, to Senate  
 2 File 2321, as amended, passed, and reprinted by the  
 3 Senate, as follows:

4 1. Page 1, lines 42 and 43, by striking the words  
5 "~~twenty-five thirty-five~~" and inserting the following:  
6 "twenty-five".

A non-record roll call was requested.

The ayes were 36, nays 44.

Amendment H—6392 lost.

On motion by Jochum of Dubuque, the committee amendment H—6370, as amended, was adopted.

Connolly of Dubuque offered the following amendment H—6362 filed by him and moved its adoption:

H—6362

1 Amend Senate File 2321 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, by inserting after line 27 the  
4 following:  
5 "f. Range 5A . . . . . \$54,300 \$68,300".  
6 2. Page 4, lines 22 and 23, by striking the words  
7 "lottery commissioner,".  
8 3. Page 4, by inserting after line 28 the  
9 following:  
10 "\_\_\_\_\_. The following is a range 5A position:  
11 lottery commissioner."  
12 4. Page 12, by inserting after line 16 the  
13 following:  
14 "Sec. \_\_\_\_\_. Section 99D.5, subsection 4, Code 1987,  
15 is amended to read as follows:  
16 4. Commission members are each entitled to receive  
17 an annual salary of ~~three six~~ thousand dollars until  
18 ~~June 30, 1987, and thereafter are entitled to forty~~  
19 ~~dollars per diem for each day actually spent in~~  
20 ~~performing commission duties.~~ Members shall also be  
21 reimbursed for actual expenses incurred in the  
22 performance of their duties to a maximum of six  
23 thousand dollars per year for each member. Each  
24 member shall post a bond in the amount of ten thousand  
25 dollars, with sureties to be approved by the governor,  
26 to guarantee the proper handling and accounting of  
27 moneys and other properties required in the  
28 administration of this chapter. The premiums on the  
29 bonds shall be paid as other expenses of the  
30 commission."

Amendment H—6362 was adopted.

Jochum of Dubuque offered the following amendment H—6378 filed by him and moved its adoption:

H—6378

- 1 Amend Senate File 2321, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, lines 30 and 31, by striking the words
- 4 "appellate defender,".
- 5 2. Page 4, line 15, by inserting after the word
- 6 "rights," the following: "appellate defender,".
- 7 3. Page 4, by striking lines 27 and 28 and
- 8 inserting the following: "department of cultural
- 9 affairs, and administrator of the racing and gaming
- 10 division of the department of inspections and
- 11 appeals."

Amendment H—6378 was adopted.

Jochum of Dubuque offered the following amendment H—6387 filed by him and Hammond of Story from the floor and moved its adoption:

H—6387

- 1 Amend Senate File 2321, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, lines 14 and 15, by striking the words
- 4 "administrator of the division for the blind of the
- 5 department of human rights,".
- 6 2. Page 5, line 7, by inserting after the word
- 7 "academy," the following: "director of the department
- 8 for the blind,".

Amendment H—6387 was adopted.

Peterson of Carroll offered the following amendment H—6391 filed by him from the floor and moved its adoption:

H—6391

- 1 Amend Senate File 2321, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, lines 24 and 25 by striking the words
- 4 "director of the Iowa finance authority,".
- 5 2. Page 5, line 16, by inserting after the word
- 6 "commerce," the following: "executive director of the
- 7 Iowa finance authority,".

A non-record roll call was requested.

The ayes were 35, nays 20.

Amendment H—6391 was adopted.

Jochum of Dubuque offered the following amendment H—6399 filed by him from the floor and moved its adoption:

H—6399

- 1 Amend Senate File 2321 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, lines 22 through 24, by striking the
- 4 words "director of the department of economic
- 5 development, executive secretary of the state board of
- 6 regents,".
- 7 2. Page 5, line 28, by inserting after the word
- 8 "services," the following: "director of the
- 9 department of economic development, executive
- 10 secretary of the state board of regents,".

Amendment H—6399 was adopted.

Running of Linn offered the following amendment H—6374 filed by him and moved its adoption:

H—6374

- 1 Amend Senate File 2321, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting before line 34 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 79.20, subsection 2, Code 1987,
- 6 is amended to read as follows:
- 7 "2. Maximum period benefits paid for both accident
- 8 or sickness disability:
- 9 a. If the disability occurs prior to the time the
- 10 employee attains the age of sixty-one years, the
- 11 maximum benefit period shall end sixty months after
- 12 continuous benefit payments begin or on the date on
- 13 which the employee attains the age of sixty-five
- 14 years, whichever is later.
- 15 b. If the disability occurs on or after the time
- 16 the employee attains the age of sixty-one years but
- 17 prior to age sixty-nine, the maximum benefit period
- 18 shall end sixty months after continuous benefit
- 19 payments begin or on the date on which the employee
- 20 attains the age of seventy years, whichever is
- 21 earlier.
- 22 c. If the disability occurs on or after the time
- 23 the employee attains the age of sixty-nine years, the
- 24 maximum benefit period shall end twelve months after
- 25 continuous benefit payments begin."

Amendment H—6374 was adopted.

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H—6149 filed by him on March 31, 1988.

Peterson of Carroll asked and received unanimous consent to withdraw amendment H—6372 filed by him on April 11, 1988.

Swartz of Marshall offered the following amendment H—6390 filed by him and Sherzan of Polk from the floor:

H—6390

- 1 Amend Senate File 2321 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 12, by inserting after line 16 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 331.752, subsection 4, Code
- 6 1987, is amended to read as follows:
- 7 4. The resolution changing the status of a county
- 8 attorney shall state the initial annual salary to be
- 9 paid to the county attorney when the full-time or
- 10 part-time status is effective. The annual salary
- 11 specified in the resolution shall remain effective
- 12 until changed as provided in section 331.907. The
- 13 ~~annual salary of a full-time county attorney shall be~~
- 14 ~~an amount which is between forty-five percent and one~~
- 15 ~~hundred percent of the annual salary received by a~~
- 16 ~~district court judge.~~
- 17 Sec. \_\_\_\_\_. Section 331.757, subsection 2, Code
- 18 1987, is amended to read as follows:
- 19 2. The county attorney may appoint, with the
- 20 approval of the board, an assistant county attorney to
- 21 serve as a full-time prosecutor. A full-time
- 22 prosecutor shall refrain from the private practice of
- 23 law. The county attorney shall determine the
- 24 compensation paid to a full-time prosecutor within the
- 25 budget set for the county attorney's office by the
- 26 board. The annual salary of an assistant county
- 27 attorney shall not exceed eighty-five percent of the
- 28 maximum annual salary of a full-time the county
- 29 attorney."

Van Maanen of Mahaska rose on a point of order that amendment H—6390 was not germane.

The Speaker ruled the point well taken and amendment H—6390 not germane.

Jay of Appanoose offered the following amendment H—6396 filed by him from the floor:

H—6396

- 1 Amend Senate File 2321 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 12, by inserting after line 16, the
- 4 following:

5 "Sec. \_\_\_\_\_. Section 331.757, subsection 2, Code  
 6 1987, is amended to read as follows:  
 7 2. The county attorney may appoint, with the  
 8 approval of the board, an assistant county attorney to  
 9 serve as a full-time prosecutor. A full-time  
 10 prosecutor shall refrain from the private practice of  
 11 law. The county attorney shall determine the  
 12 compensation paid to a full-time prosecutor within the  
 13 budget set for the county attorney's office by the  
 14 board. The annual salary of an assistant county  
 15 attorney who is acting in a management supervisory  
 16 capacity shall not exceed eighty-five ninety-five  
 17 percent of the maximum annual salary of a full-time  
 18 county attorney. The annual salary of all other  
 19 assistant county attorneys shall not individually  
 20 exceed eighty-five percent of the maximum annual  
 21 salary of a full-time county attorney."

Van Maanen of Mahaska rose on a point of order that amendment H—6396 was not germane.

The Speaker ruled the point well taken and amendment H—6396 not germane.

Peterson of Carroll offered the following amendment H—6402 filed from the floor by Peterson of Carroll, Jay, Halvorson of Clayton, Kremer and Clark:

H—6402

1 Amend Senate File 2321, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 12, by inserting after line 16 the  
 4 following:  
 5 "Sec. 20. Section 602.1505, Code 1987, is amended  
 6 to read as follows:  
 7 602.1505 DISTRICT COURT CLERK OFFICES — ~~SALARY~~  
 8 LIMITATION SALARIES.  
 9 1. The chief judge of each judicial district shall  
 10 set the salaries of the clerks of the district court  
 11 within the judicial district. A clerk of the district  
 12 court shall not receive a salary in excess of the  
 13 highest salary paid to the county auditor, the county  
 14 treasurer, or the county recorder in the county in  
 15 which the clerk serves.  
 16 2. The annual salary of a deputy to a clerk of the  
 17 district court shall not exceed eighty percent of the  
 18 annual salary of the clerk of the district court.  
 19 3 2. A clerk of the district court shall set the  
 20 salaries of the deputy clerks and employees of that  
 21 office, subject to ~~subsection 2 and to the approval of~~  
 22 the chief judge of the judicial district.



- 23 Sec. \_\_\_\_\_. Section 20 of this Act is effective  
 24 January 1, 1989.”  
 25 2. By renumbering sections as required.

Royer of Page rose on a point of order that amendment H—6402 was not germane.

The Speaker ruled the point well taken and amendment H—6402 not germane.

Stromer of Hancock asked and received unanimous consent to reconsider the vote by which the committee amendment H—6370, as amended, (found on pages 1768 through 1771 of the House Journal) was adopted by the House on April 12, 1988.

Division of the committee amendment was requested as follows:

H—6370A — All of pages 1 and 2; lines 1 through 16 and lines 42 through 44, page 3.

H—6370B — Page 3, lines 17 through 41.

On motion by Jochum of Dubuque, the committee amendment H—6370A was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw the committee amendment H—6370B.

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

On the question “Shall the bill pass?” (S.F. 2321)

The ayes were, 62:

Adams	Arnould	Beaman	Beatty
Bisignano	Blanshan	Brammer	Buhr
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hanson, D. R.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKean
McKinney	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Peterson, M. K.	Platt	Renaud
Rosenberg	Schnekloth	Schrader	Shoning
Shoultz	Skow	Spear	Stueland
Swartz	Swearingen	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 35:

Bennett	Black	Branstad	Carpenter
Corbett	Corey	Daggett	De Groot
Fuller	Garman	Halvorson, R. A.	Hansen, S. D.
Harbor	Hermann	Hester	Hummel
Kremer	Lundby	Maulsby	Metcalf
Miller	Muhlbauer	Pellett	Peters
Petersen, D. F.	Plasier	Poncy	Renken
Royer	Running	Siegrist	Svoboda
Tabor	Tyrrell	Van Maanen	

Absent or not voting, 3:

Lageschulte	Sherzan	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.

**Senate File 2322**, a bill for an act relating to and making appropriations for the compensation and benefits for public officials and employees, with report of committee recommending passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H—6407 filed by him from the floor and moved its adoption:

H—6407

- 1 Amend Senate File 2322 as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by inserting after line 8 the
- 4 following:
- 5 "\_\_\_\_\_ Department for the blind:
- 6 ..... \$ 55,450".
- 7 2. Page 3, line 32, by striking the figure
- 8 "96,578" and inserting the following: "41,128".
- 9 3. By renumbering as necessary.

Amendment H—6407 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2322)

The ayes were, 73:

Adams	Arnould	Beaman	Beatty
Bisignano	Blanshan	Brammer	Buhr
Chapman	Clark	Cohon	Connolly
Connors	Cooper	Corey	Diemer
Doderer	Dvorsky	Fey	Fogarty

Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 24:

Bennett	Black	Branstad	Carpenter
Corbett	Daggett	De Groot	Eddie
Fuller	Garman	Hansen, S. D.	Hermann
Hummel	Koenigs	Lundby	Maulsby
Pellett	Peters	Plasier	Renken
Royer	Running	Svoboda	Van Maanen

Absent or not voting, 3:

Hester	Kremer	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.

### IMMEDIATE MESSAGE (Senate Files 2321 and 2322)

Arnould of Scott asked and received unanimous consent that Senate Files 2321 and 2322 be immediately messaged to the Senate.

Wise of Lee in the chair at 2:50 p.m.

### HOUSE RECEDES

Blanshan of Greene called up for consideration **Senate Joint Resolution 1**, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor, and moved that the House recede from its amendment.

A non-record roll call was requested.

The ayes were 54, nays 42.

The motion prevailed and the House recedes from its amendment.

Blanshan of Greene moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

**Senate Joint Resolution 1**, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 2 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

2. Section 3 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 3. The electors shall designate their selections for governor and lieutenant governor as if these two offices were one and the same. The names of nominees for the governor and the lieutenant governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and a nominee for lieutenant governor. The returns of every election for governor and lieutenant governor shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the house of representatives who shall open and publish them in the presence of both houses of the general assembly.

3. Section 4 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1952, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be

declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor. If, upon the completion by the general assembly of the canvass of votes for governor and lieutenant governor, it appears that the nominee for governor in the set of nominees for governor and lieutenant governor receiving the highest number of votes has since died or resigned, is unable to qualify, fails to qualify, or is for any other reason unable to assume the duties of the office of governor for the ensuing term, the powers and duties shall devolve to the nominee for lieutenant governor of the same set of nominees for governor and lieutenant governor, who shall assume the powers and duties of governor upon inauguration and until the disability is removed. If both nominees for governor and lieutenant governor are unable to assume the duties of the office of governor, the person next in succession shall act as governor.

4. Section 5 of Article IV of the Constitution of the State of Iowa is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 5. Contested elections for the offices of governor and lieutenant governor shall be determined by the general assembly as prescribed by law.

Sec. 2. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 15 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 15. The official terms of the governor and lieutenant governor shall commence on the Tuesday after the second Monday of January next after their election and shall continue until their successors are elected and qualify. The governor and lieutenant governor shall be paid compensation and expenses as provided by law. The lieutenant governor, while acting as governor, shall be paid the compensation and expenses prescribed for the governor.

2. Section 18 of Article IV of the Constitution of the State of Iowa is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

**SEC. 18.** The lieutenant governor shall have the duties provided by law and those duties of the governor assigned to the lieutenant governor by the governor.

3. Section 19 of Article IV of the Constitution of the State of Iowa as amended by amendment number 2 of the Amendments of 1952 is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

**SEC. 19.** If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

**Sec. 3.** The foregoing proposed amendment, having been adopted and agreed to by the Seventy-first General Assembly, 1986 Session, thereafter duly published, and now adopted and agreed to by the Seventy-second General Assembly in this joint resolution, shall be submitted to the people of the state of Iowa at the general election in November of the year nineteen hundred eighty-eight in the manner required by the Constitution of the State of Iowa and the laws of the state of Iowa.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 1)

The ayes were, 58:

Adams	Arnould	Avenson	Beaman
Bisignano	Black	Blanshan	Carpenter
Chapman	Clark	Connolly	Corbett
Daggett	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hermann	Hester	Holveck

Jochum	Johnson	Knapp	Kremer
Lundby	Maulsby	May	McKinney
Metcalf	Ollie	Osterberg	Paulin
Pellett	Peters	Peterson, M. K.	Plasier
Rosenberg	Running	Schnekloth	Schrader
Sherzan	Shoning	Siegrist	Stromer
Stueland	Swearingen	Teaford	Tyrrell
Van Camp	Van Maanen		

The nays were, 41:

Beatty	Bennett	Brammer	Branstad
Buhr	Cohoon	Connors	Cooper
Corey	De Groot	Diemer	Doderer
Fuller	Gruhn	Halvorson, R. N.	Hammond
Harbor	Hummel	Jay	Koenigs
McKean	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Parker	Pavich
Petersen, D. F.	Platt	Poney	Renaud
Renken	Royer	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Mr. Speaker (Wise)			

Absent or not voting, 1:

Lageschulte

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

### IMMEDIATE MESSAGE (Senate Joint Resolution 1)

Arnould of Scott asked and received unanimous consent that Senate Joint Resolution 1 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Neuhauser of Johnson called up for consideration **House File 2419**, a bill for an act relating to initiating and effecting whole-grade sharing agreements, setting maximum incentives and providing for collective bargaining agreements, amended by the Senate amendment H-6380 as follows:

H-6380

- 1 Amend House File 2419, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "studies" the following: ", if requested under
- 5 section 282.11,".
- 6 2. Page 1, line 6, by inserting after the word

7 "territory" the following: ", including but not  
8 limited to contiguous districts in other states,".

9 3. Page 1, line 7, by inserting after the word  
10 "agreements" the following: "requested".

11 4. Page 1, line 11, by striking the words "and  
12 adjacent territory" and inserting the following: ",  
13 adjacent territory, and contiguous districts in other  
14 states".

15 5. Page 1, by inserting after line 25, the  
16 following:

17 "Sec. \_\_\_\_\_. Section 275.1, unnumbered paragraph 1,  
18 Code 1987, is amended to read as follows:

19 It is the policy of the state to encourage  
20 economical and efficient school districts which will  
21 ensure an equal educational opportunity to all  
22 children of the state. All areas of the state shall  
23 be in school districts maintaining kindergarten and  
24 twelve grades. If a school district ceases to  
25 maintain kindergarten and twelve grades except as  
26 otherwise provided in sections section 28E.9, 280.15,  
27 257.28 256.13, and 282.7, subsection 1 or subsections  
28 1 and 3, or 282.8, it shall reorganize within six  
29 months or the state board shall attach the school  
30 district not maintaining kindergarten and twelve  
31 grades to one or more adjacent districts. Voluntary  
32 reorganizations under this chapter shall be commenced  
33 only if the affected school districts are contiguous  
34 to one another. A reorganized district shall meet the  
35 requirements of section 275.3.

36 Sec. \_\_\_\_\_. Section 275.51, unnumbered paragraph 1,  
37 Code 1987, is amended to read as follows:

38 As an alternative to school district reorganization  
39 prescribed in this chapter, the board of directors of  
40 a school district may establish a school district  
41 dissolution commission to prepare a proposal of  
42 dissolution of the school district and attachment of  
43 all of the school district to one or more contiguous  
44 school districts and to include in the proposal a  
45 division of the assets and liabilities of the  
46 dissolving school district. A school district  
47 dissolution commission may also be established by the  
48 board of directors of a school district if a  
49 dissolution proposal has been prepared by eligible  
50 electors who reside within the district. The proposal

**Page 2**

1 must contain the names of the proposed members of the  
2 commission and be accompanied by a petition which has  
3 been signed by at least twenty percent of the eligible  
4 electors.

5 Sec. \_\_\_\_\_. Section 275.55, unnumbered paragraph 4,



6 Code 1987, is amended to read as follows:

7 The attachment is effective July 1 following its  
8 approval. If the dissolution proposal is for the  
9 dissolution of a school district with a certified  
10 enrollment of fewer than six hundred, the territory  
11 located in the school district that dissolved is  
12 eligible, if approved by the director of the  
13 department of education, for a reduction in the  
14 uniform property tax levy under section 442.2,  
15 subsection 1. If the director approves a reduction in  
16 the uniform property tax levy as provided in this  
17 section, the director shall notify the director of the  
18 department of management of the reduction.

19 Sec. \_\_\_\_\_. **NEW SECTION. 275.55A ATTENDANCE IN**  
20 **OTHER DISTRICT.**

21 A pupil enrolled in ninth, tenth, or eleventh grade  
22 during the school year preceding the effective date of  
23 a dissolution proposal, who was a resident of the  
24 school district that dissolved, may enroll in any  
25 school district to which territory of the school  
26 district that dissolved was attached until that  
27 pupil's graduation from high school. Notwithstanding  
28 section 282.24, the district of residence of the  
29 pupil, determined in the dissolution proposal, shall  
30 pay tuition to the school district selected by the  
31 pupil in an amount not to exceed the district cost per  
32 pupil of the district of residence and the school  
33 district selected by the pupil shall accept that  
34 tuition payment and enroll the pupil.

35 Sec. \_\_\_\_\_. Section 282.1, Code 1987, is amended to  
36 read as follows:

37 **282.1 SCHOOL AGE – NONRESIDENTS.**

38 Persons between five and twenty-one years of age  
39 are of school age. A board may establish and maintain  
40 evening schools for residents of the corporation  
41 regardless of age and for which no tuition need be  
42 charged. Nonresident children shall be charged the  
43 maximum tuition rate as determined in section 282.24,  
44 subsection 1, with the exception that those residing  
45 temporarily in a school corporation may attend school  
46 in the corporation upon terms prescribed by the board,  
47 and boards discontinuing grades under section 282.7,  
48 subsection 1 or subsections 1 and 3, shall be charged  
49 tuition as provided in section 282.24, subsection 2.

50 Sec. \_\_\_\_\_. Section 282.7, Code Supplement 1987, is

**Page 3**

1 amended by adding the following new subsection:  
2 **NEW SUBSECTION. 3.** Notwithstanding section 282.8  
3 and section 28E.9, a school district may negotiate an  
4 agreement under subsection 1 for attendance of its

5 pupils in a school district located in a contiguous  
6 state subject to a reciprocal agreement by the two  
7 state boards in the manner provided in this  
8 subsection. Prior to negotiating an agreement with  
9 the school district in the contiguous state, the board  
10 of directors shall file a written request with the  
11 state board of education for a determination whether  
12 the school district in the contiguous state meets  
13 requirements substantially similar to those required  
14 for accredited or approved school districts in this  
15 state and the school district receives or has  
16 available services equivalent to those that would be  
17 provided in this state by an area education agency.  
18 The school district shall also obtain approval by the  
19 department of education of the sharing proposal,  
20 before the agreement becomes effective. Six months  
21 prior to making the request for approval, the district  
22 shall request a feasibility study from the department  
23 of education. If the state board of this state and  
24 the corresponding state board in the contiguous state  
25 agree that the school districts of their respective  
26 states meet substantially similar requirements and  
27 have substantially similar services available to the  
28 school district, and if the Iowa department of  
29 education approves the proposed contract, the two  
30 state boards may sign a reciprocal agreement for  
31 attendance of their pupils in the school district of  
32 the other state, subject to the agreement signed  
33 between the boards of directors of the two districts.  
34 A school district that negotiates an agreement with a  
35 school district in a contiguous state under this  
36 subsection is not eligible for supplementary weighting  
37 under section 442.39 as a result of that agreement.

38 Sec. \_\_\_\_\_. Section 282.10, subsection 1, Code  
39 Supplement 1987, is amended to read as follows:

40 1. Whole grade sharing is a procedure used by  
41 school districts whereby all or a substantial portion  
42 of the pupils in any grade in two or more school  
43 districts share an educational program for all or a  
44 substantial portion of a school day under a written  
45 agreement pursuant to section 256.13, 280.15, or  
46 282.7, subsection 1 or subsections 1 and 3. Whole  
47 grade sharing may either be one-way or two-way  
48 sharing.

49 Sec. \_\_\_\_\_. Section 282.24, subsection 1, unnumbered  
50 paragraph 1, Code Supplement 1987, is amended to read

**Page 4**

1 as follows:

2 There is established a maximum tuition fee that may  
3 be charged for elementary and high school students

4 residing within another school district or corporation  
 5 except students attending school in another district  
 6 under section 282.7, subsection 1 or subsections 1 and  
 7 3. That fee is the district cost per pupil of the  
 8 receiving district as computed in section 442.9,  
 9 subsection 1, paragraph "a"."

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

12 "Sec. \_\_\_\_\_. Section 442.2, subsection 1, unnumbered  
 13 paragraphs 2 and 3, Code 1987, are amended to read as  
 14 follows:

15 However, commencing with the budget year beginning  
 16 July 1, ~~1987~~ 1988, a reorganized school district shall  
 17 cause a foundation property tax of four dollars and  
 18 forty cents per thousand dollars of assessed valuation  
 19 to be levied on all taxable property which, in the  
 20 year preceding the a reorganization, was within a  
 21 school district affected by the reorganization as  
 22 defined in section 275.1, and which or in the year  
 23 preceding a dissolution was a part of a school  
 24 district that dissolved if the dissolution proposal  
 25 has been approved by the director of the department of  
 26 education pursuant to section 275.55. In the year  
 27 preceding the reorganization or dissolution, the  
 28 school district affected by the reorganization or the  
 29 school district that dissolved must have had a  
 30 certified enrollment of less fewer than six hundred in  
 31 order for the four dollar and forty cent levy to  
 32 apply. In succeeding school years, the foundation  
 33 property tax levy on that portion shall be increased  
 34 twenty cents per year until it reaches the rate of  
 35 five dollars and forty cents per thousand dollars of  
 36 assessed valuation.

37 For purposes of this section, a reorganized school  
 38 district is one which absorbed at least thirty percent  
 39 of the enrollment of the school district affected by a  
 40 reorganization or dissolved during a dissolution and  
 41 in which reorganization or dissolution was approved in  
 42 an election pursuant to sections 275.18 and 275.20 or  
 43 section 275.55, and will take the reorganization or  
 44 dissolution takes effect on or after July 1, ~~1986~~  
 45 1988."

46 7. Title page, line 1, by inserting after the  
 47 word "to" the following: "enrollment of school  
 48 pupils, including".

49 8. Title page, line 1, by inserting after the  
 50 word "effecting" the following: "school district

**Page 5**

1 dissolutions and".

2 9. Title page, lines 2 and 3, by striking the

3 words "and providing for collective bargaining  
 4 agreements".  
 5 10. By renumbering, relettering, or redesignating  
 6 and correcting internal references as necessary.

Stromer of Hancock offered the following amendment H—6401,  
 to the Senate amendment H—6380, filed by him and Neuhauser of  
 Johnson from the floor moved its adoption:

H—6401

1 Amend the Senate amendment, H—6380, to House File  
 2 2419 as follows:  
 3 1. Page 4, by inserting after line 45 the fol-  
 4 lowing:  
 5 "\_\_\_\_\_. Page 4, by inserting after line 10 the  
 6 following:  
 7 "Sec. \_\_\_\_\_. Section 442.13, subsection 7, Code  
 8 Supplement 1987, is amended to read as follows:  
 9 7. The committee may authorize a district to spend  
 10 a reasonable and specified amount from its unexpended  
 11 cash balance for the purpose or purposes of furnishing  
 12 either of the following purposes:  
 13 a. Furnishing, equipping, and contributing to the  
 14 construction of a new building or structure for which  
 15 the voters of the district have approved a bond issue  
 16 as provided by law or a tax as provided in chapter 278  
 17 and for major building repairs as defined in section  
 18 297.5.  
 19 b. The costs associated with the demolition of an  
 20 unused school building, or the conversion of an unused  
 21 school building for community use, in a school  
 22 district involved in a dissolution or reorganization  
 23 under chapter 275 which are incurred within three  
 24 years of the dissolution or reorganization.  
 25 PARAGRAPH DIVIDED. No other expenditure, including  
 26 but not limited to expenditures for salaries or  
 27 recurring costs, shall be authorized under this  
 28 subsection. Expenditures authorized under this  
 29 subsection shall not be included in allowable growth  
 30 or district cost, and the portion of the unexpended  
 31 cash balance which is authorized to be spent shall be  
 32 regarded as if it were miscellaneous income. Any part  
 33 of such the amount which is not actually spent for the  
 34 authorized purpose shall revert to its former status  
 35 as part of the unexpended cash balance." "

Amendment H—6401 was adopted.

On motion by Neuhauser of Johnson, the House concurred in the  
 Senate amendment H—6380, as amended.

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

On the question "Shall the bill pass?" (H.F. 2419)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Clark	Cphoon	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	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
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Mr. Speaker	
		(Wise)	

The nays were, none.

Absent or not voting, 5:

Chapman	Connolly	Fey	Lageschulte
Sherzan			

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 that the rules be suspended for the immediate consideration of House File 2470.

### Regular Calendar

**House File 2470**, a bill for an act 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, was taken up for consideration.

Tabor of Jackson offered the following amendment H—6393 filed by him from the floor and moved its adoption:

H—6393

- 1 Amend House File 2470, as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. This Act, being deemed of immediate
- 5 importance, is effective upon enactment."
- 6 2. By renumbering as necessary.

Amendment H—6393 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. 2470)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	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.
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
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Mr. Speaker (Wise)	

The nays were, none.

Absent or not voting, 5:

Chapman	Connolly	Lageschulte	Parker
Shoning			

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

#### SENATE AMENDMENT FURTHER CONSIDERED (Senate File 484)

The House resumed consideration of 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, and the Senate amendment H—6353 (found on pages 1700 through 1702 of the House Journal), previously deferred April 11, 1988.

Speaker Avenson in the chair at 4:10 p.m.

Jay of Appanoose moved that the House concur in the Senate amendment H—6353, to the House amendment.

Roll call was requested by Stromer of Hancock and Jay of Appanoose.

Rule 75 was invoked.

On the question "Shall the House concur in the Senate amendment H—6353, to the House amendment?" (S.F. 484)

The ayes were, 52:

Adams	Arnould	Beatty	Blanshan
Brammer	Buhr	Chapman	Cohoon
Connolly	Corey	Dvorsky	Eddie
Fey	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Johnson
Koenigs	Lundby	McKinney	Mullins
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Spear	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 47:

Beaman	Bennett	Bisignano	Black
Branstad	Carpenter	Clark	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Fogarty	Fuller
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Jochum
Knapp	Kremer	Maulsby	May
McKean	Metcalf	Miller	Muhlbauer
Neuhauser	Paulin	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Skow	Stromer	Stueland	Svoboda
Swearingen	Tyrrell	Van Maanen	

Absent or not voting, 1:

Lageschulte

The motion prevailed and the House concurred in the Senate amendment H—6353, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 484)

The ayes were, 62:

Adams	Arnould	Beaman	Beatty
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Cooper	Corbett
Corey	Dvorsky	Eddie	Fey



Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hermann	Hester
Jay	Johnson	Knapp	Koenigs
Lundby	May	McKinney	Muhlbauer
Mullins	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 37:

Bennett	Bisignano	Black	Branstad
Carpenter	Clark	Connors	Daggett
De Groot	Diemer	Doderer	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Holveck
Hummel	Jochum	Kremer	Maulsby
McKean	Metcalf	Miller	Neuhauser
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Skow	Stromer
Stueland	Svoboda	Swearingen	Tyrrell
Van Maanen			

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.

### OBJECTION TO IMMEDIATE MESSAGE

Arnould of Scott asked for unanimous consent to immediately message Senate File 484 to the Senate.

Objection was raised.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2055.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2055**, a bill for an act relating to the registration and use of certain pesticides, deferred and placed on the unfinished business calendar March 31, 1988.

Johnson of Winneshiek offered the following amendment H—5860 filed by the committee on energy and environmental protection:

H-5860

1 Amend Senate File 2055 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 9.

4 2. Page 1, line 16, by striking the word "twenty-  
5 five" and inserting the following: "~~twenty-five~~  
6 thirty".

7 3. Page 1, line 18, by striking the words "who  
8 are employed by a state agency" and inserting the  
9 following: "who are employed by a state agency".

10 4. Page 1, line 19, by striking the word "twenty-  
11 five" and inserting the following: "~~twenty-five~~  
12 thirty".

13 5. Page 1, line 20, by striking the word "five-  
14 dollar" and inserting the following: "~~five-dollar~~  
15 ten-dollar".

16 6. Page 1, by striking lines 26 and 27 and  
17 inserting the following: "applicator shall be tested  
18 prior to initial certification. In".

19 7. By striking page 1, line 31 through page 2,  
20 line 2, and inserting the following: "certification.  
21 However, a commercial, public, or private applicator  
22 need not be certified to apply pesticides for a period  
23 of fifteen days from the date of initial employment if  
24 the commercial, public, or private applicator is under  
25 the direct supervision of a certified applicator. For  
26 the purposes of this section, "under the direct  
27 supervision of" means that the application of a  
28 pesticide is made by a competent person acting under  
29 the instructions and control of a certified applicator  
30 who is physically present, by being in sight or  
31 hearing distance of the supervised person. The test  
32 shall include, but".

33 8. Page 2, line 4, by inserting after the word  
34 "groundwater." the following: "The secretary shall  
35 also adopt by rule, the criteria for the allowance of  
36 the selection of the written or oral examination by a  
37 person requiring certification."

38 9. Page 2, line 7, by striking the word ", or"  
39 and inserting the following: "or".

40 10. Page 2, by striking lines 9 through 11 and  
41 inserting the following: "a custom farming operation  
42 is".

43 11. Page 2, line 19, by inserting after the word  
44 "training" the following: ", testing,".

45 12. Page 2, line 29, by inserting after the word  
46 "period." the following: "The secretary shall also  
47 adopt rules which allow for an exemption from  
48 certification for a person who uses certain services  
49 and is not solely a pesticide applicator, but who uses  
50 the services as an incidental part of the person's

**Page 2**

1 duties."

2 13. By striking page 2, line 30 through page 3,

3 line 15.

Johnson of Winneshiek offered the following amendment H—6382, to the committee amendment H—5860, filed by him from the floor and moved its adoption:

H—6382

1 Amend the amendment H—5860, to Senate File 2055, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 3, by striking the figure "9."  
5 and inserting the following: "9 and inserting the  
6 following:

7 "Sec. \_\_\_\_\_. Section 206.2, subsection 12, Code  
8 Supplement 1987, is amended to read as follows:

9 12. "Commercial applicator" means any a person,  
10 corporation, or employee of a person or corporation  
11 who enters into a contract or an agreement for the  
12 sake of monetary payment and agrees to perform a  
13 service by applying any a pesticide ~~or servicing any~~  
14 ~~device~~ but ~~shall~~ does not include a farmer trading  
15 work with another, a person employed by a farmer not  
16 solely as a pesticide applicator who applies pesticide  
17 as an incidental part of the person's general duties,  
18 or a person who applies pesticide as an incidental  
19 part of a custom farming operation." "

Amendment H—6382 was adopted.

Lundby of Linn asked and received unanimous consent to withdraw amendment H—6012, to the committee amendment H—5860, filed by her on March 29, 1988.

Paulin of Plymouth asked and received unanimous consent to defer action on amendment H—6253.

Paulin of Plymouth offered the following amendment H—6406, to the committee amendment H—5860, filed by him and Osterberg of Linn from the floor and moved its adoption:

H—6406

1 Amend the amendment, H—5860, to Senate File 2055,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 23, by striking the word  
5 "fifteen" and inserting the following: "twenty-one".

6 2. Page 1, line 31, by inserting after the word

7 "person." the following: "A commercial applicator who  
 8 applies pesticides to agricultural land may, in lieu  
 9 of the requirement of direct supervision, elect to be  
 10 exempt from the certification requirements for a  
 11 commercial applicator for a period of twenty-one days,  
 12 if the applicator meets the requirements of a private  
 13 applicator."

Amendment H—6406 was adopted, placing out of order amendment H—6253 (previously deferred), to the committee amendment H—5860, filed by Paulin of Plymouth on April 6, 1988.

On motion by Johnson of Winneshiek, the committee amendment H—5860, as amended, was adopted.

Lundby of Linn asked and received unanimous consent to withdraw amendment H—5933 filed by her on March 28, 1988, placing out of order amendment H—6094, to amendment H—5933, filed by Lundby of Linn on March 30, 1988.

Johnson of Winneshiek offered the following amendment H—6383 filed by him from the floor and moved its adoption:

H—6383

1 Amend Senate File 2055 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, by inserting after line 15, the  
 4 following:  
 5 "Sec. 4. Section 206.31, subsections 1 through 4,  
 6 Code Supplement 1987, are amended to read as follows:  
 7 1. DEFINITIONS. Notwithstanding section 206.2, as  
 8 used in this chapter with regard to the application of  
 9 pesticides used inside the home or injected into the  
 10 ground around the home for structural pest control:  
 11 a. "Commercial applicator" means a person, or  
 12 employee of a person, who enters into a contract or an  
 13 agreement for the sake of monetary payment and agrees  
 14 to perform a service by applying a pesticide or  
 15 servicing a device but shall not include a farmer  
 16 trading work with another.  
 17 b. "Public applicator" means an individual who  
 18 applies pesticides as an employee of a state agency,  
 19 county, municipal corporation, or other governmental  
 20 agency.  
 21 c. "Structural pest control" means controlling any  
 22 pests in, on, or around food handling establishments;  
 23 human dwellings; institutions such as schools and  
 24 hospitals; industrial establishments, including  
 25 warehouses and grain elevators; and any other  
 26 structures in adjacent areas.  
 27 2. ADDITIONAL CERTIFICATION REQUIREMENTS. A

28 person shall not apply a restricted use pesticide  
 29 inside a home or injected into the ground around a  
 30 home used for structural pest control without first  
 31 complying with the certification requirements of this  
 32 chapter and other restrictions as determined by the  
 33 secretary.

34 The secretary shall require applicants for  
 35 certification as commercial or public applicators of  
 36 pesticides applied inside a home or injected into the  
 37 ground around a home for structural pest control to  
 38 take and pass a written test.

39 3. Examination for commercial applicator license.  
 40 The secretary of agriculture shall not issue a  
 41 commercial applicator license for applying pesticides  
 42 inside homes or injecting pesticides into ground  
 43 surrounding homes for structural pest control until  
 44 the individual engaged in or managing the pesticide  
 45 application business or employed by the business is  
 46 certified by passing an examination to demonstrate to  
 47 the secretary the individual's knowledge of how to  
 48 apply pesticides under the classifications the  
 49 individual has applied for, and the individual's  
 50 knowledge of the nature and effect of pesticides the

**Page 2**

1 individual may apply under such classifications.  
 2 4. Renewal of applicant's license. The secretary  
 3 of agriculture shall renew an applicant's license for  
 4 applying pesticides inside homes or injecting  
 5 pesticides into ground surrounding homes for  
 6 structural pest control under the classifications for  
 7 which the applicant is licensed, provided that all of  
 8 the applicant's personnel who apply pesticides inside  
 9 homes or inject pesticides into ground surrounding  
 10 homes for structural pest control have also been  
 11 certified.

Amendment H—6383 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2055)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey

Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 5:

Lundby	Maulsby	Platt	Renken
Van Maanen			

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.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 1988, receded from the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 12, 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 2447, a bill for an act relating to human services, and making appropriations to the department of human services for the fiscal year beginning July 1, 1988, and ending June 30, 1989 and providing effective dates.

Also: That the Senate has on April 12, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 11, 1988, insisted on its amendment to 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, and the members of the conference committee, on the part of the Senate are: The Senator from Woodbury, Senator Sturgeon, Chair; the Senator from Cerro Gordo, Senator A. Miller; the Senator from Pottawattamie, Senator Gronstal; the Senator from Polk, Senator Readinger; and the Senator from Clayton, Senator Tieden.

Also: That the Senate has on April 12, 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 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.

Also: That the Senate has, on April 12, 1988, adopted the conference committee report and passed 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 April 12, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2329, a bill for an act relating to the bill of rights of persons with mental retardation, a developmental disability, or chronic mental illness and providing applicability provisions.

JOHN F. DWYER, Secretary

### CONFERENCE COMMITTEE APPOINTED (Senate File 2310)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2310: Hammond of Story, Chair; Buhr of Polk, Harper of Black Hawk, Hermann of Scott and Royer of Page.

The House stood at ease at 5:16 p.m., until the fall of the gavel.

The House resumed session at 5:26 p.m., Speaker Avenson in the chair.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2318)

Sherzan of Polk called up for consideration the report of the conference committee on Senate File 2318 and moved the adoption of the

conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2318

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

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

1. That the House recede from its amendment, S-5772, to Senate File 2318, as amended, passed, and reprinted by the Senate.

2. That Senate File 2318, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, line 15, by inserting after the word "law." the following: "However, a person who earns less than one thousand dollars annually or who performs work or has work performed on the person's own property is not a contractor for purposes of this chapter."

2. Page 1, by striking lines 16 through 20 and inserting the following:

"2. If a contractor's registration application shows that the contractor is self-employed, does not pay more than one thousand dollars annually to employ other persons in the business, and does not work with or for other contractors in the same phases of construction, the contractor is exempt from the fee requirements under this chapter."

3. Page 1, line 29, by inserting after the word "coverage" the following: "annually".

4. Page 1, line 31, by inserting after the figure "87.2." the following: "Notice of a policy's cancellation shall be provided to the labor commissioner by the insurance company."

5. Page 2, line 23, by striking the words "twenty-five dollars" and inserting the following: "twelve dollars and fifty cents".

6. Page 6, line 8, by striking the word and figure "January 1" and inserting the following: "February 15".

ON THE PART OF THE HOUSE:

GARY SHERZAN, Chair  
PHIL BRAMMER  
RICHARD V. RUNNING

ON THE PART OF THE SENATE:

JAMES R. RIORDAN, Chair  
LINN FUHRMAN  
EDGAR H. HOLDEN  
THOMAS MANN, JR.  
JAMES D. WELLS

A non-record roll call was requested.

The ayes were 47, nays 38.



The motion prevailed and the conference committee report 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2318)

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Dvorsky	Fey	Fuller	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hermann	Holveck
Jay	Jochum	Johnson	Knapp
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Skow	Spear	Svoboda	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 44:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Eddie	Fogarty	Garman	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hester
Hummel	Koenigs	Kremer	Lundby
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Siegrist	Stromer	Stueland	Swartz
Swearingen	Tabor	Tyrrell	Van Maanen

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.

#### SENATE AMENDMENT CONSIDERED

Parker of Jasper called up for consideration **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, amended by the Senate amendment H—6359 as follows:

H—6359

1 Amend House File 2396 as passed by the House, as  
2 follows:

3 1. Page 9, line 3, by striking the words "twelve  
4 directors, seven" and inserting the following:  
5 "eighteen directors, ten".

6 2. Page 9, line 4, by striking the word "five"  
7 and inserting the following: "eight".

8 3. Page 9, line 5, by striking the word "seven"  
9 and inserting the following: "ten".

10 4. Page 9, by inserting after line 13 the  
11 following:

12 "h. The administrators of the divisions of the  
13 status of women, of Spanish-speaking people, and of  
14 the status of blacks.

15 i. Or the designees of the officials named in  
16 paragraphs "a" through "h"."

17 5. Page 9, line 14, by inserting after the word  
18 "department" the following: ", or the director's  
19 designee,".

20 6. Page 9, line 16, by inserting after the word  
21 "corporation" the following: ", or the president's  
22 designee,".

23 7. Page 9, line 25, by inserting before the word  
24 "The" the following: "To the extent practicable, the  
25 makeup of the private directors shall reflect the  
26 percentage of women and minorities in the general  
27 population of the state."

Parker of Jasper offered the following amendment H—6398, to the Senate amendment H—6359, filed by him and Doderer of Johnson from the floor and moved its adoption:

H—6398

1 Amend the Senate amendment, H—6359, to House File  
2 2396, as passed by the House, as follows:

3 1. Page 1, by striking lines 3 through 16 and  
4 inserting the following:

5 "\_\_\_\_\_. Page 9, by inserting after line 13 the  
6 following:

7 "h. Or the designees of the officials named in  
8 paragraphs "a" through "g"."

9 2. Page 1, by striking lines 23 through 27.

Amendment H—6398 was adopted.

On motion by Parker of Jasper, the House concurred in the Senate amendment H—6359, as amended.

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

On the question "Shall the bill pass?" (H.F. 2396)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	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.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	May	McKean	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
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, 12:

Bennett	De Groot	Garman	Maulsby
Metcalf	Miller	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Van Maanen

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.

The House stood at ease at 5:43 p.m., until the fall of the gavel.

The House resumed session at 5:58 p.m., Speaker Avenson in the chair.

### SENATE AMENDMENT CONSIDERED

Fey of Scott called up for consideration **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, amended by the Senate amendment H—6375 as follows:

H—6375

- 1 Amend House File 2278 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. By striking page 1, line 35 through page 3,
- 4 line 3 and inserting the following:
- 5 “Sec. 2. Section 232.22, subsection 2, paragraph
- 6 c, subparagraph (1), Code Supplement 1987, is amended
- 7 to read as follows:
- 8 (1) The child is at least ~~sixteen~~ fourteen years
- 9 of age.”
- 10 2. Page 3, by striking line 25 and inserting the
- 11 following:
- 12 “The”.
- 13 3. Page 4, line 14, by inserting after the figure
- 14 “802” the following: “and further provided that the
- 15 juvenile court has not already waived its jurisdiction
- 16 over the person and the alleged offense”.
- 17 4. Page 6, by striking lines 30 through 32 and
- 18 inserting the following:
- 19 “When If a person eighteen years of age or older is
- 20 convicted of a simple or serious misdemeanor and a
- 21 specific penalty is not provided for or if a person
- 22 under eighteen years of age has been waived to adult
- 23 court pursuant to section 232.45 on a felony charge
- 24 and is subsequently convicted of a simple, serious, or
- 25 aggravated misdemeanor, the court shall determine the
- 26 sentence, and”.
- 27 5. By renumbering, relettering, or redesignating
- 28 and correcting internal references as necessary.

Fey of Scott offered the following amendment H—6410, to the Senate amendment H—6375, filed by him from the floor and moved its adoption:

H—6410

- 1 Amend the Senate amendment, H—6375, to House File
- 2 2278, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 12.
- 5 2. Renumber as necessary.

Amendment H—6410 was adopted.

On motion by Fey of Scott, the House concurred in the Senate amendment H—6375, as amended.

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

On the question "Shall the bill pass?" (H.F. 2278)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhausser	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, 1:

Doderer

Absent or not voting, 2:

Halvorson, R. A. 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:

McKean of Jones, until his return, on request of Hermann of Scott; Harbor of Mills and Halvorson of Clayton, for the remainder of the day, on request of Stromer of Hancock.

## SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **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, and amendment H—6361 (found on page 1713 of the House Journal), to the Senate amendment H—6348 (found on pages 1711 through 1713 of the House Journal), previously deferred.

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H—6361, to the Senate amendment H—6348, filed by him on April 11, 1988.

Connolly of Dubuque offered the following amendment H—6412, to the Senate amendment H—6348, filed by him from the floor and moved its adoption:

H—6412

- 1 Amend the Senate amendment, H—6348, to House File
- 2 2386, as passed by the House, as follows:
- 3 1. Page 1, line 3, by striking the figure and
- 4 word "9 and" and inserting the following: "9."
- 5 2. Page 1, by striking lines 4 through 27.
- 6 3. By striking page 1, line 41 through page 2,
- 7 line 20.
- 8 4. By striking page 2, line 34 through page 3,
- 9 line 9.

Amendment H—6412 was adopted.

On motion by Connolly of Dubuque, the House concurred in the Senate amendment H—6348, as amended.

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

On the question "Shall the bill pass?" (H.F. 2386)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller

Garman	Groninga	Gruhn	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	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	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:

Running

Absent or not voting, 6:

Doderer	Halvorson, R. A.	Harbor	Lageschulte
McKean	Parker		

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

The House stood at ease at 6:12 p.m., until the fall of the gavel.

The House resumed session at 7:03 p.m., Speaker Avenson in the chair.

### INTRODUCTION OF BILLS

**House File 2472**, by committee on ways and means, a bill for an act 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, requiring related reports by the commissioner of insurance, and providing applicable and effective dates.

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

**House File 2473**, by committee on appropriations, a bill for an act relating to and making appropriations directly from the state general fund for purposes of the military service tax credit and payment of the franchise tax to local governments, and providing an effective date.

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

## OBJECTION TO SUSPENSION OF RULE 57

Arnould of Scott asked for unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an immediate meeting of the committee on appropriations.

Objection was raised.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 12, 1988, he approved and transmitted to the Secretary of State the following bills:

House File 209, 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.

House File 470, an act relating to the payment of expenses of merged area schools by the board secretary.

House File 2063, 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.

House File 2123, 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.

House File 2127, 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.

House File 2156, an act relating to the registration of aircraft, and making penalties applicable.

House File 2179, an act extending civil service status to certain job classes funded by public grants or other temporary funds.

House File 2384, an act relating to the notice to be given to a judgment debtor when the debtor's property is levied upon.

House File 2440, an act relating to and making appropriations to the department of agriculture and land stewardship and the department of natural resources, and providing for an increase in certain fees.

Senate File 156, 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.



Senate File 456, an act relating to support or service dogs for disabled or handicapped persons.

Senate File 2062, an act relating to the appointment and compensation of acting county attorneys.

Senate File 2172, an act relating to an appeal regarding the purchase of Iowa state industry products.

Senate File 2180, an act relating to the eligibility policies established by the commission of elder affairs.

Senate File 2182, an act to provide for the payment of costs of improvements in drainage districts by special assessment.

Senate File 2205, 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.

Senate File 2269, an act relating to the establishment of a drainage subdistrict.

Senate File 2273, an act relating to the establishment and construction of rest areas and rest area buildings.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 11, 1988. Had I been present, I would have voted "aye" on House File 2464; Senate Files 2248, 2301, 2309 and 2315; "nay" on House File 2377 and Senate File 2250.

MAULSBY of Calhoun

I was necessarily absent from the House chamber on Monday, April 11, 1988. Had I been present, I would have voted "aye" on House File 2460.

OLLIE of Clinton

### PRESENTATION OF VISITORS

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

Seventeen eighth grade students from St. John School, Bancroft, accompanied by Madeline Summitt and Gene Meister. By Branstad of Winnebago.

Thirty fifth grade students from Crossroads Park Elementary School, West Des Moines, accompanied by Rachel Garman and Doyle Miller. By Carpenter of Polk.

Thirty fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Paul Linn. By Carpenter of Polk.

Thirteen junior high students from Sacred Heart School, Boone, accompanied by Marilyn O'Brien. By Garman of Story.

Twenty-four sixth grade and two foreign exchange high school students from Allison-Bristow, Allison, accompanied by Mr. Randall and Mrs. Edeker. By Renken of Grundy.

Sixty-five fifth grade and thirty-seven sixth grade students from Interstate 35 Community Schools, Truro, accompanied by Mrs. Cynthia Boyd and Mrs. Chris Benedict. By Skow of Guthrie.

Sixty-three senior students from Clarion High School, Clarion, accompanied by Kent Mutcher. By Stromer of Hancock.

Ten seventh and eighth grade students from Peoria Christian School, Peoria, accompanied by Tom Robinson. By Van Maanen of Mahaska.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### H.S.B. 835 Ways and Means

Authorizing the charging of a fee for police and fire protection and for the collection and disposal of solid waste on tax exempt property by certain political subdivisions of the state.

#### SUBCOMMITTEE ASSIGNMENT

Senate File 2328

Appropriations: Running, Chair; Branstad, Halvorson of Webster, Maulsby and Schrader.

#### 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 HUMAN RESOURCES

House File 2466, a bill for an act relating to the extension of the exclusion of a residential care facility from certificate of need requirements.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 1988.

**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 12th day of April, 1988: House File 2447.

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

Report adopted.

**CONFERENCE COMMITTEE REPORT FILED**

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

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

Senate File 394, a bill for an act relating to care of animals in commercial establishments.

**AMENDMENTS FILED**

H-6384	S.F.	2263	Osterberg of Linn
H-6394	H.F.	2326	Harbor of Mills
H-6395	H.F.	2326	Harbor of Mills
H-6400	H.F.	2455	Swartz of Marshall
			Beatty of Warren
			Hammond of Story
			Jochum of Dubuque
H-6403	S.F.	2247	Johnson of Winneshiek
H-6404	S.F.	2068	Senate Amendment
H-6405	S.F.	2296	Senate Amendment
H-6408	H.F.	2455	Swartz of Marshall
H-6409	H.F.	2455	Swartz of Marshall
H-6411	S.F.	2247	Lundby of Linn
			Osterberg of Linn
H-6413	S.F.	376	Schnekloth of Scott
H-6414	S.F.	376	Schnekloth of Scott
H-6415	H.F.	2472	Brammer of Linn
H-6416	S.F.	2130	Rosenberg of Story
			Paulin of Plymouth
H-6417	S.F.	2312	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 7:08 p.m., until 9:00 a.m., Wednesday, April 13, 1988.

## **JOURNAL OF THE HOUSE**

Ninety-fourth Calendar Day — Sixty-third Session Day

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

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

A musical prayer was offered by the House Pages.

The Journal of Tuesday, April 12, 1988 was approved.

### **PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS**

Schrader of Marion escorted to the Speaker's station and presented to the House Tonya Van Wyk, Queen of the 1988 Pella Tulip Festival.

Queen Tonya, a senior at Pella Community High School, presented her attendants Jennifer Sue Brandl, Jaci Ryken, Liz Smiley and Kim Van Dalen, seniors at Pella Community High School. The Queen invited everyone to attend the fifty-third festival to be held May 12, 13 and 14.

Those present from Pella were dressed in native Dutch costume and distributed the famous Pella Dutch cookies.

The House rose and expressed its welcome and appreciation.

### **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:

Siri Anderson  
Lon Barkema  
Steve Boardman  
Greg Bocken  
Alicia Ann Burton  
Jill Crouse

Dana Easter  
Laurie Ann Gitch  
Melanie Grieser  
Holli Hartman  
Wendy Sue Harvey  
Tracy Havener

Charmin Lehman  
 Sara Lynn Ludvigson  
 Audrey Martin  
 Denise Maxwell  
 Diena Modderman  
 Jeffrey Pfund

Angela Pierce  
 Kelly Svoboda  
 Andy Sylvester  
 Katherine Trahanovsky  
 Amy Lynn Wall  
 Toni Wilson

The House rose and expressed its appreciation.

### SENATE MESSAGE CONSIDERED

**Senate File 2329**, by committee on appropriations, a bill for an act relating to the bill of rights of persons with mental retardation, a developmental disability, or chronic mental illness and providing applicability provisions.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 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 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 April 12, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2354, a bill for an act relating to radon testing and providing a penalty.

Also: That the Senate has on April 12, 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 2193, a bill for an act relating to requirements for approved teacher education programs.

Also: That the Senate has on April 12, 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 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

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Miller of Cherokee offered the following House Memorial Resolution 101 and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 101

*Whereas, The Honorable Harold V. Nelson of Cherokee County, Iowa, who was a member of the Sixty-first, Sixty-second and Sixty-third General Assemblies, passed away on March 12, 1988; Now Therefore,*

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

The motion prevailed and the Speaker appointed as such committee Miller of Cherokee, Plasier of Sioux and De Groot of Lyon.

#### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate Files 2130 and 2316.

#### CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2130**, a bill for an act repealing the prohibition against selling or offering for sale decorative gas lamps, deferred and placed on the unfinished business calendar March 31, 1988.

Rosenberg of Story offered the following amendment H—5987 filed by the committee on energy and environmental protection:

H—5987

- 1 Amend Senate File 2130 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. NEW SECTION. 476.18A RESTRICTIONS ON
- 6 SERVICES BY A PUBLIC UTILITY.
- 7 After July 1, 1989, a public utility, a rural
- 8 electric cooperative, or a municipality, shall not
- 9 provide construction services, materials, or financing
- 10 for any energy conservation improvements unless either
- 11 of the following occurs:
- 12 1. The utilities board determines that the
- 13 construction services, materials, or financing are not

14 available from another supplier in the same geographic  
15 area.

16 2. The utilities board has ordered that the  
17 construction services, materials, or financing be  
18 provided as part of a pilot project.

19 Sec. \_\_\_\_\_. NEW SECTION. 478A.1 DECORATIVE GAS  
20 LAMPS.

21 1. Commencing January 1, 1990, a person shall not  
22 sell or offer for sale in this state a decorative gas  
23 lamp.

24 2. As used in this section "decorative gas lamp"  
25 means a device installed for the purpose of producing  
26 illumination by burning natural, mixed, or liquid  
27 petroleum gas and utilizing either a mantle or an open  
28 flame, but does not include portable camp lanterns or  
29 gas lamps.

30 3. Persons convicted of violating this section  
31 shall be guilty of a simple misdemeanor."

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

34 "Sec. \_\_\_\_\_. STATE ENERGY EFFICIENCY PLAN. The  
35 utilities board within the utilities division of the  
36 department of commerce shall cooperate with the  
37 utilities association to develop a state plan to  
38 encourage the purchasing of energy efficient devices,  
39 appliances, and equipment. The plan shall give  
40 attention to the Iowa manufacturers of energy  
41 efficient devices. The plan shall be submitted to the  
42 general assembly on or before January 15, 1989."

43 3. Title page, line 1, by striking the word  
44 "repealing" and inserting the following: "relating to  
45 public utility regulation by restricting the provision  
46 of certain services by public utilities, rural  
47 electric cooperatives, and municipalities, by  
48 suspending".

49 4. Title page, line 2, by inserting after the  
50 word "lamps" the following: "until January 1, 1990,

**Page 2**

1 by requiring the utilities board to cooperate with the  
2 utilities association to develop a state plan to  
3 encourage the purchasing of certain energy-efficient  
4 items and providing a penalty".

Rosenberg of Story asked and received unanimous consent to withdraw amendment H-6189, to the committee amendment H-5987, filed by him on April 4, 1988.

Rosenberg of Story offered the following amendment H-6416, to the committee amendment H-5987, filed by him and Paulin of Plymouth and moved its adoption:

H-6416

1 Amend the amendment, H-5987, to Senate File 2130 as  
2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 5 through 31 and  
4 inserting the following:

5 "Section 1. NEW SECTION. 478A.1 ENERGY RESOURCE  
6 CONSERVATION.

7 The utilities board within the utilities division  
8 of the department of commerce at a time of energy  
9 scarcity and in order to conserve energy resources,  
10 may prohibit the sale or offering for sale in this  
11 state, of certain devices which are not energy  
12 efficient in their use of energy resources.

13 The devices may include but are not limited to,  
14 decorative gas lamps. As used in this section,  
15 "decorative gas lamp" means a device installed for the  
16 purpose of producing illumination by burning natural,  
17 mixed, or liquid petroleum gas and utilizing either a  
18 mantle or an open flame, but does not include portable  
19 camp lanterns or gas lamps." "

20 2. By striking page 1, line 43 through page 2,  
21 line 4 and inserting the following:

22 "\_\_\_\_\_. Title page, by striking line 1 and  
23 inserting the following: "An Act relating to the  
24 conservation of energy resources by providing the  
25 utilities board with the authority to prohibit the  
26 sale of certain devices, by requiring the utilities  
27 board to cooperate with the utilities association to  
28 develop a state plan to encourage the purchasing of  
29 certain energy-efficient items, and by repealing the  
30 prohibition against the selling or offering for." "

31 3. By renumbering as necessary.

Amendment H-6416 was adopted.

The Speaker announced that amendment H-6366, filed by Van Camp of Scott on April 11, 1988, was out of order.

Van Camp of Scott rose on a point of order that the committee amendment H-5987 was not germane.

The Speaker ruled the point well taken and the committee amendment H-5987, as amended, not germane.

Arnould of Scott asked for unanimous consent to consider the committee amendment H-5987.

Objection was raised.

Arnould of Scott moved that the rules be suspended to consider the committee amendment H-5987.



A non-record roll call was requested.

The ayes were 53, nays 40.

The motion prevailed and the rules were suspended to consider the committee amendment H-5987, as amended.

On motion by Rosenberg of Story, the committee amendment H-5987, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 2130)

The ayes were, 67:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Cooper	Daggett
Diemer	Doderer	Dvorsky	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	May	McKean	McKinney
Metcalf	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Rosenberg	Running
Schrader	Shoultz	Skow	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Wise	

The nays were, 28:

Bennett	Branstad	Corbett	Corey
De Groot	Eddie	Fey	Fogarty
Garman	Halvorson, R. A.	Hermann	Hester
Lundby	Maulsby	Miller	Muhlbauer
Petersen, D. F.	Poncy	Renken	Royer
Schneklath	Shoning	Siegrist	Spear
Stromer	Swearingen	Van Maanen	Mr. Speaker

Absent or not voting, 5:

Connolly	Hatch	Lageschulte	Renaud
Sherzan			

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

**IMMEDIATE MESSAGE**  
(Senate File 2130)

Arnould of Scott asked and received unanimous consent that Senate File 2130 be immediately messaged to the Senate.

**Regular Calendar**

**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, with report of committee recommending amendment and passage was taken up for consideration.

Connors of Polk offered the following amendment H—6323 filed by the committee on state government:

H—6323

1 Amend Senate File 2316 as passed by the Senate, as  
2 follows:

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

5 "Sec. \_\_\_\_\_. NEW SECTION. 601K.141 DEFINITIONS.

6 For purposes of this subchapter, unless the context  
7 otherwise requires:

8 1. "Commission" means the commission on the status  
9 of Asians.

10 2. "Division" means the division on the status of  
11 Asians of the department of human rights.

12 3. "Administrator" means the administrator of the  
13 division on the status of Asians of the department of  
14 human rights.

15 Sec. \_\_\_\_\_. NEW SECTION. 601K.142 ESTABLISHMENT.

16 There is established a commission on the status of  
17 Asians to consist of nine members, appointed by the  
18 governor, and confirmed by the senate, to staggered  
19 four-year terms. At least five members shall be  
20 individuals who are Asian. Members shall be appointed  
21 representing every geographical area of the state. No  
22 more than a simple majority of the commission shall be  
23 of the same political party. The members of the  
24 commission shall appoint from its membership a  
25 commission chairperson and a vice chairperson and  
26 other officers as the commission deems necessary.  
27 Vacancies on the commission shall be filled for the  
28 remainder of term of the original appointment.

29 Sec. \_\_\_\_\_. NEW SECTION. 601K.143 MEETINGS OF THE  
30 COMMISSION.

31 The commission shall meet every other month and may  
32 hold special meetings on the call of the chairperson.  
33 The commission may adopt rules pursuant to chapter 17A  
34 as it deems necessary for the conduct of its business.

35 The members of the commission shall be reimbursed for  
 36 actual expenses while engaged in their official  
 37 duties. Members may also be eligible to receive  
 38 compensation as provided in section 7E.6.

39 Sec. \_\_\_\_\_. NEW SECTION. 601K.144 OBJECTIVES OF  
 40 COMMISSION.

41 The commission shall study the changing needs and  
 42 problems of Asians in this state, and recommend new  
 43 programs, policies, and constructive action to the  
 44 governor and the general assembly including, but not  
 45 limited to, the following areas:

- 46 1. Public and private employment policies and  
 47 practices.
- 48 2. Iowa labor laws.
- 49 3. Legal treatment relating to political and civil  
 50 rights.

**Page 2**

- 1 4. Asian children, youth, and families.
- 2 5. Expanded programs to assist Asians as  
 3 consumers.
- 4 6. The employment of Asians and the initiation and  
 5 sustaining of Asian businesses and Asian  
 6 entrepreneurship.
- 7 7. Asians as members of private and public boards,  
 8 committees, and organizations.
- 9 8. Education, health, housing, social welfare,  
 10 human rights, and recreation.
- 11 9. The legal system, including law enforcement,  
 12 both criminal and civil.
- 13 10. Social service programs.
- 14 Sec. \_\_\_\_\_. NEW SECTION. 601K.145 EMPLOYEES AND  
 15 RESPONSIBILITY.

16 The administrator shall be the administrative  
 17 officer of the division and shall be responsible for  
 18 implementing policies and programs. The administrator  
 19 may employ, in accordance with chapter 19A, other  
 20 persons necessary to carry out the programs of the  
 21 division.

22 Sec. \_\_\_\_\_. NEW SECTION. 601K.146 DUTIES.

23 The commission shall do all of the following:

- 24 1. Serve as an information clearinghouse on  
 25 programs and agencies operating to assist Asians.  
 26 Clearinghouse duties shall include, but are not  
 27 limited to:
  - 28 a. Service as a referral agency to assist Asians  
 29 in securing access to state agencies and programs.
  - 30 b. Service as a liaison with federal, state, and  
 31 local governmental units and private organizations on  
 32 matters relating to Asians.
  - 33 c. Service as a communications conduit to state

- 34 government for Asian organizations in the state.  
 35 d. Stimulation of public awareness of the problems  
 36 of Asians.  
 37 2. Conduct conferences and training programs for  
 38 Asians, public and private agencies and organizations,  
 39 and the general public.  
 40 3. Coordinate, assist, and cooperate with public  
 41 and private agencies in efforts to expand equal rights  
 42 and opportunities for Asians in the areas of:  
 43 employment, economic development, education, health,  
 44 housing, recreation, social welfare, social services,  
 45 and the legal system.  
 46 4. Serve as the central permanent agency for the  
 47 advocacy of services for Asians.  
 48 5. Provide assistance to and cooperate with  
 49 individuals and public and private agencies and  
 50 organizations in joint efforts to study and resolve

**Page 3**

- 1 problems relating to the improvement of the status of  
 2 Asians.  
 3 6. Publish and disseminate information relating to  
 4 Asians, including publicizing their accomplishments  
 5 and contributions to this state.  
 6 7. Evaluate existing and proposed programs and  
 7 legislation for their impact on Asians.  
 8 8. Coordinate or conduct training programs for  
 9 Asians to enable them to assume leadership positions.  
 10 9. Conduct surveys of Asians to ascertain their  
 11 needs.  
 12 10. Assist the department of personnel in the  
 13 elimination of underutilization of Asians in the  
 14 state's workforce.  
 15 11. Recommend legislation to the governor and the  
 16 general assembly designed to improve the educational  
 17 opportunities and the economic and social conditions  
 18 of Asians in this state.  
 19 Sec. \_\_\_\_\_. NEW SECTION. 601K.147 ADDITIONAL  
 20 AUTHORITY.  
 21 The commission may do any or all of the following:  
 22 1. Do all things necessary, proper, and expedient  
 23 in accomplishing the duties listed in section 601K.146  
 24 and this section.  
 25 2. Hold hearings.  
 26 3. Enter into contracts, within the limit of funds  
 27 made available, with individuals, organizations, and  
 28 institutions for services furthering the objectives of  
 29 the commission as listed in section 601K.144.  
 30 4. Seek advice and counsel of informed individuals  
 31 and organizations, in the accomplishment of the  
 32 objectives of the commission.

33 5. Apply for and accept grants of money or  
 34 property from the federal government or any other  
 35 source, and upon its own order use this money,  
 36 property, or other resources to accomplish the  
 37 objectives of the commission.

38 Sec. \_\_\_\_\_. NEW SECTION. 601K.148 ACCESS TO  
 39 INFORMATION.

40 For the purpose of research and study, the  
 41 commission and the administrator shall have access to  
 42 all nonconfidential records, data, information, and  
 43 statistics of all departments, boards, commissions,  
 44 agencies, and institutions of this state.

45 Sec. \_\_\_\_\_. NEW SECTION. 601K.149 ANNUAL REPORT.

46 Not later than August 1 of each year, the  
 47 commission shall file a report with the governor and  
 48 the general assembly of its activities for the  
 49 previous fiscal year and its programmatic priorities  
 50 for the current year beginning July 1. The commission

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1 may submit with the report any recommendations  
 2 pertaining to its affairs and shall submit  
 3 recommendations for legislative consideration and  
 4 other action it deems necessary."

5 2. Page 4, line 24, by inserting before the word  
 6 "Four" the following: "1."

7 3. Page 4, line 25, by inserting after the word  
 8 "commission" the following: "on the status of  
 9 blacks".

10 4. Page 4, by inserting after line 27 the  
 11 following:

12 "2. Four of the members appointed to the initial  
 13 commission on the status of Asians shall be designated  
 14 by the governor to serve two-year terms, and five  
 15 shall be designated by the governor to serve four-year  
 16 terms."

17 5. Title page, by striking lines 1 and 2 and  
 18 inserting the following: "An Act relating to the  
 19 department of human rights and establishing new  
 20 divisions within the department on the status of  
 21 blacks and the status of Asians."

22 6. By renumbering as necessary.

Brammer of Linn rose on a point of order that the committee amendment H—6323 was not germane.

The Speaker ruled the point well taken and the committee amendment H—6323 not germane.

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. 2316)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	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	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	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	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Daggett	De Groot	Lageschulte	Osterberg
Parker	Renaud	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 Senate File 2247.

## Unfinished Business Calendar

The House resumed consideration of **Senate File 2247**, a bill for an act relating to the regulation and reporting of certain pesticides, deferred and placed on the unfinished business calendar March 31, 1988.

Johnson of Winneshiek offered the following amendment H — 5859 filed by the committee on energy and environmental protection:

H — 5859

1 Amend Senate File 2247 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by striking the word "lesser"  
4 and inserting the following: "greater".

5 2. Page 2, by striking lines 7 through 10 and  
6 inserting the following: "exemptions to the minimum  
7 fee. Fifty".

8 3. By striking page 2, line 20 through page 3,  
9 line 26, and inserting the following:

10 "7. a. Each licensee under section 206.8 shall  
11 file an annual report with the secretary of  
12 agriculture in a form specified by the secretary of  
13 agriculture and which includes the following  
14 information:

15 (1) The gross retail sales of the pesticides sold  
16 by the licensee at retail for use in this state.

17 (2) The individual label name of each pesticide  
18 sold at retail for which gross retail sales of the  
19 individual pesticide are two thousand dollars or more.

20 b. A person who is subject to the household  
21 hazardous materials permit requirements, and whose  
22 gross annual retail sales of pesticides are less than  
23 ten thousand dollars for each business location owned  
24 or operated by the person, shall report annually, the  
25 individual label name of an individual pesticide for  
26 which annual gross retail sales are two thousand  
27 dollars or more. The information shall be submitted  
28 on a form provided to household hazardous materials  
29 permittees by the department of natural resources, and  
30 the department of natural resources shall remit the  
31 forms to the department of agriculture and land  
32 stewardship.

33 c. Notwithstanding the reporting requirements of  
34 this section, the secretary of agriculture may, upon  
35 recommendation of the advisory committee created  
36 pursuant to section 206.23, and if the committee  
37 declares a pesticide to be a pesticide of special  
38 concern, require the reporting of annual gross retail  
39 sales of a pesticide.

40 d. A person who sells feed which contains a  
41 pesticide as an integral part of the feed mixture,  
42 shall not be subject to the reporting requirements of  
43 this section. However, a person who manufactures feed  
44 which contains a pesticide as an integral part of the  
45 feed mixture shall be subject to the licensing  
46 requirements of section 206.8."

47 4. By renumbering as necessary.

Lundby of Linn asked and received unanimous consent to withdraw amendment H—6016, to the committee amendment H—5859, filed by her on March 29, 1988.

Lundby of Linn offered the following amendment H—6411, to the committee amendment H—5859, filed by her and Osterberg of Linn and moved its adoption:

H—6411

- 1 Amend amendment, H—5859, to Senate File 2247 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 4 the
- 5 following:
- 6 “\_\_\_\_\_ Page 1, line 11, by inserting after the
- 7 word “thereafter.” the following: “The secretary
- 8 shall provide for a ninety-day grace period for
- 9 licensure and shall impose a late fee of two percent
- 10 of gross retail sales upon the licensure of a
- 11 pesticide dealer applying for licensure during the
- 12 period July 2 through July 31, a late fee of four
- 13 percent of gross retail sales upon the licensure of a
- 14 pesticide dealer applying for licensure during the
- 15 month of August, and a late fee of five percent of
- 16 gross retail sales upon the licensure of a pesticide
- 17 dealer applying for licensure during the month of
- 18 September.””
- 19 2. Page 1, line 11, by inserting after the word
- 20 “report” the following: “at the time of application
- 21 for licensure”.

Amendment H—6411 was adopted.

Johnson of Winneshiek offered the following amendment H—6403, to the committee amendment H—5859, filed by him and moved its adoption:

H—6403

- 1 Amend the amendment, H—5859, to Senate File 2247 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 17, by inserting after the word
- 5 “name” the following: “and dollar amount”.

Amendment H—6403 was adopted.

Lundby of Linn asked and received unanimous consent to withdraw amendment H—5927, to the committee amendment H—5859, filed by her on March 28, 1988.

Lundby of Linn offered the following amendment H—5931, to the



committee amendment H—5859, filed by her and moved its adoption:

H—5931

- 1 Amend the House amendment, H—5859, to Senate File
- 2 2247 as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 19, by striking the word "two"
- 5 and inserting the following: "three".

Amendment H—5931 was adopted.

On motion by Johnson of Winneshiek, the committee amendment H—5859, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 2247)

The ayes were, 92:

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

The nays were, 2:

Renken                      Van Maanen

*Absent or not voting, 6:*

Blanshan  
Royer

Hermann  
Sherzan

Lageschulte

Maulsby

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.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 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 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.

Also: That the Senate has on March 29, 1988, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has, on April 13, 1988, adopted the conference committee report and passed Senate File 394, a bill for an act relating to care of animals in commercial establishments.

Also: That the Senate has on April 13, 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 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 April 13, 1988, adopted the conference committee report and passed 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.

Also: That the Senate has on April 13, 1988, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED  
HOUSE REFUSED TO CONCUR

Poncy of Wapello called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6417 to the House amendment:

H-6417

1 Amend the House amendment, S-5890, to Senate File  
2 2312, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 17 the  
5 following:

6 "\_\_\_\_\_. Page 2, line 12, by inserting after the  
7 word "maintenance," the following: "capital  
8 expenditures,"."

9 2. Page 1, by striking line 20 and inserting the  
10 following:

11 " " ..... \$ 6,280,706" "

12 3. Page 1, by striking line 21 and inserting the  
13 following:

14 "\_\_\_\_\_. Page 2, line 19, by striking the word "the"  
15 and inserting the following: "a".

16 \_\_\_\_\_. Page 2, by striking lines 20 and 21 and  
17 inserting the following: "portion of the moneys  
18 appropriated in this subsection is not expended or  
19 encumbered on June 30, 1989, the".

20 \_\_\_\_\_. Page 2, line 23, by striking the word "pur-  
21 pose" and inserting the following: "purposes"."

22 4. Page 1, by striking line 28 and inserting the  
23 following:

24 " ..... \$ 100,000"

25 5. Page 1, by striking lines 29 through 38.

26 6. Page 1, by striking line 49.

27 7. Page 2, by striking lines 3 through 6 and  
28 inserting the following:

29 "\_\_\_\_\_. Page 6, by striking lines 19 through 26."  
 30 8. Page 2, by striking lines 7 through 15.  
 31 9. Page 2, by inserting after line 17 the follow-  
 32 ing:  
 33 "\_\_\_\_\_. Page 8, by inserting after line 9 the  
 34 following:  
 35 "Sec. \_\_\_\_\_. The college aid commission shall review  
 36 during the fiscal year beginning July 1, 1988, the  
 37 impact of the rule adopted by the commission that  
 38 extends the deadline for applications for the Iowa  
 39 tuition grant program and shall continue to pursue  
 40 administrative methods that will promote access to the  
 41 tuition grant program for those individuals seeking to  
 42 receive an education in this state from an independent  
 43 college or university. The college aid commission  
 44 shall consider making a recommendation to the general  
 45 assembly that increases the maximum amount of a  
 46 tuition grant for those individuals who are expected  
 47 to have a substantial debt burden upon graduation.  
 48 The commission shall submit a report that outlines its  
 49 conclusions to the general assembly by December 1,  
 50 1988." "

#### Page 2

1 10. Page 3, by inserting after line 30 the fol-  
 2 lowing:  
 3 "\_\_\_\_\_. Page 10, by inserting after line 15 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 261.25, subsection 1, Code  
 6 Supplement 1987, is amended to read as follows:  
 7 1. There is appropriated from the general fund of  
 8 the state to the commission for each fiscal year the  
 9 sum of ~~twenty-four~~ twenty-eight million ~~three~~ eight  
 10 ~~hundred nineteen thousand eighty-four~~ hundred ~~ninety-four~~  
 11 thousand seven hundred sixty-five dollars for tuition  
 12 grants." "  
 13 11. Page 4, by striking line 1 and inserting the  
 14 following:  
 15 " " ..... \$ 5,371,825" "  
 16 12. Page 4, line 13, by striking the figure "15"  
 17 and inserting the following: "14, line 17."  
 18 13. Page 4, by inserting after line 13 the  
 19 following:  
 20 "\_\_\_\_\_. Page 15, lines 5 and 6, by striking the  
 21 word and figure "September 15" and inserting the  
 22 following: "October 1"."  
 23 14. Page 4, by striking line 14 and inserting the  
 24 following:  
 25 "\_\_\_\_\_. Page 15, by inserting after line 6 the fol-  
 26 lowing:" "  
 27 15. Page 5, line 3, by inserting after the word

28 "technologies." the following: "The pilot projects  
29 may include a demonstration project that involves  
30 classroom teachers and student teachers in the use of  
31 instructional technologies."

32 16. Page 5, by inserting after line 45 the fol-  
33 lowing:

34 "\_\_\_\_\_. Page 17, line 34, by inserting after the  
35 word "schools." the following: "A faculty member  
36 employed in both an administrative and a  
37 nonadministrative position shall be considered a part-  
38 time nonadministrative faculty member for the portion  
39 of time in the nonadministrative position."

40 17. Page 6, by striking line 1 and inserting the  
41 following:

42 ".....\$ 411,772".

43 18. Page 6, by inserting after line 23 the  
44 following:

45 "\_\_\_\_\_. Page 18, line 26, by striking the figure  
46 and word "1990, for" and inserting the following: "1990.  
47 1. For"."

48 19. Page 6, by striking lines 33 through 47 and  
49 inserting the following:

50 "a. Merged Area I .....\$ 1,069,231

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1	b. Merged Area II .....	\$ 1,327,820
2	c. Merged Area III .....	\$ 1,245,067
3	d. Merged Area IV .....	\$ 611,651
4	e. Merged Area V .....	\$ 1,388,438
5	f. Merged Area VI .....	\$ 1,388,244
6	g. Merged Area VII .....	\$ 1,843,493
7	h. Merged Area IX .....	\$ 1,896,400
8	i. Merged Area X .....	\$ 3,035,941
9	j. Merged Area XI .....	\$ 2,935,708
10	k. Merged Area XII .....	\$ 1,379,340
11	l. Merged Area XIII .....	\$ 1,431,518
12	m. Merged Area XIV .....	\$ 606,620
13	n. Merged Area XV .....	\$ 1,799,477
14	o. Merged Area XVI .....	\$ 1,096,408

15 2. For distribution as property tax replacement  
16 moneys to each of the merged area schools in amounts  
17 determined by the department:

18 .....\$ 176,474

19 The moneys distributed under this subsection shall  
20 be considered as part of the moneys generated under  
21 chapter 286A on a statewide basis."

22 \_\_\_\_\_. Page 19, line 13, by striking the word  
23 "Funds" and inserting the following:

24 "3. Funds"."

25 20. Page 8, by striking lines 27 and 28.

26 21. By striking page 9, line 15 through page 10,

27 line 39 and inserting the following:

28 "Sec. \_\_\_\_\_. Section 256.17, unnumbered paragraph 2,  
29 Code Supplement 1987, is amended to read as follows:

30 Notwithstanding the standards included in section  
31 256.11, not later than July 1, 1987, the state board  
32 shall adopt rules establishing new standards for  
33 accredited schools. The rules shall be adopted under  
34 chapter 17A and shall require that schools and school  
35 districts meet the standards adopted by the state  
36 board not later than July 1, ~~1989~~ 1990. Standards  
37 adopted by the state board specifically relating to  
38 the number of instructional days and length of the  
39 school day for kindergarten programs take effect July  
40 1, 1993.

41 Sec. \_\_\_\_\_. The legislative council is requested to  
42 establish a study committee composed of members of the  
43 house and senate committees on education from both  
44 political parties to conduct a comprehensive study of  
45 the provision of vocational education courses for  
46 secondary school students. The study shall include,  
47 but not be limited to, the vocational education  
48 requirements contained in the rules adopted by the  
49 state board of education pursuant to section 256.17,  
50 the courses offered by school districts, the costs of

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1 offering the various areas of vocational education  
2 courses, enrollment trends, and the feasibility of  
3 alternative means of offering vocational education  
4 courses, including but not limited to, requiring that  
5 secondary school vocational education courses be  
6 provided by the area schools in either the high school  
7 or area school setting or an alternative setting.

8 The study committee shall submit a report of its  
9 recommendations to the postsecondary education task  
10 force created in section 500 of this Act, the  
11 legislative council, and the general assembly meeting  
12 in 1989.

13 Sec. \_\_\_\_\_. The legislative fiscal bureau shall  
14 conduct a survey of school districts to determine the  
15 feasibility of requiring that the kindergarten program  
16 operate a minimum of one hundred eighty days and meet  
17 a minimum school day time requirement of four and one-  
18 half hours. The survey shall include an inventory of  
19 additional space requirements and the availability of  
20 vacant classrooms in school district facilities,  
21 additional staff requirements, availability of  
22 educational materials, and transportation needs.

23 The legislative fiscal bureau shall report the  
24 results of the survey to the chairpersons and ranking  
25 members of the senate and house committees on

- 26 education not later than December 1, 1988."
- 27 22. Page 11, by striking line 9.
- 28 23. Page 12, by inserting after line 7 the fol-
- 29 lowing:
- 30 " \_\_\_\_\_. Page 25, by inserting after line 25 the
- 31 following:
- 32 "Sec. \_\_\_\_\_. Section 294A.14, Code Supplement 1987,
- 33 is amended by adding the following new unnumbered
- 34 paragraph:
- 35 NEW UNNUMBERED PARAGRAPH. Any summer school
- 36 program, for which the teacher's salary is paid or
- 37 supplemented under a supplemental pay plan, shall be
- 38 open to nonpublic school students on the same basis as
- 39 public school students if classroom space is
- 40 available." "
- 41 24. Page 12, by striking lines 8 and 9 and
- 42 inserting the following:
- 43 " \_\_\_\_\_. Page 26, by striking line 20 and inserting
- 44 the following: "section 263.8A in excess of seven
- 45 hundred fifty".
- 46 \_\_\_\_\_. Page 27, by striking line 11 and inserting
- 47 the following: "endowment fund, not to exceed seven
- 48 hundred fifty". "
- 49 25. Page 12, by striking lines 36 through 40.
- 50 26. Page 13, by striking line 3 and inserting the

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- 1 following:
- 2 " " ..... \$ 25,899,603" "
- 3 27. Page 13, by inserting before line 4 the
- 4 following:
- 5 " \_\_\_\_\_. Page 29, line 8, by inserting after the
- 6 word "and" the following: "general".
- 7 \_\_\_\_\_. Page 29, line 10, by inserting after the
- 8 word "purposes;" the following: "and". "
- 9 28. Page 14, lines 37 and 38, by striking the
- 10 words and figure "three hundred thousand (300,000)"
- 11 and inserting the following: "four hundred sixty
- 12 thousand (460,000)".
- 13 29. Page 15, line 12, by striking the word
- 14 "appropriated" and inserting the following:
- 15 "appropriated that are in excess of a fiscal year
- 16 ending balance of sixty-one million seven hundred
- 17 thousand (61,700,000) dollars,".
- 18 30. Page 15, line 38, by striking the word
- 19 "Unobligated" and inserting the following:
- 20 "Notwithstanding section 8.33, unobligated".
- 21 31. Page 15, line 44, by inserting after the word
- 22 "shall" the following: "not".
- 23 32. Page 15, line 45, by striking the words and
- 24 figures "on September 30, 1990" and inserting the

25 following: "until September 30, 1991".

26 33. Page 15, line 47, by striking the figure

27 "1990" and inserting the following: "1991".

28 34. Page 16, by inserting after line 37 the fol-  
29 lowing:

30 "\_\_\_\_\_. Page 34, by inserting after line 28 the  
31 following:

32 "Sec. \_\_\_\_\_. Section 154.3, subsection 6, unnumbered  
33 paragraph 2, Code Supplement 1987, is amended to read  
34 as follows:

35 "The board shall adopt rules requiring an  
36 additional twenty hours per biennium of continuing  
37 education in the treatment and management of ocular  
38 disease for all therapeutically certified  
39 optometrists. ~~The department of ophthalmology of the~~  
40 ~~school of medicine of the State University of Iowa~~  
41 ~~shall be one of the providers of the continuing~~  
42 ~~education.~~

43 35. Page 17, by inserting after line 8 the  
44 following:

45 "\_\_\_\_\_. Coordination and articulation of curriculum  
46 with the elementary and secondary school systems."

47 36. Page 17, line 9, by inserting after the word  
48 "distribution" the following: "and any duplication".

49 37. Page 17, by inserting after line 21 the  
50 following:

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1 "\_\_\_\_\_. The tuition being charged at the state  
2 universities, including a determination of how student  
3 tuition should be calculated, what share of the cost  
4 of education should be borne by students, and what  
5 share of the cost should be borne by the state."

6 38. Page 17, line 33, by inserting after the word  
7 "bipartisan," the following: "which shall include  
8 citizens with an interest or experience in higher  
9 education or in research at the graduate level, a  
10 student from a post-secondary institution, members of  
11 the general public,".

12 39. Page 17, line 38, by inserting after the word  
13 "senate." the following: "The committee may work with  
14 one or more education consultants familiar with  
15 projected national trends in undergraduate, graduate,  
16 and research area goals and needs for the year 2000  
17 and beyond."

18 40. Page 17, line 47, by inserting after the  
19 words "completion of" the following: "the".

20 41. Page 18, line 12, by striking the figure  
21 "182.23" and inserting the following: "182.24".

22 42. Page 18, line 19, by inserting after the word  
23 "in" the following: "a".



- 24 43. Page 18, by striking line 28 and inserting  
 25 the following: "may be accreted to a faculty bargain-  
 26 ing unit".
- 27 44. Page 18, line 30, by striking the words  
 28 "employee organization" and inserting the following:  
 29 "classroom teacher bargaining unit".
- 30 45. Page 18, by striking line 37 and inserting  
 31 the following: "a faculty bargaining unit at the  
 32 University of".
- 33 46. Page 18, lines 38 and 39, by striking the  
 34 words "employee organization" and inserting the  
 35 following: "classroom teacher bargaining unit".
- 36 47. By striking page 18, line 42 through page 20,  
 37 line 47.
- 38 48. Page 21, line 20, by inserting after the word  
 39 "indebtedness" the following: "under this division".
- 40 49. Page 21, by striking lines 25 through 39.
- 41 50. Page 22, by inserting after line 33 the  
 42 following:  
 43 "\_\_\_\_\_. Page 36, by inserting after line 2 the  
 44 following:  
 45 "Sec. \_\_\_\_\_. Section 442.7, subsection 7, Code  
 46 Supplement 1987, is amended by adding the following  
 47 new paragraph:  
 48 NEW PARAGRAPH. i. For the school year beginning  
 49 July 1, 1989, and succeeding school years, by adding  
 50 to the basic allowable growth per pupil for the budget

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- 1 year an amount to compensate for the costs associated  
 2 with an increase from the base year to the budget year  
 3 in a school district's additional enrollment because  
 4 of special education determined by the district on  
 5 December 1." "
- 6 51. Page 22, by inserting after line 33 the  
 7 following:  
 8 "\_\_\_\_\_. Page 37, line 17, by striking the word "or"  
 9 and inserting the following: "~~or~~".
- 10 \_\_\_\_\_ Page 37, line 20, by inserting after the  
 11 word "b", the following: "or for increases in a  
 12 school district's additional enrollment because of  
 13 special education under section 442.7, subsection 7,  
 14 paragraph "i"," "
- 15 52. Page 23, by striking lines 7 through 9.
- 16 53. Page 23, line 11, by striking the words "and  
 17 section" and inserting the following: ", section".
- 18 54. Page 23, by striking lines 12 through 14 and  
 19 inserting the following: "3, paragraph "a", and sec-  
 20 tion 600".
- 21 55. Page 23, by striking lines 19 through 24 and  
 22 inserting the following:

23 "\_\_\_\_\_. Page 40, line 14, by striking the word and  
 24 figure "and 50" and inserting the following: ", 50,  
 25 55 through 64, 100 through 104, 500, and 600".  
 26 56. By renumbering, relettering, or redesignating  
 27 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—6417.

### IMMEDIATE MESSAGE

Arnould of Scott asked and received unanimous consent that Senate File 2312 and House File 2278 be immediately messaged to the Senate.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2314

Pavich of Pottawattamie called up for consideration the report of the conference committee on Senate File 2314 as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2314

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2314, a bill for an act relating to 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, respectfully make the following report:

1. That the Senate recedes from its amendment, H—6346.

2. That House amendment, S—5786, to Senate File 2314, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"\_\_\_\_\_. Page 3, by striking lines 1 and 2 and inserting the following: "information system, the sum of one million nine hundred thirty-five thousand six hundred eight (1,935,608) dollars, or so much".

\_\_\_\_\_. Page 4, by striking lines 8 and 9 and inserting the following: "three million four hundred fifty-three thousand one hundred eight (3,453,108) dollars, or so much thereof as is necessary, and".

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

"\_\_\_\_\_. Page 8, line 35, by inserting after the word "construction" the following: "or purchase of a facility".

\_\_\_\_\_. Page 9, by striking lines 10 and 11 and inserting the following: "ending

June 30, 1989, the sum of eight hundred fifty thousand (850,000) dollars, or so much thereof as is necessary, for”.”

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

“ \_\_\_\_\_ . Page 13, by striking lines 22 and 23 and inserting the following:

“Sec. \_\_\_\_\_ . Notwithstanding section 423.24, and prior to application of section 423.24, subsection 1, paragraph “b”, there is appropriated from revenues derived from the operation of section 423.7 to the state department of”.

\_\_\_\_\_ . Page 13, by striking lines 28 through 31 and inserting the following: “air-ports. In selecting projects, the”.”

4. Page 2, by striking lines 4 through 12 and inserting the following: “semiautomated system.”

5. Page 2, by inserting before line 26 the following:

“ \_\_\_\_\_ . Page 15, by inserting after line 14 the following:

“Sec. \_\_\_\_\_ . Section 302.1, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. All other moneys by law credited to the permanent school fund.””

6. Page 4, by inserting after line 12 the following:

“ \_\_\_\_\_ . Page 24, by inserting after line 3 the following:

“Sec. \_\_\_\_\_ . 1988 Iowa Acts, Senate File 2070, section 7, is amended by striking the section and inserting in lieu thereof the following:

SEC. 7. Section 321.449, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions of this section, rules adopted under this section for a driver of a commercial vehicle shall not apply to a driver for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce, when the driver’s commercial vehicle is not operated more than one hundred miles from the driver’s work reporting location.””

7. Page 4, by inserting after line 12 the following:

“ \_\_\_\_\_ . Page 24, by inserting before line 4 the following:

“Sec. \_\_\_\_\_ . 1988 Iowa Acts, Senate File 2196, section 8, is repealed.””

8. Page 4, by inserting after line 12 the following:

“ \_\_\_\_\_ . Page 24, by inserting before line 4 the following:

“Sec. \_\_\_\_\_ . There is appropriated from the general fund to the permanent school fund the sum of fifty-five thousand (55,000) dollars.””

9. Page 4, line 21, by inserting after the word “safety.” the following: “The study shall also evaluate the department of public safety’s employee recruitment, management, and retention policies and practices.”

10. Page 4, line 26, by inserting after the word “assembly.” the following: “The study shall be completed by January 14, 1989.”

11. Page 4, by striking lines 30 through 39.

12. Page 5, by inserting after line 25 the following:

" \_\_\_\_\_. Title page, line 5, by inserting after the words "fee fund," the following: "appropriating moneys to the permanent school fund.""

13. Page 5, by inserting after line 29 the following:

" \_\_\_\_\_. Title page, line 8, by inserting before the word "and" the following: "changing provisions of the Code relating to application of certain transportation safety regulations, repealing provisions of the Code requiring woodlands, wetlands, public parks, and prime agricultural land to be protected in the design, construction, and reconstruction of highways.""

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

ON THE PART OF THE HOUSE:

EMIL PAVICH, Chair  
DENNIS COHOON  
THOMAS JOCHUM  
DONALD PLATT

ON THE PART OF THE SENATE:

DON GETTINGS, Chair  
C. JOSEPH COLEMAN  
RICHARD DRAKE  
JOHN W. JENSEN  
JOE WELSH

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton, until her return, on request of Dvorsky of Johnson; Cooper of Lucas, for the remainder of the day, on request of Johnson of Winneshiek.

Gruhn of Dickinson rose on a point of order that the conference committee report was not in order.

The Speaker ruled the point not well taken and the conference committee report in order.

McKean of Jones rose on a point of order and invoked Joint Rule 13 on the conference committee report.

The Speaker ruled the point not well taken and the conference committee report in order pursuant to Joint Rule 13.

Pavich of Pottawattamie moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 46, nays 38.

The motion prevailed and the conference committee report was adopted.

Pavich of Pottawattamie moved that the bill be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2314)

The ayes were, 76:

Arnould	Beaman	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
May	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Rosenberg	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Svoboda	Swartz
Tabor	Van Camp	Wise	Mr. Speaker

The nays were, 18:

Bennett	Branstad	Eddie	Fuller
Hammond	Jay	Maulsby	McKean
Mullins	Petersen, D. F.	Renken	Running
Shoultz	Stueland	Swearingen	Teaford
Tyrrell	Van Maanen		

Absent or not voting, 6:

Adams	Cooper	Lageschulte	Renaud
Royer	Stromer		

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 2314)

Arnould of Scott asked and received unanimous consent that Senate File 2314 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 13, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2441, a bill for an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date.

Also: That the Senate has, on April 13, 1988, adopted the conference committee report and passed 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 April 13, 1988, insisted on its amendment to 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, and the members of the conference committee, on the part of the Senate are: The Senator from Johnson, Senator Varn, Chair; the Senator from Fayette, Senator Murphy; the Senator from Linn, Senator Horn; the Senator from Clayton, Senator Tieden; and the Senator from Sioux, Senator Rensink.

JOHN F. DWYER, Secretary

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott, until his return, on request of Van Maanen of Mahaska.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2310)

Hammond of story called up for consideration the report of the conference committee on Senate File 2310 and moved the adoption of the conference committee report and the amendments contained therein as follows:

### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2310

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

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

1. That the Senate recedes from its amendment, H-6343.

2. That the House amendment, S-5710, to Senate File 2310, as amended, passed, and reprinted by the Senate is amended as follows:

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

" \_\_\_\_\_. Page 1, line 13, by inserting after the word "necessary," the following: "for salaries and support of not more than thirty-four and three-tenths full-time equivalent positions and"."

2. Page 1, by striking lines 15 through 30, and inserting the following:

" \_\_\_\_\_. By striking page 2, line 29 through page 3, line 13, and inserting the following:

"8. DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING.

For salaries and support of not more than five full-time equivalent positions annually, maintenance, and miscellaneous purposes: ..... \$ 215,392".

3. Page 1, by inserting after line 38, the following:

" \_\_\_\_\_. Page 3, line 15, by inserting after the word "blind" the following: ", on the condition that the department is established statutorily under this Act,"."

4. Page 1, by striking lines 39 through 43.

5. Page 1, by inserting after line 43 the following:

" \_\_\_\_\_. Page 5, by inserting after line 35, the following:

"7. For contractual services for the elder law education program: ..... \$ 100,000" ."

6. Page 1, by inserting after line 46 the following:

" \_\_\_\_\_. Page 6, by striking line 35 and inserting the following:

"a. For salaries and support of not more than fifty-nine full-".

\_\_\_\_\_. Page 7, by inserting after line 3, the following:

"b. For salaries and support of not more than five full-time equivalent positions annually, maintenance, and miscellaneous purposes: .....

..... \$1,000,000

It is the intent of the general assembly that the moneys appropriated under this paragraph shall be used for the training of emergency medical services personnel at the state, county, and local levels." "

7. Page 1, by striking lines 47 and 48.

8. Page 1, by striking lines 49 and 50.

9. Page 2, by striking lines 1 through 16, and inserting the following:

" \_\_\_\_\_. Page 16, by striking lines 9 through 25 and inserting the following:

"f. For the decentralized indigent obstetrical patient program for salaries and support of not more than one full-time equivalent position annually, maintenance, and miscellaneous purposes there is appropriated the amount of seven hundred seventy thousand (770,000) dollars; however, if the provisions of 1988 Iowa Acts, House File 2447, section 3, subsection 14 are not enacted, there is appropriated, in lieu of the prior amount, the amount of one million seventy thousand (1,070,000) dollars.

It is the intent of the general assembly that a person certified under chapter 255A, who is not included in the patient quota for which care is provided at the university hospitals, but who gives birth or receives obstetrical care at the university hospitals, shall receive payment for care through the funds available under chapter 255 and the moneys not expended for the person certified under chapter 255A shall be available for use by the county of residence of the person certified.

It is also the intent of the general assembly that if delivery costs for persons certified under chapter 255A are less than one thousand nine hundred (1,900) dollars, the excess moneys shall revert to a fund for reallocation under chapter 255A in accordance with the allowable reimbursement level established and in accordance with the patient quota formula." "

10. Page 2, by inserting before line 23, the following:

" \_\_\_\_\_. Page 17, line 17, by inserting after the figure "1989." the following: "Four thousand (4,000) dollars of the moneys appropriated under this section shall be used for the payment of interpretation services contracted by the division of deaf services for the fiscal period beginning July 1, 1988, and ending June 30, 1989."

\_\_\_\_\_. By striking page 18, line 14 through page 19, line 22.

\_\_\_\_\_. Page 19, by inserting after line 22 the following:

"Sec. \_\_\_\_\_. NEW SECTION. 255A.14 FUNDS—REVERSION OF UNENCUMBERED BALANCE.

Notwithstanding the provisions of section 8.33 or any other provision of law, any unencumbered balance remaining in the decentralized indigent obstetrical patient program fund on June 30 of each year shall be used for the payment of warrants issued pursuant to section 255.25.

Sec. \_\_\_\_\_. Section 331.424, subsection 1, Code 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. p. Training of emergency medical services personnel and the acquisition of emergency medical services equipment.

Sec. \_\_\_\_\_. Section 331.424, subsection 2, Code 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Training of emergency medical services personnel and the acquisition of emergency medical services equipment." "

11. Page 2, by striking lines 23 through 46.

12. By striking page 2, line 47 through page 6, line 4.

13. Page 6, by inserting before line 5, the following:

" \_\_\_\_\_. Page 19, by inserting after line 33, the following:



"DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING.

Sec. \_\_\_\_\_. NEW SECTION. 601K.131 DEFINITIONS.

For the purpose of this subchapter, unless the context otherwise requires:

1. "Council" means the criminal and juvenile justice advisory council.
2. "Division" means the division of criminal and juvenile justice planning.
3. "Administrator" means the administrator of the division of criminal and juvenile justice planning.

Sec. \_\_\_\_\_. NEW SECTION. 601K.132 COUNCIL—ESTABLISHED—TERMS—COMPENSATION.

A criminal and juvenile justice advisory council is established consisting of thirteen members. The governor shall appoint seven members each for a four year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows:

1. Three persons, each of whom is a county supervisor, county sheriff, mayor, city chief of police, or county attorney.
2. Two persons who represent the general public and are not employed in any law enforcement, judicial, or corrections capacity.
3. Two persons who are knowledgeable about Iowa's juvenile justice system.

The departments of human rights, human services, corrections, and public safety, the attorney general, and the chief justice of the supreme court shall each designate a person to serve on the council.

Members of the council shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in section 7E.3.

Sec. \_\_\_\_\_. NEW SECTION. 601K.133 DUTIES.

The council shall do all of the following:

1. Identify issues and analyze the operation and impact of present criminal and juvenile justice policy and make recommendations for policy changes.
2. Coordinate with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data.
3. Report criminal and juvenile justice system needs to the governor, the general assembly, and other decision makers to improve the criminal and juvenile justice system.
4. Provide technical assistance upon request to state and local agencies.
5. Administer federal funds and funds appropriated by the state or that are otherwise available for study, research, investigation, planning, and implementation in the areas of criminal and juvenile justice.
6. Make grants to cities, counties, and other entities pursuant to applicable law.

Sec. \_\_\_\_\_. NEW SECTION. 601K.134 ADMINISTRATOR.

The administrator shall be responsible to the council, and pursuant to section 601K.2, with the approval of the council, shall employ and supervise other persons necessary to carry out the programs and policies established by the council.

Sec. \_\_\_\_\_. NEW SECTION. 601K.135 PLAN AND REPORT.

Beginning in 1989, and every five years thereafter, the division shall develop a twenty-year criminal and juvenile justice plan for the state which shall include ten-year, fifteen-year, and twenty-year goals and a comprehensive five-year plan for criminal and juvenile justice programs. The five-year plan shall be updated annually and each twenty-year plan and annual updates of the five-year plan shall be submitted to the governor and the general assembly by February 1.

Sec. \_\_\_\_\_. NEW SECTION. 601K.136 STATISTICAL ANALYSIS CENTER.

The division shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. The division of criminal and juvenile justice planning and the statistical analysis center are considered criminal justice agencies for the purposes of receiving criminal history data.”

14. Page 6, by striking lines 8 through 10 and inserting the following:

“ \_\_\_\_\_. Page 22, by striking line 30 and inserting the following:

“7. Division for the blind of criminal and juvenile justice planning.

Sec. \_\_\_\_\_. Section 601K.3, subsection 1, Code 1987, is amended to read as follows:

1. A human rights policy-coordinating council composed of seven eight members is created within the department of human rights. The council is composed of the administrators within the department.”

\_\_\_\_\_. Page 23, by inserting after line 6, the following:

“Sec. \_\_\_\_\_. Chapter 80C, Code 1987, is repealed.”

15. Page 6, by striking lines 11 through 15 and inserting the following:

“ \_\_\_\_\_. Title page, by striking lines 4 through 6 and inserting the following: “the department of public health and establishing a division of criminal and juvenile justice planning.”

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

ON THE PART OF THE HOUSE:

JOHNIE HAMMOND, Chair  
FLORENCE D. BUHR  
PATRICIA HARPER  
BILL ROYER

ON THE PART OF THE SENATE:

AL STURGEON, Chair  
ALVIN V. MILLER  
MICHAEL E. GRONSTAL  
DAVID M. READINGER

The motion prevailed and the conference committee report 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. 2310)

The ayes were, 89:

Arnould	Beaman	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	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
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	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, 6:

Carpenter	Hanson, D. R.	Maulsby	Renken
Schnekloth	Van Maanen		

Absent or not voting, 5:

Adams	Bisignano	Cooper	Hermann
Lageschulte			

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 2310)

Arnould of Scott asked and received unanimous consent that Senate File 2310 be immediately messaged to the Senate.

### HOUSE INSISTS

Jochum of Dubuque called up for consideration **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, and moved that the House insist on its amendment, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 2321)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2321: Jochum of Dubuque, Chair; Bisignano of Polk, Swartz of Marshall, Halvorson of Clayton and Harbor of Mills.

**IMMEDIATE MESSAGE**  
(Senate File 2321)

Arnould of Scott asked and received unanimous consent that Senate File 2321 be immediately messaged to the Senate.

The House stood at ease at 5:45 p.m., until the fall of the gavel.

The House resumed session at 7:18 p.m., Speaker Avenson in the chair.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1988, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 13, 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 302, a bill for an act relating to the disability of brain injury.

JOHN F. DWYER, Secretary

**INTRODUCTION OF BILL**

**House File 2474**, by committee on ways and means, a bill for an act relating to the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date.

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

CONFERENCE COMMITTEE APPOINTED  
(Senate File 2312)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2312: Poncy of Wapello, Chair; Neuhauser of Johnson, Jochum of Dubuque, Maulsby of Calhoun and Daggett of Adams.

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 2328**, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-6430** April 13, 1988.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2328.

CONSIDERATION OF BILLS  
Appropriations Calendar

**Senate File 2328**, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, with report of committee recommending amendment and passage was taken up for consideration.

Running of Linn offered the following amendment H-6430 filed by the committee on appropriations:

H-6430

- 1 Amend Senate File 2328, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, lines 3 and 4, by striking the words
- 4 "~~three seven million seven one hundred fifty twenty-~~
- 5 ~~two~~" and inserting the following: "three million
- 6 ~~seven eight hundred fifty twenty-five~~".
- 7 2. Page 2, lines 16 and 17, by striking the words
- 8 "~~fourteen million nine six hundred seventy-eight~~

- 9 thirty-five" and inserting the following: "nineteen  
10 million ~~nine~~ four hundred forty".
- 11 3. Page 2, lines 22 and 23, by striking the words  
12 "five hundred ~~ninety-five~~ thousand" and inserting the  
13 following: "five hundred thousand".
- 14 4. Page 3, by striking lines 3 through 5, and  
15 inserting the following: "99E.33."
- 16 5. Page 3, lines 8 and 9, by striking the words  
17 "through use of forgivable loans".
- 18 6. Page 3, lines 10 and 11, by striking the words  
19 "through use of forgivable loans".
- 20 7. Page 3, line 13, by striking the words  
21 "Forgivable loans" and inserting the following:  
22 "Grants".
- 23 8. Page 3, line 18, by striking the word  
24 "forgivable loan" and inserting the following:  
25 "grants".
- 26 9. Page 3, by striking lines 26 and 27 and  
27 inserting the following: "paragraph."
- 28 10. Page 4, line 26, by striking the words "is  
29 one" and inserting the following: "is two".
- 30 11. Page 4, line 33, by inserting after the word  
31 "million" the following: "five hundred thousand".
- 32 12. Page 5, line 4, by striking the words "five  
33 hundred sixty" and inserting the following: "six  
34 hundred fifty".
- 35 13. Page 5, line 15, by striking the words "two  
36 million fifteen" and inserting the following: "one  
37 million eight hundred sixty-five".
- 38 14. Page 5, line 24, by striking the word  
39 "thirty-five" and inserting the following: "ninety-  
40 five".
- 41 15. Page 6, line 3, by striking the word "ninety-  
42 three" and inserting the following: "ninety".
- 43 16. Page 6, lines 10 and 11, by striking the  
44 words "the amount appropriated is fifty thousand  
45 dollars" and inserting the following: "no amount is  
46 appropriated".
- 47 17. Page 6, line 27, by striking the word "four"  
48 and inserting the following: "three".
- 49 18. By striking page 6, line 28 through page 7,  
50 line 4.

## Page 2

- 1 19. Page 8, line 4, by striking the words "two  
2 hundred fifty" and inserting the following: "one  
3 hundred".
- 4 20. Page 8, line 12, by inserting after the word  
5 "hundred" the following: "twenty-five".
- 6 21. Page 8, by striking lines 14 through 17.
- 7 22. Page 8, line 19, by striking the words "seven

8 hundred" and inserting the following: "eight hundred  
9 fifty".

10 23. By striking page 8, line 28 through page 9,  
11 line 1.

12 24. Page 9, line 3, by striking the word "five"  
13 and inserting the following: "ten".

14 25. Page 9, line 4, by striking the word "Three"  
15 and inserting the following: "Five".

16 26. Page 9, line 7, by striking the word "Two"  
17 and inserting the following: "Five".

18 27. Page 9, by striking lines 10 through 12 and  
19 inserting the following:

20 "(3) If either Senate File 2092 or House File 2396  
21 fails to be enacted, the allocation to the community  
22 economic betterment account shall be increased by five  
23 million dollars and if both fail to be enacted the  
24 other five million dollars shall be reallocated to  
25 this account and the education and agriculture  
26 research and development account on a pro rata basis  
27 determined without considering the ten million dollars  
28 under this paragraph."

29 28. Page 9, by striking lines 13 through 28.

30 29. Page 9, line 30, by striking the words "three  
31 hundred" and inserting the following: "fifty".

32 30. Page 10, by striking lines 23 through 27 and  
33 inserting the following:

34 "v. For the fiscal year beginning July 1, 1988, to  
35 the department of education the sum of seven hundred  
36 fifty thousand dollars for the purposes and under the  
37 conditions specified in section 99E.31, subsection 5,  
38 paragraph "c"."

39 31. Page 13, lines 7 and 8, by striking the words  
40 and figures "years beginning July 1, 1987 and July 1,  
41 1988" and inserting the following: "years year  
42 beginning July 1, 1987 and July 1, 1988".

43 32. Page 13, lines 9 and 10, by striking the  
44 words "and two hundred thousand dollars,  
45 respectively,".

46 33. Page 13, lines 14 and 15, by striking the  
47 words "In addition to any other amount appropriated,  
48 for" and inserting the following: "For".

49 34. Page 13, line 19, by striking the word  
50 "paragraph" and inserting the following: "paragraphs

### Page 3

1 "e" and".

2 35. Page 13, lines 21 and 22, by striking the  
3 word and figures "July 1, 1988," and inserting the  
4 following: "July 1, 1988,".

5 36. By striking page 14, line 1 through page 15,  
6 line 12.

- 7 37. Page 15, line 13, by striking the word "b,"  
 8 and inserting the following: "c,".
- 9 38. By striking page 15, line 22 through page 16,  
 10 line 29 and inserting the following:
- 11 "c. There is appropriated from the allotment made  
 12 to the jobs now capitals account under subsection 1  
 13 for the fiscal years beginning July 1, 1986, and July  
 14 1, 1987, and July 1, 1988, to the Iowa State  
 15 University of science and technology for funding for  
 16 the small business development centers the sum of  
 17 seven hundred thousand dollars, and eight hundred  
 18 twenty-five thousand dollars, and eight hundred  
 19 twenty-five thousand dollars, respectively."
- 20 39. Page 17, line 24, by striking the words "five  
 21 hundred thousand".
- 22 40. By striking page 17, line 33 through page 19,  
 23 line 20.
- 24 41. By striking page 22, line 3 through page 24,  
 25 line 9.

Swartz of Marshall offered the following amendment H—6440, to the committee amendment H—6430, filed by him from the floor and moved its adoption:

H—6440

- 1 Amend the amendment, H—6430, to Senate File 2328,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:
- 4 1. Page 3, line 22, by striking the figure "19"  
 5 and inserting the following: "18".
- 6 2. Page 3, by striking line 23 and inserting the  
 7 following: "line 13.
- 8 \_\_\_\_\_ Page 18, line 18, by striking the word  
 9 "eight" and inserting the following: "four".
- 10 \_\_\_\_\_ By striking page 18, line 28 through page  
 11 19, line 20."

A non-record roll call was requested.

The ayes were 40, nays 43.

Amendment H—6440 lost.

On motion by Running of Linn, the committee amendment H—6430 was adopted.

Schrader of Marion offered the following amendment H—6423 filed by him from the floor:

H—6423

- 1 Amend Senate File 2328, as amended, passed, and re-



2 printed by the Senate, as follows:  
 3 1. Page 1, line 19, by striking the words "or  
 4 currency" and inserting the following: "~~or~~  
 5 currency, tickets, or tokens which can be instantly  
 6 redeemed".

Running of Linn rose on a point of order that amendment H—6423 was not germane.

The Speaker ruled the point well taken and amendment H—6423 not germane.

Van Camp of Scott offered the following amendment H—6446 filed by him from the floor and moved its adoption:

H—6446

1 Amend Senate File 2328, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 33 the  
 4 following:  
 5 "a. (1) For fiscal years beginning on or after  
 6 July 1, 1989, the first five million dollars shall be  
 7 allotted to the senior citizens account to be used  
 8 under the administration of the department of elder  
 9 affairs for a buy-down prescription drug program for  
 10 senior citizens whose incomes do not exceed one  
 11 hundred fifty percent of the federal poverty level."  
 12 2. Page 1, line 34, by striking the word "a." and  
 13 inserting the following: "(2)".

A non-record roll call was requested.

The ayes were 32, nays 43.

Amendment H—6446 lost.

Running of Linn offered the following amendment H—6433 filed by him from the floor and moved its adoption:

H—6433

1 Amend Senate File 2328, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 5, by striking lines 28 through 30 and  
 4 inserting the following: "and up to one hundred fifty  
 5 thousand dollars may be used for supplemental grants  
 6 to the satellite centers. Criteria for awarding".  
 7 2. Page 5, line 32, by inserting after the word  
 8 "funding," the following: "The department shall award  
 9 at least four supplemental grants, but in no case  
 10 shall the maximum supplemental grant exceed fifteen  
 11 thousand dollars."

Amendment H—6433 was adopted.

Running of Linn offered the following amendment H—6438 filed by him from the floor and moved its adoption:

H—6438

- 1 Amend Senate File 2328 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by striking lines 21 through 27 and
- 4 inserting the following: "provided in sections 15.271
- 5 and 15.272. The funds appropriated shall be used for
- 6 implementation of the recommendations of the statewide
- 7 long-range plan for developing and operating welcome
- 8 centers throughout the state."

Amendment H—6438 was adopted.

Jay of Appanoose offered the following amendment H—6420 filed by him from the floor and moved its adoption:

H—6420

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by inserting after line 27 the
- 4 following:
- 5 "w. For the fiscal year beginning July 1, 1988, to
- 6 the council of state governments, the sum of fifty
- 7 thousand dollars to be used for the continuation of
- 8 the state and local legal center."

Amendment H—6420 lost.

Running of Linn offered the following amendment H—6437 filed by him from the floor and moved its adoption:

H—6437

- 1 Amend Senate File 2328, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by striking lines 25 through 30 and
- 4 inserting the following: "which two hundred fifty
- 5 thousand dollars shall be allocated to the University
- 6 of Northern Iowa for the decision-making science
- 7 institute; one hundred thousand dollars shall be
- 8 allocated to the department of economic development
- 9 for an economic development training program at the
- 10 school of business at the University of Northern Iowa
- 11 which shall use these funds in consultation with the
- 12 department, the university, and the Iowa professional
- 13 developers; forty thousand dollars shall be
- 14 allocated".
- 15 2. Page 12, line 19, by inserting after the
- 16 figure "(3)." the following: "The department may use
- 17 any unexpended funds from the appropriation made under

18 this paragraph for the fiscal year beginning July 1,  
 19 1987, as a prepayment of the allocations made for the  
 20 fiscal year beginning July 1, 1988, for the decision-  
 21 making science institute and the economic development  
 22 leadership program, which prepayment shall be repaid  
 23 as the fiscal year beginning July 1, 1988, allocation  
 24 to such institute or program becomes available."

Amendment H—6437 was adopted.

Running of Linn offered the following amendment H—6439 filed by him from the floor and moved its adoption:

H—6439

1 Amend Senate File 2328 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 17, by striking lines 27 through 29 and  
 4 inserting the following: "associated with buildings  
 5 in the capitol complex."

Amendment H—6439 was adopted.

Running of Linn offered the following amendment H—6436 filed by him from the floor and moved its adoption:

H—6436

1 Amend Senate File 2328, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 19, by striking lines 24 through 27 and  
 4 inserting the following: "department of economic  
 5 development the sum of seven hundred ninety-three  
 6 thousand dollars for".  
 7 2. Page 20, by striking line 3 and inserting the  
 8 following: "The amount appropriated under this  
 9 paragraph is in addition to any amounts appropriated  
 10 under Senate File 2309, if enacted.  
 11 NEW LETTERED PARAGRAPH. s. There is appropriated  
 12 from the allotment to the jobs now capitals account  
 13 under subsection 1 for the fiscal year beginning July  
 14 1, 1988, to the Iowa department of economic  
 15 development the sum of one million two hundred seven  
 16 thousand dollars for".  
 17 3. Page 20, line 14, by striking the figure  
 18 "(3)".

Amendment H—6436 was adopted.

McKean of Jones offered the following amendment H—6447 filed by him from the floor and moved its adoption:

H—6447

1 Amend Senate File 2328, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 20, by inserting after line 16 the  
 4 following:  
 5 "NEW LETTERED PARAGRAPH. s. There is appropriated  
 6 from the allotment to the jobs now capitals account  
 7 under subsection 1 for the fiscal year beginning July  
 8 1, 1988, to the department of corrections, the sum of  
 9 one million dollars to be used for repair and  
 10 rehabilitation of existing correctional facilities  
 11 which may also result in the addition of medium  
 12 security bed space."

Amendment H—6447 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

Fuller of Hardin offered the following amendment H—6451 filed by him from the floor and moved its adoption:

H—6451

1 Amend Senate File 2328 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 20, by inserting after line 16 the  
 4 following:  
 5 "NEW LETTERED PARAGRAPH. s. There is appropriated  
 6 from the allotment to the jobs now capitals account  
 7 under subsection 1 for the fiscal year beginning July  
 8 1, 1988, to the department of human services the sum  
 9 of two hundred fifty thousand dollars for remodeling  
 10 of the cottages at the training school at Eldora."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 46.

Amendment H—6451 lost.

Stromer of Hancock offered the following amendment H—6452 filed from the floor by him and May of Worth and moved its adoption:

H—6452

1 Amend Senate File 2328, as amended, passed, and re-  
 2 printed by the Senate, as follows:

3 1. Page 1, by inserting after line 31 the fol-  
4 lowing:

5 "Sec. \_\_\_\_\_. Section 99E.10, subsection 1,  
6 unnumbered paragraph 3, Code Supplement 1987, is  
7 amended to read as follows:

8 The Iowa plan fund for economic development, also  
9 to be known as the Iowa plan fund, is created in the  
10 office of the treasurer of state. Lottery revenue,  
11 remaining after expenses and the amounts to be  
12 available to Iowa areas under subsection 4 are  
13 determined, shall be transferred to the Iowa plan fund  
14 on a monthly basis. Revenues generated during the  
15 last month of the fiscal year, which are transferred  
16 to the Iowa plan fund during the following fiscal  
17 year, shall be considered revenues transferred during  
18 the previous fiscal year for purposes of the  
19 allotments made to and appropriations made from the  
20 separate accounts in the Iowa plan fund for that  
21 previous fiscal year. However, upon the request of  
22 the director and subject to approval by the treasurer  
23 of state, an amount sufficient to cover the  
24 foreseeable administrative expenses of the lottery for  
25 a period of twenty-one days may be retained from the  
26 lottery revenue. Prior to the monthly transfer to the  
27 Iowa plan fund, the director may direct that lottery  
28 revenue shall be deposited in the lottery fund and in  
29 interest bearing accounts designated by the treasurer  
30 of state in the financial institutions of this state  
31 or invested in the manner provided in section 452.10.  
32 Interest or earnings paid on the deposits or  
33 investments is considered lottery revenue and shall be  
34 transferred to the Iowa plan fund in the same manner  
35 as other lottery revenue. Money in the Iowa plan fund  
36 shall be deposited in interest bearing accounts in  
37 financial institutions in this state or invested in  
38 the manner provided in section 452.10. The interest  
39 or earnings on the deposits or investments shall be  
40 considered part of the Iowa plan fund and shall be  
41 retained in the fund unless appropriated by the  
42 general assembly.

43 Sec. \_\_\_\_\_. Section 99E.10, Code Supplement 1987, is  
44 amended by adding the following new subsection:

45 **NEW SUBSECTION. 4.** Beginning January 1, 1989, and  
46 upon application to the commissioner, the commissioner  
47 shall deposit into a special community fund to be  
48 credited to a separate account in that fund for each  
49 area located in Iowa, established for this purpose  
50 under chapter 28E, with a population, as determined

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1 upon creation of the area, of between five thousand

2 and twenty thousand, an amount equal to eight percent  
3 of all ticket sales in the chapter 28E area for the  
4 previous month. The aggregate amount that shall be  
5 deposited into the fund for chapter 28E areas located  
6 in Iowa under this subsection shall not exceed one  
7 million dollars in any fiscal year. Moneys deposited  
8 to the special community fund for chapter 28E areas  
9 shall be returned at the time of the transfer of  
10 revenues to the Iowa plan fund. The moneys in the  
11 individual accounts of the chapter 28E areas shall be  
12 used only for economic development initiatives as  
13 defined in subsection 2. However, as used in this  
14 subsection, economic development initiatives do not  
15 include assistance to a business which does not meet  
16 the definition of an industry in section 280B.2,  
17 traditional infrastructure, industrial parks, or the  
18 employment of professional staff or consultants. A  
19 chapter 28E area shall file an economic development  
20 plan with the department of economic development  
21 before application is made to receive funds under this  
22 subsection. The application shall contain a proposal  
23 for the use of moneys in the area's account in the  
24 special community fund and the amount sought.  
25 Proposals and proposal amounts must be approved by the  
26 board of directors of the Iowa products development  
27 corporation. In approving proposals the board of  
28 directors shall consider the need, local initiative,  
29 organization, diversification of the economy of the  
30 area, and other factors it deems appropriate. Upon  
31 approval, the board shall notify the commissioner who  
32 shall remit the approved proposal amount to the area  
33 from its account in the fund. An area receiving funds  
34 under this subsection shall submit an annual financial  
35 report within sixty days following the close of its  
36 fiscal year to the regional coordinating council  
37 created pursuant to section 28.101 of the region in  
38 which the area is located. In order for an area  
39 located in Iowa to receive moneys under this  
40 subsection, the area shall be formed under an  
41 agreement entered into pursuant to chapter 28E by  
42 cities, counties, or a combination of both, for the  
43 sole purpose of providing for economic development  
44 initiatives for the area, subject to the following:

- 45 a. The agreement shall identify an entity to  
46 receive the funds under this subsection.
- 47 b. No portion of the area shall be included in  
48 another area receiving funds under this subsection.
- 49 c. A city that is partially or completely located  
50 within the area and that would otherwise be entitled

Page 3

1 to funds under this subsection shall not receive those  
 2 funds, but the funds shall go to the area.  
 3 d. All parties to the agreement shall be located  
 4 within the same regional economic delivery area  
 5 created pursuant to section 28.101.

6 If the uncommitted moneys in the special community  
 7 fund equal two million dollars, additional amounts  
 8 shall not be deposited to the special community fund  
 9 but shall be deposited into the Iowa plan fund.

10 Sec. \_\_\_\_\_. Section 99E.20, subsection 2, Code  
 11 Supplement 1987, is amended to read as follows:

12 2. A lottery fund is created in the office of the  
 13 treasurer of state. The fund consists of all revenues  
 14 received from the sale of lottery tickets or shares  
 15 and all other moneys lawfully credited or transferred  
 16 to the fund. The commissioner shall certify monthly  
 17 that portion of the fund that is transferred to the  
 18 Iowa plan fund or to be deposited in the special  
 19 community fund for chapter 28E areas located in the  
 20 state under section 99E.10 and shall cause that  
 21 portion to be transferred to the Iowa plan fund of the  
 22 state and to each account in the special community  
 23 fund for a chapter 28E area. The commissioner shall  
 24 certify before the twentieth of each month that  
 25 portion of the fund resulting from the previous  
 26 month's sales to be transferred to the Iowa plan fund  
 27 or to be deposited in the special fund to be credited  
 28 to the account of each chapter 28E area."

29 2. By striking page 9, line 29 through page 10,  
 30 line 22.

A non-record roll call was requested.

The ayes were 25, nays 48.

Amendment H—6452 lost.

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

On the question "Shall the bill pass?" (S.F. 2328)

The ayes were, 90:

- |         |           |          |           |
|---------|-----------|----------|-----------|
| Adams   | Arnould   | Beaman   | Beatty    |
| Bennett | Bisignano | Black    | Blanshan  |
| Brammer | Branstad  | Buhr     | Carpenter |
| Cohoon  | Connolly  | Connors  | Corbett   |
| Corey   | Daggett   | De Groot | Diemer    |
| Doderer | Dvorsky   | Eddie    | Fey       |

Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Koenigs	Kremer	Lundby
Maulsby	May	McKean	McKinney
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	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 2:

Knapp	Metcalf
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Absent or not voting, 8:

Chapman	Clark	Cooper	Lageschulte
Plasier	Schnekloth	Swearingen	Teaford

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

### IMMEDIATE MESSAGE

(Senate File 2328)

Arnould of Scott asked and received unanimous consent that Senate File 2328 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

House Refused to Concur

Hatch of Polk called up for consideration **House File 2441**, a bill for an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-6444:

H-6444

- 1 Amend House File 2441, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 312.2, Code Supplement 1987,
- 6 is amended by adding the following new subsection:



7 NEW SUBSECTION. 22. The treasurer of state,  
 8 before making the allotments provided for in this  
 9 section, shall credit in the fiscal year beginning  
 10 July 1, 1988, and ending June 30, 1989, from the  
 11 revenue to be credited to the road use tax fund under  
 12 section 423.24, subsection 1, paragraph "b", the sum  
 13 of five hundred thousand dollars to the comprehensive  
 14 petroleum underground storage tank fund for the  
 15 purpose of initial organization, start-up, and  
 16 capitalization of the fund."

17 2. Page 2, by inserting after line 18, the  
 18 following:

19 "Sec. \_\_\_\_\_. Section 455B.474, subsection 1,  
 20 paragraph e, Code Supplement 1987, is amended to read  
 21 as follows:

22 e. The closure of tanks to prevent any future  
 23 release of a regulated substance into the environment.  
 24 If consistent with federal environmental protection  
 25 agency technical standard regulations, state tank  
 26 closure rules shall include, at the tank owner's  
 27 election, an option to fill the tank with an inert  
 28 material. Removal of a tank shall not be required if  
 29 the tank is filled with an inert material pursuant to  
 30 department of natural resources rules. A tank closed,  
 31 or to be closed and which is actually closed, within  
 32 one year of the effective date of this Act, shall not  
 33 be required to have a monitoring system installed."

34 3. Page 2, by striking lines 25 and 26, and  
 35 inserting the following: "tanks installed prior to  
 36 ~~May 1, 1986~~ January 14, 1987. The ~~commission shall~~  
 37 ~~adopt these rules not later than April 1, 1986;~~  
 38 ~~however, the~~".

39 4. Page 2, line 27, by striking the figure "1988"  
 40 and inserting the following: "1988 1989".

41 5. Page 3, by striking lines 5 through 13, and  
 42 inserting the following:

43 "NEW UNNUMBERED PARAGRAPH. The department may  
 44 issue a variance, which includes an enforceable  
 45 compliance schedule, from the mandatory monitoring  
 46 requirement for an owner or operator who demonstrates  
 47 plans for tank removal, replacement, or filling with  
 48 an inert material pursuant to a department approved  
 49 variance. A variance may be renewed for just cause."

50 6. Page 3, by inserting after line 22, the

**Page 2**

1 following:

2 "Sec. \_\_\_\_\_. Section 455B.474, subsection 3,  
 3 paragraph d, Code Supplement 1987, is amended to read  
 4 as follows:

5 d. Rules adopted by the commission shall specify

6 adequate monitoring systems to detect the presence of  
 7 a leaking underground storage tank and to provide for  
 8 protection of the groundwater resources from regulated  
 9 tanks installed after ~~May 1, 1986~~ January 14, 1987.  
 10 ~~The commission shall adopt these rules not later than~~  
 11 ~~January 1, 1986, however, the effective date of the~~  
 12 ~~rules adopted shall be May 1, 1986.~~ In the event that  
 13 federal regulations are adopted by the United States  
 14 environmental protection agency after the commission  
 15 has adopted state standards pursuant to this  
 16 subsection, the commission shall immediately proceed  
 17 to adopt rules consistent with those federal  
 18 regulations adopted. Tanks installed on or after  
 19 January 14, 1987, shall continue to be considered new  
 20 tanks for purposes of this chapter and are subject to  
 21 state monitoring requirements unless federal  
 22 requirements are more restrictive."

23 7. Page 7, by striking lines 3 through 32, and  
 24 inserting the following:

25 "(1) TANKS INSTALLED PRIOR TO JANUARY 14, 1967.

26 The owner or operator of an underground storage tank  
 27 has been granted a variance by the department which  
 28 includes an enforceable compliance schedule pursuant  
 29 to section 455B.474, subsection 1, paragraph "f".

30 However, if an adequate monitoring system is not  
 31 installed before the later of January 1, 1989, or the  
 32 expiration of a variance issued by the department, the  
 33 fund shall not provide further coverage to the owner  
 34 or operator of the tank unless the monitoring system  
 35 has been installed.

36 (2) TANKS INSTALLED BETWEEN JANUARY 14, 1967, AND  
 37 JANUARY 13, 1987. The owner or operator of an  
 38 underground storage tank installed between January 14,  
 39 1967, and January 13, 1987, has been granted a waiver  
 40 by the board. Waivers shall include an enforceable  
 41 schedule for installation of a monitoring system  
 42 satisfactory to the board. A waiver may allow for a  
 43 delay in the installation of a monitoring system until  
 44 either November 1, 1989, or until six months from the  
 45 date on which insurance is provided, whichever is  
 46 later. A waiver shall be granted to an owner who  
 47 demonstrates plans for tank removal, replacement, or  
 48 filling with an inert material pursuant to a  
 49 department approved variance, or significant tank  
 50 upgrades or improvements. Waivers may be renewed or

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1 extended for just cause within the times set out  
 2 above, but after the deadline or expiration of a  
 3 waiver, the fund shall not provide further coverage to  
 4 the owner or operator of the tank unless the

5 monitoring system is installed.”

6 8. Page 8, line 3, by inserting after the word  
7 “system” the following: “and the board shall not  
8 accept a monitoring system less stringent than  
9 department rules require, or published rules will  
10 require when effective, for the tank”.

11 9. Page 9, by inserting after line 18 the  
12 following:

13 “9. FUND COVERAGE LIMITED TO CORRECTIVE ACTION  
14 PRIOR TO EFFECTIVE DATE OF FEDERAL RULES.

15 Notwithstanding any other provision of this division,  
16 before the effective date of the federal environmental  
17 protection agency petroleum underground storage tank  
18 financial responsibility regulations, the following  
19 conditions apply to the operation of the fund:

20 a. The fund shall only insure corrective action,  
21 and third-party liability is specifically excluded.

22 b. The deductible is ten thousand dollars.

23 c. The limit of fund coverage shall be one hundred  
24 thousand dollars, with the first ten thousand being  
25 the minimum financial responsibility of the owner or  
26 operator, which is the deductible, so that the fund  
27 shall not pay out more than ninety thousand dollars  
28 for corrective action per occurrence.

29 d. Fund coverage is for the lesser of one year or  
30 the period prior to the effective date of the federal  
31 regulations. A risk adjusted premium as required by  
32 section 455B.477 shall be required prior to providing  
33 coverage for any period of time on or after the  
34 effective date of the federal regulations.

35 All other limits, requirements, terms, or  
36 conditions of fund coverage or operation apply both  
37 before and after the effective date of the federal  
38 regulations unless expressly provided otherwise.”

39 10. Page 10, by inserting after line 14 the  
40 following:

41 “e. Two public members with experience in the  
42 petroleum industry, appointed by the governor and  
43 confirmed by the senate to staggered four-year terms.”

44 11. Page 11, by striking line 32.

45 12. Page 12, line 7, by striking the words  
46 “PETROLEUM TANK FEE” and inserting the following:  
47 “GUARANTEE OF FUND'S SOLVENCY”.

48 13. Page 12, by striking lines 8 through 23.

49 14. Page 12, line 24, by striking the word and  
50 figure “(2) Increase” and inserting the following:

**Page 4**

1 “1. PREMIUM INCREASES. If the unexpended balance  
2 in the fund falls below two million dollars, the board  
3 shall increase”.

4 15. Page 12, line 27, by inserting after the word  
5 "months" the following: ", except that the premium  
6 may not be increased more than fifty dollars per  
7 tank".

8 16. By striking page 12, line 29 through page 13,  
9 line 29.

10 17. Page 13, by inserting after line 32 the  
11 following:

12 "4. FEE COLLECTION. For the purpose of  
13 determining the amount of liability for the  
14 comprehensive petroleum underground storage tank fee  
15 for each distributor, a distributor shall file with  
16 the department of revenue and finance, not later than  
17 the last day of the month following the month in which  
18 the fee is imposed, a monthly fee statement certified  
19 under penalties for false certificate. The statement  
20 shall show, with reference to each location at which  
21 petroleum is subject to the fee, the amount of  
22 petroleum deposited into an underground storage tank,  
23 the amount of the fee collected in the preceding  
24 calendar month, and such information as the department  
25 may reasonably require for the proper administration  
26 and enforcement of the fee.

27 5. PAYMENTS. The statement shall be accompanied  
28 by remittance in the amount of the fee due for the  
29 month in which the comprehensive petroleum underground  
30 storage tank fee was imposed.

31 6. DEDUCTIONS AND CREDITS. The statement shall  
32 show the amount of deductions or credits claimed by  
33 the distributor as authorized in this division in such  
34 detail and with such supporting evidence as is  
35 prescribed by the department of revenue and finance  
36 and as may be required for administration of this  
37 division.

38 7. OTHER INFORMATION. Such other information as  
39 the department of natural resources, the board, or the  
40 department of revenue and finance may require for the  
41 enforcement and administration of this chapter.

42 8. ENFORCEMENT. Enforcement of fee collection is  
43 the responsibility of the department of revenue and  
44 finance."

45 18. Page 14, line 4, by inserting after the word  
46 "basis." the following: "The department of revenue  
47 and finance shall be compensated for the actual costs  
48 incurred for administration, collection, and  
49 enforcement of the comprehensive petroleum underground  
50 storage tank fee."

**Page 5**

1 19. By striking page 17, line 32, through page  
2 18, line 12, and inserting the following:

3 "Sec. \_\_\_\_\_. NEW SECTION. 455B.479I BEGINNING DATE  
4 OF FUND COVERAGE.

5 Fund coverage shall be provided to eligible  
6 applicants no later than the effective date of  
7 department of natural resources rules on petroleum  
8 underground storage tank monitoring standards,  
9 provided that the board, in its discretion, may extend  
10 coverage earlier."

11 20. Page 22, by inserting after line 15, the  
12 following:

13 "Sec. \_\_\_\_\_. 1988 Iowa Acts, Senate File 2196,  
14 section 4, is amended to read as follows:

15 SEC. 4. Section 312.2, Code Supplement 1987, is  
16 amended by adding the following new subsection:

17 NEW SUBSECTION. 20. The treasurer of state,  
18 before making the allotments provided for in this  
19 section, shall credit annually from the revenue to be  
20 credited to the road use tax fund under section  
21 423.24, subsection 1, paragraph "b", the sum of one  
22 million dollars five hundred thousand dollars in the  
23 fiscal year beginning July 1, 1988, and ending June  
24 30, 1989, and one million dollars annually thereafter,  
25 to the state department of transportation for the  
26 purpose of acquiring, constructing, and improving  
27 recreational trails within the state. Unobligated  
28 portions of this allotment shall remain available to  
29 the state department of transportation for the  
30 purposes for which the funds are originally allocated.  
31 The state department of transportation shall adopt  
32 rules under chapter 17A to establish procedures for  
33 the expenditure of the funds allotted under this  
34 subsection."

35 21. By renumbering, relettering, or redesignating  
36 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-6444.

IMMEDIATE MESSAGE  
(House File 2441)

Arnould of Scott asked and received unanimous consent that House File 2441 be immediately messaged to the Senate.

MOTION TO RECONSIDER  
(Senate File 484)

I move to reconsider the vote by which Senate File 484 passed the House on April 12, 1988.

VAN CAMP of Scott

**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 13th day of April, 1988: House Files 2228 and 2371.

**JOSEPH O'HERN**

Chief Clerk of the House

Report adopted.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Tuesday, April 12, 1988. Had I been present, I would have voted "aye" on House File 2400.

OLLIE of Clinton

**PRESENTATION OF VISITORS**

Tyrrell of Iowa presented to the House a member of the State Department who introduced six Mideast journalists from Sudan, Syria, Egypt and Jordan. The journalists are visiting nine different states under the auspices of the Interaction Visitor Program of the United States Information Agency.

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

Thirty-three sixth grade students from Manson Elementary School, Manson, accompanied by Mr. May. By Maulsby of Calhoun.

Seventy fifth grade students from Waukee Elementary School, Waukee, accompanied by Marilyn Anfinson. By McKinney of Dallas.

Forty senior students from Adair-Casey High School, Adair, accompanied by Steve Kitzman. By Skow of Guthrie.

Twenty high school students from Bennett High School, Bennett, accompanied by Bill Huckstead. By Osterberg of Linn.

Fifty-eight junior students from Guthrie Center High School, Guthrie Center, accompanied by Connie Skow. By Skow of Guthrie.

Ten twelfth grade students from East Monona High School, Moorhead, accompanied by Wally Welander. By Bennett of Ida.

Thirty fifth grade students from Lakeview Elementary School, Centerville, accompanied by Jane Schick. By Jay of Appanoose.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 2313**

Ways and Means: Osterberg, Chair; Daggett and Holveck.

**Senate File 2329**

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

**Senate File 2330**

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

**Senate File 2331**

Ways and Means: Schnekloth, Chair; Holveck and Miller.

## COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN

Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

**Senate File 2313**, a bill for an act imposing additional hazardous waste fees with civil penalties applicable.

Fiscal Note is not required.

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

**Senate File 2327**, a bill for an act to provide for a state individual income tax check-off for the United States olympic committee, a portion of which shall be made available for amateur sports and special olympic programs in Iowa, and providing a retroactive effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-6441** April 13, 1988.

**Committee Bill** (Formerly House Study Bill 823), relating to the imposition of the franchise tax on national banking associations doing business within the state and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 13, 1988.

## RESOLUTION FILED

**HR 106**, by Blanshan, a resolution paying tribute to Jerry C. Miller for his many years of service as restoration painter for the State of Iowa.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—6418	S.F.	2323	Senate Amendment
H—6419	S.F.	2193	Senate Amendment
H—6421	H.F.	2473	Swartz of Marshall
H—6422	H.F.	2354	Senate Amendment
H—6424	S.F.	2107	Jay of Appanoose
H—6425	H.F.	653	Groninga of Cerro Gordo
H—6426	S.F.	2108	Parker of Jasper
			Skow of Guthrie
H—6427	S.F.	2023	Black of Jasper
H—6428	S.F.	2023	Black of Jasper
			Schrader of Marion
H—6429	S.F.	2126	Johnson of Winneshiek
H—6432	S.F.	2039	Senate Amendment
H—6434	S.F.	2133	Mullins of Kossuth
			Johnson of Winneshiek
H—6435	H.F.	2344	Rosenberg of Story
H—6441	S.F.	2327	Committee on Ways and Means
H—6442	S.F.	2263	Garman of Story
H—6443	S.F.	302	Senate Amendment
H—6445	H.F.	2450	Doderer of Johnson
			Chapman of Linn
			Diemer of Black Hawk
			Hanson of Delaware
			Metcalf of Polk
			Carpenter of Polk
			Koenigs of Mitchell
			Rosenberg of Story
			Spear of Lee
			Stueland of Clinton
			Petersen of Muscatine
			Neuhauser of Johnson
			Groninga of Cerro Gordo
			Kremer of Buchanan
H—6448	H.F.	650	Ollie of Clinton
			Wise of Lee
			Swartz of Marshall
			Daggett of Adams
			Branstad of Winnebago
			Garman of Story
			Jochum of Dubuque



H-6450	H.F.	2463	Rosenberg of Story Wise of Lee Doderer of Johnson
H-6453	S.F.	2263	McKean of Jones
H-6454	H.F.	650	Mullins of Kossuth Doderer of Johnson Osterberg of Linn
H-6455	H.F.	2439	Senate Amendment
H-6456	S.F.	2263	Hammond of Story

On motion by Arnould of Scott, the House adjourned at 8:47 p.m., until 9:00 a.m., Thursday, April 14, 1988.

# JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day — Sixty-fourth Session Day

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

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

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

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware on request of Renken of Grundy.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 members of the conference committee, on the part of the Senate, appointed April 13, 1988, to 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, are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Audubon, Senator Hutchins; the Senator from Dubuque, Senator Carr; the Senator from Montgomery, Senator Hultman; and the Senator from Bremer, Senator Jensen.

JOHN F. DWYER, Secretary

## REFERRED TO COMMITTEE ON APPROPRIATIONS (House File 2446)

Arnould of Scott asked and received unanimous consent that House File 2446, presently on the appropriations calendar, be referred to the committee on appropriations.

IMMEDIATE MESSAGE  
(House File 2419)

Arnould of Scott asked and received unanimous consent that House File 2419 be immediately messaged to the Senate.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2473.

CONSIDERATION OF BILLS  
Appropriations Calendar

House File 2473, a bill for an act relating to and making appropriations directly from the state general fund for purposes of the military service tax credit and payment of the franchise tax to local governments, and providing an effective date, was taken up for consideration.

Swartz of Marshall offered the following amendment H-6421 filed by him and moved its adoption:

H-6421

- 1 Amend House File 2473 as follows:
- 2 1. Page 5, by striking lines 8 and 9.

Amendment H-6421 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2473)

The ayes were, 95:

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
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

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	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Adams	Hanson, D. R.	Lageschulte	McKean
Parker			

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

#### IMMEDIATE MESSAGE (House File 2473)

Arnould of Scott asked and received unanimous consent that House File 2473 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 2471.

#### Ways and Means Calendar

**House File 2471**, 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, providing for inspection, raising fees relating to the milk industry, and providing for the establishment of milk production and processing standards, 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. 2471)

The ayes were, 96:

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	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	Mausby
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	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:

Hanson, D. R.	Lageschulte	Parker	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.

### IMMEDIATE MESSAGE (House File 2471)

Arnould of Scott asked and received unanimous consent that House File 2471 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2474.

**House File 2474**, a bill for an act relating to the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date, 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. 2474)

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
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	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:

Hanson, D. R.	Lageschulte	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.

### IMMEDIATE MESSAGE (House File 2474)

Arnould of Scott asked and received unanimous consent that House File 2474 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 2466.

### Regular Calendar

**House File 2466**, a bill for an act relating to the extension of the exclusion of a residential care facility from certificate of need requirements, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2466)

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	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
Koenigs	Kremer	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	Poney
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, 7:

Connolly	Cooper	Fuller	Hanson, D. R.
Knapp	Lageschulte	Ollie	

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

### IMMEDIATE MESSAGE (House File 2466)

Arnould of Scott asked and received unanimous consent that House File 2466 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 2455.

## Appropriations Calendar

**House File 2455**, 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, was taken up for consideration.

Beatty of Warren asked and received unanimous consent to withdraw amendment H—5821 filed by her on March 22, 1988.

Swartz of Marshall offered the following amendment H—6400 filed by Swartz, et al.:

H—6400

- 1 Amend House File 2455 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Sections 135.111 through 135.118 are
- 5 enacted as a new division of chapter 135 entitled
- 6 "Health Profession Review Commission".
- 7 Sec. 2. NEW SECTION. 135.111 DECLARATION.
- 8 1. The general assembly declares that it is
- 9 advisable to have the results of an independent
- 10 research, review, and evaluation process prior to
- 11 legislative decision-making regarding proposals
- 12 concerning the following:
- 13 a. Licensure of health care institutions and
- 14 health care professionals, and the professionals'
- 15 scope of practice.
- 16 b. Whether additional categories of health care
- 17 institutions and professions should be licensed, after
- 18 considering educational, experiential, and other
- 19 relevant criteria.
- 20 c. Whether health care payors should be required
- 21 to include or offer certain benefits or coverage or
- 22 make direct payment for services provided by
- 23 particular health care institutions and professions,
- 24 and the appropriate levels of benefits or coverage for
- 25 such services.
- 26 A process for independent, expert research, review,
- 27 and evaluation will encourage a less fragmented, more
- 28 rational approach to the consideration of proposals in
- 29 these areas and will provide the general assembly with
- 30 adequate and reliable information as to the effect of
- 31 these proposals on health care and health care
- 32 delivery in the state, including the effect, if any,
- 33 on the availability and cost of services and coverage.
- 34 2. The general assembly further declares that



35 there is need for a process by which qualified persons  
36 may be engaged to conduct analytical research to  
37 provide a broader base of information for use in  
38 considering health care issues and measuring the long-  
39 term and interactive effects of various proposals.

40 3. The general assembly further declares that the  
41 conduct of this health care research and review will  
42 benefit the citizens of Iowa and that the costs of  
43 such research should be borne by those affected.

44 Sec. 3. NEW SECTION. 135.112 DEFINITIONS.

45 As used in this division, unless the context  
46 otherwise requires:

47 1. "Commission" means the health profession review  
48 commission.

49 2. "Health care institution" or "health care pro-  
50 fessional" means a person which furnishes health care

**Page 2**

1 services.

2 3. "Health care payor" means a person which offers  
3 administrative, indemnity, or payment services for  
4 health care in exchange for a premium or service  
5 charge under a program of health care benefits,  
6 including, but not limited to, an insurance company,  
7 association, or exchange issuing health insurance  
8 policies in this state; a health service corporation  
9 operating pursuant to chapter 514; a health  
10 maintenance organization operating pursuant to chapter  
11 514B; a preferred provider organization; a fraternal  
12 benefit society; a third-party administrator; a  
13 corporation, labor organization, or other entity which  
14 provides covered services for its employees or members  
15 by means of a self-funded program of benefits, and a  
16 certified bargaining representative that represents a  
17 group or groups of employees for whom employers  
18 purchase a program of benefits which provide covered  
19 services; and any other person or entity which makes  
20 payments to health care institutions and health care  
21 professionals for health care services.

22 4. "Health care services" means services included  
23 in the furnishing to any individual of care necessary  
24 for the purpose of preventing, alleviating, curing, or  
25 healing human physical or mental illness, injury, or  
26 disability.

27 5. "Health note" means a summary of the results of  
28 the short-term review and analysis of a legislative  
29 proposal which has been prepared by the commission  
30 pursuant to section 135.114, subsection 2.

31 6. "Person" means a person as defined in section  
32 4.1.

33 Sec. 4. NEW SECTION. 135.113 COMMISSION ESTAB-  
34 LISHED — PURPOSE.

35 1. A health profession review commission is  
36 established for the purpose of organizing and  
37 conducting health profession research, review, and  
38 evaluation activities through the use of existing  
39 resources available within appropriate state agencies  
40 and by contracting with individuals or organizations  
41 who are recognized experts in the fields of study of  
42 health, insurance, statistics, economics, or other  
43 appropriate academic disciplines in furtherance of the  
44 purpose and intent of the general assembly as  
45 expressed in section 135.111.

46 Nothing in this division shall be construed as  
47 granting the commission authority to establish health  
48 care policy.

49 2. The commission consists of the director of  
50 public health, the commissioners of insurance and

**Page 3**

1 human services, and the directors of the legislative  
2 service bureau and the legislative fiscal bureau. The  
3 director of public health is the chairperson of the  
4 commission. The other members may designate persons  
5 to represent them as regular members of the  
6 commission. A majority of the members of the  
7 commission constitutes a quorum. The commission shall  
8 meet at least once during each calendar quarter.

9 Meeting dates shall be set by members of the  
10 commission or by call of the chairperson upon five  
11 days' notice to the members. Action of the commission  
12 shall not be taken except upon the affirmative vote of  
13 a majority of the members of the commission.

14 The members of the commission shall not receive a  
15 salary or per diem for being on the commission but  
16 shall receive reimbursement for necessary travel and  
17 expenses while engaged in commission business. Funds  
18 for reimbursement shall come from the moneys  
19 appropriated to the department or agency of which the  
20 member is the head.

21 Sec. 5. NEW SECTION. 135.114 DUTIES OF  
22 COMMISSION.

23 1. The commission shall establish a process of  
24 research, review, and evaluation to be utilized in the  
25 consideration of legislative proposals concerning the  
26 following:

27 a. Licensure of health care institutions and  
28 health care professionals, and the professionals'  
29 scope of practice.

30 b. Whether additional categories of health care  
31 institutions and professions should be licensed, after

32 considering educational, experiential, and other  
33 relevant criteria.

34 c. Mandating health care payors to include or  
35 offer certain benefits or coverage or make direct  
36 payment for services provided by particular health  
37 care institutions and professions, and mandating  
38 certain levels of benefits or coverage for those  
39 services.

40 The process shall be designed to address the  
41 effects of each proposal with respect to health care  
42 and health care delivery in this state, including the  
43 availability and cost of services and coverage. The  
44 commission shall undertake studies pursuant to this  
45 subsection in response to requests from members of the  
46 general assembly or as it deems appropriate. Reports  
47 of the studies shall be available upon request. At  
48 least once every six months the commission shall  
49 provide to members of the general assembly a listing  
50 of completed reports which may be requested.

**Page 4**

1 2. In addition, the commission shall establish a  
2 process for the preparation of health notes for  
3 legislative proposals concerning the matters described  
4 in subsection 1. The process shall apply to each such  
5 legislative proposal for which a health note is  
6 requested by a member of the general assembly. The  
7 health note shall contain a summary of the results of  
8 the commission's short-term review and analysis of the  
9 proposal and, insofar as possible, shall be submitted  
10 to the members of the general assembly within the time  
11 limits set forth in the request. A health note may be  
12 requested for a proposal whether or not the proposal  
13 is the subject of a more extensive study pursuant to  
14 subsection 1.

15 3. The commission may contract with individuals or  
16 entities having recognized expertise in the fields of  
17 health, insurance, economics or other appropriate  
18 academic disciplines as necessary to conduct the  
19 research, review, and evaluation of proposals as  
20 provided in subsection 1. The experts may be  
21 organized into panels of two or three. The commission  
22 may assign more than one study to a single expert or  
23 panel. A panel shall not include more than one  
24 employee, agent, contractor, or other representative  
25 from a particular employer, corporation, partnership,  
26 or other entity. When a proposal is chosen for study  
27 pursuant to subsection 1, the commission shall review  
28 the proposal to determine if the special training and  
29 knowledge required to conduct the study is possessed  
30 by the existing staffs of the executive departments

31 under the control and direction of members of the  
32 commission. If so, by unanimous decision only, the  
33 commission may assign the study to existing staffs.

34 4. The commission may assign to outside experts  
35 engaged for studies pursuant to subsection 1 the  
36 responsibility for preparing particular health notes  
37 pursuant to subsection 2. If, by unanimous decision  
38 only, the commission determines that outside experts  
39 are not needed to prepare particular health notes, the  
40 responsibility may be assigned to existing staffs.

41 5. The commission shall not enter into an  
42 agreement with a person or entity if either of the  
43 following applies:

44 a. The person or entity has a material financial  
45 interest in the provision of health care services in a  
46 health care field to be covered by the study.

47 b. The person or entity is registered, licensed,  
48 or certified to provide health care services to be  
49 covered by the study, unless a majority of the study  
50 panel is composed of persons not registered, licensed,

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1 or certified to provide health care services.

2 6. The commission shall also provide for one or  
3 more three-member panels of experts to conduct an  
4 analytical research study of the scopes of practice of  
5 all health care professions in the state for the  
6 purpose of analyzing the interrelationships,  
7 boundaries, and areas of overlap with emphasis on the  
8 overall effects of existing and proposed statutes and  
9 rules upon health care costs, availability of  
10 services, and other facets of the health care delivery  
11 system. The study shall include a comparative review  
12 of scope of practice and related provisions in other  
13 states and shall take into account the changes in  
14 recent decades and developing trends in the following  
15 areas:

16 a. Relationships among the health care  
17 professions.

18 b. Educational and experiential requirements for  
19 the various health care professions.

20 c. The general structure of the health care  
21 delivery system, including the growth of alternative  
22 structures such as health maintenance organizations.

23 d. Appropriate levels of delivery of professional  
24 health care services in the rural and urban areas of  
25 the state.

26 e. Relationships among health care providers,  
27 including hospitals, health care facilities, and other  
28 institutional providers, health maintenance  
29 organizations, health care professionals, and

30 insurers.

31 f. Health care needs of persons of different age  
32 levels in the state.

33 7. Before assigning a study under this section,  
34 the commission shall consult with the health data  
35 commission, the legislative extended assistance group,  
36 and others concerning relevant studies completed or  
37 pending. Persons assigned to conduct studies under  
38 this section shall be encouraged to seek advice and  
39 utilize research from these sources to avoid  
40 duplication of effort.

41 Sec. 6. NEW SECTION. 135.115 INFORMATION ON  
42 LEGISLATIVE PROPOSALS.

43 The commission may prepare for each category of  
44 legislative proposal a list specifying the types of  
45 data and the questions and issues which should be  
46 addressed by persons submitting information on  
47 specific proposals. The lists may include the  
48 following:

49 1. The extent to which the proposed benefit and  
50 the services it would provide are needed by, available

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1 to and utilized by the population of the state.

2 2. The extent to which insurance coverage for the  
3 proposed benefit already exists, or if no such  
4 coverage exists, the extent to which this lack of  
5 coverage results in inadequate health care or  
6 financial hardship for the population of the state.

7 3. Relevant findings bearing on the social impact  
8 of the lack of the proposed benefit.

9 4. Where the proposed benefit would mandate  
10 coverage of a particular therapy by health care  
11 payors, the results of at least one professionally  
12 accepted, controlled trial comparing the medical  
13 consequences of the proposed therapy, alternative  
14 therapies, and no therapy.

15 5. Where the proposed benefit would mandate  
16 coverage by health care payors of an additional class  
17 of health care institutions or professionals in  
18 addition to those currently covered, the results of at  
19 least one professionally accepted, controlled trial  
20 comparing the medical results achieved by the  
21 additional class of practitioners and those  
22 practitioners whose services already are covered by  
23 benefits.

24 6. The results of any other relevant research  
25 conducted by the federal government, other states, and  
26 private and public health care research agencies or  
27 foundations.

28 7. Evidence of the financial impact of the

- 29 proposed legislation, including the following:
- 30 a. The extent to which the proposed benefit would  
31 increase or decrease costs for treatment or service.
- 32 b. The extent to which similar mandated benefits  
33 in other states have affected charges, costs, and  
34 payments for services.
- 35 c. The extent to which the proposed benefit would  
36 increase the appropriate use of the treatment or  
37 service.
- 38 d. The impact of the proposed benefit on  
39 administrative expenses of health care payors.
- 40 e. The impact of the proposed benefit on the costs  
41 to purchasers of health care coverage and benefits.
- 42 f. The impact of the proposed benefit on the total  
43 cost of health care within the state.
- 44 8. Where the proposal would authorize a new  
45 category of health care institution or health care  
46 professional or expand the licensure or scope of  
47 practice of existing health care institutions and  
48 professions, the following:
- 49 a. The effect of the proposed authorization or  
50 expansion on relationships among and between existing

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- 1 health care institutions and professions.
- 2 b. The educational and experiential requirements  
3 for the various health care professions, including but  
4 not limited to, credentialing.
- 5 c. The general impact, in terms of cost, quality,  
6 and access of the proposal on the existing health care  
7 delivery system.
- 8 d. The impact of the proposal on the delivery of  
9 institutional and professional health care services in  
10 the rural and urban areas of the state.
- 11 e. A comparison of similar proposals or related  
12 provisions or changes in other states.
- 13 f. The impact of the proposal on the health care  
14 needs of persons of different age levels in the state.
- 15 **Sec. 7. NEW SECTION. 135.116 PROCEDURES.**
- 16 1. The commission may establish procedures for the  
17 submission and review of information on a legislative  
18 proposal. In the review and evaluation of information  
19 submitted in connection with a proposal, consideration  
20 shall be given to the extent to which the  
21 documentation is responsive to the items on the list  
22 provided pursuant to section 135.115; whether or not  
23 the research cited meets generally recognized  
24 professional standards for the conduct of scholarly  
25 research; whether or not the information includes all  
26 known research relevant to the proposal; and whether  
27 or not the conclusions and interpretations are

28 consistent with the data submitted. The commission  
29 may request information and advice from state  
30 departments and agencies, including but not limited to  
31 the health data commission, the health profession  
32 examining boards, and from political subdivisions.

33 2. The commission may adopt rules pursuant to  
34 chapter 17A establishing time limits, forms, and other  
35 procedures applicable to the research, review, and  
36 evaluation process and the preparation of health  
37 notes. The rules may include provisions for notice  
38 and public hearings.

39 Sec. 8. NEW SECTION. 135.117 ADMINISTRATION —  
40 RULES — REPORTS.

41 1. The director of public health is responsible  
42 for the administration of this division and may assign  
43 staff of the department of public health to the  
44 commission.

45 2. The commission, in cooperation with the  
46 director of public health, shall adopt rules pursuant  
47 to chapter 17A as necessary to carry out this  
48 division.

49 3. The commission shall submit an annual report on  
50 the actions taken by the commission to the general

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1 assembly not later than January 15 of each year.

2 Sec. 9. NEW SECTION. 135.118 HEALTH REVIEW  
3 ACCOUNT.

4 1. There is established in the general fund of the  
5 state an account to be known as the health review  
6 account. The account is composed of the fees imposed  
7 by law upon health care professionals for health  
8 research, review, and evaluation activities conducted  
9 pursuant to this division. Subject to legislative  
10 authorization, an amount equivalent to the amount in  
11 the health review account is appropriated to the  
12 health profession review commission to be used for  
13 conducting its health research, review, and evaluation  
14 activities as provided in this division.

15 Sec. 10. NEW SECTION. 135E.6A ADDITIONAL FEE FOR  
16 HEALTH REVIEW.

17 In addition to the fees required by section 135E.5,  
18 each person granted a license as a nursing home  
19 administrator or a renewal of such a license shall pay  
20 to the board an annual fee equal to ten percent of the  
21 fee for the license or renewal, as appropriate, for  
22 health policy research, review, and evaluation  
23 activities pursuant to sections 135.111 through  
24 135.118. The fee shall be paid at the time the  
25 license or renewal fee is paid. The fees collected  
26 shall be paid to the treasurer of state and deposited

27 in the general fund of the state to the credit of the  
 28 health review account established in section 135.118.  
 29 Sec. 11. NEW SECTION. 135F.14 ADDITIONAL FEES  
 30 FOR HEALTH REVIEW.

31 In addition to the fees required pursuant to  
 32 section 135F.6, each person granted registration or  
 33 certification by the department as a respiratory care  
 34 practitioner or renewal of such registration or  
 35 certification shall pay to the department an annual  
 36 fee equal to ten percent of the fee for the  
 37 registration or certification or the renewal, as  
 38 appropriate, for health policy research, review, and  
 39 evaluation activities pursuant to sections 135.111  
 40 through 135.118. The fee shall be paid at the time  
 41 the registration, certification, or renewal fee is  
 42 paid. The fees collected shall be paid to the  
 43 treasurer of state and deposited in the general fund  
 44 of the state to the credit of the health review  
 45 account established in section 135.118.

46 Sec. 12. Section 145.2, Code 1987, is amended by  
 47 adding a new unnumbered paragraph, following  
 48 unnumbered paragraph 1, as follows:  
 49 NEW UNNUMBERED PARAGRAPH. The commission shall  
 50 also cooperate with the health profession review

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1 commission, established in section 135.113, by  
 2 providing advice, assistance, and information as  
 3 appropriate to the achievement of the purposes and  
 4 responsibilities of that commission.

5 Sec. 13. Section 145.3, subsection 3, paragraph b,  
 6 Code 1987, is amended by adding the following new  
 7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. In addition, the  
 9 commission shall adopt rules relating to the gathering  
 10 of UB-82 claims data for all hospital inpatients and  
 11 outpatients whose charges are not submitted to third-  
 12 party payers, including self-paid, charity, and bad  
 13 debt cases.

14 Sec. 14. NEW SECTION. 147.81 ADDITIONAL FEE FOR  
 15 HEALTH REVIEW.

16 In addition to the fees required by sections 147.25  
 17 and 147.80, each person granted a license or other  
 18 credential or a renewal of a license or credential  
 19 pursuant to this chapter or chapter 147A, 148, 148A,  
 20 148B, 148C, 149, 150, 150A, 151, 152, 152A, 153, 153A,  
 21 154, 154A, 154B, 154C, 155A, or 156 shall pay to the  
 22 department, or to the appropriate board of examiners  
 23 if the board is required by law to collect the license  
 24 fees, an annual fee equal to ten percent of the fee  
 25 for the license or renewal, as appropriate, for health



26 policy research, review, and evaluation activities  
27 pursuant to sections 135.111 through 135.118. The fee  
28 shall be paid at the time the license or renewal fee  
29 is paid. The fees collected shall be paid to the  
30 treasurer of state and deposited in the general fund  
31 of the state to the credit of the health review  
32 account established in section 135.118.

33 The additional annual fee imposed by this section  
34 shall also be imposed upon persons granted licenses or  
35 other credentials in health care professions for which  
36 licensing or credentialing provisions are enacted  
37 after January 1, 1988.”

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—6408, to amendment H—6400, filed by him on April 12, 1988.

Swartz of Marshall offered the following amendment H—6409, to amendment H—6400, filed by him and moved its adoption:

H—6409

1 Amend the amendment, H—6400, to House File 2455, as  
2 follows:  
3 1. Page 1, line 13, by striking the words “health  
4 care institutions and”.  
5 2. Page 1, line 22, by striking the word  
6 “direct”.  
7 3. Page 1, by inserting after line 25 the  
8 following:  
9 “d. Other changes affecting the professional  
10 practice acts of the health professions.”  
11 4. Page 3, line 27, by striking the words “health  
12 care institutions and”.  
13 5. Page 3, line 35, by striking the word  
14 “direct”.  
15 6. Page 3, by inserting after line 39, the  
16 following:  
17 “d. Other changes affecting the professional  
18 practice acts of the health professions.”  
19 7. Page 4, line 23, by inserting before the words  
20 “A panel” the following: “A study shall not be  
21 assigned to a single expert under subsection 1,  
22 subsection 2, or any other provision of this section  
23 except by unanimous decision of the commission.”

Amendment H—6409 was adopted.

On motion by Swartz of Marshall, amendment H—6400, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2455)

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	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	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	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:

Hanson, D. R.	Jay	Lageschulte	Parker
Sherzan			

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

### IMMEDIATE MESSAGE

(House File 2455)

Arnould of Scott asked and received unanimous consent that House File 2455 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

McKinney of Dallas called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6418 to the House amendment:

H—6418

1 Amend the House amendment, S—5936, to Senate File  
2 2323, as amended, passed, and reprinted by the Senate  
3 as follows:

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

6 “\_\_\_\_\_. Page 1, by striking lines 9 and 10 and  
7 inserting the following: “federal fiscal year under  
8 42 U.S.C. § 300w et seq., which provides for the”.

9 \_\_\_\_\_. Page 2, by striking line 25 and inserting  
10 the following: “under 42 U.S.C. § 701-709,”.

11 \_\_\_\_\_. Page 4, by striking lines 19 and 20 and  
12 inserting the following: “government for the  
13 designated federal fiscal year under 42 U.S.C. § 300w  
14 et seq., which provides for the”.

15 \_\_\_\_\_. By striking page 4, line 35 through page 5,  
16 line 1 and inserting the following: “the specific  
17 amount of funds required under 42 U.S.C. § 300w et  
18 seq., shall be allocated to the rape”.

19 \_\_\_\_\_. Page 5, by striking lines 7 and 8 and  
20 inserting the following: “Iowa department of public  
21 health as authorized under 42 U.S.C. § 701-709, and  
22 section 2 of”.

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

25 “\_\_\_\_\_. Page 5, line 14, by inserting after the  
26 word “services,” the following: “monitoring of the  
27 fluoridation program,”.

28 “\_\_\_\_\_. Page 5, line 17, by inserting after the  
29 word “costs.” the following: “Of the funds used by  
30 the department under this subsection, an amount not  
31 exceeding forty thousand (40,000) dollars shall be  
32 used for the monitoring of the fluoridation program.” ”

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

35 “\_\_\_\_\_. Page 7, by striking lines 5 and 6 and  
36 inserting the following: “federal fiscal year under  
37 42 U.S.C. § 9901-9912, which provides for the  
38 community services block”.

39 4. Page 1, by inserting after line 21 the  
40 following:

41 “\_\_\_\_\_. Page 8, by striking lines 9 and 10 and  
42 inserting the following: “federal fiscal year under

43 42 U.S.C. § 5301-5320, which provides for the  
 44 community development block”.”  
 45 5. Page 1, by inserting after line 26 the  
 46 following:  
 47 “\_\_\_\_\_. Page 9, by striking lines 12 and 13 and  
 48 inserting the following: “received from 42 U.S.C. §  
 49 3811 et seq., not to exceed five million six hundred  
 50 thirty-seven”.

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1 \_\_\_\_\_. Page 9, by striking line 31 and inserting  
 2 the following: “in 42 U.S.C. § 3800. The amount”.”  
 3 6. Page 1, by inserting after line 28 the  
 4 following:  
 5 “\_\_\_\_\_. Page 11, line 10, by inserting after the  
 6 word “with” the following: “the federal Omnibus  
 7 Budget Reconciliation Act of 1981,”.”  
 8 7. Page 1, by inserting after line 30 the  
 9 following:  
 10 “\_\_\_\_\_. Page 12, by striking lines 1 and 2 and  
 11 inserting the following: “designated federal fiscal  
 12 year under 42 U.S.C. § 1397.”.”

The motion prevailed and the House concurred in the Senate amendment H—6418.

McKinney of Dallas 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. 2323)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Branstad
Buhr	Carpenter	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	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	Poney	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, 5:

Blanshan	Brammer	Chapman	Hanson, D. R.
Lageschulte			

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

### IMMEDIATE MESSAGE

(Senate File 2323)

Arnould of Scott asked and received unanimous consent that Senate File 2323 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2463.

### CONSIDERATION OF BILLS

#### Ways and Means Calendar

**House File 2463**, 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, was taken up for consideration.

Rosenberg of Story offered the following amendment H-6450 filed by Rosenberg, et al., and moved its adoption:

H-6450

- 1 Amend House File 2463 as follows:
- 2 1. Page 1, lines 10 and 11, by striking the words
- 3 " , a local income surtax,".
- 4 2. Page 1, lines 15 and 16, by striking the
- 5 words " , a local income surtax,".
- 6 3. By striking page 2, line 6 through page 12,
- 7 line 32.
- 8 4. By striking page 13, line 27 through page 14,
- 9 line 25.
- 10 5. Page 15, by striking lines 6 and 7.

11 6. Title page, by striking lines 1 through 5 and  
 12 inserting the following: "An Act relating to local  
 13 option taxes by authorizing a city or county to  
 14 receive tax return information relating to the taxes;  
 15 changing the number of days notice must be given  
 16 before a local hotel or motel tax is imposed,  
 17 repealed, or its rate changed; legalizing the  
 18 premature collection of a local hotel or motel tax;  
 19 and providing an effective date."

Amendment H—6450 was adopted, placing the following amend-  
 ments out of order:

H—6218 filed by Bennett of Ida on April 5, 1988.

H—6313 filed by Wise of Lee on April 7, 1988.

H—6329 filed by Schnekloth of Scott on April 8, 1988.

H—6356 filed by Schnekloth of Scott on April 11, 1988.

H—6360, to amendment H—6313, filed by Schnekloth of Scott on  
 April 11, 1988.

Bennett of Ida asked and received unanimous consent to withdraw  
 amendment H—6211 filed by him on April 5, 1988.

Skow of Guthrie asked and received unanimous consent to with-  
 draw amendment H—6308 filed by Skow, et al., on April 7, 1988.

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. 2463)

The ayes were, 78:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corey	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Holveck
Hummel	Jay	Jochum	Johnson
Koenigs	May	McKinney	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow

Spear	Stromer	Stueland	Svoboda
Swearingen	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 18:

Branstad	Corbett	Daggett	De Groot
Diemer	Hester	Knapp	Kremer
Lundby	Maulsby	McKean	Metcalf
Paulin	Pellett	Plasier	Renken
Tyrrell	Van Maanen		

Absent or not voting, 4:

Fey	Hanson, D. R.	Lageschulte	Swartz
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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 2463)

Arnould of Scott asked and received unanimous consent that House File 2463 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 376.

### Unfinished Business Calendar

**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.

Parker of Jasper offered the following amendment H—5782 filed by the committee on small business and commerce:

H—5782

- 1 Amend Senate File 376, 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 527.4, subsection 3, paragraph
- 6 a, subparagraph (5), Code Supplement 1987, is amended
- 7 to read as follows:
- 8 (5) At any retail sales location in this state if

- 9 any all of the following apply:
- 10 (a) The satellite terminal is not designed,  
 11 configured, or operated to accept deposits or to  
 12 dispense script or other negotiable instruments.
- 13 (b) The satellite terminal is not designed,  
 14 configured, or operated to dispense cash except when  
 15 operated by the retailer as part of a retail sales  
 16 transaction.
- 17 (c) The satellite terminal is utilized for the  
 18 purpose of making payment to the retailer for goods or  
 19 services purchased at the location of the satellite  
 20 terminal.
- 21 (d) The financial institution controls a satellite  
 22 terminal described under subparagraph ~~part~~ subdivision  
 23 (c) at a location of the retailer established pursuant  
 24 to subparagraph (1), (2), (3), or (4)."
- 25 2. Title page, by striking lines 1 through 5, and  
 26 inserting the following: "An Act relating to the  
 27 location of a satellite terminal of a financial  
 28 institution at a retail sales location."

Schnekloth of Scott asked and received unanimous consent to defer action on amendment H—6414.

Schnekloth of Scott offered the following amendment H—6413, to the committee amendment H—5782, filed by him and moved its adoption:

H—6413

- 1 Amend the amendment, H—5782, to Senate File 376, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 4 through 28 and  
 5 inserting the following: "clause."

Amendment H—6413 lost.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—6414, to the committee amendment H—5782, filed by him on April 12, 1988.

On motion by Parker of Jasper, the committee amendment H—5782 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?" (S.F. 376)



The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cphoon	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	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	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
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 5:

De Groot	Hermann	McKean	Schneklath
Svoboda			

Absent or not voting, 4:

Branstad	Hanson, D. R.	Lageschulte	Royer
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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 (Senate File 376)

Arnould of Scott asked and received unanimous consent that Senate File 376 be immediately messaged to the Senate.

#### SENATE AMENDMENTS CONSIDERED

Groninga of Cerro Gordo called up for consideration **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, amended by the Senate amendment H—6092 as follows:

H-6092

1 Amend House File 653 as passed by the House as  
2 follows:

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

5 "Section 1. NEW SECTION. 516C.1 TITLE.

6 This chapter shall be known and may be cited as the  
7 "Iowa Collision Damage Waiver Act".

8 Sec. 2. NEW SECTION. 516C.2 SCOPE.

9 This chapter applies to a person in the business of  
10 renting a motor vehicle for a period of sixty days or  
11 less from a location in this state under an agreement  
12 which imposes upon the customer an obligation to pay  
13 for any damages caused to the rented vehicle. This  
14 chapter applies solely to the collision damage waiver  
15 portion of the rental agreement.

16 Sec. 3. NEW SECTION. 516C.3 DEFINITIONS.

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

19 1. "Collision damage waiver" means a contract or  
20 contractual provision, whether separate from or a part  
21 of a motor vehicle rental agreement, whereby the  
22 rental company agrees, for a charge, to waive any and  
23 all claims against the customer for any damages to the  
24 rental vehicle during the term of the rental  
25 agreement.

26 2. "Rental company" means a person in the business  
27 of providing rental motor vehicles to customers.

28 3. "Customer" means a person obtaining the use of  
29 a rental motor vehicle from a rental company under the  
30 terms of a rental agreement.

31 4. "Rental agreement" means a written agreement  
32 containing the terms and conditions for the use of the  
33 rental motor vehicle by the customer for a term of  
34 sixty days or less.

35 5. "Rental motor vehicle" means a private  
36 passenger type vehicle or commercial type vehicle  
37 which, upon execution of a rental agreement, is made  
38 available to a customer for its use.

39 Sec. 4. NEW SECTION. 516C.4 PROHIBITIONS.

40 A rental company shall not deliver or issue for  
41 delivery in this state a rental agreement containing a  
42 collision damage waiver unless:

43 1. The rental agreement contains the terms of the  
44 collision damage waiver in simple and readable words  
45 with common meanings and the collision damage waiver  
46 is understandable.

47 2. All restrictions, conditions, and exclusions  
48 are printed in the rental agreement in eight-point  
49 type, or larger; or written in pen and ink or  
50 typewritten in or on the face of the rental agreement

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1 in a blank space provided therefore. The collision  
2 damage waiver may exclude the following:

3 a. Damages caused intentionally by the customer or  
4 as a result of the customer's willful or wanton  
5 misconduct.

6 b. Damages caused by driving while intoxicated or  
7 under the influence of a controlled substance.

8 The collision damage waiver may not exclude simple  
9 negligence.

10 3. The collision damage waiver includes a  
11 statement of the total charge for the waiver period.

12 4. The rental agreement displays on the face of  
13 the agreement in boldface capitals in eight-point  
14 type, or larger, the following notice:

15 NOTICE: THIS CONTRACT OFFERS, FOR AN ADDITIONAL  
16 CHARGE, A COLLISION DAMAGE WAIVER TO COVER YOUR  
17 RESPONSIBILITY FOR DAMAGE TO THE VEHICLE.

18 BEFORE DECIDING WHETHER TO PURCHASE THE COLLISION  
19 DAMAGE WAIVER, YOU MAY WISH TO DETERMINE WHETHER YOUR  
20 OWN AUTOMOBILE INSURANCE AFFORDS YOU COVERAGE FOR  
21 DAMAGE TO THE RENTAL VEHICLE AND THE AMOUNT OF THE  
22 DEDUCTIBLE UNDER YOUR OWN INSURANCE COVERAGE. THE  
23 PURCHASE OF THIS COLLISION DAMAGE WAIVER IS NOT  
24 MANDATORY AND MAY BE DECLINED.

25 However, prior to July 1, 1989, the disclosures  
26 required to be made as part of a rental agreement  
27 pursuant to this chapter may be made on a separate  
28 sheet or handout given to the customer prior to  
29 entering into the rental agreement. The separate  
30 sheet or handout must be acknowledged by the customer  
31 as being received prior to entering into the rental  
32 agreement.

33 Sec. 5. NEW SECTION. 516C.5 UNFAIR OR DECEPTIVE  
34 ACTS OR PRACTICES.

35 Unfair or deceptive acts or practices in the  
36 advertisement or sale of collision damage waivers are  
37 prohibited. Unfair and deceptive practices include,  
38 but are not limited to, the following:

39 1. The representation in connection with the sale  
40 or advertisement of a rental agreement or collision  
41 damage waiver that the purchase of a collision damage  
42 waiver is mandatory.

43 2. The failure to provide disclosures as required  
44 in this chapter.

45 3. The failure to disclose in a manner likely to  
46 be notice and comprehended in any advertisement, as  
47 defined in section 714.16, subsection 1, paragraph

48 "a", if a collision damage waiver is available, and  
 49 the cost of the waiver.

50 Sec. 6. NEW SECTION. 516C.6 ENFORCEMENT.

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1 A violation of this chapter is a violation of  
 2 section 714.16, subsection 2, paragraph "a". The  
 3 provisions of section 714.16, including, but not  
 4 limited to, provisions relating to investigation,  
 5 injunctive relief, and penalties, apply to violations  
 6 of this chapter.

7 Sec. 7. NEW SECTION. 516C.7 INSURANCE.

8 No automobile insurance policy or motor vehicle  
 9 liability insurance policy shall be issued or renewed  
 10 after January 1, 1989, unless the policy provides that  
 11 all coverages under the policy are extended to any  
 12 rental motor vehicle being rented by the named  
 13 insured. The policy must also provide that all or any  
 14 part of the obligation of the named insured for  
 15 property damage to a rental motor vehicle is covered  
 16 by the collision or comprehensive portion of the  
 17 policy."

18 2. Title page, line 1, by inserting after the  
 19 word "to" the following: "motor vehicle rental  
 20 insurance and".

Groninga of Cerro Gordo offered the following amendment  
 H—6425, to the Senate amendment H—6092, filed by him and moved  
 its adoption:

H—6425

1 Amend the Senate amendment, H—6092, to House File  
 2 653, as passed by the House, as follows:

3 1. Page 1, line 13, by inserting after the word  
 4 "to" the following: ", or loss due to theft of,".

5 2. Page 1, line 23, by inserting after the words  
 6 "damages to" the following: ", or loss due to theft  
 7 of,".

8 3. Page 1, line 36, by striking the words "or  
 9 commercial type vehicle".

10 4. Page 2, lines 12 and 13, by striking the words  
 11 "on the face of the agreement".

12 5. Page 2, line 25, by striking the words  
 13 "However, prior to July 1, 1989, the" and inserting  
 14 the following: "The".

15 6. Page 2, line 27, by striking the word "may"  
 16 and inserting the following: "shall".

17 7. Page 3, by striking lines 7 through 20.

Amendment H—6425 was adopted.

Groninga of Cerro Gordo offered the following amendment H—6207, to the Senate amendment H—6092, filed by him and moved its adoption:

H—6207

- 1 Amend the Senate amendment H—6092 to House File
- 2 653 as passed by the House as follows:
- 3 1. Page 2, line 46, by striking the word “notice”
- 4 and inserting the word “noticed”.

Amendment H—6207 was adopted.

On motion by Groninga of Cerro Gordo, the House concurred in the Senate amendment H—6092, as amended.

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

On the question “Shall the bill pass?” (H.F. 653)

The ayes were, 94:

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.	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
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	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:

Beatty	Hanson, D. R.	Lageschulte	Ollie
Royer	Running		

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 653)

Arnould of Scott asked and received unanimous consent that House File 653 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Hammond of Story called up for consideration **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, amended by the Senate amendment H—6304 as follows:

H—6304

- 1 Amend House File 2344 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking lines 9 through 14 and
- 4 inserting the following: "related to acquired immune
- 5 deficiency syndrome. In reference to employment,
- 6 under this chapter, "disability" also means the
- 7 physical or mental condition of a person which
- 8 constitutes a substantial handicap, but is unrelated
- 9 to such person's ability to engage in a particular
- 10 occupation."
- 11 2. Page 1, line 20, by inserting after the words
- 12 "virus or" the following: "to".

Rosenberg of Story offered the following amendment H—6435, to the Senate amendment H—6304, filed by him and moved its adoption:

H—6435

- 1 Amend the Senate amendment, H—6304, to House File
- 2 2344, as passed by the House, as follows:
- 3 1. Page 1, by inserting before line 3 the

4 following:

5 "\_\_\_\_\_. Page 1, line 6, by striking the words  
6 "result which results in" and inserting the following:  
7 "result,".

8 "\_\_\_\_\_. Page 1, line 7, by striking the word "or"."

9 2. Page 1, line 5, by inserting after the word  
10 "syndrome." the following: "The inclusion of a  
11 condition related to a positive human immunodeficiency  
12 virus test result in the meaning of "disability" under  
13 the provisions of this chapter does not preclude the  
14 application of the provisions of this chapter to  
15 conditions resulting from other contagious or  
16 infectious diseases."

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

19 "\_\_\_\_\_. Page 1, line 32, by inserting after the  
20 word "declares" the following: "through the utiliza-  
21 tion of guidelines established by the center for  
22 disease control of the United States department of  
23 health and human services"."

Amendment H—6435 was adopted.

The following amendment H—6463, to the Senate amendment H—6304, filed by Hammond of Story from the floor was adopted by unanimous consent:

H—6463

1 Amend the Senate amendment, H—6304, to House File  
2 2344, as passed by the House, as follows:

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

4 "\_\_\_\_\_. Title page, line 6, by inserting after the  
5 word "applicable" the words "and amending the  
6 definition of "disability" ".

On motion by Hammond of Story, the House concurred in the Senate amendment H—6304, as amended.

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

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

The ayes were, 74:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Diemer	Doderer	Dvorsky	Fey

Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 21:

Beaman	Bennett	Branstad	Corey
Daggett	De Groot	Eddie	Garman
Hermann	Hummel	Kremer	Maulsby
Pellett	Petersen, D. F.	Renken	Schnekloth
Schrader	Stueland	Swearingen	Tyrrell
Van Maanen			

Absent or not voting, 5:

Halvorson, R. N.	Hanson, D. R.	Lageschulte	Parker
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 2344)

Arnould of Scott asked and received unanimous consent that House File 2344 be immediately messaged to the Senate.

Norrgard of Des Moines called up for consideration **Senate File 302**, a bill for an act relating to the disability of brain injury, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6443 to the House amendment:

H—6443

- 1 Amend the House amendment, S—5774, to Senate File
- 2 302, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking line 20, and inserting the
- 5 following: "~~attending~~ For a patient who is not
- 6 admitted to a hospital but is treated in a physician's
- 7 office, physicians shall report a brain".



8 2. Page 1, by striking lines 29 and 30 and in-  
 9 serting the following: "requires, except that where  
 10 available, physicians and hospitals shall report the  
 11 Glascow coma scale. The director shall".

The motion prevailed and the House concurred in the Senate amendment H—6443, to the House amendment.

Norrsgard of Des Moines 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. 302)

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
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	Sherzan
Shoning	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:

Fuller	Hanson, D. R.	Lageschulte	Shoultz
Teaford			

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

IMMEDIATE MESSAGE  
(Senate File 302)

Arnould of Scott asked and received unanimous consent that Senate File 302 be immediately messaged to the Senate.

Neuhauser of Johnson called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6432 to the House amendment:

H—6432

1 Amend the House amendment, S—5941, to Senate File  
2 2039, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, lines 16 and 17, by striking the words  
5 "failing to renew" and inserting the following:  
6 "renewing".

7 2. Page 1, line 17, by inserting after the word  
8 "within" the following: "one month following".

9 3. Page 1, line 18, by striking the word "a" and  
10 inserting the following: "the".

11 4. By striking page 1, line 28 through page 2,  
12 line 21, and inserting the following:

13 NEW SUBSECTION. 10. COLLEGIATE PLATES.

14 a. Upon application and payment of the proper  
15 fees, the director may issue to the owner of a motor  
16 vehicle, trailer, or travel trailer registered in this  
17 state, collegiate registration plates. Upon receipt  
18 of the collegiate registration plates, the applicant  
19 shall surrender the regular registration plates to the  
20 county treasurer.

21 b. Collegiate registration plates shall be  
22 designed for each of the three state universities.  
23 The collegiate registration plates shall be designated  
24 as follows:

25 (1) The letters "ISU" followed by a four-digit  
26 number all in cardinal on a gold background for Iowa  
27 State University of science and technology.

28 (2) The letters "UNI" followed by a four-digit  
29 number all in purple on a gold background for the  
30 University of Northern Iowa.

31 (3) The letters "UI" followed by a four-digit  
32 number all in black on a gold background for the state  
33 University of Iowa.

34 c. The fees for a collegiate registration plate  
35 are as follows:

36 (1) A registration fee of twenty-five dollars.

37 (2) A special collegiate registration fee of  
38 twenty-five dollars.

39 These fees are in addition to the regular annual  
40 registration fee. The fees collected by the director  
41 under this subsection shall be paid monthly to the  
42 treasurer of state and credited by the treasurer of  
43 state to the road use tax fund. Notwithstanding  
44 section 423.24 and prior to the application of section  
45 423.24, subsection 1, paragraph "b", the treasurer of  
46 state shall credit monthly from revenues derived from  
47 the operation of section 423.7, respectively, to Iowa  
48 State University of science and technology, the  
49 University of Northern Iowa, and the state University  
50 of Iowa, the amount of the special collegiate

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1 registration fees collected in the previous month for  
2 collegiate registration plates designed for the  
3 university. The moneys credited are appropriated to  
4 the respective universities to be used for  
5 scholarships for students attending the universities.

6 d. The county treasurer shall validate collegiate  
7 registration plates in the same manner as regular  
8 registration plates are validated under this section  
9 at an annual fee of five dollars in addition to the  
10 regular annual registration fee.

11 5. Page 4, by striking lines 2 and 3 and  
12 inserting the following: "shall not be the social  
13 security number of the transferee unless requested by  
14 the transferee."

The motion prevailed and the House concurred in the Senate amendment H—6432, to the House amendment.

Neuhauser 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. 2039)

The ayes were, 80:

Adams	Arnould	Beaman	Bisignano
Black	Blanshan	Brammer	Branstad
Carpenter	Chapman	Clark	Cohon
Connolly	Connors	Cooper	Corbett
Daggett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Hummel	Jay

Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Teaford	Tyrrell	Van Camp	Mr. Speaker

The nays were, 16:

Beatty	Bennett	Buhr	Corey
De Groot	Eddie	Halvorson, R. N.	Hansen, S. D.
Maulsby	McKean	Peters	Royer
Siegrist	Tabor	Van Maanen	Wise

Absent or not voting, 4:

Hanson, D. R.	Haverland	Lageschulte	Plasier
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE (Senate File 2039)

Arnould of Scott asked and received unanimous consent that Senate File 2039 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 613, a bill for an act relating to the licensing and examination of first mortgage bankers and mortgage brokers, and regulation of other mortgage lenders, and providing penalties.

Also: That the Senate has on April 14, 1988, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 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.

Also: That the Senate has on April 14, 1988, receded from the Senate amendment, and passed the following bill in which the concurrence of the Senate was 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 April 14, 1988, insisted on its amendment to House File 2441, a bill for an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date, and the members of the conference committee, on the part of the Senate are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Tama, Senator Husak; the Senator from Scott, Senator Deluhery; the Senator from Muscatine, Senator Rife; and the Senator from Black Hawk, Senator Lind.

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

House File 2459, a bill for an act relating to the imposition and collection of the state sales, services, and use taxes by out-of-state retailers.

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

Senate File 2335, a bill for an act relating to the formula used in valuing agricultural property.

JOHN F. DWYER, Secretary

### INTRODUCTION OF BILL

**House File 2475**, by Arnould and Stromer, a bill for an act relating to subrogation rights under the medical assistance program of the department of human services.

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

### SENATE MESSAGE CONSIDERED

**Senate File 2335**, by committee on ways and means, a bill for an act relating to the formula used in valuing agricultural property.

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

### 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 and a meeting of the committee on human resources at 1:00 p.m.

On motion by Arnould of Scott, the House was recessed at 11:37 a.m., until 1:15 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 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 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 April 14, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2283, a bill for an act relating to agricultural property holdings by providing certain definitions; restricting processors; 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.

Also: That the Senate has on April 14, 1988, passed the following bill in which the concurrence of the Senate was asked:

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.

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

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.

Also: That the Senate has on April 14, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 14, 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 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.

Also: That the Senate has on April 14, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

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

Senate File 2338, a bill for an act 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, requiring related reports by the commissioner of insurance, and providing applicable and effective dates.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED  
(House File 2441)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2441: Hatch of Polk, chair; Osterberg of Linn, Schrader of Marion, Paulin of Plymouth and Van Camp of Scott.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2107.

CONSIDERATION OF BILLS  
Unfinished Business Calendar

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.

Jay of Appanoose offered amendment H—6424 filed by him and requested division as follows:

H—6424

- 1 Amend Senate File 2107, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—6424A

- 3 1. Page 1, by striking lines 3 through 7 and
- 4 inserting the following:
- 5 "1. For the purposes of this section, "foster
- 6 home" means an individual, as defined in section
- 7 237.1, subsection 7, who is licensed to provide child
- 8 foster care."

H—6424B

- 9 2. Page 1, line 33, by inserting after the word
- 10 "aircraft," the following: "recreational vehicle,".
- 11 3. Page 2, line 9, by inserting after the word
- 12 "source" the following: "including the child's own
- 13 funds".

H-6424B

14 4. Page 2, by striking line 18 and inserting the  
 15 following: "deductible. The fund is not liable for  
 16 damages in excess of three hundred thousand dollars  
 17 for a single foster home for all claims arising out of  
 18 one or more occurrences during a calendar year."

19 5. Page 2, by striking line 28 and inserting the  
 20 following:

21 "c. The department shall issue a decision on a  
 22 claim within".

H-6424A

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

25 "Sec. \_\_\_\_\_. NEW SECTION. 633.683 GUARDIAN AND  
 26 CONSERVATOR INSURANCE FUND.

27 1. For the purposes of this section, unless the  
 28 context otherwise requires, "guardian" or  
 29 "conservator" means a guardian or conservator as  
 30 defined in section 633.63, subsection 3, and "fund"  
 31 means the guardian and conservator insurance fund.

32 2. The guardian and conservator insurance fund is  
 33 created within the office of the treasurer of state to  
 34 be administered by the department of human services.  
 35 The fund consists of all moneys appropriated by the  
 36 general assembly for deposit in the fund. The general  
 37 fund of the state is not liable for claims presented  
 38 against the fund. The department may contract with  
 39 another state agency, or private organization, to  
 40 perform the administrative functions necessary to  
 41 carry out this section.

42 3. Coverage under the fund shall be provided to  
 43 guardians and conservators who serve wards whose  
 44 income does not exceed one hundred fifty percent of  
 45 the current federal office of management and budget  
 46 poverty guidelines and whose resources do not exceed  
 47 the criteria for resources under the federal  
 48 supplemental security income program. However, the  
 49 ward's ownership of one residence and one vehicle  
 50 shall not be considered in determining resources.

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1 4. Except as provided in this section, the fund  
 2 shall pay, on behalf of a guardian or conservator, the  
 3 reasonable and necessary legal costs incurred in  
 4 defending against a suit filed by a ward or the ward's  
 5 representative and the damages awarded as a result of  
 6 the suit, up to a maximum of three hundred thousand  
 7 dollars, so long as it is determined that the guardian  
 8 or conservator acted in good faith in the performance



H-6424A

9 of their duties. A payment shall not be made if there  
 10 is evidence of intentional misconduct or a knowing  
 11 violation of the law by the guardian or conservator,  
 12 including, but not limited to, failure to carry out  
 13 the responsibilities required under sections 633.633  
 14 through 633.635 and 633.641 through 633.651.

15 5. Procedures for claims against the fund:

16 a. A claim against the fund shall be filed in  
 17 accordance with the claims procedures and on forms  
 18 prescribed by the department of human services.

19 b. The department shall issue a decision on a  
 20 claim within one hundred eighty days of its  
 21 presentation.

22 c. All processing of decisions and reports,  
 23 payment of claims, and other administrative actions  
 24 relating to the fund shall be conducted by the  
 25 department of human services.

26 d. The department of human services shall adopt  
 27 rules, pursuant to chapter 17A, to carry out the  
 28 provisions of this section.

29 Sec. \_\_\_\_\_. For the fiscal year beginning July 1,  
 30 1988, and ending June 30, 1989, the department may use  
 31 funds appropriated to the department for the foster  
 32 home insurance fund under the provisions of House File  
 33 2447, for the guardian and conservation insurance fund  
 34 created by this Act."

35 7. Title page, line 1, by inserting after the  
 36 word "fund" the following: "and a guardian and con-  
 37 servator insurance fund".

Jay of Appanoose asked and received unanimous consent to with-  
 draw amendment H-6424A.

On motion by Jay of Appanoose, amendment H-6424B 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. 2107)

The ayes were, 95:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.

Halvorson, R. N.	Hammond	Hansen, S. D.	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
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:

Beaman	Hanson, D. R.	Lageschulte	Sherzan
Shoultz			

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

#### IMMEDIATE MESSAGE (Senate File 2107)

Arnould of Scott asked and received unanimous consent that Senate File 2107 be immediately messaged to the Senate.

**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 amendment and passage was taken up for consideration.

Johnson of Winneshiek offered the following amendment H—5868 filed by the committee on natural resources and outdoor recreation:

H—5868

- 1 Amend Senate File 2126, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 455B.275, subsection 4, Code
- 6 1987, is amended to read as follows:
- 7 4. The department may maintain an action in equity
- 8 to enjoin a person from erecting or making or

9 permitting to be made a structure, dam, obstruction,  
 10 deposit, or excavation other than a dam constructed  
 11 and operated under the authority of chapter 469, for  
 12 which a permit has not been granted. The department  
 13 may also seek judicial abatement of any structure,  
 14 dam, obstruction, deposit, or excavation erected or  
 15 made without a permit required under this part. The  
 16 abatement proceeding may be commenced to enforce an  
 17 administrative determination of the department in a  
 18 contested case proceeding that a public nuisance  
 19 exists and should be abated. The costs of abatement  
 20 shall be borne by the violator. Notwithstanding  
 21 section 176B.11, a structure, dam, obstruction,  
 22 deposit, or excavation on a floodway or flood plain in  
 23 an agricultural area established under chapter 176B is  
 24 not exempt from the sections of this part which relate  
 25 to regulation of flood plains and floodways. As used  
 26 in this subsection, violator includes a person  
 27 contracted to erect or make a structure, dam,  
 28 obstruction, deposit, or excavation in a floodway  
 29 including stream straightening unless the project is  
 30 authorized by a permit required under this part or the  
 31 project is a dam authorized pursuant to chapter 469."

32 2. Page 1, line 10, by striking the words "of the  
 33 completion" and inserting the following: "after the  
 34 department becomes aware".

35 3. Page 1, by striking lines 13 through 15 and  
 36 inserting the following: "does not apply if action is  
 37 required to protect property or the public safety and  
 38 is not intended to limit the department from taking  
 39 actions otherwise authorized by law. This subsection  
 40 does not apply to any structure, dam, obstruction,  
 41 deposit, or excavation in a floodway or a stream  
 42 straightening initiated without a permit after July 1,  
 43 1988. For the purposes of this subsection, the  
 44 department becomes aware of the erection or making of  
 45 a structure, dam, obstruction, deposit, excavation, or  
 46 stream straightening by notifying the landowner by  
 47 certified mail."

48 4. By renumbering sections.

Johnson of Winneshiek offered the following amendment H-6429, to the committee amendment H-5868, filed by him and moved its adoption:

H-6429

- 1 Amend the committee amendment, H-5868, to Senate
- 2 File 2126, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 35 through 47 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 1, line 12, by striking the word "The"

6 and inserting the following: "After ten years from  
 7 the completion of the erection or making of the  
 8 structure, dam, obstruction, deposit, excavation, or  
 9 stream straightening, the".  
 10 \_\_\_\_\_. Page 1, line 13, by inserting after the word  
 11 "any" the following: "administrative or".  
 12 \_\_\_\_\_. Page 1, line 15, by inserting after the word  
 13 "section" the following: "unless action is required  
 14 to protect the public safety, in which case this  
 15 section is not intended to limit the department from  
 16 taking actions otherwise authorized by law".  
 17 \_\_\_\_\_. Page 1, by inserting after line 15 the  
 18 following:  
 19 "Sec. \_\_\_\_\_. In addition to prospective application,  
 20 this Act applies to all knowledge possessed by the  
 21 department of natural resources for at least five  
 22 years before the effective date of this Act and to all  
 23 projects completed earlier than ten years before the  
 24 effective date of this Act." "  
 25 2. Page 1, by inserting after line 47 the  
 26 following:  
 27 "\_\_\_\_\_. Title page, line 4, by inserting after the  
 28 word "floodway" the following: "and providing for the  
 29 Act's applicability".

Amendment H—6429 was adopted.

On motion by Johnson of Winneshiek, the committee amendment H—5868, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 2126)

The ayes were, 90:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
Diemer	Doderer	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	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser

Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Running
Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 4:

De Groot	Fogarty	Royer	Svoboda
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Absent or not voting, 6:

Beaman	Hanson, D. R.	Lageschulte	Miller
Parker	Shultz		

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

Skow of Guthrie in the chair at 2:10 p.m.

#### IMMEDIATE MESSAGE (Senate File 2126)

Arnould of Scott asked and received unanimous consent that Senate File 2126 be immediately messaged to the Senate.

#### HOUSE INSISTS

Fey of Scott called up for consideration **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, and moved that the House insist on its amendment, which motion prevailed.

#### CONFERENCE COMMITTEE APPOINTED (House File 2278)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2278: Fey of Scott, chair; Bisignano of Polk, Jay of Appanoose, Clark of Cerro Gordo and Plasier of Sioux.

#### Unfinished Business Calendar

**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 amendment and passage was taken up for consideration.

Johnson of Winneshiek offered the following amendment H—5862 filed by the committee on energy and environmental protection:

H—5862

1 Amend Senate File 2133, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the fol-  
4 lowing:

5 "Section 1. Section 159.28, Code Supplement 1987,  
6 is amended by adding the following new unnumbered  
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. A person who causes  
9 artificial drainage into a natural sinkhole, shall  
10 register with the department by June 30, 1989, and the  
11 department shall remit the registration document to  
12 the department of natural resources."

13 2. Page 1, by striking lines 1 and 2 and  
14 inserting the following:

15 "Sec. 2. Section 159.29, subsections 1 and 2, Code  
16 Supplement 1987, are amended to read as follows:"

17 3. Page 1, line 5, by striking the word "June"  
18 and inserting the following: "September".

19 4. Page 1, line 7, by striking the word "June"  
20 and inserting the following: "September".

21 5. Page 1, by striking lines 8 through 16.

22 6. Page 1, by inserting before line 17 the  
23 following:

24 "2. An owner of an agricultural drainage well and  
25 a landholder whose land is drained by the well or  
26 wells of another person shall develop, in consultation  
27 with the department of agriculture and land  
28 stewardship and the department of natural resources, a  
29 plan which proposes alternatives to the use of  
30 agricultural drainage wells by July 1, ~~1991~~ 1992.

31 a. Financial incentive moneys may be allocated  
32 from the financial incentive portion of the  
33 agriculture management account of the groundwater  
34 protection fund to implement alternatives to  
35 agricultural drainage wells.

36 b. An owner of an agricultural drainage well and,  
37 a tenant on land drained by the agricultural drainage  
38 well, or a landholder whose land is drained by the  
39 well or wells of another person shall not be eligible  
40 for financial incentive moneys pursuant to paragraph  
41 "a" if the owner fails to register the well with the  
42 department of natural resources by January 1 September  
43 30, 1988, or if the owner fails to develop a plan for  
44 alternatives in cooperation with the department of  
45 agriculture and land stewardship and the department of  
46 natural resources.

47 c. A tenant on land drained by an agricultural

48 drainage well, or the owner or tenant of property  
 49 which is drained to a well or property owned by  
 50 another person may report an agricultural drainage

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1 well by June 30, 1988, in order to satisfy the  
 2 requirement for eligibility for any future cost-share  
 3 program related to agricultural drainage wells,  
 4 provided that the landowner registers the well within  
 5 thirty days of the report. If the landowner does not  
 6 register the agricultural drainage well within thirty  
 7 days of the receipt of the report, the department  
 8 shall notify the landowner regarding the requirement  
 9 to register and the penalty which may be applied. A  
 10 landowner who has not registered within sixty days of  
 11 the notification is punishable by a civil penalty of  
 12 not more than one hundred dollars per day in excess of  
 13 sixty days.

14 Sec. \_\_\_\_\_. Section 159.29, Code Supplement 1987, is  
 15 amended by adding the following new subsection:

16 **NEW SUBSECTION. 9.** For the purposes of this  
 17 section, "agricultural drainage well" includes any  
 18 structural changes to a natural sinkhole which  
 19 facilitates drainage into the groundwater."

20 7. Title page, line 1, by striking the words "the  
 21 registration date for".

22 8. Title page, line 2, by inserting after the  
 23 word "wells" the following: ", sinkholes, providing a  
 24 penalty,".

25 9. By renumbering as necessary.

Mullins of Kossuth offered the following amendment H—6434, to  
 the committee amendment H—5862, filed by her and Johnson of  
 Winneshiek and moved its adoption:

H—6434

1 Amend amendment, H—5862, to Senate File 2133 as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:

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

6 "Sec. \_\_\_\_\_. Section 159.1, Code 1987, is amended by  
 7 adding the following new subsections:

8 **NEW SUBSECTION. 4.** "Agricultural drainage well"  
 9 means a vertical opening to an aquifer or permeable  
 10 substratum, which has been drilled, driven, dug,  
 11 bored, augered, jetted, washed, cored, or otherwise  
 12 constructed and which intercepts or receives or is  
 13 capable of intercepting or receiving surface or  
 14 subsurface drainage water from agricultural land. An

15 agricultural drainage well includes a structurally  
16 altered sinkhole.

17 NEW SUBSECTION. 5. "Sinkhole" means a natural  
18 depression into which surface water flows forming a  
19 direct conduit to subsurface formations through  
20 solution and collapse of the underlying materials such  
21 as limestone.

22 NEW SUBSECTION. 6. "Structurally altered  
23 sinkhole" means a sinkhole which has been modified for  
24 the purpose of directing surface or subsurface  
25 drainage to the sinkhole."

26 2. Page 1, by inserting after line 16 the  
27 following:

28 "\_\_\_\_\_. Page 1, line 3, by inserting after the word  
29 "well" the following: "other than a structurally  
30 altered sinkhole, but including wells on publicly  
31 owned land or located on public rights-of-way."

32 3. Page 1, line 21, by inserting after the figure  
33 "16" the following: "and inserting the following:  
34 "An owner of a structurally altered sinkhole shall  
35 register the sinkhole with the department of natural  
36 resources by September 30, 1989. Prior registration  
37 of a structurally altered sinkhole as an agricultural  
38 drainage well pursuant to this section satisfies the  
39 registration requirement."

40 4. Page 1, lines 42 and 43, by striking the word  
41 and figures "September 30, 1988," and inserting the  
42 following: "1988 the appropriate date requirement  
43 pursuant to subsection 1".

44 5. Page 2, line 1, by striking the words "by June  
45 30, 1988" and inserting the following: "to the  
46 department of natural resources by the appropriate  
47 date requirement pursuant to subsection 1".

48 6. Page 2, line 4, by striking the word  
49 "landowner" and inserting the following: "owner of  
50 the property on which the well is located".

## Page 2

1 7. Page 2, line 7, by inserting after the word  
2 "department" the following: "of natural resources".

3 8. Page 2, line 9, by striking the word "A" and  
4 inserting the following: "If a".

5 9. Page 2, line 10, by striking the word "who".

6 10. Page 2, line 11, by striking the words "is  
7 punishable by" and inserting the following: "the  
8 department of natural resources may impose".

9 11. Page 2, by striking lines 14 through 19 and  
10 inserting the following:

11 "Sec. \_\_\_\_\_. Section 455E.11, subsection 2,  
12 paragraph b, Code Supplement 1987, is amended by  
13 adding the following new subparagraph after



14 subparagraph (1) and renumbering the remaining  
15 subparagraphs:

16 NEW SUBPARAGRAPH. (2) Two hundred thousand  
17 dollars of the moneys deposited in the agriculture  
18 management account is appropriated to the department  
19 of agriculture and land stewardship for the fiscal  
20 year beginning July 1, 1987, and ending June 30, 1988,  
21 for the demonstration projects regarding agriculture  
22 drainage wells and sinkholes. Any remaining balance  
23 of the appropriation made for the purpose of funding  
24 such demonstration projects for the fiscal year  
25 beginning July 1, 1987, and ending June 30, 1988,  
26 shall not revert to the account, notwithstanding  
27 section 8.33, but shall remain available for the  
28 purpose of funding such demonstration projects during  
29 the fiscal period beginning July 1, 1988, and ending  
30 June 30, 1990.

31 Sec. \_\_\_\_\_. Section 455E.11, subsection 2, paragraph  
32 b, subparagraph (2), subdivision (d), Code Supplement  
33 1987, is amended to read as follows:

34 (d) Thirteen percent of the moneys is appropriated  
35 annually to the department of agriculture and land  
36 stewardship for financial incentive programs related  
37 to agricultural drainage wells and sinkholes, for  
38 studies and administrative costs relating to sinkholes  
39 and agricultural drainage wells programs; and ~~not more~~  
40 ~~than two hundred thousand dollars of the moneys is~~  
41 ~~appropriated for the demonstration projects regarding~~  
42 ~~agricultural drainage wells and sinkholes.~~ Of the  
43 thirteen percent allocated for financial incentive  
44 programs, not more than fifty thousand dollars is  
45 appropriated for the fiscal year beginning July 1,  
46 1987 and ending June 30, 1988, to the department of  
47 natural resources for grants to county conservation  
48 boards for the development and implementation of  
49 projects regarding alternative practices in the  
50 remediation of noxious weeds or other vegetation

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1 within highway rights-of-way. Any remaining balance  
2 of the appropriation made for the purpose of funding  
3 of projects regarding alternative practices in the  
4 remediation of noxious weeds or other vegetation  
5 within highway rights-of-way for the fiscal year  
6 beginning July 1, 1987, and ending June 30, 1988,  
7 shall not revert to the account, notwithstanding  
8 section 8.33, but shall remain available for the  
9 purpose of funding the projects during the fiscal  
10 period beginning July 1, 1988, and ending June 30,  
11 1990."

12 12. Page 2, line 24, by inserting after the word  
13 "penalty," the following: "adopting an  
14 appropriation,".

Amendment H—6434 was adopted.

Petersen of Muscatine offered the following amendment H—6331, to the committee amendment H—5862, filed by Petersen of Muscatine, et al., and moved its adoption:

H—6331

- 1 Amend committee amendment H—5862 to Senate File
- 2 2133 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 2, line 12, by striking the words "one
- 5 hundred" and inserting the word "twenty".

Amendment H—6331 was adopted.

On motion by Johnson of Winneshiek, the committee amendment H—5862, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 2133)

The ayes were, 93:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fuller	Garman
Gröninga	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	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklöth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker (Skow)			

The nays were, 3:

Fogarty                      Paulin                      Platt

Absent or not voting, 4:

Chapman                      Clark                      Hanson, D. R.                      Lageschulte

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

### SENATE AMENDMENTS CONSIDERED

Ollie of Clinton called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6405 to the House amendment:

H-6405

- 1 Amend the House amendment, S-5773, to Senate File
- 2 2296, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 21, by inserting after the word
- 5 "approval." the following: "Nothing contained in this
- 6 section shall be construed to allow nonlicensed
- 7 individuals to perform services which otherwise
- 8 require licenses under the laws of this state or to
- 9 allow licensed providers to perform services outside
- 10 their scope of practice."

The motion prevailed and the House concurred in the Senate amendment H-6405 to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2296)

The ayes were, 84:

Arnould	Avenson	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
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.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKinney	Muhlbauer	Mullins
Neuhauser	Norrsgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Royer	Running
Schrader	Sherzan	Shoning	Shultz
Siegrist	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Tyrrell	Van Camp	Wise	Mr. Speaker (Skow)

The nays were, 10:

Adams	Eddie	Halvorson, R. N.	McKean
Metcalf	Miller	Renken	Schnekloth
Teaford	Van Maanen		

Absent or not voting, 6:

Blanshan	Clark	Hanson, D. R.	Lageschulte
Plasier	Rosenberg		

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

Shultz of Black Hawk called up for consideration **Senate File 2193**, a bill for an act relating to requirements for approved teacher education programs, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6419 to the House amendment:

H—6419

- 1 Amend the House amendment, S—5799, to Senate File
- 2 2193, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 30 the
- 5 following:
- 6 "\_\_\_\_\_. One member who is employed as a school
- 7 service person."
- 8 2. Page 2, by striking lines 21 through 23 and
- 9 inserting the following:
- 10 "\_\_\_\_\_. Page 1, by striking lines 19 and 20 and
- 11 inserting the following: "a period not exceeding five
- 12 years in duration at the elementary, middle, or
- 13 secondary level." "
- 14 3. Page 2, line 41, by inserting after the word
- 15 "teacher." the following: "The rules shall require

16 that each institution develop a written evaluation  
 17 procedure for use by the cooperating teacher and a  
 18 form for evaluating student teachers, and require that  
 19 a copy of the completed form be included in the  
 20 student teacher's permanent record."

21 4. Page 2, by striking line 43 and inserting the  
 22 following: "line 10."

23 5. Page 2, by inserting before line 44 the  
 24 following:

25 "\_\_\_\_\_. Page 3, by striking lines 21 through 23 and  
 26 inserting the following: "the student teaching  
 27 experience shall receive from the institution either a  
 28 monetary recompense or a reduction in tuition for  
 29 graduate hours of coursework equivalent to the value  
 30 of the monetary recompense, rounded to the nearest  
 31 whole credit hour. If, because of a policy adopted by  
 32 the board of directors employing the teacher, the  
 33 amount of the monetary recompense is not made  
 34 available to the teacher for the teacher's own  
 35 personal use or the salary paid to the cooperating  
 36 teacher by the employing board is correspondingly  
 37 reduced, the institution shall grant the teacher the  
 38 reduction in tuition pursuant to this section in lieu  
 39 of the monetary recompense."

40 \_\_\_\_\_. By striking page 3, line 24 through page 4,  
 41 line 2 and inserting the following:"

42 6. Page 3, by striking lines 11 and 12.

43 7. Page 3, by striking lines 42 and 43.

44 8. By renumbering, relettering, or redesignating  
 45 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6419, to the House amendment.

Shoultz 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. 2193)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Hansen, S. D.	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.	Platt
Poney	Renken	Rosenberg	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker (Skow)	

The nays were, none.

Absent or not voting, 5:

Hanson, D. R.	Lageschulte	Plasier	Renaud
Royer			

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

### IMMEDIATE MESSAGE (Senate Files 2193 and 2296)

Buhr of Polk asked and received unanimous consent that Senate Files 2193 and 2296 be immediately messaged to the Senate.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 394)

Norrgard of Des Moines called up for consideration the report of the conference committee on Senate File 394 and moved the adoption of the conference committee report and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 394

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

We, the undersigned members of the Conference Committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 394, a bill for an act relating to care of animals in commercial establishments, respectfully make the following report:

1. That the House recedes from its amendment, S—5138.
2. That Senate File 394, as passed by the Senate, is amended as follows:

1. Page 1, line 4, by inserting after the word "fish" the following: "other than live bait".

2. Page 1, line 16, by inserting after the word "person" the following: ", engaged in the business of breeding dogs or cats,".

3. Page 5, line 19, by striking the word "subsection:" and inserting the following: "subsections:".

4. Page 5, by inserting after line 32, the following:

"NEW SUBSECTION. 5. This chapter does not apply to a noncommercial kennel at, in, or adjoining a private residence where dogs or cats are kept for the hobby of the householder, if the dogs or cats are used for hunting, for practice training, for exhibition at shows or field or obedience trials, or for guarding or protecting the householder's property. However, the dogs or cats must not be kept for breeding if a person receives consideration for providing the breeding."

ON THE PART OF THE HOUSE:

CLYDE NORRGARD, Chair  
CLIFFORD BRANSTAD  
JOSEPHINE GRUHN  
JOSEPH KREMER  
DENNIS MAY

ON THE PART OF THE SENATE:

JAMES RIORDAN, Chair  
LEONARD BOSWELL  
WILLIAM DIELEMAN  
NORMAN GOODWIN  
RICHARD VANDE HOEF

The motion prevailed and the conference committee report 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, 98:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	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	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker (Skow)		

The nays were, none.

Absent or not voting, 2:

Hanson, D. R.      Lageschulte

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

### IMMEDIATE MESSAGE (Senate File 394)

Buhr of Polk asked and received unanimous consent that Senate File 394 be immediately messaged to the Senate.

### Unfinished Business Calendar

**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.

Parker of Jasper offered the following amendment H—5864 filed by the committee on small business and commerce and moved its adoption:

H—5864

- 1 Amend Senate File 2289 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 11, and
- 4 inserting the following:
- 5 "Sec. \_\_\_\_\_. Section 534.702, Code Supplement 1987,
- 6 is amended by adding the following new subsection:
- 7 NEW SUBSECTION. 10. LIMITED EXEMPTION FOR SOLVENT
- 8 FOREIGN ASSOCIATIONS. A foreign savings and loan
- 9 association is exempt from the requirements of this
- 10 section if the association's business in this state is
- 11 limited to the sale of certificates of deposit through
- 12 independent broker-dealers registered under section
- 13 502.302, unless the superintendent of savings and
- 14 loans by order determines the association is
- 15 insolvent."



The committee amendment H—5864 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?" (S.F. 2289)

The ayes were, 95:

Adams	Arnould	Avenson	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	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	
		(Skow)	

The nays were, none.

Absent or not voting, 5:

Hanson, D. R.	Hatch	Lageschulte	Neuhauser
Svoboda			

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

**IMMEDIATE MESSAGE**  
(Senate File 2289)

Buhr of Polk asked and received unanimous consent that Senate File 2289 be immediately messaged to the Senate.

The House stood at ease at 2:45 p.m., until the fall of the gavel.

The House resumed session at 4:35 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 April 13, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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.

JOHN F. DWYER, Secretary

### 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 BILL

**House File 2476**, by committee on ways and means, a bill for an act relating to administrative procedures to challenge the identification, classification, and exemption of property for taxation purposes.

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

### SENATE MESSAGE CONSIDERED

**Senate File 2338**, by committee on ways and means, a bill for an act 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, requiring related reports by the commissioner of insurance, and providing applicable and effective dates.

Read first time and **passed on file**.

### SENATE AMENDMENT CONSIDERED

Norrgard of Des Moines called up for consideration **House File 2354**, a bill for an act relating to radon testing and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-6422:

H-6422

- 1 Amend House File 2354 as amended, passed, and  
 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 13, the  
 4 following:  
 5 "4. For the purposes of this section, radon  
 6 abatement systems shall be classified as mechanical  
 7 ventilation systems."  
 8 2. Page 1, lines 19 and 20, by striking the words  
 9 "or unless a prospective buyer of a building requests  
 10 the information in writing".  
 11 3. Page 1, line 22, by striking the words "twelve  
 12 months" and inserting the following: "five years".  
 13 4. Page 1, by striking lines 23 and 24 and  
 14 inserting the following:  
 15 "Notwithstanding the requirements of this section,  
 16 disclosure to any person of the results of a test  
 17 performed on a nonpublic building for the presence of  
 18 radon gas and radon progeny is not required if the  
 19 results do not exceed the currently established United  
 20 States environmental protection agency action  
 21 guidelines.  
 22 A person who tests a nonpublic building which the  
 23 person owns is not required to disclose to any person  
 24 the results of a test for the presence of radon gas or  
 25 progeny if the test is performed by the person who  
 26 owns the nonpublic building."  
 27 5. By renumbering, relettering, or redesignating  
 28 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6422.

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

On the question "Shall the bill pass?" (H.F. 2354)

The ayes were, 53:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Clark	Cohoon	Cooper	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Keonigs	May	McKean
McKinney	Mullins	Neuhauser	Norrgard

Ollie	Osterberg	Parker	Paulin
Pavich	Peters	Peterson, M. K.	Plasier
Rosenberg	Schrader	Shoultz	Svoboda
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 39:

Beaman	Bennett	Black	Branstad
Carpenter	Connolly	Corbett	Corey
Daggett	De Groot	Eddie	Garman
Halvorson, R. A.	Hansen, S. D.	Harbor	Hester
Hummel	Kremer	Maulsby	Metcalf
Miller	Muhlbauer	Pellett	Petersen, D. F.
Poncy	Renaud	Renken	Royer
Running	Schneklath	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 8:

Connors	Hanson, D. R.	Hermann	Lageschulte
Lundby	Platt	Swartz	Swearingen

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

### IMMEDIATE MESSAGE (House File 2354)

Arnould of Scott asked and received unanimous consent that House File 2354 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 2472.

### CONSIDERATION OF BILLS Ways and Means Calendar

**House File 2472**, a bill for an act 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, requiring related reports by the commissioner of insurance, and providing applicable and effective dates, was taken up for consideration.

Brammer of Linn offered the following amendment H—6462 filed by him from the floor and moved its adoption:

H-6462

1 Amend House File 2472 as follows:

2 1. Page 1, by inserting after line 29 the  
3 following:

4 "4. On an annual basis, prepare a report identi-  
5 fying the premium volume of nonqualified insurance  
6 annuities issued by domestic insurance companies doing  
7 at least a volume of five million dollars per annum,  
8 and relating that to projections for increased volume  
9 of such sales."

10 2. Page 1, by inserting after line 35 the  
11 following new unnumbered paragraph:

12 "NEW UNNUMBERED PARAGRAPH. Domestic insurance  
13 companies shall cooperate with the commissioner in  
14 providing information to develop the reports under  
15 this section."

Amendment H-6462 was adopted.

Brammer of Linn offered the following amendment H-6415 filed  
by him and moved its adoption:

H-6415

1 Amend House File 2472, as follows:

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

4 "Sec. 3. Section 1 of this Act is effective July  
5 1, 1988, and applies to premiums for annuity contracts  
6 received on or after that date for purposes of  
7 determining the tax imposed on the gross amount of  
8 premiums received during the 1988 and subsequent  
9 calendar years."

Amendment H-6415 was adopted.

#### SENATE FILE 2338 SUBSTITUTED FOR HOUSE FILE 2472

Brammer of Linn asked and received unanimous consent to sub-  
stitute Senate File 2338 for House File 2472.

**Senate File 2338**, a bill for an act relating to the deduction of  
premiums received in connection with annuity contracts in comput-  
ing the gross amount of premiums for purpose of the state gross  
premiums tax, requiring related reports by the commissioner of insur-  
ance, and providing applicable and effective dates, 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. 2338)

The ayes were, 92:

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	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Connors	Groninga	Hanson, D. R.	Jochum
Lageschulte	Lundby	Platt	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 2338)

Arnould of Scott asked and received unanimous consent that Senate File 2338 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Chapman of Linn called up for consideration **House File 613**, a bill for an act relating to the licensing and examination of first mortgage bankers and mortgage brokers, and regulation of other mortgage lenders, and providing penalties, amended by the Senate amendment H—6464 as follows:

H-6464

- 1 Amend House File 613, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 13, the  
4 following:  
5 "9. An insurance company organized under the laws  
6 of this state and subject to regulation by the  
7 commissioner of insurance."  
8 2. Page 2, line 14, by striking the figure "9"  
9 and inserting the following: "10".  
10 3. Page 2, line 15, by striking the figure "8"  
11 and inserting the following: "9".  
12 4. Page 2, line 17, by striking the figure "10"  
13 and inserting the following: "11".  
14 5. Page 2, line 17, by striking the words "or  
15 credit union" and inserting the following: "credit  
16 union, or insurance company".  
17 6. Page 2, line 19, by inserting after the word  
18 "institution" the following: "or insurance company".  
19 7. Page 2, line 21, by striking the figure "11"  
20 and inserting the following: "12".  
21 8. Page 2, line 24, by inserting after the word  
22 "section" the following: "and which maintain a place  
23 of business in this state".  
24 9. Page 2, by inserting after line 24, the  
25 following:  
26 "Sec. \_\_\_\_\_. NEW SECTION. 535B.3 REGISTRATION.  
27 1. A person exempt under section 535B.2,  
28 subsection 10, 11, or 12, shall register with the  
29 administrator.  
30 2. A registrant shall submit to the administrator  
31 a registration statement on forms provided by the  
32 administrator. The forms shall include all addresses  
33 at which business is to be conducted, the names and  
34 titles of each director and principal officer of the  
35 business, and a description of the activities of the  
36 applicant in such detail as the administrator may  
37 require.  
38 3. The registrant shall pay a fifty-dollar  
39 registration fee.  
40 4. A registration under this chapter is not  
41 assignable."  
42 10. Page 5, line 21, by striking the word "a" and  
43 inserting the following: "one of the following:  
44 a. A current certified financial statement  
45 evidencing a net worth of one million dollars or more.  
46 b. A".  
47 11. Page 7, by striking lines 6 through 8, and  
48 inserting the following: "person."  
49 12. By renumbering, relettering, or redesignating  
50 and correcting internal references as necessary.

Chapman of Linn offered the following amendment H—6471, to the Senate amendment H—6464, filed by her from the floor and moved its adoption:

H—6471

- 1 Amend the Senate amendment, H—6464, to House File
- 2 613, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 42, by striking the figure "21"
- 5 and inserting the following: "20".

Amendment H—6471 was adopted.

On motion by Chapman of Linn, the House concurred in the Senate amendment H—6464, as amended.

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

On the question "Shall the bill pass?" (H.F. 613)

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	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.
Plasier	Platt	Poncy	Renaud
Renken	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, none.



Absent or not voting, 5:

Fey	Hanson, D. R.	Lageschulte	Osterberg
Svoboda			

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

HOUSE REFUSED TO CONCUR

Metcalf of Polk called up for consideration **House File 2459**, a bill for an act relating to the imposition and collection of the state sales, services, and use taxes by out-of-state retailers, amended by the Senate, and moved that the House concur in the following Senate amendment H - 6465:

H-6465

- 1 Amend House File 2459, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 422.59A CATALOG SALES.
- 6 1. For purposes of this section, unless the
- 7 context otherwise requires:
- 8 a. "Destination of sale" means the location to
- 9 which a seller of tangible personal property delivers
- 10 that property or causes that property to be delivered,
- 11 to the purchaser of that property or to the agent or
- 12 designee of that purchaser, by any means of delivery,
- 13 including but not limited to the United States postal
- 14 service, a common carrier, or a contract carrier.
- 15 b. "Person" means the same as defined in section
- 16 7701(a)(1) of the Internal Revenue Code.
- 17 c. "Soliciting of sales" means making known that a
- 18 kind of tangible personal property is for sale.
- 19 2. In the case of a person who may not
- 20 constitutionally be required, under any other section
- 21 of this division or chapter 423, to collect the tax
- 22 imposed under this division or under chapter 423, the
- 23 director shall require such person to collect the tax
- 24 imposed under this division or under chapter 423 with
- 25 respect to the sale of tangible personal property if
- 26 all of the following apply:
- 27 a. The destination of the sale is in this state.
- 28 b. The person meets the following conditions:
- 29 (1) The person engages in regular or systematic
- 30 soliciting of sales in the state.
- 31 (2) The person has gross receipts from the sale of
- 32 such tangible personal property in the one-year period
- 33 ending September 30 preceding the calendar year in
- 34 which the sale which is the subject of the tax occurs

35 of over twelve million five hundred thousand dollars  
36 in the United States or over five hundred thousand  
37 dollars in this state.

38 3. The director shall not require a person who  
39 collects the tax pursuant to this section to make an  
40 accounting for the receipts of the tax on the basis of  
41 the geographical location at which a taxable transac-  
42 tion occurs.

43 4. The director shall not require a person who is  
44 required to collect the tax pursuant to this section  
45 to file more than four sales tax returns reporting the  
46 amount of tax collected or required to be collected in  
47 any one-year period or shall not require such person  
48 to file a sales tax return or remit the receipts of  
49 the tax more frequently than once in a calendar  
50 quarter or before the expiration of the twenty-day

### Page 2

1 period beginning on the last day of the period for  
2 which the sales tax return is required to be filed.

3 Sec. 2. This Act is effective upon the passage by  
4 Congress and the enactment into law of an Act of  
5 Congress authorizing the states and the District of  
6 Columbia to collect sales taxes with respect to the  
7 sales of tangible personal property by nonresident  
8 persons who solicit such sales."

9 2. Title page, by striking lines 1 and 2 and  
10 inserting the following: "An Act relating to the  
11 collection of the state sales, services and use tax  
12 with respect to the sales of tangible personal  
13 property by nonresidents who solicit such sales and  
14 providing an effective date."

The motion lost and the House refused to concur in the Senate amendment H—6465.

### IMMEDIATE MESSAGE (House Files 613 and 2459)

Arnould of Scott asked and received unanimous consent that House Files 613 and 2459 be immediately messaged to the Senate.

### SENATE AMENDMENTS CONSIDERED

Osterberg of Linn called up for consideration **House File 2283**, a bill for an act relating to agricultural property holdings by providing certain definitions; restricting processors; 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, amended by the Senate, and moved that the House concur in the following Senate amendment H—6468:

H—6468

- 1 Amend House File 2283, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 23, by striking the words "one
- 4 thousand" and inserting the following: "two thousand
- 5 five hundred".
- 6 2. Page 2, line 23, by striking the words "for a
- 7 period of more than twenty days".
- 8 3. Page 2, line 24, by inserting after the word
- 9 "this" the following: "section does not apply to a
- 10 cooperative association organized under chapter 497,
- 11 498, or 499, if the co-operative association contracts
- 12 for the care and feeding of swine with a member of the
- 13 cooperative association who is actively engaged in
- 14 farming. This section does not apply to an
- 15 association organized as a cooperative in which
- 16 another cooperative association organized under
- 17 chapter 497, 498, or 499 is a member, if the
- 18 association contracts with a member which is a
- 19 cooperative association organized under chapter 497,
- 20 498, or 499, which contracts for the care and feeding
- 21 of swine with a member of the cooperative who is
- 22 actively engaged in farming. This".
- 23 4. Page 3, line 4, by inserting after the word
- 24 "corporation" the following: "limited
- 25 partnership".
- 26 5. Page 7, line 5, by striking the words
- 27 "purchase or".
- 28 6. By renumbering, relettering, or redesignating
- 29 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6468.

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

On the question "Shall the bill pass?" (H.F. 2283)

The ayes were, 76:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	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.	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	May	McKean
McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 18:

Bennett	Carpenter	Harbor	Lundby
Maulsby	Metcalf	Miller	Paulin
Plasier	Platt	Renken	Royer
Schnekloth	Stromer	Stueland	Swearingen
Tyrrell	Van Maanen		

Absent or not voting, 6:

De Groot	Hanson, D. R.	Lageschulte	Ollie
Parker	Sherzan		

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

Tabor of Jackson called up for consideration **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, amended by the Senate amendment H—6455 as follows:

H-6455

1 Amend House File 2439, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 1, by inserting after line 9 the follow-  
4 ing:

5 "Sec. \_\_\_\_\_. Section 502.202, Code Supplement 1987,  
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 18. a. A security issued as part  
8 of an offering of securities for which a registration  
9 statement has been filed and declared effective under  
10 the Securities Act of 1933 or the Investment Company  
11 Act of 1940, provided that both of the following  
12 apply:

13 (1) The issuer files a written notice with the ad-  
14 ministrator no later than thirty days prior to any  
15 sale of the security in this state.

16 (2) The written notice includes: A statement of  
17 the aggregate amount of securities to be sold in this  
18 state; the name of the broker-dealer that will sell  
19 the securities in this state; one certified copy of  
20 the registration statement as filed with the  
21 securities and exchange commission and copies of other  
22 documents filed with the securities and exchange  
23 commission as the administrator may by rule require;  
24 and a nonreturnable filing fee equal to one-tenth of  
25 one percent of the maximum aggregate offering price at  
26 which the securities are to be offered in this state,  
27 but the filing fee shall not be less than fifty  
28 dollars or more than one thousand dollars.

29 b. The administrator shall, by order, deny or  
30 revoke this exemption with respect to a specific  
31 security if the administrator finds that the order is  
32 in the public interest and that any or all of the  
33 following conditions exist:

34 (1) The security is offered for sale at a price of  
35 less than two dollars per security.

36 (2) The security represents an interest in a blind  
37 pool.

38 (3) The written notice, including the registration  
39 statement as filed with the securities and exchange  
40 commission, is incomplete in any respect or contains  
41 any statement which was, in light of the circumstances  
42 under which it was made, false or misleading with  
43 respect to any fact.

44 (4) A provision of this chapter or a rule, order,  
45 or condition lawfully imposed under this chapter has  
46 been willfully violated, in connection with the  
47 offering, by any of the following: The issuer; a  
48 partner, officer, or director of the issuer, or any  
49 person occupying a similar status or performing  
50 similar functions; an affiliate of the issuer; or the

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1 broker-dealer offering the security in this state.

2 (5) The security is the subject of a permanent or  
3 temporary injunction of a court of competent  
4 jurisdiction entered under any other federal or state  
5 Act applicable to the offering of the security.

6 (6) The issuer's enterprise or method of business  
7 includes or would include activities which are or  
8 would be illegal where performed.

9 c. The administrator may issue an order without  
10 prior notice or opportunity for hearing denying or  
11 revoking this exemption pending final determination  
12 under this section. Upon entry of an order denying or  
13 revoking the exemption, the administrator shall  
14 promptly notify all interested parties that the order  
15 has been entered and the reasons for the order, and  
16 that within three days of the receipt of a written re-  
17 quest a hearing will be held on the matter. If no  
18 hearing is requested and none is ordered by the  
19 administrator, the order will remain in effect until  
20 it is modified or vacated by the administrator. If a  
21 hearing is requested or ordered, the administrator,  
22 after notice of an opportunity for hearing to all  
23 interested persons, may modify or vacate the order or  
24 extend it until final determination."

25 2. Page 1, line 17, by striking the word "either"  
26 and inserting the following: "both".

27 3. Page 1, by inserting after line 24 the fol-  
28 lowing:

29 "Sec. \_\_\_\_\_. Section 502.203, subsection 12, Code  
30 1987, is amended to read as follows:

31 12. An offer, but not a sale, of a security for  
32 which a registration statement has been filed under  
33 this chapter or a written notice has been filed  
34 pursuant to section 502.202, subsection 1, 9, ~~or~~ 11,  
35 or 18, if no stop order or suspension or denial order  
36 is in effect and no proceeding is pending under this  
37 chapter."

38 4. Page 2, by inserting after line 3, the  
39 following:

40 "A person found to be in violation of this  
41 subsection shall be personally liable for any damages  
42 resulting from the violation."

43 5. Page 3, lines 14 through 15, by striking the  
44 words "or may exempt application of the same minimum  
45 requirements,".

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

Tabor of Jackson offered the following amendment H—6474, to the Senate amendment H—6455, filed by him from the floor and moved its adoption:

H—6474

- 1 Amend the Senate amendment, H—6455, to House File
- 2 2439, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 1, line 3 through page 2,
- 5 line 24.
- 6 2. Page 2, by striking line 27 through 37.
- 7 3. By renumbering as necessary.

Amendment H—6474 was adopted.

On motion by Tabor of Jackson, the House concurred in the Senate amendment H—6455, as amended.

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

On the question “Shall the bill pass?” (H.F. 2439)

The ayes were, 90:

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.	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	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Renaud
Renken	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 6:

Hammond	Norrgard	Peters	Poncy
Rosenberg	Tyrrell		

Absent or not voting, 4:

Blanshan	Hanson, D. R.	Lageschulte	Miller
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE (House File 2439)

Arnould of Scott asked and received unanimous consent that House File 2439 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2313.

### Ways and Means Calendar

**Senate File 2313**, a bill for an act imposing additional hazardous waste fees with civil penalties applicable, with report of committee recommending passage 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. 2313)

The ayes were, 82:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	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	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Osterberg	Paulin
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy



Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Swartz	Swearingen	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 12:

Branstad	Corbett	Corey	De Groot
Hummel	Maulsby	Metcalf	Renken
Royer	Schneklath	Tyrrell	Van Maanen

Absent or not voting, 6:

Hanson, D. R.	Lageschulte	Ollie	Parker
Svoboda	Tabor		

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

### IMMEDIATE MESSAGE (Senate File 2313)

Arnould of Scott asked and received unanimous consent that Senate File 2313 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Ollie of Clinton called up for consideration **House File 650**, a bill for an act relating to providing private instruction and this Act is repealed July 1, 1990, amended by the Senate amendment H—4274 as follows:

H—4274

- 1 Amend House File 650 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 299.1, unnumbered paragraph 3,
- 6 Code 1987, is amended to read as follows:
- 7 In lieu of such attendance such child may attend
- 8 upon equivalent instruction by a certified teacher
- 9 elsewhere shall enroll in an accredited nonpublic
- 10 school or receive private instruction under chapter
- 11 299B."
- 12 2. Page 1, line 2, by inserting after the word
- 13 "that" the following: "all children have the basic
- 14 right for an opportunity to receive an education and
- 15 that".
- 16 3. Page 1, line 3, by inserting after the word
- 17 "provide" the following: "for".
- 18 4. Page 1, by striking lines 4 through 6 and
- 19 inserting the following: "children. The state".

20 5. Page 1, by striking lines 7 through 9 and  
21 inserting the following: "has a compelling interest  
22 in the education of children in this state and an  
23 obligation to protect the child's right to receive an  
24 education when the education is being denied.  
25 Therefore, it is the intent of the state to provide  
26 parents and their".

27 6. Page 1, line 10, by striking the words "in a".

28 7. Page 1, by striking lines 11 through 13 and  
29 inserting the following: "that recognize the parent's  
30 responsibilities and the state's interest without  
31 infringing upon the religious beliefs of parents."

32 8. Page 1, by striking line 15 and inserting the  
33 following:

34 "Notwithstanding chapter 280 and sections".

35 9. Page 1, line 16, by inserting after the figure  
36 "299.1" the following: "through 299.3 and 299.5".

37 10. Page 1, by striking line 17 and inserting the  
38 following: "instruction."

39 11. Page 1, by striking lines 21 through 23 and  
40 inserting the following:

41 "\_\_\_\_\_. "Private instruction" means a program  
42 provided pursuant to section 299B.5, subsection 4".

43 12. Page 1, by inserting after line 29, the  
44 following:

45 "\_\_\_\_\_. "Dual enrollment" means the matriculation of  
46 a child in one public school or accredited nonpublic  
47 school while receiving private instruction, in  
48 subjects, courses, or programs not available to the  
49 child otherwise.

50 \_\_\_\_\_. "Designated panel" means a three-member

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1 panel, consisting of the administrator of the area  
2 education agency or designee, the parent or guardian  
3 of the child or designee receiving private  
4 instruction, and a member mutually agreed upon by the  
5 representative of the area education agency and by the  
6 parent or guardian of the child.

7 \_\_\_\_\_. "Remediation plan" means an educational plan  
8 for a child in private instruction which is designed  
9 to improve the academic achievement of the child, and  
10 which may be implemented within the private  
11 instruction setting in which the child is enrolled.  
12 If resources available to a public school are  
13 utilized, the resources shall be available on the same  
14 basis as the resources are to the residents of the  
15 local school district. Other resources not under the  
16 control of the public school may be utilized at the  
17 cost of the parent or guardian of the child. A  
18 remediation plan shall not infringe upon the religious

19 beliefs of the parents.”

20 13. By striking page 1, line 34 through page 2,  
21 line 1, and inserting the following: “examiners, but  
22 who provides private instruction.”

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

25 “Sec. \_\_\_\_\_. NEW SECTION. 299B.3A DUAL ENROLLMENT.

26 A child who is receiving private instruction  
27 pursuant to section 299B.6 may also enroll in a public  
28 school or accredited nonpublic school for dual  
29 enrollment purposes. The parent or guardian shall  
30 notify the local school district by February 1 prior  
31 to the school year the child is to be enrolled of the  
32 intent for dual enrollment.

33 If such a child enrolls in a public school or  
34 accredited nonpublic school on a full-time basis, the  
35 board of directors of the local school district or the  
36 authorities in charge of the accredited nonpublic  
37 school may determine the appropriate grade level for  
38 the child by the administration of tests or other  
39 means of evaluation to determine achievement.”

40 15. Page 2, line 14, by striking the words  
41 “parent or guardian” and inserting the following:  
42 “person”.

43 16. Page 2, by striking lines 21 and 22 and  
44 inserting the following:

45 “4. Private instruction, which encompasses one of  
46 the following:

47 a. Certified private instruction, instruction  
48 provided by a certificated teacher, with the  
49 appropriate endorsements and approvals, as provided  
50 for in chapter 260. The provisions of section 299B.6,

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1 subsection 2 shall not apply to private instruction by  
2 a certificated teacher. All other provisions of this  
3 chapter shall apply.

4 b. Home instruction provided by a parent or legal  
5 guardian of the child.

6 c. Nonaccredited nonpublic instruction, provided  
7 by someone other than a parent or legal guardian of  
8 the child.”

9 17. Page 2, line 24, by striking the words  
10 “parent or guardian” and inserting the following:  
11 “person”.

12 18. Page 2, line 26, by striking the words  
13 “parent or guardian” and inserting the following:  
14 “person”.

15 19. Page 2, by striking lines 29 through 32 and  
16 inserting the following:

17 “a. Evidence that the instructor has at least a

18 high school diploma or a high school equivalency  
19 diploma.”

20 20. Page 3, by inserting after line 3 the  
21 following:

22 “(5) The name and address of the individual  
23 providing the private instruction to the child, if the  
24 individual is not the parent or guardian of the child.

25 (6) Whether the parent or guardian of the child is  
26 a party to a dual enrollment agreement.

27 (7) The fire marshal inspection report, if the  
28 private instruction is occurring under section 299B.5,  
29 subsection 4, paragraph “c”, applicable to the setting  
30 in which the instruction takes place. The fire  
31 marshal inspection report shall be filed by the  
32 instructor or designee.

33 (8) Evidence of immunization of the child as  
34 required in section 139.9.”

35 21. Page 3, by inserting after line 12 the  
36 following:

37 “(7) Geography.”

38 22. Page 3, by striking lines 15 through 20 and  
39 inserting the following: “public school, the results  
40 of a current version of a nationally standardized test  
41 which has been administered under conditions mutually  
42 acceptable to the board of directors of the local  
43 school district and the parent or guardian of the  
44 child, and the results of the tests shall be made  
45 available to the board of directors of the local  
46 school district and to the parent or guardian of the  
47 child at the same time. The local school district  
48 shall be responsible for the cost incurred regarding  
49 the annual testing.”

50 23. Page 3, by striking lines 21 through 33 and

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1 inserting the following:

2 “e. An annual progress assessment report which  
3 shall include the person’s individualized assessment  
4 of the child’s academic progress in the subjects  
5 specified in paragraph “c”. The progress reports  
6 shall be retained by the parent or guardian for at  
7 least three years and shall be submitted to the board  
8 of directors of the local school district annually.”

9 24. By striking page 3, line 34 through page 4,  
10 line 3.

11 25. Page 4, line 6, by striking the word “annual”  
12 and inserting the following: “initial”.

13 26. Page 4, line 10, by striking the words “, but  
14 not be limited to,”.

15 27. Page 4, by striking lines 18 through 21.

16 28. Page 4, by striking lines 27 and 28 and

17 inserting the following: "certified teacher."

18 29. Page 4, by striking lines 32 and 33 and

19 inserting the following:

20 "Sec. \_\_\_\_\_. NEW SECTION. 299B.1000 CREATION OF  
21 DESIGNATED PANEL.

22 If a child fails to demonstrate academic progress  
23 pursuant to section 299B.6, subsection 1, paragraph  
24 "d", on consecutive standardized tests within eighteen  
25 calendar months, as determined by the composite scores  
26 on the standardized tests and compared with the  
27 child's perceived level of intellectual functioning,  
28 the superintendent of the local school district shall  
29 create a designated panel to assist the parent or  
30 guardian in remediation of the child. The  
31 superintendent shall notify the parent or guardian of  
32 the child and the area education agency that such lack  
33 of progress has occurred. The superintendent shall  
34 convene the panel. Upon agreement by a majority of  
35 the panel, the panel shall implement a remediation  
36 plan for the child. The panel shall continue in  
37 existence until the child has demonstrated academic  
38 progress on consecutive standardized tests within  
39 eighteen calendar months or until the designated panel  
40 makes a recommendation pursuant to section 299B.1001.  
41 The panel shall make at least a final report to the  
42 superintendent.

43 Sec. \_\_\_\_\_. NEW SECTION. 299B.1001 FAILURE OF  
44 REMEDIATION PLAN.

45 If it appears by clear and convincing evidence that  
46 a child has failed to demonstrate academic progress  
47 under a remediation plan on consecutive standardized  
48 tests within eighteen months, the designated panel, on  
49 agreement of a majority of the members, may recommend  
50 to the local school district that the child be removed

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1 from the private instruction setting, to the extent  
2 deemed necessary to protect the best interest of the  
3 child. The board of directors of the local school  
4 district shall render a decision based on information  
5 from the panel regarding placement of that child in a  
6 public or accredited nonpublic school.

7 Following such placement, the parent or guardian of  
8 the child may request that the child be permitted to  
9 receive private instruction, after evidence of  
10 adequate academic progress.

11 If the local board of directors determines that  
12 after two years a child is continuing to not make  
13 adequate academic progress because of reasons not  
14 educationally related, the parent or guardian may  
15 reenroll the child in private instruction.

16 The decisions of the board may be appealed to the  
17 state board of education pursuant to chapter 290, and  
18 thereafter to the district court.

19 Sec. \_\_\_\_\_. NEW SECTION. 299B.1002 VOLUNTARY  
20 PARENTAL REQUEST FOR DESIGNATED PANEL.

21 The parent or guardian of a child may request the  
22 creation of a designated panel if the parent or  
23 guardian perceives a need for academic assistance. In  
24 such cases, the panel shall exist until the parent or  
25 guardian perceives that the panel is unnecessary.

26 Sec. \_\_\_\_\_. NEW SECTION. 299B.1003 CHILD ABUSE  
27 POLICY.

28 If the private instruction is occurring under  
29 section 299B.5, subsection 4, paragraph "c", a written  
30 policy pertaining to the reporting of child abuse, as  
31 defined in section 232.68, subsection 2, and  
32 procedures regarding the reporting of child abuse,  
33 shall be filed with the local school district. The  
34 policy shall be filed by the instructor or designee.

35 Sec. \_\_\_\_\_. NEW SECTION. 299B.1004 PENALTY.

36 A person who violates a provision of this chapter  
37 shall be guilty of a simple misdemeanor."

38 30. Title page, by striking lines 1 and 2 and  
39 inserting the following: "An Act relating to  
40 providing private instruction."

Ollie of Clinton asked and received unanimous consent to take up  
out of order amendment H—6448.

Connors of Polk in the chair at 5:27 p.m.

Ollie of Clinton offered the following amendment H—6448, to the  
Senate amendment H—4274, filed by Ollie, et al.:

H—6448

1 Amend the Senate amendment, H—4274, to House File  
2 650 as amended, passed, and reprinted by the House as  
3 follows:

4 1. By striking page 1, line 3 through page 5,  
5 line 40, and inserting the following:

6 "\_\_\_\_\_. By striking everything after the enacting  
7 clause and inserting the following:

8 "Section 1. Section 279.10, subsections 1 and 4,  
9 Code 1987, are amended to read as follows:

10 1. The school year shall begin on the first day of  
11 July and each regularly established elementary and  
12 secondary school shall begin no sooner than the first  
13 day of September and but no later than the first  
14 Monday in December. School shall continue for at  
15 least one hundred eighty days, except as provided in  
16 subsection 3, and may be maintained during the entire

17 calendar year. A school corporation may begin  
 18 employment of personnel for in-service training and  
 19 development purposes before the date to begin  
 20 elementary and secondary school.

21 4. The director of the department of education may  
 22 grant a request made by a board of directors of a  
 23 school district stating its desire to commence classes  
 24 for regularly established elementary and secondary  
 25 schools before the first day of September earliest  
 26 starting date specified in subsection 1. A request  
 27 shall be based upon the determination that a starting  
 28 date on or after the first day of September earliest  
 29 starting date specified in subsection 1 would have a  
 30 significant negative educational impact.

31 Sec. 2. Section 299.1, unnumbered paragraphs 1 and  
 32 2, Code 1987, are amended to read as follows:

33 A person having control ~~The parent, guardian, or~~  
 34 custodian of a child who is over seven and under  
 35 sixteen years of age by September 15, in proper  
 36 physical and mental condition to attend school, shall  
 37 ~~cause the child to attend~~ enroll the child in some  
 38 public school for at least one hundred twenty days in  
 39 each school year, commencing ~~no sooner than the first~~  
 40 day of September, unless the board of school directors  
 41 establishes a later date, which date shall not be  
 42 later than the first Monday in December as provided  
 43 under section 279.10.

44 The board may, by resolution, require attendance in  
 45 the public schools for the entire time when the  
 46 schools are in session in any school year.

47 Sec. 3. Section 299.1, Code 1987, is amended by  
 48 adding the following new unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. A child shall attend an  
 50 accredited or approved school for at least one hundred

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1 twenty days each school year. The requirement shall  
 2 be met by attendance for at least thirty days each  
 3 school quarter, or a similar distribution of  
 4 attendance throughout the school year.

5 Sec. 4. Section 299.4, Code 1987, is amended to  
 6 read as follows:

7 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

8 Any person having the control ~~The parent, guardian,~~  
 9 or custodian of any a child who by September 15 is  
 10 over seven and under sixteen years of age, who shall  
 11 place such places the child under private instruction,  
 12 not in a regularly conducted an accredited or approved  
 13 school, upon receiving notice from the secretary of  
 14 the school district, shall furnish a certificate  
 15 stating report in duplicate, to the district by the

16 earliest starting date specified in section 279.10,  
 17 subsection 1. The secretary shall retain and file one  
 18 copy and forward the other copy to the district's area  
 19 education agency. The report shall state the name and  
 20 age of such the child, the period of time during which  
 21 such the child has been or will be under said private  
 22 instruction for the school year, the details of such  
 23 instruction, an outline of the course of study, texts  
 24 used, and the name and address of the instructor. The  
 25 term "outline of course of study" includes, but is not  
 26 limited to, subjects covered and time spent on the  
 27 areas of study.

28 Sec. 5. Section 299.5, Code 1987, is amended to  
 29 read as follows:

30 299.5 PROOF OF ABNORMALITY MENTAL OR PHYSICAL  
 31 CONDITION.

32 Any person having the control The parent, guardian,  
 33 or custodian of any a child who is over seven and  
 34 under sixteen years of age by September 15, who is  
 35 physically or mentally unable to attend school, shall  
 36 furnish proofs by affidavit as to the physical or  
 37 mental condition of such the child.

38 Sec. 6. Until July 1, 1989, parents, guardians, or  
 39 custodians of children, who by September 15 are older  
 40 than seven and under sixteen years of age, shall by  
 41 filing a report which contains the information  
 42 required under section 299.4 be deemed to have  
 43 performed the duties imposed under section 299.1,  
 44 whether or not the instructor named in the report is  
 45 certified, if the report is filed at any time between  
 46 the effective date of this Act and the date specified  
 47 in section 299.4.

48 Sec. 7. The legislative council is requested to  
 49 establish an interim study committee to conduct a  
 50 comprehensive study of the existing compulsory

**Page 3**

1 education law. The study shall include but not be  
 2 limited to current needs in the areas of truancy,  
 3 equivalent instruction, and alternative schooling.  
 4 The committee shall consist of legislators of both  
 5 houses and be bipartisan in composition. The  
 6 committee shall develop recommendations to submit in a  
 7 report to the legislative council and the members of  
 8 the general assembly which convenes in 1989.

9 Sec. 8. This Act, being deemed of immediate  
 10 importance, takes effect upon enactment."

11 "\_\_\_\_\_. Title page, by striking lines 1 and 2 and  
 12 inserting the following: "An Act relating to school  
 13 year duration and attendance requirements and  
 14 providing for an effective date, a moratorium, and an  
 15 interim study committee." "



Hammond of Story offered the following amendment H—6476, to amendment H—6448, to the Senate amendment H—4274, filed by her and Gruhn of Dickinson from the floor and moved its adoption:

H—6476

- 1 Amend the amendment, H—6448, to the Senate
- 2 amendment H—4274, to House File 650 as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 2, line 25, by striking the word
- 5 “includes” and inserting the following: “shall
- 6 include”.
- 7 2. Page 2, line 26, by inserting after the word
- 8 “covered” the following: “, weekly lesson plans”.

A non-record roll call was requested.

The ayes were 49, nays 29.

Amendment H—6476 was adopted.

Mullins of Kossuth offered the following amendment H—6457, to amendment H—6448, to the Senate amendment H—4274, filed from the floor by Mullins, Doderer and Osterberg and moved its adoption:

H—6457

- 1 Amend the amendment, H—6448, to the Senate
- 2 amendment, H—4274, to House File 650, as amended,
- 3 passed, and reprinted by the House as follows:
- 4 1. Page 2, by inserting after line 37 the
- 5 following:
- 6 “Sec. \_\_\_\_\_. Section 299.6, Code 1987, is amended to
- 7 read as follows:
- 8 299.6 VIOLATIONS.
- 9 Any person who shall violate any of the provisions
- 10 of sections 299.1 to 299.5, inclusive, shall be guilty
- 11 of a simple misdemeanor and the court shall order the
- 12 person to perform not more than forty hours of unpaid
- 13 community service instead of any fine or
- 14 imprisonment.”
- 15 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 42, nays 39.

Amendment H—6457 was adopted.

Mullins of Kossuth asked and received unanimous consent to withdraw amendment H—6454 filed by Mullins, et al., on April 13, 1988.

Buhr of Polk offered the following amendment H—6477, to amendment H—6448, to the Senate amendment H—4274, filed from the floor by Buhr, Bisignano and Carpenter and moved its adoption:

H—6477

- 1 Amend the amendment, H—6448, to the Senate
- 2 amendment, H—4274, to House File 650, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 2, line 47, by inserting after the figure
- 5 “299.4.” the following: “This section does not apply
- 6 to any parent, guardian, or custodian who has enrolled
- 7 a child in an equivalent instruction program which
- 8 meets the requirements of section 299.1 on or prior to
- 9 the effective date of this Act.”

Amendment H—6477 was adopted.

Ollie of Clinton offered the following amendment H—6467, to amendment H—6448, to the Senate amendment H—4274, filed from the floor by Ollie, Wise and Swartz:

H—6467

- 1 Amend the amendment H—6448, to the Senate amendment
- 2 H—4274, to House File 650 as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 2, by striking lines 38 through 47, and
- 5 inserting the following:
- 6 “Sec. \_\_\_\_\_. Notwithstanding section 802.4,
- 7 prosecutions for violations of chapter 299, which
- 8 occur between the effective date of this Act and July
- 9 1, 1989, shall be deferred until after July 1, 1989.”

Arnould of Scott asked and received unanimous consent that House File 650 be deferred and that the bill retain its place on the calendar.

(Amendment H—6467, to amendment H—6448, to the Senate amendment H—4274 pending.)

Speaker Avenson in the chair at 6:10 p.m.

The House stood at ease at 6:11 p.m., until the fall of the gavel.

The House resumed session at 6:25 p.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee, on the part of the Senate, appointed April 14, 1988, to 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, are: The Senator from Polk, Senator Mann, Chair; the Senator from Woodbury, Senator Doyle; the Senator from Lee, Senator Fraise; the Senator from Pottawattamie, Senator Hester; and the Senator from Polk, Senator Gentleman.

Also: That the Senate has on April 14, 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 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.

Also: That the Senate has on April 14, 1988, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2328, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

JOHN F. DWYER, Secretary

### HOUSE INSISTS

Running of Linn called up for consideration **Senate File 2328**, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED (Senate File 2328)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2328: Running of Linn, chair; Connolly of Dubuque, Parker of Jasper, Branstad of Winnebago and Bennett of Ida.

### INTRODUCTION OF BILL

**House File 2477**, by committee on ways and means, 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 and to the issuance of fuel exemption certificates for state sales, services and use tax purposes for the purchase of fuel used in farm implements, and providing a retroactive applicability date.

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

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of and to take up out of order Senate File 2327.

**CONSIDERATION OF BILLS**  
**Ways and Means Calendar**

**Senate File 2327**, a bill for an act to provide for a state individual income tax checkoff for the United States olympic committee, a portion of which shall be made available for amateur sports and special olympic programs in Iowa, and providing a retroactive effective date, with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—6441 filed by the committee on ways and means:

H—6441

1 Amend Senate File 2327, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 1, by striking lines 24 through 27 and  
 4 inserting the following: "United States olympic com-  
 5 mittee on the condition that the United States olympic  
 6 committee return one-half of the funds to this state  
 7 to be spent in that year for local amateur sports, for  
 8 which there is olympic competition, with advice of the  
 9 governor's council on physical fitness and for special  
 10 olympic programs."

Arnould of Scott asked and received unanimous consent that Senate File 2327 be deferred and that the bill retain its place on the calendar.

(Committee amendment H—6441 pending.)

**SENATE AMENDMENT CONSIDERED**

Jay of Appanoose called up for consideration **Senate File 2248**, a bill for an act relating to indemnification and the 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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6469 to the House amendment:

H—6469

1 Amend the House amendment, S—5966, to Senate File  
 2 2248, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by striking lines 20 and 21 and  
 5 inserting the following: "consulting with personnel  
 6 assigned to the district of the department, shall  
 7 recommend to the".  
 8 2. By striking page 1, line 27 through page 2,  
 9 line 2.

- 10 3. Page 2, by striking lines 19 through 40 and  
 11 inserting the following:  
 12 "Sec. \_\_\_\_\_. The commissioner of human services  
 13 shall appoint a person in each district to recruit and  
 14 to assist volunteers to serve as guardians and  
 15 conservators. The person appointed in each district  
 16 shall attempt to recruit a sufficient number of  
 17 qualified volunteers in each county to meet local  
 18 needs for guardian or conservator services."  
 19 4. Page 3, by inserting after line 8 the  
 20 following new section:  
 21 "Sec. \_\_\_\_\_. The department shall report to the  
 22 general assembly by January 15, 1989, on the level of  
 23 demand for guardianship and conservatorship services,  
 24 whether the resources are available to meet the  
 25 demand, and resources that are needed to handle unmet  
 26 demand in the areas of recruitment, training, and  
 27 monitoring of guardians and conservators."  
 28 5. Page 3, by striking lines 9 through 11.  
 29 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6469, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2248)

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	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
Poney	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.	Lageschulte	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.

### IMMEDIATE MESSAGE

(Senate File 2248)

Arnould of Scott asked and received unanimous consent that Senate File 2248 be immediately messaged to the Senate.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

### ADOPTION OF SENATE CONCURRENT RESOLUTION 111

Shoultz of Black Hawk called up for immediate consideration Senate Concurrent Resolution 111, directing the Department of Education to develop criteria for the establishment of an internship program, and moved its adoption.

The motion prevailed and the resolution was adopted.

### ADOPTION OF SENATE CONCURRENT RESOLUTION 112

Shoultz of Black Hawk called up for immediate consideration Senate Concurrent Resolution 112, directing the Department of Education to develop criteria for enhancing the clinical experiences of prospective teachers, and moved its adoption.

The motion prevailed and the resolution was adopted.

### 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 2330**, a bill for an act relating to the provision of certain services to persons with mental retardation, a developmental disability, or mental illness.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 1988.

## COMMITTEE ON WAYS AND MEANS

**Senate File 2331**, 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.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 1988.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Files 2331 and 2330.

## Ways and Means Calendar

**Senate File 2331**, 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, with report of committee recommending passage was taken up for consideration.

Schneklath 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. 2331)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	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.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	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	Stromer
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Blanshan	Branstad	Hanson, D. R.	Hummel
Lageschulte	Stueland	Swearingen	

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

### Appropriations Calendar

**Senate File 2330**, a bill for an act relating to the provision of certain services to persons with mental retardation, a developmental disability, or mental illness, 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. 2330)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	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.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schrader	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, 10:

Bisignano	Blanshan	Hanson, D. R.	Jochum
Lageschulte	Petersen, D. F.	Platt	Schnekloth
Sherzan	Swearingen		

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

**IMMEDIATE MESSAGE**  
(Senate Files 2330 and 2331)

Arnould of Scott asked and received unanimous consent that Senate Files 2330 and 2331 be immediately messaged to the Senate.

**Ways and Means Calendar**

The House resumed consideration of **Senate File 2327**, a bill for an act to provide for a state individual income tax checkoff for the United States olympic committee, a portion of which shall be made available for amateur sports and special olympic programs in Iowa, and providing a retroactive effective date, and the committee amendment H—6441 (found on page 1948 of the House Journal), previously deferred.

Carpenter of Polk offered the following amendment H—6460, to the committee amendment H—6441, filed by her from the floor and moved its adoption:

H—6460

- 1 Amend amendment H—6441 to Senate File 2327, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 9, by inserting after the word
- 5 "and" the following: "the other one-half of the funds
- 6 to this state to be spent in that year".

A non-record roll call was requested.

The ayes were 29, nays 45.

Amendment H—6460 lost.

On motion by Teaford of Black Hawk, the committee amendment H—6441 was adopted.

Metcalf of Polk offered the following amendment H—6466 filed by her from the floor:

H—6466

1 Amend Senate File 2327, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 33 the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 422.12B INCOME TAX  
6 REFUND CHECKOFF FOR STATE HISTORICAL SOCIETY.

7 A person who files an individual or a joint income  
8 tax return with the department of revenue and finance  
9 under section 422.13 may designate two dollars to be  
10 paid to the state historical society fund. If the  
11 refund due on the return or the payment remitted with  
12 the return is insufficient to pay the amount  
13 designated by the taxpayer to the fund, the amount  
14 designated shall be reduced to the remaining amount of  
15 refund or the remaining amount remitted with the  
16 return.

17 The director of revenue and finance shall draft the  
18 income tax form to allow the designation of  
19 contributions to the state historical society fund on  
20 the tax return.

21 The department of revenue and finance on or before  
22 January 31 of the year following the preceding  
23 calendar year shall certify the total amount  
24 designated on the tax return forms due in the  
25 preceding calendar year and shall report the amount to  
26 the treasurer of state. The treasurer of state shall  
27 credit the amount to the state historical society  
28 fund.

29 The moneys in the fund are appropriated annually  
30 for the purposes specified in this section.

31 On or before March 1 of each year, the department  
32 shall pay the moneys in the fund to the state  
33 historical society to be used for purposes of the  
34 historical resource development program under section  
35 303.16.

36 The department shall adopt rules to implement this  
37 section. However, before a checkoff pursuant to this  
38 section shall be permitted, all liabilities on the  
39 books of the department of revenue and finance and  
40 accounts identified as owing under section 421.17 and  
41 the political contribution allowed under section 56.18  
42 shall be satisfied."

43 2. Title page, line 4, by inserting after the  
44 word "Iowa," the following: "for the state historical  
45 society,".

Teaford of Black Hawk rose on a point of order that amendment H—6466 was not germane.

The Speaker ruled the point well taken and amendment H—6466 not germane.

Metcalf of Polk offered the following amendment H—6470 filed by her from the floor and moved its adoption:

H—6470

1 Amend Senate File 2327, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 33 the  
4 following:  
5 "Sec. \_\_\_\_\_. NEW SECTION. 422.12B INCOME TAX  
6 REFUND CHECKOFF FOR FINE FUND.  
7 A person who files an individual or a joint income  
8 tax return with the department of revenue and finance  
9 under section 422.13 may designate two dollars to be  
10 paid to the FINE fund. If the refund due on the  
11 return or the payment remitted with the return is  
12 insufficient to pay the amount designated by the  
13 taxpayer to the fund, the amount designated shall be  
14 reduced to the remaining amount of refund or the  
15 remaining amount remitted with the return.  
16 The director of revenue and finance shall draft the  
17 income tax form to allow the designation of  
18 contributions to the FINE fund on the tax return.  
19 The department of revenue and finance on or before  
20 January 31 of the year following the preceding  
21 calendar year shall certify the total amount  
22 designated on the tax return forms due in the  
23 preceding calendar year and shall report the amount to  
24 the treasurer of state. The treasurer of state shall  
25 credit the amount to the first in the nation in  
26 education fund established under section 257A.7. The  
27 moneys so credited shall be used as provided in  
28 section 257A.7.  
29 The department shall adopt rules to implement this  
30 section. However, before a checkoff pursuant to this  
31 section shall be permitted, all liabilities on the  
32 books of the department of revenue and finance and  
33 accounts identified as owing under section 421.17 and  
34 the political contribution allowed under section 56.18  
35 shall be satisfied."  
36 2. Title page, line 4, by inserting after the  
37 word "Iowa," the following: "for the FINE fund,".

Teaford of Black Hawk rose on a point of order that amendment H—6470 was not germane.

The Speaker ruled the point well taken and amendment H—6470 not germane.

Metcalf of Polk offered the following amendment H—6475 filed by her from the floor and moved its adoption:

H—6475

1 Amend Senate File 2327, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 33 the  
4 following:

5 "Sec. \_\_\_\_\_. **NEW SECTION. 422.12B INCOME TAX**  
6 **REFUND CHECKOFF FOR TERRACE HILL.**

7 A person who files an individual or a joint income  
8 tax return with the department of revenue and finance  
9 under section 422.13 may designate two dollars to be  
10 paid to the terrace hill fund. If the refund due on  
11 the return or the payment remitted with the return is  
12 insufficient to pay the amount designated by the  
13 taxpayer to the fund, the amount designated shall be  
14 reduced to the remaining amount of refund or the  
15 remaining amount remitted with the return.

16 The director of revenue and finance shall draft the  
17 income tax form to allow the designation of  
18 contributions to the terrace hill fund on the tax  
19 return.

20 The department of revenue and finance on or before  
21 January 31 of the year following the preceding  
22 calendar year shall certify the total amount  
23 designated on the tax return forms due in the  
24 preceding calendar year and shall report the amount to  
25 the treasurer of state. The treasurer of state shall  
26 credit the amount to the terrace hill fund.

27 The moneys in the fund are appropriated annually  
28 for the purposes specified in this section.

29 On or before March 1 of each year, the department  
30 shall pay the moneys in the fund to the terrace hill  
31 commission created under section 303.17 to be used for  
32 purposes of the preservation and restoration of  
33 terrace hill.

34 The department shall adopt rules to implement this  
35 section. However, before a checkoff pursuant to this  
36 section shall be permitted, all liabilities on the  
37 books of the department of revenue and finance and  
38 accounts identified as owing under section 421.17 and  
39 the political contribution allowed under section 56.18  
40 shall be satisfied."

41 2. Title page, line 4, by inserting after the  
42 word "Iowa," the following: "for the preservation of  
43 terrace hill,".

Teaford of Black Hawk rose on a point of order that amendment H—6475 was not germane.

The Speaker ruled the point well taken and amendment H—6475 not germane.

Cooper of Lucas in the chair at 7:37 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2327)

The ayes were, 51:

Adams	Arnould	Avenson	Beaman
Bennett	Bisignano	Blanshan	Brammer
Buhr	Cohon	Connolly	Daggett
De Groot	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Gruhn
Halvorson, R. A.	Hansen, S. D.	Harper	Hatch
Jay	Jochum	Lundby	McKinney
Mullins	Neuhauser	Ollie	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Renaud
Rosenberg	Royer	Sherzan	Siegrist
Stromer	Stueland	Svoboda	Tabor
Teaford	Tyrrell	Van Camp	

The nays were, 44:

Beatty	Black	Branstad	Carpenter
Chapman	Clark	Corbett	Corey
Diemer	Garman	Groninga	Halvorson, R. N.
Hammond	Harbor	Haverland	Hermann
Hester	Holveck	Hummel	Johnson
Knapp	Koenigs	Kremer	Maulsby
May	McKean	Metcalf	Miller
Muhlbauer	Norrgard	Platt	Poncy
Renken	Running	Schneklath	Schrader
Shoning	Shoultz	Skow	Spear
Swartz	Van Maanen	Wise	Mr. Speaker (Cooper)

Absent or not voting, 5:

Connors	Hanson, D. R.	Lageschulte	Osterberg
Swearingen			

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 2327)

Arnould of Scott asked for unanimous consent to immediately message Senate File 2327 to the Senate.

Objection was raised.

Arnould of Scott moved to reconsider the vote by which Senate File 2327 passed the House on April 14, 1988.

A non-record roll call was requested.

The ayes were 29, nays 37.

The motion to reconsider lost.

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 2278)

Fey of Scott called up for consideration the report of the conference committee on House File 2278 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2278

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

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

1. That the House recedes from its amendment, S—5981.
2. That the Senate recedes from its amendment, H—6375.
3. That House File 2278, as amended, passed, and reprinted by the House, is amended as follows:
  1. Page 2, by striking lines 5 through 9 and inserting the following: “would be a felony, or aggravated misdemeanor under section 708.2 or 709.11, a serious or aggravated misdemeanor under section 321J.2, or a violation of section 123.46, and if all of the following”.
  2. Page 2, by striking line 26 and inserting the following: “section 123.46 or section 321J.2,”.
  3. By striking page 2, line 35 through page 3, line 1 and inserting the following: “detained for a violation of section 123.46 or section 321J.2 pursuant to this paragraph”.

4. Page 3, by striking line 25 and inserting the following:

“The”.

5. Page 4, line 14, by inserting after the figure “802” the following: “and further provided that the juvenile court has not already waived its jurisdiction over the person and the alleged offense”.

6. Page 6, by striking lines 30 through 32 and inserting the following:

“When If a person eighteen years of age or older is convicted of a simple or serious misdemeanor and a specific penalty is not provided for or if a person under eighteen years of age has been waived to adult court pursuant to section 232.45 on a felony charge and is subsequently convicted of a simple, serious, or aggravated misdemeanor, the court shall determine the sentence, and”.

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

ON THE PART OF THE HOUSE:

TOM FEY, Chair  
 TONY BISIGNANO  
 BETTY JEAN CLARK  
 DAN JAY  
 LEE PLASIER

ON THE PART OF THE SENATE:

TOM MANN, Jr., Chair  
 DONALD V. DOYLE  
 EUGENE FRAISE  
 JULIA GENTLEMAN  
 JACK HESTER

The motion prevailed and the conference committee report 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?” (H.F. 2278)

The ayes were, 96:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohon
Connolly	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	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	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker (Cooper)

The nays were, none.

Absent or not voting, 4:

Connors	Hanson, D. R.	Lageschulte	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.

### IMMEDIATE MESSAGE (House File 2278)

Arnould of Scott asked and received unanimous consent that House File 2278 be immediately messaged to the Senate.

### SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 650**, a bill for an act relating to providing private instruction and this Act is repealed July 1, 1990, and amendment H—6467, (found on page 1946 of the House Journal) to amendment H—6448 (found on pages 1942 through 1944 of the House Journal), to the Senate amendment H—4274 (found on pages 1937 through 1942 of the House Journal) deferred April 14, 1988.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H—6467.

Ollie of Clinton offered the following amendment H—6481, to amendment H—6448, to the Senate amendment H—4274, filed from the floor by Ollie, Wise, Swartz and Carpenter:

H—6481

- 1 Amend the amendment H—6448, to the Senate amendment
- 2 H—4274, to House File 650 as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 2, by striking lines 38 through 47, and
- 5 inserting the following:
- 6 "Sec. \_\_\_\_\_. Notwithstanding section 802.4,
- 7 prosecutions for violations of chapter 299, which
- 8 occur between the effective date of this Act and July
- 9 1, 1989, shall be deferred until after July 1, 1989



10 unless the parent, guardian, or custodian fails to  
11 meet the requirements of section 299.4.”

Buhr of Polk asked and received unanimous consent to defer action on amendment H—6481.

Buhr of Polk offered the following amendment H—6479, to amendment H—6448, to the Senate amendment H—4274, filed by her from the floor:

H—6479

1 Amend the amendment, H—6448, to the Senate  
2 amendment, H—4274, to House File 650 as amended,  
3 passed, and reprinted by the House as follows:  
4 1. Page 2, by inserting after line 47, the  
5 following:  
6 “Until July 1, 1989, notwithstanding the provisions  
7 of section 260.6, any public, approved, or accredited  
8 school that seeks to offer a course for which the  
9 school has been unable to employ a certificated  
10 teacher shall be permitted to offer that course with  
11 instruction by a noncertificated instructor.”

Daggett of Adams rose on a point of order that amendment H—6479 was not germane.

The Speaker ruled the point well taken and amendment H—6479 not germane.

Connolly of Dubuque asked and received unanimous consent to defer action on amendment H—6459.

Hammond of Story offered the following amendment H—6483, to amendment H—6448, to the Senate amendment H—4274, filed by her from the floor:

H—6483

1 Amend the amendment, H—6448, to the Senate  
2 amendment, H—4274, to House File 650, as amended,  
3 passed, and reprinted by the House, as follows:  
4 1. Page 2, by inserting after line 47 the fol-  
5 lowing:  
6 “Sec. \_\_\_\_\_. Until July 1, 1989, a person who is not  
7 a certified instructor, but who is providing  
8 equivalent instruction under section 299.1, is a  
9 person responsible for the care of a child under  
10 section 232.68.”  
11 2. By renumbering as necessary.

Corbett of Linn rose on a point of order that amendment H—6483 was not germane.

The Speaker ruled the point well taken and amendment H—6483 not germane.

Hammond of Story asked for unanimous consent to consider amendment H—6483.

Objection was raised.

Hammond of Story moved that the rules be suspended to consider amendment H—6483.

A non-record roll call was requested.

The ayes were 23, nays 36.

The motion to suspend the rules lost.

Adams of Hamilton offered the following amendment H—6484, to amendment H—6448, to the Senate amendment H—4274, filed by her from the floor:

H—6484

- 1 Amend the amendment, H—6448, to the Senate
- 2 amendment, H—4274, to House File 650, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 2, by inserting after line 47 the fol-
- 5 lowing:
- 6 "Sec. \_\_\_\_\_. Until July 1, 1989, a person who is not
- 7 a certified instructor, but who is providing
- 8 equivalent instruction under section 299.1, is a
- 9 mandatory reporter of child abuse under section
- 10 232.69."
- 11 2. By renumbering as necessary.

Tyrrell of Iowa moved the previous question on House File 650 and the filing of amendments thereto.

A non-record roll call was requested.

The ayes were 19, nays 49.

The previous question motion lost.

Garman of Story rose on a point of order that amendment H—6484 was not germane.

The Speaker ruled the point well taken and amendment H—6484 not germane.

Ollie of Clinton asked and received unanimous consent to suspend the rules to consider amendment H—6484.

Speaker Avenson in the chair at 8:37 p.m.

On motion by Adams of Hamilton, amendment H—6484, to amendment H—6448, to the Senate amendment H—4274, was adopted.

Carpenter of Polk offered the following amendment H—6485, to amendment H—6448, to the Senate amendment H—4274, filed by her and Adams of Hamilton from the floor and moved its adoption:

H—6485

1 Amend the amendment, H—6448, to the Senate  
2 amendment, H—4274, to House File 650, as amended,  
3 passed, and reprinted by the House, as follows:

4 1. Page 2, by inserting after line 27 the fol-  
5 lowing:

6 “When the school district reports the number of  
7 resident pupils enrolled in the district on the third  
8 Friday of September, the district shall report the  
9 number of children for which the district received  
10 reports under this section. The department of  
11 management shall assign a weight of five hundredths  
12 for each child for which a report is received and that  
13 weighting shall be included in the weighted enrollment  
14 of the district under section 442.4, subsection 6.  
15 Children assigned a weighting under this section are  
16 not included in basic enrollment under section 442.4,  
17 subsection 1.”

18 2. Page 2, by inserting after line 37 the  
19 following:

20 “Sec. \_\_\_\_\_. Section 442.4, subsection 6, Code  
21 Supplement 1987, is amended to read as follows:

22 6. For the school year beginning July 1, 1988, and  
23 each subsequent school year, weighted enrollment is  
24 the budget enrollment as modified by application of  
25 the special education weighting plan in section 281.9,  
26 the non-English-speaking weighting plan in section  
27 280.4, the home instruction weighting plan in section  
28 299.4 and the supplementary weighting plan in this  
29 chapter.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 40, nays 46.

Amendment H—6485 lost.

Buhr of Polk offered the following amendment H—6487, to amendment H—6448, to the Senate amendment H—4274, filed from the floor by Buhr, Carpenter and Bisignano and moved its adoption:

H—6487

- 1 Amend the amendment, H—6448, to the Senate
- 2 amendment, H—4274, to House File 650, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 2, by inserting after line 47 the
- 5 following: "This section does not apply to any
- 6 parent, guardian, or custodian who has enrolled a
- 7 child in an equivalent instruction program which meets
- 8 the requirements of section 299.1 on or prior to the
- 9 effective date of this Act."

Amendment H—6487 was adopted.

The House resumed consideration of amendment H—6481 (found on pages 1960-1961 of the House Journal), previously deferred.

Parker of Jasper in the chair at 8:58 p.m.

Ollie of Clinton moved the adoption of amendment H—6481, to amendment H—6448, to the Senate amendment H—4274.

A non-record roll call was requested.

The ayes were 49, nays 26.

Amendment H—6481 was adopted, placing out of order amendment H—6477, previously adopted.

Speaker Avenson in the chair at 9:17 p.m.

Connolly of Dubuque offered the following amendment H—6459 (previously deferred), to amendment H—6448, to the Senate amendment H—4274, filed from the floor by Connolly, Miller, Beatty, Siegrist and Doderer and moved its adoption:

H—6459

- 1 Amend the amendment, H—6448, to the Senate
- 2 amendment, H—4274, to House File 650, as amended,
- 3 passed, and reprinted by the House as follows:
- 4 1. Page 2, by striking lines 38 through 47.
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 33, nays 64.

Amendment H—6459 lost.

Ollie of Clinton asked and received unanimous consent to defer action on amendment H—6448, as amended, for the preparation of an amendment.

The House stood at ease at 9:49 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—6448, as amended, to the Senate amendment H—4274 to House File 650 at 10:11 p.m., Speaker Avenson in the chair.

Halvorson of Webster rose on a point of order that the request by Ollie of Clinton was to defer action on amendment H—6448 and therefore its consideration was not in order at this time.

The Speaker ruled the point not well taken and consideration of amendment H—6448 in order.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth, for the remainder of the day, on request of Hummel of Benton.

Shoultz of Black Hawk offered the following amendment H—6490, to amendment H—6448, to the Senate amendment H—4274, filed by him and Doderer of Johnson from the floor and moved its adoption:

H—6490

- 1 Amend the amendment, H—6448, to the Senate
- 2 amendment, H—4274, to House File 650 as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 2, by inserting after line 47 the
- 5 following:
- 6 "Sec. \_\_\_\_\_. Until July 1, 1989, any person
- 7 providing equivalent instruction under section 299.1
- 8 shall provide evidence, as part of the report
- 9 submitted under section 299.4, that any child
- 10 instructed has complied with the immunization
- 11 requirements of section 139.9."
- 12 2. By renumbering as necessary.

Amendment H—6490 was adopted.

Ollie of Clinton moved the adoption of amendment H—6448, to the Senate amendment H—4274.

A non-record roll call was requested.

The ayes were 58, nays 22.

Amendment H—6448, as amended, was adopted placing out of order the following amendments, to the Senate amendment H—4274, all filed in 1987 and found in the 1987 House Journal:

H—4277, H—4278, H—4280, H—4281, H—4282, H—4283, H—4284, H—4285, H—4286, H—4287, H—4288, H—4289, H—4290, H—4291, H—4292, H—4293, H—4294, H—4295, H—4301, H—4304, H—4305, H—4306, H—4307, H—4308, H—4309, H—4310, H—4311, H—4313, H—4314, H—4315, H—4316, H—4317, H—4318, H—4319, H—4320, H—4321, H—4322, H—4323, H—4324, H—4325, H—4328, H—4329, H—4346, H—4357, H—4358 and H—4359.

Shoultz of Black Hawk moved that the House concur in the Senate amendment H—4274, as amended.

A non-record roll call was requested.

The ayes were 50, nays 26.

The motion prevailed and the House concurred in the Senate amendment H—4274, as amended.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hammond of Story, for the remainder of the day, on request of Connors of Polk.

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

On the question "Shall the bill pass?" (H.F. 650)

The ayes were, 61:

Arnould	Beaman	Bennett	Bisignano
Black	Blanshan	Branstad	Cohoon
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Eddie	Fogarty
Garman	Groninga	Halvorson, R. A.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Kremer
Lundby	May	McKean	McKinney
Metcalf	Muhlbauer	Neuhauser	Norrgard
Ollie	Parker	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Renken
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Spear	Stromer
Stueland	Svoboda	Swartz	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 32:

Adams	Beatty	Brammer	Buhr
Carpenter	Chapman	Connolly	Diemer
Doderer	Dvorsky	Fey	Fuller
Gruhn	Halvorson, R. N.	Hansen, S. D.	Hatch
Jay	Johnson	Knapp	Koenigs
Maulsby	Miller	Osterberg	Paulin
Peters	Poney	Renaud	Rosenberg
Schrader	Siegrist	Skow	Tabor

Absent or not voting, 7:

Clark	Hammond	Hanson, D. R.	Lageschulte
Mullins	Plasier	Swearingen	

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 650)

Arnould of Scott asked and received unanimous consent that House File 650 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 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 613, a bill for an act relating to the licensing and examination of first mortgage bankers and mortgage brokers, and regulation of other mortgage lenders, and providing penalties.

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

House File 683, a bill for an act relating to energy assistance to low income households by requiring budget billing for certain utility bills for individuals receiving assistance under the low income home energy assistance program, by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier.

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

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.

Also: That the Senate has, on April 14, 1988, adopted the conference committee report and passed 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.

Also: That the Senate has on April 14, 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 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.

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

House File 2352, a bill for an act relating to right-of-way and relocation assistance provided to persons displaced by highway projects.

Also: That the Senate has on April 14, 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 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.

Also: That the Senate has on April 14, 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 2419, a bill for an act relating to initiating and effecting whole-grade sharing agreements, setting maximum incentives and providing for collective bargaining agreements.

Also: That the Senate has on April 14, 1988, receded from the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2459, a bill for an act relating to the imposition and collection of the state sales, services, and use taxes by out-of-state retailers.

Also: That the Senate has on April 14, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2461, a bill for an act relating to tax refunds paid by the county treasurer.

Also: That the Senate has on April 14, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2465, a bill for an act relating to taxation 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 and use 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, prohibiting



a motor fuel excise tax refund for motor fuel or special fuel taken out of the state in fuel supply tanks of aircraft or watercraft, prohibiting an income tax credit on fuel tax paid on motor fuel used in watercraft or aircraft, and providing an appropriation.

Also: That the Senate has on April 14, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 14, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 14, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2289, a bill for an act relating to the sale of certificates of deposit, issued by foreign associations, within the state.

Also: That the members of the conference committee, on the part of the Senate, appointed April 14, 1988, to Senate File 2328, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, are: The Senator from Decatur, Senator Boswell, Chair; the Senator from Cerro Gordo, Senator A. Miller; the Senator from Dubuque, Senator Welsh; the Senator from Clayton, Senator Tieden; and the Senator from Polk, Senator Readinger.

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

Senate File 2333, a bill for an act relating to a conflict between civil service laws and the terms and conditions of a collective bargaining agreement pertaining to the mandatory bargaining subject of seniority as it affects promotions and transfers.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT CONSIDERED House Refused to Concur

Jay of Appanoose called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—6478:

H-6478

1 Amend House File 2452 as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Section 1. Section 252B.13, subsection 1, Code  
6 1987, is amended to read as follows:

7 252B.13 COLLECTION SERVICES CENTER.

8 1. The department shall establish within the unit  
9 a collection services center for the receipt and  
10 disbursement of all support payments as defined in  
11 section 598.1 required pursuant to an order for which  
12 the unit is providing or has provided enforcement  
13 services under this chapter. For purposes of this  
14 section, child support payments do not include  
15 attorney fees or court costs. The judicial department  
16 and the department of human services shall cooperate  
17 in the establishment of the center which will receive  
18 and disburse support payments transferring or  
19 directing these judgments and orders for support and  
20 payments to the collection services center.

21 Sec. 2. Section 252B.14, Code Supplement 1987, is  
22 amended by striking the section and inserting in lieu  
23 thereof the following:

24 252B.14 SUPPORT PAYMENTS - CLERK OF COURT -  
25 COLLECTION SERVICES CENTER.

26 All support payments required pursuant to orders  
27 entered under this chapter and chapter 234, 252A,  
28 252C, 598, or 675, or any other chapter shall be  
29 directed and processed as follows:

30 1. In cases for which services are being provided  
31 by the unit under this chapter, payment shall be  
32 directed to the collection services center established  
33 pursuant to section 252B.13. The department of human  
34 services shall notify the clerk of the district court  
35 if payment should be directed to the collection  
36 services center and the clerk shall provide the  
37 collection services center with a copy of the order or  
38 judgment.

39 2. In all other cases, payment shall be directed  
40 to the clerk of the district court for the use of the  
41 person for whom payments have been awarded.

42 Payments to persons other than the clerk of the  
43 district court and the collection services center do  
44 not satisfy the support obligations created by such  
45 orders or judgments, except as provided for trusts and  
46 social security income in section 252D.1, 598.22,  
47 598.23, or for tax refunds or rebates in section  
48 602.8102, subsection 47.

49 Sec. 3. Section 252B.16, Code 1987, is amended by  
50 striking the section and inserting in lieu thereof the

**Page 2**

1 following:

2 252B.16 CONVERSION — PROCESSING OF SUPPORT  
3 PAYMENTS.

4 All judgments and orders for support and support  
5 payments which are currently collected and disbursed  
6 by the collection services center, other than those  
7 subject to section 252B.14, subsection 1, shall be  
8 transferred for further processing from the collection  
9 services center to the appropriate clerk of the  
10 district court on or before March 1, 1989. Support  
11 payments subject to section 252B.14, subsection 1,  
12 which are not currently collected and disbursed by the  
13 collection services center shall be transferred for  
14 further processing from each clerk of the district  
15 court to the collection services center. The  
16 following procedure shall be used to transfer  
17 payments:

18 1. The judicial department and the department of  
19 human services shall mutually agree to dates to  
20 effectuate the transfer of cases. The department of  
21 human services shall cause to be published in the  
22 administrative bulletin a cumulative list of effective  
23 dates by county, once agreed upon and determined,  
24 which list shall be final and inclusive of all  
25 counties on the next date of publication subsequent to  
26 March 1, 1989.

27 2. In addition, for orders of support which must  
28 be transferred pursuant to this section, the  
29 department of human services shall notify the payee  
30 and the obligor as provided in subsections 3 and 4  
31 that the obligor will be directed to pay future  
32 support payments to the clerk of the district court or  
33 to the collection services center as of the date  
34 provided in the notice. The notice under subsection 3  
35 to the obligor is the equivalent of a court order  
36 directing the payment of the sums to the clerk of the  
37 district court or to the collection services center.

38 3. The notice of the change in the direction of  
39 payments shall be sent by ordinary mail to the payee's  
40 and the obligor's last known addresses or the persons  
41 shall be personally served with the notice in the  
42 manner provided for service of an original notice at  
43 least fifteen days prior to the date provided in the  
44 notice for the redirection of the payments. The  
45 notice shall include all of the following:

- 46 a. The name of the payee and, if different in  
47 whole or in part, the names of the persons to whom the  
48 obligation of support is owed by the obligor.  
49 b. The name of the obligor.  
50 c. The amount of the periodic support payment, the

## Page 3

1 due dates of the payments, and any arrearages.

2 d. The beginning date for sending payments to the  
3 clerk of the district court or to the collection  
4 services center.

5 4. In addition to the notice required in  
6 subsection 3, the department shall provide notice to  
7 the payee and the obligor at the time of abstracting.  
8 The notice shall contain all information contained in  
9 the abstract and shall be given at least ten working  
10 days prior to any notice given pursuant to subsection  
11 3 and shall be made in the same manner as allowed in  
12 subsection 3. A person receiving such notice shall  
13 have ten working days to file a written statement to  
14 the effect that information contained in the abstract  
15 is in whole or in part erroneous, and may request a  
16 correction of that information. The department shall  
17 provide the person with an opportunity for a review  
18 hearing to correct the information, unless the  
19 department corrects the information.

20 5. Any payments received after the case has been  
21 transferred under this section, shall be sent to the  
22 appropriate office within two working days of receipt  
23 of payments.

24 Sec. 4. Section 252D.1, subsection 3, Code 1987,  
25 is amended to read as follows:

26 3. If support payments ordered under section  
27 234.39, section 252A.6, subsection 12, chapter 252C,  
28 section 598.21, or section 675.25, or under a  
29 comparable statute of a foreign jurisdiction, as  
30 certified to the child support recovery unit  
31 established in section 252B.2, are not paid to the  
32 clerk of the district court or the collection services  
33 center pursuant to section 598.22 and become  
34 delinquent in an amount equal to the payment for one  
35 month, upon application of a person entitled to  
36 receive the support payments, the child support  
37 recovery unit or the district court may enter an ex  
38 parte order notifying the person whose income is to be  
39 assigned, of the delinquent amount, of the amount of  
40 income or wages to be withheld, and of the procedure  
41 to file a motion to quash the order of assignment, and  
42 shall order an assignment of income and notify an  
43 employer, trustee, or other payor by certified mail of  
44 the order of the assignment of income requiring the  
45 withholding of specified sums to be deducted from the  
46 delinquent person's periodic earnings, trust income,  
47 or other income sufficient to pay the support  
48 obligation and, except for trusts governed by the  
49 federal Retirement Equity Act of 1984, Pub. L. No. 98-  
50 397 as provided in section 598.22, requiring the

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1 payment of such sums to the clerk of the district  
2 court or the collection services center. For trusts  
3 governed by the federal Retirement Equity Act of 1984,  
4 Pub. L. No. 98-397, the assignment of income shall  
5 require the payment of such sums to the alternate  
6 payee. The assignment of income is binding on an  
7 existing or future employer, trustee, or other payor  
8 ten days after the receipt of the order by certified  
9 mail. The amount of an assignment of income shall not  
10 exceed the amount specified in 15 U.S.C. §1673(b).  
11 The assignment of income has priority over a  
12 garnishment or an assignment for a purpose other than  
13 the support of the dependents in the court order being  
14 enforced. The child support recovery unit or the  
15 district court, upon the application of any party, by  
16 ex parte order, may modify the assignment of income on  
17 the full payment of the delinquency or in an instance  
18 where the amount being withheld exceeds the amount  
19 specified in 15 U.S.C. §1673(b), or may revoke the  
20 assignment of income upon the termination of parental  
21 rights, emancipation, death or majority of the child,  
22 or upon a change of custody.

23 Sec. 5. Section 252D.6, Code 1987, is amended to  
24 read as follows:

25 252D.6 ADMINISTRATION OF WAGE WITHHOLDING  
26 PROCEDURES.

27 The collection services center, established  
28 pursuant to section 252B.13, is and each clerk of the  
29 district court are designated as the public agency  
30 entities of the state to administer wage withholding  
31 in accordance with procedure specified for keeping  
32 adequate records to document, track and monitor  
33 support payments in accordance with Title IV-D of the  
34 United States federal Social Security Act.

35 Sec. 6. Section 598.22, unnumbered paragraph 1,  
36 Code 1987, is amended to read as follows:

37 This section applies to all initial or modified  
38 orders for support entered under this chapter, chapter  
39 234, 252A, 252C, 675, or any other chapter of the  
40 Code. All orders or judgments for support entered on  
41 or before March 31, 1987, entered under chapter 234,  
42 252A, 252C, or 675, or under this chapter or any other  
43 chapter which provide for temporary or permanent  
44 support payments shall direct the payment of those  
45 sums to the clerk of the district court or the  
46 collection services center in accordance with section  
47 252B.14 for the use of the person for whom the  
48 payments have been awarded. All orders or judgments  
49 for support entered on or after April 1, 1987, shall  
50 direct the payment of those sums to the collection

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1 services center established pursuant to section  
 2 ~~252D-19~~. Payments to persons other than the clerk of  
 3 the district court and the collection services center  
 4 do not satisfy the support obligations created by the  
 5 orders or judgments, except as provided for trusts in  
 6 section ~~252D-1, 598-23~~, or this section or governed by  
 7 the federal Retirement Equity Act of 1984, Pub. L. No.  
 8 98-397, for tax refunds or rebates in section  
 9 602.8102, subsection 47, or for dependent benefits  
 10 paid to the child support obligee as the result of  
 11 disability benefits awarded to the child support  
 12 obligor under the federal Social Security Act. For  
 13 trusts governed by the federal Retirement Equity Act  
 14 of 1984, Pub. L. No. 98-397, the assignment of income  
 15 shall require the payment of such sums to the  
 16 alternate payee in accordance with the federal Act.

17 Sec. 7. Section 598.22, unnumbered paragraph 3,  
 18 Code 1987, is amended to read as follows:

19 An order or judgment entered by the court for  
 20 temporary or permanent support or for an assignment  
 21 shall be filed with the clerk. The orders have the  
 22 same force and effect as judgments when entered in the  
 23 judgment docket and lien index and are records open to  
 24 the public. The clerk or the collection services  
 25 center, as appropriate, shall disburse the payments  
 26 received pursuant to the orders or judgments within  
 27 ~~ten~~ two working days of the receipt of the payments.  
 28 All moneys received or disbursed under this section  
 29 shall be entered in a ~~record book~~ records kept by the  
 30 clerk, or the collection services center, as  
 31 appropriate, which shall be ~~open~~ available to the  
 32 public. The clerk or the collection services center  
 33 shall not enter any moneys paid in the record book if  
 34 not paid directly to the clerk or the center, as  
 35 appropriate, except as provided for trusts in section  
 36 ~~252D-1, 598-23~~ or this section or and federal social  
 37 security disability payments in this section, and for  
 38 tax refunds or rebates in section 602.8102, subsection  
 39 47.

40 Sec. 8. Section 598.22, unnumbered paragraph 5,  
 41 Code 1987, is amended to read as follows:

42 Prompt payment of sums required to be paid under  
 43 sections 598.11 and 598.21 ~~shall be~~ is the essence of  
 44 such orders or judgments and the court may act  
 45 pursuant to section 598.23 regardless of whether the  
 46 amounts in default are paid prior to the contempt  
 47 hearing.

48 Sec. 9. Section 598.23, subsection 2, paragraph a,  
 49 Code 1987, is amended to read as follows:

50 a. Directs the defaulting party to assign trust

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1 income, or a sufficient amount in salary or wages due  
2 or to become due in the future from an employer or  
3 successor employers, to the clerk of the district  
4 court where the order or judgment was granted or the  
5 collection services center, except as otherwise  
6 provided in section 598.22 for certain trust income,  
7 social security disability payments, or tax refunds or  
8 rebates for the purpose of paying the sums in default  
9 as well as the payments to be made in the future.  
10 However, for trusts governed by the federal Retirement  
11 Equity Act of 1984, Pub. L. No. 98-397, payments  
12 shall be made to the alternate payee in accordance  
13 with the federal Act. If the assignment is of salary  
14 or wages due, the amount assigned shall not exceed the  
15 amount set forth in 15 U.S.C. §1673(b)(1982) and the  
16 assignment order is binding upon the employer only for  
17 those amounts that represent child support and only  
18 upon receipt by the employer of a copy of the order,  
19 signed by the employee. For each payment deducted in  
20 compliance with the direction, the payor may deduct a  
21 sum not exceeding two dollars as a reimbursement for  
22 costs. Compliance by a payor with the court's order  
23 shall operate as a discharge of the payor's liability  
24 to the payee as to the affected portion of the payee's  
25 wages or trust income. An employer who dismisses an  
26 employee due to the entry of an assignment order  
27 commits a simple misdemeanor.

28 Sec. 10.

29 1. Notwithstanding section 252B.14, parties may  
30 make payments to and receive payments from the clerk  
31 of the district court if all of the following apply:

- 32 a. The payor is not in arrears with a support  
33 obligation which currently exists.
- 34 b. The parties agree to make and receive payments  
35 through the clerk of the district court.
- 36 c. The agreement is approved by the court and  
37 filed with the clerk of the district court and the  
38 department of human services. The department shall  
39 prepare a form which may be used by the parties to  
40 implement such an agreement.

41 Payment through the clerk of the district court  
42 shall continue so long as the payor remains in good  
43 standing and the order remains unrelated to chapter  
44 252B services.

45 Notwithstanding section 252B.14, parties may make  
46 payments to and receive payments from the collection  
47 services center if the parties so agree and the  
48 agreement is approved by the court and filed with the  
49 clerk and the department. In addition, parties who  
50 are making payments to or receiving payments from the

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1 collection services center may continue to do so if  
2 the parties so agree and the agreement is filed with  
3 the department.

4 The department of human services shall prepare a  
5 form or forms which may be used by the parties to  
6 implement either type of agreement.

7 2. The department of human services shall actively  
8 seek to correct the credit rating of a person whose  
9 credit rating has been adversely affected due to  
10 incorrect information in the collection services  
11 center. The corrective action shall be taken by the  
12 department without charge, at the request of a person  
13 who believes they have been adversely affected.  
14 Action by the department may include personal contact  
15 with the credit reporting agency, insertion of written  
16 information into the record, and further tracking of  
17 incorrect credit information which was submitted to  
18 other parties by the credit reporting agency.

19 3. The center shall submit a report regarding the  
20 activities of the collection services center to the  
21 fiscal committee of the legislative council, the  
22 legislative fiscal bureau, and the directors of the  
23 majority and minority legislative caucus staffs of the  
24 senate and house of representatives in each month  
25 following the enactment of this Act. The report shall  
26 contain all of the following information:

27 a. The progress made in verifying the data in the  
28 converted counties.

29 b. The time required between the time a payment is  
30 received and the time funds are distributed to a  
31 recipient.

32 c. The number, nature, and frequency of complaints  
33 regarding the operation of the center including an  
34 analysis of the sources of the complaints.

35 4. As part of comprehensive legislative oversight,  
36 the legislative fiscal bureau, in consultation with  
37 the department of human services and the judicial  
38 department, shall submit a report to the general  
39 assembly on or before January 1, 1989, which evaluates  
40 the operation of the center and the transition to the  
41 clerks of the district court during the period  
42 beginning May 1, 1988, and ending December 1, 1988.  
43 The report shall include all of the following:

44 a. An assessment of the impact of the center upon  
45 the payment of child support, including information  
46 regarding the dollar amount collected by the child  
47 support recovery unit and the dollar amount received  
48 by recipients.

49 b. An assessment of the effect of the center upon  
50 the percentage of payors who are making payments.



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- 1 c. An assessment of the level of satisfaction with  
2 the services of the center and the clerks of the  
3 district court among payors and recipients.
- 4 d. An assessment of the cost-effectiveness of  
5 processing child support payments through the center  
6 in comparison with processing through the clerks of  
7 the district court.
- 8 e. A proposed timetable for the implementation of  
9 collection services by the center in all counties for  
10 cases to be processed by the center under section  
11 252B.14, subsection 1.
- 12 f. A comparison of the collection services center  
13 and the clerks of the district court.
- 14 g. Other information relevant to the policy  
15 analysis of child support issues as requested by the  
16 legislative fiscal bureau.
- 17 Sec. 11. The judicial department, after consulting  
18 with the department of human services, shall appoint  
19 an advisory committee to advise the department of  
20 human services and the judicial department regarding  
21 modifications of the system for processing payments of  
22 support and to review complaints concerning this  
23 system. The committee shall be composed of five  
24 voting members, including one member representing the  
25 Iowa bar association, one member representing  
26 financial institutions, one member representing the  
27 title examiners, one member representing the payees,  
28 and one member representing the obligors. The  
29 judicial department and the department of human  
30 services shall also appoint one member each as ex  
31 officio nonvoting members representing the  
32 departments.
- 33 Sec. \_\_\_\_\_. Section 252B.15, Code 1987, is repealed.
- 34 Sec. \_\_\_\_\_. Any personnel in the state merit system  
35 of employment whose position is eliminated due to the  
36 deletion of positions in this Act shall be placed on  
37 the outplacement list.
- 38 Sec. 12. Section 252B.13, Code Supplement 1987, as  
39 amended by this Act, is repealed effective July 1,  
40 1991.
- 41 Sec. 13. Notwithstanding the provisions of this  
42 Act to the contrary, all duties of the department of  
43 human services relating to the collection and  
44 disbursement of support payments by the collection  
45 services center shall be transferred from the  
46 collection services center to the appropriate clerk of  
47 the district court by July 1, 1991, if further action  
48 is not taken by the general assembly.”

The motion lost and the House refused to concur in the Senate amendment H—6478.

IMMEDIATE MESSAGE  
(House File 2452)

Arnould of Scott asked and received unanimous consent that House File 2452 be immediately messaged to the Senate.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2278.

CONSIDERATION OF BILLS  
Unfinished Business Calendar

**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.

Ollie of Clinton offered the following amendment H—6493 filed by him from the floor and moved its adoption:

H—6493

1 Amend Senate File 2278, 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 256.17, unnumbered paragraph  
6 2, Code Supplement 1987, is amended to read as  
7 follows:

8 Notwithstanding the standards included in section  
9 256.11, not later than July 1, 1987, the state board  
10 shall adopt rules establishing new standards for  
11 accredited schools. The rules shall be adopted under  
12 chapter 17A and shall require that schools and school  
13 districts meet the standards adopted by the state  
14 board not later than July 1, 1989, except for the  
15 following:

16 1. Schools and school districts are not required  
17 to meet the standard adopted by the state board  
18 requiring that ten units of vocational education be  
19 offered and taught in grades nine through twelve  
20 unless the general assembly enacts legislation  
21 relating to the requirements stated in the standard.  
22 Until that time the occupational education  
23 requirements stated in section 256.11, subsection 6,  
24 paragraph "h", remain in effect.

25 2. Schools and school districts are not required  
26 to meet the standard adopted by the state board

27 specifically relating to the number of instructional  
28 days and length of the school day for kindergarten  
29 programs on July 1, 1992, unless the general assembly  
30 has adopted legislation that provides additional state  
31 moneys to school districts for the increased costs of  
32 the kindergarten programs. The kindergarten program  
33 standard shall not take effect until the additional  
34 state moneys have been provided.

35 3. Schools and school districts are not required  
36 to meet the requirement stated in the standards that  
37 prohibits an individual who is employed or contracted  
38 for as superintendent from also serving as a principal  
39 in that school or school district unless the general  
40 assembly adopts legislation to prohibit the  
41 combination. The department of education shall review  
42 the literature relating to administrative  
43 organizational structure of schools and make  
44 recommendations for an alternative structure to the  
45 general assembly not later than February 1, 1989.

46 Sec. 2. The legislative council is requested to  
47 establish a study committee composed of members of the  
48 house and senate committees on education from both  
49 political parties to conduct a comprehensive study of  
50 the provision of vocational education courses for

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1 secondary school students. The study shall include,  
2 but not be limited to, the vocational education  
3 requirements contained in the rules adopted by the  
4 state board of education pursuant to section 256.17,  
5 the courses offered by school districts, the costs of  
6 offering the various areas of vocational education  
7 courses, enrollment trends, and the feasibility of  
8 alternative means of offering vocational education  
9 courses, including but not limited to, requiring that  
10 secondary school vocational education courses be  
11 provided by the area schools in either the high school  
12 or area school setting or an alternative setting.

13 The study committee shall submit a report of its  
14 recommendations to the legislative task force studying  
15 postsecondary education if one is established, the  
16 legislative council, and the general assembly meeting  
17 in 1989.

18 Sec. 3. The legislative fiscal bureau shall  
19 conduct a survey of school districts to determine the  
20 feasibility of requiring that the kindergarten program  
21 operate a minimum of one hundred eighty days and meet  
22 a minimum school day time requirement of four and one-  
23 half hours. The survey shall include an inventory of  
24 additional space requirements and the availability of  
25 vacant classrooms in school district facilities,

26 additional staff requirements, availability of  
 27 educational materials, and transportation needs.  
 28 The legislative fiscal bureau shall report the  
 29 results of the survey to the chairpersons and ranking  
 30 members of the senate and house committees on  
 31 education not later than December 1, 1988."

Amendment H—6493 was adopted, placing the following amendments out of order, all filed by Swartz of Marshall on March 28, 1988:

H—5955, H—5956, H—5957, H—5958, H—5959, H—5960, H—5961, H—5962, H—5963, H—5964, H—5965, H—5966, H—5967, H—5968, H—5969, H—5970, H—5971, H—5972, H—5973, H—5974, H—5975, H—5976, H—5977, H—5979, H—5980, H—5981, H—5982, H—5983, H—5984 and H—5986.

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. 2278)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
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
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Miller

Absent or not voting, 10:

Clark	Doderer	Groninga	Hammond
Hanson, D. R.	Lageschulte	Mullins	Plasier
Swearingen	Tabor		

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

**IMMEDIATE MESSAGE**  
(Senate File 2278)

Arnould of Scott asked and received unanimous consent that Senate File 2278 be immediately messaged to the Senate.

**INTRODUCTION OF BILL**

**House File 2478**, by Arnould, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council and city development board, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that a certain position is excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health

facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date.

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

### SENATE MESSAGE CONSIDERED

**Senate File 2333**, by Hutchins, a bill for an act relating to a conflict between civil service laws and the terms and conditions of a collective bargaining agreement pertaining to the mandatory bargaining subject of seniority as it affects promotions and transfers.

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

### GOVERNOR'S ITEM VETO MESSAGE

April 13, 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 2444, 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 certain effective dates.

House File 2444 is approved with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 45 of House File 2444.

Section 45 of House File 2444 puts in place an excessively strict tuition refund provision for proprietary schools. The proportionate tuition refund provision in this bill is far more extreme than the tuition refund policies utilized by the Regents and the community colleges. For example, if a student drops a course four weeks into the semester at a Regent institution or five weeks into a course at an area school, the student forfeits any possibility for a refund of their tuition. Under Section 45 of House

File 2444, if a student drops out after four weeks in a course at a proprietary college, 80 percent of all tuition paid would have to be refunded.

It is clear that proprietary schools do have longer course years than the Regent institutions. However, a strict proportionate refund provision ignores the fact that these schools have significant fixed costs. Commitments must be made to teachers and associated supplies and services once the course begins. Allowing a student to drop out at any time during the length of that course and receive a proportionate reduction in their tuition ignores the need for schools to cover these necessary fixed costs. Indeed, applying this strict tuition refund method could cause many cosmetology schools to go out of business.

In short, the proportionate tuition refund provision of Section 45 is excessive when compared with similar policies put in place at public postsecondary and educational institutions and could be an economic backbreaker for many of these institutions. I encourage the General Assembly to work to develop an appropriate tuition refund provision which will provide appropriate protection to students while recognizing the necessary fixed costs at these institutions.

I am unable to approve the item designated as Section 46 of House File 2444.

This item requires each proprietary school to obtain a performance bond of \$50,000 in order to operate in the state of Iowa. I understand that this performance bond provision was in response to a recent closing of a beauty college in Des Moines. However, the level of bonding authorized — \$50,000 — is not sufficient to provide significant long-term protection for students and would increase the cost these students would have to pay in order to attend these institutions. If proprietary school closings become a major concern, I would suggest that the cosmetology school association consider some kind of umbrella policy to protect students at all the institutions. Requiring individual bonding for each institution is an unnecessary burden and an excessive cost for students in our state.

My office has been in close communication with key legislators who have worked on this issue. They have indicated support for my action to item veto these sections of House File 2444 and that they have worked out a compromise with all the appropriate parties to provide appropriate protections for students and to allow proprietary institutions to stay in business. I encourage the General Assembly to take swift action yet this session to adopt that compromise, which is supported by bipartisan leadership.

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 2444 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

### GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

April 13, 1988

The Honorable Jo Ann Zimmerman  
President of the Senate  
State Capitol Building  
L O C A L

Dear Madam President:

I hereby transmit Senate File 2309, an act relating to and making appropriations to the department of economic development, providing for the creation and repeal of programs, and transferring administration of a program.

Senate File 2309 is approved with the following exception which I hereby disapprove.

I am unable to approve the item designated as that portion of Section 15, which reads as follows:

Notwithstanding section 8.33, moneys appropriated pursuant to 1986 Iowa Acts, chapter 1246, section 1, subsection 6, not in excess of five hundred thousand (500,000) dollars to the department of economic development for the establishment and maintenance of an export finance program for the fiscal year beginning July 1, 1986, and ending June 30, 1987, which remain unexpended or unencumbered shall carry forward to the fiscal year beginning July 1, 1987, and ending June 30, 1988, to be used for the same purpose as originally appropriated.

It is clear that the intent of Section 15 in Senate File 2309 is to allow \$480,000 of carryover funds from the Export Finance Program to be used for the general administration of the Department of Economic Development. I approve of this utilization of these funds since they are needed to maintain the necessary operations of this important department. A portion of Section 15 authorizes the use of those carryover Export Finance Funds for that purpose.

However, a separate item in Section 15 inadvertently prevents that carryover from being fully utilized. In fact, a drafting error in this section would, if allowed to stand, reduce the operating budget for the Department of Economic Development by \$220,000.

The vetoed language limits the amount of funds from the Export Finance Program that are allowed to be carried over by the department from fiscal year 1987 to fiscal year 1988 to \$500,000. In fact, \$720,000 was carried over during that time.

Thus, retroactively capping the allowable carryover to \$500,000 would effectively reduce the available funds for the department's general administration budget by \$220,000.

It is my understanding that the Economic Development Appropriation Subcommittee Chairpersons have been notified of this drafting error and approve of my action to item veto this restrictive carryover language.

For the above reasons, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of the 1968 Constitution of the State of Iowa. All other items in Senate File 2309 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor



**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 14th day of April, 1988: House File 2415.

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

Report adopted.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 13, 1988, he approved and transmitted to the Secretary of State the following bills:

House File 2443, an act relating to and making appropriations to the justice system and providing an effective date.

Senate File 2311, 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 filing officers, 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.

Also: That on April 14, 1988, he approved and transmitted to the Secretary of State the following bills:

Senate File 450, 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.

Senate File 2088, 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.

Senate File 2164, an act relating to the composition of the Iowa economic development board.

Senate File 2190, an act to create an advancement and recruitment program to encourage administrative advancement of women and minorities and recruitment of minorities by school corporations.

Senate File 2246, an act relating to the penalties for water pollution and hazardous waste disposal.

Senate File 2280, an act relating to the time of filing a nonprofit corporation's annual report.

Senate File 2281, an act relating to service of notice on a judgment debtor in garnishment proceedings.

Senate File 2302, an act relating to the investment powers of state banks.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on April 13, 1988. Had I been present, I would have voted "aye" on Senate Files 2310 and 2314.

ADAMS of Hamilton

On April 14, 1988, I inadvertently pushed the wrong button when voting on House File 2439. I meant to vote "aye."

NORRGARD of Des Moines

**COMMUNICATION RECEIVED**

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

**IOWA CITIZENS' AIDE/OMBUDSMAN**

The 1987 Annual Report, pursuant to Chapter 601G.18, Code of Iowa.

**PRESENTATION OF VISITORS**

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

Forty-five fifth grade students from Hanawalt Elementary School, Des Moines, accompanied by Sue Renaud. By Carpenter of Polk.

Thirty fifth grade students from Crossroads Park Elementary School, West Des Moines. By Carpenter of Polk.

Twenty-three seniors from South Clay School, Gillett Grove, accompanied by Larry Stegge. By Fogarty of Palo Alto.

Forty-five eleventh and twelfth grade students from North High School, Sioux City, accompanied by Larry Twait and Brent Blenski. By Hansen, Peters and Shoning, all of Woodbury County.

One hundred government students from Johnston High School, accompanied by Larry Strickler, Pat Kinsey, Jan Ahern and David Pitz. By Haverland of Polk.

Fifty-three senior students from Belle Plaine High School, Belle Plaine, accompanied by Larry Lawler and Jeff Henderson. By Hummel of Benton.

Fifteen students from Central Dallas High School, Minburn, accompanied by Ruth Thompson. By McKinney of Dallas.

Twenty sixth grade students from Gilmore City-Bradgate Elementary School, Gilmore City, accompanied by Haroly Treyer. By Mullins of Kossuth.

Eighty second grade students from Cornell Elementary School, Saydel. By Sherzan of Polk.

### COMMITTEE RECOMMENDATIONS

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

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

#### COMMITTEE ON HUMAN RESOURCES

**House File 2475**, a bill for an act relating to subrogation rights under the medical assistance program of the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 1988.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 2188**, a bill for an act relating to the mobile home annual tax, the property tax credit and rent reimbursement for elderly and disabled individuals by changing the formula used for determining the amount of the annual tax, credit and reimbursement and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-6472** April 14, 1988.

**Committee Bill** (Formerly House File 2131), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 14, 1988.

**Committee Bill** (Formerly House Study Bill 697), relating to administrative procedures to challenge the identification, classification, and exemption of property for taxation purposes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 14, 1988.

### RESOLUTIONS FILED

**HCR 130**, by Halvorson of Webster, Maulsby and Stromer, a concurrent resolution relating to the authorization of the lease-purchase of

real and personal property for increasing the number of medium security beds at certain department of corrections institutions.

Laid over under **Rule 25**.

**HCR 131**, by Muhlbauer, Fogarty, Skow, May, Koenigs, and Pellett, a concurrent resolution requesting an interim committee to study the economic role that agriculture and the agricultural community can play in preparing for and developing this state's full potential.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-6458	S.F.	2263	Hatch of Polk
H-6461	S.F.	56	Halvorson of Webster
H-6472	S.F.	2188	Committee on Ways and Means
H-6473	S.F.	2263	Osterberg of Linn Holveck of Polk
H-6480	S.F.	2188	Koenigs of Mitchell
H-6482	S.F.	2188	Carpenter of Polk Doderer of Johnson Groninga of Cerro Gordo
H-6486	S.F.	2188	Carpenter of Polk Doderer of Johnson Groninga of Cerro Gordo
H-6488	S.F.	2188	Carpenter of Polk Osterberg of Linn Doderer of Johnson
H-6489	H.F.	2170	Senate Amendment
H-6491	H.F.	2352	Senate Amendment
H-6492	H.F.	683	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 11:06 p.m., until 9:30 a.m., Friday, April 15, 1988.

# JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day — Sixty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 15, 1988

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

Prayer was offered by the Honorable Sue Mullins, state representative from Kossuth County.

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

## PETITIONS FILED

The following petitions were received and placed on file:

By Koenigs of Mitchell, from twenty-five constituents of Nashua, favoring Senate File 56, a bill relating to the regulation of firearms by a political subdivision.

By Van Camp of Scott, from one hundred constituents favoring the belief that any employee injured in the course of employment should have the absolute right to choose the doctor of their own choice.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista on request of Stueland of Clinton; Brammer of Linn, until his arrival, on request of Fey of Scott; Hanson of Delaware, until his arrival, on request of Renken of Grundy.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2339, a bill for an act relating to grievances and discipline resolution for certain employees of the state.

Also: That the Senate has on April 14, 1988, refused to the concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

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.

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

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.

Also: That the Senate has, on April 15, 1988, insisted on its amendment to 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 the members of the conference committee, on the part of the Senate are: The Senator from Johnson, Senator Varn, Chair; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Dubuque, Senator Welsh; the Senator from Clay, Senator Holt; and the Senator from Polk, Senator Gentleman.

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

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.

Also: That the Senate has on April 14, 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 2107, a bill for an act relating to the creation of a foster home insurance fund.

Also: That the Senate has on April 15, 1988, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 15, 1988, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 105, a concurrent resolution relating to the assessment of nursing personnel needs in the state.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT CONSIDERED

Renaud of Polk called up for consideration **House File 2352**, a bill for an act relating to right-of-way and relocation assistance provided to persons displaced by highway projects, amended by the Senate, and moved that the House concur in the following Senate amendment H—6491:

H-6491

1 Amend House File 2352 as passed by the House as  
 2 follows:

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

5 "Sec. \_\_\_\_\_. Section 403.6, subsection 7, Code 1987,  
 6 is amended to read as follows:

7 7. To plan for the relocation of persons,  
 8 including families, business concerns and others,  
 9 displaced by an urban renewal project, and to make  
 10 relocation payments to or with respect to such persons  
 11 for moving expenses and losses of property for which  
 12 reimbursement or compensation is not otherwise made,  
 13 including the making of such payments financed by the  
 14 federal government. Other provisions of the Code  
 15 notwithstanding, in making such payments on projects  
 16 not federally funded, the municipality may pay  
 17 relocation assistance benefits in the amounts  
 18 authorized by the Uniform Relocation Assistance and  
 19 Real Property Acquisition Policies Act of 1970, Pub.  
 20 L. No. 91-646, as amended by the Uniform Relocation  
 21 Act Amendments of 1987, title IV, Pub. L. No. 100-17."

22 2. Title page, line 2, by inserting after the  
 23 word "highway" the following: "or urban renewal".

The motion prevailed and the House concurred in the Senate amendment H-6491.

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

On the question "Shall the bill pass?" (H.F. 2352)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Black	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.	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	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Bisignano	Blanshan	Brammer	Chapman
Eddie	Hanson, D. R.	Lageschulte	Teaford

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

### HOUSE INSISTS

Ollie of Clinton called up for consideration **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, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED (Senate File 2278)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2278: Ollie of Clinton, chair; Swartz of Marshall, Wise of Lee, McKean of Jones and Miller of Cherokee.

### SENATE AMENDMENT CONSIDERED

Teaford of Black Hawk called up for consideration **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 additional requirements for case permanency plans, providing other procedural revisions, and providing properly related matters, amended by the Senate, and moved that the House concur in the following Senate amendment H-6489:



H-6489

1 Amend House File 2170 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 31 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 237.18, unnumbered paragraph 2,  
6 Code 1987, is amended to read as follows:

7 The state board shall make recommendations to the  
8 general assembly, the department, to child-placing  
9 agencies, the governor, the supreme court, the chief  
10 judge of each judicial district, and to the judicial  
11 department. The recommendations shall include, but  
12 are not limited to, identification of systemic  
13 problems in the foster care and the juvenile justice  
14 systems, specific proposals for improvements that  
15 assist the systems in being more cost-effective and  
16 better able to protect the best interests of children,  
17 and necessary changes relating to the data collected  
18 and the annual report made under subsection 2,  
19 paragraph "b".

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

22 "Sec. \_\_\_\_\_. Section 237.20, subsection 1,  
23 unnumbered paragraph 3, Code 1987, is amended to read  
24 as follows:

25 The review shall include issues pertaining to the  
26 permanency plan and shall not include issues that do  
27 not pertain to the permanency plan. Each review shall  
28 include written testimony of any person notified  
29 pursuant to subsection 4, and may include oral  
30 testimony from those persons when determined to be  
31 relevant and material to the child's placement. Oral  
32 testimony may, upon the request of the testifier or  
33 upon motion of the local board, be given in a private  
34 setting when to do so would facilitate the  
35 presentation of evidence. Local board questions shall  
36 pertain to the permanency plan and shall not include  
37 issues that do not pertain to the permanency plan."

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

40 "Sec. \_\_\_\_\_. Section 237.20, subsection 1, Code  
41 1987, is amended by adding the following new  
42 unnumbered paragraph after unnumbered paragraph 3:

43 NEW UNNUMBERED PARAGRAPH. A person who gives oral  
44 testimony has the right to representation by counsel  
45 at the review."

46 4. Page 3, line 26, by striking the figure "4"  
47 and inserting the following: "5".

48 5. Page 3, line 31, by inserting after the word  
49 "review." the following: "The report to the court  
50 shall include information regarding the permanency

## Page 2

1 plan and the progress in attaining the permanency  
 2 goals. The report shall not include issues that do  
 3 not pertain to the permanency plan."

4 6. Page 3, by inserting after line 35 the  
 5 following:

6 "Sec. \_\_\_\_\_. Section 237.20, subsection 4, Code  
 7 1987, is amended by adding the following new  
 8 unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. The notice shall include  
 10 a statement that the person notified has the right to  
 11 representation by counsel at the review."

12 7. Page 3, by inserting after line 35 the  
 13 following:

14 "Sec. \_\_\_\_\_. Section 237.20, subsection 4,  
 15 paragraphs d and e, Code 1987, are amended to read as  
 16 follows:

17 d. The child receiving foster care if the child is  
 18 fourteen years of age or older. The child shall be  
 19 informed of the review's purpose and procedure, and of  
 20 the right to have a guardian ad litem present."

21 e. The guardian ad litem of the foster child. The  
 22 guardian ad litem shall be eligible for compensation  
 23 through section 232.141, subsection 1, paragraph "b"."

24 8. Page 3, by inserting after line 35 the  
 25 following:

26 "Sec. \_\_\_\_\_. Section 237.21, subsection 2, Code  
 27 Supplement 1987, is amended to read as follows:

28 2. Information and records relating to a child  
 29 receiving foster care shall be provided to a local  
 30 board or the state board by the department or child-  
 31 care agency upon request by either board. A court  
 32 having jurisdiction of a child receiving foster care  
 33 shall release the information and records the court  
 34 deems necessary to determine the needs of the child,  
 35 if the information and records are not obtainable  
 36 elsewhere, to a local board or the state board upon  
 37 request by either board. If confidential information  
 38 and records are distributed to individual members in  
 39 advance of a meeting of the state board or a local  
 40 board, the information and records shall be clearly  
 41 identified as confidential and the members shall take  
 42 appropriate steps to prevent unauthorized disclosure."

43 9. By renumbering, relettering, or redesignating  
 44 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6489.

Teaford of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2170)

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.	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	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:

Eddie	Hanson, D. R.	Lageschulte	Parker
Platt			

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 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 649, a bill for an act relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters.

Also: That the Senate has on April 15, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2469, a bill for an act relating to energy development and conservation, making appropriations of the petroleum overcharge funds, and providing an effective date.

Also: That the Senate has on April 15, 1988, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 173, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities.

Also: That the Senate has on April 15, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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

JOHN F. DWYER, Secretary

### IMMEDIATE MESSAGE (House Files 2352 and 2170)

Arnould of Scott asked and received unanimous consent that House Files 2352 and 2170 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2188.

### CONSIDERATION OF BILLS Ways and Means Calendar

**Senate File 2188**, a bill for an act relating to the mobile home annual tax, the property tax credit and rent reimbursement for elderly and disabled individuals by changing the formula used for determining the amount of the annual tax, credit and reimbursement and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Osterberg of Linn offered the following amendment H-6472 filed by the committee on ways and means:

H-6472

- 1 Amend Senate File 2188, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 34 through page 4,
- 4 line 24 and inserting the following:
- 5 "Sec. 15. Section 425.17, subsection 7, Code 1987,
- 6 is amended to read as follows:
- 7 7. "Rent constituting property taxes paid" means

8 ~~twenty-five~~ thirty percent of the gross rent actually  
 9 paid in cash or its equivalent during the base year by  
 10 the claimant or the claimant's household solely for  
 11 the right of occupancy of their homestead in the base  
 12 year, and which rent constitutes the basis, in the  
 13 succeeding year, of a claim for reimbursement under  
 14 this division by the claimant."

15 2. By striking page 5, line 6 through page 7,  
 16 line 3 and inserting the following:

17 "Sec. \_\_\_\_\_. Section 1 of this Act is effective  
 18 January 1, 1989, for mobile home tax claims filed on  
 19 or after that date.

20 Sec. \_\_\_\_\_. Section 15 of this Act is effective  
 21 January 1, 1989.

22 Sec. \_\_\_\_\_. Section 4 of this Act is effective  
 23 January 1, 1989, for property tax claims filed on or  
 24 after that date. Section 4 of this Act is applicable  
 25 to rent reimbursement claims filed on or after January  
 26 1, 1990."

Koenigs of Mitchell offered the following amendment H-6480,  
 to the committee amendment H-6472, filed by him:

H-6480

1 Amend the amendment, H-6472 to Senate File 2188, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, line 3, by striking the word and  
 5 figure "page 4," and inserting the following: "page  
 6 2, line 33."

7 2. Page 1, by striking line 4 and inserting the  
 8 following:

9 "\_\_\_\_\_. Page 3, line 7, by inserting after the word  
 10 "year" the following: "or who is a single parent with  
 11 two or more dependent children, as defined for state  
 12 income tax purposes, under the age of eighteen".

13 \_\_\_\_\_. Page 4, line 13, by inserting after the word  
 14 "age" the following: "or who is a single parent with  
 15 two or more dependent children, as defined for state  
 16 income tax purposes, under the age of eighteen".

17 \_\_\_\_\_. Page 4, by inserting after line 24 the  
 18 following:".

The following amendment H-6498, to amendment H-6480, to  
 the committee amendment H-6472, filed by Koenigs of Mitchell from  
 the floor was adopted by unanimous consent:

H-6498

1 Amend amendment H-6480 to amendment H-6472 to  
 2 Senate File 2188, as amended, passed, and reprinted  
 3 by the Senate, as follows:

- 4 1. Page 1, line 10, by striking the word "single".  
 5 2. Page 1, line 14, by striking the word "single".

On motion by Koenigs of Mitchell, amendment H—6480, as amended, lost.

Arnould of Scott asked and received unanimous consent that Senate File 2188 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—6472 pending.)

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 2263.

### Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar March 31, 1988.

Platt of Muscatine in the chair at 11:05 a.m.

Blanshan of Greene offered the following amendment H—5941 filed by the committee on state government:

H—5941

- 1 Amend Senate File 2263 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by striking lines 2 through 4 and  
 4 inserting the following: "the following new  
 5 subsection:"  
 6 2. Page 1, by striking line 16 and inserting the  
 7 following: "accordance with this section."  
 8 3. Page 1, by striking lines 17 through 20 and  
 9 inserting the following:  
 10 "b. "Numbing" means the applying of ice, ~~dry ice,~~  
 11 ~~or a cold pack, or a chemical or mechanical freezing~~  
 12 ~~device to the limbs of a horse or dog within ten two~~  
 13 ~~hours before the start of a race, or a surgical or~~  
 14 ~~other procedure which was, at any time,".~~  
 15 4. Page 1, by inserting after line 22 the  
 16 following:  
 17 "Sec. \_\_\_\_\_. Section 99D.25, Code 1987, is amended  
 18 by adding the following new subsections:

19 NEW SUBSECTION. 5. Phenylbutazone shall not be  
20 administered to a horse in dosages which would result  
21 in concentrations of more than three micrograms of the  
22 substance or its metabolites per millimeter of blood.

23 NEW SUBSECTION. 6. Lasix shall not be  
24 administered to a horse unless the horse is registered  
25 for the use of lasix with the commission and lasix  
26 shall not be administered to the horse less than four  
27 hours before post time of a race. A horse that is  
28 registered for the use of lasix shall be brought to a  
29 security stall under the supervision of the commission  
30 not less than four hours before the scheduled post  
31 time of the race in which the horse is entered and the  
32 horse shall remain there until it is to be saddled or  
33 harnessed for the race. If lasix is administered to a  
34 horse on the day of its race, the lasix shall only be  
35 administered intravenously by a veterinarian employed  
36 by the owner or trainer of the horse under the visual  
37 supervision of a veterinarian employed by the  
38 commission. The dose level of lasix shall not exceed  
39 two hundred fifty milligrams.”

40 5. By renumbering as necessary.

Garman of Story offered the following amendment H—6051, to the committee amendment H—5941, filed by her:

H—6051

1 Amend amendment, H—5941 to Senate File 2263 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, by striking lines 6 and 7 and  
5 inserting the following:

6 “\_\_\_\_\_. Page 1, by striking lines 14 through 16 and  
7 inserting the following: “start of a race. Drugging  
8 includes administering to a horse the drugs lasix and  
9 phenylbutazone.” ”

10 2. Page 1, by striking lines 15 through 39.

Speaker Avenson in the chair at 12:00 noon.

Garman of Story moved the adoption of amendment H—6051, to the committee amendment H—5941.

A non-record roll call was requested.

The ayes were 31, nays 47.

Amendment H—6051 lost.

Arnould of Scott asked and received unanimous consent that Senate File 2263 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—5941 pending.)

CONFERENCE COMMITTEE APPOINTED  
(House File 2452)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2452: Jay of Appanoose, chair; McKinney of Dallas, Peterson of Carroll, Hester of Pottawattamie and Lundby of Linn.

On motion by Arnould of Scott, the House was recessed at 12:06 p.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.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1988, receded from the Senate amendment, and passed the following bill:

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 April 15, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2191, a bill for an act relating to commercial concessions operated on certain state-owned lands.

Also: That the Senate has on April 15, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2453, 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.

Also: That the Senate has on April 15, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2470, a bill for an act 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 Panorama, 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.

Also: That the Senate has on April 15, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2471, 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, providing for inspection, raising fees relating to the milk industry, and providing for the establishment of milk production and processing standards.

Also: That the members of the conference committee, on the part of the Senate, appointed April 15, 1988, to 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, are: The Senator from Fayette, Senator Murphy, Chair; the Senator from Linn, Senator Horn; the Senator from Kossuth, Senator Priebe; the Senator from Hardin, Senator Taylor; and the Senator from Black Hawk, Senator Corning.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT CONSIDERED

Jay of Appanoose called up for consideration **Senate File 2107**, a bill for an act relating to the creation of a foster home insurance fund, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6501 to the House amendment:

H-6501

- 1 Amend the House amendment, S-6014 to Senate
- 2 File 2107, as amended, passed and reprinted by
- 3 the Senate, as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "\_\_\_\_\_. Page 1, line 3, by striking the word "a".
- 7 \_\_\_\_\_. Page 1, by striking lines 4 through 7 and
- 8 inserting the following: "either of the following:
- 9 a. An individual, as defined in section 237.1,
- 10 subsection 7, who is licensed to provide child
- 11 foster care and shall also be known as a "licensed
- 12 foster home".
- 13 b. A guardian appointed on a voluntary petition
- 14 of a ward pursuant to section 633.557, or a

15 conservator appointed on a voluntary petition of  
 16 a ward pursuant to section 633.572, provided the  
 17 ward has an income that does not exceed one hundred  
 18 fifty percent of the current federal office of  
 19 management and budget poverty guidelines and who  
 20 does not have resources in excess of the criteria  
 21 for resources under the federal supplemental  
 22 security income program. However, the ward's  
 23 ownership of one residence and one vehicle shall  
 24 not be considered in determining resources."

25 \_\_\_\_\_. Page 1, line 21, by inserting after the  
 26 word "reimburse" the word "licensed"."

27 2. Page 1, by inserting after line 7, the  
 28 following:

29 "\_\_\_\_\_. Page 2, by inserting after line 14 the  
 30 following:

31 "5. Except as provided in this section, the  
 32 fund shall pay, on behalf of a guardian or  
 33 conservator, the reasonable and necessary legal  
 34 costs incurred in defending against a suit filed  
 35 by a ward or the ward's representative and the  
 36 damages awarded as a result of the suit, so long  
 37 as it is determined that the guardian or  
 38 conservator acted in good faith in the performance  
 39 of their duties. A payment shall not be made if  
 40 there is evidence of intentional misconduct or a  
 41 knowing violation of the law by the guardian or  
 42 conservator, including, but not limited to,  
 43 failure to carry out the responsibilities required  
 44 under sections 633.633 through 633.635 and 633.641  
 45 through 633.651."

The motion prevailed and the House concurred in the Senate amendment H—6501.

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

On the question "Shall the bill pass?" (S.F. 2107)

The ayes were, 90:

Adams	Arnould	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.	Harbor	Harper	Hatch
Haverland	Hermann	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.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
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, 10:

Beaman	Connolly	Eddie	Hanson, D. R.
Hester	Lageschulte	Parker	Plasier
Shoultz	Svoboda		

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

#### IMMEDIATE MESSAGE

(Senate File 2107)

Arnould of Scott asked and received unanimous consent that Senate File 2107 be immediately messaged to the Senate.

#### Ways and Means Calendar

The House resumed consideration of **Senate File 2188**, a bill for an act relating to the mobile home annual tax, the property tax credit and rent reimbursement for elderly and disabled individuals by changing the formula used for determining the amount of the annual tax, credit and reimbursement and providing effective dates, and the committee amendment H-6472 (found on pages 1996 and 1997 of the House Journal), previously deferred.

Osterberg of Linn asked and received unanimous consent to defer action on the committee amendment H-6472.

Carpenter of Polk offered the following amendment H-6488 filed by Carpenter, et al., and moved its adoption:

H-6488

- 1 Amend Senate File 2188, as amended, passed and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 7, by striking the words "of the  
4 base year" and inserting the following: "of the base  
5 year, 1988".
- 6 2. By striking page 1, line 34 through page 2,  
7 line 33.
- 8 3. Page 3, by striking lines 3 through 5 and  
9 inserting the following: "sixty-five years on or  
10 before December 31 of the base year or who is a  
11 surviving spouse having attained the age of fifty-five  
12 years on or before December 31 of the base year,  
13 1988,".
- 14 4. Page 4, line 11, by striking the words "sixty-  
15 five fifty-five" and inserting the following: "sixty-  
16 five".
- 17 5. Page 4, lines 12 and 13, by striking the words  
18 "~~, or is a surviving spouse of such person who is over~~  
19 ~~fifty-five years of age~~" and inserting the following:  
20 "~~, or is a surviving spouse of such person who is over~~  
21 was fifty-five years of age on or before December 31,  
22 1988".
- 23 6. Page 4, by inserting after line 24 the  
24 following:  
25 "Sec. 15. Section 425.17, subsection 7, Code 1987,  
26 is amended to read as follows:  
27 7. "Rent constituting property taxes paid" means  
28 ~~twenty-five twenty-seven and one-half percent of the~~  
29 ~~gross rent actually paid in cash or its equivalent~~  
30 ~~during the base year by the claimant or the claimant's~~  
31 ~~household solely for the right of occupancy of their~~  
32 ~~homestead in the base year, and which rent constitutes~~  
33 ~~the basis, in the succeeding year, of a claim for~~  
34 ~~reimbursement under this division by the claimant."~~
- 35 7. By striking page 5, line 6 through page 7,  
36 line 3 and inserting the following:  
37 "Sec. \_\_\_\_\_. Section 1 of this Act is effective  
38 January 1, 1989, for mobile home tax claims filed on  
39 or after that date.  
40 Sec. \_\_\_\_\_. Section 3 of this Act is effective  
41 January 1, 1989.  
42 Sec. \_\_\_\_\_. Section 15 of this Act is effective  
43 January 1, 1990.  
44 Sec. \_\_\_\_\_. Section 4 of this Act is effective  
45 January 1, 1989, for property tax claims filed on or  
46 after that date. Section 4 of this Act is applicable  
47 to rent reimbursement claims filed on or after January  
48 1, 1990."

Amendment H—6488 was adopted.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—6482 filed by Carpenter, et al., on April 14, 1988.

Carpenter of Polk offered the following amendment H—6486 filed by Carpenter, et al., and moved its adoption:

H—6486

- 1 Amend Senate File 2188, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 12, by striking the words "twelve
- 4 thirteen" and inserting the following: "twelve".
- 5 2. Page 1, by striking line 26.
- 6 3. Page 5, by striking line 5.

Amendment H—6486 was adopted.

The House resumed consideration of the committee amendment H—6472 (found on pages 1996 and 1997 of the House Journal), previously deferred.

Osterberg of Linn asked and received unanimous consent to withdraw the committee amendment H—6472.

Norrgard of Des Moines in the chair at 2:29 p.m.

Speaker Avenson in the chair at 2:37 p.m.

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

On the question "Shall the bill pass?" (S.F. 2188)

The ayes were, 75:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Kremer	Lundby	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 17:

Black	De Groot	Diemer	Hermann
Hummel	Koenigs	Maulsby	Metcalf
Paulin	Pellett	Renken	Royer
Running	Schnekloth	Stromer	Tyrrell
Van Maanen			

Absent or not voting, 8:

Eddie	Hanson, D. R.	Harbor	Hester
Lageschulte	Ollie	Petersen, D. F.	Platt

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

### IMMEDIATE MESSAGE

(Senate File 2188)

Arnould of Scott asked and received unanimous consent that Senate File 2188 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Hatch of Polk called up for consideration **House File 683**, a bill for an act relating to energy assistance to low income households by requiring budget billing for certain utility bills for individuals receiving assistance under the low income home energy assistance program, by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier, amended by the Senate amendment H—6492 as follows:

H—6492

- 1 Amend House File 683, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 476.1A, unnumbered paragraph
- 6 2, Code 1987, is amended to read as follows:
- 7 However, sections 476.20, 476.21, 476.41 through
- 8 476.44, 476.51, and 476.61, and 476.66 and chapters
- 9 476A and 478, to the extent applicable, apply to such
- 10 electric utilities.
- 11 Sec. 2. Section 476.1B, subsection 1, Code 1987,
- 12 is amended by adding the following new paragraph:
- 13 NEW PARAGRAPH. h. Enforcement of section 476.66.
- 14 Sec. 3. NEW SECTION. 476.66 CUSTOMER

## 15 CONTRIBUTION FUND.

16 1. The utilities board shall adopt rules which  
 17 shall require each electric and gas public utility to  
 18 establish a fund whose purposes shall include the  
 19 receiving of contributions to assist the utility's  
 20 low-income customers with weatherization and to  
 21 supplement the energy assistance received under the  
 22 federal low-income heating energy assistance program  
 23 for the payment of winter heating bills.

24 2. The rules shall require each utility to  
 25 periodically notify its customers of the availability  
 26 and purpose of the fund and to provide them with forms  
 27 on which they can authorize the utility to bill their  
 28 contribution to the fund on a monthly basis.

29 3. The rules shall permit the fund to accept  
 30 matching funds from persons or organizations who wish  
 31 to provide assistance for customers of the utility.

32 4. The utility may be reimbursed by the fund for  
 33 the administrative costs of the billings,  
 34 disbursements, notices to customers, and financial  
 35 recordkeeping. However, such reimbursement shall not  
 36 exceed five percent of the total revenues collected.

37 5. The utility shall establish a board or  
 38 committee to determine the appropriate distribution of  
 39 the funds. The board or committee shall include  
 40 representatives from community or regional  
 41 organizations which are active in assisting citizens  
 42 with payment of their winter heating bills.

43 6. The rules established by the utilities board  
 44 shall require an annual report to be filed for each  
 45 fund. The utilities board shall compile an annual  
 46 statewide report of the fund results. The division of  
 47 community action agencies of the department of human  
 48 rights shall prepare an annual report of the unmet  
 49 need for energy assistance and weatherization. Both  
 50 reports shall be submitted to the appropriations

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1 committees of the general assembly on the first day of  
 2 the following session.

3 7. Existing programs to receive customer  
 4 contributions established by public utilities shall be  
 5 construed to meet the requirements of this section.  
 6 Such plans shall be subject to review by the utilities  
 7 board. If determined not to be in compliance with the  
 8 provisions of this section, they shall be given until  
 9 July 1989 to modify their operation so as to be in  
 10 compliance.

11 Sec. 4. Section 556.18, subsection 3, Code 1987,  
 12 is amended to read as follows:

13 3. After July 1, ~~1983~~ 1988, the treasurer of state

14 shall credit all funds received under section 556.4,  
15 after a proportional amount has been deducted for the  
16 trust fund under subsection 1 and any costs have been  
17 deducted under subsection 2, to the energy research  
18 and development crisis fund created under section  
19 99.14 601K.102.

20 Sec. 5. NEW SECTION. 601K.101 EMERGENCY  
21 WEATHERIZATION FUND.

22 1. The division of community action agencies of  
23 the department of human rights shall identify all  
24 participants in the low-income home energy assistance  
25 program for the 1987-1988 winter heating season whose  
26 household income was less than seventy-five percent of  
27 the poverty level.

28 2. The division shall conduct within each  
29 community action agency an inventory of the residences  
30 of these individuals to determine the number of  
31 residences eligible for weatherization under the two  
32 programs currently administered by the division but  
33 which will not be weatherized in the next twelve  
34 months due to the current priorities imposed by the  
35 federal programs.

36 3. One and one-half percent of the total amount of  
37 funds appropriated by 1988 Iowa Acts, Senate File  
38 2323, to the division of community action agencies for  
39 the fiscal year beginning October 1, 1988, for the  
40 low-income home energy assistance block grants, shall  
41 be expended by the division for the operation of the  
42 program under this section. The one and one-half  
43 percent shall be taken from those funds to be used for  
44 low-income residential weatherization or other related  
45 home repairs for low-income households; however, no  
46 less than ten percent of the total amount of funds  
47 appropriated for the low-income home energy assistance  
48 block grants shall be expended by the division for  
49 other low-income residential weatherization or related  
50 home repairs for low-income households.

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1 4. The division shall allocate the available funds  
2 among the nineteen community action agencies and shall  
3 establish weatherization goals for each agency based  
4 upon the inventory in subsection 2 of this section.  
5 The division shall give priority to weatherizing these  
6 residences.

7 5. The division shall submit a report to the  
8 general assembly on February 1, 1989. The report  
9 shall include the number of residences identified as  
10 eligible for weatherization in this project, the  
11 number of residences weatherized from July 1, 1988, to  
12 December 31, 1988, the average cost per dwelling



13 weatherized, and the range of costs for individual  
14 weatherizations. In addition, the report shall  
15 include the department's recommendation for a program  
16 to complete the weatherization of the remaining  
17 residences in this category. The report shall also  
18 include an inventory of the number of residences not  
19 weatherized for the 1987-1988 participants whose  
20 household incomes fall between seventy-five percent  
21 and one hundred percent of the poverty level.

22 Sec. 6. NEW SECTION. 601K.102 ENERGY CRISIS  
23 FUND.

24 1. An energy crisis fund is created in the state  
25 treasury. Moneys deposited in the fund shall be used  
26 to assist low-income families who qualify for the low-  
27 income heating energy assistance program to avoid loss  
28 of essential heating.

29 2. The fund may receive moneys including, but not  
30 limited to, the following:

31 a. Moneys appropriated by the general assembly for  
32 the fund.

33 b. Moneys credited to the fund under section  
34 556.18.

35 c. After July 1, 1988, unclaimed patronage  
36 dividends of electric cooperative corporations or  
37 associations shall be applied to the fund following  
38 the time specified in section 556.12 for claiming the  
39 dividend from the holder.

40 d. The fund may also receive contributions from  
41 customer contribution funds established under section  
42 476.66.

43 3. Under rules developed by the division of  
44 community action agencies of the department of human  
45 rights, the fund may be used to negotiate reconnection  
46 of essential utility services with the energy  
47 provider.

48 Sec. 7. AFFORDABLE HEATING PAYMENT PROGRAM PILOT  
49 PROJECT.

50 1. The division of community action agencies of

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1 the department of human rights in cooperation with the  
2 department of natural resources and the utilities  
3 board shall conduct a two-year pilot project from  
4 October 1, 1988, through September 30, 1990, to do all  
5 of the following:

6 a. Determine the most economical and effective  
7 means of maintaining low-income Iowans' access to  
8 heating fuels at a cost that is within their means.

9 b. Develop more effective programs for  
10 weatherizing residences and achieving energy  
11 conservation.

12 2. The pilot projects shall:

13 a. Involve at least one provider of each of these  
14 sources of heat in the state:

15 (1) Natural gas.

16 (2) Electricity.

17 (3) Deliverable fuels.

18 Providers shall be selected on a voluntary basis.

19 The scope of the project shall include a statistically  
20 valid demographic region but will not necessarily  
21 include all customers of the selected energy provider  
22 in the state. If a provider has a pilot project in  
23 progress, that project may be selected for a pilot  
24 project under this section.

25 b. Provide a schedule or formula under which funds  
26 appropriated by this Act are used to make up the  
27 difference between what a low-income family or  
28 individual pays toward heating costs plus federal low-  
29 income home energy assistance payments and either the  
30 actual heating cost or the cost determined by rule by  
31 the division of community action agencies, department  
32 of human rights, as the cost of reasonable heating  
33 fuel consumption for the customer, considering size of  
34 family, location of residence, and such other factors  
35 as may be considered appropriate by the division.

36 c. Include programs designed to promote the use of  
37 energy conservation strategies by the participant.  
38 These programs shall be cost-effective.

39 d. Include a plan for affordable budget level  
40 repayment of heating provider bills in arrears at the  
41 time a customer enters an affordable heating payment  
42 program.

43 e. Provide for data gathering and evaluation of  
44 the projects to determine the effect of the program on  
45 residents who participate in comparison with residents  
46 in areas where such programs are not available.

47 f. Be designed and implemented to operate within  
48 funds appropriated or budgeted for the projects.

49 3. An advisory board is created to provide  
50 guidance in the development of the pilot programs and

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1 their administration.

2 a. The advisory board shall include the  
3 administrator of the division of community action  
4 agencies, who shall serve as chairperson of the board,  
5 the director of the department of natural resources,  
6 or the director's designee, the chairperson of the  
7 utilities board, or the chairperson's designee, the  
8 consumer advocate, or the consumer advocate's  
9 designee, and the following members to be appointed by  
10 the governor to serve for the two-year term of the

11 pilot projects:

12 (1) A representative of the investor-owned utility  
13 industry.

14 (2) A representative of a municipal utility.

15 (3) A representative of a rural electric  
16 cooperative.

17 (4) A representative of dealers of deliverable  
18 fuels.

19 (5) Representatives of two local community action  
20 agencies.

21 (6) Representatives of two private advocacy or  
22 assistance agencies.

23 The speaker of the house of representatives, the  
24 senate majority leader, and the minority leaders of  
25 the house of representatives and senate shall each  
26 name a member of the general assembly to serve on the  
27 advisory board without vote.

28 b. Advisory board members who are not members of  
29 the general assembly shall serve without compensation,  
30 but shall be reimbursed for actual expenses.

31 c. The advisory board shall provide the general  
32 assembly with an evaluation of the first year of the  
33 program and recommendations for further legislative  
34 action no later than January 15, 1990.

35 4. The division of community action agencies of  
36 the department of human rights shall adopt rules  
37 pursuant to chapter 17A regarding eligibility for  
38 customer participation, means of calculating  
39 assistance payments, and procedures for provider  
40 participation under the pilot projects."

41 \_\_\_\_\_. Title page, by striking lines 1 through 11  
42 and inserting the following: "An Act relating to  
43 energy assistance to low income households by  
44 establishing a customer contribution fund, an  
45 emergency weatherization fund, an energy crisis fund  
46 and an affordable heating payment program pilot  
47 project, making civil penalties applicable, and  
48 providing an appropriation."

Hatch of Polk offered the following amendment H-6506, to the Senate amendment H-6492, filed by him from the floor and moved its adoption:

H-6506

1 Amend the Senate amendment, H-6492, to House File  
2 683, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 2, by striking line 14 and inserting the  
5 following: "shall annually credit the first one  
6 hundred fifty thousand dollars of all funds moneys  
7 received under section 556.4,".

8 2. Page 2, by striking lines 17 through 19 and  
 9 inserting the following: "~~deducted under subsection~~  
 10 ~~2~~, to the energy research and development fund created  
 11 under section 93.14, and shall credit all additional  
 12 moneys received under section 556.4 to the energy  
 13 crisis fund created under section 601K.102."

Amendment H—6506 was adopted.

On motion by Hatch of Polk, the House concurred in the Senate amendment H—6492, as amended.

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

On the question "Shall the bill pass?" (H.F. 683)

The ayes were, 88:

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
Fey	Fogarty	Fuller	Garman
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	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
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	Wise	Mr. Speaker

The nays were, 7:

Corey	Maulsby	Metcalf	Pellett
Renken	Royer	Van Maanen	

Absent or not voting, 5:

Eddie	Groninga	Hanson, D. R.	Lageschulte
Ollie			

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 683)

Arnould of Scott asked and received unanimous consent that House File 683 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED  
House Refused to Concur

Blanshan of Greene called up for consideration **House File 2339**, a bill for an act relating to grievances and discipline resolution for certain employees of the state, amended by the Senate amendment H—6494 as follows:

H—6494

- 1 Amend House File 2339, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 15 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 19A.41 DISCIPLINE AND
- 6 DISMISSAL GENERALLY.
- 7 1. For public employees covered by collective
- 8 bargaining agreements, matters of discipline and
- 9 dismissal shall be included within good faith
- 10 negotiations between public employers and employee
- 11 organizations.
- 12 2. This section shall be administered by and
- 13 subject to the rules and policies of the public
- 14 employment relations board as provided in chapter 20
- 15 and shall not be construed as a part of the rules and
- 16 policies governing the state personnel system.
- 17 3. As used in this section, the terms "public
- 18 employee", "public employer", and "employee
- 19 organization" mean as defined in section 20.3."
- 20 2. Page 2, line 24, by striking the words ", of
- 21 good moral character," and inserting the following:
- 22 "~~of good moral character~~".
- 23 3. Page 3, by inserting after line 23 the
- 24 following:
- 25 "Sec. \_\_\_\_\_. APPLICABILITY. This section and the
- 26 amendments contained in this Act to section 80.15,
- 27 Code 1987, are retroactive to July 1, 1978."
- 28 4. Title page, lines 1 and 2, by striking the
- 29 words "and discipline resolution for certain employees
- 30 of the state" and inserting the following: ",
- 31 discipline, and dismissal of public employees".

- 32 5. Title page, line 2, by inserting after the  
33 word "state" the following: "and providing for the  
34 applicability of the Act".  
35 6. By renumbering, relettering, or redesignating  
36 and correcting internal references as necessary.

Blanshan of Greene offered the following amendment H—6510, to the Senate amendment H—6494, filed by him from the floor:

H—6510

- 1 Amend the Senate amendment, H—6494, to House File  
2 2339 as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, line 5, by striking the figure  
5 "19A.41".  
6 2. Page 1, by striking lines 20 through 27.  
7 3. Page 1, by inserting before line 28 the  
8 following:  
9 "\_\_\_\_\_. Page 3, by inserting after line 23 the  
10 following:  
11 "Sec. \_\_\_\_\_. The Code editor shall determine the  
12 appropriate placement in the Code for the new section  
13 entitled "Discipline and Dismissal Generally", as  
14 enacted by this Act."  
15 4. Page 1, by striking lines 32 through 34.  
16 5. By renumbering as necessary.

Blanshan of Greene asked and received unanimous consent to defer action on amendment H—6510.

Sherzan of Polk offered the following amendment H—6508, to the Senate amendment H—6494, filed by him from the floor:

H—6508

- 1 Amend the Senate amendment H—6494 to House File  
2 2339, as amended, passed, and reprinted by the House  
3 as follows:  
4 1. Page 1, by striking lines 20 through 27.  
5 2. Page 1, by striking lines 32 through 34.

The House stood at ease at 3:05 p.m., until the fall of the gavel.

The House resumed consideration of amendment H—6508, to the Senate amendment H—6494, to House File 2339 at 3:48 p.m., Speaker Avenson in the chair.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—6508.

The House resumed consideration of amendment H—6510 (found on page 2014 of the House Journal), previously deferred.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—6510.

On motion by Blanshan of Greene, the House refused to concur in the Senate amendment H—6494.

IMMEDIATE MESSAGE  
(House File 2339)

Arnould of Scott asked and received unanimous consent that House File 2339 be immediately messaged to the Senate.

Sherzan of Polk in the chair at 3:51 p.m.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN  
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

**Senate File 2335**, a bill for an act relating to the formula used in valuing agricultural property.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 1988.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2335.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Knapp of Dubuque, for the remainder of the day, on request of May of Worth.

CONSIDERATION OF BILLS  
Ways and Means Calendar

**Senate File 2335**, a bill for an act relating to the formula used in valuing agricultural property, 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. 2335)

The ayes were, 71:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Hester	Holveck	Jochum
Johnson	Koenigs	Kremer	Lundby
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Parker	Pavich	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Svoboda	Swearingen
Tabor	Teaford	Mr. Speaker (Sherzan)	

The nays were, 21:

Clark	Dvorsky	Garman	Halvorson, R. A.
Halvorson, R. N.	Hermann	Hummel	Jay
Maulsby	McKean	Osterberg	Paulin
Pellett	Petersen, D. F.	Platt	Schneklloth
Stueland	Tyrrell	Van Camp	Van Maanen
Wise			

Absent or not voting, 8:

Doderer	Eddie	Hanson, D. R.	Haverland
Knapp	Lageschulte	Stromer	Swartz

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

IMMEDIATE MESSAGE  
(Senate File 2335)

Arnould of Scott asked and received unanimous consent that Senate File 2335 be immediately messaged to the Senate.

UNANIMOUS CONSENT

Stueland of Clinton asked and received unanimous consent to change his vote from "aye" to "nay" on Senate File 2335, and the vote was so recorded.



## Unfinished Business Calendar

The House resumed consideration of **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, and the committee amendment H—5941 (found on pages 1998 and 1999 of the House Journal), previously deferred.

Hatch of Polk asked and received unanimous consent to withdraw amendment H—6257, to the committee amendment H—5941, filed by him and Osterberg of Linn on April 6, 1988.

Hatch of Polk offered the following amendment H—6458, to the committee amendment H—5941, filed by him:

H—6458

- 1 Amend the amendment, H—5941, to Senate File 2263 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 6 and 7 and
- 5 inserting the following:
- 6 “\_\_\_\_\_. Page 1, line 16, by inserting after the
- 7 word “with” the following: “section 99D.25A and”.”
- 8 2. Page 1, by striking lines 17 through 39 and
- 9 inserting the following:
- 10 “Sec. \_\_\_\_\_. NEW SECTION. 99D.25A ADMINISTRATION
- 11 OF LASIX OR PHENYLBUTAZONE.
- 12 1. As used in this section unless the context
- 13 otherwise requires:
- 14 a. “Bleeder” means, according to its context,
- 15 either:
- 16 (1) A horse which, during a race or exercise, is
- 17 observed by the commission veterinarian or designee to
- 18 be shedding blood from one or both nostrils and in
- 19 which no upper airway injury is noted during an
- 20 examination by the commission veterinarian immediately
- 21 following such a race or exercise;
- 22 (2) A horse which, within one and one-half hours
- 23 of such a race or exercise, is observed by the
- 24 commission veterinarian, through visual or endoscopic
- 25 examination, to be shedding blood from the lower
- 26 airway; or
- 27 (3) A horse which has been certified as a bleeder
- 28 in another state.
- 29 b. “Bleeder list” means a tabulation of all
- 30 bleeders maintained by the commission veterinarian.
- 31 c. “Detention barn” means a secured structure
- 32 designated by the commission.

33 2. Phenylbutazone shall not be administered to a  
34 horse in dosages which would result in concentrations  
35 of more than three micrograms of the substance or its  
36 metabolites per millimeter of blood.

37 3. If a horse is to race with phenylbutazone in  
38 its system, the trainer shall be responsible for  
39 marking the information on the entry blank for each  
40 race in which the horse shall use phenylbutazone.  
41 Changes made after the time of entry must be submitted  
42 on the prescribed form to the commission veterinarian  
43 no later than scratch time.

44 4. If a test detects concentrations of  
45 phenylbutazone in the system of a horse in excess of  
46 the level permitted in this section, the commission  
47 shall assess a civil penalty against the trainer of  
48 two hundred dollars for the first offense and five  
49 hundred dollars for a second offense. The penalty for  
50 a third or subsequent offense shall be in the

**Page 2**

1 discretion of the commission. A penalty assessed  
2 under this subsection shall not affect the placing of  
3 the horse in the race.

4 5. Lasix may be administered to certified  
5 bleeders. Upon request, any horse placed on the  
6 bleeder list shall, in its next race, be permitted the  
7 use of lasix. Once a horse has raced with lasix, it  
8 must continue to race with lasix in all subsequent  
9 races unless a request is made to discontinue the use.  
10 If the use of lasix is discontinued, the horse shall  
11 be prohibited from again racing with lasix unless it  
12 is later observed to be bleeding. Requests for the  
13 use of or discontinuance of lasix must be made to the  
14 commission veterinarian by the horse's trainer or  
15 assistant trainer on a form prescribed by the  
16 commission on or before the day of entry into the race  
17 for which the request is made.

18 6. Once a horse has been permitted the use of  
19 lasix, it must be brought to the detention barn for  
20 treatment not less than four hours prior to scheduled  
21 post time for the race in which it is entered to  
22 start. Once at the detention barn, a horse shall  
23 remain there until it is taken to the paddock to be  
24 saddled or harnessed for a race. If a horse is  
25 brought to the detention barn late, the commission  
26 shall assess a civil penalty of one hundred dollars  
27 against the trainer.

28 7. A horse entered to race with lasix must be  
29 treated at least four hours prior to post time. The  
30 lasix shall be administered intravenously by a  
31 veterinarian employed by the owner or trainer of the

32 horse under the visual supervision of the commission  
 33 veterinarian. The practicing veterinarian must  
 34 deposit with the commission veterinarian at the  
 35 detention barn an unopened supply of lasix and sterile  
 36 hypodermic needles and syringes to be used for the  
 37 administrations. Lasix shall only be administered in  
 38 a dose level of two hundred fifty milligrams. The  
 39 commission veterinarian shall extract a test sample of  
 40 the horse's blood, urine, or saliva to determine  
 41 whether the horse was improperly drugged both before  
 42 the lasix was administered and after the race is run.  
 43 8. A person found within or in the immediate  
 44 vicinity of the detention barn who is in possession of  
 45 unauthorized drugs or hypodermic needles or who is not  
 46 authorized to possess drugs or hypodermic needles  
 47 shall, in addition to any other penalties, be barred  
 48 from entry into any racetrack in Iowa and any  
 49 occupational license the person holds shall be  
 50 revoked." "

The following amendment H—6513, to amendment H—6458, to the committee amendment H—5941, filed by Hatch of Polk from the floor was adopted by unanimous consent:

H—6513

1 Amend amendment H—6458 to amendment H—5941, to  
 2 Senate File 2263 as amended, passed, and reprinted by  
 3 the Senate as follows:  
 4 1. Page 1, line 35, by striking the word "three"  
 5 and inserting the words "two point two".

On motion by Hatch of Polk, amendment H—6458, as amended, to the committee amendment H—5941, was adopted, placing out of order amendment H—6339 filed by Holveck, et al., on April 8, 1988 and amendment H—6507 filed by Holveck of Polk from the floor.

Speaker Avenson in the chair at 4:18 p.m.

Holveck of Polk offered the following amendment H—6340, to the committee amendment H—5941, filed by Holveck, et al., and moved its adoption:

H—6340

1 Amend the amendment, H—5941, to Senate File 2263 as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, line 12, by striking the word "two"  
 5 and inserting the following: "eight".

A non-record roll call was requested.

The ayes were 33, nays 44.

Amendment H—6340 lost.

Garman of Story offered the following amendment H—6442, to the committee amendment H—5941, filed by her and moved its adoption:

H—6442

- 1 Amend the amendment, H—5941, to Senate File 2263,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 10 through 14 and
- 5 inserting the following:
- 6 “b. “Numbing” means the applying of ice, dry ice,
- 7 a cold pack, or a chemical or mechanical freezing
- 8 device to the limbs of a horse or dog within ten hours
- 9 before the start of a race, or the applying of ice or
- 10 a cold pack to the limbs of a horse or dog within two
- 11 hours before the start of a race, or a surgical or
- 12 other procedure which was, at any time,””

Amendment H—6442 was adopted.

Rosenberg of Story offered the following amendment H—6502, to the committee amendment H—5941, filed by him from the floor and moved its adoption:

H—6502

- 1 Amend the Amendment, H—5941, to Senate File 2263,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 39 and inserting the
- 5 following: “two hundred fifty milligrams.
- 6 NEW SUBSECTION. 7. A person found within or in
- 7 the immediate vicinity of a security stall who is in
- 8 possession of unauthorized drugs or hypodermic needles
- 9 or who is not authorized to possess drugs or
- 10 hypodermic needles shall, in addition to any other
- 11 penalties, be barred from entry into any racetrack in
- 12 Iowa and any occupational license the person holds
- 13 shall be revoked.””

Amendment H—6502 was adopted.

On motion by Blanshan of Greene, the committee amendment H—5941, as amended, was adopted.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H—6307 filed by him on April 7, 1988.

Osterberg of Linn offered the following amendment H—6473 filed by him and Holveck of Polk:

H—6473

- 1 Amend Senate File 2263 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. STUDY COMMISSION CREATED.
- 6 1. There is established a commission to study the
- 7 issues regarding the humane treatment of racing horses
- 8 and dogs and the proper use and regulation of
- 9 medications which can alter in any way the behavior,
- 10 attitude, temperament, or performance of racing horses
- 11 or dogs.
- 12 2. The commission shall consist of nineteen
- 13 members composed as follows:
- 14 a. Seven members of the house of representatives
- 15 with four members selected by the speaker of the house
- 16 and three members selected by the house minority
- 17 leader.
- 18 b. Seven members of the senate with four members
- 19 selected by the senate majority leader and three
- 20 members selected by the senate minority leader.
- 21 c. One person to represent the department of
- 22 public safety.
- 23 d. The state veterinarian or a designee.
- 24 e. One person who is an active member of the Iowa
- 25 federation of human societies.
- 26 f. One person to represent the state racing
- 27 commission.
- 28 g. One person who is a member in good standing of
- 29 an organization that represents thoroughbred horse
- 30 owners and trainers.
- 31 3. Public members of the study commission shall
- 32 receive a per diem of forty dollars and be reimbursed
- 33 for travel and other expenses actually incurred in the
- 34 performance of their official duties. Public
- 35 employees who are members of the study commission
- 36 shall be reimbursed for travel and other expenses
- 37 actually incurred in the performance of their official
- 38 duties.
- 39 4. The cost of the study commission shall be
- 40 reimbursed to the state by the state racing commission
- 41 through a surcharge upon the license fee collected
- 42 under section 99D.14, subsection 3.
- 43 5. The study commission shall make its report to
- 44 the general assembly on or before January 1, 1989."
- 45 2. Title page, by striking lines 1 through 6 and
- 46 inserting the following: "An Act relating to horse
- 47 and dog racing by establishing an interim study

48 committee to examine the possible use and regulation  
 49 of medications which can alter the behavior,  
 50 temperament, or performance of racing horses or dogs.”

Skow of Guthrie in the chair at 4:40 p.m.

Osterberg of Linn moved the adoption of amendment  
 H—6473.

Roll call was requested by Osterberg of Linn and Holveck of  
 Polk.

Rule 75 was invoked.

On the question “Shall amendment H—6473 be adopted?”  
 (S.F. 2263)

The ayes were, 41:

Adams	Bennett	Brammer	Branstad
Carpenter	Chapman	Clark	Cohoon
Corbett	Corey	De Groot	Diemer
Doderer	Dvorsky	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Hermann	Hester
Holveck	Johnson	Kremer	McKean
Miller	Mullins	Neuhauser	Norrgard
Osterberg	Plasier	Rosenberg	Running
Shoultz	Stueland	Swearingen	Van Camp
Van Maanen			

The nays were, 49:

Arnould	Avenson	Beaman	Beatty
Bisignano	Black	Blanshan	Buhr
Connors	Cooper	Fey	Fogarty
Groninga	Harbor	Harper	Haverland
Hummel	Jay	Jochum	Koenigs
Maulsby	May	McKinney	Metcalf
Muhlbauer	Ollie	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Royer	Schneklath	Schrader	Sherzan
Shoning	Siegrist	Spear	Stromer
Svoboda	Tabor	Teaford	Tyrrell
Mr. Speaker (Skow)			

Absent or not voting, 10:

Connolly	Daggett	Eddie	Hanson, D. R.
Knapp	Lageschulte	Lundby	Platt
Swartz	Wise		

Amendment H—6473 lost.

Garman of Story offered the following amendment H—6055 filed by her:

H—6055

1 Amend Senate File 2263, as amended, passed, and re-  
2 printed by the Senate, as follows:

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

5 "Section 1. Section 99D.5, subsection 1, Code  
6 1987, is amended to read as follows:

7 1. A state racing commission is created within the  
8 department of commerce consisting of ~~five~~ seven  
9 members, one of whom shall be an active member of the  
10 humane society for the prevention of cruelty to  
11 animals, who shall be appointed by the governor  
12 subject to confirmation by the senate, and who shall  
13 serve not to exceed a three-year term at the pleasure  
14 of the governor. The term of each member shall begin  
15 and end as provided in section 69.19."

16 2. By renumbering as necessary.

Garman of Story offered the following amendment H—6258, to amendment H—6055, filed by her and moved its adoption:

H—6258

1 Amend the amendment, H—6055, to Senate File 2263 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, lines 10 and 11, by striking the words  
5 "humane society for the prevention of cruelty to  
6 animals," and inserting the following: "Iowa  
7 federation of humane societies,".

Amendment H—6258 was adopted.

Blanshan of Greene rose on a point of order that amendment H—6055, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—6055, as amended, not germane.

Black of Jasper asked and received unanimous consent to withdraw amendment H—5950 filed by him on March 28, 1988.

Black of Jasper offered the following amendment H—6234 filed by Black, et al.:

H—6234

1 Amend Senate File 2263 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 9 the

4 following:

5 "Sec. 2. Section 99D.12, subsection 1, Code 1987,  
6 is amended to read as follows:

7 1. In horse races the breakage shall be retained  
8 by the licensee to supplement purses for races won by  
9 restricted to Iowa-foaled horses as provided in  
10 section 99D.22 or to supplement purses won by Iowa-  
11 foaled horses in any other race. The purse  
12 supplements will be paid in proportion to the purse  
13 structure of the race."

14 2. By renumbering as required.

Black of Jasper offered the following amendment H—6335, to amendment H—6234, filed by him and moved its adoption:

H—6335

1 Amend the amendment, H—6234, to Senate File 2263 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, line 11, by inserting after the word  
5 "horses" the following: "by finishing first, second,  
6 third, or fourth".

Amendment H—6335 was adopted.

Van Camp of Scott rose on a point of order that amendment H—6234, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—6234, as amended, not germane.

Black of Jasper moved that the rules be suspended to consider amendment H—6234.

Doderer of Johnson rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point well taken and the motion not in order.

Blanshan of Greene moved that the rules be suspended to consider amendment H—6234.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 51, nays 43.

The motion prevailed and the rules were suspended to consider amendment H—6234, as amended.



Arnould of Scott asked and received unanimous consent that Senate File 2263 be deferred and that the bill retain its place on the calendar.

(Amendment H—6234 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 April 15, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 15, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2463, a bill for an act relating to local option taxes by authorizing a city or county to receive tax return information relating to the taxes; changing the number of days notice must be given before a local hotel or motel tax is imposed, repealed, or its rate changed; legalizing the premature collection of a local hotel or motel tax; and providing an effective date.

Also: That the Senate has on April 15, 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 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.

Also: That the Senate has on April 15, 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 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 April 15, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2327, a bill for an act to provide for a state individual income tax check-off for the United States olympic committee, a portion of which shall be made available for amateur sports and special olympic programs in Iowa, and providing a retroactive effective date.

JOHN F. DWYER, Secretary

Speaker Avenson in the chair at 5:48 p.m.

### SENATE AMENDMENT CONSIDERED

Schrader of Marion called up for consideration **House File 2453**, 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, amended by the Senate, and moved that the House concur in the following Senate amendment H—6511:

H—6511

- 1 Amend House File 2453 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 34 through page 2,
- 4 line 2 and inserting the following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 159.30 LABORATORY
- 6 DIVISION — PACKAGING DETERMINATION — PROMOTION.
- 7 The laboratory division of the department shall do
- 8 all of the following:"
- 9 2. Page 2, line 4, by inserting after the word
- 10 "degradable" the following: "as defined pursuant to
- 11 section 455B.301, subsection 16."
- 12 3. Page 2, line 6, by inserting after the word
- 13 "degradable" the following: ", as defined pursuant to
- 14 section 455B.301, subsection 16,".
- 15 4. Page 2, line 8, by inserting after the word
- 16 "degradable" the following: ", as defined pursuant to
- 17 section 455B.301, subsection 16,".

The motion prevailed and the House concurred in the Senate amendment H—6511.

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

On the question "Shall the bill pass?" (H.F. 2453)

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
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	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
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:

Brammer	Eddie	Hanson, D. R.	Knapp
Lageschulte	Platt		

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

### IMMEDIATE MESSAGE (House File 2453)

Arnould of Scott asked and received unanimous consent that House File 2453 be immediately messaged to the Senate.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (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 SECOND CONFERENCE COMMITTEE ON HOUSE FILE 395

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

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File

395, a bill for an act relating to the taking of animals and subjecting violators to penalties, respectfully make the following report:

1. That the Senate recedes from its amendment, H—3901.

2. Amend House File 395, as amended, passed, and reprinted by the House, as follows:

1. Page 3, line 31, by striking the words "C.B. OR".

2. Page 4, by inserting after line 17 the following:

"Sec. \_\_\_\_\_. Section 109.32, Code 1987, is amended by adding the following new unnumbered paragraph:

"NEW UNNUMBERED PARAGRAPH. A person convicted of taking a deer, antelope, moose, buffalo, or elk with a prohibited weapon as defined by rules of the department, is subject to a fine of one hundred dollars for each offense committed while taking the animal with the prohibited weapon."

3. Page 5, line 19, by inserting after the word "birds" the following: "subject to section 109.48".

4. Page 12, line 32, by striking the word "leptospirosis" and inserting the following: "leptospirosis".

5. Page 14, line 7, by inserting after the word "A" the following: "wildlife".

6. Page 15, by striking lines 24 through 27 and inserting the following: "bait may be used on one line. ~~No~~ A person shall not leave ~~such~~ fish line".

7. Page 19, line 7, by striking the word "one" and inserting the following: "two".

8. Page 19, by inserting after line 9 the following:

"A snare when set shall not have a loop larger than eight inches in horizontal measurement except for a snare set with at least one-half of the loop underwater. A snare set on private land other than roadsides within thirty yards of a pond, lake, creek, drainage ditch, stream, or river shall not have a loop larger than eleven inches in horizontal measurement."

All snares shall have a functional deer lock which will not allow the snare loop to close smaller than two and one-half inches in diameter."

9. Page 20, line 16, by striking the words "hat, cap,".

10. Page 21, line 14, by striking the word "deer," and inserting the following: "deer,".

11. Page 21, line 24, by striking the word "one" and inserting the following: "one two".

12. Page 21, by inserting after line 26 the following:

"7. For each deer, seven hundred fifty dollars."

13. Page 21, by inserting after line 26 the following:

"Sec. \_\_\_\_\_. Section 110.24, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A lessee of a camping space at a campground may fish on a private lake or pond on the premises of the campground without a license if the lease confers an exclusive right to fish in common with the rights of the owner and other lessees.

NEW UNNUMBERED PARAGRAPH. The department may issue a permit, subject to conditions established by the department, which authorizes the patients of a substance abuse facility to fish without a license as a supervised group.

Sec. \_\_\_\_\_. NEW SECTION. 110.38 LIGHTING BY LAW ENFORCEMENT VEHICLES OF CONSERVATION OFFICER.

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."

14. Page 22, by inserting after line 8 the following:

"Sec. \_\_\_\_\_. Section 111A.6, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Upon request of the county conservation board, the board of supervisors shall establish a reserve for county conservation land acquisition and capital improvement projects. The board of supervisors may periodically credit an amount of money to the reserve. Moneys credited to the reserve shall remain in the reserve until expended for ~~such~~ the projects upon warrants requisitioned by the county conservation board. The interest earned on moneys received from bequests and donations in the reserve account which are invested pursuant to section 453.1 shall be credited to the reserve account.

Sec. \_\_\_\_\_. Section 111C.2, subsection 3, Code 1987, is amended to read as follows:

3. "Recreational purpose" means the following or any combination thereof: Hunting, trapping, horseback riding, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, motorcycling, nature study, water skiing, snowmobiling, other summer and winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites while going to and from or actually engaged therein."

ON THE PART OF THE HOUSE:

PAUL W. JOHNSON, Chair  
DENNIS H. BLACK  
MARVIN E. DIEMER  
JOSEPHINE GRUHN  
VICTOR STUELAND

ON THE PART OF THE SENATE:

EMIL J. HUSAK, Chair  
JACK HESTER  
ALVIN V. MILLER  
WILMER RENSINK  
KENNETH D. SCOTT

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 395)

The ayes were, 81:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Jochum	Johnson	Koenigs
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Platt
Renaud	Renken	Rosenberg	Royer
Schrader	Sherzan	Shoning	Shoultz
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 13:

Buhr	Doderer	Garman	Hummel
Jay	Kremer	Maulsby	Petersen, D. F.
Poney	Running	Schnekloth	Siegrist
Van Maanen			

Absent or not voting, 6:

Chapman	Eddie	Hanson, D. R.	Hatch
Knapp	Lageschulte		

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

#### IMMEDIATE MESSAGE

(House File 395)

Arnould of Scott asked and received unanimous consent that House File 395 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 LABOR AND INDUSTRIAL RELATIONS

**Senate File 2333**, a bill for an act relating to a conflict between civil service laws and the terms and conditions of a collective bargaining agreement pertaining to the mandatory bargaining subject of seniority as it affects promotions and transfers.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 1988.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2333.

## Regular Calendar

**Senate File 2333**, a bill for an act relating to a conflict between civil service laws and the terms and conditions of a collective bargaining agreement pertaining to the mandatory bargaining subject of seniority as it affects promotions and transfers, with report of committee recommending passage was taken up for consideration.

Tabor of Jackson in the chair at 6:13 p.m.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2333)

The ayes were, 54:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Cohoon	Connors	Cooper
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Koenigs
Lundby	May	McKinney	Muhlbauer
Mullins	Norrgard	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Sherzan	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 39:

Bennett	Branstad	Carpenter	Chapman
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Garman
Halvorson, R. A.	Hammond	Harbor	Hermann
Hester	Hummel	Kremer	Maulsby

McKean	Metcalf	Miller	Neuhauser
Osterberg	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Stromer	Stueland
Swearingen	Tyrrell	Van Maanen	

Absent or not voting, 7:

Connolly	Eddie	Hanson, D. R.	Knapp
Lageschulte	Parker	Running	

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

### IMMEDIATE MESSAGE (Senate File 2333)

Arnould of Scott asked and received unanimous consent that Senate File 2333 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED House Refused to Concur

Johnson of Winneshiek called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6516 to the House amendment:

H—6516

- 1 Amend the House amendment, S—5946, to Senate File
- 2 2250, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 15 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 206.5, Code Supplement 1987, is
- 6 amended by adding the following new unnumbered
- 7 paragraph after unnumbered paragraph 3:
- 8 NEW UNNUMBERED PARAGRAPH. An employee of a food
- 9 processing and distribution establishment is exempt
- 10 from the certification requirements of this section



11 provided that at least one person holding a  
 12 supervisory position is certified and provided that  
 13 the employer provides a program, approved by the  
 14 department, for training and certification of  
 15 personnel who apply, as an incidental part of their  
 16 duties, any pesticide on property owned or rented by  
 17 the employer. The secretary shall adopt rules to  
 18 administer the provisions of this paragraph.”

19 2. Page 2, by striking lines 3 through 30, and  
 20 inserting the following:

21 “A groundwater protection fund is created in the  
 22 state treasury. Moneys received from sources  
 23 designated for purposes related to groundwater  
 24 monitoring and groundwater quality standards shall be  
 25 deposited in the fund. Notwithstanding section 8.33,  
 26 any unexpended balances in the groundwater protection  
 27 fund and in any of the accounts within the groundwater  
 28 protection fund at the end of each fiscal year shall  
 29 be retained in the fund and the respective accounts  
 30 within the fund. Notwithstanding section 453.7,  
 31 subsection 2, interest or earnings on investments or  
 32 time deposits of the moneys in the groundwater protec-  
 33 tion fund or in any of the accounts within the ground-  
 34 water protection fund shall be credited to the  
 35 groundwater protection fund or the respective accounts  
 36 within the groundwater protection fund. The fund may  
 37 be used for the purposes established for each account  
 38 within the fund.”

39 3. By striking page 3, line 10 through page 4,  
 40 line 7.

41 4. Page 4, by inserting after line 23, the  
 42 following:

43 “\_\_\_\_\_. Title page, line 1, by inserting after the  
 44 word “by” the following: “exempting certain persons  
 45 from pesticide application certification requirements,  
 46 by”.”

The motion lost and the House refused to concur in the Senate amendment H-6516, to the House amendment.

### IMMEDIATE MESSAGE (Senate File 2250)

Arnould of Scott asked and received unanimous consent that Senate File 2250 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2458, 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.

Also: That the Senate has on April 15, 1988, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2055, a bill for an act relating to the registration and use of certain pesticides.

Also: That the Senate has on April 15, 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 2247, a bill for an act relating to the regulation and reporting of certain pesticides.

Also: That the Senate has, on April 15, 1988, adopted the conference committee report and passed 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.

Also: That the Senate has on April 15, 1988, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 122, a concurrent resolution directing the department of general services to allow the use of certain parking spaces without charge.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT CONSIDERED

Rosenberg of Story called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6515 to the House amendment:

H-6515

- 1 Amend House amendment S-5740 to Senate File
- 2 2075, as amended, passed, and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, by striking lines 22 through 43.

The motion prevailed and the House concurred in the Senate amendment H-6515, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2075)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	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.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Koenigs	Kremer	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renken
Rosenberg	Royer	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, 11:

Connolly	Doderer	Eddie	Hanson, D. R.
Knapp	Lageschulte	Miller	Parker
Renaud	Running	Swearingen	

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 2075)

Arnould of Scott asked and received unanimous consent that Senate File 2075 be immediately messaged to the Senate.

The House stood at ease at 6:33 p.m., until the fall of the gavel.

The House resumed session at 6:55 p.m., Speaker Avenson in the chair.

### SENATE AMENDMENT CONSIDERED

Schrader of Marion called up for consideration **House File 2469**, a bill for an act relating to energy development and conservation, making appropriations of the petroleum overcharge funds, and providing an effective date, amended by the Senate amendment H-6505 as follows:

H-6505

1 Amend House File 2469 as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "3. To the department of economic development for  
6 the energy-related activities of the amorphous  
7 semiconductor project at Iowa State University, from  
8 the stripper well fund:

9 .....\$ 500,000".

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

12 "4. To the division of community action agencies  
13 of the department of human rights for the operation of  
14 the affordable heating payment program pilot project  
15 from the Stripper Well fund:

16 .....\$ 500,000

17 Not more than twenty-five thousand (25,000) dollars  
18 of the moneys appropriated under this subsection shall  
19 be used for administrative costs. This appropriation  
20 is contingent upon and shall only be made if the 1988  
21 Session of the General Assembly enacts House File 683  
22 establishing the affordable heating payment program  
23 pilot project."

24 3. Page 6, by inserting after line 33, the  
25 following:

26 "Sec. \_\_\_\_\_. If Senate File 2312 is enacted by the  
27 Seventy-second General Assembly, 1988 Session, there  
28 is appropriated from the general fund of the state to  
29 the public broadcasting division of the department of  
30 cultural affairs an amount equal to the difference  
31 between the eleven million one hundred thousand  
32 (11,100,000) dollars appropriated to the state board  
33 of regents for construction of the power plant  
34 addition at the University of Northern Iowa in that  
35 Act and the total amount of the bids let for  
36 construction of the project, not to exceed eight  
37 hundred seventy thousand (870,000) dollars, to be used  
38 by the public broadcasting division to purchase energy

39 efficiency packages for its ultrahigh frequency  
 40 transmitters.”  
 41 4. By renumbering, relettering, or redesignating  
 42 and correcting internal references as necessary.

Schrader of Marion offered the following amendment H—6519, to the Senate amendment H—6505, filed by him and Rosenberg of Story from the floor and moved its adoption:

H—6519

1 Amend the Senate amendment, H—6505, to House File  
 2 2469, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 1, by inserting after line 2 the  
 5 following:  
 6 “\_\_\_\_\_. Page 1, by inserting after line 17 the fol-  
 7 lowing:

8 “If additional funding is necessary for the  
 9 implementation of the provisions of 1988 Iowa Acts,  
 10 the division of community action agencies of the  
 11 department of human rights may allocate not more than  
 12 one hundred fifty thousand (150,000) dollars from the  
 13 moneys appropriated under this subsection for the  
 14 funding of such provisions.”

15 \_\_\_\_\_. Page 1, line 35, by inserting after the word  
 16 “facilities” the following: “from the Stripper Well  
 17 fund.”

18 2. Page 1, by striking lines 3 and 4 and  
 19 inserting the following:

20 “\_\_\_\_\_. Page 2, by striking line 1 and inserting  
 21 the following:  
 22 “.....\$ 1,000,000”.

23 \_\_\_\_\_. Page 2, by inserting after line 1 the  
 24 following:.”

25 3. Page 1, by inserting after line 9, the fol-  
 26 lowing:

27 “If the amorphous semiconductor project is not  
 28 approved, the moneys appropriated under this  
 29 subsection shall revert to the Stripper Well fund.”

30 4. Page 1, by striking lines 10 and 11.

31 5. Page 1, by striking line 15 and inserting the  
 32 following: “from the Exxon fund to the extent to  
 33 which the project qualifies for such funding, and the  
 34 remainder shall be appropriated from the Stripper Well  
 35 fund.”

36 6. Page 1, line 16, by striking the figure  
 37 “500,000” and inserting the following: “350,000”.

38 7. Page 1, by inserting after line 16 the fol-  
 39 lowing:

40 “If the project under this subsection cannot be  
 41 funded with either Exxon or Stripper Well funds, or

42 both, the moneys appropriated shall revert to their  
43 respective funds."

Amendment H—6519 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Cherokee, until his return, on request of Hester of Pottawattamie; Swearingen of Keokuk, for the remainder of the day, on request of Carpenter of Polk.

On motion by Schrader of Marion the House concurred in the Senate amendment H—6505, as amended.

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

On the question "Shall the bill pass?" (H.F. 2469)

The ayes were, 79:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connors	Corbett
Corey	De Groot	Doderer	Dvorsky
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	Lundby
May	McKean	McKinney	Metcalf
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Peters
Petersen, D: F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 21:

Chapman	Connolly	Cooper	Daggett
Diemer	Eddie	Hanson, D. R.	Harbor
Hummel	Knapp	Koenigs	Kremer
Lageschulte	Maulsby	Miller	Muhlbauer
Parker	Pellett	Running	Swearingen
Tyrrell			

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

**IMMEDIATE MESSAGE**  
(House File 2469)

Arnould of Scott asked and received unanimous consent that House File 2469 be immediately messaged to the Senate.

**SENATE AMENDMENT CONSIDERED**

Johnson of Winneshiek called up for consideration **Senate File 2247**, a bill for an act relating to the regulation and reporting of certain pesticides, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6520 to the House amendment:

H-6520

- 1 Amend the House amendment, S-6035, to Senate File
- 2 2247, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 39, by striking the word "two"
- 5 and inserting the following: "three".
- 6 2. Page 2, by inserting after line 9 the
- 7 following:
- 8 "e. The information collected and included in the
- 9 report required under this section shall remain
- 10 confidential. Public reporting concerning the
- 11 information collected shall be performed in a manner
- 12 which does not identify a specific brand name in the
- 13 report."

The motion prevailed and the House concurred in the Senate amendment H-6520, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2247)

The ayes were, 76:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connors	Corbett
Corey	De Groot	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
Lundby	May	McKean	McKinney
Metcalf	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Schneklath
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 3:

Maulsby	Renken	Van Maanen
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Absent or not voting, 21:

Chapman	Connolly	Cooper	Daggett
Diemer	Eddie	Hanson, D. R.	Hummel
Knapp	Koenigs	Kremer	Lageschulte
Miller	Muhlbauer	Parker	Pellett
Plasier	Royer	Running	Swearingen
Tyrrell			

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

### HOUSE INSISTS

Bisignano of Polk called up for consideration **Senate File 173**, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities, and moved that the House insist on its amendment.

### CONFERENCE COMMITTEE APPOINTED (Senate File 173)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 173: Bisignano of Polk, chair; Buhr of Polk, Spear of Lee, Corey of Louisa and Plasier of Sioux.



IMMEDIATE MESSAGE  
(Senate File 2247)

Arnould of Scott asked and received unanimous consent that Senate File 2247 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Wise of Lee called up for consideration **House File 2463**, a bill for an act relating to local option taxes by authorizing a city or county to receive tax return information relating to the taxes; changing the number of days notice must be given before a local hotel or motel tax is imposed, repealed, or its rate changed; legalizing the premature collection of a local hotel or motel tax; and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—6514:

H—6514

1 Amend House File 2463, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting before line 1 the fol-  
4 lowing:  
5 "Sec. \_\_\_\_\_. Section 98.6, subsection 5, Code 1987,  
6 is amended by striking the subsection.  
7 Sec. \_\_\_\_\_. Section 123.37, Code 1987, is amended to  
8 read as follows:  
9 123.37 EXCLUSIVE POWER TO LICENSE AND LEVY TAXES.  
10 The power to establish licenses and permits and  
11 levy taxes as imposed in title VI of the Code is  
12 vested exclusively with the state. Unless  
13 specifically provided, ~~no a local authority shall levy~~  
14 ~~a local tax on the sale of alcoholic beverages, wine,~~  
15 ~~or beer, not require the obtaining of a special~~  
16 ~~license or permit for such the sale of alcoholic~~  
17 beverages, wine, or beer at any establishment, or  
18 require the obtaining of a license by any person as a  
19 condition precedent to the person's employment in the  
20 sale, serving, or handling of alcoholic beverages,  
21 wine, or beer, within an establishment operating under  
22 a license or permit."

The motion prevailed and the House concurred in the Senate amendment H—6514.

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

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

The ayes were, 78:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Corey
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Holveck	Hummel
Jay	Jochum	Johnson	Koenigs
Lundby	May	McKean	McKinney
Metcalf	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 8:

Branstad	De Groot	Hester	Kremer
Maulsby	Platt	Renken	Van Maanen

Absent or not voting, 14:

Connolly	Connors	Cooper	Daggett
Eddie	Hanson, D. R.	Knapp	Lageschulte
Miller	Muhlbauer	Pellett	Swearingen
Tabor	Tyrrell		

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

### IMMEDIATE MESSAGE (House File 2463)

Arnould of Scott asked and received unanimous consent that House File 2463 be immediately messaged to the Senate.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 38**, a bill for an act relating to conservation easements.

Dvorsky of Johnson asked and received unanimous consent to withdraw amendment H—3708 filed by him on April 10, 1987.

Rosenberg of Story offered the following amendment H—6521 filed by him from the floor and moved its adoption:

H-6521

1 Amend Senate File 38, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 4 through 10 and  
4 inserting the following: "department may acquire  
5 easements on real property for any of the".

6 2. Page 1, by inserting after line 20 the  
7 following:

8 "f. Preservation and protection of designated  
9 wetlands."

10 3. Page 1, by striking line 21 and inserting the  
11 following:

12 "2. The department shall estab-".

13 4. Page 1, line 30, by striking the word  
14 "commission" and inserting the following:  
15 "department".

16 5. Page 1, by inserting after line 32 the  
17 following:

18 "e. Criteria for defining designated wetlands.  
19 The criteria shall include wetlands of two or more  
20 acres. The criteria shall include marshes and  
21 sloughs. The criteria shall include type 3, type 4,  
22 type 5, and type 6 wetlands as described in Circular  
23 39, Wetlands of the United States, 1971 Edition,  
24 published by the United States department of  
25 interior."

26 6. By striking page 1, line 33 through page 2,  
27 line 2 and inserting the following:

28 "3. Proceeds from the resale".

29 7. Page 2, line 3, by striking the word  
30 "commission" and inserting the following:  
31 "department".

32 8. Page 2, by striking lines 6 through 9 and  
33 inserting the following:

34 "Sec. \_\_\_\_\_. NEW SECTION. 111D.7 RIGHT OF FIRST  
35 REFUSAL TO PURCHASE DESIGNATED WETLANDS.

36 An owner shall not sell designated wetlands without  
37 first notifying the department and the county  
38 conservation board, if any, of the county in which the  
39 designated wetlands are located, of a bona fide offer  
40 of sale and allowing the department and the county  
41 conservation board thirty days within which to agree  
42 to purchase a conservation easement for appraised  
43 value. If the department and the county conservation  
44 board refuse the right to purchase the conservation  
45 easement or do not agree to purchase of the  
46 conservation easement within thirty days of  
47 notification, the owner may proceed with the sale.

48 NEW SECTION. 111D.8 INVENTORY OF PROTECTED  
49 WETLANDS.

50 The department shall inventory the wetlands,

## Page 2

1 marshes, and sloughs of each county and make a  
2 preliminary designation as to which constitute  
3 designated wetlands. The department shall consult  
4 with the county conservation board, if any, in making  
5 the preliminary designations. Upon completion of the  
6 inventory with preliminary designations, the  
7 department shall prepare a map and list of the  
8 wetlands, marshes, and sloughs which are designated  
9 wetlands in each county. The department shall file at  
10 least one copy of the list and map with the county  
11 conservation board and the county recorder. The  
12 department shall notify the landowners affected by the  
13 preliminary wetlands designation by certified mail.  
14 The notice shall state that any person may challenge  
15 the designation of the designated wetlands or may  
16 request the designation of additional wetlands,  
17 marshes, or sloughs as designated wetlands, by filing  
18 a petition for a hearing with the director within  
19 sixty days following the date of notice. The petition  
20 shall state specifically the reasons for disputing the  
21 preliminary designations of the department. The  
22 hearing shall be held in the county within sixty days  
23 following expiration of the sixty-day period for  
24 filing petitions. Within sixty days following  
25 completion of the hearing, the director shall issue an  
26 order designating the designated wetlands in the  
27 county. The order shall be considered a final  
28 decision of the department in a contested case for the  
29 purposes of judicial review pursuant to chapter 17A.  
30 Sec. \_\_\_\_\_. NEW SECTION. 111D.9 CIVIL PENALTY.  
31 A person who violates the notification requirements  
32 of section 111D.7 is subject to a civil penalty of  
33 five hundred dollars. Each day during which a  
34 violation continues constitutes a separate violation.  
35 Sec. \_\_\_\_\_. Section 159.1, Code 1987, is amended by  
36 adding the following new subsections:  
37 NEW SUBSECTION. 4. "Agricultural drainage well"  
38 means a vertical opening to an aquifer or permeable  
39 substratum, which has been drilled, driven, dug,  
40 bored, augered, jetted, washed, cored, or otherwise  
41 constructed and which intercepts or receives or is  
42 capable of intercepting or receiving surface or  
43 subsurface drainage water from agricultural land. An  
44 agricultural drainage well includes a structurally  
45 altered sinkhole.  
46 NEW SUBSECTION. 5. "Sinkhole" means a natural  
47 depression into which surface water flows forming a  
48 direct conduit to subsurface formations through  
49 solution and collapse of the underlying materials such  
50 as limestone.

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1 NEW SUBSECTION. 6. "Structurally altered  
2 sinkhole" means a sinkhole which has been modified for  
3 the purpose of directing surface or subsurface  
4 drainage to the sinkhole.

5 Sec. \_\_\_\_\_. Section 159.28, Code Supplement 1987, is  
6 amended by adding the following new unnumbered  
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. A person who causes  
9 artificial drainage into a natural sinkhole, shall  
10 register with the department by June 30, 1989, and the  
11 department shall remit the registration document to  
12 the department of natural resources.

13 Sec. \_\_\_\_\_. Section 159.29, subsections 1 and 2,  
14 Code Supplement 1987, are amended to read as follows:

15 1. An owner of an agricultural drainage well other  
16 than a structurally altered sinkhole, but including  
17 wells on publicly owned land or located on public  
18 rights-of-way shall register the well with the  
19 department of natural resources by January 1, 1988  
20 September 30, 1988. If registration is performed by  
21 mail through the United States postal service, the  
22 mailed registration must be postmarked by September  
23 30, 1988. An owner of a structurally altered sinkhole  
24 shall register the sinkhole with the department of  
25 natural resources by September 30, 1989. Prior  
26 registration of a structurally altered sinkhole as an  
27 agricultural drainage well pursuant to this section  
28 satisfies the registration requirement.

29 2. An owner of an agricultural drainage well and a  
30 landholder whose land is drained by the well or wells  
31 of another person shall develop, in consultation with  
32 the department of agriculture and land stewardship and  
33 the department of natural resources, a plan which  
34 proposes alternatives to the use of agricultural  
35 drainage wells by July 1, 1991 1992.

36 a. Financial incentive moneys may be allocated  
37 from the financial incentive portion of the  
38 agriculture management account of the groundwater  
39 protection fund to implement alternatives to  
40 agricultural drainage wells.

41 b. An owner of an agricultural drainage well, and  
42 a tenant on land drained by the agricultural drainage  
43 well, or a landholder whose land is drained by the  
44 well or wells of another person shall not be eligible  
45 for financial incentive moneys pursuant to paragraph  
46 "a" if the owner fails to register the well with the  
47 department of natural resources by January 1, 1988 the  
48 appropriate date requirement pursuant to subsection 1,  
49 or if the owner fails to develop a plan for  
50 alternatives in cooperation with the department of

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1 agriculture and land stewardship and the department of  
2 natural resources.

3 c. A tenant on land drained by an agricultural  
4 drainage well, or the owner or tenant of property  
5 which is drained to a well or property owned by  
6 another person may report an agricultural drainage  
7 well to the department of natural resources by the  
8 appropriate date requirement pursuant to subsection 1,  
9 in order to satisfy the requirement for eligibility  
10 for any future cost-share program related to  
11 agricultural drainage wells, provided that the owner  
12 of the property on which the well is located registers  
13 the well within thirty days of the report. If the  
14 landowner does not register the agricultural drainage  
15 well within thirty days of the receipt of the report,  
16 the department of natural resources shall notify the  
17 landowner regarding the requirement to register and  
18 the penalty which may be applied. If a landowner has  
19 not registered within sixty days of the notification,  
20 the department of natural resources may impose a civil  
21 penalty of not more than twenty dollars per day in  
22 excess of sixty days.

23 Sec. \_\_\_\_\_. Section 455E.11, subsection 2, paragraph  
24 b, Code Supplement 1987, is amended by adding the  
25 following new subparagraph after subparagraph (1) and  
26 renumbering the remaining subparagraphs:

27 NEW SUBPARAGRAPH. (2) Two hundred thousand  
28 dollars of the moneys deposited in the agriculture  
29 management account is appropriated to the department  
30 of agriculture and land stewardship for the fiscal  
31 year beginning July 1, 1987, and ending June 30, 1988,  
32 for the demonstration projects regarding agriculture  
33 drainage wells and sinkholes. Any remaining balance  
34 of the appropriation made for the purpose of funding  
35 such demonstration projects for the fiscal year  
36 beginning July 1, 1987, and ending June 30, 1988,  
37 shall not revert to the account, notwithstanding  
38 section 8.33, but shall remain available for the  
39 purpose of funding such demonstration projects during  
40 the fiscal period beginning July 1, 1988, and ending  
41 June 30, 1990.

42 Sec. \_\_\_\_\_. Section 455E.11, subsection 2, paragraph  
43 b, subparagraph (2), subdivision (d), Code Supplement  
44 1987, is amended to read as follows:

45 (d) Thirteen percent of the moneys is appropriated  
46 annually to the department of agriculture and land  
47 stewardship for financial incentive programs related  
48 to agricultural drainage wells and sinkholes, for  
49 studies and administrative costs relating to sinkholes  
50 and agricultural drainage wells programs, and not more

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1 than two hundred thousand dollars of the moneys is  
 2 appropriated for the demonstration projects regarding  
 3 agricultural drainage wells and sinkholes. Of the  
 4 thirteen percent allocated for financial incentive  
 5 programs, not more than fifty thousand dollars is  
 6 appropriated for the fiscal year beginning July 1,  
 7 1987 and ending June 30, 1988, to the department of  
 8 natural resources for grants to county conservation  
 9 boards for the development and implementation of  
 10 projects regarding alternative practices in the  
 11 remediation of noxious weeds or other vegetation  
 12 within highway rights-of-way. Any remaining balance  
 13 of the appropriation made for the purpose of funding  
 14 of projects regarding alternative practices in the  
 15 remediation of noxious weeds or other vegetation  
 16 within highway rights-of-way for the fiscal year  
 17 beginning July 1, 1987, and ending June 30, 1988,  
 18 shall not revert to the account, notwithstanding  
 19 section 8.33, but shall remain available for the  
 20 purpose of funding the projects during the fiscal  
 21 period beginning July 1, 1988, and ending June 30,  
 22 1990."

23 10. Title page, line 1, by striking the words  
 24 "conservation easements" and inserting the following:  
 25 "the conservation of agricultural lands".

Amendment H—6521 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. 38)

The ayes were, 62:

- |               |             |                  |           |
|---------------|-------------|------------------|-----------|
| Adams         | Arnould     | Beatty           | Bisignano |
| Black         | Blanshan    | Brammer          | Buhr      |
| Carpenter     | Chapman     | Clark            | Cohoon    |
| Connolly      | Corbett     | Corey            | Diemer    |
| Doderer       | Dvorsky     | Fey              | Fogarty   |
| Fuller        | Gruhn       | Halvorson, R. N. | Hammond   |
| Hansen, S. D. | Harper      | Hatch            | Haverland |
| Holveck       | Jay         | Jochum           | Johnson   |
| Koenigs       | Kremer      | Lundby           | May       |
| McKean        | McKinney    | Metcalf          | Mullins   |
| Neuhauser     | Ollie       | Osterberg        | Parker    |
| Pavich        | Peters      | Peterson, M. K.  | Platt     |
| Poncy         | Renaud      | Rosenberg        | Running   |
| Schrader      | Shoning     | Siegrist         | Skow      |
| Spear         | Stueland    | Teaford          | Van Camp  |
| Wise          | Mr. Speaker |                  |           |

The nays were, 17:

Bennett	Branstad	De Groot	Garman
Halvorson, R. A.	Harbor	Hermann	Hester
Maulsby	Paulin	Petersen, D. F.	Renken
Royer	Schnekloth	Stromer	Svoboda
Van Maanen			

Absent or not voting, 21:

Beaman	Connors	Cooper	Daggett
Eddie	Groninga	Hanson, D. R.	Hummel
Knapp	Lageschulte	Miller	Muhlbauer
Norrgard	Pellett	Plasier	Sherzan
Shoultz	Swartz	Swearingen	Tabor
Tyrrell			

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

### IMMEDIATE MESSAGE

(Senate File 38)

Arnould of Scott asked and received unanimous consent that Senate File 38 be immediately messaged to the Senate.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Norrgard of Des Moines, for the remainder of the day, on request of Adams of Hamilton.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2046, a bill for an act relating to student membership on the state board of regents.

Also: That the Senate has on April 15, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2258, a bill for an act relating to trespass upon the right-of-way of a public road or highway.

Also: That the Senate has on April 15, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2466, a bill for an act relating to the extension of the exclusion of a residential care facility from certificate of need requirements.

JOHN F. DWYER, Secretary



ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 2312)

Poncy of Wapello called up for consideration the report of the conference committee on Senate File 2312 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2312

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

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

1. That the Senate recedes from its amendment, H-6417.

2. That the House recedes from its amendment, S-5890.

3. That Senate File 2312, as amended, passed, and reprinted by the Senate, is amended as follows:

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

DIVISION I  
DEPARTMENT OF CULTURAL AFFAIRS

Section 1. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For the administration division for salaries and support for not more than eight full-time equivalent positions, maintenance, and miscellaneous purposes:  
..... \$ 273,190

2. For the arts division for salaries and support for not more than ten full-time equivalent positions, maintenance, and miscellaneous purposes including funds to match federal grants:  
..... \$ 493,069

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the arts division shall expend moneys to develop a basic art education curriculum in cooperation with the department of education in order to qualify for receipt of federal matching funds from the national endowment for the arts.

3. For the historical division:

a. For salaries and support for not more than fifty-seven full-time equivalent positions, maintenance, and miscellaneous purposes:  
 ..... \$ 1,899,128

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this paragraph one of the full-time equivalent positions employed by the historical division be assigned marketing duties relating to the historical division and the department of cultural affairs.

b. For equipment, planning and construction costs for exhibits:  
 ..... \$ 600,000

4. For the library division for salaries and support for not more than forty point five full-time equivalent positions, maintenance, and miscellaneous purposes:  
 ..... \$ 1,177,842

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the library division shall expend moneys for open access of libraries, for library cooperation grants, and for the operation of the blue ribbon task force on library cooperation and technology established in section 4 of this Act.

5. For the public broadcasting division for salaries and support for not more than one hundred full-time equivalent positions, maintenance, capital expenditures, and miscellaneous purposes:  
 ..... \$ 6,280,706

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the public broadcasting division shall expend moneys for the replacement of the channel 12 transmitter located at West Branch and for narrowcast production facilities. Notwithstanding section 8.33, if a portion of the moneys appropriated in this subsection is not expended or encumbered on June 30, 1989, the amount remaining shall not revert to the general fund of the state but is appropriated for expenditure for the purposes specified in this subsection during the fiscal year beginning July 1, 1989.

6. For the Terrace Hill commission for salaries and support for not more than five point twenty-five full-time equivalent positions, maintenance, and miscellaneous purposes for the operation of Terrace Hill and for conducting tours:  
 ..... \$ 179,284

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the Terrace Hill commission shall expend moneys for the replacement or repair of all porches at Terrace Hill.

7. For the regional library system for state aid:  
 ..... \$ 1,458,985

8. To assist the Iowa newspaper association in funding the Iowa tomorrow: 2010 project, a project that will consist of statewide consensus building for Iowa's economic future:  
 ..... \$ 100,000

Sec. 2. It is the intent of the general assembly that as a condition, limitation, and qualification of funds appropriated in section 1, subsection 3, of this Act, the historical division solicit voluntary contributions on behalf of the historical division at entrance

locations and other locations throughout the historical building. Voluntary contributions collected in this manner and entrance fees for the Montauk governor's mansion shall be used to pay principal and interest on moneys borrowed from the permanent school fund under section 303.18.

Sec. 3. Notwithstanding sections 302.1 and 302.1A, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the portion of the interest earned on the permanent school fund that is not transferred to the credit of the first in the nation in education foundation and not transferred to the credit of the national center for gifted and talented education shall be credited as a payment by the historical division of the department of cultural affairs of principal and interest due on moneys loaned to the historical division under section 303.18.

Sec. 4. As a condition, limitation, and qualification of funds appropriated in section 1, subsection 4, of this Act, the director of the department of cultural affairs shall appoint a blue ribbon task force on libraries to examine the potential for cooperation among various library and media centers in this state through the utilization of new technology. The members of the blue ribbon task force shall consist of representatives from public libraries, university and college libraries, public and nonpublic elementary and secondary school libraries, area education agency media centers, regional libraries, libraries in area schools, the narrowcast division of the public broadcasting division, and the library division, and members of the general assembly. The administrator of the library division shall serve as chairperson of the task force.

The task force is directed to:

1. Evaluate the new technology available for libraries and the potential for cooperative use of the technology deemed to be useful.
2. Discuss problem areas from the view of the library user in the establishment of cooperative programs.
3. Develop a comprehensive long-range plan for library cooperation that will provide for a sharing of resources and use of new technology. The plan shall include free and equal access to library resources to citizens of the state and a plan for funding the services and purchase and operation of the new technology.

The task force shall hold meetings as deemed necessary and shall submit the plan to the governor and to the general assembly not later than December 1, 1988.

Sec. 5. The public broadcasting division of the department of cultural affairs may use the state of Iowa facilities improvement corporation to purchase energy efficiency packages for its ultrahigh frequency transmitters without meeting the requirements of section 19.34.

Sec. 6. Notwithstanding 1986 Iowa Acts, chapter 1246, section 102 and section 103, as amended by 1987 Iowa Acts, chapter 228, section 7, moneys appropriated in those sections that remain unobligated and unencumbered on June 30, 1988, shall not revert to the general fund on June 30, 1988, but shall remain available for expenditure for the purposes specified until June 30, 1989.

Sec. 7. Section 99E.32, subsection 3, paragraph c, Code Supplement 1987, is amended to read as follows:

c. To For the fiscal years beginning July 1, 1986, and July 1, 1987, to the department of cultural affairs, and for the fiscal years beginning July 1, 1988, and July 1,

1989, to the arts division of the department of cultural affairs, for the purposes designated in section 99E.31, subsection 3, paragraph "d". For the fiscal year beginning July 1, 1987, the amount appropriated is six hundred seventy-five thousand dollars.

Sec. 8. Section 303.9, subsection 1, Code 1987, is amended to read as follows:

1. All funds received by the department, including but not limited to gifts, endowments, funds from the sale of memberships in the state historical society, funds from the sale of mementos and other items relating to Iowa history as authorized under subsection 2, interest generated by the life membership trust fund, and fees, except entrance fees for the Montauk governor's mansion, shall be credited to the account of the department and are appropriated to the department to be invested or used for programs and purposes under the authority of the department. Interest earned on funds credited to the department, except funds appropriated to the department from the general fund of the state, shall be credited to the department. Section 8.33 does not apply to funds credited to the department under this section.

DIVISION II  
COLLEGE AID COMMISSION

Sec. 9. There is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

COLLEGE AID COMMISSION

For salaries and support for not more than five point thirty-two full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 279,251

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this section, the college aid commission shall expend moneys for the occupational therapist loan repayment program established in section 261.46.

Sec. 10. There is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of seven hundred fifteen thousand (715,000) dollars, or so much thereof as may be necessary, to be paid to the college of osteopathic medicine and surgery for the subvention program created pursuant to sections 261.18 and 261.19. Notwithstanding section 261.19, for the fiscal year beginning July 1, 1988, the subvention shall be used for the admission and education of students enrolled in each of the four years of classes in the college of osteopathic medicine and surgery.

Sec. 11. There is appropriated from the guaranteed student loan reserve fund to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, to be used for the funding of the following programs for the guaranteed student loan program:

1. OPERATING COSTS

For operating costs, including salaries and support for not more than twenty-six point eighty full-time equivalent positions:

..... \$ 2,202,606

2. LOAN CONSOLIDATION SERVICES

For loan consolidation services:

.....\$ 200,000

Sec. 12. As a condition, limitation, and qualification of the appropriation made in section 261.25, subsection 1 for the fiscal year beginning July 1, 1988, the institutions of higher education that enroll recipients of Iowa tuition grants shall transmit to the Iowa college aid commission information about the numbers of minority students enrolled and minority faculty members employed at the institution, and existing or proposed plans for the recruitment and retention of minority students and faculty as well as existing or proposed plans to serve nontraditional students. The Iowa college aid commission shall compile and report the enrollment and employment information and plans to the chairpersons and ranking members of the house and senate education committees, and chairpersons and ranking members of the joint education appropriations subcommittee and the governor by February 1, 1989.

Sec. 13. Notwithstanding the appropriation provided in section 261.25, subsection 3, there is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of six hundred forty-four thousand two hundred ninety-four (644,294) dollars for vocational-technical tuition grants.

Sec. 14. Notwithstanding the appropriation provided in section 261.45, there is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of eighty-four thousand six hundred ninety-nine (84,699) dollars for reimbursement payments for the guaranteed loan payment program.

Sec. 15. Notwithstanding section 261.53, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, funds shall not be appropriated from the general fund of the state and loans shall not be made under sections 261.51 and 261.52.

Sec. 16. The legislative fiscal bureau shall study options for providing guaranteed student loan services to eligible borrowers and make recommendations to the education appropriations subcommittee chairpersons and ranking members not later than November 1, 1988.

Sec. 17. The college aid commission shall review during the fiscal year beginning July 1, 1988, the impact of the rule adopted by the commission that extends the deadline for applications for the Iowa tuition grant program and shall continue to pursue administrative methods that will promote access to the tuition grant program for those individuals seeking to receive an education in this state from an independent college or university. The college aid commission shall consider making a recommendation to the general assembly that increases the maximum amount of a tuition grant for those individuals who are expected to have a substantial debt burden upon graduation. The commission shall submit a report that outlines its conclusions to the general assembly by December 1, 1988.

Sec. 18. Section 99E.31, subsection 4, paragraph b, Code Supplement 1987, is amended to read as follows:

b. To the Iowa college aid commission for the summer institute program established pursuant to this paragraph the sum of one million dollars. Institutions of higher education in the state may submit proposals to the council for postsecondary education for ~~eight-week~~ summer institute programs to upgrade the skills of Iowa teachers

in the subject areas of math, science, foreign languages and such other areas as the department of public instruction has indicated a teaching shortage exists. A summer institute program shall consist of an intensive immersion of at least eight weeks' duration in the subject area of the program except that a summer institute program that assists teachers to use technology in the classroom may have a duration of three weeks. In determining programs to be funded, preference shall be given to programs that will allow teachers to gain endorsements in other subject areas, or to add to their endorsements in mathematics, science, foreign languages, and other areas that the department of education has determined are areas in which a shortage of teachers currently exists or is predicted to occur.

**PARAGRAPH DIVIDED.** The proposals shall provide for the institutional reimbursement for the costs of instruction, materials, and room and board for the participants as well as for a weekly stipend of one hundred fifty dollars per week for each participant. The council for postsecondary education shall select the institutions at which the summer institutes shall be conducted based upon recommendations of the department of education. The council for postsecondary education in consultation with the Iowa college aid commission shall establish the criteria for the selection of the teachers to participate in the programs.

Sec. 19. Section 99E.32, subsection 4, paragraph c, Code Supplement 1987, is amended to read as follows:

c. To the Iowa college aid commission for the purposes and under the conditions specified in section 99E.31, subsection 4, paragraph "b". For the fiscal year years beginning July 1, 1987, and July 1, 1988, no amount is appropriated. However, the funds transferred under paragraph "a" are available for use under this paragraph for the fiscal year years beginning July 1, 1987, and July 1, 1988.

Sec. 20. Section 261.2, Code 1987, is amended by adding the following new subsection:

**NEW SUBSECTION. 10.** Prepare and administer the occupational therapists loan program under this chapter.

Sec. 21. Section 261.2, Code 1987, is amended by adding the following new subsection:

**NEW SUBSECTION. 11.** Review reports filed by accredited private institutions under section 261.9, subsection 5, to determine compliance.

Sec. 22. Section 261.9, subsection 4, Code Supplement 1987, is amended to read as follows:

4. "Qualified student" means a ~~full-time~~ resident student who has established financial need and who is making satisfactory progress toward graduation.

Sec. 23. Section 261.9, subsection 5, Code Supplement 1987, is amended by adding the following new paragraph:

**NEW PARAGRAPH. f.** Which promotes equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel at the institution. In carrying out this responsibility the institution shall do all of the following:

- (1) Designate a position as the affirmative action coordinator.

(2) Adopt affirmative action standards.

(3) Gather data necessary to maintain an ongoing assessment of affirmative action efforts.

(4) Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans.

(5) Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.

(6) Establish an equal employment committee to assist in addressing affirmative action needs, including recruitment.

(7) Address equal opportunity and affirmative action training needs by:

(a) Providing appropriate training for managers and supervisors.

(b) Insuring that training is available for all staff members whose duties relate to personnel administration.

(c) Investigating means for training in the area of career development.

(8) Require development of equal employment opportunity reports, including the initiation of the processes necessary for the completion of the annual EEO-6 reports required by the federal equal employment opportunity commission.

(9) Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.

(10) File annual reports with the college aid commission of activities under this paragraph.

Sec. 24. Section 261.9, subsection 7, Code Supplement 1987, is amended to read as follows:

7. "Half-time Part-time resident student" means an individual resident of Iowa who is enrolled at an accredited private institution in a course of study including at least ~~six~~ three semester hours or the trimester or quarter equivalent of ~~six~~ three semester hours. "Course of study" does not include correspondence courses.

Sec. 25. Section 261.10, Code 1987, is amended to read as follows:

#### 261.10 WHO QUALIFIED.

A tuition grant may be awarded to any a resident of Iowa who is admitted and in attendance as a full-time or half-time part-time resident student at any an accredited private institution and who establishes financial need.

Sec. 26. Section 261.11, Code 1987, is amended to read as follows:

#### 261.11 EXTENT OF GRANT.

A qualified full-time resident student may receive tuition grants for not more than eight semesters of undergraduate study or the trimester or quarter equivalent. A qualified half-time part-time resident student may receive tuition grants for not more than sixteen semesters of undergraduate study or the trimester or quarter equivalent.

Sec. 27. Section 261.12, subsection 2, Code 1987, is amended to read as follows:

2. The amount of a tuition grant to a qualified half-time part-time student enrolled in a course of study including at least six semester hours for the fall and spring semesters, or the trimester or quarter equivalent, shall be one-half the amount which would be paid for a qualified full-time student under the provisions of subsection 1.

The amount of a tuition grant to a qualified part-time student enrolled in a course of study including at least three semester hours but fewer than six semester hours for the fall and spring semesters, or trimester or quarter equivalent, shall be one-fourth the amount which would be paid for a qualified full-time student under subsection 1.

Sec. 28. Section 261.25, subsection 1, Code Supplement 1987, is amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~twenty-four~~ twenty-eight million ~~three~~ eight hundred ~~nineteen thousand eighty-four~~ ninety-four thousand seven hundred ~~sixty-five~~ sixty-five dollars for tuition grants.

Sec. 29. Section 261.37, subsection 8, Code Supplement 1987, is amended to read as follows:

8. To develop and disseminate informational and educational materials to lenders, postsecondary institutions and borrowers. The commission shall provide applicants, as deemed necessary by the commission, with information about the past default ~~rate~~ rates of borrowers, enrollment, and placement statistics by postsecondary institutions institution.

Sec. 30. NEW SECTION. 261.46 OCCUPATIONAL THERAPIST LOAN PAYMENTS.

An occupational therapist loan payment program is established to be administered by the commission.

An occupational therapist is eligible for reimbursement payments under this section if the individual:

1. Has entered into a payment agreement with the commission on or after July 1, 1988.

2. Is a licensed occupational therapist under chapter 148B.

3. Is an Iowa resident employed in Iowa as an occupational therapist as certified by the board of physical and occupational therapy examiners.

4. Has an outstanding debt with an eligible lender under the Iowa guaranteed student loan program, or has parents with an outstanding debt with an eligible lender under the Iowa PLUS loan program, for the third and fourth years of an occupational therapist program.

The commission shall adopt rules under chapter 17A to provide for the administration of the program. The maximum annual reimbursement to an eligible occupational therapist for loan payments made during a year for loans qualifying under subsection 4 shall be equal to four thousand dollars or the remainder of a loan, whichever is less. Total payments for an eligible occupational therapist are limited to a two-year period and shall not exceed a total of eight thousand dollars.



If an occupational therapist fails to complete a year of employment as provided in subsection 3, the individual shall not be reimbursed for payments made during that year.

Sec. 31. Section 261.81, Code 1987, is amended to read as follows:

261.81 WORK-STUDY PROGRAM.

The Iowa college work-study program is established to stimulate and promote the part-time employment of students attending Iowa postsecondary educational institutions who are in need of employment earnings in order to pursue postsecondary education. The program shall be administered by the commission. The commission shall adopt rules under chapter 17A to carry out the program. The employment under the program shall be employment by the postsecondary education institution itself or work in a public agency or private nonprofit organization under a contract between the institution and the agency or organization. An eligible postsecondary institution that is allocated twenty thousand dollars or more for the work-study program by the commission shall allocate at least ten percent of the funds received for student employment in a public agency or private nonprofit organization that is accredited, approved, licensed, registered, certified, or operated by the department of human services or the department of corrections. However, if by October 1, for the first semester of an academic year, or by March 1, for the second semester of an academic year, contracts have not been signed, the funds may be used for employment by the postsecondary institution itself. The work shall not result in the displacement of employed workers or impair existing contracts for services.

Sec. 32. Section 261.85, Code Supplement 1987, is amended to read as follows:

261.85 APPROPRIATION.

There is appropriated from the general fund of the state to the commission for each fiscal year the sum of two million ~~one~~ six hundred fifty thousand dollars for the work-study program.

From moneys appropriated in this section, one million ~~one~~ five hundred fifty thousand dollars shall be allocated to institutions of higher education under the state board of regents and merged area schools and the remaining ~~one million~~ dollars appropriated in this section shall be allocated by the commission on the basis of need as determined by the portion of the federal formula for distribution of work study funds that relates to the current need of institutions.

DIVISION III  
DEPARTMENT OF EDUCATION

Sec. 33. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

1. GENERAL ADMINISTRATION

For salaries and support for not more than one hundred twenty-one full-time equivalent positions, maintenance, and miscellaneous purposes:  
..... \$ 5,371,825

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the department shall expend moneys

for the development of model human growth and development curricula for grades kindergarten through twelve and for the identification and dissemination of information about early intervention programs for students who are at the greatest risk of suffering from the problems of dropping out of school, substance abuse, adolescent pregnancy, or suicide.

As a condition, limitation, and qualification of the appropriation made in this section, the department shall cooperate with the college aid commission and survey a representative sample of individuals graduating from high school during the school year beginning July 1, 1987. The purpose of this study is to determine why high school graduates are choosing not to pursue further education or technical training and identify the unmet needs for postsecondary education. For comparison purposes, high school graduates who do continue their education may be examined. In addition, this study will lay the groundwork for the development of a tracking mechanism to evaluate the effectiveness of each school district's preparation of its students for obtaining a college education or technical training. The survey shall elicit information about the sex of the student, race of the student, educational background of parents or guardians, location of residence, family income, reasons for not enrolling, and other relevant information. The college aid commission and the department of education shall compile the information received from the survey and other relevant sources and report the results to the general assembly by November 1, 1989.

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the department of education shall expend moneys to contract with institutions of higher education to provide a summer residence program for gifted and talented elementary and secondary school students and to support existing law-related education centers for training seminars and workshops in law-related education, summer institutes relating to law-related education and methodology and substance, and mock trial competitions for junior and senior high school students. The law-related education program shall include the legislative lawmaking process. Educational materials for this segment of the program shall be developed by the law-related education centers in consultation with the legislative council.

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the department of education shall expend moneys to provide funds for the lift up program administered by the fifth judicial district department of correctional services to assist clients to obtain high school equivalency diplomas. The department of education shall assist the fifth judicial district department of correctional services in the development of an analysis of the effectiveness of the program. The department of correctional services shall submit a report analyzing the effectiveness of the program to the chairpersons and ranking members of the education appropriations subcommittee and to the legislative fiscal bureau not later than February 1, 1989.

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the department of education shall expend moneys for funding pilot projects of school corporations to encourage the advancement of women and minorities to administrative positions within that school corporation. Each school corporation receiving moneys for a pilot project under this section shall submit a written report to the department analyzing the results of the project not later than October 1, 1989.

2. SPECIAL PROGRAMS AND PROJECTS.

For enhancing the preparation, teaching experiences, and induction of educators, and for assisting teachers to use technologies in the classroom:

..... \$ 750,000

The department shall expend the moneys appropriated in this subsection for the following programs:

a. To develop, in cooperation with approved teacher education programs, model training and incentive programs for cooperating teachers, including studying the feasibility of establishing a cooperating teacher approval.

b. To develop criteria for enhancing the clinical experiences of prospective teachers and for grants for pilot projects that designate certain schools as clinical schools.

c. For grants for pilot projects that enhance the interaction between the faculty of approved teacher education institutions and teachers in school districts that accept student teachers from that institution.

d. For developing an evaluation system to be used by evaluator panels that are evaluating teachers after the initial certification and before advancement to the next certification level.

e. For developing, in cooperation with approved teacher education institutions, model systems for evaluating student teachers and for self-evaluation systems for student teachers and teachers.

f. To provide funds to be used in conjunction with the University of Northern Iowa to develop a networking system that translates effective teaching methods through the use of a computer conferencing system to form information exchange networks.

g. For grants for pilot projects for approved teacher education institutions to develop instructional programs that will instruct teachers in the use of electronic technologies. The pilot projects may include a demonstration project that involves classroom teachers and student teachers in the use of instructional technologies.

h. To conduct a feasibility study of the establishment of five-year teacher education programs.

School districts and institutions receiving moneys under this subsection shall file a report with the department upon completion of the pilot project.

Notwithstanding the maximum number of full-time equivalent employees authorized in subsection 1, the department may employ a full-time equivalent individual to assist the department employees in fulfilling the requirements of this subsection.

Notwithstanding section 8.33, moneys appropriated in this subsection shall not revert to the general fund of the state but shall remain available for expenditure for the purposes specified until June 30, 1990.

3. VOCATIONAL EDUCATION ADMINISTRATION

For salaries and support for not more than forty-four full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 844,671

4. VOCATIONAL EDUCATION AID

For vocational education aid to secondary schools:

..... \$ 3,666,360

Funds appropriated by this subsection are to be used for aid to school districts for development and the conduct of both continuing and new vocational programs, services and activities of vocational education through secondary schools, and for aid to existing jointly administered secondary vocational education programs, in accordance with chapter 258 and chapter 280A, and to purchase instructional equipment for vocational and technical courses of instruction in such schools.

5. VOCATIONAL YOUTH ORGANIZATION FUND

To carry out section 258.14:

..... \$ 9,000

6. SCHOOL FOOD SERVICE

For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for federal programs and which shall be disbursed according to federal regulations, including salaries and support for not more than sixteen full-time equivalent positions:

..... \$ 3,146,215

7. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school or authorized by section 301.1. Such funding is limited to ten dollars per pupil and shall not exceed the comparable services offered to resident public school pupils:

..... \$ 348,413

8. PROFESSIONAL TEACHING PRACTICES COMMISSION

For the use of the commission to carry out chapter 272A, including salaries and support for not more than one point forty-six full-time equivalent positions:

..... \$ 66,454

9. IOWA ACADEMY OF SCIENCE

For support and maintenance:

..... \$ 50,000

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the Iowa academy of science annually submit a report of its activities, including a report of its expenditures, income from all sources, and current asset and liability base, for each fiscal year beginning with the fiscal year commencing July 1, 1987, to the legislative fiscal bureau not later than September 15 of the following fiscal year.

10. NON-ENGLISH SPEAKING

To provide funding to public schools and for nonpublic school students attending approved nonpublic schools for special instruction: .....

\$ 150,000

11. VOCATIONAL REHABILITATION DIVISION

a. For salaries and support for not more than three hundred eight point five full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 2,732,253

b. For matching funds for programs to enable severely physically or mentally disabled persons to function more independently including salaries and support for not more than one point five full-time equivalent positions:  
 ..... \$ 17,715

**12. MERGED AREA SCHOOLS**

a. For general state financial aid to merged areas as defined in section 280A.2 and for vocational education programs in accordance with chapters 258 and 280A, to purchase instructional equipment for vocational and technical courses of instruction in such schools, and for salary increases, the amount of fifty-seven million two hundred ninety-five thousand eight hundred twenty-seven (57,295,827) dollars to be allocated as follows:

(1) Merged Area I .....	\$2,654,050
(2) Merged Area II .....	\$3,294,267
(3) Merged Area III .....	\$3,058,380
(4) Merged Area IV .....	\$1,493,218
(5) Merged Area V .....	\$3,460,235
(6) Merged Area VI .....	\$3,465,025
(7) Merged Area VII .....	\$4,573,775
(8) Merged Area IX .....	\$4,739,009
(9) Merged Area X .....	\$7,529,839
(10) Merged Area XI .....	\$7,392,910
(11) Merged Area XII .....	\$3,392,923
(12) Merged Area XIII .....	\$3,584,746
(13) Merged Area XIV .....	\$1,489,940
(14) Merged Area XV .....	\$4,432,771
(15) Merged Area XVI .....	\$2,734,739

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this paragraph, the merged area schools shall expend from moneys appropriated in this paragraph a minimum of three million five hundred thousand (3,500,000) dollars for additional salary increases for certificated nonadministrative faculty members of the merged area schools. A faculty member employed in both an administrative and a nonadministrative position shall be considered a part-time nonadministrative faculty member for the portion of time in the nonadministrative position. Distribution of the moneys for salary increases shall be negotiated pursuant to chapter 20 if the certificated nonadministrative faculty members of the area school are organized for collective bargaining purposes.

b. For distribution as property tax replacement moneys to each of the merged area schools in amounts determined by the department:  
 ..... \$ 411,772

The moneys distributed under this paragraph shall be considered as part of the moneys generated under chapter 286A on a statewide basis.

**13. MERGED AREA SCHOOL PERSONAL PROPERTY TAX REPLACEMENT**

For general financial aid to merged areas in lieu of personal property replacement payments under section 427A.13, the amount of eight hundred twenty-eight thousand twelve (828,012) dollars to be allocated as follows:

a. Merged Area I .....	\$65,152
b. Merged Area II .....	\$50,567

c. Merged Area III	\$33,891
d. Merged Area IV	\$23,204
e. Merged Area V	\$60,042
f. Merged Area VI	\$34,514
g. Merged Area VII	\$57,884
h. Merged Area IX	\$69,103
i. Merged Area X	\$97,180
j. Merged Area XI	\$142,463
k. Merged Area XII	\$46,200
l. Merged Area XIII	\$40,972
m. Merged Area XIV	\$20,826
n. Merged Area XV	\$55,026
o. Merged Area XVI	\$30,988

Sec. 34. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts:

1. For state financial aid to merged areas the amount of twenty-three million fifty-five thousand three hundred fifty-six (23,055,356) dollars, to be accrued as income and used for expenditures incurred by the area schools during the fiscal year beginning July 1, 1988, and ending June 30, 1989, to be allocated to each area school as follows:

a. Merged Area I	\$1,069,231
b. Merged Area II	\$1,327,820
c. Merged Area III	\$1,245,067
d. Merged Area IV	\$611,651
e. Merged Area V	\$1,388,438
f. Merged Area VI	\$1,388,244
g. Merged Area VII	\$1,843,493
h. Merged Area IX	\$1,896,400
i. Merged Area X	\$3,035,941
j. Merged Area XI	\$2,935,708
k. Merged Area XII	\$1,379,340
l. Merged Area XIII	\$1,431,518
m. Merged Area XIV	\$606,620
n. Merged Area XV	\$1,799,477
o. Merged Area XVI	\$1,096,408

2. For distribution as property tax replacement moneys to each of the merged area schools in amounts determined by the department:

..... \$ 176,474

The moneys distributed under this subsection shall be considered as part of the moneys generated under chapter 286A on a statewide basis.

3. Funds appropriated by this section shall be allocated pursuant to this section and paid on or about August 15, 1989.

Sec. 35. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1989, and ending June 30, 1990, for general financial aid to merged areas in lieu of property tax replacement payments under section 427A.13, the amount of three hundred fifty-four thousand eight hundred sixty (354,860) dollars, to be accrued as income and used for expenditures incurred

by the area schools during the fiscal year beginning July 1, 1988, and ending June 30, 1989, to be allocated to each area as follows:

1. Merged Area I .....	\$27,922
2. Merged Area II .....	\$21,671
3. Merged Area III .....	\$14,525
4. Merged Area IV .....	\$9,924
5. Merged Area V .....	\$25,732
6. Merged Area VI .....	\$14,792
7. Merged Area VII .....	\$24,807
8. Merged Area IX .....	\$29,615
9. Merged Area X .....	\$41,649
10. Merged Area XI .....	\$61,056
11. Merged Area XII .....	\$19,800
12. Merged Area XIII .....	\$17,559
13. Merged Area XIV .....	\$8,925
14. Merged Area XV .....	\$23,582
15. Merged Area XVI .....	\$13,281

Funds appropriated by this section shall be allocated pursuant to this section and paid on or about August 15, 1989.

Sec. 36. Moneys allocated to area schools under section 33, subsections 12 and 13, of this Act, for expenditures incurred during the fiscal year beginning July 1, 1988, and ending June 30, 1989, shall be paid by the department of revenue and finance in installments due on or about November 15, February 15, and May 15 of that fiscal year. The payments received by area schools on or about August 15 under sections 34 and 35 of this Act are accounts receivable for the previous fiscal year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state resources.

Sec. 37. The education appropriations subcommittee shall review the method of calculating the total contact hours for an area school for purposes of chapter 286A so that the calculation can be consistent with the method of calculating enrollment for school districts under the revision of chapter 442 and shall report the results of this study to the general assembly meeting in 1990.

Sec. 38. The department of education may solicit gifts and grants to be used to finance the costs of conducting a study of the literacy of Iowa's young adults.

If sufficient moneys are received for the study, the department of education shall award the contract to an independent testing corporation located in this state. The specifications for the study shall be substantially similar to the specifications for the national assessment of educational progress study of the literacy of young adults in the United States conducted by the educational testing service.

Sec. 39. Notwithstanding the appropriation provided in section 294A.25, subsection 1, there is appropriated from the general fund of the state to the department of education, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of ninety-two million seven thousand nine hundred eighty-five (92,007,985) dollars for the educational excellence program.

Sec. 40. For the fiscal year beginning July 1, 1988, and ending June 30, 1989, section 280.4, subsection 4, is void and weighted enrollment calculated under section 442.4, subsection 6, does not include application of the non-English speaking weighting plan in section 280.4.

## Sec. 41.

1. The state board of education may approve the request of an area vocational school to be reclassified as an area community college, but shall not allow the school to create an associate of arts program leading to the associate of arts degree until the requirements of this section have been met. An area vocational school reclassified as an area community college may contract with an accredited private institution, as defined in section 261.9, subsection 5, that is located within the merged area, for the area community college students to enroll in courses leading to an associate of arts degree.

2. An area community college for which the state board of education approved the creation of an arts and sciences division after February 1, 1988, and prior to the effective date of this Act, shall not implement curricular changes until the requirements of this section have been met.

This subsection does not apply if the area community college has substantially detrimentally relied on the approval by the state board of education.

3. The following studies shall be conducted and written reports of the results of the studies transmitted to the state board, the task force created in section 65 of this Act, and the general assembly by February 1, 1989:

a. The legislative fiscal bureau and the department of management shall jointly conduct fiscal impact studies relating to the effect on the state budget of the creation of the associate of arts degree program under subsection 1 and of the creation of a separate arts and sciences division under subsection 2 at the area community college.

b. The department of education shall conduct educational impact studies which shall include, but not be limited to, the effect of the creation of the associate of arts degree program under subsection 1, and the effect of the creation of the separate division under subsection 2, on enrollment at other postsecondary institutions located in the merged area, student access to educational opportunity, and also the number of students within the school's service area in need of the expanded services.

4. The written reports of each study shall be considered by the general assembly, the task force created in section 65 of this Act, and the state board. The state board shall not make decisions under subsection 1 or 2 before July 1, 1989.

Sec. 42. Section 19B.11, subsections 1 and 2, Code 1987, are amended to read as follows:

1. It is the policy of this state to provide equal opportunity in school district, area education agency, and merged area school employment to all persons. An individual shall not be denied equal access to school district, ~~or~~ area education agency, or merged area school employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability. It also is the policy of this state to apply affirmative action measures to correct deficiencies in school district, area education agency, and merged area school employment systems where those remedies are appropriate. This policy shall be construed broadly to effectuate its purposes.

2. The director of the department of education shall actively promote fair employment practices for all school district, area education agency, and merged area school employees and the state board of education shall inform ~~adopt~~ rules requiring specific



steps by school districts, area education agencies, and merged area schools concerning their efforts to accomplish this goal the goals of equal employment opportunity and affirmative action in the recruitment, appointment, assignment, and advancement of personnel. Each school district, area education agency, and merged area school shall be required to develop affirmative action standards which are based on the population of the community in which it functions, the student population served, or the persons who can be reasonably recruited. The director of education shall consult with the department of personnel in the performance of duties under this section.

Sec. 43. Section 256.30, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

The tribal council shall first use moneys distributed to it by the department of education for the purposes of this section to pay the additional costs of salaries for certificated instructional staff for educational attainment and full-time equivalent years of experience to equal the salaries listed on the proposed salary schedule for the school at the Sac and Fox Indian settlement for the that school year beginning July 1, 1987 as that salary schedule existed on May 1, 1987, but the salary for a certificated instructional staff member employed on a full-time basis shall not be less than eighteen thousand dollars. The department of management shall approve allotments of moneys appropriated in this section when the department of education certifies to the department of management that the requirements of this section have been met.

Sec. 44. NEW SECTION. 263.8A NATIONAL CENTER.

The state board of regents shall establish and maintain at Iowa City as an integral part of the state University of Iowa the national center for talented and gifted education. The national center shall provide programs to assist classroom teachers to teach gifted and talented students in regular classrooms.

A national center endowment fund is established at the state University of Iowa and gifts and grants to the national center shall be deposited in the fund and interest earned on moneys in the fund may be expended by the state University of Iowa for the purposes for which the national center was established.

Sec. 45. Notwithstanding 1986 Iowa Acts, chapter 1246, section 105, subsection 1, paragraph "c", the moneys appropriated to the department of education and allocated for the development of a mental retardation model curriculum shall not revert to the general fund of the state on June 30, 1988, but shall remain available for expenditure for the purpose specified until June 30, 1989.

Sec. 46. Section 279.19B, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The board of directors of a school district shall offer an extracurricular contract for varsity head coach of the interscholastic athletic activities of football, basketball, track not including cross country, baseball, softball, volleyball, gymnastics, hockey, and wrestling only to an individual possessing a teaching certificate with a coaching endorsement issued pursuant to chapter 260.

Sec. 47. Section 280A.23, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 14. In its discretion, adopt rules relating to the classification of students enrolled in the area school who are residents of Iowa's sister states as residents or nonresidents for tuition and fee purposes.

Sec. 48. Section 282.31, subsection 1, paragraph b, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, on June 30 of a school year, if the board of directors of a school district determines that the number of children under this paragraph who were counted in the basic enrollment of the school district on the third Friday of September of that school year is fewer than the sum of the number of months all children were enrolled in the school district under this paragraph during the school year divided by nine, the secretary of the school district may submit a claim to the department of education by August 1 following the school year for an amount equal to the district cost per pupil of the district for the previous school year multiplied by the difference between the number of children counted and the number of children calculated by the number of months of enrollment. The amount of the claim shall be paid by the department of revenue and finance to the school district by October 1 in the same manner as the claims are paid under paragraph "a".

Sec. 49. Section 294A.14, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Any summer school program, for which the teacher's salary is paid or supplemented under a supplemental pay plan, shall be open to nonpublic school students in the manner provided in section 256.12.

Sec. 50. Section 294A.25, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Commencing with the fiscal year beginning July 1, 1988, the amount of one hundred thousand dollars to be paid to the department of education for distribution to the tribal council of the Sac and Fox Indian settlement located on land held in trust by the secretary of the interior of the United States. Moneys allocated under this subsection shall be used for the purposes specified in section 256.30.

Sec. 51. Section 302.1A, Code Supplement 1987, as amended by Senate File 2036, 1988 Iowa Acts, is amended to read as follows:

#### 302.1A TRANSFER OF INTEREST.

1. The department of revenue and finance shall transfer the interest earned on the permanent school fund to the first in the nation in education foundation and to the national center for gifted and talented education in the manner provided in this section.

2. ~~Prior~~ For a transfer of interest earned to the first in the nation in education foundation, prior to July 1, October 1, January 1, and March 1 of each year, the governing board of the first in the nation in education foundation established in section 257A.2 shall certify to the director of revenue and finance the cumulative total value of contributions received under section 257A.7 for deposit in the fund and for the use of the foundation. The cumulative total value of contributions received includes the value of the amount deposited in the national center endowment fund established in section 263.8A in excess of seven hundred fifty thousand dollars. The value of in-kind contributions shall be based upon the fair market value of the contribution determined for income tax purposes.

PARAGRAPH DIVIDED. The portion of the permanent school fund that is equal to the cumulative total value of contributions, less the portion of the permanent school

fund dedicated to the national center for gifted and talented education, is dedicated to the first in the nation in education foundation for that year. The interest from earned on this dedicated amount shall be transferred by the department of revenue and finance to the credit of the first in the nation in education foundation.

3. For a transfer of interest earned to the national center endowment fund established in section 263.8A, prior to July 1, October 1, January 1, and March 1 of each year, the state University of Iowa shall certify to the department of revenue and finance the cumulative total value of contributions received and deposited in the national center endowment fund. The department of revenue and finance shall dedicate the interest earned on a portion of the permanent school fund to the national center in the manner provided in this subsection. The portion of the permanent school fund that is used to determine the dedicated amount of interest earned for a year shall equal one-half the cumulative total value of the contributions deposited in the national center endowment fund, not to exceed seven hundred fifty thousand dollars. The department of revenue and finance shall transmit the interest earned on the dedicated amount to the state University of Iowa for the use of the national center for gifted and talented education.

4. The remaining portion of the interest earned on the permanent school fund shall become a part of the permanent school fund.

DIVISION IV  
STATE BOARD OF REGENTS

Sec. 52. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, for use for the following designated purposes:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries and support for not more than nineteen point sixty-three full-time equivalent positions, maintenance, equipment, and miscellaneous purposes and for the establishment of a consortium consisting of representatives of Iowa State University, the University of Iowa, and the University of Northern Iowa as equal participants to establish and use a process for the exchange and integration of knowledge among the universities in the fields including but not limited to food production, food processing, food preservation, nutrition, medicine, pharmacy, chemical-free water, clean air, and environmental safety. The consortium shall also establish a means for the integration of knowledge across disciplines in each of the universities. In the establishment of the process for integration and exchange of knowledge for these purposes, the consortium shall also develop a process for disseminating this knowledge to the public for personal and business use by Iowans:

..... \$ 516,272

b. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa in amounts as may be necessary to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

..... \$ 17,003,669

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory.

(1) For salaries and support for not more than four thousand three hundred twenty-five point sixty-three full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$138,376,377

It is the intent of the general assembly that as a condition, limitation, and qualification of moneys appropriated in this subparagraph, from moneys available to the state University of Iowa, five hundred thousand (500,000) dollars shall be expended for teaching excellence awards to teaching faculty members and teaching assistants.

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation made in this subparagraph, the University of Iowa shall expend moneys for salaries and support for the labor center.

(2) Agriculture health and safety service pilot programs, including salaries and support for not more than one point twenty-eight full-time equivalent positions:

..... \$ 59,940

(3) For acquisition of library materials:

..... \$ 341,250

b. University hospitals

(1) For salaries and support for not more than five thousand five point thirty-eight full-time equivalent positions, maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in chapter 255:

..... \$ 25,899,603

(2) For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out chapter 148C for the family practice program, including salaries and support for not more than one hundred seventy-six point eighty-four full-time equivalent positions:

..... \$ 1,511,061

(3) For specialized child health care services, including childhood cancer diagnostic and treatment network programs; rural comprehensive care for hemophilia patients; and Iowa high risk infant follow-up program, including salaries and support for not more than thirteen point fifty-eight full-time equivalent positions:

..... \$ 337,256

c. As a condition, limitation, and qualification of the appropriation made in paragraph "b", subparagraph (1), the county quotas for indigent patients for the fiscal year commencing July 1, 1988, shall not be lower than the county quotas for the fiscal year commencing July 1, 1987. Before a patient is eligible for the indigent patient program, the county general relief director shall first ascertain from the local office of human services if the applicant would qualify for medical assistance or the medically needy program without the spend-down provision under chapter 249A. If the applicant qualifies, then the patient shall be certified for medical assistance and shall not be counted under chapter 255.

d. As a condition, limitation, and qualification of the appropriation made in paragraph "b", subparagraph (1), funds appropriated in that subparagraph shall not be allocated to the university hospitals until the superintendent has filed with the department of management and the legislative fiscal bureau a quarterly report containing the account required in section 255.24. The report shall include the information required in section 255.24 for patients by the type of service provided.

e. As a condition, limitation, and qualification of the appropriation made in paragraph "b", subparagraph (1), funds appropriated in that subparagraph shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this paragraph, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

- (1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.
- (2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.
- (3) The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (4) The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

f. As a condition of the appropriation made in paragraph "b", subparagraph (1), university hospitals shall compile and transmit to the general assembly the following information for the fiscal year beginning July 1, 1987:

- (1) Revenue from all income sources, by source, including but not limited to state appropriations, other state funds, tuition income, patient charges, payments from political subdivisions, interest income, and gifts, and grants from public and private sources.
- (2) Expenditures by program and revenue source.
- (3) Net revenue over spending from hospital operations, including the method used to calculate the results.

The legislative fiscal bureau shall develop forms for collecting the information required in this subparagraph.

g. Psychiatric hospital

For salaries and support for not more than two hundred eighty-seven point twenty-six full-time equivalent positions, maintenance, equipment, and miscellaneous purposes and for the care, treatment and maintenance of committed and voluntary public patients:  
..... \$ 6,014,532

h. State hygienic laboratory

For salaries and support for not more than one hundred fourteen point thirty-five full-time equivalent positions, maintenance, equipment, and miscellaneous purposes: ..... \$ 2,507,968

i. Hospital-school

For salaries and support for not more than one hundred eighty-five point seventy-three full-time equivalent positions, maintenance, equipment, and miscellaneous purposes: ..... \$ 4,542,607

j. Oakdale campus

For salaries and support for not more than eighty-two full-time equivalent positions, maintenance, equipment, and miscellaneous purposes: ..... \$ 2,498,481

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries and support for not more than three thousand seven hundred seventy-five full-time equivalent positions, maintenance, equipment, and miscellaneous purposes: ..... \$116,234,916

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation made in this paragraph, Iowa State University shall expend two million (2,000,000) dollars for the construction of livestock units for cattle and swine research and one million (1,000,000) dollars for the purchase of agronomy building equipment.

It is the intent of the general assembly that as a condition, limitation, and qualification of moneys appropriated in this paragraph, from moneys available to Iowa State University, five hundred thousand (500,000) dollars shall be expended for teaching excellence awards to teaching faculty members and teaching assistants.

b. Agricultural experiment station

For salaries and support for not more than four hundred thirteen point five full-time equivalent positions, maintenance, equipment, and miscellaneous purposes: ..... \$ 13,556,178

c. Cooperative extension service in agriculture and home economics

For salaries and support for not more than four hundred ninety-six point ninety-eight full-time equivalent positions, maintenance, and miscellaneous purposes: ..... \$ 13,317,224

d. For continuation of the rural concern hotline, including salaries and support for not more than four point five full-time equivalent positions: ..... \$ 90,000

e. Fire service education, including salaries and support for not more than eleven full-time equivalent positions: ..... \$ 389,456

f. For acquisition of library materials: ..... \$ 234,400

4. UNIVERSITY OF NORTHERN IOWA

a. For salaries and support for not more than one thousand three hundred twenty-four full-time equivalent positions, maintenance, equipment, and miscellaneous purposes: \$ 45,136,113

It is the intent of the general assembly that as a condition, limitation, and qualification of moneys appropriated in this subsection, from moneys available to the University of Northern Iowa, two hundred fifty thousand (250,000) dollars shall be expended for teaching excellence awards to teaching faculty members and teaching assistants and four hundred sixty thousand (460,000) dollars shall constitute an equity adjustment to maintain and support the university's academic programs.

It is a condition, limitation, and qualification of the appropriation made in this subsection that moneys appropriated in this subsection not be expended for the power plant addition at the University of Northern Iowa.

b. For acquisition of library materials: \$ 60,850

5. STATE SCHOOL FOR THE DEAF

For salaries and support for not more than one hundred thirty-five point three full-time equivalent positions, maintenance, and miscellaneous purposes: \$ 4,957,177

6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL

For salaries and support for not more than ninety-five point thirty-three full-time equivalent positions, maintenance, and miscellaneous purposes: \$ 2,742,752

7. The provisions of section 8.33, unnumbered paragraph 2, shall not apply to the funds appropriated in this section. No later than September 15, 1989, the state board of regents shall submit to the department of management a list of all obligations which have been incurred for goods and services that have not been received or rendered as of that date.

Sec. 53.

1. From funds in the state treasury not otherwise appropriated that are in excess of a fiscal year ending balance of sixty-one million seven hundred thousand (61,700,000) dollars, there is appropriated to the state board of regents for the fiscal year beginning July 1, 1987, and ending June 30, 1988, an amount not exceeding eleven million one hundred thousand (11,100,000) dollars to be allocated to the University of Northern Iowa for construction of a power plant addition. Notwithstanding section 262.28, the moneys appropriated in this section shall not be committed by the state board of regents or paid, either in full or in part, until the governor has certified to the department of revenue and finance that the estimated budget resources during the fiscal year are sufficient to pay all other appropriations in full and to pay all or a portion of the appropriation made in this section.

2. From funds in the state treasury not otherwise appropriated, there is appropriated to the state board of regents for the fiscal year beginning July 1, 1988, and ending June 30, 1989, an amount equal to the difference between the amount of the appropriation approved by the governor under subsection 1 for the purpose specified in

subsection 1 and eleven million one hundred thousand (11,100,000) dollars. The payment of the appropriation made in this subsection is subject to the same restrictions as the appropriation made in subsection 1.

3. Notwithstanding section 8.33, unobligated or unencumbered funds appropriated by subsection 1 for the fiscal year beginning July 1, 1987, and ending June 30, 1988, remaining on June 30, 1988, and unobligated or unencumbered funds appropriated by subsection 2 for the fiscal year beginning July 1, 1988, and ending June 30, 1989, remaining on June 30, 1989, shall not revert to the general fund of the state until September 30, 1991. However, if the project for which these funds are appropriated is completed prior to June 30, 1991, the remaining unobligated or unencumbered funds shall revert to the general fund of the state on September 30 following the end of the fiscal year in which the project is completed.

Sec. 54.

1. From funds in the state treasury not otherwise appropriated that are in excess of an ending balance for the fiscal year beginning July 1, 1987, of sixty-one million seven hundred thousand dollars (61,700,000), after the conditions of section 53 have been met and eleven million one hundred thousand (11,100,000) dollars have been appropriated to the state board of regents, there is appropriated for the fiscal year beginning July 1, 1988, and ending June 30, 1989, in the following priority order to the following named agencies the specified amounts to be used for the purposes designated:

a. To the state board of regents to be allocated to its institutions of higher education for fire and environmental safety deficiency corrections, the sum of one million (1,000,000) dollars.

b. To the department of corrections to be used for community-based corrections, the sum of six hundred thousand five hundred sixty-three (600,563) dollars to be allocated as follows:

(1) For the first judicial district department of correctional services, the sum of ninety-three thousand five hundred fifty-nine (93,559) dollars or so much thereof as is necessary.

(2) For the second judicial district department of correctional services, the sum of seventy-six thousand one hundred ninety-two (76,192) dollars or so much thereof as is necessary.

(3) For the third judicial district department of correctional services, the sum of forty-four thousand three hundred twenty-five (44,325) dollars or so much thereof as is necessary.

(4) For the fourth judicial district department of correctional services, the sum of forty-one thousand four hundred seventy (41,470) dollars or so much thereof as is necessary.

(5) For the fifth judicial district department of correctional services, the sum of one hundred twenty-nine thousand six hundred ninety-seven (129,697) dollars or so much thereof as is necessary.

(6) For the sixth judicial district department of correctional services, the sum of ninety-four thousand eight hundred eighty-seven (94,887) dollars or so much thereof as is necessary.



(7) For the seventh judicial district department of correctional services, the sum of seventy-nine thousand eight hundred seventy-one (79,871) dollars or so much thereof as is necessary.

(8) For the eighth judicial district department of correctional services, the sum of thirty-seven thousand eight hundred seventy (37,870) dollars or so much thereof as is necessary.

(9) To the department of corrections for the assistance and support of each judicial district department of correctional services, the sum of two thousand six hundred ninety-two (2,692) dollars or so much thereof as is necessary.

c. To the department of corrections to be used for planning, site selection, and solicitations of requests for proposals for juvenile detention centers and adult correctional facilities, the sum of seven hundred thousand (700,000) dollars.

d. To the department of corrections, the sum of one million three hundred thousand (1,300,000) dollars to be retained by the department of revenue and finance and not paid to the department of corrections until the general assembly enacts legislation that provides for the specific expenditure of the moneys.

e. To the department of general services for capitol restoration, the sum of one million five hundred thousand (1,500,000) dollars.

2. The moneys appropriated in subsection 1 shall not be committed by the agency to which they are appropriated or paid, either in full or in part by the department of revenue and finance, until the governor has certified to the department of revenue and finance that the estimated budget resources during the fiscal year are sufficient to pay all other appropriations in full, including the moneys appropriated in section 53 of this Act, and are sufficient to pay the appropriation in the applicable paragraph.

3. Notwithstanding section 8.33, unobligated or unencumbered funds appropriated in subsection 1, paragraphs "a", "c", "d", and "e", for the fiscal year beginning July 1, 1988, and ending June 30, 1989, shall not revert to the general fund of the state until September 30, 1991. However, if the project for which these funds are appropriated is completed prior to June 30, 1991, the remaining unobligated or unencumbered funds shall revert to the general fund of the state on September 30 following the end of the fiscal year in which the project is completed.

Sec. 55. If the general fund ending balance for the fiscal year beginning July 1, 1987, is not sufficient under section 54 and the governor does not certify to the department of revenue and finance that the appropriation in section 54, subsection 1, paragraphs "b" and "c", be made, and notwithstanding any other provisions of law, the treasurer of state before making allotments of the moneys within the Iowa plan fund pursuant to section 99E.32, subsection 1, for the fiscal year beginning July 1, 1988, shall transfer to the department of corrections the sum of one million two hundred eighty-four (1,000,284) dollars, and the moneys are appropriated for the following purposes:

1. To be used for community-based corrections, the sum of three hundred thousand two hundred eighty-four (300,284) dollars, to be allocated as follows:

a. For the first judicial district department of correctional services, the sum of forty-six thousand seven hundred eighty (46,780) dollars or so much thereof as is necessary.

b. For the second judicial district department of correctional services, the sum of thirty-eight thousand ninety-six (38,096) dollars or so much thereof as is necessary.

c. For the third judicial district department of correctional services, the sum of twenty-two thousand one hundred sixty-three (22,163) dollars or so much thereof as is necessary.

d. For the fourth judicial district department of correctional services, the sum of twenty thousand seven hundred thirty-five (20,735) dollars or so much thereof as is necessary.

e. For the fifth judicial district department of correctional services, the sum of sixty-four thousand eight hundred forty-nine (64,849) dollars or so much thereof as is necessary.

f. For the sixth judicial district department of correctional services, the sum of forty-seven thousand four hundred forty-four (47,444) dollars or so much thereof as is necessary.

g. For the seventh judicial district department of correctional services, the sum of thirty-nine thousand nine hundred thirty-six (39,936) dollars or so much thereof as is necessary.

h. For the eighth judicial district department of correctional services, the sum of eighteen thousand nine hundred thirty-five (18,935) dollars or so much thereof as is necessary.

i. To the department of corrections for the assistance and support of each judicial district department of correctional services, the sum of one thousand three hundred forty-six (1,346) dollars or so much thereof as is necessary.

2. To be used for planning, site selection, and solicitations of requests for proposals for juvenile detention centers and adult correctional facilities, the sum of seven hundred thousand (700,000) dollars.

Sec. 56. Notwithstanding section 8.33, unobligated or unencumbered funds appropriated in 1987 Iowa Acts, chapter 233, section 408, subsection 1, paragraph "b", shall not revert to the general fund of the state on June 30, 1988, but shall be available for expenditure for the purposes listed in section 52, subsection 1, paragraph "b", of this Act during the fiscal year beginning July 1, 1988, and ending June 30, 1989.

Sec. 57. As a condition, limitation, and qualification of the appropriations made in section 52, subsection 2, paragraph "a", subparagraph (1); section 52, subsection 3, paragraph "a"; and section 52, subsection 4, if the interest earned on moneys accumulated by campus organizations at an institution is not available for expenditure by those respective campus organizations, the institution shall allocate that interest to campus improvements that are of benefit to students and have been accepted by the institution's student government or to the student financial aid office to be used for the work-study program.

Sec. 58. As a condition, limitation, and qualification of the appropriations made in section 52, subsection 2, paragraph "a", subparagraph (1); section 52, subsection 3, paragraph "a"; and section 52, subsection 4, sales by an institution of computer equipment, computer software, and computer supplies to students and faculty at the institution are retail sales for the purpose of chapter 422, Division IV.

Sec. 59. It is the intent of the general assembly that the office of the state board of regents shall study the child care needs of faculty members, other staff members, and students at each institution of higher education under its control. The state board of regents shall survey each institution for potential locations for child care centers, explore the possibility of receiving federal funding for operation of the child care centers, and examine the feasibility of adopting a sliding fee scale based upon income of the parent or guardian. As a part of this study, the office of the state board of regents shall solicit input from the state association composed of students from the three institutions.

The state board of regents shall present to the general assembly no later than November 30, 1988, a comprehensive proposal for meeting the child care needs at each institution. This proposal shall include recommendations for using students enrolled at the institutions for meeting the child care needs with payment through the state work-study program.

Sec. 60. The department of human services shall increase the disproportionate share reimbursement rate under the medical assistance program provided by Title XIX of the federal Social Security Act to four percent for hospitals for which at least twenty percent of the business is with medically indigent persons.

Sec. 61. For the fiscal years beginning July 1, 1988, and July 1, 1989, the state board of regents shall use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 62. Notwithstanding House File 2444, section 1, if House File 2444 is enacted by the Seventy-second General Assembly, the auditor of state shall monitor the costs of performing examinations of the state board of regents and shall seek reimbursement under section 11.5A.

Sec. 63. Section 154.3, subsection 6, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

The board shall adopt rules requiring an additional twenty hours per biennium of continuing education in the treatment and management of ocular disease for all therapeutically certified optometrists. ~~The department of ophthalmology of the school of medicine of the State University of Iowa shall be one of the providers of this continuing education.~~

Sec. 64. Section 262.9, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 19. Establish a hall of fame for distinguished graduates at the Iowa braille and sight-saving school and at the Iowa school for the deaf.

Sec. 65. **POSTSECONDARY EDUCATION TASK FORCE.** There is established a citizens postsecondary education task force to study and make recommendations regarding the goals, and the legislation necessary to meet the goals, of the state's postsecondary education system in the future. The study shall include, but not be limited to, the following:

1. Ways to preserve equal educational opportunity and equal access to a quality education for the students of Iowa.

2. An analysis of present and future needs of Iowans for postsecondary education.
3. Coordination and articulation of curriculum with the elementary and secondary school systems.
4. An inventory of the distribution and any duplication of the educational programs and services available in the state's board of regents institutions, merged area schools, private colleges and universities, and technical schools, and the college aid commission.
5. Demographic projections of enrollment trends, including trends among the various kinds of postsecondary education offerings available.
6. A comprehensive fiscal analysis of the state's postsecondary education financing effort, including historic financing trends, per pupil trends, and projections of the state's capacity to finance its postsecondary education system in the future.
7. The tuition being charged at the state universities, including a determination of how student tuition should be calculated, what share of the cost of education should be borne by students, and what share of the cost should be borne by the state.
8. A twenty-year postsecondary education plan that recommends methods and the structure necessary to match the recommended goals with the state resources necessary to fund them, accompanied by a recommended chronology and coordination within the postsecondary education system itself and within the elementary and secondary education systems.

The members of the citizens committee shall be appointed by the speaker and the minority leader of the house of representatives and by the majority and minority leaders of the senate. There shall be seven citizen members whose composition shall be bipartisan, which shall include citizens with an interest or experience in higher education or in research at the graduate level, a student from a post-secondary institution, members of the general public, and from which a chair shall be appointed. Four legislators, one from each political party in the house and one from each political party in the senate, shall be appointed by the joint leaders of the house and senate. The committee may work with one or more education consultants familiar with projected national trends in undergraduate, graduate, and research area goals and needs for the year 2000 and beyond. The task force shall be appointed by no later than June 1, 1988, and shall report to the legislative council by December 15, 1988, how it will be organized and conduct its research in order to report its recommendations to the general assembly by no later than July 1, 1990. If the legislative council approves of the task force organizational plan, it may authorize the task force to employ an executive director beginning February 1, 1989, until completion of the report in July 1990, and may authorize the expenditure of moneys from section 2.12 to fund the cost of the task force. The task force may request and receive research assistance from the education commission of the states. The task force may accept gifts and donations, and may contract with a foundation for additional funds. The legislative council may authorize the payment of per diem and expenses for the citizen members of the task force.

Staff assistance to the task force shall be provided by the legislative service bureau, the legislative fiscal bureau, and the caucus staffs, who shall work under the direction of the chair of the task force and the executive director if an executive director is employed.

Sec. 66. NEW SECTION. 182.24 BOARD MEMBER DISCLOSURE.

Notwithstanding section 182.13, a member of the board may receive compensation, including a salary, from an organization or agency, including an educational institution, receiving funds from the board. If a member of the board has a pecuniary interest, either direct or indirect, in a matter considered by the board, the interest shall be disclosed by the member to the board and included in the minutes for that meeting of the board. The member having the pecuniary interest shall not participate in an action taken by the board on the matter.

Sec. 67. NEW SECTION. 269.3 CLASSROOM TEACHERS.

For purposes of chapter 20, classroom teachers employed by the Iowa braille and sight-saving school may be accreted to a faculty bargaining unit at the University of Northern Iowa or any other approved classroom teacher bargaining unit established under chapter 20 upon the affirmative vote of a majority of the classroom teachers employed by the school.

Sec. 68. NEW SECTION. 270.11 CLASSROOM TEACHERS.

For purposes of chapter 20, classroom teachers employed by the school for the deaf may be accreted to a faculty bargaining unit at the University of Northern Iowa or any other approved classroom teacher bargaining unit established under chapter 20 upon the affirmative vote of a majority of the classroom teachers employed by the school.

Sec. 69. Section 262.44, subsection 1, Code Supplement 1987, is amended by striking the subsection and inserting in lieu thereof the following:

1. Set aside and use portions of the respective campuses of the institutions of higher education under its control, namely, the state University of Iowa, the Iowa State University of science and technology, and the University of Northern Iowa, as the board determines are suitable for the acquisition or construction of the following self-liquidating and revenue producing buildings and facilities: Student unions, recreational buildings, auditoriums, stadiums, field houses, athletic buildings and areas, parking structures and areas, research equipment if the debt incurred in its acquisition will be retired by federal, private, or other lawfully available nonappropriated funds, and additions to or alterations of existing buildings or structures.

Except as provided for self-liquidating dormitories and buildings and facilities specifically listed in this subsection, the state board of regents, or any bonding authority established by them, shall not issue any notes, bonds, or other evidence of indebtedness under this division for construction of other buildings or facilities without prior approval by the general assembly and the governor in the manner provided in section 262A.4 for bonds issued under that chapter.

DIVISION V  
AREA EDUCATION AGENCIES

Sec. 70. Section 442.4, subsection 1, unnumbered paragraph 6, Code Supplement 1987, is amended to read as follows:

A school district shall certify its basic enrollment to the department of education by October 1 of each year, and the department shall promptly forward the information to the department of management. For purposes of determining whether a district is entitled to an advance for increasing enrollment a determination of actual enrollment shall be made on the third Friday of September in the budget year by counting

the pupils in the same manner and to the same extent that they are counted in determining basic enrollment, but substituting the count in the budget year for the count in the base year. In addition, a school district shall determine its additional enrollment because of special education, as defined in this section 442.38, on December 1 of each year and if the district is entitled to an advance for special education, it shall certify its additional enrollment because of special education to the department of education by December 15 of each year, and the department shall promptly forward the information to the department of management.

For the purposes of this chapter, "additional enrollment because of special education" is determined by multiplying the weighting of each category of child under section 281.9 times the number of children in each category totaled for all categories minus the actual enrollment.

Sec. 71. Section 442.4, subsection 6, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

Commencing with the school year beginning July 1, ~~1981~~ 1988, and each school year thereafter, the weighted enrollment shall be determined on the basis of a count of a district's additional enrollment because of special education, as defined in ~~section 442.38~~ subsection 1, on December 1 of the base year.

Sec. 72. Section 442.4, subsection 6, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Weighted enrollment calculated under this subsection shall be used when weighted enrollment is prescribed by law. It shall not be used in calculations pertaining to special education support services costs.

Sec. 73. Section 442.4, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 7. For the school year beginning July 1, 1988, and each subsequent school year, weighted enrollment for special education support services costs is the sum of the budget enrollment and the additional enrollment because of special education defined in subsection 1.

Sec. 74. Section 442.7, subsection 7, paragraphs g and h, Code Supplement 1987, are amended to read as follows:

g. For the school year beginning July 1, ~~1981~~ 1988, and succeeding school years, the amount included in the special education support services district cost per pupil in ~~weighted enrollment for special education support services costs~~ for each district in an area education agency for a budget year is the amount included in the special education support services district cost per pupil in ~~weighted enrollment for special education support services costs~~ in the base year plus the allowable growth added to special education support services state cost per pupil for ~~special education support services costs~~ for the budget year, except as provided in paragraph "h". Funds shall be paid to area education agencies as provided in section 442.25.

h. For the school year beginning July 1, ~~1986~~ 1988, and succeeding school years, the director of the department of education may direct the department of management to increase or reduce the allowable growth ~~added to~~ included in special education support services district cost per pupil in ~~weighted enrollment~~ for a budget year for special education support services costs in an area education agency in the base

year based upon special education support services needs in the area. However, an increase in the allowable growth can only be granted by action of the director of the department of education to restore a previous reduction or portion of a reduction in allowable growth for that year or the previous year.

Sec. 75. Section 442.7, subsection 8, Code Supplement 1987, is amended to read as follows:

8. For the school year beginning July 1, 1981 1988, and succeeding school years, the allowable growth added to special education support services state cost per pupil for special education support services costs is the amount included in the special education support services state cost per pupil for special education support services costs for the base year times the state percent of growth for the budget year. ~~However, for the school year beginning July 1, 1981, no allowable growth shall be added, except as provided under subsection 9.~~

Sec. 76. Section 442.8, unnumbered paragraph 1, Code 1987, is amended to read as follows:

As used in this chapter, "state cost per pupil" for the school year beginning July 1, 1976, and subsequent school years means state cost per pupil in weighted enrollment. The state cost per pupil for the school year beginning July 1, 1972, is nine hundred three dollars. The state cost per pupil for the school year beginning July 1, 1987, is two thousand seven hundred six dollars. Of that amount, two thousand five hundred ninety dollars is regular program state cost per pupil and one hundred sixteen dollars and two cents is special education support services state cost per pupil. The state cost per pupil for the school year beginning on July 1, ~~1973~~ 1988, and for each succeeding school year is the sum of the base year's regular program state cost per pupil plus the allowable growth for the budget year and the base year's special education support services state cost per pupil plus the allowable growth for the budget year. If the state percent of growth is zero, the budget year's state cost per pupil shall be is the same as the base year's state cost per pupil.

Sec. 77. Section 442.9, subsection 1, Code 1987, is amended to read as follows:

1. The department of management shall determine the additional school district property tax levy for each school district, which is in addition to the foundation property tax levy, as follows:

a. As used in this chapter, "district cost per pupil" for the school year beginning July 1, 1976, and subsequent school years means district cost per pupil in weighted enrollment. The regular program district cost per pupil for the budget year is equal to the regular program district cost per pupil for the base year plus the allowable growth. However, regular program district cost per pupil does not include additional allowable growth added for programs for gifted and talented children, for programs for returning dropouts, and for educational improvement projects under chapter 260A, for special education support services costs, or for school districts that have a negative balance of funds raised for special education instruction programs under section 442.13, subsection 14, paragraph "b", and does not include additional allowable growth established by the school budget review committee for a single school year only.

As used in this chapter, the special education support services district cost per pupil for the budget year is the special education support services district cost per pupil for the base year plus allowable growth as provided in section 442.7, subsection 7.

District cost per pupil is the sum of the regular program district cost per pupil and the special education support services district cost per pupil.

b. The district cost for the budget year is equal to the sum of the regular program district cost per pupil for the budget year multiplied by the weighted enrollment, plus the special education support services district cost per pupil multiplied by the weighted enrollment for special education support services costs, plus ~~commencing with the budget year beginning July 1, 1985~~ additional district cost added for moneys received by a school district under section 302.3, Code 1981, as provided in section 442.21, and plus the additional district cost allocated to the district under section 442.27 to fund media services and educational services provided through the area education agency. A school district ~~may~~ shall not increase its district cost for the budget year except to the extent that an excess tax levy is authorized by the school budget review committee as provided in section 442.13.

c. The amount to be raised by the additional school district property tax levy is equal to the district cost for the budget year, less the ~~product~~ total of the products of the state or district foundation base for regular program and times the weighted enrollment plus the state or district foundation base for special education support services costs times the weighted enrollment for special education support services costs.

Sec. 78. Section 442.26, unnumbered paragraph 2, Code 1987, is amended to read as follows:

All state aids paid under this chapter, unless otherwise stated, shall be paid in monthly installments beginning on September 15 of a budget year and ending on June 15 of the budget year and the installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state resources. However, the state aids paid to school districts under section 442.28 shall be paid in monthly installments beginning on December 15 and ending on June 15 of a budget year and state aids paid to school districts under section 442.38 shall be paid in monthly installments beginning on February 15 and ending on June 15 of a budget year.

Sec. 79. Section 442.28, unnumbered paragraph 1, Code 1987, is amended to read as follows:

If a district's actual enrollment for the budget year, determined under section 442.4, is higher than its budget enrollment for the budget year, the district is entitled to an advance from the state of an amount equal to its regular program district cost per pupil less the amount per pupil for special education support services, computed as a part of district cost under the provisions of section 442.7 for the budget year multiplied by the difference between the actual enrollment for the budget year and the budget enrollment for the budget year. However, if a district's actual enrollment for the budget year is more than fifteen percent higher than its basic enrollment for the budget year, the advance shall be calculated using seventy-five percent of the difference between the district's actual enrollment for the budget year and its basic enrollment for the budget year. The advance shall be is miscellaneous income.

Sec. 80. Section 442.31, unnumbered paragraph 1, Code 1987, is amended to read as follows:

For the school year beginning July 1, 1981 and succeeding school years, boards of school districts, individually or jointly with the boards of other school districts, requesting to use additional allowable growth for gifted and talented children programs,



may annually submit program plans for gifted and talented children programs and budget costs, including requests for additional allowable growth for funding the programs, to the department of education and to the applicable gifted and talented children advisory council, if an advisory council has been established, as provided in this chapter. A district shall not identify more than three percent of its budget enrollment for the budget year as gifted and talented if the district is requesting to use additional allowable growth to finance the program.

Sec. 81. Section 442.35, Code 1987, is amended to read as follows:

442.35 FUNDING.

The budget of an approved gifted and talented children program for a school district, after subtracting funds received from other sources for that purpose, shall be funded annually on a basis of one-fourth or more from the district cost of the school district and up to three-fourths by an increase in allowable growth as defined in section 442.7. The approved budget for a gifted and talented children program shall not exceed an amount equal to one and two-tenths percent of the district cost per pupil of the district multiplied by the budget enrollment of the district. Annually, the department of management shall establish a modified allowable growth for each such district equal to the difference between the approved budget for the gifted and talented children program for that district and the sum of the amount funded from the district cost of the school district plus funds received from other sources.

Sec. 82. Section 442.38, Code 1987, is repealed.

Sec. 83. All federal grants to and the federal receipts of agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts.

Sec. 84. Moneys appropriated in this Act, except for section 1, subsections 3, 5, and 6; sections 5 and 6; section 52, subsection 3, paragraph "a"; and sections 53 and 54, shall not be used for capital improvements.

Sec. 85. Sections 40 and 70 through 82 of this Act apply to computations required under chapter 442 for the budget year beginning July 1, 1988.

Sec. 86. Sections 6, 18, 19, 40, 41, 45, 48, 53, 56, 65, and 70 through 82 of this Act, being deemed of immediate importance, take effect upon their enactment.

2. Title page, line 4, by striking the words "and cultural" and inserting the following: ", cultural, and rehabilitational".

ON THE PART OF THE HOUSE:

- CHARLES PONCY, Chair
- HORACE DAGGETT
- THOMAS J. JOCHUM
- RUHL MAULSBY
- MARY C. NEUHAUSER

ON THE PART OF THE SENATE:

- RICHARD VARN, Chair
- WALLY HORN
- LARRY MURPHY
- WILMER RENSINK
- DALE L. TIEDEN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 2312)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Chapman
Cohoon	Cannolly	Connors	Cooper
Corbett	Corey	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Jay	Jochum	Johnson
Koenigs	Kremer	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Muhlbauer	Neuhauser	Ollie	Osterberg
Parker	Paulin	Pavich	Peters
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	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 5

Carpenter	Clark	Halvorson, R. N.	Hummel
Mullins			

Absent or not voting, 11:

Daggett	Eddie	Hanson, D. R.	Hermann
Knapp	Lageschulte	Miller	Norrgard
Pellett	Platt	Swearingen	

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 2312)

Arnould of Scott asked and received unanimous consent that Senate File 2312 be immediately messaged to the Senate.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2476.

### CONSIDERATION OF BILLS Ways and Means Calendar

**House File 2476**, a bill for an act relating to administrative procedures to challenge the identification, classification, and exemption of property for taxation purposes, was taken up for consideration.

Chapman of Linn offered the following amendment H—6522 filed by her and Doderer of Johnson from the floor and moved its adoption:

H—6522

- 1 Amend House File 2476 as follows:
- 2 1. Page 1, by striking lines 21 through 24 and
- 3 inserting the following: "directive from which the
- 4 appeal is taken."

Amendment H—6522 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. 2476)

The ayes were, 88:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	De Groot
Diemer	Doderer	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	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	Švoboda

Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Beatty	Daggett	Dvorsky	Eddie
Hanson, D. R.	Hester	Knapp	Lageschulte
Miller	Norrgard	Pellett	Swearingen

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

### IMMEDIATE MESSAGE (House File 2476)

Arnould of Scott asked and received unanimous consent that House File 2476 be immediately messaged to the Senate.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 15, 1988, adopted the conference committee report and passed 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.

JOHN F. DWYER, Secretary

Connors of Polk in the chair at 8:10 p.m.

### Unfinished Business Calendar

The House again resumed consideration of **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, and amendment H-6234 (found on pages 2023 and 2024 of the House Journal), previously deferred.

On motion by Black of Jasper, amendment H-6234, as amended, was adopted.

Black of Jasper offered the following amendment H-6237 filed by Black, et al., and moved its adoption:

H-6237

- 1 Amend Senate File 2263 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "Sec. 2. Section 99D.12, Code 1987, is amended by
- 6 adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The purse supplements
- 8 shall be distributed to the owners of the Iowa-foaled
- 9 horses by the licensee not later than the end of the
- 10 race meeting at which the purse supplements are
- 11 earned. Not more than five percent of the breakage
- 12 may be carried over by a licensee from one race
- 13 meeting to the next."
- 14 2. By renumbering as necessary.

Platt of Muscatine rose on a point of order that amendment H-6237 was not germane.

The Speaker ruled the point well taken and amendment H-6237 not germane.

Black of Jasper moved that the rules be suspended to consider amendment H-6237.

A non-record roll call was requested.

The ayes were 17, nays 27.

The motion to suspend the rules lost.

Osterberg of Linn offered the following amendment H-6384 filed by him and moved its adoption:

H-6384

- 1 Amend Senate File 2263 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "race." the following: "The program shall also
- 5 indicate if it is the first, second, or third or
- 6 subsequent time that a horse is racing with lasix, or
- 7 if the horse has previously raced with lasix and the
- 8 present race is the first race for the horse without
- 9 lasix following its use."

Amendment H-6384 was adopted.

Hammond of Story offered the following amendment H-6456 filed by her and moved its adoption:

H—6456

1 Amend Senate File 2263 as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Sec. \_\_\_\_\_. Section 99D.23, subsection 1, Code  
6 1987, is amended to read as follows:

7 1. The commission shall employ one or more  
8 chemists or contract with a qualified chemical  
9 laboratory to determine by chemical testing and  
10 analysis of saliva, urine, blood, or other excretions  
11 or body fluids whether a substance or drug has been  
12 introduced which may affect the outcome of a race or  
13 whether an action has been taken or a substance or  
14 drug has been introduced which may interfere with the  
15 testing procedure. The commission shall adopt rules  
16 under chapter 17A concerning procedures and actions  
17 taken on positive drug reports. The commission may  
18 adopt by reference the standards of the national  
19 association of state racing commissioners, the  
20 association of official racing chemists, and New York  
21 jockey club, or the United States trotting association  
22 or may adopt any other procedure or standard. The  
23 commission has the authority to retain and preserve by  
24 freezing, test samples for future analysis."

Amendment H—6456 was adopted.

McKean of Jones offered the following amendment H—6503 filed  
by him from the floor and moved its adoption:

H—6503

1 Amend Senate File 2263 as amended, passed, and  
2 reprinted by the Senate as follows:

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

5 "Sec. \_\_\_\_\_. Section 99D.23, Code 1987, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 4. The commission veterinarian  
8 shall keep a continuing record of the racing soundness  
9 of all horses examined by a commission veterinarian at  
10 a racetrack."

Amendment H—6503 was adopted.

Hatch of Polk offered the following amendment H—6245 filed by  
him and moved its adoption:

H—6245

1 Amend Senate File 2263 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 22 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 99D.25, Code 1987, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 5. Veterinarians must submit  
 8 daily to the commission veterinarian on a prescribed  
 9 form a report of all medications and other substances  
 10 which the veterinarian prescribed, administered, or  
 11 dispensed for horses registered at a current race  
 12 meeting. A logbook detailing other professional  
 13 services performed while on the grounds of a racetrack  
 14 shall be kept by veterinarians and shall be made  
 15 immediately available to the commission veterinarian  
 16 or the stewards upon request."

Amendment H—6245 was adopted.

Hatch of Polk offered the following amendment H—6246 filed by him and moved its adoption:

H—6246

1 Amend Senate File 2263 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by inserting after line 22 the  
 4 following:  
 5 "Sec. 3. Section 99D.25, Code 1987, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 6. The commission shall conduct  
 8 random tests of bodily substances of horses entered to  
 9 race each day of a race meeting to aid in the  
 10 detection of any unlawful drugging. The tests shall  
 11 be conducted both prior to and after a race. The  
 12 commission shall also test any horse that breaks down  
 13 during a race and shall perform an autopsy on any  
 14 horse that is killed or subsequently destroyed as a  
 15 result of accident during a race."

Amendment H—6246 was adopted.

Holveck of Polk asked and received unanimous consent to defer action on amendment H—6310.

Holveck of Polk asked and received unanimous consent to withdraw amendment H—6311 filed by Holveck, et al., on April 7, 1988.

Holveck of Polk offered the following amendment H—6312 filed by Holveck, et al., and moved its adoption:

H—6312

1 Amend Senate File 2263, as amended, passed, and  
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, by inserting after line 22 the  
4 following:  
5 "Sec. 3. Section 99D.25, Code 1987, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 5. Before a horse is allowed to  
8 race using phenylbutazone, the veterinarian attending  
9 the horse shall certify to the commission the course  
10 of treatment followed in administering the  
11 phenylbutazone."  
12 2. By renumbering as necessary.

Amendment H—6312 was adopted.

Speaker Avenson in the chair at 8:53 p.m.

Holveck of Polk offered the following amendment H—6341 filed by Holveck, et al., and moved its adoption:

H—6341

- 1 Amend Senate File 2263 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 22 the  
4 following:  
5 "Sec. 3. Section 99D.25, Code 1987, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 5. A veterinarian attending a  
8 horse shall report to the commission any respiratory  
9 ailment suffered by the horse if the horse is to be  
10 entered in a race in Iowa. The commission shall not  
11 allow a horse with a respiratory ailment to race in  
12 Iowa until the commission veterinarian has determined  
13 that the horse has completely recovered from the  
14 ailment."  
15 2. By renumbering as required.

A non-record roll call was requested.

The ayes were 25, nays 39.

Amendment H—6341 lost.

Arnould of Scott asked and received unanimous consent that Senate File 2263 be deferred and that the bill retain its place on the calendar.

### SENATE AMENDMENT CONSIDERED

Haverland of Polk called up for consideration **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, amended by the Senate amendment H—6497 as follows:



H-6497

1 Amend House File 2456, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Section 1. Section 135B.9, Code 1987, is amended  
6 to read as follows:

7 135B.9 INSPECTIONS AND CONSULTATIONS — PROTECTION  
8 AND ADVOCACY AGENCY INVESTIGATIONS.

9 The department of inspections and appeals shall  
10 make or cause to be made such inspections as it may  
11 deem necessary. The state Iowa department of public  
12 health shall, with the advice of the hospital  
13 licensing board, prescribe by regulations that any  
14 licensee or applicant for license desiring to make  
15 specified types of alteration or addition to its  
16 facilities or to construct new facilities shall before  
17 commencing such alteration, addition or new  
18 construction, submit plans and specifications therefor  
19 to the department of inspections and appeals for  
20 preliminary inspection and approval or recommendations  
21 with respect to compliance with the regulations and  
22 standards herein authorized.

23 In the state hospital-schools and state mental  
24 health institutes operated by the department of human  
25 services, the designated protection and advocacy  
26 agency as provided in section 135C.2, subsection 4,  
27 shall have the authority to investigate all complaints  
28 of abuse and neglect of persons with developmental  
29 disabilities or mental illnesses if the complaints are  
30 reported to the protection and advocacy agency or if  
31 there is probable cause to believe that the abuse has  
32 occurred. Such authority shall include the  
33 examination of all records pertaining to the care  
34 provided to the residents and contact or interview  
35 with any resident, employee, or any other person who  
36 might have knowledge about the operation of the  
37 institution.

38 Sec. 2. Section 135B.12, Code 1987, is amended to  
39 read as follows:

40 135B.12 INFORMATION CONFIDENTIAL.

41 Information received by the department of  
42 inspections and appeals and the protection and  
43 advocacy agency through filed reports, inspection, or  
44 as otherwise authorized under this chapter, shall not  
45 be disclosed publicly in such manner as to identify  
46 individuals or hospitals, except in a proceeding  
47 involving the question of licensure or the denial,  
48 suspension or revocation of a license or civil suit or  
49 administrative action by or on behalf of a patient.

50 Sec. 3. Section 135C.2, subsection 4, Code

## Page 2

- 1 Supplement 1987, is amended to read as follows:  
 2 4. The protection and advocacy agency designated  
 3 in the state, under Pub. L. No. 98-527, the  
 4 developmental disabilities Act of 1984, and Pub. L.  
 5 No. 99-319, the protection and advocacy for mentally  
 6 ill individuals Act of 1986, and Pub. L. No. 100-146,  
 7 the federal Developmental Disabilities Assistance and  
 8 Bill of Rights Act Amendments of 1987, is recognized  
 9 as an agency legally authorized and constituted to  
 10 ensure the implementation of the purposes of this  
 11 chapter for populations under its authority and in the  
 12 manner designated by Pub. L. No. 98-527, and Pub. L.  
 13 No. 99-319, and Pub. L. No. 100-146 and in the  
 14 assurances of the governor of the state.”  
 15 2. Page 2, by inserting after line 19 the  
 16 following:  
 17 “The per diem costs billed to each county shall not  
 18 exceed the per diem costs in effect on July 1, 1988.  
 19 However, the per diem costs may be adjusted annually  
 20 to the extent of the adjustment in the consumer price  
 21 index published annually in the federal register by  
 22 the federal department of labor, bureau of labor  
 23 statistics.”  
 24 3. By renumbering, relettering, or redesignating  
 25 and correcting internal references as necessary.

Haverland of Polk offered the following amendment H—6525, to the Senate amendment H—6497, filed by him from the floor and moved its adoption:

## H—6525

- 1 Amend Senate amendment, H—6497, to House File 2456,  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 2, by inserting after line 23 the  
 5 following:  
 6 “\_\_\_\_\_. Page 6, by inserting after line 25 the  
 7 following:  
 8 “Sec. 100. Beginning July 1, 1988, the department  
 9 of inspections and appeals shall issue provisional  
 10 licenses to specialized psychiatric hospitals for  
 11 children and adolescents for those facilities which  
 12 are providing residential psychiatric services to  
 13 children and adolescents, which are accredited by the  
 14 joint commission on the accreditation of health care  
 15 organizations, which are in compliance with all  
 16 applicable state rules and standards regarding the  
 17 operation of comprehensive residential facilities for  
 18 children, and which have been awarded a certificate of

19 need. Each applicant shall submit a copy of the  
20 applicant's accreditation, a copy of the certificate  
21 of need, and a statement of approval from the state  
22 fire marshal to the department of inspections and  
23 appeals. Notwithstanding the provisions of section  
24 237.1, subsection 3, paragraph "e", care furnished by  
25 these facilities shall continue to be considered  
26 foster care.

27 The department of inspections and appeals, with the  
28 approval of the state board of health, shall adopt  
29 permanent standards for the licensure, of specialized  
30 psychiatric hospitals for children and adolescents  
31 under chapter 135B. The rules shall take effect no  
32 later than July 1, 1989.

33 The department of human services shall adopt rules  
34 to expand coverage under the medical assistance  
35 program to include services provided by specialized  
36 psychiatric hospitals for children and adolescents  
37 which are licensed by the department of inspections  
38 and appeals. The rules shall take effect no later  
39 than July 1, 1988, contingent upon the facilities  
40 meeting the federal requirements for a hospital as  
41 outlined in 42 C.F.R., subpart D. Initially, the  
42 rules shall provide that the medical assistance  
43 reimbursement rate for the specialized hospitals shall  
44 be one hundred twenty dollars per day or the actual  
45 audited costs, whichever are less. The department  
46 shall develop a permanent reimbursement methodology  
47 for the specialized hospitals to be effective on or  
48 before July 1, 1989.

49 The health facilities council shall expedite the  
50 process by ruling on a certificate of need application

## Page 2

1 under this section within seventy-five days of the  
2 application and shall give primary consideration in  
3 this expedited process to those issues related to  
4 meeting the conditions set out in this section,  
5 provided that either of the following conditions  
6 apply:

7 a. The hospital was accredited by the joint  
8 commission on the accreditation of health care  
9 organizations prior to the effective date of this Act  
10 and has been providing psychiatric treatment services  
11 for adolescents and children as a licensed foster care  
12 facility prior to the effective date of this Act and  
13 the provisional license will not increase the capacity  
14 of the facility.

15 b. The hospital had sought accreditation by the  
16 joint commission on the accreditation of health care  
17 organizations prior to January 1, 1988, and has been

18 providing psychiatric treatment services for  
 19 adolescents and children as a licensed foster care  
 20 facility prior to the effective date of this Act and  
 21 the provisional license will not increase the capacity  
 22 of the facility.  
 23 Sec. \_\_\_\_\_. EFFECTIVE DATE. Section 100 of this Act  
 24 takes effect upon enactment." "  
 25 2. Page 2, by inserting after line 23 the  
 26 following:  
 27 \_\_\_\_\_. Title page, line 2, by inserting after the  
 28 word "required," the following: "providing an  
 29 effective date,"."

Amendment H—6525 was adopted.

On motion by Haverland of Polk, the House concurred in the Senate amendment H—6497, as amended.

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

On the question "Shall the bill pass?" (H.F. 2456)

The ayes were, 86:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	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	Koenigs
Lundby	Mauslby	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 14:

Bennett	Chapman	Daggett	Eddie
Hanson, D. R.	Knapp	Kremer	Lageschulte
Miller	Norrgard	Pellett	Platt
Swearingen	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 2456)

Arnould of Scott asked and received unanimous consent that House File 2456 be immediately messaged to the Senate.

### HOUSE INSISTS

Johnson of Winneshiek called up for consideration **Senate File 2055**, a bill for an act relating to the registration and use of certain pesticides, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED (Senate File 2055)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2055: Rosenberg of Story, chair; Johnson of Winneshiek, Shoultz of Black Hawk, Mullins of Kossuth and McKean of Jones.

### SENATE AMENDMENT CONSIDERED

Teaford of Black Hawk called up for consideration **House File 2046**, a bill for an act relating to student membership on the state board of regents, amended by the Senate, and moved that the House concur in the following Senate amendment H-6524:

H-6524

- 1 Amend House File 2046, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by inserting after the figure
- 4 "3" the following: "at the time of the member's
- 5 appointment".
- 6 2. By striking page 1, line 13 through page 2,
- 7 line 1, and inserting the following:
- 8 "Sec. \_\_\_\_\_. Section 262.6, Code 1987, is amended to
- 9 read as follows:
- 10 262.6 VACANCIES.
- 11 Vacancies shall be filled in the same manner in

12 which regular appointments are required to be made.  
 13 If the ninth member resigns prior to the expiration of  
 14 the term, the individual appointed to fill the vacancy  
 15 shall meet the requirements for the ninth member  
 16 specified in section 262.1. Other vacancies occurring  
 17 prior to the expiration of the ninth member's term  
 18 shall be filled in the same manner as the original  
 19 appointments for those vacancies."  
 20 3. By numbering sections as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6524.

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

On the question "Shall the bill pass?" (H.F. 2046)

The ayes were, 63:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Cannolly	Connors	Cooper	Corey
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Koenigs
May	McKean	McKinney	Mullins
Neuhauser	Ollie	Osterberg	Parker
Peters	Peterson, M. K.	Plasier	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stueland	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 26:

Beaman	Bennett	Corbett	Garman
Halvorson, R. A.	Harbor	Hermann	Hester
Hummel	Kremer	Lundby	Maulsby
Metcalf	Muhlbauer	Paulin	Pavich
Petersen, D. F.	Poncy	Renken	Royer
Schnekloth	Stromer	Svoboda	Tyrrell
Van Camp	Van Maanen		

Absent or not voting, 11:

Blanshan	Daggett	Eddie	Hanson, D. R.
Knapp	Lageschulte	Miller	Norrgard
Pellett	Platt	Swearingen	

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

IMMEDIATE MESSAGE  
(House File 2046)

Arnould of Scott asked and received unanimous consent that House File 2046 be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 2321)

Jochum of Dubuque called up for consideration the report of the conference committee on Senate File 2321 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2321

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

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

1. Amend the House amendment, S—5956, to Senate File 2321, as amended, passed, and reprinted by the Senate, as follows:

1. By striking page 2, line 1 through page 3, line 37 and inserting the following: "following:

"Sec.\_\_\_\_\_. Section 2.10, subsection 1, Code Supplement 1987, is amended to read as follows:

1. Every member of the general assembly except the speaker of the house and majority and minority floor leaders of the senate and house shall receive an annual salary of sixteen thousand six hundred dollars for the year 1989 and subsequent years while serving as a member of the general assembly. The majority and minority floor leaders of the senate and house, except the senate majority leader, shall receive an annual salary of twenty-two thousand nine hundred dollars for the year 1989 and subsequent years while serving in such capacity. In addition, each such member shall receive the sum of forty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds one hundred ten calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred ten calendar days for the first session and

one hundred calendar days for the second session. However, members from Polk county shall receive twenty-five dollars per day. Each member shall receive a seventy-five dollar per month allowance for legislative district constituency postage, travel, telephone costs, and other expenses. Travel expenses shall be paid at the rate established by section 18.117 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 18.117 shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.”

2. Page 3, by inserting after line 39 the following:

“\_\_\_\_\_. Page 11, line 5, by striking the figure “1989,” and inserting the following: “1989.”

\_\_\_\_\_. Page 11, by striking lines 6 and 7 and inserting the following: “If a member of”.

\_\_\_\_\_. Page 11, lines 17 and 18, by striking the words “for the first time”.

3. By striking page 3, line 41 through page 4, line 3 and inserting the following: “inserting the following: “initially eligible or during the first subsequent annual open enrollment. A member of the general assembly who elects to become a member of a state health or medical group insurance plan shall be exempted from preexisting medical condition waiting periods. A member of the general assembly may change programs or coverage under the state health or medical service group insurance plan during the month of January of odd-numbered years, but program and coverage change selections shall be subject to the enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20. A person who has been a member of the general assembly for two years and who has elected to be a member of a state health or medical group insurance plan may continue to be a member of such state health or medical group insurance plan by requesting continuation in writing to the finance officer within thirty-one days after leaving office. The continuing former member of the general assembly shall pay the total premium and administrative costs for the state plan and shall have the same rights to change programs or coverage as state employees.” ”

4. Page 4, line 30, by striking the words “after line 16” and inserting the following: “before line 17”.

5. Page 4, by inserting after line 48 the following:

“\_\_\_\_\_. Page 12, by inserting before line 17 the following:

“Sec.\_\_\_\_\_. Section 331.752, subsection 4, Code 1987, is amended to read as follows:

4. The resolution changing the status of a county attorney shall state the initial annual salary to be paid to the county attorney when the full-time or part-time status is effective. The annual salary specified in the resolution shall remain effective until changed as provided in section 331.907. The Except in counties having a population of more than two hundred thousand, the annual salary of a full-time county attorney shall be an amount which is between forty-five percent and one hundred percent of the annual salary received by a district court judge.



Sec.\_\_\_\_\_. Section 331.757, subsection 2, Code 1987, is amended to read as follows:

2. The county attorney may appoint, with the approval of the board, an assistant county attorney to serve as a full-time prosecutor. A full-time prosecutor shall refrain from the private practice of law. The county attorney shall determine the compensation paid to a full-time prosecutor within the budget set for the county attorney's office by the board. The Except in counties having a population of more than two hundred thousand, the annual salary of an assistant county attorney shall not exceed eighty-five percent of the maximum annual salary of a full-time county attorney.

Sec.\_\_\_\_\_. This section and the salary rate of the commissioner of education as specified in section 5, subsection 7, paragraph "d", of this Act are effective upon enactment." "

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

THOMAS J. JOCHUM, Chair  
TONY BISIGNANO  
TOM SWARTZ  
ROGER A. HALVORSON  
WILLIAM H. HARBOR

MICHAEL GRONSTAL, Chair  
BILL HUTCHINS  
ROBERT CARR  
CALVIN O. HULTMAN  
JOHN W. JENSEN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 2321)

The ayes were, 60:

Adams	Arnould	Beaman	Beatty
Bisignano	Blanshan	Buhr	Carpenter
Chapman	Cohoon	Connolly	Connors
Cooper	Diemer	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Harbor
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Koenigs
Kremer	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Osterberg	Parker	Pavich	Peterson, M. K.
Platt	Renaud	Rosenberg	Schneklath
Schrader	Sherzan	Shoultz	Siegrist
Skow	Stromer	Swartz	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 28:

Bennett	Black	Brammer	Branstad
Clark	Corbett	Corey	De Groot
Fuller	Garman	Hansen, S. D.	Hester
Hummel	Lundby	Maulsby	Peters

Petersen, D. F.	Plasier	Poncy	Renken
Royer	Running	Shoning	Spear
Stueland	Svoboda	Tabor	Van Maanen

Absent or not voting, 12:

Daggett	Eddie	Hanson, D. R.	Hermann
Knapp	Lageschulte	Miller	Norrgard
Ollie	Paulin	Pellett	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 2321)

Arnould of Scott asked and received unanimous consent that Senate File 2321 be immediately messaged to the Senate.

**MOTION TO OVERRIDE GOVERNOR'S ITEM VETO LOST**

Haverland of Polk called up for consideration **House File 2447**, a bill for an act relating to human services, and making appropriations to the department of human services for the fiscal years beginning July 1, 1987, and July 1, 1988, and providing effective dates, item vetoed by the Governor on April 14, 1988 and moved that the House on reconsideration agree to pass House File 2447, the objections of the Governor to the contrary notwithstanding. (See pages 2100 through 2105 of the House Journal for the Governor's Item Veto message.)

On the question "Shall the House on reconsideration pass the bill, the objections of the Governor to the contrary notwithstanding?" (H.F. 2447)

The ayes were, 56:

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

The nays were, 30:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	De Groot
Diemer	Garman	Halvorson, R. A.	Harbor
Hester	Hummel	Kremer	Lundby
Maulsby	Metcalf	Mullins	Paulin
Petersen, D. F.	Renken	Royer	Schnekloth
Shoning	Siegrist	Stromer	Stueland
Tyrrell	Van Maanen		

Absent or not voting, 14:

Daggett	Eddie	Hanson, D. R.	Hermann
Knapp	Lageschulte	McKean	Miller
Norrgard	Pellett	Plasier	Platt
Swearingen	Wise		

The motion having failed to receive a two-thirds majority is declared to have lost and the Governor's veto is sustained.

#### MOTION TO OVERRIDE GOVERNOR'S ITEM VETO LOST

Renaud of Polk called up for consideration **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 certain effective dates, item vetoed by the Governor on April 13, 1988, and moved that the House on reconsideration agree to pass House File 2444, the objections of the Governor to the contrary notwithstanding. (See pages 1982 and 1983 of the House Journal for the Governor's Item Veto message.)

On the question "Shall the House on reconsideration pass the bill, the objections of the Governor to the contrary notwithstanding?" (H.F. 2444)

The ayes were, 53:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Gruhn	Halvorson, R. N.

Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Koenigs	May	McKinney
Muhlbauer	Neuhauser	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Skow	Spear
Svoboda	Tabor	Teaford	Wise
Mr. Speaker			

The nays were, 32:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	De Groot
Diemer	Garman	Halvorson, R. A.	Hermann
Hester	Hummel	Kremer	Lundby
Maulsby	McKean	Metcalf	Mullins
Paulin	Petersen, D. F.	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 15:

Daggett	Eddie	Groninga	Hanson, D. R.
Harbor	Knapp	Lageschulte	Miller
Norrgard	Parker	Pellett	Plasier
Platt	Swartz	Swearingen	

The motion having failed to receive a two-thirds majority is declared to have lost and the Governor's veto is sustained.

### GOVERNOR'S ITEM VETO MESSAGE

April 14, 1988

The Honorable Donald D. Avenson  
Speaker  
House of Representatives  
State Capitol Building  
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 2447, an act relating to human services, and making appropriations to the Department of Human Services for the fiscal years beginning July 1, 1987, and July 1, 1988, and providing effective dates.

House File 2447 provides funding for various human services programs, including important welfare reform initiatives. I am approving the funding provided in this bill since it is consistent with the budget compromise. I am pleased that the bill, for the most part, fully funds these programs within available funds. As a result, we can avoid a supplemental appropriation next year while providing an honest accounting of the expenditures during this fiscal year.

However, items in this bill excessively limit the ability of the executive branch to administer state government and rule out necessary cost-saving options in the event

of budget shortfalls. This administrative flexibility is essential if we are to wisely conserve taxpayers money. For that reason, I have item vetoed some of this restrictive language in House File 2447.

Therefore, House File 2447 is approved with the following exceptions which I hereby disapprove.

I am unable to approve the designated portions of Section 1, subsections 5 and 6, of House File 2447.

The item vetoed language in subsections 5 and 6 of Section 1 of House File 2447 prevents these appropriations from reverting to the state's general fund at the end of fiscal year 1989. Apparently, these nonreversion clauses were inserted in this legislation to prevent the Department of Human Services from making hasty decisions about awarding grants in the Child Development and Family Development and Self-Sufficiency Grant Programs. However, this legislation also requires that all grant awards be made by January 1, 1989. These confusing signals to the Department should be eliminated by striking the nonreversionary clauses and maintaining the requirement for the department to make these grant awards by January 1 of next year. The grant awards by the department can be multi-year in nature without the threat of a reversion being required in the next fiscal year, since the money is required to be encumbered by January 1.

I am unable to approve the designated portions of Section 3, subsection 3, of House File 2447.

The designated language would greatly hinder the effectiveness of the department's efforts to implement mandatory HMO's to contain Medicaid costs. Medicaid costs are increasing by over fifteen percent a year and mandatory HMO's are needed as a way to contain these costs. While I appreciate the legislature's recognition of the need to implement mandatory HMO's to contain these costs, restrictive language included in this subsection could render these mandatory HMO's ineffective.

Specifically, this item would exempt family planning services, and mental health services provided through community mental health centers from the mandatory HMO's and could exempt anyone with "minimal transportation expense" from the mandatory HMO.

Federal law and the remaining language in Section 3, subsection 3 require that HMO Medicaid services be easily accessible to needy individuals. The minimal transportation requirement would be most difficult to define and could result in a substantial and unnecessary loophole in the HMO requirements.

In addition, exempting community family planning services and mental health services from the HMO would greatly restrict our ability to contain the cost of those services.

I am unable to approve the item designated as Section 3, subsection 7, of House File 2447.

This provision of the bill exempts certain specialized psychiatric hospitals for children and adolescents from the certificate of need requirements.

I understand that the rationale for this legislative provision exempting these facilities from the certificate of need process was to attempt to allow the facilities to draw down federal dollars from the Medicaid program. I am certainly willing to consider ways in which to accomplish that effort.

However, there is no assurance that money will actually be saved through this method and the legislative action to set aside the certificate of need requirements could open the door for for-profit institutions to become JCAH-accredited and licensed during the next fourteen months in order to draw down federal Medicaid dollars.

The certificate of need process is designed to provide a technical review of the need for additional beds and to help contain health care costs. Those goals are important to the state and the certificate of need process should not be subverted by this legislative action.

I am unable to approve the designated portion of Section 3, subsection 11, of House File 2447.

This item in House File 2447 requires the approval of Legislative Council before the Department can expend \$20,000 to obtain assistance from the National Center for Health Services Research in examining state approaches to providing health services to uninsured and underinsured persons. Requiring such approval of the Legislative Council before the Department can administer these appropriated funds is an unnecessary intrusion by the legislative branch into the administration of the executive branch and therefore cannot be approved. If the legislature is uncertain about the wisdom of providing these funds for this purpose, the legislature should establish appropriate criteria governing the expenditure of these dollars without granting the Legislative Council de facto administrative power over an executive branch agency.

I am unable to approve the designated portions of Section 6, subsection 2, of House File 2447.

The item vetoed language in this section of House File 2447 requires the Department of Human Services to seek additional funds through supplemental appropriation in the event the department discovers a shortfall in expected funds. Thus, by implication, the department is prohibited from putting in place efficiencies or cost savings in order to pick up an unexpected shortfall. It is bad public policy to rule out the possibility of the department achieving cost savings in order to save taxpayers dollars. The efficiency and cost saving options should be the first ones selected by the department and a supplemental appropriation should be used only as a last resort. In addition, this item would require the department to seek Legislative Council approval before spending additional funds on non-salary or benefit items in its budget. Again, this allows the Legislative Council to, in effect, administer the appropriation made in Section 6 of House File 2447. The legislature does have the authority to appropriately indicate, by statute, the way in which funds should be expended. However, requiring the department to seek Legislative Council approval before certain administrative action is taken is an intrusion on the executive branch's constitutional responsibility to manage state government.

I am unable to approve the item designated as Section 6, subsection 3, of House File 2447.

This section of the bill prohibits the department from placing any orders for computer terminals or other hardware for the family assistance management information system. It also prohibits the department from taking delivery of any terminals or hardware previously ordered without receiving authority of the Legislative Council.

Again, this is an excessive intrusion of the Legislative Council into the administration of state government. Requiring Legislative Council approval before those funds can be administered is an unnecessary and potentially unconstitutional intrusion in

the administration of the executive branch of state government. I will ask the Department of Human Services to inform the Legislative Council, the fiscal committees of the legislature and the membership of the Human Services Appropriation Subcommittee as to their plans for the administration of the Family Assistance Management Information System. However, I cannot accept Legislative Council approval before any action can be taken by the department.

I am unable to approve the designated portions of Section 7, subsection 2, of House File 2447.

This item in Section 7, subsection 2, of the bill again requires the department to seek supplemental funds before attempting to cut costs in order to meet the potential budget shortfalls. It also requires Legislative Council approval before the department can spend funds on items other than salary and benefits. For the above reasons, I believe that the department should use cost saving efforts as a first option when dealing with budget shortfalls and requiring Legislative Council approval before certain administrative actions can be taken is an intrusion into the administration of the executive branch of state government.

I am unable to approve the designated portion of Section 8, subsection 3, of House File 2447.

This item requires the department to limit the population of the Eldora juvenile institution to an average of 200 and puts a limit of 90 juveniles at the Toledo institution.

While I generally agree with the intent of this legislation to maintain a manageable level of population at these institutions, I believe that it would be wrong for us to strictly hamstring the department and the court's ability to make appropriate decisions in the placement of foster children. Meeting this strict limitation would be most difficult for the department to achieve and the impact of failing to achieve it is not clear.

In addition, we should not limit our ability to appropriately place foster care individuals and if the population increases excessively, all three branches of government should review options for dealing with that population problem. A strict cap on that population is an inappropriate option to select at this time.

I am unable to approve the designated portion of Section 17, subsection 4, of House File 2447.

This item of the bill requires that the department increase the eligibility standards for child day care services in the event the Department is unable to expend all the funds appropriated for this purpose.

The primary purpose of an appropriation should not be an attempt to make certain that all of it is spent. Rather, it should be designed to meet a particular need that has been identified.

In this case, the need has been identified and the department has been provided funds for that purpose. If the General Assembly determines that funds are available and an additional need is in existence, the legislature can review the need for expansion of the eligibility requirements in the future. However, the department should not run this program with an eye toward making certain all funds are spent.

I am unable to approve the item designated as Section 31 of House File 2447.

This item proposes to prohibit the transfer of funds within the Aid to Families with Dependent Children (AFDC), medical assistance, state supplementary assistance, and the foster care programs. This section also prohibits the department from modifying any of these programs in order to meet budget shortfalls. It also prohibits these programs from being affected by any across-the-board cuts required in order to balance the state budget. Finally, this section prevents the Department, in the event that a shortfall of federal funds occurs, from taking action to cut those programs and instead requires a supplemental appropriations to continue funding in a future fiscal year.

This section of the bill, in effect, prohibits the department from looking for ways in which to cut costs in order to meet potential budget shortfalls. Moreover, the department is strictly limited in its ability to meet changing needs that may be identified during the course of the next fiscal year.

It would be my hope that our projections are accurate enough that budget transfer authority would not need to be utilized. In addition, I am confident that we can avoid an across-the-board cut in the coming fiscal year.

Nevertheless, the executive branch must maintain these options if we are to make certain that taxpayers' money is efficiently and wisely used. Hamstringing the department and the executive branch in efforts to deal with budget shortfalls would only encourage inefficiency and potential unnecessary expenditures. Existing statutory authority ensures the legislative branch is fully informed before the utilization of these necessary tools in the administration of the state's budget. Those notice requirements will be fully met by the executive branch should any of these options need to be selected in the coming fiscal year.

I am unable to approve the item designated as Section 45 of House File 2447.

This section of the bill sets out a strict methodology for the department to use in the event of the need for layoffs of departmental employees. I generally agree with the intent of the legislation to make certain that line employees are not disproportionately impacted should layoffs be needed.

However, the executive branch needs to maintain flexibility to select individuals affected by programs or administrative reductions for layoff in the event of a budget shortfall. Establishing a strict layoff procedure could limit the ability of the department to flexibly deal with budget shortfalls and to set appropriate priorities.

I am unable to approve the item designated as Section 47 of House File 2447.

This section of the bill makes effective the prohibition on the purchase or delivery of any computer equipment by the department upon enactment of the bill. Since that portion of this bill has been item vetoed, this enactment clause is not necessary.

The remainder of House File 2447 is approved in its entirety. Substantial additional funds are provided for child care and medical assistance to help needy Iowans climb the ladder out of poverty. In addition, the bill contains a controlled and manageable state response to the bill of rights. And, the cost estimates for the Medicaid, AFDC, and foster care programs included in this bill are reasonable and should be sufficient to meet the anticipated needs for next fiscal year — thus making supplementary appropriation not necessary.

I salute the legislature for working with the executive branch to meet these joint goals.



For the above reasons, I hereby respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of the 1968 Constitution of the State of Iowa. All other items in House File 2447 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

**GOVERNOR'S ITEM VETO MESSAGE**

A copy of the following communication was received and placed on file:

April 14, 1988

The Honorable Jo Ann Zimmerman  
President of the Senate  
State Capitol Building  
L O C A L

Dear Madam President:

I hereby transmit Senate File 2310, 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 and establishing a division of criminal and juvenile justice planning.

Senate File 2310 is approved with the following exception which I hereby disapprove.

I am unable to approve the items designated as Sections 11 and 12 of Senate File 2310.

These sections of this bill authorize counties to levy additional property taxes to fund the training of emergency medical services personnel and the acquisition of emergency medical services equipment. I am unable to approve this authorization for an additional supplemental levy because I do not believe that property taxpayers should be made subject to the additional burden of paying for emergency medical services. This same bill adopts my recommendation to provide state funding of \$1 million for emergency medical services. These state dollars can be well utilized to make certain the rural areas retain access to critical emergency medical services. Thus, adding this additional burden on the property taxpayer is unnecessary and unwise.

For the above reasons, I hereby respectfully disapprove of these items in accordance with Amendment IV of the Amendments of the 1968 Constitution of the State of Iowa. All other items in Senate File 2310 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

**GOVERNOR'S ITEM VETO MESSAGE**

A copy of the following communication was received and placed on file:

April 15, 1988

The Honorable Jo Ann Zimmerman  
President of the Senate  
State Capitol Building  
L O C A L

Dear Madam President:

I hereby transmit Senate File 2314, an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund and abstract fee fund, appropriating moneys to the permanent school fund, providing an increase in the abstract fee, mandating reports of certain agency purchases, mandating adoption of rules governing registration and titling of motor vehicles, renaming the chief executive officer of the department of public safety, changing provisions of the code relating to application of certain transportation safety regulations, repealing provisions of the code requiring woodlands, wetlands, public parks, and prime agricultural land to be protected in the design, construction, and reconstruction of highways, and providing effective dates.

Senate File 2314 is approved with the following exception which I hereby disapprove.

I am unable to approve the item designated as Section 53 of Senate File 2314.

Section 53 of this bill restricts the use of funds appropriated for new programs. In effect, this provision abrogates administrative transfer authority included in Section 8.39 of the Code.

While I approve of the new programs included in this bill and plan to insure the appropriate administration of them, I cannot accept the language which limits the ability of the executive branch to transfer funds in the event of a budget shortfall. In fact, new programs often have substantial lead times and thus the first full-year appropriation often remains partially unspent. In the event of a budget shortfall in the state, utilization of this transfer authority could be essential to avoid the elimination or the drastic cutbacks of other existing programs.

Therefore, the executive branch needs to maintain the flexibility of the current budget transfer authority.

Senate File 2314 also includes a provision which authorizes the Department of Public Safety to construct or purchase a facility for a new State Patrol Post with access to Interstates 29, 80, and 680. While I am approving the appropriation for that purpose, I am concerned about the impact of moving the area Post and Communications facility from its present Atlantic headquarters. Therefore, I approve this appropriation with the understanding that the Communications Center will remain in Atlantic. This community has fought back from the farm crisis and now is rebounding economically. Maintaining this Communications Center will provide Atlantic's recovering economy with additional stability.

For the above reasons, I hereby respectfully disapprove the designated item in accordance with Amendment IV of the Amendments of the 1968 Constitution of the State of Iowa. All other items in Senate File 2314 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 14, 1988, he approved and transmitted to the Secretary of State the following bills:

House File 2228, an act relating to vacancies in civil service promotional grades and providing an effective date.

House File 2371, 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.

House File 2415, an act 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.

Senate File 2070, an act relating to the application of certain transportation safety regulations.

Senate File 2234, an act relating to the starting date and the calendar for schools and providing a penalty.

Also: That on April 15, 1988, he approved and transmitted to the Secretary of State the following bills:

Senate File 2201, an act to remove the bond required for class "A", "B", "C", and "D" liquor control licenses and retail wine and beer permits.

Senate File 2285, 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.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on April 14, 1988. Had I been present, I would have voted "aye" on Senate Files 376 and 2331.

**BRANSTAD** of Winnebago

I was necessarily absent from the House chamber on Thursday, April 14, 1988. Had I been present, I would have voted "aye" on House Files 653, 2283, 2466 and Senate File 2313.

**OLLIE** of Clinton

**COMMUNICATION RECEIVED**

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

## DEPARTMENT OF EDUCATION

A report of on-site reviews or selected school district spending for special education for the fiscal year 1986-87, pursuant to Chapter 281.9(6), Code of Iowa.

## PRESENTATION OF VISITORS

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

Seventeen senior students from Urbana High School, Urbana, accompanied by Sharyl Stulken and Harlan Bell. By Hummel of Benton.

Twenty-four fifth and sixth grade students from St. Paul's Lutheran School, Waverly, accompanied by Mary Laiser. By Lageschulte of Bremer.

Twenty-three high school students from Grundy Center Community School, Grundy Center, accompanied by Keith Hall. By Renken of Grundy.

Twenty-three members of the Foreign Exchange Club from Grundy Center High School, Grundy Center, accompanied by Keith Hall. By Renken of Grundy.

Fifty-two eighth grade students from Pella Christian School, Pella, accompanied by Jim De Boeff. By Schrader of Marion.

Forty-two sixth grade students from Keota Elementary School, Keota, accompanied by Mr. Hill and Miss Winter. By Swearingen of Keokuk.

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

## SUBCOMMITTEE ASSIGNMENT

## House File 2478

State Government: Halvorson of Webster, Chair; Buhr and Carpenter.

## RESOLUTIONS FILED

**HCR 132**, by Bisignano and Sherzan, a concurrent resolution relating to budgeted full-time equivalent positions, commonly known as FTE's.

Laid over under **Rule 25**.

**SCR 122**, by committee on appropriations, a concurrent resolution

directing the department of general services to allow the use of certain parking spaces without charge.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-6496	H.F. 2448	Senate Amendment
H-6499	S.F. 2263	Holveck of Polk
H-6500	S.F. 2263	Holveck of Polk
H-6512	H.C.R. 130	Spear of Lee
H-6517	H.F. 2189	Senate Amendment
H-6518	H.C.R. 130	Dvorsky of Johnson
H-6523	H.F. 2466	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 9:52 p.m., until 9:30 a.m., Saturday, April 16, 1988.

# JOURNAL OF THE HOUSE

Ninety-seventh Calendar Day — Sixty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Saturday, April 16, 1988

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

Prayer was offered by the Honorable Ruhl Maulsby, state representative from Calhoun County.

The Journal of Friday, April 15, 1988 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cooper of Lucas, Norrgard of Des Moines and Knapp of Dubuque on request of Muhlbauer of Crawford; Brammer of Linn on request of Fey of Scott; Eddie of Buena Vista on request of Stueland of Clinton; Hanson of Delaware on request of Renken of Grundy.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 382, a bill for an act to reserve a specific amount of a claim payable on an insurance policy on property located within the corporate limits of a city for the cost of demolition of the property by the city.

Also: That the Senate has on April 15, 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 2469, a bill for an act relating to energy development and conservation, making appropriations of the petroleum overcharge funds, and providing an effective date.

Also: That the members of the conference committee, on the part of the Senate, appointed April 15, 1988, to Senate File 173, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities, are: The Senator from Fayette, Senator Murphy, Chair; the Senator from Woodbury, Senator Doyle; the Senator from Polk, Senator Mann; the Senator from Pottawattamie, Senator Hester; and the Senator from Buena Vista, Senator Fuhrman.

Also: That the members of the conference committee, on the part of the Senate, appointed April 16, 1988, to Senate File 2055, a bill for an act relating to the registration and use of certain pesticides, are: The Senator from Kossuth, Senator Priebe, Chair; the Senator from Scott, Senator Deluhery; the Senator from Cerro Gordo, Senator

A. Miller; the Senator from Pottawattamie, Senator Hester; and the Senator from Linn, Senator Hall.

Also: That the Senate has, on April 16, 1988, insisted on its amendment to 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, and the members of the conference committee, on the part of the Senate are: The Senator from Scott, Senator Deluhery, Chair; the Senator from Cerro Gordo, Senator A. Miller; the Senator from Kossuth, Senator Priebe; the Senator from Pottawattamie, Senator Hester; and the Senator from Linn, Senator Hall.

Also: That the Senate has on April 15, 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 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 April 15, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2341, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that certain positions are excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing peace officer status for certain nursing board investigators, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, relating to the investment of certain cemetery funds, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health

facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT CONSIDERED

Hammond of Story called up for consideration **House File 2466**, a bill for an act relating to the extension of the exclusion of a residential care facility from certificate of need requirements, amended by the Senate, and moved that the House concur in the following Senate amendment H—6523:

H—6523

- 1 Amend House File 2466, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 11 the
- 4 following:
- 5 "Sec. 2. 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
- 9 waiver project conducted beginning July 1, 1987, and
- 10 ending June 30, 1989, for residential care facilities
- 11 serving persons with mental retardation, chronic
- 12 mental illness, and other developmental disabilities,
- 13 and having five or fewer residents."
- 14 2. Title page, line 1, by inserting after the
- 15 word "to" the following: "residential care facilities
- 16 by requiring the inclusion of certain residential care
- 17 facilities in a demonstration project and".

The motion prevailed and the House concurred in the Senate amendment H—6523.

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

On the question "Shall the bill pass?" (H.F. 2466)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	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.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	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, 11:

Bisignano	Brammer	Cooper	Eddie
Hanson, D. R.	Haverland	Knapp	Lageschulte
Norrsgard	Parker	Plasier	

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

### SENATE AMENDMENT CONSIDERED

Hatch of Polk called up for consideration **House File 382**, a bill for an act to reserve a specific amount of a claim payable on an insurance policy on property located within the corporate limits of a city for the cost of demolition of the property by the city, amended by the Senate, and moved that the House concur in the following Senate amendment H—6526:

H—6526

- 1 Amend House File 382, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. **NEW SECTION. 515.150 DEMOLITION**
- 6 **RESERVE ON FIRE AND CASUALTY CLAIMS ON PROPERTY.**
- 7 1. An insurer shall reserve five thousand dollars
- 8 or ten percent, whichever amount is greater, of the
- 9 payment for damages to the property excluding personal
- 10 property on which it has issued a fire and casualty
- 11 insurance policy as demolition cost reserve if the
- 12 following are applicable:

13 a. The property is located within the corporate  
14 limits of a city with a population of twenty thousand  
15 or more.

16 b. The damage to the property renders it  
17 uninhabitable or unfit for the purpose for which it  
18 was intended, without repair.

19 c. Proof of loss has been submitted by the  
20 policyholder for a sum in excess of seventy-five  
21 percent of the face value of the policy covering the  
22 building or other insured structure.

23 2. An insurer which has received a proof of loss  
24 in excess of seventy-five percent of the face value of  
25 the policy covering a building or other insured  
26 structure, shall notify the city council of the city  
27 within which the property is located. The notice  
28 shall be made by certified mail within five working  
29 days after receipt of the proof of loss.

30 3. The city shall release all interest in the  
31 demolition cost reserve within ninety days after  
32 receiving notice of the existence of the demolition  
33 cost reserve unless the city has instituted legal  
34 proceedings for the demolition of said building or  
35 other insured structure, and has notified the insurer  
36 in writing of the institution of such legal pro-  
37 ceedings. Failure of the city to notify the insurer  
38 of such legal proceedings shall terminate the city's  
39 claim to any proceeds from the reserve.

40 4. A reserve for demolition costs shall no longer  
41 be required if:

42 a. The insurer has received notice from both the  
43 insured and the city council that the insured has com-  
44 menced repairs to the property or has commenced demo-  
45 lition of the property.

46 b. The city has failed to notify the insurer as  
47 provided under subsection 3.

48 5. If the city is required to demolish the damaged  
49 property at city expense, after instituting legal pro-  
50 ceedings, emergency actions, or obtaining waivers for

## Page 2

1 the demolition of the building or other insured  
2 structure, the city shall present to the insurer the  
3 actual cost of demolition of the property, including  
4 engineering, legal, and other demolition project  
5 costs, and the insurer shall compensate the city for  
6 that actual cost of the demolition project up to the  
7 amount in the demolition cost reserve. Any amount  
8 left from the demolition cost reserve after the cost  
9 of demolition of the property is paid to the city  
10 shall be paid to the insured if the insured is  
11 entitled to the remaining proceeds under the policy.

- 12 6. The insurer is not liable for any amount in  
 13 excess of the limits of liability set out by the  
 14 policy.  
 15 7. Insurers complying with this section or  
 16 attempting in good faith to comply with this section  
 17 shall be immune from civil and criminal liability."

The motion prevailed and the House concurred in the Senate amendment H—6526.

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

On the question "Shall the bill pass?" (H.F. 382)

The ayes were, 87:

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

The nays were, 3:

Garman	Maulsby	Van Maanen
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Absent or not voting, 10:

Brammer	Cooper	Eddie	Fey
Hanson, D. R.	Haverland	Knapp	Lageschulte
Norrgard	Plasier		

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

**IMMEDIATE MESSAGE**  
(House Files 382 and 2466)

Arnould of Scott asked and received unanimous consent that House Files 382 and 2466 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 2263.

**Unfinished Business Calendar**

The House again resumed consideration of **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, previously deferred.

Action on amendment H—6453 was deferred.

Holveck of Polk offered the following amendment H—6367 filed by Holveck, et al., and moved its adoption:

H—6367

- 1 Amend Senate File 2263 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 22 the
- 4 following:
- 5 "Sec. 3. Section 99D.25, Code 1987, is amended by
- 6 adding the following new subsection:
- 7 **NEW SUBSECTION. 5.** Any horse which in the opinion
- 8 of the commission veterinarian has suffered a
- 9 traumatic injury or disability such that a controlled
- 10 program of phenylbutazone administration would not aid
- 11 in restoring the racing soundness of the horse shall
- 12 not be allowed to race while medicated with
- 13 phenylbutazone or with phenylbutazone present in the
- 14 horse's bodily systems."
- 15 2. By renumbering as necessary.

Amendment H—6367 was adopted.

Platt of Muscatine in the chair at 10:16 a.m.

Holveck of Polk asked and received unanimous consent to withdraw amendment H—6499 filed by him on April 15, 1988.

Holveck of Polk offered the following amendment H—6500 filed by him and moved its adoption:

H—6500

1 Amend Senate File 2263 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 22 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 99D.25, subsection 4, Code  
6 1987, is amended to read as follows:  
7 4. The owners of a horse or dog and their agents  
8 and employees shall permit a member of the commission  
9 or a person employed or appointed by the commission to  
10 make tests as the commission deems proper in order to  
11 determine whether a horse or dog has been improperly  
12 drugged. The fact that purse money has been  
13 distributed prior to the issuance of a test report  
14 shall not be deemed a finding that no chemical  
15 substance has been administered unlawfully to the  
16 horse or dog earning the purse money. The findings of  
17 the commission that a horse or dog has been improperly  
18 drugged by a narcotic or other drug are prima facie  
19 evidence of the fact. The results of the tests shall  
20 be kept on file by the commission for at least one  
21 year following the tests."

Amendment H—6500 was adopted.

Holveck of Polk offered the following amendment H—6310, previously deferred, filed by Holveck, et al., and moved its adoption:

H—6310

1 Amend Senate File 2263 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 22 the  
4 following:  
5 "Sec. 3. Section 99D.25, Code 1987, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 5. Phenylbutazone may not be  
8 administered to a horse within ninety-six hours of the  
9 start of a race in which the horse is entered."  
10 2. By renumbering as required.

Amendment H—6310 was adopted.

McKean of Jones offered the following amendment H—6453, previously deferred, filed by him and moved its adoption:

H—6453

1 Amend Senate File 2263 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 22 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 99D.25, Code 1987, is amended  
6 by adding the following new subsection:  
7 **NEW SUBSECTION.** 5. Every horse which suffers a  
8 breakdown on the racetrack, in training, or in  
9 competition, and is destroyed, and every other horse  
10 which expires while stabled on the racetrack under the  
11 jurisdiction of the commission, shall undergo a  
12 postmortem examination at a time and place acceptable  
13 to the commission veterinarian to determine the injury  
14 or sickness which resulted in euthanasia or natural  
15 death. The postmortem examination shall be conducted  
16 by a veterinarian employed by the owner or the owner's  
17 trainer in the presence of and in consultation with  
18 the commission veterinarian. Test samples shall be  
19 obtained from the carcass upon which the postmortem  
20 examination is conducted and shall be sent to a  
21 laboratory approved by the commission for testing for  
22 foreign substances and natural substances at abnormal  
23 levels. When practical, blood and urine test samples  
24 should be procured prior to euthanasia. The owner of  
25 the deceased horse is responsible for payment of any  
26 charges due the veterinarian employed to conduct the  
27 postmortem examination. The services of the  
28 commission veterinarian and the laboratory testing of  
29 postmortem samples shall be made available by the  
30 commission without charge to the owner. A record of  
31 every postmortem shall be filed with the commission by  
32 the owner's veterinarian within seventy-two hours of  
33 the death and shall be submitted on a form supplied by  
34 the commission. Each owner and trainer accepts the  
35 responsibility for the postmortem examination provided  
36 herein as a requisite for maintaining the occupational  
37 license issued by the commission."

Amendment H-6453 was adopted.

Osterberg of Linn asked and received unanimous consent that Senate File 2263 be deferred and that the bill retain its place on the calendar.

### SENATE MESSAGE CONSIDERED

**Senate File 2341**, by Hutchins, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi

parkway planning commission, providing for distribution of publications of the Code editor, specifying that certain positions are excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing peace officer status for certain nursing board investigators, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, relating to the investment of certain cemetery funds, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date.

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

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 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 683, a bill for an act relating to energy assistance to low income households by requiring budget billing for certain utility bills for individuals receiving assistance under the low income home energy assistance program, by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment

plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier.

Also: That the Senate has on April 16, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2188, a bill for an act relating to the mobile home annual tax, the property tax credit and rent reimbursement for elderly and disabled individuals by changing the formula used for determining the amount of the annual tax, credit and reimbursement and providing effective dates.

JOHN F. DWYER, Secretary

The House stood at ease at 10:46 a.m., until the fall of the gavel.

The House resumed session at 10:52 a.m., Connors of Polk in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Haverland of Polk, until his arrival, on request of Ollie of Clinton.

### SPECIAL RECOGNITION

Jochum of Dubuque invited to the well of the House and presented plaques to the following members who will be retiring at the conclusion of the Seventy-second General Assembly: Parker of Jasper, Platt of Muscatine, Skow of Guthrie and Swearingen of Keokuk. Cooper of Lucas was also honored in his absence.

Running of Linn and Norrgard of Des Moines, who are candidates for offices other than the House, were also recognized for their service.

The House rose and expressed its appreciation.

### PRESENTATION OF GIFTS

Avenson of Fayette, Arnould of Scott and Stromer of Hancock were invited to the Speaker's station by Chapman of Linn and Harbor of Mills for a special presentation.

Chapman of Linn and Harbor of Mills, on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Seventy-second General Assembly.

The House rose and expressed its appreciation.

Running of Linn in the chair at 11:10 a.m.



## ADOPTION OF SENATE CONCURRENT RESOLUTION 122

Arnould of Scott asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 122, directing the department of general services to allow the use of certain parking spaces without charge.

On motion by Jochum of Dubuque, the resolution was adopted.

The House stood at ease at 11:15 a.m., until the fall of the gavel.

The House resumed session at 11:58 a.m., Running of Linn in the chair.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 16, 1988, adopted the conference committee report and passed House File 395, a bill for an act relating to the taking of animals and subjecting violators to penalties.

Also: That the Senate has on April 16, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 16, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has, on April 16, 1988, insisted on its amendment to House File 2339, a bill for an act relating to grievances and discipline resolution for certain employees of the state, and the members of the conference committee, on the part of the Senate are: The Senator from Polk, Senator Mann, Chair; the Senator from Dubuque, Senator Welsh; the Senator from Linn, Senator Horn; the Senator from Buena Vista, Senator Fuhrman; and the Senator from Osceola, Senator Vande Hoef.

Also: That the Senate has on April 16, 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 2456, a bill for an act relating to programs for which appropriations to the department of human services are required, and providing penalties.

Also: That the Senate has on April 16, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2474, a bill for an act relating to the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT CONSIDERED

Jochum of Dubuque called up for consideration **Senate File 2322**, a bill for an act relating to and making appropriations for the compensation and benefits for public officials and employees, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6527 to the House amendment:

H—6527

1 Amend the House amendment, S—5964, to Senate File  
2 2322, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 2 the follow-  
4 ing:

5 "\_\_\_\_\_. Page 1, line 18, by striking the figure  
6 "24,011,295" and inserting the following:  
7 "24,081,295".

8 \_\_\_\_\_. Page 3, line 2, by striking the figure  
9 "220,053" and inserting the following: "290,053".

10 2. Page 1, by inserting after line 8 the follow-  
11 ing:

12 "\_\_\_\_\_. Page 7, by inserting after line 7 the fol-  
13 lowing:

14 "Sec. 707. 1988 Iowa Acts, Senate File 2314,  
15 section 7, subsection 6, paragraph b, is amended to  
16 read as follows:

17 b. Notwithstanding section 384.15, subsection 7,  
18 paragraph "b", there is appropriated from the  
19 unencumbered and unobligated money remaining in the  
20 law enforcement training reimbursement fund on June  
21 30, 1988, to the department of public safety, division  
22 of criminal investigation, the sum of two hundred  
23 thousand (200,000) dollars for undercover purchases by  
24 the division of narcotics and local law enforcement  
25 agencies. However, moneys appropriated under this  
26 paragraph shall not be credited until all other moneys  
27 appropriated under this Act from the unencumbered and  
28 unobligated money remaining in the law enforcement  
29 training reimbursement fund on June 30, 1988, have  
30 been fully credited. Should the unencumbered and  
31 unobligated money remaining in the law enforcement  
32 training reimbursement fund on June 30, 1988, not be  
33 sufficient to cover all appropriations of such moneys  
34 under this Act, the money appropriated under this  
35 paragraph shall be reduced by the amount of the  
36 shortfall.

37 Sec. 711. 1988 Iowa Acts, Senate File 2314,  
38 section 61, is amended to read as follows:

39 SEC. 61. This section, section 5, section 7,  
40 section 43, and section 45 of this Act take effect

41 June 30, 1988.  
 42 Sec. \_\_\_\_\_. This section, section 707, and section  
 43 711 take effect June 30, 1988.””  
 44 3. Page 1, by inserting after line 9 the fol-  
 45 lowing:  
 46 “\_\_\_\_\_. Title page, by striking line 2 and insert-  
 47 ing the following: “, training, and benefits for  
 48 public officials and employees, and providing  
 49 effective dates.””

The motion prevailed and the House concurred in the Senate amendment H—6527.

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

On the question “Shall the bill pass?” (S.F. 2322)

The ayes were, 68:

Adams	Arnould	Beaman	Beatty
Bisignano	Blanshan	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corey	Daggett	Doderer
Dvorsky	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Hermann	Holveck	Jay	Jochum
Johnson	Koenigs	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Ollie	Osterberg
Paulin	Pavich	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 19:

Bennett	Black	Branstad	Corbett
Fuller	Garman	Hester	Hummel
Kremer	Lundby	Maulsby	Pellett
Peters	Plasier	Renken	Royer
Stueland	Svoboda	Van Maanen	

Absent or not voting, 13:

Brammer	Cooper	De Groot	Diemer
Eddie	Hanson, D. R.	Haverland	Knapp
Lageschulte	Norrsgard	Parker	Schnekloth
Swearingen			

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

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 2250)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2250: Rosenberg of Story, chair; Johnson of Winneshiek, Shoultz of Black Hawk, Mullins of Kossuth and McKean of Jones.

**IMMEDIATE MESSAGE**  
(Senate File 2322)

Arnould of Scott asked and received unanimous consent that Senate File 2322 be immediately messaged to the Senate.

Unfinished Business Calendar

The House again resumed consideration of **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, previously deferred.

Osterberg of Linn offered the following amendment H—6530 filed by him from the floor and moved its adoption:

H—6530

- 1 Amend Senate File 2263, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 22 the follow-
- 4 ing:
- 5 "Sec. \_\_\_\_\_. **NEW SECTION. 99D.27 APPLICABILITY OF**
- 6 **EXEMPTION ON THE PROHIBITION ON DRUGGING HORSES.**
- 7 The provisions of sections 99D.25 and 99D.25A
- 8 regarding the exemption of the drugs lasix and
- 9 phenylbutazone from the prohibition on drugging horses
- 10 and regulating the use of these drugs shall apply only
- 11 to the racetrack located in Altoona."

Amendment H—6530 lost.

Doderer of Johnson offered the following amendment H—6533 filed by her from the floor and moved its adoption:

H-6533

- 1 Amend Senate File 2263, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "However," the following: "in counties with a
- 5 population of two hundred fifty thousand or more."

Amendment H-6533 was adopted.

Bisignano of Polk in the chair at 12:43 p.m.

Blanshan of Greene moved to reconsider the vote by which the committee amendment H-5941, as amended, (found on page 2020 of the House Journal) was adopted by the House on April 15, 1988, which motion prevailed.

Rosenberg of Story moved to reconsider the vote by which amendment H-6502 (found on page 2020 of the House Journal) was adopted by the House on April 15, 1988, which motion prevailed.

The Speaker ruled that amendment H-6502, to the committee amendment H-5941, was out of order.

On motion by Blanshan of Greene, the committee amendment H-5941, as amended, was adopted.

Rosenberg of Story offered the following amendment H-6534 filed by him from the floor and moved its adoption:

H-6534

- 1 Amend Senate File 2263 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "NEW SUBSECTION. 7. A person found within or in
- 6 the immediate vicinity of a security stall who is in
- 7 possession of unauthorized drugs or hypodermic needles
- 8 or who is not authorized to possess drugs or
- 9 hypodermic needles shall, in addition to any other
- 10 penalties, be barred from entry into any racetrack in
- 11 Iowa and any occupational license the person holds
- 12 shall be revoked."

Amendment H-6534 was adopted.

Speaker Avenson in the chair at 1:18 p.m.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2263)

The ayes were, 52:

Arnould	Beaman	Beatty	Bisignano
Black	Blanshan	Buhr	Carpenter
Cohoon	Connolly	Connors	Fey
Fogarty	Fuller	Groninga	Harbor
Harper	Hatch	Haverland	Hummel
Jay	Koenigs	Maulsby	May
McKinney	Metcalf	Muhlbauer	Ollie
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Renaud	Renken	Royer	Schnekloth
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Svoboda
Tabor	Teaford	Tyrrell	Mr. Speaker

The nays were, 41:

Adams	Bennett	Branstad	Chapman
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hermann	Hester
Holveck	Jochum	Johnson	Kremer
Lundby	McKean	Miller	Mullins
Neuhauser	Osterberg	Plasier	Poney
Rosenberg	Running	Shoultz	Stueland
Swartz	Swearingen	Van Camp	Van Maanen
Wise			

Absent or not voting, 7:

Brammer	Cooper	Eddie	Hanson, D. R.
Knapp	Lageschulte	Norrgard	

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

### IMMEDIATE MESSAGE

(Senate File 2263)

Arnould of Scott asked and received unanimous consent that Senate File 2263 be immediately messaged to the Senate.

The House stood at ease at 1:34 p.m., until the fall of the gavel.

The House resumed session at 2:13 p.m., Speaker Avenson in the chair.

## QUORUM CALL

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

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 2452)

Jay of Appanoose called up for consideration the report of the conference committee on House File 2452 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2452

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

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

1. That the Senate amendment, H—6478, to House File 2452 as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, line 5, by inserting after the word "Code" the following: "Supplement".
2. Page 1, line 13, by inserting after the word "services" the following: "on or after July 1, 1988".
3. Page 1, line 47, by striking the figure "598,23" and inserting the following: "or 598.23".
4. By striking page 6, line 29 through page 7, line 6.
5. Page 7, line 19, by inserting after the word "center" the following: "and the judicial department".
6. Page 7, line 20, by inserting after the word "center" the following: "and the clerks of the district court".
7. Page 7, line 33, by inserting after the word "center" the following: "and the activities of the clerks of the district court".
8. Page 8, by striking lines 8 through 11.
9. Page 8, by striking lines 36 and 37 and inserting the following: "deletion of positions as a result of this Act shall be placed on the outplacement list. The judicial department may provide information regarding positions available as a result of the transition from the collection services center to the judicial department."

10. Page 8, line 40, by striking the figure "1991" and inserting the following: "1990".
11. Page 8, line 47, by striking the figure "1991" and inserting the following: "1990".
12. Page 8, by inserting after line 48 the following:

"The judicial department and the department of human services shall mutually agree to dates to effectuate the transfer of cases. The department of human services shall cause to be published in the administrative bulletin a cumulative list of effective dates by county, once agreed upon and determined, which list shall be final and inclusive of all counties on the next date of publication subsequent to March 1, 1990. The court shall provide for the automated access of data and automated transfers of moneys by the child support recovery unit necessary for carrying out the unit's duties. The court shall also examine, in a plan for any computerized system, the potential for including the use of the electronic transmission of funds as a method of payment satisfying any support obligation.

**Sec. 100. CHILD SUPPORT COLLECTION SERVICES FUND — APPROPRIATIONS.**

1. A child support collection services fund is created in the office of the treasurer of state consisting of all revenues appropriated to the fund by the general assembly and other revenues and moneys as designated to be deposited in the fund.
2. As a condition, limitation, and qualification of the appropriations and transfers provided for in this subsection and subsections 3 and 4, there is transferred for the fiscal year beginning July 1, 1987, and ending June 30, 1988, notwithstanding sections 99D.17 and 99D.18, from funds paid to the state racing commission pursuant to section 99D.14, four hundred thousand (400,000) dollars, to be deposited in the child support collection services fund. Notwithstanding section 8.33, funds transferred pursuant to this subsection shall not revert but shall be subject to expenditure from the child support collection services fund during the fiscal year ending June 30, 1989.
3. As a condition, limitation, and qualification of the appropriations and transfers provided for in this subsection and subsections 2 and 4, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, there is appropriated from the general fund of the state, seven hundred thousand (700,000) dollars, and notwithstanding sections 99D.17 and 99D.18, there is transferred from funds paid to the state racing commission pursuant to section 99D.14, two hundred ninety-two thousand (292,000) dollars, to be deposited in the child support collection services fund.
4. As a condition, limitation, and qualification of the appropriations and transfers provided for in this subsection and subsections 2 and 3, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, there is appropriated from the child support collection services fund, five hundred one thousand (501,000) dollars, or so much thereof as is necessary, to the department of human services for the operation of the collection services center established pursuant to section 252B.13, and eight hundred ninety-one thousand (891,000) dollars, or so much thereof as is necessary, to the judicial department to be used for the receipt and disbursement of support payments as provided in chapter 252B.
5. The general assembly declares that the entire one million three hundred ninety-two thousand (1,392,000) dollars appropriated in this section shall be spent as set out in this section. If the governor attempts to execute a purported item veto pursuant to Article III, Section 16 of the Constitution of the State of Iowa, this entire section



and all appropriations in this section shall be null and void. Each subsection in this section is part of a unified plan and program and the attempted removal of any subsection will destroy the whole, and each subsection is a qualification, limitation, and condition of every other subsection and of all appropriations in this section.

Sec. 200. 1988 Iowa Acts, House File 209, is repealed.

Sec. \_\_\_\_\_. Sections 100 and 200 of this Act, being deemed of immediate importance, are effective upon enactment."

\_\_\_\_\_. Title page, line 6, by inserting after the word "payees," the following: "by providing appropriations,"."

13. By renumbering and relettering as necessary.

ON THE PART OF THE HOUSE:

DANIEL JAY, Chair  
JOAN HESTER  
MARY LUNDBY  
WAYNE McKINNEY  
MICHAEL PETERSON

ON THE PART OF THE SENATE:

RICHARD VARN, Chair  
LEE HOLT  
JEAN LLOYD-JONES  
JOE WELSH

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 2452)

The ayes were, 74:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Branstad
Buhr	Carpenter	Chapman	Cohoon
Connolly	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Harbor	Harper	Hatch	Hester
Jay	Jochum	Johnson	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renken	Rosenberg
Schrader	Sherzan	Shoning	Shoultz
Skow	Svoboda	Swartz	Swearingen
Tabor	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 16:

Clark	Doderer	Hammond	Haverland
Holveck	Hummel	Pellett	Renaud
Royer	Running	Schnekloth	Siegrist
Spear	Stromer	Stueland	Teaford

Absent or not voting, 10:

Blanshan	Brammer	Connors	Cooper
Eddie	Hanson, D. R.	Hermann	Knapp
Lageschulte	Norrgard		

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 2452)

Arnould of Scott asked and received unanimous consent that House File 2452 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Koenigs of Mitchell called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—6532:

H—6532

1 Amend House File 2269, as passed by the House, as  
 2 follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 307B.23, Code 1987, is amended  
 6 to read as follows:  
 7 307B.23 SPECIAL RAILROAD FACILITY FUND.  
 8 1. There is created in the office of the state  
 9 treasurer a "special railroad facility fund". This  
 10 fund shall include moneys credited to this fund under  
 11 sections 307.29, 435.9, and other ~~funds~~ moneys which  
 12 by law may be credited to the special railroad  
 13 facility fund. The moneys in the special railroad  
 14 facility fund are hereby appropriated to and for the  
 15 purposes of the authority as provided in this chapter.  
 16 The funds in the special railroad facility fund shall  
 17 not be considered as a part of the general fund of the  
 18 state, ~~shall~~ are not be subject to appropriation for  
 19 any other purpose by the general assembly, and in  
 20 determining a general fund balance shall not be  
 21 included in the general fund of the state but shall

22 remain in the special railroad facility fund to be  
23 used for the purposes set forth herein in this  
24 section. The treasurer of state shall act as  
25 custodian of the fund and disburse amounts contained  
26 in it as directed by the authority. The treasurer of  
27 state is authorized to invest the funds deposited in  
28 the special railroad facility fund at the direction of  
29 the authority and subject to any limitations contained  
30 in the bond proceedings. The income from such  
31 investment shall be credited to and deposited in the  
32 special railroad facility fund. This fund shall be  
33 administered by the authority and may be used to  
34 purchase or upgrade railroad right-of-way and trackage  
35 facilities or to purchase general or limited  
36 partnership interests in a partnership formed to  
37 purchase, upgrade, or operate railroad right-of-way  
38 and trackage facilities, to pay or secure obligations  
39 issued by the authority, to pay obligations,  
40 judgments, or debts for which the authority becomes  
41 liable in its capacity as a general partner, or for  
42 any other use authorized under this chapter. The fund  
43 may also be used to purchase or upgrade railroad  
44 right-of-way and trackage facilities for the  
45 development of railroad passenger tourism.  
46 2. Any moneys credited to the special railroad  
47 facility fund under section 435.9 shall be deposited  
48 in a separate account within the special railroad  
49 facility fund. The authority may issue obligations  
50 under this chapter which are secured solely by the

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1 moneys to be deposited in that separate account and  
2 the holders or owners of any such obligations shall  
3 have no rights to payment of bond service charges from  
4 any other funds in the special railroad facility fund,  
5 including any moneys accruing to the authority from  
6 the lease, sale or other disposition, or use of  
7 railway facilities, or from payment of the principal  
8 of or interest on loans made, or from any other use of  
9 the proceeds of the sale of the obligations, and no  
10 such moneys may be used for the payment of bond  
11 service charges on any such obligations, except for  
12 accrued interest, capitalized interest, and reserves  
13 funded from proceeds received upon the sale of the  
14 obligations.

15 3. Moneys received from repayment from heartland  
16 rail corporation as provided in 1983 Iowa Acts,  
17 chapter 198, section 32, as amended by 1987 Iowa Acts,  
18 chapter 232, section 28, and section 6 of this Act,  
19 shall be deposited in a separate account within the  
20 special railroad facility fund and shall be used by

21 the authority only for debt service or rehabilitation  
 22 on branch rail lines whose total projected traffic is  
 23 at least fifty percent agricultural products.

24 Sec. 2. NEW SECTION. 307B.25 CERTIFICATION FOR  
 25 RECEIPT OF USE TAX MONEYS.

26 The authority shall certify to the treasurer of  
 27 state amounts of money necessary for payment of  
 28 principal and interest by the authority on obligations  
 29 issued on or after July 1, 1988, or to make payments  
 30 on leases guaranteed by the authority on or after July  
 31 1, 1988. However, certification shall only be made  
 32 under this section when there are insufficient moneys  
 33 available to the authority for the payment from moneys  
 34 credited to the special railroad facility fund or  
 35 other sources available to the authority.

36 Certification shall only be made under this section  
 37 for projects in which the authority has done all of  
 38 the following:

39 1. Conducted a feasibility study, prior to  
 40 agreeing to assist the project, which demonstrates  
 41 that the proposed project has a reasonable potential  
 42 to generate adequate revenues to be economically  
 43 viable.

44 2. Obtained from participants in the project  
 45 pledges to be received by the authority, which in  
 46 combination with other moneys available to the  
 47 authority, are sufficient to either retire obligations  
 48 issued by the authority to assist the project or make  
 49 all payments on leases guaranteed by the authority to  
 50 assist the project, including a lien against the

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1 assets of the project and a lien against the assets of  
 2 each participant in the project to the extent of that  
 3 participant's pledged obligation.

4 Sec. 3. NEW SECTION. 307B.25 APPROPRIATION TO  
 5 AUTHORITY.

6 Notwithstanding section 423.24 and prior to the ap-  
 7 plication of section 423.24, subsection 1, paragraph  
 8 "b", there is appropriated to the authority from  
 9 revenues derived from the operation of section 423.7  
 10 the 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 two million dollars annually. Moneys  
 14 credited to the Iowa railway finance authority under  
 15 this section are appropriated only for the payment of  
 16 principal and interest on obligations or the payment  
 17 of leases guaranteed by the authority as provided  
 18 under section 307B.25. Moneys credited to the  
 19 authority under this section shall be repaid from the

20 general fund to the road use tax fund.

21 Sec. 4. Section 327H.20, unnumbered paragraph 1,  
22 Code Supplement 1987, is amended to read as follows:

23 The department may enter into agreements with  
24 railroad corporations, the United States government,  
25 cities, counties, and other persons for carrying out  
26 the purposes of this chapter. Agreements entered into  
27 between the department and railroad corporations under  
28 this section may require a railroad corporation to  
29 reimburse all or part of the costs paid from the  
30 railroad assistance fund from revenue derived from all  
31 railroad cars and traffic using the main line, branch  
32 line, switching yard or sidings defined in the  
33 agreement. An agreement which does not require the  
34 repayment of railroad assistance funds used for  
35 rehabilitation projects shall require the railroad  
36 corporation to establish and maintain a separate  
37 corporation account to which an amount equal to all or  
38 part of the costs paid from the railroad assistance  
39 fund shall be credited from revenue derived from all  
40 railroad cars and traffic using the main line, branch  
41 line, switching yard or siding defined in the  
42 agreement. ~~However, one-half of the funds credited to~~  
43 ~~the railroad assistance fund shall be expended as~~  
44 ~~nonreimbursable grants for rehabilitation programs.~~  
45 Credits to the corporation account by the railroad  
46 corporation may be used for the restoration,  
47 conservation, improvement, and construction of the  
48 railroad corporation's main line, branch lines,  
49 switching yards and sidings within the state. The  
50 agreement shall stipulate the terms and conditions

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1 governing the use of credits to the corporation  
2 account as well as a penalty for the use of the  
3 account in a manner other than as provided in the  
4 agreement.

5 Sec. 5. Section 327H.24, unnumbered paragraph 2,  
6 Code Supplement 1987, is amended to read as follows:

7 Notwithstanding section 453.7, subsection 2,  
8 interest and earnings on moneys deposited in the  
9 railroad assistance fund shall be credited to the  
10 railroad assistance fund. Interest and earnings  
11 credited to the railroad assistance fund under this  
12 paragraph ~~shall~~ may be expended as loans or  
13 nonreimbursable grants.

14 Sec. 6. 1983 Iowa Acts, chapter 198, section 32,  
15 unnumbered paragraph 1, as amended by 1987 Iowa Acts,  
16 chapter 232, section 28, is amended to read as  
17 follows:

18 Notwithstanding the provisions of section 423.24,

19 there is transferred from revenues collected under  
 20 chapter 423 during each year of the fiscal period  
 21 beginning July 1, 1983 and ending June 30, 1985 from  
 22 the use tax imposed on motor vehicles, trailers and  
 23 motor vehicle accessories and equipment under section  
 24 423.7 the sum of seven million five hundred thousand  
 25 (7,500,000) dollars which shall be transferred to the  
 26 special railroad facility fund to be used exclusively  
 27 for the purposes provided in this section. The Iowa  
 28 railway finance authority may enter into a partnership  
 29 agreement as allowed under section 307B.7, subsection  
 30 7, for the purpose of acquiring the right-of-way of  
 31 the Chicago, Rock Island and Pacific railroad. The  
 32 funds shall be expended to supplement private  
 33 investment capital obtained for that purpose by  
 34 matching any private investment capital on an equal  
 35 basis. The funds transferred to the special railroad  
 36 facility fund under this section shall be considered  
 37 an interest-free loan to be repaid to the road use tax  
 38 fund from receipts credited to the special railroad  
 39 facility fund under section 307B.23 except that moneys  
 40 credited for repayment of the loan during the period  
 41 beginning July 1, 1987 and ending June 30, 1989 1988,  
 42 shall be credited to the railroad assistance fund.  
 43 The special railroad facility fund shall repay to the  
 44 road use tax fund, within thirty years after receipt  
 45 of each repayment from heartland rail corporation the  
 46 amount of the repayment, but in the interim the Iowa  
 47 railway finance authority may lend these moneys for  
 48 other rail projects without any other limitations  
 49 contained in this section being applicable.  
 50 Sec. 7. The legislative council may authorize an

**Page 5**

1 interim study to develop recommendations for the  
 2 branch line rail assistance program. The membership  
 3 of the study committee shall consist of three members  
 4 from the senate and three members from the house of  
 5 representatives and one member appointed by each of  
 6 the following:  
 7 1. Iowa grain and feed association.  
 8 2. Iowa institute of cooperation.  
 9 3. Farm bureau.  
 10 4. Rail shippers association.  
 11 5. Iowa railroad association.  
 12 6. Iowa railway finance authority.  
 13 7. Iowa corn growers association.  
 14 8. Iowa soybean association.  
 15 The state department of transportation shall assist  
 16 the legislative service bureau in staffing the interim  
 17 study committee. The study committee shall report its

18 findings, including proposed legislation, to the  
19 governor and the members of the general assembly by  
20 January 1, 1989.

21 Sec. 8. This Act, being deemed of immediate  
22 importance, takes effect upon its enactment."

23 2. Title page, line 1, by inserting after the  
24 word "to" the following: "the operation and funding  
25 of rail lines including".

26 3. Title page, line 2, by inserting after the  
27 word "fund" the following: "and an appropriation".

The motion prevailed and the House concurred in the Senate amendment H—6532.

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

On the question "Shall the bill pass?" (H.F. 2269)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	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.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
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	Schnekloth
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 2:

Maulsby                      Van Maanen

Absent or not voting, 9:

Brammer	Cooper	Eddie	Hanson, D. R.
Knapp	Lageschulte	Norrgard	Petersen, D. F.
Shoultz			

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

**IMMEDIATE MESSAGE**  
(House File 2269)

Arnould of Scott asked and received unanimous consent that House File 2269 be immediately messaged to the Senate.

**SENATE AMENDMENT CONSIDERED**

Groninga of Cerro Gordo called up for consideration **House File 2474**, a bill for an act relating to the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date, amended by the Senate amendment H—6531 as follows:

H—6531

- 1 Amend House File 2474 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "entity" the following: "having an office and
- 4 employees located within this state and".
- 5 2. Page 1, line 5, by inserting after the figure
- 6 "19," the following: "a state bank chartered under
- 7 the laws of any other state,".
- 8 3. Page 1, line 7, by inserting after the word
- 9 "association," the following: "an out-of-state state
- 10 chartered savings bank,".
- 11 4. Page 1, line 8, by inserting after the word
- 12 "board," the following: "a non-Iowa chartered savings
- 13 and loan association,".
- 14 5. By renumbering, relettering, or redesignating
- 15 and correcting internal references as necessary.

Groninga of Cerro Gordo offered the following amendment H—6535, to the Senate amendment H—6531, filed by him from the floor:

H—6535

- 1 Amend the Senate amendment, H—6531, to House File
- 2 2474, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 13 the fol-
- 4 lowing:
- 5 "\_\_\_\_\_. Page 1, by inserting after line 10 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. Section 527.4, subsection 3, paragraph
- 8 a, subparagraph (5), Code Supplement 1987, is amended
- 9 to read as follows:
- 10 (5) At any retail sales location in this state if
- 11 any all of the following apply:



- 12 (a) The satellite terminal is not designed,  
13 configured, or operated to accept deposits or to  
14 dispense script or other negotiable instruments.  
15 (b) The satellite terminal is not designed,  
16 configured, or operated to dispense cash except when  
17 operated by the retailer as part of a retail sales  
18 transaction.  
19 (c) The satellite terminal is utilized for the  
20 purpose of making payment to the retailer for goods or  
21 services purchased at the location of the satellite  
22 terminal.  
23 (d) The financial institution controls a satellite  
24 terminal described under subparagraph ~~part~~ subdivision  
25 (c) at a location of the retailer established pursuant  
26 to subparagraph (1), (2), (3), or (4)."  
27 \_\_\_\_\_. Title page, line 1, by inserting after the  
28 word "to" the following: "financial institutions and  
29 the location of satellite terminals and".  
30 2. By renumbering as necessary.

Schneklath of Scott rose on a point of order that amendment H-6535 was not germane.

The Speaker ruled the point well taken and amendment H-6535 not germane, to the Senate amendment H-6531.

Groninga of Cerro Gordo asked for unanimous consent to consider amendment H-6535.

Objection was raised.

Groninga of Cerro Gordo moved that the rules be suspended to consider amendment H-6535, to the Senate amendment H-6531.

A non-record roll call was requested.

The ayes were 53, nays 37.

The motion to suspend the rules prevailed.

On motion by Groninga of Cerro Gordo, amendment H-6535, to the Senate amendment H-6531, was adopted.

On motion by Groninga of Cerro Gordo, the House concurred in the Senate amendment H-6531, as amended.

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

On the question "Shall the bill pass?" (H.F. 2474)

The ayes were, 73:

Adams	Arnould	Beatty	Bisignano
Black	Branstad	Buhr	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Koenigs
Kremer	Lundby	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Peterson, M. K.
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, 18:

Beaman	Bennett	Carpenter	Corey
Daggett	De Groot	Garman	Maulsby
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Stueland
Tyrrell	Van Maanen		

Absent or not voting, 9:

Blanshan	Brammer	Cooper	Eddie
Hanson, D. R.	Harbor	Knapp	Lageschulte
Norrgard			

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 2474)

Arnould of Scott asked and received unanimous consent that House File 2474 be immediately messaged to the Senate.

RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an immediate meeting of the committee on state government to consider House File 2478 and Senate File 2341.

The House stood at ease at 2:50 p.m.; until the fall of the gavel.

The House resumed session at 4:42 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 April 16, 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 650, a bill for an act relating to providing private instruction and this Act is repealed July 1, 1990.

JOHN F. DWYER, Secretary

### CONFERENCE COMMITTEE APPOINTED (House File 2339)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2339: Connors of Polk, chair; Hammond of Story, Sherzan of Polk, Carpenter of Polk and Hermann of Scott.

### RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an immediate meeting of the committee on state government.

The House stood at ease at 4:46 p.m., until the fall of the gavel.

The House resumed session at 5:12 p.m., Speaker Avenson in the chair.

### COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON STATE GOVERNMENT

Senate File 2341, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council,

allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that certain positions are excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing peace officer status for certain nursing board investigators, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, relating to the investment of certain cemetery funds, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—6542 April 16, 1988.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2341.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 2341**, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that certain positions are excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete

reference, relating to staff support for the board of chiropractic examiners, providing peace officer status for certain nursing board investigators, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, relating to the investment of certain cemetery funds, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain non-statutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Webster offered the following amendment H — 6542 filed by the committee on state government:

H — 6542

- 1 Amend Senate File 2341 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking lines 14 through 23.
- 4 2. By striking page 5, line 29 through page 6,
- 5 line 7.
- 6 3. By striking page 6, line 12 through page 7,
- 7 line 33.
- 8 4. Page 8, by inserting after line 11 the
- 9 following:
- 10 "Sec. \_\_\_\_\_. Section 135.31, Code 1987, is amended
- 11 to read as follows:
- 12 135.31 LOCATION OF BOARDS.
- 13 The offices for the state board of medical
- 14 examiners, the state board of pharmacy examiners, the
- 15 state board of nursing examiners, and the state board

- 16 of dental examiners, and the state board of  
 17 chiropractic examiners shall be located within the  
 18 department of public health. The individual boards  
 19 shall have policymaking and rulemaking authority.”  
 20 5. Page 8, by striking lines 12 through 18.  
 21 6. By striking page 8, line 19 through page 9,  
 22 line 19.  
 23 7. By striking page 9, line 20 through page 11,  
 24 line 7.  
 25 8. Page 11, by striking lines 8 through 30.  
 26 9. Page 12, by striking lines 2 through 26.  
 27 10. By striking page 12, line 27 through page 13,  
 28 line 1.  
 29 11. Page 13, by striking lines 7 through 14.  
 30 12. Page 17, by striking lines 4 through 23.  
 31 13. Page 18, by striking lines 13 through 15 and  
 32 inserting the following:  
 33 “The governor, auditor of state, treasurer of  
 34 state, and the department of management, in  
 35 consultation with the director of the legislative  
 36 fiscal bureau, shall phase in the implementation of  
 37 generally”.  
 38 14. By striking page 18, line 31 through page 19,  
 39 line 4.  
 40 15. Page 19, by striking line 8 and inserting the  
 41 following: “1986, and is repealed effective January 1  
 42 June 30, 1989.”  
 43 16. Page 19, by striking line 12.  
 44 17. By striking title page 1, line 1 through  
 45 title page 2, line 23, and inserting the following:  
 46 “An Act relating to the organization and procedures of  
 47 state government, by making modifications to the  
 48 authority for and procedures relating to governmental  
 49 information, budget, and finance administration, by  
 50 making modifications in the authority for and

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- 1 procedures relating to state personnel administration,  
 2 by making modifications to the powers, procedures, and  
 3 structure of certain state governmental agencies, by  
 4 making modifications for the disposition of unclaimed  
 5 and abandoned property, by extending a tax liability  
 6 exemption, by making adjustments to the 1986  
 7 legislation reorganizing state government, by making  
 8 other related adjustments and modifications, and by  
 9 providing an effective date.”  
 10 18. By renumbering as necessary.

Arnould of Scott asked and received unanimous consent that Senate File 2341 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—6542 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 April 16, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2405, a bill for an act relating to the administration and benefits for certain public retirement systems.

Also: That the Senate has on April 16, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2464, a bill for an act relating to the lease-purchase and disposal of real or personal property by the department of general services and providing a standing appropriation of proceeds previously deposited.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT CONSIDERED

Blanshan of Greene called up for consideration **House File 2405**, a bill for an act relating to the administration and benefits for certain public retirement systems, amended by the Senate, and moved that the House concur in the following Senate amendment H—6544:

H—6544

1 Amend House File 2405, as amended, passed, and re-  
 2 printed by the House, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 12.8, unnumbered paragraph 3,  
 6 Code 1987, is amended to read as follows:  
 7 The treasurer of state, ~~following with the approval~~  
 8 by of the investment board of the Iowa public  
 9 employees' retirement system, ~~may implement and engage~~  
 10 in conduct a program of lending securities in the Iowa  
 11 public employees' retirement system portfolio, ~~except~~  
 12 the lending of common stocks shall not be allowed.  
 13 When securities are loaned as provided by this  
 14 paragraph, the treasurer, ~~in order to secure the loan~~  
 15 ~~and as a condition thereof, shall obtain from the~~  
 16 ~~borrower federal securities of at least equal to one~~  
 17 ~~hundred three percent of market value, and the~~  
 18 ~~relative value of the collateral to the loan shall be~~  
 19 ~~maintained shall act in the manner provided for~~  
 20 investment of moneys in the Iowa public employees'  
 21 retirement fund under section 97B.7. The treasurer of  
 22 state shall include in the reports required by  
 23 sections 12.17 and 17.3, a review of the program  
 24 including the fiscal impact of the program report at  
 25 least annually to the investment board of the Iowa

26 public employees' retirement system on the program and  
 27 shall provide additional information on the program  
 28 upon the request of the investment board or the  
 29 employees of the Iowa public employees' retirement  
 30 system division of the department of personnel.

31 Sec. 2. Section 97A.1, subsection 2, Code 1987, is  
 32 amended to read as follows:

33 2. "Peace officer" or "peace officers" shall mean  
 34 all members of the divisions of highway safety and  
 35 uniformed force and criminal investigation and bureau  
 36 of identification in the department of public safety,  
 37 except clerical workers, who have passed a  
 38 satisfactory physical and mental examination and have  
 39 been duly appointed as members of the state department  
 40 of public safety in accordance with the provisions of  
 41 section 80.15, and the division of drug law  
 42 enforcement, and arson investigators in the department  
 43 of public safety hired prior to July 1, 1988, except  
 44 clerical workers, and the division of beer and liquor  
 45 law enforcement of the department of public safety,  
 46 except clerical workers.

47 Sec. 3. Section 97A.6, subsection 2, Code 1987, is  
 48 amended to read as follows:

49 2. Allowance on service retirement. Upon  
 50 Effective January 1, 1989, upon retirement from

## Page 2

1 service, a member shall receive a service retirement  
 2 allowance which shall consist of a pension which shall  
 3 equal ~~one-half~~ sixty percent of the member's average  
 4 final compensation.

5 Sec. 4. Section 97A.6, subsection 6, Code 1987, is  
 6 amended to read as follows:

7 6. Retirement after accident. Upon Effective  
 8 January 1, 1989, upon retirement for accidental  
 9 disability, a member shall receive an accidental  
 10 disability retirement allowance which shall consist of  
 11 a pension equal to ~~sixty-six and two-thirds~~ sixty  
 12 percent of the member's average final compensation.

13 Sec. 5. Section 97A.6, subsection 8, paragraph b,  
 14 unnumbered paragraph 1, Code 1987, is amended to read  
 15 as follows:

16 In lieu of the payment specified in paragraph "a,"  
 17 a beneficiary meeting the qualifications of paragraph  
 18 "c" may elect to receive a monthly pension equal to  
 19 one-twelfth of forty percent of the average final  
 20 compensation of the member, but not less than fifty  
 21 ~~dollars~~ an amount equal to twenty percent of the  
 22 monthly earnable compensation paid to an active member  
 23 having the rank of senior patrol officer of the Iowa  
 24 highway safety patrol if the member was in service at



25 the time of death. For a member not in service at the  
 26 time of death, the pension shall be reduced as  
 27 provided in subsection 1, paragraph "b".

28 Sec. 6. Section 97A.6, subsection 8, paragraph c,  
 29 subparagraphs (1) and (2), Code 1987, are amended to  
 30 read as follows:

31 (1) The spouse, ~~to continue so long as the spouse~~  
 32 ~~remains unmarried.~~

33 (2) If there is no spouse, or if the spouse dies  
 34 ~~or remarries~~ and there is a child of a member, then  
 35 the guardian of the member's child or children,  
 36 divided as the board of trustees determines, to  
 37 continue as a joint and survivor pension until every  
 38 child of the member dies or attains the age of  
 39 eighteen, or twenty-two if applicable.

40 Sec. 7. Section 97A.6, subsection 9, paragraph a,  
 41 Code 1987, is amended to read as follows:

42 a. A Effective January 1, 1989, a pension equal to  
 43 one-half sixty percent of the average final  
 44 compensation of such member shall be paid to the  
 45 surviving spouse, children, or dependent parents as  
 46 provided in paragraphs "c", "d", and "e" of subsection  
 47 8 of this section.

48 Sec. 8. Section 97A.6, subsection 12, paragraph a,  
 49 Code 1987, is amended to read as follows:

50 a. To the member's surviving spouse ~~to continue so~~

### Page 3

1 ~~long as said party remains unmarried, equal to one-~~  
 2 ~~half the amount received by such the deceased~~  
 3 ~~beneficiary, but in no instance less than fifty~~  
 4 ~~dollars per month an amount equal to twenty percent of~~  
 5 ~~the monthly earnable compensation paid to an active~~  
 6 ~~member having the rank of senior patrol officer of the~~  
 7 ~~Iowa highway safety patrol, and in addition thereto a~~  
 8 ~~monthly pension equal to the monthly pension payable~~  
 9 ~~under subsection 9, paragraph "c," of this section for~~  
 10 ~~each child under eighteen years of age or twenty-two~~  
 11 ~~years of age if applicable; or~~

12 Sec. 9. Section 97A.6, subsection 14, paragraph a,  
 13 subparagraphs (1), (2), and (4), Code 1987, are  
 14 amended to read as follows:

15 (1) Twenty-five Effective January 1, 1989, thirty  
 16 percent for members receiving a service retirement  
 17 allowance and for beneficiaries receiving a pension  
 18 under subsection 9 of this section.

19 (2) Twenty percent for members with five or more  
 20 years of membership service who are receiving an  
 21 ordinary disability retirement allowance. However,  
 22 effective July 1, 1984, for members who retired before  
 23 July 1, 1979, and effective July 1, 1988, for members

24 who retire on or after July 1, 1988, twenty-five  
 25 percent shall be used for members who are receiving an  
 26 ordinary disability retirement allowance.

27 (4) Thirty-three and one-third Effective January  
 28 1, 1989, thirty percent for members receiving an  
 29 accidental disability allowance.

30 Sec. 10. Section 97A.8, subsection 1, paragraph f,  
 31 Code 1987, is amended to read as follows:

32 f. An Effective January 1, 1989, an amount equal  
 33 to three four and one-tenth percent of each member's  
 34 compensation from the earnable compensation of the  
 35 member shall be paid to the pension accumulation fund.

36 Sec. 11. Section 97A.9, Code 1987, is amended to  
 37 read as follows:

38 97A.9 MILITARY SERVICE EXCEPTIONS.

39 Any A member who is absent from duty as a peace  
 40 officer while serving in the armed services of the  
 41 United States or its allies and is discharged or  
 42 separated therefrom from service in the armed forces  
 43 under honorable conditions shall have any such the  
 44 period or periods of absence while serving in such the  
 45 armed services on other than a voluntary basis and one  
 46 such period of absence, not in excess of four years,  
 47 while serving in such the armed forces on a voluntary  
 48 basis, included as part of the member's period of  
 49 service in the department. Such The member shall is  
 50 not be required to continue the contributions required

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1 of the member under section 97A.8, during such the  
 2 period of military service, provided that if the  
 3 member shall, within six months one year after the  
 4 member has been discharged or separated under  
 5 honorable conditions from such military service return  
 6 returns, and resume resumes the member's duties in the  
 7 department, and provided further, that such if the  
 8 member shall be is declared physically capable of  
 9 resuming such to resume those duties upon examination  
 10 by the medical board.

11 Sec. 12. Section 97B.2, Code 1987, is amended to  
 12 read as follows:

13 97B.2 PURPOSE OF CHAPTER.

14 The purpose of this chapter is to promote economy  
 15 and efficiency in the public service by providing an  
 16 orderly means whereby for employees who become  
 17 superannuated may, without hardship or prejudice, be  
 18 replaced by more capable employees, and to that end  
 19 providing to have a retirement system which will  
 20 provide for the payment of annuities to public  
 21 employees, thereby enabling the employees to care for  
 22 themselves in retirement, and which by its provisions

23 will improve public employment within the state,  
24 reduce excessive personnel turnover, and offer  
25 suitable attraction to high-grade men and women to  
26 enter public service in the state.

27 Sec. 13. Section 97B.4, unnumbered paragraph 2,  
28 Code 1987, is amended to read as follows:

29 The department, members of the investment board,  
30 and the treasurer of state are not personally liable  
31 for actions or omissions, under this chapter that do  
32 not involve malicious or wanton misconduct even if  
33 those actions or omissions violate the standards  
34 established in section 97B.7.

35 Sec. 14. Section 97B.4, Code 1987, is amended by  
36 adding the following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. In the administration of  
38 the investment of moneys in the fund, employees of the  
39 department and members of the board may travel outside  
40 the state for the purpose of meeting with investment  
41 firms and consultants and attending conferences and  
42 meetings to fulfill their fiduciary responsibilities.  
43 This travel is not subject to section 421.38,  
44 subsection 2.

45 Sec. 15. Section 97B.7, subsection 2, paragraph b,  
46 unnumbered paragraph 1, Code 1987, is amended to read  
47 as follows:

48 Invest, subject to chapter 12A, the portion of the  
49 retirement fund which in the judgment of the  
50 department is not needed for current payment of

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1 benefits under this chapter. The department shall  
2 execute the disposition and investment of moneys in  
3 the retirement fund in accordance with the investment  
4 policy and goal statement established by the  
5 investment board. In the investment of the fund, the  
6 department and investment board shall exercise the  
7 judgment and care, under the circumstances then  
8 prevailing, which persons of prudence, discretion, and  
9 intelligence exercise in the management of their own  
10 affairs as provided in section 633.123, subsection 1,  
11 not for the purpose of speculation, but with regard to  
12 the permanent disposition of the funds, considering  
13 the probable income, as well as the probable safety,  
14 of their capital. Within the limitations of the  
15 standard prescribed in this section, a fiduciary may  
16 acquire and retain every kind of property and every  
17 kind of investment which persons of prudence,  
18 discretion, and intelligence acquire or retain for  
19 their own account.

20 Sec. 16. Section 97B.7, subsection 2, paragraph b,  
21 unnumbered paragraph 4, Code 1987, is amended to read

22 as follows:

23 Consistent with this paragraph, investments made  
24 under this paragraph shall be made in a manner that  
25 will enhance the economy of this state, and in  
26 particular, will result in increased employment of the  
27 residents of this state. Investments of moneys in the  
28 fund are not subject to sections 73.15 through 73.21.

29 Sec. 17. Section 97B.7, subsection 2, paragraph b,  
30 unnumbered paragraph 5, Code 1987, is amended to read  
31 as follows:

32 If Except as provided in section 97B.4, if there is  
33 loss on the redemption or sale of securities, where  
34 invested as prescribed by law, neither to the fund,  
35 the treasurer, nor the department is, and the board  
36 are not personally liable, but and the loss shall be  
37 charged against the retirement fund, and there There  
38 is appropriated from the retirement fund an the amount  
39 as required for the to cover a loss. Expenses  
40 incurred in the sale and purchase of securities  
41 belonging to the retirement fund shall be charged to  
42 the retirement fund, and there is appropriated from  
43 the retirement fund an the amount as required for the  
44 expenses incurred. Investment management expenses  
45 shall be charged to the investment income of the  
46 retirement fund, and there is appropriated from the  
47 retirement fund an the amount as required for the  
48 investment management expenses, subject to the  
49 limitations stated in this subparagraph. The amount  
50 appropriated for a fiscal year under this subparagraph

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1 shall not exceed one-half percent of the market value  
2 of the retirement fund. The department shall report  
3 the investment management expenses for a fiscal year  
4 as a percent of the market value of the retirement  
5 fund in the annual report to the governor required in  
6 section 97B.4. A person who has signed a contract  
7 with the department for investment management purposes  
8 shall meet the requirements for doing business in Iowa  
9 sufficient to be subject to tax under rules of the  
10 department of revenue and finance.

11 Sec. 18. Section 97B.8, unnumbered paragraph 3,  
12 Code 1987, is amended to read as follows:

13 The members who are executives of a domestic life  
14 insurance company, a state or national bank, and a  
15 major industrial corporation, and the member who is a  
16 retired member of the system, shall be paid their  
17 actual expenses incurred in performance of their  
18 duties and shall receive in addition the sum of forty  
19 dollars for each day of service not exceeding forty  
20 days per year. Legislative members shall receive

21 forty dollars for each day of service and their actual  
22 expenses incurred in the performance of their duties.  
23 The per diem and expenses of the legislative members  
24 shall be paid from funds appropriated under section  
25 2.12. The members who are active members of the  
26 system and the director of the department shall be  
27 paid their actual expenses incurred in the performance  
28 of their duties as members of the board and  
29 performance of their duties as members of the board  
30 shall not affect their salaries, ~~vacation~~ vacations,  
31 or leaves of absence for sickness or injury. The  
32 appointive terms of the members appointed by the  
33 governor are for a period of six years beginning and  
34 ending as provided in section 69.19. If there is a  
35 vacancy in the membership of the board, the governor  
36 has the power of appointment. Appointees to this  
37 board are subject to confirmation by the senate.

38 Sec. 19. Section 97B.9, unnumbered paragraph 1,  
39 Code 1987, is amended to read as follows:

40 Contributions unpaid on the date on which they are  
41 due and payable as prescribed by the department, shall  
42 bear interest at the combined interest and dividend  
43 rate of one-half of one per centum per month from and  
44 after such date until payment plus accrued interest is  
45 received by the department required under section  
46 97B.70 for the applicable calendar year, provided that  
47 the department may prescribe fair and reasonable  
48 regulations pursuant to which such the interest shall  
49 not accrue with respect to contributions required.  
50 Interest collected pursuant to this section shall be

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1 paid into the Iowa public employees' retirement fund.

2 Sec. 20. Section 97B.11, Code 1987, is amended to  
3 read as follows:

4 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.

5 Each employer shall deduct from the wages of each  
6 member of the system a contribution in the amount of  
7 three and six-tenths percent of the covered wages paid  
8 by the employer through June 30, 1979, and commencing  
9 July 1, 1979 in the amount of three and seven-tenths  
10 percent of the covered wages paid by the employer,  
11 until the first of the month in which the member  
12 attains the age of seventy years or the member's  
13 termination or retirement from employment, whichever  
14 is earlier. The contributions of the employer shall  
15 be in the amount of three and one-half percent of the  
16 covered wages of the member for service through  
17 December 31, 1975, and in the amount of five and  
18 twenty-five hundredths percent of the covered wages of  
19 the member for service commencing July 1, 1977,

20 through June 30, 1979, and in the amount of five and  
21 seventy-five hundredths percent of the covered wages  
22 of the member for service commencing July 1, 1979.

23 Sec. 21. Section 97B.15, Code 1987, is amended to  
24 read as follows:

25 97B.15 RULES.

26 The department shall have full power and authority  
27 to may make rules under chapter 17A and to establish  
28 procedures, not inconsistent with the provisions of  
29 this chapter, which are necessary or appropriate to  
30 carry out such provisions implement this chapter and  
31 shall adopt reasonable and proper rules to regulate  
32 and provide for the nature and extent of the proofs  
33 and evidence and the method of taking and furnishing  
34 the same proofs and evidence in order to establish the  
35 right to benefits hereunder under this chapter. The  
36 department may adopt rules to conform the requirements  
37 for receipt of retirement benefits under this chapter  
38 to the mandates of applicable federal statutes and  
39 regulations governing age discrimination or the  
40 taxation of distributions.

41 Sec. 22. Section 97B.16, Code 1987, is amended by  
42 striking the section and inserting in lieu thereof the  
43 following:

44 97B.16 PROCEDURE OF DEPARTMENT.

45 The department shall make decisions as to the  
46 rights of an individual applying for a payment under  
47 this chapter. When requested by an individual, or a  
48 person who makes a showing in writing that the  
49 individual's or person's rights may be prejudiced by a  
50 decision the department has made, a hearing shall be

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1 scheduled under the Iowa administrative procedures  
2 Act, chapter 17A. If a hearing is held, the decision  
3 shall, on the basis of evidence adduced at the  
4 hearing, be affirmed, modified, or reversed under  
5 chapter 17A.

6 Sec. 23. Section 97B.17, Code 1987, is amended to  
7 read as follows:

8 97B.17 RECORDS MAINTAINED.

9 The department shall establish and maintain records  
10 of each member, including but not limited to the  
11 amount of wages of each member, the contribution of  
12 each member with interest, and interest dividends  
13 credited thereon, and such these records shall be are  
14 the basis for the compilation of the retirement  
15 benefits provided under this chapter. Such The  
16 following records maintained under this chapter  
17 containing personal identifiable information are not  
18 public records for the purposes of chapter 22:

- 19 1. Records containing social security numbers.  
 20 2. Records listing designated beneficiaries.  
 21 3. Records specifying amounts accumulated in  
 22 members' active accounts.  
 23 4. Records containing names, addresses, and  
 24 amounts of monthly benefits to which members or their  
 25 beneficiaries are entitled.  
 26 5. Records containing names, addresses, and  
 27 amounts of lump sum refund payments to terminated  
 28 members or their beneficiaries.  
 29 Summary information concerning the demographics of  
 30 the members and general statistical information  
 31 concerning the system is subject to chapter 22, as  
 32 well as aggregate information by category.  
 33 However, the department's records shall be are  
 34 evidence for the purpose of proceedings before the  
 35 department or any court of the amounts of such wages  
 36 and the periods in which they were paid, and the  
 37 absence of an entry as to an individual's a member's  
 38 wages in such the records for any period shall be is  
 39 evidence that no wages were not paid such individual  
 40 that member in such the period.

41 Sec. 24. Section 97B.37, Code 1987, is amended to  
 42 read as follows:

43 97B.37 RECOGNITION OF AGENTS.

44 The department may prescribe rules governing the  
 45 recognition of agents or other persons, ~~other than~~  
 46 ~~attorneys as hereinafter provided~~, representing  
 47 claimants before the department, and may require of  
 48 ~~such the~~ agents or other persons, before being  
 49 recognized as representatives of claimants, that they  
 50 shall show that they are of good character and in good

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1 repute, possessed of the necessary qualifications to  
 2 enable them to render ~~such the~~ claimants valuable  
 3 service, and otherwise competent to advise and assist  
 4 ~~such the~~ claimants in the presentation of their cases.  
 5 An attorney in good standing who is admitted to  
 6 practice before the district or supreme court of the  
 7 state, shall be entitled to represent claimants before  
 8 the department upon filing with the department a  
 9 certificate of the attorney's right to so practice  
 10 from the presiding judge or clerk of any such court.  
 11 Claimants may be represented by counsel at their own  
 12 expense.

13 Sec. 25. Section 97B.41, subsection 1, paragraph  
 14 a, unnumbered paragraph 1, Code Supplement 1987, is  
 15 amended to read as follows:

16 "Wages" means all remuneration for employment,  
 17 including the cash value of remuneration paid in a

18 medium other than cash, but not including the cash  
 19 value of remuneration paid in a medium other than cash  
 20 necessitated by the convenience of the employer. The  
 21 amount agreed upon by the employer and employee for  
 22 remuneration paid in a medium other than cash shall be  
 23 reported to the department by the employer and is  
 24 conclusive of the value of the remuneration. However,  
 25 remuneration which does not equal or exceed the sum of  
 26 three hundred dollars in a calendar quarter shall be  
 27 excluded. "Wages" does not include special lump sum  
 28 payments made as payment for accrued sick leave or  
 29 accrued vacation or payments made as an incentive for  
 30 early retirement or as payments made upon dismissal,  
 31 severance, or a special bonus payment. Wages for an  
 32 elected official means the salary received by an  
 33 elected official, exclusive of expense and travel  
 34 allowances.

35 Sec. 26. Section 97B.41, subsection 1, paragraph  
 36 b, subparagraph (8), Code Supplement 1987, is amended  
 37 to read as follows:

38 (8) For each the calendar year from beginning  
 39 January 1, 1988, and thereafter, except as provided in  
 40 subparagraph (9) and ending December 31, 1988, wages  
 41 not in excess of twenty-four thousand dollars.

42 Sec. 27. Section 97B.41, subsection 1, paragraph  
 43 b, subparagraph (9), Code Supplement 1987, is amended  
 44 to read as follows:

45 (9) For Commencing January 1, 1989, for each  
 46 calendar year thereafter, the department shall  
 47 increase the covered wages limitation from the  
 48 previous calendar year by one two thousand dollars if  
 49 the annual actuarial valuation of the assets and  
 50 liabilities of the retirement system indicates that

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1 the cost of the increase in covered wages can be  
 2 absorbed within the employer and employee contribution  
 3 rates in effect under section 97B.11. However,  
 4 covered wages shall not exceed forty thousand dollars  
 5 for a calendar year.

6 Sec. 28. Section 97B.41, subsection 1, paragraph  
 7 b, subparagraph (10), Code Supplement 1987, is amended  
 8 to read as follows:

9 (10) Effective July 1, 1978 1988, covered wages  
 10 shall does not include wages to a member on or after  
 11 the first of the month in which the member attains the  
 12 age of seventy years, or after the effective date of  
 13 the member's retirement unless the member is re-  
 14 employed reemployed, as provided under section 97B.48,  
 15 subsection 3.

16 Sec. 29. Section 97B.41, subsection 3, paragraph



17 a, unnumbered paragraph 2, Code Supplement 1987, is  
18 amended to read as follows:

19 If an interstate agency is established under  
20 chapter 28E and similar enabling legislation in an  
21 adjoining state, and a city an employer had made  
22 contributions to the system for employees performing  
23 functions which are transferred to the interstate  
24 agency, the employees of the interstate agency who  
25 perform those functions shall be considered to be  
26 employees of the city employer for the sole purpose of  
27 membership in the system, although the employer  
28 contributions for those employees are made by the  
29 interstate agency.

30 Sec. 30. Section 97B.41, subsection 3, paragraph  
31 b, subparagraph (1), Code Supplement 1987, is amended  
32 to read as follows:

33 (1) Elective officials in positions for which the  
34 compensation is on a fee basis, elective officials of  
35 school districts, elective officials of townships, and  
36 elective officials of other political subdivisions who  
37 are in part-time positions, graduate medical students  
38 while serving as interns or resident doctors in  
39 training at any hospital, or county medical examiners  
40 and deputy county medical examiners under chapter 331,  
41 division V, part 7 8. However, a county attorney is  
42 an employee for purposes of this chapter whether that  
43 county attorney is employed on a full-time or a part-  
44 time basis.

45 Sec. 31. Section 97B.41, subsection 3, paragraph  
46 b, Code Supplement 1987, is amended by adding the  
47 following new subparagraphs:

48 NEW SUBPARAGRAPH. (14) Employees of the Iowa  
49 peace institute, established in chapter 38, unless an  
50 employee files an application with the department to

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1 be covered under this chapter.

2 NEW SUBPARAGRAPH. (15) Employees appointed by the  
3 state board of regents who, at the discretion of the  
4 state board of regents, may elect coverage in a  
5 retirement system qualified by the state board of  
6 regents that meets the criteria of section 97B.2.

7 Sec. 32. Section 97B.41, subsection 10, Code  
8 Supplement 1987, is amended by adding the following  
9 new paragraph:

10 NEW PARAGRAPH. e. On or after July 1, 1988, an  
11 inactive member who had accumulated, as of the date of  
12 the member's last termination of employment, years of  
13 membership service equal to or exceeding the years of  
14 membership service specified in this subsection for  
15 qualifying as a vested member on that date of

16 termination.

17 Sec. 33. Section 97B.41, subsection 13, paragraph  
18 a, Code Supplement 1987, is amended to read as  
19 follows:

20 a. Service in the armed forces of the United  
21 States during a period of war or national emergency,  
22 ~~provided if~~ the employee was employed by the employer  
23 immediately prior to entry into ~~such the~~ armed forces,  
24 and further ~~provided if~~ the employee was released from  
25 ~~such~~ service and returns to employment with the  
26 employer within ~~ninety days~~ twelve months of the date  
27 on which the employee ~~shall have~~ has the right of  
28 release from ~~such~~ service or within ~~such a~~ longer  
29 period as ~~may be~~ provided by the applicable laws of  
30 the United States ~~applicable thereto~~.

31 Sec. 34. Section 97B.41, subsection 17, Code  
32 Supplement 1987, is amended to read as follows:

33 17. "Membership service" means service rendered by  
34 a member after July 4, 1953, and ~~prior to the first of~~  
35 ~~the month in which the member attains the age of~~  
36 ~~seventy years~~. Years of membership service shall be  
37 counted to the complete quarter calendar year.

38 Sec. 35. Section 97B.43, Code 1987, is amended by  
39 adding the following new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988,  
41 a member eligible for an increased retirement  
42 allowance because of the repayment of contributions  
43 under this section is entitled to receipt of  
44 retroactive adjustment payments for no more than six  
45 months immediately preceding the month in which  
46 written notice was submitted to the department.

47 Sec. 36. Section 97B.45, Code 1987, is amended by  
48 adding the following new subsection:

49 NEW SUBSECTION. 4. The first of any month in  
50 which a member meets the membership service and age

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1 requirements to retire under section 97B.49,  
2 subsection 15.

3 Sec. 37. Section 97B.46, subsection 1, Code  
4 Supplement 1987, is amended to read as follows:

5 1. A member who is an ~~employee of the state and~~  
6 not an active member of any other retirement system in  
7 the state which is maintained in whole or in part by  
8 public contributions may remain in service beyond the  
9 date the member attains the age of sixty-five. The  
10 employee shall retire on the first day of the month  
11 after the last day of service. The employer shall not  
12 consider age as a factor in determining the  
13 continuation of the member's service.

14 Sec. 38. Section 97B.46, subsection 2, Code

15 Supplement 1987, is amended by striking the  
16 subsection.  
17 Sec. 39. Section 97B.48, subsection 3, Code 1987,  
18 is amended to read as follows:  
19 3. If, after the first day of the month in which  
20 the member attains the age of fifty-five years and  
21 until the member's sixty-fifth birthday, a member who  
22 is retired under this chapter is in regular full-time  
23 employment, the member's retirement allowance shall be  
24 suspended for as long as the member remains in  
25 employment. However, effective January 1, 1989,  
26 employment shall not be regarded as is not full-time  
27 employment until the member receives remuneration in  
28 an amount in excess of two six thousand one hundred  
29 twenty dollars for a calendar year. Effective the  
30 first of the month in which a member attains the age  
31 of sixty-five years, a retired member may receive a  
32 retirement allowance after return to covered  
33 employment regardless of the amount of remuneration  
34 received. As of the first of the month in which the  
35 member attains the age of seventy years, the member  
36 may receive a retirement allowance determined under  
37 section 97B.49, regardless of the amount of  
38 remuneration received. Upon a retirement after re-  
39 employment reemployment, a retired member may have the  
40 retired member's retirement allowance redetermined  
41 under this section or section 97B.49 or 97B.50,  
42 whichever is applicable, based upon the addition of  
43 credit for the years of membership service of the  
44 employee after re-employment reemployment, the covered  
45 wage during reemployment, and the age of the employee  
46 after reemployment. The retired member shall not  
47 receive a retirement allowance based upon more than a  
48 total of thirty years of service.  
49 Sec. 40. Section 97B.49, subsection 7, paragraph  
50 a, Code Supplement 1987, is amended to read as

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1 follows:  
2 a. Notwithstanding other provisions of this  
3 chapter, a member who is or has been employed as a  
4 conservation peace officer under section 107.13 and  
5 who retires on or after July 1, 1986, and before July  
6 1, 1988, and at the time of retirement is at least  
7 sixty years of age and has completed at least twenty-  
8 five years of membership service as a conservation  
9 peace officer, may elect to receive, in lieu of the  
10 receipt of any benefits under subsection 5 of this  
11 section, a monthly retirement allowance equal to one-  
12 twelfth of fifty percent of the member's three-year  
13 average covered wage as a conservation peace officer,

14 with benefits payable during the member's lifetime.

15 Sec. 41. Section 97B.49, subsection 7, paragraph  
16 b, unnumbered paragraph 1, Code Supplement 1987, is  
17 amended to read as follows:

18 A conservation peace officer who retires on or  
19 after July 1, 1986, and before July 1, 1988, and has  
20 not completed twenty-five years of membership service  
21 as required under this subsection is eligible to  
22 receive a monthly retirement allowance equal to one-  
23 twelfth of fifty percent of the member's three-year  
24 average covered wage as a conservation peace officer  
25 multiplied by a fraction of years of service as a  
26 conservation peace officer. For the purpose of this  
27 subsection, "fraction of years of service" means a  
28 number, not to exceed one, equal to the sum of the  
29 years of membership service as a conservation peace  
30 officer, divided by twenty-five years. On or after  
31 July 1, 1986, if the conservation peace officer has  
32 not reached sixty years of age at retirement, the  
33 monthly retirement allowance shall be reduced by five-  
34 tenths of one percent per month for each month that  
35 the conservation peace officer's retirement precedes  
36 the date on which the conservation peace officer  
37 attains sixty years of age.

38 Sec. 42. Section 97B.49, subsection 8, paragraph  
39 a, unnumbered paragraphs 1 and 2, Code Supplement  
40 1987, are amended to read as follows:

41 Notwithstanding other provisions of this chapter, a  
42 member who is or has been employed as a peace officer  
43 and who retires on or after July 1, 1986, and before  
44 July 1, 1988, and at the time of retirement is at  
45 least sixty years of age and has completed at least  
46 twenty-five years of membership service as a peace  
47 officer, may elect to receive, in lieu of the benefits  
48 under subsection 5 of this section, a monthly  
49 retirement allowance equal to one-twelfth of fifty  
50 percent of the member's three-year average covered

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1 wage as a peace officer, with benefits payable during  
2 the member's lifetime.

3 A peace officer who retires on or after July 1,  
4 1986, and before July 1, 1988, and has not completed  
5 twenty-five years of membership service as required  
6 under this subsection is eligible to receive a monthly  
7 retirement allowance equal to one-twelfth of fifty  
8 percent of the member's three-year average covered  
9 wage as a peace officer multiplied by the fraction of  
10 years of service as a peace officer. For the purpose  
11 of this subsection, "fraction of years of service"  
12 means a number, not to exceed one, equal to the sum of

13 the years of membership service as a peace officer,  
14 divided by twenty-five years. On or after July 1,  
15 1984, if the peace officer has not reached sixty years  
16 of age at retirement, the monthly retirement allowance  
17 shall be reduced by five-tenths of one percent per  
18 month for each month that the peace officer's  
19 retirement precedes the date on which the peace  
20 officer attains sixty years of age.

21 Sec. 43. Section 97B.49, subsection 10, unnumbered  
22 paragraph 1, Code Supplement 1987, is amended to read  
23 as follows:

24 Notwithstanding sections of this chapter relating  
25 to eligibility for and determination of retirement  
26 benefits, a vested member who is or has been employed  
27 as a correctional officer by the Iowa department of  
28 corrections and who retires on or after July 1, 1986,  
29 and before July 1, 1988, and at the time of retirement  
30 is at least sixty years of age and has completed at  
31 least thirty years of membership service as a  
32 correctional officer, may elect to receive, in lieu of  
33 the receipt of benefits under subsection 5 of this  
34 section, a monthly retirement allowance equal to one-  
35 twelfth of fifty percent of the member's three-year  
36 average covered wage as a correctional officer, with  
37 benefits payable during the member's lifetime.

38 Sec. 44. Section 97B.49, subsection 14, unnumbered  
39 paragraphs 1 and 2, Code Supplement 1987, are amended  
40 to read as follows:

41 Notwithstanding other provisions of this chapter, a  
42 member who is or has been employed by the office of  
43 disaster services as an airport firefighter who  
44 retires on or after July 1, 1986, and before July 1,  
45 1988, and at the time of retirement is at least sixty  
46 years of age and has completed at least twenty-five  
47 years of membership service as an airport firefighter,  
48 may elect to receive, in lieu of the receipt of any  
49 benefits under subsection 5 of this section, a monthly  
50 retirement allowance equal to one-twelfth of fifty

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1 percent of the member's three-year average covered  
2 wage as an airport firefighter, with benefits payable  
3 during the member's lifetime.

4 An airport firefighter who retires on or after July  
5 1, 1986, and before July 1, 1988, and has not  
6 completed twenty-five years of membership service as  
7 required under this subsection is eligible to receive  
8 a monthly retirement allowance equal to one-twelfth of  
9 fifty percent of the member's three-year average  
10 covered wage as an airport firefighter multiplied by a  
11 fraction of years of service as an airport

12 firefighter. For the purpose of this subsection,  
 13 "fraction of years of service" means a number, not to  
 14 exceed one, equal to the sum of the years of  
 15 membership service as an airport firefighter, divided  
 16 by twenty-five years. On or after July 1, 1986, if  
 17 the airport firefighter has not reached sixty years of  
 18 age at retirement, the monthly retirement allowance  
 19 shall be reduced by five-tenths of one percent per  
 20 month for each month that the airport firefighter's  
 21 retirement precedes the date on which the airport  
 22 firefighter attains sixty years of age.

23 Sec. 45. Section 97B.49, Code Supplement 1987, is  
 24 amended by adding the following new subsection:

25 NEW SUBSECTION. 15. In lieu of the monthly  
 26 benefit computed under subsections 1 and 3 as  
 27 applicable, or subsection 5, for each active member  
 28 retiring on or after July 1, 1988, who is at least  
 29 fifty-five years of age and has completed at least  
 30 thirty years of membership service and prior service,  
 31 and for which the sum of the number of years of  
 32 membership service and prior service and the member's  
 33 age in years as of the member's last birthday equals  
 34 or exceeds ninety-two, a monthly benefit shall be  
 35 computed which is equal to fifty percent of the three-  
 36 year average covered wage of the member.

37 Sec. 46. Section 97B.49, Code Supplement 1987, is  
 38 amended by adding the following new subsection:

39 NEW SUBSECTION. 16. a. Notwithstanding other  
 40 provisions of this chapter, a member who is or has  
 41 been employed in a protection occupation who retires  
 42 on or after July 1, 1988, and at the time of  
 43 retirement is at least fifty-five years of age and has  
 44 completed at least twenty-two years of membership  
 45 service in a protection occupation, may elect to  
 46 receive in lieu of the receipt of any benefits under  
 47 subsections 5 or 15, a monthly retirement allowance  
 48 equal to one-twelfth of fifty percent of the member's  
 49 three year average covered wage as a member who has  
 50 been employed in a protection occupation, with

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1 benefits payable during the member's lifetime.  
 2 b. A member covered under this subsection who  
 3 retires on or after July 1, 1988, and has not  
 4 completed the twenty-two years of membership service  
 5 required under paragraph "a", is eligible to receive a  
 6 monthly retirement allowance equal to one-twelfth of  
 7 fifty percent of the member's three-year average  
 8 covered wage as a member employed in a protection  
 9 occupation, multiplied by a fraction of years of  
 10 service. For the purpose of this subsection,

11 "fraction of years of service" means a number, not to  
12 exceed one, equal to the sum of the years of  
13 membership service in a protection occupation, divided  
14 by twenty-two years.

15 c. For the purposes of this subsection, "a member  
16 employed in a protection occupation" includes all of  
17 the following:

18 (1) A conservation peace officer employed under  
19 section 107.13.

20 (2) A county sheriff as defined in section 39.17  
21 or as a deputy sheriff appointed pursuant to section  
22 341.1 prior to July 1, 1981, or section 331.903 on or  
23 after July 1, 1981.

24 (3) A marshal or police officer in a city not  
25 covered under chapter 400.

26 (4) A correctional officer employed by the Iowa  
27 department of corrections in an applicable job  
28 classification. The department of corrections and the  
29 department of personnel shall jointly determine the  
30 applicable merit system job classifications of  
31 correctional officers.

32 (5) An airport firefighter employed by the  
33 disaster services division of the department of public  
34 defense.

35 (6) An airport safety officer employed under  
36 chapter 400 by an airport commission in a city of one  
37 hundred thousand population or more.

38 (7) An arson investigator who commenced employment  
39 as an arson investigator of the department of public  
40 safety on or after July 1, 1988.

41 d. Effective July 1, 1988, and annually  
42 thereafter, the department of personnel shall  
43 actuarially determine for that year the cost of the  
44 additional benefits provided under paragraphs "a" and  
45 "b" as a percent of the covered wages of the employees  
46 covered by this subsection. Effective July 1, 1988,  
47 sixty percent of the cost shall be paid by the  
48 employers of employees covered under this subsection  
49 and forty percent of the cost shall be paid by the  
50 employees. The employer and employee contributions

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1 required under this paragraph are in addition to the  
2 contributions paid under section 97B.11.

3 e. For the fiscal year commencing July 1, 1988,  
4 and each succeeding fiscal year, there is appropriated  
5 from the state fish and game protection fund to the  
6 department of personnel the amount necessary to pay  
7 the employer share of the cost of the additional  
8 benefits provided to employees covered under paragraph  
9 "c", subparagraph (1).

10 f. Annually, during each fiscal year commencing  
11 with the fiscal year beginning July 1, 1988, each  
12 applicable city shall pay to the department of  
13 personnel the amount necessary to pay the employer  
14 share of the cost of the additional benefits provided  
15 to employees of that city covered under paragraph "c",  
16 subparagraphs (3) and (6).

17 g. Annually, during each fiscal year commencing  
18 with the fiscal year beginning July 1, 1988, each  
19 county shall pay to the department of personnel the  
20 amount necessary to pay the employer share of the cost  
21 of the additional benefits provided to employees  
22 covered under paragraph "c", subparagraph (2).

23 h. For the fiscal year commencing July 1, 1988,  
24 and each succeeding fiscal year, the department of  
25 corrections shall pay to the department of personnel  
26 from funds appropriated to the Iowa department of  
27 corrections, the amount necessary to pay the employer  
28 share of the cost of the additional benefits provided  
29 to employees covered under paragraph "c", subparagraph  
30 (4).

31 i. For the fiscal year commencing July 1, 1988,  
32 and each succeeding fiscal year, there is appropriated  
33 from the general fund of the state to the department  
34 of personnel, from funds not otherwise appropriated,  
35 an amount necessary to pay the employer share of the  
36 cost of the additional benefits provided to employees  
37 covered under paragraph "c", subparagraphs (5) and  
38 (7).

39 Sec. 47. Section 97B.49, Code Supplement 1987, is  
40 amended by adding the following new subsection:

41 NEW SUBSECTION. 17. a. Notwithstanding sections  
42 of this chapter relating to eligibility for and  
43 determination of retirement benefits, a member who  
44 retires as a department of transportation enforcement  
45 officer on or after July 1, 1988, and at the time of  
46 retirement is at least sixty years of age, and has  
47 completed at least twenty-five years of service as a  
48 department of transportation enforcement officer or  
49 member of a protection occupation under subsection 16,  
50 may elect to receive, in lieu of the receipt of any

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1 benefits under subsection 5 or 15, a monthly retire-  
2 ment allowance equal to one-twelfth of fifty percent  
3 of the member's three-year average covered wage as an  
4 enforcement officer of the department of  
5 transportation, with benefits payable during the  
6 member's lifetime.

7 For the purpose of this subsection, "service as an  
8 enforcement officer" includes an individual employed



9 under section 321.477 and service prior to the  
10 creation of the department of transportation as a  
11 traffic weight officer employed by the highway  
12 commission, vehicle regulation investigator employed  
13 by the department of public safety, and peace officer  
14 employed by the Iowa state commerce commission.  
15 b. A department of transportation enforcement  
16 officer who retires on or after July 1, 1988, and has  
17 not completed twenty-five years of membership service  
18 as required under this subsection is eligible to  
19 receive a monthly retirement allowance equal to one-  
20 twelfth of fifty percent of the member's three-year  
21 average covered wage multiplied by a fraction of years  
22 of service. For the purpose of this subsection,  
23 "fraction of years of service" means a number, not to  
24 exceed one, equal to the sum of the years of  
25 membership service under this subsection, divided by  
26 twenty-five years. On or after July 1, 1988, if the  
27 enforcement officer of the department of  
28 transportation has not reached sixty years of age at  
29 retirement, the monthly retirement allowance shall be  
30 reduced by twenty-five hundredths of one percent per  
31 month for each month that the officer's retirement  
32 precedes the date on which the officer attains sixty  
33 years of age.  
34 c. Effective July 1, 1988, and annually  
35 thereafter, the department of personnel shall  
36 actuarially determine for that year the cost of the  
37 additional benefits provided under this subsection as  
38 a percent of the covered wages of the enforcement  
39 officers. Sixty percent of the cost shall be paid by  
40 the employer and forty percent of the cost shall be  
41 paid by the employee. The employer and employee  
42 contributions required under this subsection are in  
43 addition to the contributions paid under section  
44 97B.11.  
45 For the fiscal year commencing July 1, 1988, and  
46 each succeeding fiscal year, there is appropriated  
47 from the general fund of the state to the department  
48 of personnel, from funds not otherwise appropriated,  
49 an amount necessary to pay the employer share of the  
50 cost of the additional benefits provided under this

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1 subsection.  
2 Sec. 48. Section 97B.49, Code Supplement 1987, is  
3 amended by adding the following new subsection:  
4 NEW SUBSECTION. 18. Effective July 1, 1988, for  
5 each member who retired from the system prior to  
6 January 1, 1976, and for each member who retired from  
7 the system under subsection 1 on or after January 1,

8 1976, the amount of regular monthly retirement  
9 allowance attributable to membership service and prior  
10 service that was payable to the member for June 1988  
11 is increased by ten percent.

12 The increase payable to a member under this section  
13 is also payable to a beneficiary and a contingent  
14 annuitant.

15 Sec. 49. Section 97B.49, Code Supplement 1987, is  
16 amended by adding the following new subsection:

17 NEW SUBSECTION. 19. Effective July 1, 1988, for  
18 each member who retired from the system on or after  
19 January 1, 1976, and before July 1, 1982, the amount  
20 of the regular monthly retirement allowance of the  
21 member is increased from forty-seven percent to fifty  
22 percent of the member's average final compensation.

23 Sec. 50. Section 97B.50, subsection 1, Code  
24 Supplement 1987, is amended by striking the subsection  
25 and inserting in lieu thereof the following:

26 1. Except as otherwise provided in this section, a  
27 member, upon retirement prior to the normal retirement  
28 date, is entitled to receive a monthly retirement  
29 allowance determined in the same manner as provided  
30 for normal retirement in subsections 1, 4, and 5 of  
31 section 97B.49 reduced as follows:

32 a. For a member who is less than sixty-two years  
33 of age, by twenty-five hundredths of one percent per  
34 month for each month that the early retirement date  
35 precedes the normal retirement date.

36 b. For a member who is at least sixty-two years of  
37 age and who has not completed thirty years of  
38 membership service and prior service, by twenty-five  
39 hundredths of one percent per month for each month  
40 that the early retirement date precedes the normal  
41 retirement date.

42 Sec. 51. Section 97B.50, subsection 3, Code  
43 Supplement 1987, is amended to read as follows:

44 3. A member who is at least sixty-two years of age  
45 and less than sixty-five years of age, and who has  
46 completed thirty or more years of membership service  
47 and prior service, shall receive full benefits under  
48 section 97B.49 determined as if the member had  
49 attained sixty-five years of age. ~~For a member who is~~  
50 ~~at least fifty-nine but less than sixty-two years of~~

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1 age who has completed at least thirty years of  
2 service, the monthly retirement allowance shall be  
3 reduced by twenty-five hundredths percent per month  
4 for each month that the member's retirement date  
5 precedes the member's sixty-second birthday. For a  
6 member who is at least fifty-five years of age and

7 less than fifty-nine years of age who has completed  
 8 thirty years of membership service; the monthly  
 9 retirement allowance shall be reduced by five-tenths  
 10 percent per month for each month that the member's  
 11 retirement date precedes the member's normal  
 12 retirement date.

13 Sec. 52. Section 97B.50, Code Supplement 1987, is  
 14 amended by adding the following new subsection:

15 NEW SUBSECTION. 4. A member eligible for a  
 16 retirement allowance adjusted under this section is  
 17 entitled to receipt of retroactive adjustment payments  
 18 for no more than six months immediately preceding the  
 19 month in which written notice of retirement was  
 20 submitted to the department.

21 Sec. 53. Section 97B.68, subsection 1, Code 1987,  
 22 is amended to read as follows:

23 1. From and after July 4, 1959 Effective July 1,  
 24 1988, any a person who is a member of the federal  
 25 civil service retirement program shall or the federal  
 26 employee's retirement system is not be eligible for  
 27 membership in the Iowa public employees' retirement  
 28 system, and the provisions of this chapter shall does  
 29 not apply to such that employee. Any An employee  
 30 whose membership in the federal civil service  
 31 retirement program or the federal employee's  
 32 retirement system is subsequently terminated shall  
 33 immediately notify the employee's employer and the  
 34 department of personnel of such that fact, and the  
 35 employee shall become subject to the provisions of  
 36 this chapter on the date the notification is received  
 37 by the department.

38 Sec. 54. Section 97B.72A, Code 1987, is amended to  
 39 read as follows:

40 97B.72A FORMER LEGISLATIVE MEMBERS AND EMPLOYEES.

41 1. A vested member of the system who was a member  
 42 or temporary employee of the general assembly prior to  
 43 July 1, 1986 but was not eligible under this chapter  
 44 to elect coverage under the system for all or a  
 45 portion of the period of service as a member of the  
 46 general assembly, or period of employment as a  
 47 temporary employee of the general assembly, at any  
 48 time on or after July 4, 1953, may make contributions  
 49 to the system for all or a portion of that period of  
 50 service or employment.

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1 2. A member or former member of the general  
 2 assembly who has six or more years of service as a  
 3 member of the general assembly or who has a total of  
 4 six or more years of service as a member of the  
 5 general assembly and as an employee under this chapter

6 may make contributions to the system for all or a  
7 portion of the period of service as a member of the  
8 general assembly.

9 3. The contributions made under subsection 1 or 2  
10 shall be equal to the accumulated contributions as  
11 defined in section 97B.41, subsection 12, which would  
12 have been made if the member, former member, or  
13 employee of the general assembly had been a member of  
14 the system during the period of service elected. The  
15 member, of the system former member, or employee shall  
16 submit proof to the department of membership or  
17 employment in the general assembly. The department  
18 shall credit the member, of the system former member,  
19 or employee with the period of membership service for  
20 which contributions are made.

21 4. There is appropriated from the general fund of  
22 the state to the department an amount sufficient to  
23 pay the contributions of the employer based on the  
24 period of service of members or former members of the  
25 general assembly or employment of employees of the  
26 general assembly for which the member, former member,  
27 or employee paid accumulated contributions under this  
28 section. The amount appropriated is equal to the  
29 employer contributions which would have been made if  
30 the members of the system individuals who made  
31 employee contributions under subsection 3 had been  
32 members of the system during the period for which they  
33 made employee contributions under this section plus  
34 two percent interest plus the interest dividend rate  
35 applicable for each year compounded annually.

36 Sec. 55. Section 97B.73, Code 1987, is amended by  
37 adding the following new unnumbered paragraph:

38 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988,  
39 a member eligible for an increased retirement  
40 allowance because of the payment of contributions  
41 under this section is entitled to receipt of  
42 retroactive adjustment payments for no more than six  
43 months immediately preceding the month in which  
44 written notice was submitted to the department.

45 Sec. 56. Section 97B.73A, Code Supplement 1987, is  
46 amended by adding the following new unnumbered  
47 paragraph:

48 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988,  
49 a member eligible for an increased retirement  
50 allowance because of the payment of contributions

1 under this section is entitled to receipt of  
2 retroactive adjustment payments for no more than six  
3 months immediately preceding the month in which  
4 written notice was submitted to the department.

5 Sec. 57. Section 97B.74, unnumbered paragraph 1,  
6 Code 1987, is amended to read as follows:

7 An active, vested, or retired member of the system  
8 who has been an active member of the system during  
9 this period of membership service for at least one  
10 year and who at any time between after July 4, 1953  
11 and July 1, 1973 was a member of the system, but who  
12 did not meet the requirements to be a vested member  
13 for that period of membership service, and who  
14 received a refund of contributions for that previous  
15 period of membership service, may elect in writing to  
16 the department to make contributions to the system for  
17 that period of membership service for which a refund  
18 of contributions was made. The contributions repaid  
19 by the member for such service shall be equal to the  
20 accumulated contributions, as defined in section  
21 97B.41, subsection 12, received by the member for that  
22 period of membership service plus interest on the  
23 accumulated contributions for the period from the date  
24 of receipt by the member to the date of repayment  
25 equal to two percent plus the interest dividend rate  
26 applicable for each year compounded annually.

27 Sec. 58. Section 97B.74, unnumbered paragraph 2,  
28 Code 1987, is amended by striking the unnumbered  
29 paragraph and inserting in lieu thereof the following:

30 This section takes effect on July 1, 1989, if the  
31 preceding annual actuarial valuation of the assets and  
32 liabilities of the retirement system indicates that  
33 the cost of implementing this section can be absorbed  
34 within the employer and employee contribution rates in  
35 effect under section 97B.11 as determined by the  
36 department. If this section does not take effect on  
37 July 1, 1989, it takes effect on July 1 of the year  
38 following that determination by the department.

39 Sec. 59. Section 97B.74, Code 1987, is amended by  
40 adding the following new unnumbered paragraph:  
41 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988,  
42 a member eligible for an increased retirement  
43 allowance because of the payment of contributions  
44 under this section is entitled to receipt of  
45 retroactive adjustment payments for no more than six  
46 months immediately preceding the month in which  
47 written notice was submitted to the department.

48 Sec. 60. Section 97B.75, Code 1987, is amended by  
49 adding the following new unnumbered paragraph:  
50 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988,

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1 a member eligible for an increased retirement  
2 allowance under this section is entitled to receipt of  
3 retroactive adjustment payments for no more than six

4 months immediately preceding the month in which  
5 written notice was submitted to the department.

6 Sec. 61. NEW SECTION. 97B.80 VETERAN'S CREDIT.

7 An active member in service on July 1, 1988, who at  
8 any time served on active duty in the armed forces of  
9 the United States, upon submitting verification of the  
10 dates of the active duty service in the armed forces  
11 to the department, may make employer and employee  
12 contributions to the system based upon the member's  
13 covered wages for the calendar year beginning January  
14 1, 1987, at the rates in effect under section 97B.11  
15 on January 1, 1987, for the period of time of the  
16 active duty service, not to exceed four years, and  
17 receive credit for membership service and prior  
18 service for the period of time for which the  
19 contributions are made. Verification of active duty  
20 service and payment of contributions shall be made to  
21 the department. However, a member is not eligible to  
22 make contributions under this section if the member is  
23 receiving or is eligible to receive retirement pay  
24 from the United States government for active duty in  
25 the armed forces.

26 Sec. 62. Section 411.6, subsection 2, Code 1987,  
27 is amended to read as follows:

28 2. Allowance on service retirement. ~~Upon~~  
29 Effective January 1, 1989, upon retirement from  
30 service, a member shall receive a service retirement  
31 allowance which shall consist of a pension given by  
32 the city which shall equal ~~one-half sixty percent~~ of  
33 the member's average final compensation.

34 Sec. 63. Section 411.6, subsection 5, unnumbered  
35 paragraph 2, Code 1987, is amended to read as follows:

36 Should a member in service or the chief of the  
37 police or fire departments become incapacitated for  
38 duty as a natural or proximate result of an injury or  
39 disease incurred in or aggravated by the actual  
40 performance of duty at some definite time or place or  
41 while acting, pursuant to order, outside the city by  
42 which the member is regularly employed, the member  
43 shall, upon being found to be temporarily  
44 incapacitated following an examination by the board of  
45 trustees, be entitled to receive the member's full pay  
46 and allowances from the city's general fund until re-  
47 examined by ~~said~~ the board and found to be fully  
48 recovered or permanently disabled.

49 Sec. 64. Section 411.6, subsection 6, Code 1987,  
50 is amended to read as follows:

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1 6. Retirement after accident. ~~Upon~~ Effective  
2 January 1, 1989, upon retirement for accidental

3 disability a member shall receive an accidental  
4 disability retirement allowance which shall consist of  
5 a pension equal to ~~66 2/3~~ sixty percent of the  
6 member's average final compensation.

7 Sec. 65. Section 411.6, subsection 8, paragraph b,  
8 unnumbered paragraph 1, Code 1987, is amended to read  
9 as follows:

10 In lieu of the payment specified in paragraph "a",  
11 a beneficiary meeting the qualifications of paragraph  
12 "c" may elect to receive a monthly pension equal to  
13 one-twelfth of forty percent of the average final  
14 compensation of the member, but not less than ~~seventy-~~  
15 five dollars twenty percent of the monthly earnable  
16 compensation paid to an active member holding the  
17 highest grade in the rank of firefighter, for a  
18 beneficiary of a deceased member of a fire department,  
19 or the highest grade in the rank of police patrol  
20 officer, for a beneficiary of a deceased member of a  
21 police department, if the member was in service at the  
22 time of death. For a member not in service at the  
23 time of death, the pension shall be reduced as  
24 provided in subsection 1, paragraph "b".

25 Sec. 66. Section 411.6, subsection 8, paragraph c,  
26 subparagraphs (1) and (2), Code 1987, are amended to  
27 read as follows:

28 (1) The spouse, ~~to continue so long as the spouse~~  
29 ~~remains unmarried.~~

30 (2) If there is no spouse, or if the spouse dies  
31 ~~or remarries~~ and there is a child of a member, then  
32 the guardian of the member's child or children,  
33 divided as the board of trustees determines, to  
34 continue as a joint and survivor pension until every  
35 child of the member dies or attains the age of  
36 eighteen, or twenty-two if applicable.

37 Sec. 67. Section 411.6, subsection 9, paragraph a,  
38 Code 1987, is amended to read as follows:

39 a. A ~~Effective January 1, 1989,~~ a pension equal to  
40 ~~one-half~~ sixty percent of the average final  
41 compensation of the member shall be paid to the  
42 member's spouse, children, or dependent parents as  
43 provided in paragraphs "c", "d" and "e" of subsection  
44 8 of this section. There shall also be paid for each  
45 child of a member a monthly pension equal to six  
46 percent of the monthly earnable compensation paid to  
47 an active member holding the highest grade in the rank  
48 of fire fighter, for a child of a deceased member of a  
49 fire department, or holding the highest grade in the  
50 rank of police patrol officer, for a child of a

2 Sec. 68. Section 411.6, subsection 11, paragraph  
3 a, Code 1987, is amended to read as follows:

4 a. To the spouse to ~~continue so long as said~~  
5 ~~partner remains unmarried~~, equal to one-half the  
6 amount received by such ~~the~~ deceased beneficiary, but  
7 in no instance less than ~~seventy-five dollars per~~  
8 ~~month~~ twenty percent of the monthly earnable  
9 compensation paid to an active member holding the  
10 highest grade in the rank of firefighter, for a  
11 beneficiary of a deceased member of the fire  
12 department, or the highest grade in the rank of police  
13 patrol officer, for a beneficiary of a deceased member  
14 of a police department, and in addition thereto a  
15 monthly pension equal to the monthly pension payable  
16 under subsection 9 of this section for each child  
17 under eighteen years of age or twenty-two years of age  
18 if applicable; or

19 Sec. 69. Section 411.6, subsection 12, paragraph  
20 a, subparagraphs (1), (2), and (4), Code 1987, are  
21 amended to read as follows:

22 (1) Twenty-five Effective January 1, 1989, thirty  
23 percent for members receiving a service retirement  
24 allowance and for beneficiaries receiving a pension  
25 under subsection 9 of this section.

26 (2) Twenty percent for members with five or more  
27 years of membership service who are receiving an  
28 ordinary disability retirement allowance. However,  
29 effective July 1, 1984, for members who retired before  
30 July 1, 1979, and effective July 1, 1988, for members  
31 who retire on or after July 1, 1988, twenty-five  
32 percent shall be used for members who are receiving an  
33 ordinary disability allowance.

34 (4) Thirty-three and one-third Effective January  
35 1, 1989, thirty percent for members receiving an  
36 accidental disability allowance.

37 Sec. 70. Section 411.8, subsection 1, paragraph f,  
38 Code 1987, is amended to read as follows:

39 f. An Effective January 1, 1989, an amount equal  
40 to three four and one-tenth percent of each member's  
41 compensation from the earnable compensation of the  
42 member shall be paid to the pension accumulation fund.

43 Sec. 71. Section 411.9, Code 1987, is amended to  
44 read as follows:

45 411.9 MILITARY SERVICE EXCEPTIONS.

46 A member who is absent while serving in the armed  
47 services of the United States or its allies and is  
48 discharged or separated from the armed services under  
49 honorable conditions shall have the period or periods  
50 of absence while serving in the armed services, not in



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1 excess of four years unless any period in excess of  
2 four years is at the request and for the convenience  
3 of the federal government, included as part of the  
4 member's period of service in the department. The  
5 member shall not continue the contributions required  
6 of the member under section 411.8 during the period of  
7 military service, if the member, within ~~six months one~~  
8 year after the member has been discharged or separated  
9 under honorable conditions from military service,  
10 returns and resumes duties in the department, and if  
11 the member is declared physically capable of resuming  
12 duties upon examination by the medical board. A  
13 period of absence may exceed four years at the request  
14 and for the convenience of the federal government.

15 Sec. 72. Section 421.38, subsection 2, Code 1987,  
16 is amended to read as follows:

17 2. CONVENTION EXPENSES. ~~No claims~~ Claims for  
18 expenses in attending conventions, meetings,  
19 conferences, or gatherings of members of any an  
20 association or society organized and existing as a  
21 quasi-public association or society outside the state  
22 of Iowa shall not be allowed at public expense, unless  
23 authorized by the executive council; and claims for  
24 ~~such~~ these expenses outside of the state shall not be  
25 allowed unless the voucher is accompanied by ~~so much~~  
26 the portion of the minutes of the executive council,  
27 certified to by its secretary, showing that the  
28 expense was authorized by the council. This section  
29 does not apply to claims in favor of the governor,  
30 attorney general, utilities board members, or to trips  
31 referred to in ~~section~~ sections 97B.4 and 217.20.

32 Sec. 73. The department of personnel shall  
33 identify job classifications within state government  
34 for which the current level of compensation is  
35 inadequate to recruit and retain qualified persons and  
36 leads or could lead to contracting for the services  
37 rather than providing those services directly. The  
38 department shall adjust compensation ranges in those  
39 areas of employment where the department determined  
40 that providing the adjustment would enable the state  
41 to limit contracting for services and provide for a  
42 less costly means to deliver services. The department  
43 of personnel shall review the compensation structure  
44 for employees within the Iowa public employees  
45 retirement division who are involved in managing the  
46 investments. After seeking the input from the Iowa  
47 public employees' retirement system investment board,  
48 the department shall adjust compensation ranges for  
49 those positions where it is determined necessary in  
50 order to recruit and retain personnel with the

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1 requisite skills to maintain the fiduciary  
2 responsibilities of the fund.

3 Sec. 74. Section 97B.67, Code 1987, is repealed.

4 Sec. 75. Sections 5, 8, 65, and 68 of this Act  
5 apply, beginning on the effective date of those  
6 sections, to persons who are beneficiaries on that  
7 date as well as those who become beneficiaries on or  
8 after that date.

9 The portions of sections 8 and 68 of this Act that  
10 relate to the definition of child are retroactive to  
11 January 1, 1987.

12 Sec. 76. Section 31 of this Act, being deemed of  
13 immediate importance, takes effect upon its enactment.

14 Sec. 77. Sections 20, 21, 28, 34, and 39 of this  
15 Act, being deemed of immediate importance, take effect  
16 upon enactment.

17 Sec. 78. Sections 20, 21, 28, 34, and 39 of this  
18 Act are retroactive to January 1, 1988."

19 Sec. 79. Employees of the Iowa peace institute  
20 covered under chapter 97B on the effective date of  
21 section 31 of this Act who do not file an application  
22 with the department of personnel to be covered under  
23 chapter 97B shall receive a refund of the accumulated  
24 contributions of the employee made under chapter 97B  
25 for service as an employee of the Iowa peace  
26 institute."

The motion lost and the House refused to concur in the Senate amendment H—6544.

**IMMEDIATE MESSAGE**  
(House File 2405)

Arnold of Scott asked and received unanimous consent that House File 2405 be immediately messaged to the Senate.

**Regular Calendar**

The House resumed consideration of **Senate File 2341**, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that certain positions are excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing

for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing peace officer status for certain nursing board investigators, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, relating to the investment of certain cemetery funds, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date, and the committee amendment H—6542 (found on pages 2141 and 2142 of the House Journal).

Hammond of Story offered the following amendment H—6543, to the committee amendment H—6542, filed by her and Carpenter of Polk from the floor and moved its adoption:

H—6543

- 1 Amend the amendment, H—6542, to Senate File 2341,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 8 through 19 and
- 5 inserting the following:
- 6 “ \_\_\_\_\_. By striking page 7, line 34 through page 8,
- 7 line 11.”
- 8 2. By renumbering as necessary.

Amendment H—6543 was adopted.

On motion by Halvorson of Webster, the committee amendment H—6542, as amended, was adopted.

Tyrrell of Iowa offered the following amendment H—6538 filed by him from the floor and moved its adoption:

H—6538

- 1 Amend Senate File 2341, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 26, by striking the words
- 4 "revenue estimate" and inserting the following:
- 5 "estimate fiscal year's actual revenue receipts".
- 6 2. Page 1, line 34, by striking the word
- 7 "estimated" and inserting the following: "estimated".
- 8 3. Page 2, line 14, by striking the word
- 9 "estimated" and inserting the following: "estimated".

Roll call was requested by Tyrrell of Iowa and Hummel of Benton.

On the question "Shall amendment H—6538 be adopted?"  
(S.F. 2341)

The ayes were, 35:

Beaman	Branstad	Carpenter	Clark
Corbett	Corey	Daggett	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Hummel	Kremer	Lundby
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Running
Shoning	Siegrist	Stueland	Swearingen
Tyrrell	Van Camp	Van Maanen	

The nays were, 45:

Adams	Arnould	Beatty	Bisignano
Buhr	Chapman	Cohoon	Connors
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Johnson	May	McKinney	Muhlbauer
Neuhauser	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Rosenberg	Schrader
Sherzan	Shoultz	Skow	Spear
Svoboda	Swartz	Teaford	Wise
Mr. Speaker			

Absent or not voting, 20:

Bennett	Black	Blanshan	Brammer
Connolly	Cooper	De Groot	Hanson, D. R.
Jochum	Knapp	Koenigs	Lageschulte
Norrgard	Parker	Peters	Platt
Renaud	Schnekloth	Stromer	Tabor

Amendment H—6538 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peters of Woodbury, for the remainder of the day, on request of Wise of Lee.

Black of Jasper offered the following amendment H—6541 filed by him from the floor and moved its adoption:

H—6541

- 1 Amend Senate File 2341, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking line 28 and inserting the
- 4 following: "state."

Amendment H—6541 was adopted.

Van Camp of Scott offered the following amendment H—6540 filed by him from the floor and moved its adoption:

H—6540

- 1 Amend Senate File 2341, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, line 24, by striking the figure
- 4 "1989" and inserting the following: "1990".

Amendment H—6540 lost.

The House stood at ease at 5:54 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2341 at 6:25 p.m., Connors of Polk in the chair.

Parker of Jasper offered the following amendment H—6547 filed by him and Tabor of Jackson from the floor and moved its adoption:

H—6547

- 1 Amend Senate File 2341, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 3 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 17A.8, subsection 1, paragraphs
- 6 a and b, Code 1987, are amended to read as follows:
- 7 a. Three Five senators appointed by the majority
- 8 leader of the senate.
- 9 b. Three Five representatives appointed by the
- 10 speaker of the house.
- 11 Sec. \_\_\_\_\_. Section 17A.8, subsection 4, Code 1987,
- 12 is amended to read as follows:
- 13 4. The committee shall choose a chairperson from

14 its membership and prescribe its rules of procedure.  
 15 The appointment of a chairperson shall be for a period  
 16 of two years, and shall rotate between the senate and  
 17 house on a biennial basis. The committee may employ a  
 18 secretary or may appoint the Code editor or a designee  
 19 to act as secretary.”

20 2. By renumbering as necessary.

Amendment H—6547 was adopted.

Halvorson of Webster asked and received unanimous consent that Senate File 2341 be deferred and that the bill retain its place on the calendar.

### SENATE AMENDMENT CONSIDERED

Sherzan of Polk called up for consideration **House File 2464**, a bill for an act relating to the lease-purchase and disposal of real or personal property by the department of general services and providing a standing appropriation of proceeds previously deposited, amended by the Senate, and moved that the House concur in the following Senate amendment H—6545:

H—6545

1 Amend House File 2464, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, line 35, by inserting after the word  
 4 “lease-purchased.” the following: “However, the  
 5 director shall not enter into a lease-purchase  
 6 contract for real or personal property which is to be  
 7 constructed for use as a prison or prison-related  
 8 facility without prior authorization by a  
 9 constitutional majority of each house of the general  
 10 assembly and approval by the governor of the use,  
 11 location, and maximum cost, not including interest  
 12 expense, of the real or personal property to be lease-  
 13 purchased and with the construction in accordance with  
 14 space needs as established by an independent study of  
 15 space needs authorized by the general assembly.”  
 16 2. Page 4, line 7, by striking the word “Employ”  
 17 and inserting the following: “Subject to the  
 18 selection procedures of section 12.30, employ”.  
 19 3. By renumbering, relettering, or redesignating  
 20 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6545.

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

On the question "Shall the bill pass?" (H.F. 2464)

The ayes were, 86:

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

The nays were, 3:

Hammond	Peterson, M. K.	Siegrist
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Absent or not voting, 11:

Brammer	Chapman	Cooper	Hanson, D. R.
Hatch	Knapp	Lageschulte	Norrgard
Peters	Platt	Stueland	

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

The House stood at ease at 6:32 p.m., until the fall of the gavel.

The House resumed session at 7:26 p.m., Connors of Polk in the chair.

IMMEDIATE MESSAGE

(House File 2464)

Arnould of Scott asked and received unanimous consent that House File 2464 be immediately messaged to the Senate.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 16, 1988, adopted the conference committee report and passed 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.

Also: That the Senate has on April 16, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2473, a bill for an act relating to and making appropriations directly from the state general fund for purposes of the military service tax credit and payment of the franchise tax to local governments, and providing an effective date.

Also: That the Senate has, on April 16, 1988, adopted the conference committee report and passed Senate File 173, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities.

JOHN F. DWYER, Secretary

## Regular Calendar

The House resumed consideration of **Senate File 2341**, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that certain positions are excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing peace officer status for certain nursing board investigators, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental



entity, relating to the investment of certain cemetery funds, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date, previously deferred.

Swartz of Marshall offered the following amendment H-6548 filed by him from the floor and moved its adoption:

H-6548

1 Amend Senate File 2341, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 8, by inserting after line 11 the  
4 following:  
5 "Sec. \_\_\_\_\_. Sections 135.111 through 135.118 are  
6 enacted as a new division of chapter 135 entitled  
7 "Health Profession Review Commission".  
8 Sec. \_\_\_\_\_. NEW SECTION. 135.111 DECLARATION.  
9 1. The general assembly declares that it is  
10 advisable to have the results of an independent  
11 research, review, and evaluation process prior to  
12 legislative decision-making regarding proposals  
13 concerning the following:  
14 a. Licensure of health care professionals, and the  
15 professionals' scope of practice.  
16 b. Whether additional categories of health care  
17 institutions and professions should be licensed, after  
18 considering educational, experiential, and other  
19 relevant criteria.  
20 c. Whether health care payors should be required  
21 to include or offer certain benefits or coverage or  
22 make payment for services provided by particular  
23 health care institutions and professions, and the  
24 appropriate levels of benefits or coverage for such  
25 services.  
26 d. Other changes affecting the professional  
27 practice acts of the health professions.  
28 A process for independent, expert research, review,  
29 and evaluation will encourage a less fragmented, more  
30 rational approach to the consideration of proposals in  
31 these areas and will provide the general assembly with  
32 adequate and reliable information as to the effect of

33 these proposals on health care and health care  
 34 delivery in the state, including the effect, if any,  
 35 on the availability and cost of services and coverage.

36 2. The general assembly further declares that  
 37 there is need for a process by which qualified persons  
 38 may be engaged to conduct analytical research to  
 39 provide a broader base of information for use in  
 40 considering health care issues and measuring the long-  
 41 term and interactive effects of various proposals.

42 3. The general assembly further declares that the  
 43 conduct of this health care research and review will  
 44 benefit the citizens of Iowa and that the costs of  
 45 such research should be borne by those affected.

46 Sec. \_\_\_\_\_. NEW SECTION. 135.112 DEFINITIONS.

47 As used in this division, unless the context  
 48 otherwise requires:

49 1. "Commission" means the health profession review  
 50 commission.

**Page 2**

1 2. "Health care institution" or "health care  
 2 professional" means a person which furnishes health  
 3 care services.

4 3. "Health care payor" means a person which offers  
 5 administrative, indemnity, or payment services for  
 6 health care in exchange for a premium or service  
 7 charge under a program of health care benefits,  
 8 including, but not limited to, an insurance company,  
 9 association, or exchange issuing health insurance  
 10 policies in this state; a health service corporation  
 11 operating pursuant to chapter 514; a health  
 12 maintenance organization operating pursuant to chapter  
 13 514B; a preferred provider organization; a fraternal  
 14 benefit society; a third-party administrator; a  
 15 corporation, labor organization, or other entity which  
 16 provides covered services for its employees or members  
 17 by means of a self-funded program of benefits, and a  
 18 certified bargaining representative that represents a  
 19 group or groups of employees for whom employers  
 20 purchase a program of benefits which provide covered  
 21 services; and any other person or entity which makes  
 22 payments to health care institutions and health care  
 23 professionals for health care services.

24 4. "Health care services" means services included  
 25 in the furnishing to any individual of care necessary  
 26 for the purpose of preventing, alleviating, curing, or  
 27 healing human physical or mental illness, injury, or  
 28 disability.

29 5. "Health note" means a summary of the results of  
 30 the short-term review and analysis of a legislative  
 31 proposal which has been prepared by the commission  
 32 pursuant to section 135.114, subsection 2.

33 6. "Person" means a person as defined in section  
 34 4.1.

35 Sec. \_\_\_\_\_. NEW SECTION. 135.113 COMMISSION

## 36 ESTABLISHED—PURPOSE.

37 1. A health profession review commission is  
38 established for the purpose of organizing and  
39 conducting health profession research, review, and  
40 evaluation activities through the use of existing  
41 resources available within appropriate state agencies  
42 and by contracting with individuals or organizations  
43 who are recognized experts in the fields of study of  
44 health, insurance, statistics, economics, or other  
45 appropriate academic disciplines in furtherance of the  
46 purpose and intent of the general assembly as  
47 expressed in section 135.111.

48 Nothing in this division shall be construed as  
49 granting the commission authority to establish health  
50 care policy.

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1 2. The commission consists of the director of  
2 public health, the commissioners of insurance and  
3 human services, and the directors of the legislative  
4 service bureau and the legislative fiscal bureau. The  
5 director of public health is the chairperson of the  
6 commission. The other members may designate persons  
7 to represent them as regular members of the  
8 commission. A majority of the members of the  
9 commission constitutes a quorum. The commission shall  
10 meet at least once during each calendar quarter.  
11 Meeting dates shall be set by members of the  
12 commission or by call of the chairperson upon five  
13 days' notice to the members. Action of the commission  
14 shall not be taken except upon the affirmative vote of  
15 a majority of the members of the commission.

16 The members of the commission shall not receive a  
17 salary or per diem for being on the commission but  
18 shall receive reimbursement for necessary travel and  
19 expenses while engaged in commission business. Funds  
20 for reimbursement shall come from the moneys  
21 appropriated to the department or agency of which the  
22 member is the head.

23 Sec. \_\_\_\_\_. NEW SECTION. 135.114 DUTIES OF  
24 COMMISSION.

25 1. The commission shall establish a process of  
26 research, review, and evaluation to be utilized in the  
27 consideration of legislative proposals concerning the  
28 following:

29 a. Licensure of health care professionals, and the  
30 professionals' scope of practice.

31 b. Whether additional categories of health care  
32 institutions and professions should be licensed, after  
33 considering educational, experiential, and other  
34 relevant criteria.

35 c. Mandating health care payors to include or  
36 offer certain benefits or coverage or make payment for  
37 services provided by particular health care  
38 institutions and professions, and mandating certain  
39 levels of benefits or coverage for those services.

40 d. Other changes affecting the professional  
41 practice acts of the health professions.

42 The process shall be designed to address the  
43 effects of each proposal with respect to health care  
44 and health care delivery in this state, including the  
45 availability and cost of services and coverage. The  
46 commission shall undertake studies pursuant to this  
47 subsection in response to requests from members of the  
48 general assembly or as it deems appropriate. Reports  
49 of the studies shall be available upon request. At  
50 least once every six months the commission shall

**Page 4**

1 provide to members of the general assembly a listing  
2 of completed reports which may be requested.

3 2. In addition, the commission shall establish a  
4 process for the preparation of health notes for  
5 legislative proposals concerning the matters described  
6 in subsection 1. The process shall apply to each such  
7 legislative proposal for which a health note is  
8 requested by a member of the general assembly. The  
9 health note shall contain a summary of the results of  
10 the commission's short-term review and analysis of the  
11 proposal and, insofar as possible, shall be submitted  
12 to the members of the general assembly within the time  
13 limits set forth in the request. A health note may be  
14 requested for a proposal whether or not the proposal  
15 is the subject of a more extensive study pursuant to  
16 subsection 1.

17 3. The commission may contract with individuals or  
18 entities having recognized expertise in the fields of  
19 health, insurance, economics or other appropriate  
20 academic disciplines as necessary to conduct the  
21 research, review, and evaluation of proposals as  
22 provided in subsection 1. The experts may be  
23 organized into panels of two or three. The commission  
24 may assign more than one study to a single expert or  
25 panel. A study shall not be assigned to a single  
26 expert under subsection 1, subsection 2, or any other  
27 provision of this section except by unanimous decision  
28 of the commission. A panel shall not include more  
29 than one employee, agent, contractor, or other  
30 representative from a particular employer,  
31 corporation, partnership, or other entity. When a  
32 proposal is chosen for study pursuant to subsection 1,  
33 the commission shall review the proposal to determine

34 if the special training and knowledge required to  
35 conduct the study is possessed by the existing staffs  
36 of the executive departments under the control and  
37 direction of members of the commission. If so, by  
38 unanimous decision only, the commission may assign the  
39 study to existing staffs.

40 4. The commission may assign to outside experts  
41 engaged for studies pursuant to subsection 1 the  
42 responsibility for preparing particular health notes  
43 pursuant to subsection 2. If, by unanimous decision  
44 only, the commission determines that outside experts  
45 are not needed to prepare particular health notes, the  
46 responsibility may be assigned to existing staffs.

47 5. The commission shall not enter into an  
48 agreement with a person or entity if either of the  
49 following applies:

50 a. The person or entity has a material financial

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1 interest in the provision of health care services in a  
2 health care field to be covered by the study.

3 b. The person or entity is registered, licensed,  
4 or certified to provide health care services to be  
5 covered by the study, unless a majority of the study  
6 panel is composed of persons not registered, licensed,  
7 or certified to provide health care services.

8 6. The commission shall also provide for one or  
9 more three-member panels of experts to conduct an  
10 analytical research study of the scopes of practice of  
11 all health care professions in the state for the  
12 purpose of analyzing the interrelationships,  
13 boundaries, and areas of overlap with emphasis on the  
14 overall effects of existing and proposed statutes and  
15 rules upon health care costs, availability of  
16 services, and other facets of the health care delivery  
17 system. The study shall include a comparative review  
18 of scope of practice and related provisions in other  
19 states and shall take into account the changes in  
20 recent decades and developing trends in the following  
21 areas:

22 a. Relationships among the health care  
23 professions.

24 b. Educational and experiential requirements for  
25 the various health care professions.

26 c. The general structure of the health care  
27 delivery system, including the growth of alternative  
28 structures such as health maintenance organizations.

29 d. Appropriate levels of delivery of professional  
30 health care services in the rural and urban areas of  
31 the state.

32 e. Relationships among health care providers,

33 including hospitals, health care facilities, and other  
 34 institutional providers, health maintenance  
 35 organizations, health care professionals, and  
 36 insurers.

37 f. Health care needs of persons of different age  
 38 levels in the state.

39 7. Before assigning a study under this section,  
 40 the commission shall consult with the health data  
 41 commission, the legislative extended assistance group,  
 42 and others concerning relevant studies completed or  
 43 pending. Persons assigned to conduct studies under  
 44 this section shall be encouraged to seek advice and  
 45 utilize research from these sources to avoid  
 46 duplication of effort.

47 Sec. \_\_\_\_\_. **NEW SECTION. 135.115 INFORMATION ON**  
 48 **LEGISLATIVE PROPOSALS.**

49 The commission may prepare for each category of  
 50 legislative proposal a list specifying the types of

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1 data and the questions and issues which should be  
 2 addressed by persons submitting information on  
 3 specific proposals. The lists may include the  
 4 following:

5 1. The extent to which the proposed benefit and  
 6 the services it would provide are needed by, available  
 7 to and utilized by the population of the state.

8 2. The extent to which insurance coverage for the  
 9 proposed benefit already exists, or if no such  
 10 coverage exists, the extent to which this lack of  
 11 coverage results in inadequate health care or  
 12 financial hardship for the population of the state.

13 3. Relevant findings bearing on the social impact  
 14 of the lack of the proposed benefit.

15 4. Where the proposed benefit would mandate  
 16 coverage of a particular therapy by health care  
 17 payors, the results of at least one professionally  
 18 accepted, controlled trial comparing the medical  
 19 consequences of the proposed therapy, alternative  
 20 therapies, and no therapy.

21 5. Where the proposed benefit would mandate  
 22 coverage by health care payors of an additional class  
 23 of health care institutions or professionals in  
 24 addition to those currently covered, the results of at  
 25 least one professionally accepted, controlled trial  
 26 comparing the medical results achieved by the  
 27 additional class of practitioners and those  
 28 practitioners whose services already are covered by  
 29 benefits.

30 6. The results of any other relevant research  
 31 conducted by the federal government, other states, and

- 32 private and public health care research agencies or  
 33 foundations.
- 34 7. Evidence of the financial impact of the  
 35 proposed legislation, including the following:
- 36 a. The extent to which the proposed benefit would  
 37 increase or decrease costs for treatment or service.
- 38 b. The extent to which similar mandated benefits  
 39 in other states have affected charges, costs, and  
 40 payments for services.
- 41 c. The extent to which the proposed benefit would  
 42 increase the appropriate use of the treatment or  
 43 service.
- 44 d. The impact of the proposed benefit on  
 45 administrative expenses of health care payors.
- 46 e. The impact of the proposed benefit on the costs  
 47 to purchasers of health care coverage and benefits.
- 48 f. The impact of the proposed benefit on the total  
 49 cost of health care within the state.
- 50 8. Where the proposal would authorize a new

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- 1 category of health care institution or health care  
 2 professional or expand the licensure or scope of  
 3 practice of existing health care institutions and  
 4 professions, the following:
- 5 a. The effect of the proposed authorization or  
 6 expansion on relationships among and between existing  
 7 health care institutions and professions.
- 8 b. The educational and experiential requirements  
 9 for the various health care professions, including but  
 10 not limited to, credentialing.
- 11 c. The general impact, in terms of cost, quality,  
 12 and access of the proposal on the existing health care  
 13 delivery system.
- 14 d. The impact of the proposal on the delivery of  
 15 institutional and professional health care services in  
 16 the rural and urban areas of the state.
- 17 e. A comparison of similar proposals or related  
 18 provisions or changes in other states.
- 19 f. The impact of the proposal on the health care  
 20 needs of persons of different age levels in the state.
- 21 Sec. \_\_\_\_\_. **NEW SECTION. 135.116 PROCEDURES.**
- 22 1. The commission may establish procedures for the  
 23 submission and review of information on a legislative  
 24 proposal. In the review and evaluation of information  
 25 submitted in connection with a proposal, consideration  
 26 shall be given to the extent to which the  
 27 documentation is responsive to the items on the list  
 28 provided pursuant to section 135.115; whether or not  
 29 the research cited meets generally recognized  
 30 professional standards for the conduct of scholarly

31 research; whether or not the information includes all  
 32 known research relevant to the proposal; and whether  
 33 or not the conclusions and interpretations are  
 34 consistent with the data submitted. The commission  
 35 may request information and advice from state  
 36 departments and agencies, including but not limited to  
 37 the health data commission, the health profession  
 38 examining boards, and from political subdivisions.

39 2. The commission may adopt rules pursuant to  
 40 chapter 17A establishing time limits, forms, and other  
 41 procedures applicable to the research, review, and  
 42 evaluation process and the preparation of health  
 43 notes. The rules may include provisions for notice  
 44 and public hearings.

45 Sec. \_\_\_\_\_. NEW SECTION. 135.117 ADMINISTRATION –  
 46 RULES – REPORTS.

47 1. The director of public health is responsible  
 48 for the administration of this division and may assign  
 49 staff of the department of public health to the  
 50 commission.

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1 2. The commission, in cooperation with the  
 2 director of public health, shall adopt rules pursuant  
 3 to chapter 17A as necessary to carry out this  
 4 division.

5 3. The commission shall submit an annual report on  
 6 the actions taken by the commission to the general  
 7 assembly not later than January 15 of each year.

8 Sec. \_\_\_\_\_. NEW SECTION. 135.118 HEALTH REVIEW  
 9 ACCOUNT.

10 1. There is established in the general fund of the  
 11 state an account to be known as the health review  
 12 account. The account is composed of the fees imposed  
 13 by law upon health care professionals for health  
 14 research, review, and evaluation activities conducted  
 15 pursuant to this division. Subject to legislative  
 16 authorization, an amount equivalent to the amount in  
 17 the health review account is appropriated to the  
 18 health profession review commission to be used for  
 19 conducting its health research, review, and evaluation  
 20 activities as provided in this division.

21 Sec. \_\_\_\_\_. NEW SECTION. 135E.6A ADDITIONAL FEE  
 22 FOR HEALTH REVIEW.

23 In addition to the fees required by section 135E.5,  
 24 each person granted a license as a nursing home  
 25 administrator or a renewal of such a license shall pay  
 26 to the board an annual fee equal to ten percent of the  
 27 fee for the license or renewal, as appropriate, for  
 28 health policy research, review, and evaluation  
 29 activities pursuant to sections 135.111 through



30 135.118. The fee shall be paid at the time the  
31 license or renewal fee is paid. The fees collected  
32 shall be paid to the treasurer of state and deposited  
33 in the general fund of the state to the credit of the  
34 health review account established in section 135.118.

35 Sec. \_\_\_\_\_. NEW SECTION. 135F.14 ADDITIONAL FEES  
36 FOR HEALTH REVIEW.

37 In addition to the fees required pursuant to  
38 section 135F.6, each person granted registration or  
39 certification by the department as a respiratory care  
40 practitioner or renewal of such registration or  
41 certification shall pay to the department an annual  
42 fee equal to ten percent of the fee for the  
43 registration or certification or the renewal, as  
44 appropriate, for health policy research, review, and  
45 evaluation activities pursuant to sections 135.111  
46 through 135.118. The fee shall be paid at the time  
47 the registration, certification, or renewal fee is  
48 paid. The fees collected shall be paid to the  
49 treasurer of state and deposited in the general fund  
50 of the state to the credit of the health review

**Page 9**

1 account established in section 135.118.

2 Sec. \_\_\_\_\_. Section 145.2, Code 1987, is amended by  
3 adding a new unnumbered paragraph, following  
4 unnumbered paragraph 1, as follows:

5 NEW UNNUMBERED PARAGRAPH. The commission shall  
6 also cooperate with the health profession review  
7 commission, established in section 135.113, by  
8 providing advice, assistance, and information as  
9 appropriate to the achievement of the purposes and  
10 responsibilities of that commission.

11 Sec. \_\_\_\_\_. Section 145.3, subsection 3, paragraph  
12 b, Code 1987, is amended by adding the following new  
13 unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. In addition, the  
15 commission shall adopt rules relating to the gathering  
16 of UB-82 claims data for all hospital inpatients and  
17 outpatients whose charges are not submitted to third-  
18 party payers, including self-paid, charity, and bad  
19 debt cases.

20 Sec. \_\_\_\_\_. NEW SECTION. 147.81 ADDITIONAL FEE FOR  
21 HEALTH REVIEW.

22 In addition to the fees required by sections 147.25  
23 and 147.80, each person granted a license or other  
24 credential or a renewal of a license or credential  
25 pursuant to this chapter or chapter 147A, 148, 148A,  
26 148B, 148C, 149, 150, 150A, 151, 152, 152A, 153, 153A,  
27 154, 154A, 154B, 154C, 155A, or 156 shall pay to the  
28 department, or to the appropriate board of examiners

29 if the board is required by law to collect the license  
 30 fees, an annual fee equal to ten percent of the fee  
 31 for the license or renewal, as appropriate, for health  
 32 policy research, review, and evaluation activities  
 33 pursuant to sections 135.111 through 135.118. The fee  
 34 shall be paid at the time the license or renewal fee  
 35 is paid. The fees collected shall be paid to the  
 36 treasurer of state and deposited in the general fund  
 37 of the state to the credit of the health review  
 38 account established in section 135.118.

39 The additional annual fee imposed by this section  
 40 shall also be imposed upon persons granted licenses or  
 41 other credentials in health care professions for which  
 42 licensing or credentialing provisions are enacted  
 43 after January 1, 1988."

44 2. By renumbering sections.

Amendment H—6548 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?" (S.F. 2341)

The ayes were, 79:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Corbett	Daggett	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Ollie	Parker	Paulin
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
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, 7:

Corey	De Groot	Maulsby	Renken
Royer	Schneklath	Van Maanen	

Absent or not voting, 14:

Brammer	Cooper	Eddie	Groninga
Halvorson, R. A.	Hanson, D. R.	Harbor	Haverland
Knapp	Lageschulte	Norrgard	Osterberg
Peters	Platt		

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 2341)

Arnould of Scott asked and received unanimous consent that Senate File 2341 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE**  
(Senate File 173)

Bisignano of Polk called up for consideration the report of the conference committee on Senate File 173 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 173**

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 173, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities, respectfully make the following report:

1. That the House amendment, S-5764, to Senate File 173, as passed by the Senate, is amended as follows:

1. Page 1, by striking lines 3 through 6 and inserting the following:

“\_\_\_\_\_. Page 1, by striking lines 1 through 11 and inserting the following:

“Section 1. Section 905.8, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The deputy director of the department of corrections responsible for community-based correctional programs shall reallocate funds allocated by the department among the judicial districts as necessary to assure an equitable allocation of district departmental staff throughout the state and to comply with section 905.10.

NEW UNNUMBERED PARAGRAPH. The deputy director of the department of corrections responsible for community-based correctional programs shall comply with section 246.108, subsection 1, paragraph “i”.

Sec. 2. Section 905.12, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

905.12 SURRENDER OF EARNINGS.

When committing a person to a residential treatment center operated by a judicial district department of correctional services, the court shall order the person to surrender to the district department their total earnings less payroll deductions required by law. The court shall establish the person's legal obligations by order and the district department shall deduct from the earnings to satisfy the court order in the following order of priority:

1. An amount the resident may be legally obligated to pay for the support of dependents, which shall be paid to the dependents directly or through the department of human services in the county in which the dependents reside. For the purpose of this subsection, "legally obligated" means under a court order.
2. An amount determined to be the cost to the judicial district department of correctional services for food, lodging, and other expenses incurred by or on behalf of the resident.
3. Restitution ordered by the court under chapter 910.
4. Any other financial obligations which are admitted to by the resident or any judgment granted by the court to another person to whom the resident owes money, but no earnings of a resident are subject to garnishment while the person is committed to the center.

Any balance remaining after deductions and payments shall be credited to the resident's personal account at the district department and shall be paid to the resident upon release. The deputy director of the department of corrections responsible for community-based correctional programs shall establish a plan to comply with the provisions of court orders entered pursuant to this section." "

ON THE PART OF THE HOUSE:

TONY BISIGNANO, Chair  
FLORENCE D. BUHR  
VIRGIL E. COREY  
LEE J. PLASIER  
CLAY SPEAR

ON THE PART OF THE SENATE:

LARRY MURPHY, Chair  
DONALD V. DOYLE  
LINN FUHRMAN  
JACK W. HESTER  
TOM MANN, Jr.

The motion prevailed and the conference committee report 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, 87:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Branstad	Buhr	Carpenter

Chapman	Clark	Cohon	Connolly
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Koenigs	Kremer	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	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	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker (Connors)	

The nays were, none.

Absent or not voting, 13:

Brammer	Cooper	Eddie	Halvorson, R. A.
Hanson, D. R.	Harbor	Haverland	Knapp
Lageschulte	Norrgard	Peters	Platt
Tabor			

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

### IMMEDIATE MESSAGE (Senate File 173)

Arnould of Scott asked and received unanimous consent that Senate File 173 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1988, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 16, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2462, a bill for an act relating to the licensing of dogs, by providing for rabies control and licensing, subjecting violators to a penalty, and providing an effective date.

Also: That the Senate has on April 16, 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 2474, a bill for an act relating to the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date.

Also: That the Senate has on April 16, 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 38, a bill for an act relating to conservation easements.

Also: That the Senate has on April 16, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 201, a bill for an act related to the senate's review and confirmation of gubernatorial appointments, and providing an effective date.

Also: That the Senate has on April 16, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2040, a bill for an act to appropriate moneys to the state board of regents to be used by Iowa State University for the development of the technology necessary to develop competitive plastics manufactured from corn-based products.

JOHN F. DWYER, Secretary

The House stood at ease at 7:38 p.m., until the fall of the gavel.

The House resumed session at 8:13 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-six members present, forty-four absent.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2477.

### CONSIDERATION OF BILLS

#### Ways and Means Calendar

**House File 2477**, 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 and to the issuance of fuel exemption certificates for state sales, services and use tax purposes for the

purchase of fuel used in farm implements, and providing a retroactive applicability date, was taken up for consideration.

Tabor of Jackson offered the following amendment H—6546 filed by him from the floor and moved its adoption:

H—6546

1 Amend House File 2477 as follows:

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

4 "Sec. \_\_\_\_\_. Section 99D.8, Code 1987, is amended by  
5 striking the section and inserting in lieu thereof the  
6 following:

7 99D.8 HORSE OR DOG RACING LICENSES —  
8 APPLICATIONS.

9 A qualifying organization, as defined in section  
10 513(d)(2)(C) of the Internal Revenue Code, as defined  
11 in section 422.3, exempt from federal income taxation  
12 under sections 501(c)(3), 501(c)(4), or 501(c)(5) of  
13 the Internal Revenue Code, which is organized to  
14 promote those purposes enumerated in section 99B.7,  
15 subsection 3, paragraph "b", and which regularly  
16 conducts, as one of its substantial exempt purposes,  
17 an agricultural and educational fair or exposition for  
18 the promotion of the horse, dog, or other livestock  
19 breeding industries of the state, or an agency,  
20 instrumentality, or political subdivision of the  
21 state, may apply to the commission for a license to  
22 conduct horse or dog racing. The application shall be  
23 filed with the administrator of the commission at  
24 least sixty days before the first day of the horse  
25 race or dog race meeting which the organization  
26 proposes to conduct, shall specify the day or days  
27 when and the exact location where it proposes to  
28 conduct racing, and shall be in a form and contain  
29 information as the commission prescribes.

30 If any part of the net income of a licensee is  
31 determined to be unrelated business taxable income as  
32 defined in section 511 through 514 of the Internal  
33 Revenue Code, the qualifying organization shall be  
34 required to distribute the amount of net unrelated  
35 business taxable income to political subdivisions in  
36 the state and organizations described in section  
37 501(c)(3) of the Internal Revenue Code in the county  
38 in which it operates. Distributions to these  
39 organizations made during the year in which the  
40 unrelated business income was earned shall be treated  
41 as included in the required distributions for this  
42 purpose.

43 An organization which meets the requirements of  
44 this section, as amended, on or before July 1, 1988,

45 shall be considered to have met the requirements of  
 46 this section on the date that its initial application  
 47 was originally filed.

48 Section 100. Section 422.25, subsection 1,  
 49 unnumbered paragraph 1, Code 1987, is amended to read  
 50 as follows:

**Page 2**

1 Within three years after the return is filed or  
 2 within three years after the return became due,  
 3 including any extensions of time for filing, whichever  
 4 time is the later, the department shall examine it and  
 5 determine the correct amount of tax, and the amount  
 6 determined by the department is the tax. However, if  
 7 the taxpayer omits from income an amount which will,  
 8 under the Internal Revenue Code of 1954, extend the  
 9 statute of limitations for assessment of federal tax  
 10 to six years under the federal law, the period for  
 11 examination and determination is six years. In  
 12 addition to the applicable period of limitation for  
 13 examination and determination, the department may make  
 14 an examination and determination at any time within  
 15 six months from the date of receipt by the department  
 16 of written notice from the taxpayer of the final  
 17 disposition of any matter between the taxpayer and the  
 18 internal revenue service with respect to the  
 19 particular tax year. For corporate income tax  
 20 purposes, the examination and determination during the  
 21 six-month period is not limited to the federal  
 22 adjustments but may include a complete review of the  
 23 taxpayer's Iowa taxable income 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. \_\_\_\_\_. Section 422.43, subsection 11, Code  
 32 Supplement 1987, is amended by adding the following  
 33 new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. For purposes of this  
 35 subsection, "investment counseling" means the giving  
 36 of specific investment advise for a fee or commission  
 37 and which is not in conjunction with the providing of  
 38 other services."

39 2. Page 3, by inserting after line 1 the  
 40 following:

41 "Sec. \_\_\_\_\_. Section 422.70, subsection 1, Code  
 42 1987, is amended to read as follows:

43 1. The director, for the purpose of ascertaining



44 the correctness of any a return or for the purpose of  
45 making an estimate of the taxable income or receipts  
46 of any a taxpayer, shall have has power: To examine  
47 or cause to be examined by any an agent or  
48 representative designated by the director, books,  
49 papers, records, or memoranda; such an examination not  
50 to include any transaction completed five years or

Page 3

1 more prior to such an examination, provided, however,  
2 that the director may, by rules, provide for a  
3 limitation of time of any number of years less than  
4 five; to require by subpoena the attendance and  
5 testimony of witnesses; to issue and sign subpoenas;  
6 to administer oaths, to examine witnesses and receive  
7 evidence; to compel witnesses to produce for  
8 examination books, papers, records, and documents  
9 relating to any matter which the director shall have  
10 has the authority to investigate or determine.

11 Sec. 120. Section 422.73, subsection 2, Code  
12 Supplement 1987, is amended to read as follows:

13 2. If it appears that an amount of tax, penalty,  
14 or interest has been paid which was not due under  
15 division II, III or V of this chapter, then that  
16 amount shall be credited against any tax due on the  
17 books of the department by the person who made the  
18 excessive payment, or that amount shall be refunded to  
19 the person or with the person's approval, credited to  
20 tax to become due. A claim for refund or credit that  
21 has not been filed with the department within three  
22 years after the return upon which a refund or credit  
23 claimed became due, or within one year after the  
24 payment of the tax upon which a refund or credit is  
25 claimed was made, whichever time is the later, shall  
26 not be allowed by the director. If, as a result of a  
27 carryback of a net operating loss or a net capital  
28 loss, the amount of tax in a prior period is reduced  
29 and an overpayment results, the claim for refund or  
30 credit of the overpayment shall be filed with the  
31 department within the three years after the return for  
32 the taxable year of the net operating loss or net  
33 capital loss became due. Notwithstanding the period  
34 of limitation specified, the taxpayer shall have has  
35 six months from the day of final disposition of any  
36 income tax matter between the taxpayer and the  
37 internal revenue service with respect to the  
38 particular tax year to claim an income tax refund or  
39 credit, provided the taxpayer has notified the  
40 department in writing no later than six months after  
41 the expiration of the three-year limitations period of

42 the existence of this income tax matter within this  
 43 six-month period notifies the department in writing in  
 44 a form sufficient to inform the department of the  
 45 final disposition with respect to that tax year, and  
 46 with a copy of the federal document showing the final  
 47 disposition or final federal adjustments attached to  
 48 the notice. The claim for refund or credit is not  
 49 limited to the federal adjustments but may include a  
 50 complete review of the taxpayer's Iowa taxable income

**Page 4**

1 with respect to the particular tax year.  
 2 Sec. \_\_\_\_\_. Section 427.3, Code 1987, is amended by  
 3 adding the following new subsection:  
 4 NEW SUBSECTION. 6. For the purpose of determining  
 5 a military tax exemption under this section, property  
 6 includes a mobile home as defined in section 135D.1."  
 7 3. Page 3, by inserting after line 3 the  
 8 following:  
 9 "Sec. \_\_\_\_\_. The department of revenue and finance,  
 10 in conjunction with the legislative fiscal bureau and  
 11 the department of economic development, shall prepare  
 12 a report for the general assembly and governor on the  
 13 net impact of the current state sales, services, and  
 14 use tax policy on the gross receipts from repairs and  
 15 replacement parts for vehicles, defined in section  
 16 321.1, subsections 4, 6, 8, 9, and 10, which are used  
 17 substantially in interstate commerce and from repairs  
 18 and replacement parts for farm machinery, equipment,  
 19 and implements. The reports shall include, but not be  
 20 limited to, the following:  
 21 1. Review of other states' policies and actions.  
 22 2. Impact on businesses located in Iowa and of  
 23 attracting interstate businesses to Iowa.  
 24 3. Impact on businesses doing business outside of  
 25 Iowa.  
 26 4. Fairness of taxing businesses that get repairs  
 27 and replacement parts from a retailer in relation to  
 28 the businesses that provide the repairs and parts  
 29 within their company structure and including a review  
 30 of the current practice of major firms.  
 31 The report shall be completed and provided to the  
 32 general assembly and governor by January 15, 1989."  
 33 4. Page 3, by inserting after line 3 the  
 34 following:  
 35 "Sec. \_\_\_\_\_. Section 100 of this Act is retroactive  
 36 to October 21, 1987, for all tax years for which a  
 37 final disposition of a taxpayer's federal income tax  
 38 liability has not been resolved by that date.  
 39 However, if as of October 31, 1987, the applicable

40 period of limitation under section 422.25 in effect on  
 41 October 31, 1987, has expired for purposes of making a  
 42 complete review of the taxpayer's Iowa taxable income  
 43 with respect to a particular tax year, section 100 of  
 44 this Act does not apply to that particular tax year of  
 45 that taxpayer.

46 Sec. \_\_\_\_\_. Section 120 of this Act is retroactive  
 47 to October 21, 1987, for all tax years for which a  
 48 final disposition of a taxpayer's federal income tax  
 49 liability has not been resolved by that date.  
 50 However, if as of October 31, 1987, the applicable

**Page 5**

1 period of limitation under section 422.73, subsection  
 2 2, in effect on October 31, 1987, has expired for  
 3 purposes of making a complete review of the taxpayer's  
 4 Iowa taxable income with respect to a particular tax  
 5 year, section 120 of this Act does not apply to that  
 6 particular tax year of that taxpayer.

7 Sec. \_\_\_\_\_. All sections of this Act, except for  
 8 sections 100, 120, and other sections for which a  
 9 different effective date is specified, are effective  
 10 July 1, 1988.

11 Sec. \_\_\_\_\_. This Act, being deemed of immediate  
 12 importance, is effective upon enactment."

13 5. Title page, line 1, by inserting after the  
 14 word "to" the following: "certain state taxes by  
 15 providing for the statute of limitations for state  
 16 individual and corporate tax purposes, the definition  
 17 of investment counseling for state sales, services,  
 18 and use tax purposes, the allowance of the military  
 19 service tax credit for mobile homes, for".

20 6. Title page, line 7, by striking the word  
 21 "date" and inserting the following: "and effective  
 22 dates".

Amendment H—6546 was adopted.

Speaker Avenson in the chair at 8:19 p.m.

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. 2477)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Branstad
Buhr	Carpenter	Cohoon	Connolly
Connors	Corbett	Corey	Daggett

De Groot	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Hermann	Hester	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 2:

Chapman	Holveck
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Absent or not voting, 13:

Bennett	Brammer	Clark	Cooper
Diemer	Eddie	Hanson, D. R.	Haverland
Knapp	Lageschulte	Neuhauser	Norrgard
Peters			

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

Arnould of Scott moved to reconsider the vote by which House File 2477 passed the House and was placed on its last reading on April 16, 1988.

A non-record roll call was requested.

The ayes were 50, nays 2.

The motion to reconsider lost.

Arnould of Scott asked and received unanimous consent to suspend the rules to again reconsider House File 2477.

#### MOTION TO RECONSIDER PREVAILED

Arnould of Scott moved to reconsider the vote by which House File 2477 passed the House and was placed on its last reading on April 16, 1988.

A non-record roll call was requested.

The ayes were 63, nays none.

The motion prevailed and the House reconsidered **House File 2477**, 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 and to the issuance of fuel exemption certificates for state sales, services and use tax purposes for the purchase of fuel used in farm implements, and providing a retroactive applicability date.

Tabor of Jackson asked and received unanimous consent to reconsider amendment H—6546 (found on pages 2191 through 2195 of the House Journal).

Division of amendment H—6546 was requested as follows:

H—6546A, all of pages 1, 2, and 3; page 4, lines 1 through 6 and lines 33 through 50; all of page 5.

H—6546B, page 4, lines 7 through 32.

On motion by Tabor of Jackson, amendment H—6546A was adopted.

Tabor of Jackson asked and received unanimous consent to withdraw amendment H—6546B.

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. 2477)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Buhr	Carpenter	Clark	Cohoon
Connolly	Connors	Corbett	Corey
Daggett	De Groot	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hermann	Hester	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	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, 3:

Chapman	Holveck	Platt
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Absent or not voting, 13:

Brammer	Branstad	Cooper	Diemer
Eddie	Hanson, D. R.	Hatch	Haverland
Knapp	Lageschulte	Neuhauser	Norrgard
Peters			

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 2477)

Arnould of Scott asked and received unanimous consent that House File 2477 be immediately messaged to the Senate.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 16, 1988, insisted on its amendment to House File 2405, a bill for an act relating to the administration and benefits for certain public retirement systems, and the members of the conference committee, on the part of the Senate are: The Senator from Dubuque, Senator Carr, Chair; the Senator from Linn, Senator Horn; the Senator from Wapello, Senator Gettings; the Senator from Boone, Senator Nystrom; and the Senator from Osceola, Senator Vande Hoef.

JOHN F. DWYER, Secretary

### CONFERENCE COMMITTEE APPOINTED

(House File 2405)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2405: Blanshan of Greene, chair; Doderer of Johnson, Hammond of Story, Carpenter of Polk and Swearingen of Keokuk.

## CONFERENCE COMMITTEE FAILED TO AGREE

### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2328

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2328, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, respectfully make the following report:

1. That the conference committee is unable to agree.

ON THE PART OF THE HOUSE:

RICHARD V. RUNNING, Chair  
MIKE CONNOLLY  
EDWARD G. PARKER  
CLIFFORD O. BRANSTAD  
WAYNE BENNETT

ON THE PART OF THE SENATE:

LEONARD L. BOSWELL, Chair  
ALVIN V. MILLER  
JOE J. WELSH  
DALE L. TIEDEN  
DAVID M. READINGER

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 16, 1988, appointed the second conference committee to Senate File 2328, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, and the members of the second conference committee on the part of the Senate are: The Senator from Decatur, Senator Boswell, Chair; the Senator from Cerro Gordo, Senator A. Miller; the Senator from Dubuque, Senator Welsh; the Senator from Polk, Senator Readinger; and the Senator from Clayton, Senator Tieden.

JOHN F. DWYER, Secretary

### SECOND CONFERENCE COMMITTEE APPOINTED (Senate File 2328)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning Senate File 2328: Parker of Jasper, chair; Connolly of Dubuque, Running of Linn, Bennett of Ida and Branstad of Winnebago.

The House stood at ease at 8:55 p.m., until the fall of the gavel.

The House resumed session at 9:12 p.m., Tabor of Jackson in the chair.

### SENATE AMENDMENTS CONSIDERED House Refused To Concur

Peterson of Carroll called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—6550:

H—6550

1 Amend House File 2432, as passed by the House, as  
2 follows:

3 1. Page 8, by inserting after line 5 the fol-  
4 lowing:

5 "Sec. \_\_\_\_\_. NEW SECTION. 262.34A ATHLETIC  
6 COMPENSATION POLICY.

7 The state board of regents shall urge the national  
8 collegiate athletic association to adopt rules to  
9 permit the compensation of collegiate athletes. The  
10 state board of regents shall investigate, review, and  
11 adopt a policy permitting the compensation of  
12 collegiate athletes, who are enrolled in any of the  
13 universities under its control and participating in a  
14 university-sponsored athletic program, by the  
15 university, alumni, or other interested persons.  
16 "Compensation" includes, but is not limited to,  
17 scholarships, available financial awards or resources,  
18 motor vehicles, real or personal property, or anything  
19 of value. The state board shall provide the policy to  
20 the presidents, athletic directors, and departments of  
21 athletics of the universities under its control. The  
22 state board shall review, update, and reissue the  
23 policy annually. However, the state board shall delay  
24 implementation of the policy until the national  
25 collegiate athletic association adopts a similar  
26 policy permitting compensation of athletes."

27 2. Title page, line 4, by inserting after the  
28 word "team," the following: "requiring a compensation  
29 policy for collegiate athletes."

30 3. Renumber as necessary.

The motion lost and the House refused to concur in the Senate amendment H—6550.

Fogarty of Palo Alto called up for consideration **Senate File 38**, a bill for an act relating to conservation easements, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6551 to the House amendment:



H-6551

- 1 Amend the House amendment, S-6082, to Senate File
- 2 38, as passed by the Senate as follows:
- 3 1. Page 1, by striking lines 3 through 47.
- 4 2. Page 2, line 25, by striking the word "shall"
- 5 and inserting the following: "may".
- 6 3. Page 2, by striking lines 27 through 34, and
- 7 inserting the following: "county."
- 8 4. Page 3, by striking lines 1 through 4.
- 9 5. Page 3, line 9, by inserting after the word
- 10 "sinkhole" the following: "which has been modified
- 11 for the purpose of directing surface or subsurface
- 12 drainage to the sinkhole".
- 13 6. Page 3, line 12, by inserting after the word
- 14 "resources." the following: "A person shall not be
- 15 required to register a natural sinkhole if the natural
- 16 terrain has not been modified."
- 17 7. Page 3, line 16, by striking the words
- 18 "structurally altered" and inserting the following:
- 19 "modified".
- 20 8. Page 3, lines 19 and 20, by striking the words
- 21 and figures "January 1, 1988 September 30, 1988" and
- 22 inserting the following: "January 1, 1988 1989".
- 23 9. Page 3, lines 22 and 23, by striking the words
- 24 "September 30, 1988" and inserting the following:
- 25 "January 1, 1989".
- 26 10. Page 3, line 23, by striking the words
- 27 "structurally altered" and inserting the following:
- 28 "modified".
- 29 11. Page 3, line 26, by striking the words
- 30 "structurally altered" and inserting the following:
- 31 "modified".
- 32 12. Page 3, line 40, by inserting after the word
- 33 "wells" the following: "pursuant to rules adopted by
- 34 the department of agriculture and land stewardship
- 35 under chapter 17A in cooperation with the department
- 36 of natural resources".
- 37 13. Page 3, line 45, by inserting after the word
- 38 "to" the following: "the rules adopted under".
- 39 14. Page 3, line 48, by striking the figure "1,"
- 40 and inserting the following: "1".
- 41 15. By striking page 3, line 49 through page 4,
- 42 line 2 and inserting the following: "or if the owner
- 43 fails to develop a plan for alternatives in
- 44 cooperation with the department of agriculture and
- 45 land stewardship and the department of natural
- 46 resources."
- 47 16. Page 4, line 13, by striking the words
- 48 "within thirty days of the report".
- 49 17. Page 4, line 21, by striking the word
- 50 "twenty" and inserting the following: "five".

**Page 2**

1 18. Page 4, line 22, by inserting after the word  
2 "days." the following: "The department of agriculture  
3 and land stewardship, in cooperation with the  
4 department of natural resources, shall adopt rules,  
5 pursuant to chapter 17A, which provide for an appeals  
6 process for violations under this paragraph."

7 19. Page 4, by inserting after line 22 the  
8 following:

9 "Sec. \_\_\_\_\_. Section 455B.275, Code 1987, is amended  
10 by adding the following new subsection:

11 **NEW SUBSECTION. 9.** The commission or the  
12 department shall not initiate any administrative or  
13 judicial action to remove or eliminate any structure,  
14 dam, obstruction, deposit, or excavation in a  
15 floodway, or to remove or eliminate any stream  
16 straightening, or to place other restrictions on the  
17 use of land or water affected by the structure, dam,  
18 obstruction, deposit, excavation, or stream  
19 straightening if not initiated within five years of  
20 the completion of the erection or making of the  
21 structure, dam, obstruction, deposit, excavation, or  
22 stream straightening. The prohibition of this  
23 subsection applies to, but is not limited to, any  
24 judicial abatement or action in condemnation that the  
25 commission or department may initiate under this  
26 section."

27 20. Page 5, by inserting after line 22 the  
28 following:

29 "Sec. \_\_\_\_\_. 1988 Iowa Acts, Senate File 2126,  
30 sections 2 and 3, are repealed."

31 21. Page 5, by striking line 25 and inserting the  
32 following: " "the natural resources of the state, by  
33 providing for the conservation of agricultural lands;  
34 and by restricting the time period for initiating  
35 certain administrative or judicial actions by the  
36 department of natural resources". "

37 22. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H—6551.

**IMMEDIATE MESSAGE**

Arnould of Scott asked and received unanimous consent that House File 2432 and Senate File 38 be immediately messaged to the Senate.

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

The House resumed session at 10:16 p.m., Tabor of Jackson in the chair.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 16, 1988, adopted the conference committee report and passed 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

### SENATE AMENDMENT CONSIDERED

Swartz of Marshall called up for consideration **House File 2473**, a bill for an act relating to and making appropriations directly from the state general fund for purposes of the military service tax credit and payment of the franchise tax to local governments, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-6549:

H-6549

- 1 Amend House File 2473, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by inserting after line 7 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 427.3, subsection 5, Code 1987,
- 6 is amended to read as follows:
- 7 5. The provisions of this section shall apply to
- 8 personal property held in partnership but not in
- 9 excess of the value of the veteran's share actually
- 10 held. Wherever the word "soldier" shall appear in
- 11 this chapter, it shall be construed to include,
- 12 without limitation, the members of the United States
- 13 air force and the United States merchant marine.
- 14 Sec. \_\_\_\_\_. Section 427.3, Code 1987, is amended by
- 15 adding the following new subsection:
- 16 NEW SUBSECTION. 6. For the purpose of determining
- 17 a military tax exemption under this section, property
- 18 includes a mobile home as defined in section 135D.1."
- 19 2. Title page, line 1, by inserting after the
- 20 word "to" the following: "the administration and
- 21 requirements for military service tax credits,".

The motion prevailed and the House concurred in the Senate amendment H-6549.

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. 2473)

The ayes were, 89:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Branstad	Buhr	Carpenter
Chapman	Clark	Cohon	Connolly
Connors	Corbett	Corey	Daggett
De Groot	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	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker (Tabor)			

The nays were, none.

Absent or not voting, 11:

Brammer	Cooper	Diemer	Doderer
Eddie	Hanson, D. R.	Knapp	Lageschulte
Norrgard	Peters	Swearingen	

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, for the remainder of the day, on request of Van Maanen of Mahaska.

**IMMEDIATE MESSAGE**  
**(House File 2473)**

Arnould of Scott asked and received unanimous consent that House File 2473 be immediately messaged to the Senate.

Speaker Avenson in the chair at 10:22 p.m.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE**  
**(Senate File 2278)**

Ollie of Clinton called up for consideration the report of the conference committee on Senate File 2278 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2278**

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2278, a bill for an act relating to the implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards, respectfully make the following report:

1. That the House recedes from its amendment, S-6034.

2. That Senate File 2278, as passed by the Senate, is amended as follows:

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

"Section 1. Section 256.11, unnumbered paragraph 1, Code Supplement 1987, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The state board shall adopt rules under chapter 17A and a procedure for accrediting all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. The rules of the state board shall require that a multicultural, nonsexist approach is used by school districts. The educational program shall be taught from a multicultural, nonsexist approach. Global perspectives shall be incorporated into all levels of the educational program.

The rules adopted by the state board pursuant to section 256.17, Code Supplement 1987, to establish new standards shall satisfy the requirements of this section to adopt rules to implement the educational program contained in this section.

The educational program shall be as follows:

Sec. 2. Section 256.11, subsections 1 through 9, Code Supplement 1987, are amended by striking the subsections and inserting in lieu thereof the following:

1. If a school offers a prekindergarten program, the program shall be designed to help children to work and play with others, to express themselves, to learn to use

and manage their bodies, and to extend their interests and understanding of the world about them. The prekindergarten program shall relate the role of the family to the child's developing sense of self and perception of others. Planning and carrying out prekindergarten activities designed to encourage cooperative efforts between home and school shall focus on community resources. A prekindergarten teacher shall hold a certificate certifying that the holder is qualified to teach in prekindergarten. A nonpublic school which offers only a prekindergarten may, but is not required to, seek and obtain accreditation.

2. The kindergarten program shall include experiences designed to develop healthy emotional and social habits and growth in the language arts and communication skills, as well as a capacity for the completion of individual tasks, and protect and increase physical well-being with attention given to experiences relating to the development of life skills and human growth and development. A kindergarten teacher shall be certificated to teach in kindergarten. An accredited nonpublic school must meet the requirements of this subsection only if the nonpublic school offers a kindergarten program.

3. The following areas shall be taught in grades one through six: English-language arts, social studies, mathematics, science, health, human growth and development, physical education, traffic safety, music, and visual art. The health curriculum shall include the characteristics of communicable diseases including acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the elementary program.

4. The following shall be taught in grades seven and eight: English-language arts, social studies, mathematics, science, health, human growth and development, physical education, music, and visual arts. The health curriculum shall include the characteristics of sexually transmitted diseases and acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the program in grades seven and eight.

5. In grades nine through twelve, a unit of credit consists of a course or equivalent related components or partial units taught throughout the academic year. The minimum program to be offered and taught for grades nine through twelve is:

a. Five units of science including physics and chemistry; the units of physics and chemistry may be taught in alternate years.

b. Five units of the social studies including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

The county auditor, upon request and at a site chosen by the county auditor, shall make available to schools within the county voting machines or sample ballots that are generally used within the county, at times when these machines or sample ballots are not in use for their recognized purpose.

c. Six units of English-language arts.

d. Four units of a sequential program in mathematics.

e. Two units of general mathematics.

f. Four sequential units of one foreign language. The department may waive the third and fourth years of the foreign language requirement on an annual basis upon the request of the board of directors of a school district or the authorities in charge

of a nonpublic school if the board or authorities are able to prove that a certificated teacher was employed and assigned a schedule that would have allowed students to enroll in a foreign language class, the foreign language class was properly scheduled, students were aware that a foreign language class was scheduled, and no students enrolled in the class.

g. All students physically able shall be required to participate in physical education activities during each semester they are enrolled in school except as otherwise provided in this paragraph. A minimum of one-eighth unit each semester is required. A twelfth grade student who meets the requirements of this paragraph may be excused from the physical education requirement by the principal of the school in which the student is enrolled if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. A student who wishes to be excused from the physical education requirement must be enrolled in a cooperative or work-study program or other educational program authorized by the school which requires the student to leave the school premises for specified periods of time during the school day. The student must seek to be excused from the physical education requirement in order to enroll in academic courses not otherwise available to the student. The principal of the school shall inform the superintendent of the school district or nonpublic school that the student has been excused. Physical education activities shall emphasize leisure time activities which will benefit the student outside the school environment and after graduation from high school.

h. Five units of occupational education subjects, which may include, but are not limited to, programs, services, and activities which prepare students for employment in office and clerical, trade and industrial, consumer and homemaking, agriculture, distributive, and health occupations.

i. Three units in the fine arts which shall include at least two of the following: dance, music, theatre, and visual art.

j. One unit of health education which shall include personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family life; human growth and development; substance abuse and nonuse; emotional and social health; health resources; and prevention and control of disease, including sexually transmitted diseases and acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum standards for implementing the program in grades nine through twelve.

6. A pupil is not required to enroll in either physical education or health courses if the pupil's parent or guardian files a written statement with the school principal that the course conflicts with the pupil's religious belief.

7. Programs that meet the needs of each of the following:

a. Pupils requiring special education.

b. Gifted and talented pupils.

c. Programs for at-risk students. Rules adopted by the state board to implement this paragraph shall be based upon the definition of at-risk student developed by the child coordinating council established in section 256A.2 and the state board shall consider the recommendations of the child coordinating council in developing the rules.

8. Upon request of the board of directors of a public school district or the authorities in charge of a nonpublic school, the director may, for a number of years to be specified by the director, grant the district board or the authorities in charge of the nonpublic school exemption from one or more of the requirements of the educational program specified in subsection 5. The exemption may be renewed. Exemptions shall be granted only if the director deems that the request made is an essential part of a planned innovative curriculum project which the director determines will adequately meet the educational needs and interests of the pupils and be broadly consistent with the intent of the educational program as defined in subsection 5.

The request for exemption shall include all of the following:

- a. Rationale of the project to include supportive research evidence.
- b. Objectives of the project.
- c. Provisions for administration and conduct of the project, including the use of personnel, facilities, time, techniques, and activities.
- d. Plans for evaluation of the project by testing and observational measures of pupil progress in reaching the objectives.
- e. Plans for revisions of the project based on evaluation measures.
- f. Plans for periodic reports to the department.
- g. The estimated cost of the project.

9. a. Effective July 1, 1989, through June 30, 1990, to facilitate the implementation and economical operation of the educational program defined in subsections 4 and 5, each school offering any of grades seven through twelve, except a school which offers grades one through eight as an elementary school, shall meet the media center requirements specified in section 256.11, subsection 9, paragraph "a", Code Supplement 1987.

b. Effective July 1, 1990, unless a waiver has been obtained under section 256.11A, each school or school district shall have a qualified school media specialist who shall meet the certification and approval standards prescribed by the department and shall be responsible for supervision of the media centers. Each school or school district shall establish a media center, in each attendance center, which shall be accessible to students throughout the school day.

10. Each school or school district shall provide an articulated sequential guidance program for grades kindergarten through twelve. Until July 1, 1991, a school or school district may obtain a waiver from meeting the requirements of this subsection pursuant to section 256.11A. The guidance counselor shall meet the certification and approval standards of the department.

### Sec. 3. NEW SECTION. 256.11A IMPLEMENTATION OF STANDARDS.

1. Schools and school districts are not required to meet the standard adopted by the state board under section 256.17, Code Supplement 1987, requiring that ten units of vocational education be offered and taught in grades nine through twelve unless the general assembly enacts legislation relating to the requirements stated in the standard. Until the time schools and school districts are required to meet the standard, the occupational education requirements stated in section 256.11, subsection 5, paragraph "h", apply.



2. Schools and school districts are not required to meet the requirement stated in the standards adopted by the state board under section 256.17, Code Supplement 1987, that prohibits an individual who is employed or contracted as superintendent from also serving as a principal in that school or school district until July 1, 1990, except as otherwise provided in this subsection. Not later than January 1, 1990, for the school year beginning July 1, 1990, the board of directors of a school district or authorities in charge of a nonpublic school, may file a written request with the department of education that the department waive the requirement for that district or school. The procedures specified in subsection 5 apply to the request.

3. Schools and school districts unable to meet the standard adopted by the state board under section 256.17, Code Supplement 1987, and contained in section 256.11, subsection 9, effective July 1, 1989, requiring that on July 1, 1989, each board operating a kindergarten through grade twelve program provide an articulated sequential elementary-secondary guidance program may, not later than January 1, 1989, for the school year beginning July 1, 1989, file a written request to the department of education that the department waive the requirement for that school or school district. The procedures specified in subsection 5 apply to the request. Not later than January 1, 1990, for the school year beginning July 1, 1990, the board or authorities may request a one-year extension of the waiver.

If a waiver is approved under subsection 5, the school or school district shall meet the requirements of section 256.11, subsection 9, paragraph "b", Code Supplement 1987, for the period for which the waiver is approved.

4. Schools and school districts are not required to meet the standard adopted by the state board of education under section 256.17, Code Supplement 1987, and contained in section 256.11, subsection 9, paragraph "b", effective July 1, 1990, that requires the board to establish and operate a media services program to support the total curriculum until July 1, 1990, except as otherwise provided in this subsection. Not later than January 1, 1990, for the school year beginning July 1, 1990, the board of directors of a school district, or authorities in charge of a nonpublic school, may file a written request with the department of education that the department waive the requirement for that district or school. The procedures specified in subsection 5 apply to the request.

If a waiver is approved under subsection 5, the school district or school shall meet the requirements of section 256.11, subsection 9, paragraph "a", Code Supplement 1987, for the period for which the waiver is approved.

5. A request for a waiver filed by the board of directors of a school district or authorities in charge of a nonpublic school shall describe actions being taken by the district or school to meet the requirement for which the district or school has requested a waiver. The state board of education shall adopt rules under chapter 17A to implement a procedure and criteria for the department to use in making a decision to approve a waiver under subsections 2, 3, and 4.

Sec. 4. The legislative council is requested to establish a study committee composed of members of the house and senate committees on education from both political parties to conduct a comprehensive study of the provision of vocational education courses for secondary school students. The study shall include, but not be limited to, the vocational education requirements contained in the rules adopted by the state board of education pursuant to section 256.17, the courses offered by school districts, the costs of offering the various areas of vocational education courses, enrollment trends,

and the feasibility of alternative means of offering vocational education courses, including but not limited to, requiring that secondary school vocational education courses be provided by the area schools in either the high school or area school setting or an alternative setting.

The study committee shall submit a report of its recommendations to the legislative postsecondary education task force if one is established, the legislative council, and the general assembly meeting in 1989.

Sec. 5. If the general assembly adopts a concurrent resolution during the 1989 legislative session requesting a survey, the legislative fiscal bureau shall conduct a survey of school districts to determine the feasibility of requiring that the kindergarten program operate a minimum of one hundred eighty days and meet a minimum school day time requirement of four and one-half hours. The survey shall include an inventory of additional space requirements and the availability of vacant classrooms in school district facilities, additional staff requirements, factors affecting pupil/teacher ratios availability of educational materials, and transportation needs.

The legislative fiscal bureau shall report the results of the survey to the chairpersons and ranking members of the senate and house committees on education not later than January 1, 1990.

Sec. 6. It is the intent of the general assembly to develop a standard relating to kindergarten requirements which is based on the unique needs of young children in school settings. The legislative council is requested to appoint an interim study committee to conduct a comprehensive study of the needs of young children for all day, every day kindergarten as well as the need for additional care and activities in the school environment, including but not limited to recreation, child care, health, developmental, and latchkey programs. The committee shall consider the preliminary findings of the legislative fiscal bureau space study. The committee shall be composed of members of the house and senate, from both political parties, and persons knowledgeable in the field of child development, including members of the state child development coordinating council. The committee shall develop recommendations and submit the recommendations in a report to the legislative council and the general assembly not later than March 1, 1989."

Sec. 7. Section 331.502, subsection 23, Code 1987, is amended to read as follows:

23. Make available to schools, voting machines or sample ballots for instructional purposes as provided in section 256.11, subsection 6 5.

Sec. 8. Section 455E.8, subsection 10, Code Supplement 1987, is amended to read as follows:

10. Develop a program, in consultation with the department of education and the department of environmental education of the University of Northern Iowa, regarding water quality issues which shall be included in the minimum program required in grades seven and eight pursuant to rules adopted by the state board of education under section 256.11, subsection 4.

Sec. 9. Section 467A.7, subsection 18, Code Supplement 1987, is amended to read as follows:

18. To encourage local school districts to provide instruction in the importance of and in some of the basic methods of soil conservation, as a part of the course work

relating to conservation of natural resources and environmental awareness required in rules adopted by the state board of education pursuant to section 256.11, subsections 3 and 4, and to offer technical assistance to schools in developing such instructional programs.

Sec. 10. Section 622.10, unnumbered paragraph 2, Code 1987, is amended to read as follows:

No qualified school guidance counselor, who has met the certification and approval standards of the department of education as provided in section ~~257.25~~ 256.11, subsection ~~9~~ 10, who obtains information by reason of the counselor's employment as a qualified school guidance counselor shall be allowed, in giving testimony, to disclose any confidential communications properly entrusted to the counselor by a pupil or the pupil's parent or guardian in the counselor's capacity as a qualified school guidance counselor and necessary and proper to enable the counselor to perform the counselor's duties as a qualified school guidance counselor.

Sec. 11. Sections 1, 2, and 7 through 10 of this Act take effect July 1, 1989.

Sec. 12. Section 256.17, Code Supplement 1987, is repealed effective July 1, 1989."

2. Title page, by striking lines 1 through 4 and inserting the following: "An Act relating to school standards, providing for implementation of educational standards developed and adopted by the state board of education, enactment of educational standards, providing a waiver procedure, providing for additional study of certain standards, and providing delayed effective dates for certain standards."

ON THE PART OF THE HOUSE:

C. ARTHUR OLLIE, Chair  
ANDY McKEAN  
TOM H. MILLER  
TOM SWARTZ  
PHILIP WISE

ON THE PART OF THE SENATE:

LARRY MURPHY, Chair  
JOY CORNING  
WALLY E. HORN  
BERL E. PRIEBE

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 2278)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	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	Koenigs	Kremer
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	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, 1:

Corey

Absent or not voting, 10:

Brammer	Cooper	Diemer	Eddie
Hanson, D. R.	Knapp	Lageschulte	Norrgard
Peters	Swearingen		

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 2278)

Arnould of Scott asked and received unanimous consent that Senate File 2278 be immediately messaged to the Senate.

The House stood at ease at 10:27 p.m., until the fall of the gavel.

The House resumed session at 11:22 p.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1988, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 16, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2476, a bill for an act relating to administrative procedures to challenge the identification, classification, and exemption of property for taxation purposes.

Also: That the Senate has, on April 16, 1988, insisted on its amendment to Senate File 38, a bill for an act relating to conservation easements, and the members of the conference committee, on the part of the Senate are: The Senator from Kossuth, Senator Priebe, Chair; the Senator from Cerro Gordo, Senator Scott; the Senator from Linn, Senator Wells; the Senator from Pottawattamie, Senator Hester; and the Senator from Buena Vista, Senator Fuhrman.

Also: That the Senate has on April 16, 1988, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2341, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that certain positions are excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing peace officer status for certain nursing board investigators, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, relating to the investment of certain cemetery funds, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date.

Also: That the Senate has on April 16, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2343, a bill for an act relating to tax administration matters in section 99D.8 and section 421.17, subsection 23, paragraphs "e" and "g".

JOHN F. DWYER, Secretary

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 2339)**

Connors of Polk called up for consideration the report of the conference committee on House File 2339 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2339**

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

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2339, a bill for an act relating to grievances and discipline resolution for certain employees of the state, respectfully make the following report:

1. That the Senate recedes from its amendment, H—6494.

2. Amend House File 2339, as amended, passed, and reprinted by the House as follows:

1. Page 2, line 24, by striking the words “, of good moral character,” and inserting the following: “, of good moral character;”.

**ON THE PART OF THE HOUSE:**

JOHN H. CONNORS, Chair  
DOROTHY F. CARPENTER  
JOHNIE HAMMOND  
DONALD F. HERMANN  
GARY SHERZAN

**ON THE PART OF THE SENATE:**

THOMAS MANN, Jr., Chair  
LINN FUHRMAN  
WALLY E. HORN  
RICHARD J. VANDE HOEF

The motion prevailed and the conference committee report 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. 2339)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Corbett	Corey	Daggett	De Groot
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	Johnson	Koenigs	Kremer
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Ollie	Osterberg
Parker	Pavich	Pellett	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, 12:

Brammer	Cooper	Diemer	Eddie
Hanson, D. R.	Jochum	Knapp	Lageschulte
Norrgard	Paulin	Peters	Swearingen

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

### HOUSE INSISTS

Halvorson of Webster called up for consideration **Senate File 2341**, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that certain positions are excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing peace officer status for certain nursing board investigators, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the

acquisition and disposition of abandoned property held by any governmental entity, relating to the investment of certain cemetery funds, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date, and moved that the House insist on its amendment, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 2341)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2341: Halvorson of Webster, chair; Parker of Jasper, Buhr of Polk, Carpenter of Polk and Shoning of Woodbury.

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 38)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 38: Rosenberg of Story, chair; Fogarty of Palo Alto, Johnson of Winneshiek, McKean of Jones and Petersen of Muscatine.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE**  
(House File 2441)

Hatch of Polk called up for consideration the report of the conference committee on House File 2441 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2441**

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



We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2441, a bill for an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date, respectfully make the following report:

1. That the Senate amendment, H—6444, to House File 2441, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 3 through 16.

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

“ \_\_\_\_ . Page 1, line 17, by inserting after the word “tank.” the following: “Corrective action specifically excludes third-party liability.”

\_\_\_\_ . Page 1, by inserting after line 28, the following:

“NEW SUBSECTION. 12. “Third-party liability” means liability owed by an owner or operator to a person other than the fund for death, bodily injury, or property damage, but excludes corrective action, even if corrective action compensates a third party, in whole or in part, for injury or damage. Third-party liability is specifically excluded from fund coverage, and a third-party liability claim against an owner or operator covered by the fund is reduced to the extent that corrective action has already compensated the third party.”

3. Page 1, line 32, by inserting after the word “Act,” the following: “shall be required to complete monitoring or testing as required by the department to ensure that the tank did not leak prior to closure, but”.

4. Page 1, by striking lines 39 through 40, and inserting the following:

“ \_\_\_\_ . Page 2, line 27, by striking the word and figures “July 1, 1988” and inserting the following: “1, 1988 January 14, 1989”.

5. Page 2, by inserting after line 22, the following:

“ \_\_\_\_ . By striking page 3, line 35, through page 4, line 24, and inserting the following: “STORAGE TANK FUND.”

\_\_\_\_ . Page 4, lines 28 through 29, by striking the words “and third-party bodily injury and property damage”.

\_\_\_\_ . Page 5, by striking lines 29 through 35, and inserting the following:

“2. APPLICATION TO BOARD FOR FUND COVERAGE. An owner or operator may apply to the board for fund coverage of a tank on the form provided by the board.”

\_\_\_\_ Page 6, by striking lines 3 through 6, and inserting the following: “have the fund provide coverage of the deductible only if”.

6. Page 3, by striking lines 11 through 38, and inserting the following:

“ \_\_\_\_ . Page 8, by striking lines 5 through 10, and inserting the following: “coverage up to a maximum of five hundred thousand dollars for corrective action per occurrence.”

\_\_\_\_ . By striking page 8, line 11 through page 9, line 9, and inserting the following:

"6. FUND PREMIUMS AND DEDUCTIBLES. Fund coverage shall be offered based upon the following deductible and premium combinations, at the insured's option:

- a. Ten thousand dollar deductible for a four hundred dollar premium.
- b. Twenty thousand dollar deductible for a three hundred twenty-five dollar premium.
- c. Thirty thousand dollar deductible for a two hundred fifty dollar premium.

Premiums for fund coverage are per tank, per year, or the prorated portion of the premium for a portion of a year before the effective date of the federal environmental protection agency petroleum underground storage tank financial responsibility regulations. Any excess premium payment shall be credited to future premiums or refunded to the owner or operator."

\_\_\_\_\_. Page 9, by striking lines 13 through 18.

\_\_\_\_\_. Page 9, line 22, by striking the words "in accordance with federal law".

\_\_\_\_\_. Page 9, by striking lines 24 and 25, and inserting the following: "resulting from the accidental release".

7. Page 3, by striking lines 39 through 43.

8. Page 3, by inserting after line 43 the following:

" \_\_\_\_\_ . Page 10, by striking lines 28 through 35, and inserting the following: "financial responsibility certification, administration and collection of the comprehensive petroleum underground storage tank fee, procedures for investigating and settling claims, and establishment of guidelines outlining coverage available from the fund. The board in cooperation with the department shall require the reporting of the following information from owners and operators of tanks subject to the fee charged in section 455B.479:

- (1) Actual cost of corrective action performed, whether or not paid for by the fund.
- (2) The number of tanks owned by each owner, and their location, size, age, and amount of petroleum flowing through each site annually, to the extent each item is known or knowable.
- (3) The number of tanks operated by each operator, and their location, size, age, and amount of petroleum flowing through each site annually, to the extent each item is known or knowable.
- (4) Any other information, including prior loss experience, which the board or department requests relevant to an actuarial description of the tank population.

This information shall be organized and submitted to the general assembly prior to February 14, 1989. Information submitted by an individual owner or operator shall be confidential and not subject to disclosure under chapter 21 or 22, except as the information is submitted to the general assembly in the aggregate. The board and the division of insurance shall prepare a report on the fund, its project loss experience, the then current federal rules, and other matters relating to the solvency and future operations of the fund and submit the report to the general assembly on or before February 14, 1989."

\_\_\_\_\_. Page 11, by striking lines 10 through 21, and inserting the following: "through 455B.479I, shall be adopted prior to October 1, 1988."

9. By striking page 3, line 44 through page 4, line 9 and inserting the following:

"\_\_\_\_\_. Page 12, by striking line 14 and inserting the following:

"a. The board shall do the following".

\_\_\_\_\_. Page 12, line 15, by striking "discretion,".

\_\_\_\_\_. Page 12, by striking lines 17 through 23.

\_\_\_\_\_. Page 12, line 24, by striking the figure "(2)".

\_\_\_\_\_. By striking page 12, line 27 through page 13, line 3, and inserting the following: "except a premium shall not be surcharged more than twenty-five percent in any one year of continuous coverage. The surcharge shall be applied as an immediate surcharge due within thirty days after mailed notice. Failure to pay the surcharge terminates fund coverage for the owner or operator as of thirty days after mailed notice. An owner or operator failing to make payment within the allotted time must reapply for fund coverage to be effective upon the date of application and conditioned upon payment of the annual premium plus any applicable surcharge then in effect."

\_\_\_\_\_. Page 13, line 12, by inserting after the word "distributor." the following: "Every distributor shall, as required by law, pay to the director of revenue and finance, or to a depository designated by the director, an amount equal to the rate provided under this section."

\_\_\_\_\_. Page 13, line 23, by striking the words "subsection 1 or".

10. Page 4, by striking lines 48 and 49, and inserting the following: "incurred for acting as the depository of the comprehensive petroleum underground".

11. Page 4, by inserting after line 50 the following:

"\_\_\_\_\_. Page 14, by striking lines 8 through 18, and inserting the following: "of coverage extended, but in no case to exceed five hundred thousand dollars for corrective action, per occurrence."

\_\_\_\_\_. Page 14, by striking lines 19 through 21, and inserting the following:

"3. For the cost of corrective action up to five hundred thousand dollars per occurrence for".

\_\_\_\_\_. Page 15, by striking lines 4 through 8, and inserting the following:

"2. OWNER'S EXCESS LIABILITY. A person asserting a claim against an owner or operator shall proceed directly against the owner or operator. An owner or operator purchasing fund coverage is liable for the deductible, third-party liability, and any corrective action liability above fund coverage limits."

12. Page 5, by striking lines 1 through 10, and inserting the following:

"\_\_\_\_\_. Page 18, by striking lines 2 through 6, and inserting the following: "section 455B.479E, subsection 2, in the month of August 1988. The fee shall be paid to the department of revenue and finance no later than September 30, 1988."

\_\_\_\_\_. Page 18, by striking lines 7 through 12, and inserting the following:

"Fund coverage shall be provided to eligible applicants no later than January 14, 1989. The board may, in its discretion, extend coverage earlier. Provided, however, that fund coverage may be provided upon approval of an application, retroactive to the effective date of this Act, if the applicant has a monitoring system installed on the insured tank in compliance with department of natural resources published rules, then effective, or to become effective, for that tank." "

13. By striking page 5, lines 11 through 34.

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

ON THE PART OF THE HOUSE:

JACK HATCH, Chair  
DAVID OSTERBERG  
DONALD PAULIN  
DAVID SCHRADER

ON THE PART OF THE SENATE:

MICHAEL GRONSTAL, Chair  
PATRICK DELUHERY  
EMIL HUSAK  
JIM LIND

The motion prevailed and the conference committee report 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, 85:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Corey	Daggett	De Groot
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
Jochum	Johnson	Koenigs	Kremer
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 4:

Jay	Maulsby	Schnekloth	Van Maanen
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Absent or not voting, 11:

Brammer	Cooper	Diemer	Eddie
Hanson, D. R.	Knapp	Lageschulte	Norrgard
Peters	Petersen, D. F.	Swearingen	

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

**IMMEDIATE MESSAGE**  
(House Files 2339 and 2441)

Arnould of Scott asked and received unanimous consent that House Files 2339 and 2441 be immediately messaged to the Senate.

On motion by Arnould of Scott, the House was recessed at 12:00 midnight, until the fall of the gavel.

SUNDAY, APRIL 17, 1988

The House reconvened at 12:09 a.m., Speaker Avenson in the chair.

**ADOPTION OF HOUSE RESOLUTION 106**

Blanshan of Greene called up for consideration House Resolution 106 as follows and moved its adoption:

1                   HOUSE RESOLUTION 106  
2                   BY BLANSHAN  
3 A Resolution paying tribute to Jerry C. Miller for his  
4 many years of service as restoration painter for the  
5 State of Iowa.  
6       *Whereas*, Jerry C. Miller served with dedication and  
7 distinction as the official restoration painter at the  
8 Iowa State Capitol Building from July 1976 to December  
9 1987; and  
10       *Whereas*, Jerry C. Miller, whose devotion to the  
11 preservation of the Capitol Building began in the late  
12 1940's while working with various companies doing  
13 restoration work in the Capitol; and  
14       *Whereas*, Jerry C. Miller beautified and preserved  
15 features of many state buildings including the rotunda  
16 of the Historical Building, all of the painted design  
17 decoration at Terrace Hill, as well as the many  
18 projects undertaken at the Capitol Building, including  
19 restoration of ceilings and walls in the Governor's  
20 office, both House and Senate chambers, the second  
21 floor rotunda, the Supreme Court chambers, the

22 Treasurer of State's office, legislative meeting  
 23 rooms, and many other rooms and fixtures; and  
 24 *Whereas*, Jerry C. Miller devoted his life to his  
 25 craft, as exemplified by his eleven years spent  
 26 teaching restoration painting to painter apprentices  
 27 of Painters Union Local #246 on Saturdays at Des  
 28 Moines Technical School and his participation in  
 29 various painting and preservation seminars conducted  
 30 throughout the State of Iowa; and

**Page 2**

1 *Whereas*, Jerry C. Miller became a recipient of the  
 2 "Employee of the Month" award given by the Governor in  
 3 January 1984; *Now Therefore*,  
 4 *Be It Resolved by the House of Representatives*,  
 5 That the General Assembly duly pay tribute to Jerry C.  
 6 Miller, a true friend of Iowa, in appreciation for the  
 7 outstanding work and admirable dedication he has shown  
 8 the State of Iowa during his years as a restoration  
 9 painter; and  
 10 *Be It Further Resolved*, That an official copy of  
 11 this Resolution be forwarded by the Chief Clerk of the  
 12 House to Jerry and his wife Beatrice.

The motion prevailed and the resolution was adopted.

The House stood at ease at 12:13 a.m., until the fall of the gavel.

The House resumed session at 12:59 a.m., Speaker Avenson in the chair.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 17, 1988, adopted the conference committee report and passed House File 2339, a bill for an act relating to grievances and discipline resolution for certain employees of the state.

Also: That the Senate has, on April 17, 1988, adopted the conference committee report and passed House File 2441, a bill for an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date.

Also: That the Senate has on April 16, 1988, passed the following bill in which the concurrence of the Senate was asked:

House File 2460, 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.

Also: That the Senate has, on April 17, 1988, adopted the conference committee report and passed Senate File 2055, a bill for an act relating to the registration and use of certain pesticides.

Also: That the Senate has, on April 17, 1988, adopted the conference committee report and passed 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.

JOHN F. DWYER, Secretary

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 2055)**

Rosenberg of Story called up for consideration the report of the conference committee on Senate File 2055 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2055**

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2055, a bill for an act relating to the registration and use of certain pesticides, respectfully make the following report:

1. That the House recedes from its amendment, S-5996.

2. That Senate File 2055 as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, line 1, by striking the word "subsection" and inserting the following: "subsections 12 and".

2. Page 1, line 2, by striking the word "is" and inserting the following: "are".

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

"12. "Commercial applicator" means ~~any a~~ person, corporation, or employee of a person or corporation who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying ~~any a~~ pesticide ~~or servicing any device~~ but ~~shall~~ does not include a farmer trading work with another, a person employed by a farmer not solely as a pesticide applicator who applies pesticide as an incidental part of the person's general duties, or a person who applies pesticide as an incidental part of a custom farming operation."

4. Page 1, line 16, by striking the word "twenty-five" and inserting the following: "twenty-five thirty".

5. Page 1, line 18, by striking the words "who are employed by a state agency" and inserting the following: "who are employed by a state agency".

6. Page 1, line 19, by striking the word "twenty-five" and inserting the following: "twenty-five thirty".

7. Page 1, line 20, by striking the word "five-dollar" and inserting the following: "five-dollar ten-dollar".

8. Page 1, by striking lines 26 and 27 and inserting the following: "applicator shall be tested prior to initial certification. In".

9. By striking page 1, line 31 through page 2, line 2, and inserting as following: "certification. However, a commercial, public, or private applicator need not be certified to apply pesticides for a period of twenty-one days from the date of initial employment if the commercial, public, or private applicator is under the direct supervision of a certified applicator. For the purposes of this section, "under the direct supervision of" means that the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is physically present, by being in sight or hearing distance of the supervised person. A commercial applicator who applies pesticides to agricultural land may, in lieu of the requirement of direct supervision, elect to be exempt from the certification requirements for a commercial applicator for a period of twenty-one days, if the applicator meets the requirements of a private applicator. The test shall include, but".

10. Page 2, line 4, by inserting after the word "groundwater." the following: "The secretary shall also adopt by rule, the criteria for the allowance of the selection of the written or oral examination by a person requiring certification.".

11. Page 2, line 7, by striking the word ", or" and inserting the following: "or".

12. Page 2, by striking lines 9 through 11 and inserting the following: "a custom farming operation is".

13. Page 2, line 19, by inserting after the word "training" the following: ", testing,".

14. Page 2, line 29, by inserting after the word "period." the following: "The secretary shall also adopt rules which allow for an exemption from certification for a person who uses certain services and is not solely a pesticide applicator, but who uses the services as an incidental part of the person's duties.".

15. By striking page 2, line 30 through page 3, line 15.

16. Page 3, by inserting before line 16, the following:

"Sec. \_\_\_\_\_. Section 206.31, subsections 1 through 4, Code Supplement 1987, are amended to read as follows:

1. DEFINITIONS. Notwithstanding section 206.2, as used in this chapter with regard to the application of pesticides used inside the home or injected into the ground around the home for structural pest control:

a. "Commercial applicator" means a person, or employee of a person, who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying a pesticide or servicing a device but shall not include a farmer trading work with another.



b. "Public applicator" means an individual who applies pesticides as an employee of a state agency, county, municipal corporation, or other governmental agency.

c. "Structural pest control" means controlling any pests in, on, or around food handling establishments; human dwellings; institutions such as schools and hospitals; industrial establishments, including warehouses and grain elevators; and any other structures in adjacent areas.

2. ADDITIONAL CERTIFICATION REQUIREMENTS. A person shall not apply a restricted use pesticide ~~inside a home or injected into the ground around a home~~ used for structural pest control without first complying with the certification requirements of this chapter and other restrictions as determined by the secretary.

The secretary shall require applicants for certification as commercial or public applicators of pesticides applied ~~inside a home or injected into the ground around a home~~ for structural pest control to take and pass a written test.

3. Examination for commercial applicator license. The secretary of agriculture shall not issue a commercial applicator license for applying pesticides ~~inside homes or injecting pesticides into ground surrounding homes~~ for structural pest control until the individual engaged in or managing the pesticide application business or employed by the business is certified by passing an examination to demonstrate to the secretary the individual's knowledge of how to apply pesticides under the classifications the individual has applied for, and the individual's knowledge of the nature and effect of pesticides the individual may apply under such classifications.

4. Renewal of applicant's license. The secretary of agriculture shall renew an applicant's license for applying pesticides ~~inside homes or injecting pesticides into ground surrounding homes~~ for structural pest control under the classifications for which the applicant is licensed, provided that all of the applicant's personnel who apply pesticides ~~inside homes or inject pesticides into ground surrounding homes~~ for structural pest control have also been certified.

Sec. \_\_\_\_\_. The department of natural resources, in conjunction with the department of public health, shall conduct a study regarding the shortage, treatment, disposal, and transportation of infectious waste. The departments shall submit to the legislative council, the general assembly, and the governor a report, including recommendations for appropriate legislation, on or before January 15, 1989.

Sec. \_\_\_\_\_. This Act, being deemed of immediate importance, takes effect upon enactment."

17. Title page, line 2, by inserting after the word "pesticides" the following: "authorizing a departmental study, and providing an effective date."

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

ON THE PART OF THE HOUSE:

RALPH ROSENBERG, Chair  
PAUL JOHNSON  
ANDY McKEAN  
SUE MULLINS  
DON SHOULTZ

ON THE PART OF THE SENATE:

BERL PRIEBE, Chair  
ALVIN V. MILLER  
PATRICK J. DELUHERY  
HURLEY W. HALL  
JACK HESTER

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 2055)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Corey	Daggett	De Groot
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	Koenigs	Kremer
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Swartz	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 3:

Maulsby	Renken	Van Maanen
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Absent or not voting, 14:

Brammer	Cooper	Diemer	Eddie
Hanson, D. R.	Hummel	Knapp	Lageschulte
Norrgard	Peters	Stueland	Svoboda
Swearingen	Tabor		

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

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(SENATE FILE 2250)**

Rosenberg of Story called up for consideration the report of the conference committee on Senate File 2250 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2250

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

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

1. That the Senate recedes from its amendment, H—6516.

2. That the House amendment, S—5946, to Senate File 2250, as passed by the Senate, is amended as follows:

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

“Sec. \_\_\_\_ . Section 206.5, Code Supplement 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. An employee of a food processing and distribution establishment is exempt from the certification requirements of this section provided that at least one person holding a supervisory position is certified and provided that the employer provides a program, approved by the department, for training, testing, and certification of personnel who apply, as an incidental part of their duties, any pesticide on property owned or rented by the employer. The secretary shall adopt rules to administer the provisions of this paragraph.”

2. Page 2, by striking lines 3 through 30, and inserting the following:

“A groundwater protection fund is created in the state treasury. Moneys received from sources designated for purposes related to groundwater monitoring and groundwater quality standards shall be deposited in the fund. Notwithstanding section 8.33, any unexpended balances in the groundwater protection fund and in any of the accounts within the groundwater protection fund at the end of each fiscal year shall be retained in the fund and the respective accounts within the fund. Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the groundwater protection fund or in any of the accounts within the groundwater protection fund shall be credited to the groundwater protection fund or the respective accounts within the groundwater protection fund. The fund may be used for the purposes established for each account within the fund.”

3. Page 4, line 16, by inserting after the word “advance” the following: “with repayment and deposit if the funds in the account of origin”.

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

" \_\_\_\_\_. Title page, line 1, by inserting after the word "by" the following: "exempting certain persons from pesticide application certification requirements, by"."

## ON THE PART OF THE HOUSE:

RALPH ROSENBERG, Chair  
PAUL JOHNSON  
ANDY McKEAN  
SUE MULLINS  
DON SHOULTZ

## ON THE PART OF THE SENATE:

PATRICK DELUHERY, Chair  
HURLEY HALL  
JACK HESTER  
ALVIN V. MILLER  
BERL E. PRIEBE

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 2250)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Corey	Daggett	De Groot
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	Koenigs	Kremer
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 3:

Maulsby	Schnekloth	Van Maanen
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Absent or not voting, 13:

Brammer	Cooper	Diemer	Eddie
Hanson, D. R.	Hummel	Knapp	Lageschulte
Norrgard	Peters	Stueland	Svoboda
Swearingen			

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 Files 2055 and 2250)

Arnould of Scott asked and received unanimous consent that Senate Files 2055 and 2250 be immediately messaged to the Senate.

The House stood at ease at 1:08 a.m., until the fall of the gavel.

The House resumed session at 2:32 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 sixty-eight members present, thirty-two 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 April 17, 1988, amended and passed the following bill in which the concurrence of the House is asked:

House File 2477, a bill for an act relating to certain state taxes by providing for the statute of limitations for state individual and corporate tax purposes, the definition of investment counseling for state sales, services, and use tax purposes, the allowance of the military service tax credit for mobile homes, for 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 and to the issuance of fuel exemption certificates for state sales, services and use tax purposes for the purchase of fuel used in farm implements, and providing a retroactive applicability and effective dates.

JOHN F. DWYER, Secretary

**SENATE AMENDMENT CONSIDERED**

Tabor of Jackson called up for consideration **House File 2477**, a bill for an act relating to certain state taxes by providing for the statute of limitations for state individual and corporate tax purposes, the definition of investment counseling for state sales, services, and use tax purposes, the allowance of the military service tax credit for mobile homes, for 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 and to the issuance of fuel exemption certificates for state sales, services and use tax purposes for the purchase of fuel used in farm implements, and providing a retroactive applicability and effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—6552:

H—6552

- 1 Amend House File 2477 as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 2, line 4 through page 3,  
 4 line 3.  
 5 2. Page 3, by inserting after line 3 the  
 6 following:  
 7 "Sec. \_\_\_\_\_. Section 422.45, subsection 22, Code  
 8 Supplement 1987, is amended by adding the following  
 9 new paragraph:  
 10 NEW PARAGRAPH. e. Community health centers as  
 11 defined in 42 U.S.C.A. § 254c and migrant health  
 12 centers as defined in 42 U.S.C.A. § 254b."  
 13 3. Page 3, by inserting after line 30 the  
 14 following:  
 15 "Sec. \_\_\_\_\_. Section 422.45, Code Supplement 1987,  
 16 is amended by adding the following new subsections:  
 17 NEW SUBSECTION. 36. Gross receipts from the sale  
 18 of tangible personal property to a nonprofit  
 19 organization which was organized for the purpose of  
 20 lending the tangible personal property to the general  
 21 public for use by them for nonprofit purposes.  
 22 NEW SUBSECTION. 37. The gross receipts from the  
 23 sale or rental of tangible personal property or from  
 24 services performed, rendered, or furnished to  
 25 nonprofit legal aid organizations."  
 26 4. By striking page 5, line 23 through page 6,  
 27 line 23.  
 28 5. By striking page 6, line 31 through page 7,  
 29 line 19.  
 30 6. By renumbering, relettering, or redesignating  
 31 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6552.

Tabor of Jackson 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. 2477)

The ayes were, 85:

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

The nays were, 4:

Chapman	Hammond	Holveck	Platt
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Absent or not voting, 11:

Brammer	Cooper	Diemer	Eddie
Hanson, D. R.	Knapp	Lageschulte	Norrgard
Peters	Stueland	Swearingen	

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

The House stood at ease at 2:43 a.m., until the fall of the gavel.

The House resumed session at 3:53 a.m., Speaker Avenson in the chair.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 2405)**

Blanshan of Greene called up for consideration the report of the conference committee on House File 2405 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2405

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

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2405, a bill for an act relating to the administration and benefits for certain public retirement systems, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6544.

2. That House File 2405, as amended, passed, and reprinted by the House, is amended as follows:

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

"Section 1. Section 12.8, unnumbered paragraph 3, Code 1987, is amended to read as follows:

The treasurer of state, following with the approval by of the investment board of the Iowa public employees' retirement system, may implement and engage in conduct a program of lending securities in the Iowa public employees' retirement system portfolio, except the lending of common stocks shall not be allowed. When securities are loaned as provided by this paragraph, the treasurer, in order to secure the loan and as a condition thereof, shall obtain from the borrower federal securities of at least equal to one hundred three percent of market value, and the relative value of the collateral to the loan shall be maintained shall act in the manner provided for investment of moneys in the Iowa public employees' retirement fund under section 97B.7. The treasurer of state shall include in the reports required by sections 12.17 and 17.3, a review of the program including the fiscal impact of the program report at least annually to the investment board of the Iowa public employees' retirement system on the program and shall provide additional information on the program upon the request of the investment board or the employees of the Iowa public employees' retirement system division of the department of personnel.

Sec. 2. Section 97A.1, subsection 2, Code 1987, is amended to read as follows:

2. "Peace officer" or "peace officers" shall mean all members of the divisions of highway safety and uniformed force and criminal investigation and bureau of identification in the department of public safety, except clerical workers, who have passed a satisfactory physical and mental examination and have been duly appointed as members of the state department of public safety in accordance with the provisions of section 80.15, and the division of drug law enforcement, and arson investigators in the department of public safety hired prior to July 1, 1988, except clerical workers, and the division of beer and liquor law enforcement of the department of public safety, except clerical workers.

Sec. 3. Section 97A.6, subsection 8, paragraph b, unnumbered paragraph 1, Code 1987, is amended to read as follows:

In lieu of the payment specified in paragraph "a," a beneficiary meeting the qualifications of paragraph "c" may elect to receive a monthly pension equal to one-twelfth of forty percent of the average final compensation of the member, but not less than



fifty dollars an amount equal to twenty percent of the monthly earnable compensation paid to an active member having the rank of senior patrol officer of the Iowa highway safety patrol if the member was in service at the time of death. For a member not in service at the time of death, the pension shall be reduced as provided in subsection 1, paragraph "b".

Sec. 4. Section 97A.6, subsection 8, paragraph c, subparagraphs (1) and (2), Code 1987, are amended to read as follows:

(1) ~~The spouse, to continue so long as the spouse remains unmarried.~~

(2) ~~If there is no spouse, or if the spouse dies or remarries and there is a child of a member, then the guardian of the member's child or children, divided as the board of trustees determines, to continue as a joint and survivor pension until every child of the member dies or attains the age of eighteen, or twenty-two if applicable.~~

Sec. 5. Section 97A.6, subsection 12, paragraph a, Code 1987, is amended to read as follows:

a. ~~To the member's surviving spouse to continue so long as said party remains unmarried, equal to one-half the amount received by such the deceased beneficiary, but in no instance less than fifty dollars per month an amount equal to twenty percent of the monthly earnable compensation paid to an active member having the rank of senior patrol officer of the Iowa highway safety patrol, and in addition thereto a monthly pension equal to the monthly pension payable under subsection 9, paragraph "c," of this section for each child under eighteen years of age or twenty-two years of age if applicable; or~~

Sec. 6. Section 97A.6, subsection 14, paragraph a, subparagraph (2), Code 1987, is amended to read as follows:

(2) ~~Twenty percent for members with five or more years of membership service who are receiving an ordinary disability retirement allowance. However, effective July 1, 1984, for members who retired before July 1, 1979, and effective July 1, 1988, for members who retire on or after July 1, 1988, twenty-five percent shall be used for members who are receiving an ordinary disability retirement allowance.~~

Sec. 7. Section 97A.9, Code 1987, is amended to read as follows:

#### 97A.9 MILITARY SERVICE EXCEPTIONS.

~~Any A member who is absent from duty as a peace officer while serving in the armed services of the United States or its allies and is discharged or separated therefrom from service in the armed forces under honorable conditions shall have any such the period or periods of absence while serving in such the armed services on other than a voluntary basis and one such period of absence, not in excess of four years, while serving in such the armed forces on a voluntary basis, included as part of the member's period of service in the department. Such The member shall is not be required to continue the contributions required of the member under section 97A.8, during such the period of military service, provided that if the member shall, within six months one year after the member has been discharged or separated under honorable conditions from such military service return returns, and resume resumes the member's duties in the department, and provided further, that such if the member shall be is declared physically capable of resuming such to resume those duties upon examination by the medical board.~~

Sec. 8. Section 97B.2, Code 1987, is amended to read as follows:

**97B.2 PURPOSE OF CHAPTER.**

The purpose of this chapter is to promote economy and efficiency in the public service by providing an orderly means whereby for employees who become superannuated may, without hardship or prejudice, be replaced by more capable employees, and to that end providing to have a retirement system which will provide for the payment of annuities to public employees, thereby enabling the employees to care for themselves in retirement, and which by its provisions will improve public employment within the state, reduce excessive personnel turnover, and offer suitable attraction to high-grade men and women to enter public service in the state.

Sec. 9. Section 97B.4, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The department, members of the investment board, and the treasurer of state are not personally liable for actions or omissions, under this chapter that do not involve malicious or wanton misconduct even if those actions or omissions violate the standards established in section 97B.7.

Sec. 10. Section 97B.4, Code 1987, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** In the administration of the investment of moneys in the fund, employees of the department and members of the board may travel outside the state for the purpose of meeting with investment firms and consultants and attending conferences and meetings to fulfill their fiduciary responsibilities. This travel is not subject to section 421.38, subsection 2.

Sec. 11. Section 97B.7, subsection 2, paragraph b, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Invest, subject to chapter 12A, the portion of the retirement fund which in the judgment of the department is not needed for current payment of benefits under this chapter. The department shall execute the disposition and investment of moneys in the retirement fund in accordance with the investment policy and goal statement established by the investment board. In the investment of the fund, the department and investment board shall exercise the judgment and care, under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs as provided in section 633.123, subsection 1, not for the purpose of speculation, but with regard to the permanent disposition of the funds, considering the probable income, as well as the probable safety, of their capital. Within the limitations of the standard prescribed in this section, a fiduciary may acquire and retain every kind of property and every kind of investment which persons of prudence, discretion, and intelligence acquire or retain for their own account.

Sec. 12. Section 97B.7, subsection 2, paragraph b, unnumbered paragraph 4, Code 1987, is amended to read as follows:

Consistent with this paragraph, investments made under this paragraph shall be made in a manner that will enhance the economy of this state, and in particular, will result in increased employment of the residents of this state. Investments of moneys in the fund are not subject to sections 73.15 through 73.21.

Sec. 13. Section 97B.7, subsection 2, paragraph b, unnumbered paragraph 5, Code 1987, is amended to read as follows:

~~If Except as provided in section 97B.4, if there is loss on the redemption or sale of securities, where invested as prescribed by law, neither to the fund, the treasurer, nor the department is, and the board are not personally liable, but and the loss shall be charged against the retirement fund, and there There is appropriated from the retirement fund an the amount as required for the to cover a loss. Expenses incurred in the sale and purchase of securities belonging to the retirement fund shall be charged to the retirement fund, and there is appropriated from the retirement fund an the amount as required for the expenses incurred. Investment management expenses shall be charged to the investment income of the retirement fund, and there is appropriated from the retirement fund an the amount as required for the investment management expenses, subject to the limitations stated in this subparagraph. The amount appropriated for a fiscal year under this subparagraph shall not exceed one-half percent of the market value of the retirement fund. The department shall report the investment management expenses for a fiscal year as a percent of the market value of the retirement fund in the annual report to the governor required in section 97B.4. A person who has signed a contract with the department for investment management purposes shall meet the requirements for doing business in Iowa sufficient to be subject to tax under rules of the department of revenue and finance.~~

Sec. 14. Section 97B.8, unnumbered paragraph 3, Code 1987, is amended to read as follows:

~~The members who are executives of a domestic life insurance company, a state or national bank, and a major industrial corporation, and the member who is a retired member of the system, shall be paid their actual expenses incurred in performance of their duties and shall receive in addition the sum of forty dollars for each day of service not exceeding forty days per year. Legislative members shall receive forty dollars for each day of service and their actual expenses incurred in the performance of their duties. The per diem and expenses of the legislative members shall be paid from funds appropriated under section 2.12. The members who are active members of the system and the director of the department shall be paid their actual expenses incurred in the performance of their duties as members of the board and performance of their duties as members of the board shall not affect their salaries, vacation vacations, or leaves of absence for sickness or injury. The appointive terms of the members appointed by the governor are for a period of six years beginning and ending as provided in section 69.19. If there is a vacancy in the membership of the board, the governor has the power of appointment. Appointees to this board are subject to confirmation by the senate.~~

Sec. 15. Section 97B.9, unnumbered paragraph 1, Code 1987, is amended to read as follows:

~~Contributions unpaid on the date on which they are due and payable as prescribed by the department, shall bear interest at the combined interest and dividend rate of one-half of one per centum per month from and after such date until payment plus accrued interest is received by the department required under section 97B.70 for the applicable calendar year, provided that the department may prescribe fair and reasonable regulations pursuant to which such the interest shall not accrue with respect to contributions required. Interest collected pursuant to this section shall be paid into the Iowa public employees' retirement fund.~~

Sec. 16. Section 97B.11, Code 1987, is amended to read as follows:

**97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.**

Each employer shall deduct from the wages of each member of the system a contribution in the amount of three and six-tenths percent of the covered wages paid by the employer through June 30, 1979, and commencing July 1, 1979 in the amount of three and seven-tenths percent of the covered wages paid by the employer, until the first of the month in which the member attains the age of seventy years or the member's termination or retirement from employment, whichever is earlier. The contributions of the employer shall be in the amount of three and one-half percent of the covered wages of the member for service through December 31, 1975, and in the amount of five and twenty-five hundredths percent of the covered wages of the member for service commencing July 1, 1977, through June 30, 1979, and in the amount of five and seventy-five hundredths percent of the covered wages of the member for service commencing July 1, 1979.

Sec. 17. Section 97B.15, Code 1987, is amended to read as follows:

**97B.15 RULES.**

The department shall have full power and authority to may make rules under chapter 17A and to establish procedures, not inconsistent with the provisions of this chapter, which are necessary or appropriate to carry out such provisions implement this chapter and shall adopt reasonable and proper rules to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same proofs and evidence in order to establish the right to benefits hereunder under this chapter. The department may adopt rules to conform the requirements for receipt of retirement benefits under this chapter to the mandates of applicable federal statutes and regulations governing age discrimination or the taxation of distributions.

Sec. 18. Section 97B.16, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

**97B.16 PROCEDURE OF DEPARTMENT.**

The department shall make decisions as to the rights of an individual applying for a payment under this chapter. When requested by an individual, or a person who makes a showing in writing that the individual's or person's rights may be prejudiced by a decision the department has made, a hearing shall be scheduled under the Iowa administrative procedures Act, chapter 17A. If a hearing is held, the decision shall, on the basis of evidence adduced at the hearing, be affirmed, modified, or reversed under chapter 17A.

Sec. 19. Section 97B.17, Code 1987, is amended to read as follows:

**97B.17 RECORDS MAINTAINED.**

The department shall establish and maintain records of each member, including but not limited to the amount of wages of each member, the contribution of each member with interest, and interest dividends credited thereon, and such these records shall be are the basis for the compilation of the retirement benefits provided under this chapter. Such The following records maintained under this chapter containing personal identifiable information are not public records for the purposes of chapter 22:

1. Records containing social security numbers.
2. Records listing designated beneficiaries.
3. Records specifying amounts accumulated in members' active accounts.
4. Records containing names, addresses, and amounts of monthly benefits to which members or their beneficiaries are entitled.
5. Records containing names, addresses, and amounts of lump sum refund payments to terminated members or their beneficiaries.

Summary information concerning the demographics of the members and general statistical information concerning the system is subject to chapter 22, as well as aggregate information by category.

However, the department's records shall be evidence for the purpose of proceedings before the department or any court of the amounts of such wages and the periods in which they were paid, and the absence of an entry as to an individual's a member's wages in such the records for any period shall be evidence that no wages were not paid such individual that member in such the period.

Sec. 20. Section 97B.37, Code 1987, is amended to read as follows:

#### 97B.37 RECOGNITION OF AGENTS.

The department may prescribe rules governing the recognition of agents or other persons, ~~other than attorneys as hereinafter provided~~, representing claimants before the department, and may require of such the agents or other persons, before being recognized as representatives of claimants, that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such the claimants valuable service, and otherwise competent to advise and assist such the claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the district or supreme court of the state, shall be entitled to represent claimants before the department upon filing with the department a certificate of the attorney's right to so practice from the presiding judge or clerk of any such court. Claimants may be represented by counsel at their own expense.

Sec. 21. Section 97B.41, subsection 1, paragraph a, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

"Wages" means all remuneration for employment, including the cash value of remuneration paid in a medium other than cash, but not including the cash value of remuneration paid in a medium other than cash necessitated by the convenience of the employer. The amount agreed upon by the employer and employee for remuneration paid in a medium other than cash shall be reported to the department by the employer and is conclusive of the value of the remuneration. However, remuneration which does not equal or exceed the sum of three hundred dollars in a calendar quarter shall be excluded. "Wages" does not include special lump sum payments made as payment for accrued sick leave or accrued vacation or payments made as an incentive for early retirement or as payments made upon dismissal, severance, or a special bonus payment. Wages for an elected official means the salary received by an elected official, exclusive of expense and travel allowances.

Sec. 22. Section 97B.41, subsection 1, paragraph b, subparagraph (8), Code Supplement 1987, is amended to read as follows:

(8) For each the calendar year from beginning January 1, 1988, and thereafter, except as provided in subparagraph (9) and ending December 31, 1988, wages not in excess of twenty-four thousand dollars.

Sec. 23. Section 97B.41, subsection 1, paragraph b, subparagraph (9), Code Supplement 1987, is amended to read as follows:

(9) ~~For~~ Commencing January 1, 1989, for each calendar year thereafter, the department shall increase the covered wages limitation from the previous calendar year by ~~one~~ two thousand dollars if the annual actuarial valuation of the assets and liabilities of the retirement system indicates that the cost of the increase in covered wages can be absorbed within the employer and employee contribution rates in effect under section 97B.11. However, covered wages shall not exceed forty thousand dollars for a calendar year.

Sec. 24. Section 97B.41, subsection 1, paragraph b, subparagraph (10), Code Supplement 1987, is amended to read as follows:

(10) Effective July 1, ~~1978~~ 1988, covered wages ~~shall~~ does not include wages to a member on or after the first of the month in which the member attains the age of ~~seventy~~ years, or after the effective date of the member's retirement unless the member is ~~re-employed~~ reemployed, as provided under section 97B.48, subsection 3.

Sec. 25. Section 97B.41, subsection 3, paragraph a, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

If an interstate agency is established under chapter 28E and similar enabling legislation in an adjoining state, and ~~a city~~ an employer had made contributions to the system for employees performing functions which are transferred to the interstate agency, the employees of the interstate agency who perform those functions shall be considered to be employees of the ~~city~~ employer for the sole purpose of membership in the system, although the employer contributions for those employees are made by the interstate agency.

Sec. 26. Section 97B.41, subsection 3, paragraph b, subparagraph (1), Code Supplement 1987, is amended to read as follows:

(1) Elective officials in positions for which the compensation is on a fee basis, elective officials of school districts, elective officials of townships, and elective officials of other political subdivisions who are in part-time positions, graduate medical students while serving as interns or resident doctors in training at any hospital, or county medical examiners and deputy county medical examiners under chapter 331, division V, part 7 8. However, a county attorney is an employee for purposes of this chapter whether that county attorney is employed on a full-time or a part-time basis.

Sec. 27. Section 97B.41, subsection 3, paragraph b, Code Supplement 1987, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (14) Employees of the Iowa peace institute, established in chapter 38, unless an employee files an application with the department to be covered under this chapter.

Sec. 28. Section 97B.41, subsection 10, Code Supplement 1987, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** e. On or after July 1, 1988, an inactive member who had accumulated, as of the date of the member's last termination of employment, years of membership service equal to or exceeding the years of membership service specified in this subsection for qualifying as a vested member on that date of termination.

Sec. 29. Section 97B.41, subsection 13, paragraph a, Code Supplement 1987, is amended to read as follows:

a. Service in the armed forces of the United States during a period of war or national emergency, provided if the employee was employed by the employer immediately prior to entry into such the armed forces, and further provided if the employee was released from such service and returns to employment with the employer within ninety days twelve months of the date on which the employee shall have has the right of release from such service or within such a longer period as may be provided by the applicable laws of the United States applicable thereto.

Sec. 30. Section 97B.41, subsection 17, Code Supplement 1987, is amended to read as follows:

17. "Membership service" means service rendered by a member after July 4, 1953, and prior to the first of the month in which the member attains the age of seventy years. Years of membership service shall be counted to the complete quarter calendar year.

Sec. 31. Section 97B.43, Code 1987, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** Effective July 1, 1988, a member eligible for an increased retirement allowance because of the repayment of contributions under this section is entitled to receipt of retroactive adjustment payments for no more than six months immediately preceding the month in which written notice was submitted to the department.

Sec. 32. Section 97B.45, Code 1987, is amended by adding the following new subsection:

**NEW SUBSECTION. 4.** The first of any month in which a member meets the membership service and age requirements to retire under section 97B.49, subsection 15.

Sec. 33. Section 97B.46, subsection 1, Code Supplement 1987, is amended to read as follows:

1. A member who is an employee of the state and not an active member of any other retirement system in the state which is maintained in whole or in part by public contributions may remain in service beyond the date the member attains the age of sixty-five. The employee shall retire on the first day of the month after the last day of service. The employer shall not consider age as a factor in determining the continuation of the member's service.

Sec. 34. Section 97B.46, subsection 2, Code Supplement 1987, is amended by striking the subsection.

Sec. 35. Section 97B.48, subsection 3, Code 1987, is amended to read as follows:

3. If, after the first day of the month in which the member attains the age of fifty-five years and until the member's sixty-fifth birthday, a member who is retired under this chapter is in regular full-time employment, the member's retirement allowance

shall be suspended for as long as the member remains in employment. However, effective January 1, 1989, employment shall not be regarded as is not full-time employment until the member receives remuneration in an amount in excess of two six thousand one hundred twenty dollars for a calendar year. Effective the first of the month in which a member attains the age of sixty-five years, a retired member may receive a retirement allowance after return to covered employment regardless of the amount of remuneration received. As of the first of the month in which the member attains the age of seventy years, the member may receive a retirement allowance determined under section 97B.49, regardless of the amount of remuneration received. Upon a retirement after re-employment reemployment, a retired member may have the retired member's retirement allowance redetermined under this section or section 97B.49 or 97B.50, whichever is applicable, based upon the addition of credit for the years of membership service of the employee after re-employment reemployment, the covered wage during reemployment, and the age of the employee after reemployment. The retired member shall not receive a retirement allowance based upon more than a total of thirty years of service.

Sec. 36. Section 97B.49, subsection 7, paragraph a, Code Supplement 1987, is amended to read as follows:

a. Notwithstanding other provisions of this chapter, a member who is or has been employed as a conservation peace officer under section 107.13 and who retires on or after July 1, 1986, and before July 1, 1988, and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a conservation peace officer, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as a conservation peace officer, with benefits payable during the member's lifetime.

Sec. 37. Section 97B.49, subsection 7, paragraph b, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

A conservation peace officer who retires on or after July 1, 1986, and before July 1, 1988, and has not completed twenty-five years of membership service as required under this subsection is eligible to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as a conservation peace officer multiplied by a fraction of years of service as a conservation peace officer. For the purpose of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service as a conservation peace officer, divided by twenty-five years. On or after July 1, 1986, if the conservation peace officer has not reached sixty years of age at retirement, the monthly retirement allowance shall be reduced by five-tenths of one percent per month for each month that the conservation peace officer's retirement precedes the date on which the conservation peace officer attains sixty years of age.

Sec. 38. Section 97B.49, subsection 8, paragraph a, unnumbered paragraphs 1 and 2, Code Supplement 1987, are amended to read as follows:

Notwithstanding other provisions of this chapter, a member who is or has been employed as a peace officer and who retires on or after July 1, 1986, and before July 1, 1988, and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a peace officer, may elect to receive, in lieu of the benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as a peace officer, with benefits payable during the member's lifetime.



A peace officer who retires on or after July 1, 1986, and before July 1, 1988, and has not completed twenty-five years of membership service as required under this subsection is eligible to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as a peace officer multiplied by the fraction of years of service as a peace officer. For the purpose of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service as a peace officer, divided by twenty-five years. On or after July 1, 1984, if the peace officer has not reached sixty years of age at retirement, the monthly retirement allowance shall be reduced by five-tenths of one percent per month for each month that the peace officer's retirement precedes the date on which the peace officer attains sixty years of age.

Sec. 39. Section 97B.49, subsection 10, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

Notwithstanding sections of this chapter relating to eligibility for and determination of retirement benefits, a vested member who is or has been employed as a correctional officer by the Iowa department of corrections and who retires on or after July 1, 1986, and before July 1, 1988, and at the time of retirement is at least sixty years of age and has completed at least thirty years of membership service as a correctional officer, may elect to receive, in lieu of the receipt of benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as a correctional officer, with benefits payable during the member's lifetime.

Sec. 40. Section 97B.49, subsection 13, paragraphs a and b, Code Supplement 1987, are amended to read as follows:

a. Each A member who retired from the system between January 1, 1976, and June 30, 1982, or a contingent annuitant or beneficiary of such a member, shall receive with the November ~~1986~~ 1988 and the November ~~1987~~ 1989 monthly benefit payments a retirement dividend equal to ~~forty~~ fifty eighty percent of the monthly benefit payment the member received for the preceding June. The retirement dividend does not affect the amount of a monthly benefit payment.

b. Each member who retired from the system between July 4, 1953, and December 31, 1975, or a contingent annuitant or beneficiary of such a member, shall receive with the November ~~1986~~ 1988 and the November ~~1987~~ 1989 monthly benefit payments a retirement dividend equal to ~~seventy-five~~ one hundred twenty percent of the monthly benefit payment the member received for the preceding June. The retirement dividend does not affect the amount of a monthly benefit payment.

Sec. 41. Section 97B.49, subsection 13, Code Supplement 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. If the member dies on or after July 1 of the dividend year but before the payment date, the full amount of the retirement dividend for that year shall be paid to the designated beneficiary.

Sec. 42. Section 97B.49, subsection 14, unnumbered paragraphs 1 and 2, Code Supplement 1987, are amended to read as follows:

Notwithstanding other provisions of this chapter, a member who is or has been employed by the office of disaster services as an airport firefighter who retires on or after July 1, 1986, and before July 1, 1988, and at the time of retirement is at least

sixty years of age and has completed at least twenty-five years of membership service as an airport firefighter, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as an airport firefighter, with benefits payable during the member's lifetime.

An airport firefighter who retires on or after July 1, 1986, and before July 1, 1988, and has not completed twenty-five years of membership service as required under this subsection is eligible to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as an airport firefighter multiplied by a fraction of years of service as an airport firefighter. For the purpose of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service as an airport firefighter, divided by twenty-five years. On or after July 1, 1986, if the airport firefighter has not reached sixty years of age at retirement, the monthly retirement allowance shall be reduced by five-tenths of one percent per month for each month that the airport firefighter's retirement precedes the date on which the airport firefighter attains sixty years of age.

Sec. 43. Section 97B.49, Code Supplement 1987, is amended by adding the following new subsection:

**NEW SUBSECTION. 15.** In lieu of the monthly benefit computed under subsections 1 and 3 as applicable, or subsection 5, for each active member retiring on or after July 1, 1988, who is at least fifty-five years of age and has completed at least thirty years of membership service and prior service, and for which the sum of the number of years of membership service and prior service and the member's age in years as of the member's last birthday equals or exceeds ninety-two, a monthly benefit shall be computed which is equal to fifty percent of the three-year average covered wage of the member.

Sec. 44. Section 97B.49, Code Supplement 1987, is amended by adding the following new subsection:

**NEW SUBSECTION. 16. a.** Notwithstanding other provisions of this chapter, a member who is or has been employed in a protection occupation who retires on or after July 1, 1988, and at the time of retirement is at least fifty-five years of age and has completed at least twenty-five years of membership service in a protection occupation, may elect to receive in lieu of the receipt of any benefits under subsections 5 or 15, a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as a member who has been employed in a protection occupation, with benefits payable during the member's lifetime.

b. Notwithstanding other provisions of this chapter, a member who retires from employment as a county sheriff or deputy sheriff who retires on or after July 1, 1988, and at the time of retirement is at least fifty-five years of age and has completed at least twenty-two years of membership service, may elect to receive in lieu of the receipt of any benefits under subsection 5 or 15, a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as a member with benefits payable during the member's lifetime. The years of membership service required under this paragraph shall include membership service as a sheriff or deputy sheriff and membership service under employment in a protection occupation included in paragraph "d", subparagraph (2).

For the purposes of this subsection, sheriff means a county sheriff as defined in section 39.17 and deputy sheriff means a deputy sheriff appointed pursuant to section 341.1 prior to July 1, 1981, or section 331.903 on or after July 1, 1981.

c. A member covered under this subsection who retires on or after July 1, 1988, and has not completed the twenty-five years of membership service required under paragraph "a", or twenty-two years of membership service required under paragraph "b", is eligible to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as a member employed in a protection occupation, or as a sheriff or deputy sheriff, multiplied by a fraction of years of service. For the purpose of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service for a member retiring in a protection occupation, divided by twenty-five years, or the sum of the years of membership service for a member retiring as a sheriff or deputy sheriff divided by twenty-two years.

d. For the purposes of this subsection, "a member employed in a protection occupation" includes all of the following:

- (1) A conservation peace officer employed under section 107.13.
- (2) A marshal or police officer in a city not covered under chapter 400.
- (3) A correctional officer employed by the Iowa department of corrections in an applicable job classification. The department of corrections and the department of personnel shall jointly determine the applicable merit system job classifications of correctional officers.
- (4) An airport firefighter employed by the disaster services division of the department of public defense.
- (5) An airport safety officer employed under chapter 400 by an airport commission in a city of one hundred thousand population or more.
- (6) An arson investigator who commenced employment as an arson investigator of the department of public safety on or after July 1, 1988.

e. Annually, the department of personnel shall actuarially determine the cost of the additional benefits provided for members covered under paragraph "a" and the cost of the additional benefits provided for members covered under paragraph "b" as percents of the covered wages of the employees covered by this subsection. Sixty percent of the cost shall be paid by the employers of employees covered under this subsection and forty percent of the cost shall be paid by the employees. The employer and employee contributions required under this paragraph are in addition to the contributions paid under section 97B.11.

f. For the fiscal year commencing July 1, 1988, and each succeeding fiscal year, there is appropriated from the state fish and game protection fund to the department of personnel the amount necessary to pay the employer share of the cost of the additional benefits provided to employees covered under paragraph "d", subparagraph (1).

g. Annually, during each fiscal year commencing with the fiscal year beginning July 1, 1988, each applicable city shall pay to the department of personnel the amount necessary to pay the employer share of the cost of the additional benefits provided to employees of that city covered under paragraph "d", subparagraphs (2) and (5).

h. Annually, during each fiscal year commencing with the fiscal year beginning July 1, 1988, each county shall pay to the department of personnel the amount necessary to pay the employer share of the cost of the additional benefits provided to sheriffs and deputy sheriffs.

i. For the fiscal year commencing July 1, 1988, and each succeeding fiscal year, the department of corrections shall pay to the department of personnel from funds appropriated to the Iowa department of corrections, the amount necessary to pay the employer share of the cost of the additional benefits provided to employees covered under paragraph "d", subparagraph (3).

j. For the fiscal year commencing July 1, 1988, and each succeeding fiscal year, there is appropriated from the general fund of the state to the department of personnel, from funds not otherwise appropriated, an amount necessary to pay the employer share of the cost of the additional benefits provided to employees covered under paragraph "d", subparagraphs (4) and (6).

Sec. 45. Section 97B.50, subsection 1, Code Supplement 1987, is amended by striking the subsection and inserting in lieu thereof the following:

1. Except as otherwise provided in this section, a member, upon retirement prior to the normal retirement date, is entitled to receive a monthly retirement allowance determined in the same manner as provided for normal retirement in subsections 1, 4, and 5 of section 97B.49 reduced as follows:

a. For a member who is less than sixty-two years of age, by twenty-five hundredths of one percent per month for each month that the early retirement date precedes the normal retirement date.

b. For a member who is at least sixty-two years of age and who has not completed thirty years of membership service and prior service, by twenty-five hundredths of one percent per month for each month that the early retirement date precedes the normal retirement date.

Sec. 46. Section 97B.50, subsection 3, Code Supplement 1987, is amended to read as follows:

3. A member who is at least sixty-two years of age and less than sixty-five years of age, and who has completed thirty or more years of membership service and prior service, shall receive full benefits under section 97B.49 determined as if the member had attained sixty-five years of age. For a member who is at least fifty-nine but less than sixty-two years of age who has completed at least thirty years of service, the monthly retirement allowance shall be reduced by twenty-five hundredths percent per month for each month that the member's retirement date precedes the member's sixty-second birthday. For a member who is at least fifty-five years of age and less than fifty-nine years of age who has completed thirty years of membership service, the monthly retirement allowance shall be reduced by five-tenths percent per month for each month that the member's retirement date precedes the member's normal retirement date.

Sec. 47. Section 97B.50, Code Supplement 1987, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. A member eligible for a retirement allowance adjusted under this section is entitled to receipt of retroactive adjustment payments for no more

than six months immediately preceding the month in which written notice of retirement was submitted to the department.

Sec. 48. Section 97B.68, subsection 1, Code 1987, is amended to read as follows:

1. ~~From and after July 4, 1960~~ Effective July 1, 1988, any a person who is a member of the federal civil service retirement program ~~shall or the federal employee's retirement system is not be eligible for membership in the Iowa public employees' retirement system, and the provisions of this chapter shall does not apply to such that~~ employee. ~~Any~~ An employee whose membership in the federal civil service retirement program ~~or the federal employee's retirement system~~ is subsequently terminated shall immediately notify the employee's employer and the department of personnel of ~~such that~~ fact, and the employee shall become subject to the ~~provisions of this chapter on~~ the date the notification is received by the department.

Sec. 49. Section 97B.72A, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

#### 97B.72A LEGISLATIVE MEMBERS.

1. An active or vested member of the system who was a member of the general assembly prior to July 1, 1988, may make contributions to the system for all or a portion of the period of service in the general assembly. The contributions made by the member shall be equal to the accumulated contributions as defined in section 97B.42, subsection 12, which would have been made if the member of the general assembly had been a member of the system during the period of service in the general assembly. The member of the system shall submit proof to the department of membership in the general assembly. The department shall credit the member with the period of membership service for which contributions are made.

There is appropriated from the general fund of the state to the department an amount sufficient to pay the contributions of the employer based on the period of service of members of the general assembly for which the member paid accumulated contributions under this section. The amount appropriated is equal to the employer contributions which would have been made if the members of the system who made employee contributions had been members of the system during the period for which they made employee contributions plus two percent interest plus the interest dividend rate applicable for each year compounded annually.

2. A former member of the general assembly who has six or more years of service as a member of the general assembly or who has a total of six or more years of service as a member of the general assembly and as an employee under this chapter may make contributions to the system for all or a portion of the period of service as a member of the general assembly. The contributions made by the former member shall be equal to the accumulated contributions plus the employer contributions that would have been made if the former member had been a member of the system during the period of service elected. The employer contributions shall be equal to the contributions that would have been made by the employer if the former member had been a member of the system during the period of service elected plus the interest on the contributions equal to two percent plus the interest dividend rate applicable for each year compounded annually. The former member shall submit proof to the department of membership in the general assembly. The department shall credit the former member with the period of membership service for which contributions are made.

Sec. 50. Section 97B.73, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988, a member eligible for an increased retirement allowance because of the payment of contributions under this section is entitled to receipt of retroactive adjustment payments for no more than six months immediately preceding the month in which written notice was submitted to the department.

Sec. 51. Section 97B.73A, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988, a member eligible for an increased retirement allowance because of the payment of contributions under this section is entitled to receipt of retroactive adjustment payments for no more than six months immediately preceding the month in which written notice was submitted to the department.

Sec. 52. Section 97B.74, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988, a member eligible for an increased retirement allowance because of the payment of contributions under this section is entitled to receipt of retroactive adjustment payments for no more than six months immediately preceding the month in which written notice was submitted to the department.

Sec. 53. Section 97B.75, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988, a member eligible for an increased retirement allowance under this section is entitled to receipt of retroactive adjustment payments for no more than six months immediately preceding the month in which written notice was submitted to the department.

Sec. 54. NEW SECTION. 97B.80 VETERAN'S CREDIT.

An active member in service on July 1, 1988, who at any time served on active duty in the armed forces of the United States, upon submitting verification of the dates of the active duty service in the armed forces to the department, may make employer and employee contributions to the system based upon the member's covered wages for the calendar year beginning January 1, 1987, at the rates in effect under section 97B.11 on January 1, 1987, for the period of time of the active duty service, not to exceed four years, and receive credit for membership service and prior service for the period of time for which the contributions are made. Verification of active duty service and payment of contributions shall be made to the department. However, a member is not eligible to make contributions under this section if the member is receiving or is eligible to receive retirement pay from the United States government for active duty in the armed forces.

Sec. 55. Section 411.6, subsection 5, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Should a member in service or the chief of the police or fire departments become incapacitated for duty as a natural or proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time or place or

while acting, pursuant to order, outside the city by which the member is regularly employed, the member shall, upon being found to be temporarily incapacitated following an examination by the board of trustees, be entitled to receive the member's full pay and allowances from the city's general fund until re-examined by said the board and found to be fully recovered or permanently disabled.

Sec. 56. Section 411.6, subsection 8, paragraph b, unnumbered paragraph 1, Code 1987, is amended to read as follows:

In lieu of the payment specified in paragraph "a", a beneficiary meeting the qualifications of paragraph "c" may elect to receive a monthly pension equal to one-twelfth of forty percent of the average final compensation of the member, but not less than seventy-five dollars twenty percent of the monthly earnable compensation paid to an active member holding the highest grade in the rank of firefighter, for a beneficiary of a deceased member of a fire department, or the highest grade in the rank of police patrol officer, for a beneficiary of a deceased member of a police department, if the member was in service at the time of death. For a member not in service at the time of death, the pension shall be reduced as provided in subsection 1, paragraph "b".

Sec. 57. Section 411.6, subsection 8, paragraph c, subparagraphs (1) and (2), Code 1987, are amended to read as follows:

(1) The spouse, ~~to continue so long as the spouse remains unmarried.~~

(2) If there is no spouse, or if the spouse dies ~~or remarries~~ and there is a child of a member, then the guardian of the member's child or children, divided as the board of trustees determines, to continue as a joint and survivor pension until every child of the member dies or attains the age of eighteen, or twenty-two if applicable.

Sec. 58. Section 411.6, subsection 11, paragraph a, Code 1987, is amended to read as follows:

a. ~~To the spouse to continue so long as said partner remains unmarried, equal to one-half the amount received by such the deceased beneficiary, but in no instance less than seventy-five dollars per month twenty percent of the monthly earnable compensation paid to an active member holding the highest grade in the rank of firefighter, for a beneficiary of a deceased member of the fire department, or the highest grade in the rank of police patrol officer, for a beneficiary of a deceased member of a police department, and in addition thereto a monthly pension equal to the monthly pension payable under subsection 9 of this section for each child under eighteen years of age or twenty-two years of age if applicable; or~~

Sec. 59. Section 411.6, subsection 12, paragraph a, subparagraph (2), Code 1987, is amended to read as follows:

(2) Twenty percent for members with five or more years of membership service who are receiving an ordinary disability retirement allowance. However, effective July 1, 1984, for members who retired before July 1, 1979, and effective July 1, 1988, for members who retire on or after July 1, 1988, twenty-five percent shall be used for members who are receiving an ordinary disability allowance.

Sec. 60. Section 411.9, Code 1987, is amended to read as follows:

#### 411.9 MILITARY SERVICE EXCEPTIONS.

A member who is absent while serving in the armed services of the United States or its allies and is discharged or separated from the armed services under honorable

conditions shall have the period or periods of absence while serving in the armed services, not in excess of four years unless any period in excess of four years is at the request and for the convenience of the federal government, included as part of the member's period of service in the department. The member shall not continue the contributions required of the member under section 411.8 during the period of military service, if the member, within ~~six months~~ one year after the member has been discharged or separated under honorable conditions from military service, returns and resumes duties in the department, and if the member is declared physically capable of resuming duties upon examination by the medical board. A period of absence may exceed four years at the request and for the convenience of the federal government.

Sec. 61. Section 421.38, subsection 2, Code 1987, is amended to read as follows:

2. CONVENTION EXPENSES. ~~No claims~~ Claims for expenses in attending conventions, meetings, conferences, or gatherings of members of ~~any an~~ association or society organized and existing as a quasi-public association or society outside the state of Iowa shall not be allowed at public expense, unless authorized by the executive council; and claims for ~~such~~ these expenses outside of the state shall not be allowed unless the voucher is accompanied by ~~so much the~~ portion of the minutes of the executive council, certified to by its secretary, showing that the expense was authorized by the council. This section does not apply to claims in favor of the governor, attorney general, utilities board members, or to trips referred to in ~~section~~ sections 97B.4 and 217.20.

Sec. 62. The department of personnel shall identify job classifications within state government for which the current level of compensation is inadequate to recruit and retain qualified persons and leads or could lead to contracting for the services rather than providing those services directly. The department shall adjust compensation ranges in those areas of employment where the department determined that providing the adjustment would enable the state to limit contracting for services and provide for a less costly means to deliver services. The department of personnel shall review the compensation structure for employees within the Iowa public employees retirement division who are involved in managing the investments. After seeking the input from the Iowa public employees' retirement system investment board, the department shall adjust compensation ranges for those positions where it is determined necessary in order to recruit and retain personnel with the requisite skills to maintain the fiduciary responsibilities of the fund.

Sec. 63. Section 97B.67, Code 1987, is repealed.

Sec. 64. Sections 3, 5, 56, and 58 of this Act apply, beginning on the effective date of those sections, to persons who are beneficiaries on that date as well as those who become beneficiaries on or after that date.

The portions of sections 5 and 58 of this Act that relate to the definition of child are retroactive to January 1, 1987.

Sec. 65. Section 27 of this Act, being deemed of immediate importance, takes effect upon its enactment.

Sec. 66. Sections 16, 17, 24, 30, and 35 of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 67. Sections 16, 17, 24, 30, and 35 of this Act are retroactive to January 1, 1988."



Sec. 68. Employees of the Iowa peace institute covered under chapter 97B on the effective date of section 27 of this Act who do not file an application with the department of personnel to be covered under chapter 97B shall receive a refund of the accumulated contributions of the employee made under chapter 97B for service as an employee of the Iowa peace institute."

2. Title page, line 2, by inserting after the word "systems" the following: ", making appropriations, providing an effective date, and providing retroactive applicability".

ON THE PART OF THE HOUSE:

GENE BLANSHAN, Chair  
DOROTHY F. CARPENTER  
MINNETTE F. DODERER

ON THE PART OF THE SENATE:

ROBERT CARR, Chair  
DONALD GETTINGS  
WALLY HORN  
JACK NYSTROM  
RICHARD VANDE HOEF

The motion prevailed and the conference committee report was adopted.

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

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

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Corey	Daggett	De Groot
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	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Pellet	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Brammer	Cooper	Diemer	Eddie
Hanson, D. R.	Knapp	Lageschulte	Norrgard
Peters	Stueland	Swearingen	

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 2405)

Arnould of Scott asked and received unanimous consent that House File 2405 be immediately messaged to the Senate.

**REMARKS BY THE MINORITY LEADER**

Stromer of Hancock offered the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

As the final curtain falls on the second session of the Seventy-second General Assembly it is time that we pause, I'm absolutely sure it's time we pause, and reflect on what the one hundred members of this body have accomplished in the last two years. I'm sure that each of you would have a different list — we should, we represent different areas of the state with different priorities.

Regardless of the area of the state we represent, we are a body and in the past two years have developed a more competitive tax structure, upgraded the salaries of our elementary, secondary and post-secondary teachers, and stayed current with the social needs of our elderly and underprivileged. There is no question that clean drinking water has been the number one issue for many members of both political parties.

This year the budgeting process better reflects the priorities of the governor and the legislature. This may have been aided by the strong economic recovery that we've had in the last eighteen months and the discovery of additional revenues.

No agenda has ever been complete without the many requests for interim committees that indicate our need to study things like higher education structure, home schooling and prison reform.

I was disappointed that we did not address the tort reform issue and a facility to house people who need rehabilitation before they can work and play in an unsupervised way in our society.

As we bid farewell to those who are leaving this year; George Swearingen, who became chairman of the State Government committee in his second term, has served Iowa well. Don Platt, a great guy who always had a compromise for a problem — sometimes before the problem even existed. To each of you who are leaving, you are an integral part of the one hundred members who make this Iowa House function.

In closing, this body could not function without the "non-essential staff." The floor clerks, the caucus staff; service and fiscal bureaus; and the people who support the

Chief Clerk's office, many times working hours after we leave; and last, but not least, the pages — you were great.

Finally, to Bob Arnould and Don Avenson — you have been cognizant of our caucus needs and respectful of our rights. I hope this process continues regardless of who the players may be.

God bless you all.

## REMARKS BY THE MAJORITY LEADER

Arnould of Scott made the following remarks:

Thank you Mr. Speaker:

Mr. Speaker, Ladies and Gentlemen of the House. As we prepare to adjourn the Seventy-second General Assembly of the State of Iowa, I would like to take this opportunity to thank several people for their fine work in achieving an orderly conclusion of this session.

First, I would like to thank the members for their dedication and commitment to their duties here in the House of Representatives. During this session, we have had many trying and emotional debates as well as a few lighter moments. Through it all — from medical malpractice to Roger's urology problems — the members have conducted themselves in a professional and honorable manner. I thank you for that and it's been a great pleasure and honor to serve all of you.

Having noted the solid effort of the membership, I'd like to also thank the floor secretaries whose efforts allowed the members to work. Thanks to your work and your sense of humor, the House was able to operate in a proficient manner, especially during the difficult moments of our work here. Thank you for your hard work. I've been asked, Mr. Speaker, in the future when they're referred to as "non-essential" that that be followed by offering to allow them to have the entire day off, and not just a few minutes off the floor.

And of course, no one works harder than the Chief Clerk's staff (Liz, Laura and Deanna) and the Legal Counsel staff (Peg, Jane and Donna). I thank all of you for your efforts and patience. As I performed this job, I found how really indispensable they are and how late at night they have to work after many of the rest of us go home. Thank you for all of your efforts.

My appreciation also to the Journal Room staff, the pages, doorkeepers, Legislative Service Bureau, Legislative Fiscal Bureau, press and the members of the lobby, and also to the members of the Republican caucus staff, Representative Stromer's staff, and a special thanks to the members of our Democratic caucus staff (Sharon, Mary, Tom, Ed, Peggy, Julie, Janet, Joe, and Kathi Woods and Kathi Wood's little friend). They are never fully appreciated for their efforts or the great work they do in assisting us in our jobs and we'd certainly miss them if they weren't here to help us. I would also like to thank the Speaker's staff (Mark and Cathy) for their guidance and assistance during the past session. A special thanks to Joe O'Hern, our Chief Clerk, who's work ethic is second to none and whose ability as our own air traffic controller is truly remarkable. I would also like to thank my staff (Bill and Bob) for their efforts; especially Bill, who has not been well, but still came in when he wasn't 100% and did his usual good job. I would also like to thank the honorable gentleman from Hancock for his cooperation in helping this to be a very successful session.

As I end my term, my two years as the majority leader, after spending eleven years in the House, I want to let you know that I consider it a very, very special privilege and honor to have served you in this position. I also want to extend a special thanks to two true gentlemen who have helped me in many ways by offering moral support, setting examples, and occasionally setting me straight on a few things; the Speaker, the Honorable Don Avenson and Speaker pro tempore, the Honorable John Connors, who also bailed me out on the floor a couple of times this year. Thank you very much for your help.

I'd like to thank the House for your patience, your kindness and your generosity in working with me. There are a lot of difficult decisions that go with the job and I'm not able to please all of you all the time, but the House was very considerate and understanding of my time. I hope that I did the best I could in trying to accommodate your needs.

To Bob Skow, Ed Parker, Rich Running, Clyde Norrgard, Jim Cooper, Don Platt and George Swearingen, who are leaving us; as was said earlier, you're members of the family, we'll always welcome you back here and we hope to see you in the future. The state is a better place for your having been here.

Having subjected you to a speech that rivals an Oscar Award in length, I thank you for listening to this. I wish all of you a safe trip home, good luck in the coming fall.

Thank you.

### REMARKS BY THE SPEAKER

Speaker Avenson offered the following remarks:

I second all of the thank you's that both Del and Bob have given to the staff, the pages, the bipartisan staff, the caucus staffs, the service bureau staff, the fiscal bureau staff, and all of the people that make this place work as well as it does. I don't think that there's enough opportunities to thank those people. I hope we treat them with as much respect as possible. I also second the goodbye's and the welcome back's to all the retiring members, we'll miss you greatly. It's been difficult raising Ed Parker up in the legislature, but I think we've done a fairly good job. I'll miss all of you a lot. I have said all day that leaving the legislature I think is a little like playing the last five minutes of my last football game. I couldn't wait until that game ended so that I could get those clothes off and I wouldn't be so tired. About a year later, I wished that I could play just one more football game, just do it one more time. I think each one of the members, who are leaving tonight, will want to come back for one more shutdown. We see them quite often, near the end of the session, I think they have that same feeling. If we're addicted, we're addicted to adrenalin, that's what you get near the end of the session.

I want to focus on two people particularly. Bob Arnould, who I think has done an exceptional job in a very difficult role in his first term as majority leader. I don't think that we could have gotten through a lot of these times without the kind of humor that he displays and the goodwill that he displays and the good judgment that he's developing very, very rapidly. I think he deserves another round of applause for the hard work that he's done. Even more than that, I want to focus to my friend, Del Stromer, who if you remember a year ago now, we weren't in such a good mood. We were all very tired and angry. We were very upset about our failure in passage of a tax reform bill. Everybody was pointing fingers at everybody and it was not a nice

evening. It was not an evening that we want to remember. That night at the end, I think, both Del and I said that there would be great things if we could just put down our partisan swords for a while and work together. It didn't work the first special session and we kind of said the same things over again. It did work the second special session and I think we set a mood in that second special session for what has happened this year. If we stop manufacturing differences, this body is capable of doing tremendous, great things. By and large, that's what we did this year, we stopped manufacturing differences, we rolled up our sleeves, and we did good work. We passed a budget that maintained a safety net that's compassionate, that works. We passed a welfare reform proposal that I think will truly help people move from where they don't want to be to where they want to be, to give them the skill to work. I think we passed a rural redevelopment bill that will help rural Iowa become revitalized. All those things were done in a bipartisan way. I think malpractice insurance even became a very bipartisan bill in the end. I think I witnessed tonight a much better feeling, a much better feeling about what we did and how we did it; a much better feeling about what we're going to be able to tell our constituents this general assembly is about. I'm very, very proud of this session and I'm very, very proud of the people here. Del, you've been a large part of making that successful. I hope it's a precedent for us regardless of what happens this November, that we stop manufacturing differences and just become legislators together working to solve the problems of this state. This state deserves it and we've shown that we can do it. I hope we can continue, thank you very much, Del.

Good health and best wishes to all until we meet again.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 17, 1988, adopted the conference committee report and passed House File 2405, a bill for an act relating to the administration and benefits for certain public retirement systems.

Also: That the Senate has on April 17, 1988, passed the following bill in which the concurrence of the House is asked:

Senate File 2344, a bill for an act appropriating funds to the office of the attorney general for the fiscal year beginning July 1, 1988, and ending June 30, 1989.

JOHN F. DWYER, Secretary

### SENATE MESSAGE CONSIDERED

**Senate File 2344**, by committee on appropriations, a bill for an act appropriating funds to the office of the attorney general for the fiscal year beginning July 1, 1988, and ending June 30, 1989.

Read first time and **passed on file**.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2344, to be read in full by the Chief Clerk.

**CONSIDERATION OF BILLS**  
**Appropriations Calendar**

**Senate File 2344**, a bill for an act appropriating funds to the office of the attorney general for the fiscal year beginning July 1, 1988, and ending June 30, 1989, was taken up for consideration.

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

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

The ayes were, 66:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Buhr
Chapman	Cohon	Connors	Corbett
Daggett	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Lundby
May	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Ollie	Osterberg
Parker	Paulin	Pavich	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Shoning
Shoultz	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 19:

Bennett	Branstad	Carpenter	Clark
Corey	De Groot	Garman	Kremer
Maulsby	McKean	Mullins	Pellett
Petersen, D. F.	Renken	Schneklath	Siegrist
Stromer	Tyrrell	Van Maanen	

Absent or not voting, 15:

Brammer	Connolly	Cooper	Diemer
Eddie	Hanson, D. R.	Hermann	Knapp
Lageschulte	Norrgard	Peters	Royer
Sherzan	Stueland	Swearingen	

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

The House stood at ease at 4:34 a.m., until the fall of the gavel.

The House resumed session at 4:58 a.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 April 17, 1988, adopted the conference committee report and passed Senate File 38, a bill for an act relating to conservation easements.

JOHN F. DWYER, Secretary

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 38)

Rosenberg of Story called up for consideration the report of the conference committee on Senate File 38 and moved the adoption of the conference committee report and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 38

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 38, a bill for an act relating to conservation easements, respectfully make the following report:

1. That the Senate recedes from its amendment H—6551.
2. That the House recedes from its amendment S—6082.
3. That Senate File 38 as passed by the Senate be amended as follows:
  1. By striking everything after the enacting clause and inserting the following:

“Section 1. Section 159.29, subsection 1, Code Supplement 1987, is amended to read as follows:

1. An owner of an agricultural drainage well shall register the well with the department of natural resources by January 1, 1988 September 30, 1988. The department of agriculture and land stewardship, in cooperation with the department of natural resources, shall adopt rules, pursuant to chapter 17A, which provide for an appeals process for violations of this subsection.

Sec. 2. Section 455E.11, subsection 2, paragraph b, Code Supplement 1987, is amended by adding the following new subparagraph after subparagraph (1) and renumbering the remaining subparagraphs:

NEW SUBPARAGRAPH. (2) Two hundred thousand dollars of the moneys deposited in the agriculture management account is appropriated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1987, and ending June 30, 1988, for the demonstration projects regarding agriculture drainage wells and sinkholes. Any remaining balance of the appropriation made for the purpose of

funding such demonstration projects for the fiscal year beginning July 1, 1987, and ending June 30, 1988, shall not revert to the account, notwithstanding section 8.33, but shall remain available for the purpose of funding such demonstration projects during the fiscal period beginning July 1, 1988, and ending June 30, 1990.

Sec. 3. Section 455E.11, subsection 2, paragraph b, subparagraph (2), subdivision (d), Code Supplement 1987, is amended to read as follows:

(d) Thirteen percent of the moneys is appropriated annually to the department of agriculture and land stewardship for financial incentive programs related to agricultural drainage wells and sinkholes, for studies and administrative costs relating to sinkholes and agricultural drainage wells programs, and not more than two hundred thousand dollars of the moneys is appropriated for the demonstration projects regarding agricultural drainage wells and sinkholes. Of the thirteen percent allocated for financial incentive programs, not more than fifty thousand dollars is appropriated for the fiscal year beginning July 1, 1987 and ending June 30, 1988, to the department of natural resources for grants to county conservation boards for the development and implementation of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way. Any remaining balance of the appropriation made for the purpose of funding of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way for the fiscal year beginning July 1, 1987, and ending June 30, 1988, shall not revert to the account, notwithstanding section 8.33, but shall remain available for the purpose of funding the projects during the fiscal period beginning July 1, 1988, and ending June 30, 1990.

2. Title page, line 1, by striking the words "conservation easements" and inserting the following: "agricultural drainage wells".

ON THE PART OF THE HOUSE:

DANIEL P. FOGARTY  
PAUL W. JOHNSON  
ANDY McKEAN  
DAN PETERSEN

ON THE PART OF THE SENATE:

BERL E. PRIEBE, Chair  
LINN FUHRMAN  
JACK W. HESTER  
KENNETH D. SCOTT  
JAMES D. WELLS

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 38)

The ayes were, 71:

Adams	Arnould	Beatty	Bennett
Bisignano	Blanshan	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
Doderer	Dvorsky	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.



Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Hummel	Jay	Johnson
Koenigs	Lundby	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	Peterson, M. K.	Plasier
Poney	Renaud	Renken	Rosenberg
Running	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Mr. Speaker	

The nays were, 1:

Black

Absent or not voting, 28:

Beaman	Brammer	Cooper	Corey
De Groot	Diemer	Eddie	Fuller
Hanson, D. R.	Hermann	Jochum	Knapp
Kremer	Lageschulte	Maulsby	Miller
Norrgard	Pellett	Peters	Petersen, D. F.
Platt	Royer	Schnekloth	Sherzan
Stueland	Swearingen	Tyrrell	Wise

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

The House stood at ease at 5:03 a.m., until the fall of the gavel.

The House resumed session at 5:10 a.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 April 17, 1988, adopted the conference committee report and passed Senate File 2328, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

JOHN F. DWYER, Secretary

### ADOPTION OF THE REPORT OF THE SECOND CONFERENCE COMMITTEE (Senate File 2328)

Parker of Jasper called up for consideration the report of the second conference committee on Senate File 2328 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE SECOND CONFERENCE COMMITTEE  
ON SENATE FILE 2328

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2328, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, respectfully make the following report:

1. That the House recede from its amendment, S—5997, to Senate File 2328, as amended, passed, and reprinted by the Senate.

2. That Senate File 2328, as amended, passed, and reprinted by the Senate, be amended as follows:

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

“Section 1. Section 99E.9, subsection 3, paragraphs b and o, Code Supplement 1987, are amended to read as follows:

b. The types of lottery games to be conducted. Rules governing the operation of a class of games are subject to chapter 17A. However, rules governing the particular features of specific games within a class of games are not subject to chapter 17A. Such rules may include, but are not limited to, setting the name and prize structure of the game and shall be made available to the public prior to the time the games go on sale and shall be kept on file at the office of the commissioner. The board shall authorize instant lottery and on-line lotto games and may authorize the use of any type of lottery game that on May 3, 1985 has been conducted by a state lottery of another state in the United States, or any game that the board determines will achieve the revenue objectives of the lottery and is consistent with subsection 1. However, the board shall not authorize a game using electronic computer terminals or other devices if the terminals or devices dispense coins or currency upon the winning of a prize. In a game utilizing instant tickets other than pull-tab tickets, each ticket in the game shall bear a unique consecutive serial number distinguishing it from every other ticket in the game, and each lottery number or symbol shall be accompanied by a confirming caption consisting of a repetition of a symbol or a description of the symbol in words. In the game other than an instant game which uses tangible evidence of participation, each ticket shall bear a unique serial number distinguishing it from every other ticket in the game.

o. Requirement that a licensee either print or stamp the licensee's name and address on the back of each instant ticket, except pull-tab tickets.

Sec. 2. Section 99E.10, subsection 1, paragraph a, Code Supplement 1987, is amended to read as follows:

a. An amount equal to one half of one percent of the gross lottery revenue shall be deposited in a gamblers assistance fund in the office of the treasurer of state. Moneys in the fund shall be administered by the commissioner of human services and used to provide assistance and counseling to individuals and families experiencing difficulty as a result of gambling losses and to promote awareness of “Gamblers Anonymous” and similar assistance programs. For the fiscal year beginning July 1, 1988, there is appropriated from the fund to the department of human services the sum of one hundred

twenty-five thousand dollars to be used to establish a separate reimbursement policy to reimburse providers for material costs incurred in providing unit dose drug distribution systems in long-term care facilities. The department shall seek to implement the recommendation on unit dose reimbursement when funds become available.

Sec. 3. Section 99E.32, subsection 1, paragraphs a and b, Code Supplement 1987, are amended to read as follows:

a. In the fiscal year beginning July 1, 1986 the first three million four hundred thirty-eight thousand dollars, in the fiscal year beginning July 1, 1987 the first six million six hundred seventy-five thousand dollars, in the fiscal year beginning July 1, 1988 the first ~~three~~ four million ~~seven~~ six hundred ~~fifty~~ twenty-five thousand dollars and in the fiscal year beginning July 1, 1989 the first three million seven hundred fifty thousand dollars to the jobs now capitals account.

b. ~~In each of the four~~ For the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989, after the allotment in paragraph "a", ten million dollars, ten million dollars, four million six hundred fifty thousand dollars, and ten million dollars, respectively to the community economic betterment account; for the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989, eight million five hundred fifty thousand dollars, eight million three hundred seventy-five thousand dollars, ~~seven nineteen~~ million ~~nine hundred~~ eight thousand dollars, and seven million nine hundred thousand dollars, respectively, to the jobs now account; and for the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989, twelve million five hundred thousand dollars, seven million four hundred thousand dollars, ~~eleven seven~~ million ~~five hundred thousand~~ dollars, and eleven million two hundred fifty thousand dollars, respectively, to the education and agriculture research and development account.

Sec. 4. Section 99E.32, subsection 2, Code Supplement 1987, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. i. Notwithstanding any other provision, the moneys allocated to the community economic betterment account for the fiscal year beginning July 1, 1988, are appropriated to the department of economic development to be used only for the purposes of providing financial assistance for small business gap financing, new business opportunities, new product and entrepreneurial development, and comprehensive management assistance in the amounts, or so much thereof as may be necessary, as provided in section 99E.33. These purposes may be accomplished by providing the following types of assistance:

- (1) Principal buy-down program to reduce the principal of a business loan.
- (2) Interest buy-down program to reduce the interest of a business loan.
- (3) Loans to aid in economic development.
- (4) Grants to aid in economic development projects as defined in section 99E.10, subsection 2, if at least fifty percent of the total cost of the project is paid from sources other than the Iowa plan fund. If a project involves purchase or improvement of real property, a grant may be made only if the property is located in the state of Iowa.
- (5) Loan guarantees for business loans made by commercial lenders.
- (6) Equity-like investments.

(7) Comprehensive management assistance. The conditions, criteria, and limitations specified in section 99E.31, subsection 2, apply to providing of moneys under this paragraph.

The department shall document the actual job creation and retention effects of all businesses receiving financial assistance from the account in the context of the businesses' employer's contribution and payroll report.

The department shall require businesses which receive assistance from the account to submit historical copies of the reports with the application for funds, require businesses to submit the reports after the award on a timely basis, and require businesses to estimate the expected job creation and retention effects for the twelve-month and twenty-four month period after the award in terms of the number of employees and total wages as displayed in the payroll reports. The department shall develop definitions for the terms "job creation" and "job retention" to measure and identify the actual number of permanent, full-time positions which the businesses actually created or retained and can be documented by comparison of the payroll reports during the twenty-four month period after the award.

Sec. 5. Section 99E.32, subsection 3, Code Supplement 1987, is amended to read as follows:

3. There are appropriated moneys in the jobs now account for each of the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989 to the following funds, agencies, boards or commissions in the amounts, or so much thereof as may be necessary, as provided in section 99E.33 to be used for the following purposes:

a. To the ~~department of natural resource commission~~ resources for the purposes designated in section 99E.31, subsection 3, paragraph "a". For the fiscal year beginning July 1, 1986, the amount appropriated is two million five hundred thousand dollars. For the fiscal year beginning July 1, 1987, the amount appropriated is two million dollars. For the fiscal year beginning July 1, 1988, the amount appropriated is two million dollars, of which one hundred sixty thousand dollars shall be used for continuing projects to be matched with federal funds.

b. To the Iowa product development fund for the purposes provided in section 28.89. For the fiscal year beginning July 1, 1987, the amount appropriated is one million five hundred thousand dollars. For the fiscal year beginning July 1, 1988, the amount appropriated is one million two hundred fifty thousand dollars.

c. To the Iowa state arts council with administration by the department of cultural affairs for the purposes designated in section 99E.31, subsection 3, paragraph "d". For the fiscal year beginning July 1, 1987, the amount appropriated is six hundred seventy-five thousand dollars. For the fiscal year beginning July 1, 1988, the amount appropriated is six hundred fifty thousand dollars of which forty thousand dollars shall be allocated to the John L. Lewis commission for the John L. Lewis museum in Lucas, Iowa, seventy thousand dollars for the Iowa town square project, seventy thousand dollars for the artist endowment program, and twelve thousand dollars is to be directed to the secretary of state for the restoration and display of the Iowa state constitution.

d. To the Iowa department of economic development for the purposes designated in section 99E.31, subsection 3, paragraph "e". For the fiscal year beginning July 1, 1986, the amount appropriated is two million six hundred thousand dollars. For the fiscal year beginning July 1, 1987, the amount appropriated is two million fifty thousand dollars. For the fiscal year beginning July 1, 1988, the amount appropriated is

one million nine hundred eight thousand dollars to be used for the purposes and in the amounts as follows:

(1) Satellite centers under section 28.101, one million one hundred twenty-five thousand dollars of which fifty thousand dollars shall be used by the department to hire a rural development coordinator; forty-five thousand dollars for an informational referral center; and ninety-five thousand dollars for model rural development projects. For the fiscal year beginning July 1, 1988, the amount appropriated is nine hundred thirty-five thousand dollars. Of the amount appropriated, thirty thousand dollars shall be awarded to each of the fifteen regional coordinating councils for annual salaries, support, and maintenance of the satellite centers and up to one hundred fifty thousand dollars may be used for supplemental grants to the satellite centers. Criteria for awarding the grants include the performance of the satellite center and the need for the supplemental funding. The department shall award at least four supplemental grants, but in no case shall the maximum supplemental grant exceed fifteen thousand dollars.

(2) Federal procurement offices, one hundred thousand dollars. For the fiscal year beginning July 1, 1988, the amount appropriated, is one hundred thousand dollars.

(3) Iowa main street program, two hundred seventy-five thousand dollars. For the fiscal year beginning July 1, 1988, the amount appropriated is three hundred ninety-three thousand dollars.

(4) Technical assistance for businesses for purposes of the federal small business innovation research grants program, two hundred fifty thousand dollars of which fifty thousand dollars shall be expended to develop and operate a small business information center. For the fiscal year beginning July 1, 1988, no amount is appropriated.

(5) Business incubators, three hundred thousand dollars. The funds shall be used to provide for operations of existing incubators and for the establishment of at least one new incubator in the fiscal year. The department will award grants to universities, community colleges, and local communities on an annual basis. In awarding the grants, the department shall consider the incubator's plan to become self-sufficient from the need for further grants within three years of its start-up. Future grants shall be contingent upon how the incubator is succeeding in becoming self-sufficient. The local community, university, or college is required to match the state's grant on a dollar for dollar basis. For the fiscal year beginning July 1, 1988, the amount appropriated is two hundred fifty thousand dollars.

(6) Rural incubators, one hundred fifty thousand dollars. The funds shall be used for the establishment of incubators located in communities with a population of less than ten thousand. The department will award grants to universities, community colleges, and local communities on an annual basis. In awarding the grants, the department shall consider the incubator's plan to become self-sufficient from the need for further grants within three years of its start-up. Future grants shall be contingent upon how the incubator is succeeding in becoming self-sufficient. The local community, university, or college is required to provide a twenty-five percent match of the state's grant.

(7) For rural development programs, the sum of eighty thousand dollars.

e. For the fiscal year beginning July 1, 1986 only, the sum of two hundred thousand dollars for the targeted small business loan guarantee program established pursuant to section 220.111.

f. For the fiscal years beginning July 1, 1986 and July 1, 1987 only, to the Iowa conservation corps account the sum of one million dollars and seven hundred fifty thousand dollars, respectively. Of the funds appropriated under this paragraph, five hundred thousand dollars shall be used for a summer jobs program for young adults, as a part of the Iowa youth corps and designed to provide part-time public service employment to work on conservation-oriented projects.

g. For the fiscal years beginning July 1, 1988 and July 1, 1989 only, to the Iowa department of economic development, one million eight hundred thousand dollars for purposes of administration of the "young adult program" of the Iowa conservation corps, established in section 15.225. Of the amount appropriated, one hundred thousand dollars shall be used for minority youth employment. Moneys not used for minority youth employment are available for use for the purposes of the Iowa conservation corps.

h. For the fiscal year years beginning July 1, 1987 ~~only~~ and July 1, 1988, to the advance account of the area school job training fund established in section 280C.6, one million dollars and seven hundred fifty thousand dollars, respectively. If Senate File 2303 is enacted, the amount appropriate for the fiscal year beginning July 1, 1988, shall be to the revolving loan account of the area school job training fund.

i. For the fiscal year beginning July 1, 1987 ~~only~~, to the department of agriculture and land stewardship the sum of three hundred thousand dollars for developing pilot public/private partnerships to assist Iowa producers of agricultural products in the promotion, marketing, and selling of agricultural products to local and regional markets. For the fiscal year beginning July 1, 1988, the amount appropriated is one hundred fifty thousand dollars.

j. For the fiscal year beginning July 1, 1987 only, to the department of agriculture and land stewardship the sum of one hundred thousand dollars, or so much as is necessary, to provide a grant to the organizers from the 1988 world ag expo in the Amana colonies.

k. For the fiscal year beginning July 1, 1988, there is appropriated to the department of economic development for labor management councils the sum of one hundred thousand dollars.

l. For the fiscal year beginning July 1, 1988, to the Iowa department of economic development the sum of seven hundred thousand dollars for the establishment of welcome centers as provided in sections 15.271 and 15.272. The funds appropriated shall be used for implementation of the recommendations of the statewide long-range plan for developing and operating welcome centers through the state.

m. (1) For the fiscal year beginning July 1, 1988, to the department of agriculture and land stewardship the sum of one hundred thousand dollars to fund pilot lamb and wool management education projects approved by the department at area schools selected as project sites. The selection of an area school as a project site shall be based upon the evaluation and recommendations of an advisory committee created by the department and composed of persons actively engaged in lamb and wool production, persons representing the agricultural experiment station of the Iowa State University of science and technology, and persons expert in postsecondary education. The committee shall conduct an evaluation of area schools applying to be selected as pilot project sites. The committee in formulating its recommendations shall assign a weight to and consider the following criteria:

(a) The area school's relevant and available educational facilities.

(b) The number of persons interested in beginning or expanding lamb and wool production in the area school's merged area.

(c) The current number of sheep in the area school's merged area.

(d) The increase in the number of sheep in the area school's merged area.

(e) The creation or expansion of lamb and wool production facilities in the area school's merged area.

(f) The size and number of lamb and wool producer groups in the area school's merged area, and the degree to which such groups promote lamb and wool production in the area.

(g) The qualifications of the person selected by the area school to direct the project, and the qualifications of persons selected by the area school to instruct producers participating in the project.

The committee shall be staffed by employees of the department as appointed by the director of the department. The evaluation and recommendations shall be submitted to the director not later than December 30, 1988.

(2) An area school selected to be a pilot project site is entitled to regular disbursements of funds by the department to establish the project, and for salaries, support, maintenance, and other operational purposes according to a schedule which shall be established by the department. An area school shall not have less than thirty producers participating in the project, on or after December 30, 1990. If after that time, less than thirty producers participate in a project when the department is disbursing scheduled funds to the area school, the amount of funds to the school shall be reduced proportionately according to the number of producers participating in the project. The amount withheld shall be added equally to the amount disbursed to area schools having thirty or more producers participating in their respective projects. Only producers are eligible to participate in a project. The department may establish additional requirements for participation in the project, including a fee which shall be charged for producers participating in the project. A producer shall be charged the fee notwithstanding any other fee paid to the area school.

(3) for purposes of the projects, "producer" means a person actively engaged or seeking to become actively engaged in lamb or wool production.

n. For the fiscal year beginning July 1, 1988, the sum of nine million three hundred thousand dollars as follows:

(1) Four million six hundred fifty thousand dollars to the Iowa finance authority for the revolving fund for the community and rural development loan program established under Senate File 2092.

(2) Four million six hundred fifty thousand dollars to the business development finance corporation assistance fund established under House File 2396.

(3) Up to one million dollars of the moneys allocated under subparagraph (1) and up to three million dollars of the moneys allocated under subparagraph (2) which are not used or dedicated may be transferred to and used for purposes of the community economic betterment account, as determined by the department of economic development with one-half of the amount to be transferred on October 1, 1988, and one-half of the amount to be transferred on January 15, 1989.

o. For the fiscal year beginning July 1, 1988, to the department of economic development the sum of fifty thousand dollars for a local economic development pilot project for an area encompassing the cities and rural areas making up the area community commonwealth where the cities are represented on the board of directors of a non-profit corporation set up for the purpose of aiding in the economic development of the area. In order for the area to receive moneys under this paragraph, the area shall be formed under an agreement entered into pursuant to chapter 28E for the sole purpose of providing for economic development projects for the area provided the agreement identifies an entity to receive the funds under this paragraph and all parties to the agreement shall be located within the same regional economic delivery area created pursuant to section 28.101. The moneys available to the chapter 28E area shall be used only for economic development initiatives as defined in section 99E.10, subsection 2. However, as used in this paragraph, economic development initiatives do not include the employment of professional staff or consultants. The chapter 28E area shall file an economic development plan with the department of economic development before application is made to receive funds under this paragraph. The area receiving funds under this paragraph shall submit an annual financial report within sixty days following the close of its fiscal year to the regional coordinating council created pursuant to section 28.101 of the region in which the area is located.

p. For the fiscal year beginning July 1, 1988, to the division of soil conservation within the department of agriculture and land stewardship for deposit in the water protection fund created in 1988 Iowa Acts, House File 2381, section 5, the sum of five hundred thousand dollars for purposes of the fund.

q. For the fiscal year beginning July 1, 1988, to the department of education the sum of seven hundred fifty thousand dollars for the purposes and under the conditions specified in section 99E.31, subsection 5, paragraph "c".

Sec. 6. Section 99E.32, subsection 4, Code Supplement 1987, is amended to read as follows:

4. There are appropriated moneys in the education and agriculture research and development account for each of the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989 to the following funds, agencies, boards or commissions in the amounts, or so much thereof as may be necessary, as provided in section 99E.33 to be used for the following purposes:

a. To the Iowa college aid commission for the forgivable loan program established in sections 261.71 to 261.73. For the fiscal year beginning July 1, 1986, the amount appropriated is seven hundred fifty thousand dollars. Notwithstanding subsection 7, any moneys not expended under this paragraph by June 30, 1987 shall not be used for purposes of this paragraph but shall be transferred and used for the purposes described in paragraph "c" for the fiscal year beginning July 1, 1987. For the fiscal year years beginning July 1, 1987, and July 1, 1988, no amount is appropriated.

b. To the Iowa department of economic development for the purposes and under the conditions specified in section 99E.31, subsection 4, paragraph "a". For the fiscal year beginning July 1, 1986, the amount appropriated is ten million seven hundred fifty thousand dollars. For the fiscal year beginning July 1, 1987, the amount appropriated is seven million dollars of which five hundred thousand dollars shall be allocated to the Iowa State University of science and technology for the national center for food and industrial agricultural product development; and two hundred fifty thousand dollars shall be allocated to the University of Northern Iowa for the decision making science



institute. For the fiscal year beginning July 1, 1988, the amount appropriated is seven million dollars of which two hundred fifty thousand dollars shall be allocated to the University of Northern Iowa for the decision-making science institute; one hundred thousand dollars shall be allocated to the department of economic development for an economic development training program at the school of business at the University of Northern Iowa which shall use these funds in consultation with the department, the university, and the Iowa professional developers; forty thousand dollars shall be allocated to the state library within the department of cultural affairs to establish a patent depository library for the purpose of making university patents accessible to the public and private sectors by purchasing the twenty-year backfile of patents and to train existing staff to work with users of the library; and three hundred sixty thousand dollars shall be allocated and used to establish a university and private industry research and development consortium at each of the state board of regents universities under chapter 262B. Of the three hundred sixty thousand dollars, one hundred twenty thousand dollars is allocated to each of the consortiums with eighty-five thousand dollars being appropriated to the department of economic development for providing staff and support to the marketing for the consortiums and thirty-five thousand dollars is allocated to each of the offices of vice president for research at the three board of regents institutions. Of the money allocated under this paragraph to the Iowa State University of science and technology for the fiscal year beginning July 1, 1988, two hundred thousand dollars shall be used to support collaborative research with the United States department of agriculture to improve reproductive performance and disease resistance in swine. After the first five million dollars appropriated for the fiscal year beginning July 1, 1988, has been allocated, the next one million dollars shall be allocated for proposals described in section 99E.31, subsection 4, paragraph "a", subparagraph (1) and the next one million dollars shall be allocated for applied research projects described in section 99E.31, subsection 4, paragraph "a", subparagraph (3) of which one hundred fifty thousand dollars shall be used for the water resource research institute under paragraph "e". The department may use any unexpended funds from the appropriation made under this paragraph for the fiscal year beginning July 1, 1987, as a prepayment of the allocations made for the fiscal year beginning July 1, 1988, for the decision-making science institute and the economic development leadership program, which prepayment shall be repaid as the fiscal year beginning July 1, 1988, allocation to such institute or program becomes available. Of the amount appropriated for the fiscal year beginning July 1, 1989, forty thousand dollars shall be allocated to the state library within the department of cultural affairs for purposes of the patent depository library and three hundred sixty thousand dollars shall be allocated and used to establish a university and private industry research and development consortium at each of the state board of regents universities under chapter 262B. Of the three hundred sixty thousand dollars, one hundred twenty thousand dollars is allocated to each of the consortiums with eighty-five thousand dollars being appropriated to the department of economic development for providing staff and support to the marketing for the consortiums and thirty-five thousand dollars is allocated to each of the offices of vice president for research at the three board of regents institutions.

c. To the Iowa college aid commission for the purposes and under the conditions specified in section 99E.31, subsection 4, paragraph "b". For the fiscal year beginning July 1, 1987, no amount is appropriated. However, the funds transferred under paragraph "a" are available for use under this paragraph for the fiscal year beginning July 1, 1987. For the fiscal year beginning July 1, 1988, no amount is appropriated.

d. For the fiscal years beginning July 1, 1987 and ~~July 1, 1988~~ only, to the Iowa peace institute, the sum of two hundred fifty thousand dollars each fiscal year for salaries, support, and maintenance provided, and to the extent that, the appropriations are matched dollar for dollar by the Iowa peace institute. The peace institute shall not use any of the state funds for the construction or purchase of real property. For the fiscal year beginning July 1, 1988, the unobligated moneys left in the Iowa plan fund as a result of the appropriation made for the fiscal year beginning July 1, 1985, pursuant to section 99E.31, subsection 5, paragraphs "e" and "g", are appropriated for use under this paragraph. However, if the amount appropriated exceeds two hundred fifty thousand dollars the excess shall be reallocated under the account.

e. For the fiscal years beginning July 1, 1987, ~~July 1, 1988~~, and July 1, 1989 to the Iowa State University of science and technology, the sum of one hundred fifty thousand dollars for each fiscal year for allocation to the Iowa State University water resource research institute for a subsurface water and nutrient management system. This research shall concentrate its efforts on providing optimum soil water table level throughout the growing season, reduction of nitrates in Iowa's surface and subsurface waters, reduction of Iowa's dependency on subsurface water for irrigation, and increasing productivity of selected Iowa soils for selected crops. The Iowa State University water resource research institute shall administer the research funds and report to the general assembly by February 1 of each year, on the program's progress and results.

Sec. 7. Section 99E.32, subsection 5, paragraphs a, b, c, i, and j, Code Supplement 1987, are amended to read as follows:

a. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for each of the fiscal years beginning July 1, 1986, July 1, 1987, ~~July 1, 1988~~ and July 1, 1989 to the department of education the sum of one million dollars for the purposes and under the conditions specified in section 99E.31, subsection 5, paragraph "c".

b. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of public safety for the acquisition and interface with a fingerprint computer the sum of four hundred thousand dollars. There is established an automated fingerprint identification system (AFIS) computer committee. This committee shall have the authority to prepare and implement guidelines, rules, and regulations pertaining to the placement, use, and access to the AFIS computer and any remote terminal designed to interface with the main computer located at the department of public safety. The AFIS committee will be chosen for two-year terms with four sheriffs chosen by the Iowa state sheriffs and deputies association and four chiefs of police chosen by the Iowa police executive forum. The director of public safety, or the designee, will be chairperson of the AFIS committee.

After the initial committee is selected effective July 1, 1986, new members will serve staggered terms of two years. Beginning July 1, 1988, the Iowa state sheriffs and deputies association and the Iowa police executive forum will each choose two new members, who will make up the nine member AFIS committee. Thereafter, the staggered terms will take effect between the sheriffs' representatives and the police chiefs' representatives. Nothing herein shall limit the number of terms any one person may serve.

For the fiscal year beginning July 1, 1988, there is appropriated to the department of public safety the sum of two hundred fifty thousand dollars for the automated fingerprint identification system.

c. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal years beginning July 1, 1986, and July 1, 1987, and July 1, 1988, to the Iowa State University of science and technology for funding for the small business development centers the sum of seven hundred thousand dollars, and eight hundred twenty-five thousand dollars, and eight hundred twenty-five thousand dollars, respectively.

i. There is appropriated from the allotment to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1987 to the Iowa department of economic development the sum of two million dollars for the establishment of welcome centers as provided in sections 15.271 and 15.272. Of the amounts appropriated, sixty thousand dollars shall be used for the establishment of rural centers to be located in or near communities with populations of five thousand or less. Not more than twenty thousand dollars shall be expended for each center. The local communities are required to equally match state funds. Welcome centers and rural centers that have received moneys from the department under this paragraph are required to promote the region in which they are located and the state as a whole.

j. There is appropriated from the allotment to the jobs now capitals account under subsection 1 for construction, equipment, renovation, and other costs associated with buildings in the capitol complex the sum of two million seven hundred fifty thousand dollars for each of the fiscal years beginning July 1, 1987; July 1, 1988; and July 1, 1989 to the department of general services. Of the total funds appropriated, seven hundred fifty thousand dollars shall be utilized to pay costs of equipping the new historical building and the costs of moving exhibits into that building; and the remaining funds shall be used for renovation and remodeling of buildings in the capitol complex. Notwithstanding the amount otherwise appropriated and the purpose for which appropriated under this paragraph, for the fiscal year beginning July 1, 1988, there is appropriated one million five hundred thousand dollars to the department of general services for construction, equipment, renovation, and other costs associated with buildings in the capitol complex, of which two hundred thousand dollars is allocated for Terrace Hill, one hundred twenty-five thousand is allocated for planning and construction of a parking garage, five hundred thousand is allocated for the planning for legislative office space, and up to ten thousand dollars shall be used for the purchase of POW/MIA flags to be flown on all public buildings of public bodies that apply for the flags.

Sec. 8. Section 99E.32, subsection 5, Code Supplement 1987, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. m. There is appropriated from the allotment to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1988, to the department of public defense the sum of fifty thousand dollars for the planning for the construction of armories.

NEW LETTERED PARAGRAPH. n. There is appropriated from the allotment to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1988, to the Iowa department of economic development the sum of seven hundred ninety-three thousand dollars for contracting exclusively for advertising for in-state and out-of-state tourism, tourism marketing, and tourism promotion programs for electronic media and printed materials.

The department shall develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts and to the fullest extent possible, match on a dollar-for-dollar basis, contributions from other sources to fund the advertising contracts.

The amount appropriated under this lettered paragraph is in addition to any amounts appropriated under Senate File 2309, if enacted.

NEW LETTERED PARAGRAPH. o. There is appropriated from the allotment to the jobs now capitols account under subsection 1 for the fiscal year beginning July 1, 1988, to the Iowa department of economic development the sum of one million two hundred seven thousand dollars for contracting exclusively for marketing and advertising contracts for out-of-state national marketing programs for electronic media and printed materials.

The department shall develop public-private partnerships with Iowa businesses, Iowa business organizations, Iowa chambers of commerce, and political subdivisions in this state, to assist in the development of the marketing efforts and to the fullest extent possible, match on a dollar-for-dollar basis, contributions from other sources to fund the marketing contracts.

The amount appropriated under this lettered paragraph is in addition to any amounts appropriated under Senate File 2309, if enacted.

Sec. 9. NEW SECTION. 262B.1 TITLE.

This chapter shall be known and may be cited as the "University-Based Research and Economic Development Act".

Sec. 10. NEW SECTION. 262B.2 LEGISLATIVE INTENT.

It is the intent of the general assembly to provide support for mechanisms for encouraging the coordination of pure and applied research at the state board of regents institutions. The purpose is to maximize and promote the economic benefit which may derive from research. This is to be done by increased coordination with the Iowa department of economic development and encouragement of the transfer of research results to the private sector.

Sec. 11. NEW SECTION. 262B.3 ESTABLISHMENT OF CONSORTIUM.

The board of regents or the universities under its jurisdiction shall establish consortiums for the purpose of carrying out the intent of this chapter. The majority of consortium members shall be from the university community and the balance of members shall be from private industry. The members of the consortium shall be appointed by the president of the convening university and will serve at the pleasure of the president.

Sec. 12. NEW SECTION. 262B.4 DUTIES OF THE CONSORTIUM.

1. Each consortium shall assist the university in efforts to maximize the economic benefits outlined in section 262B.2. More specifically, it shall assist the university by making recommendations for:

a. The development of strategies and materials useful in marketing university resources to out-of-state firms interested in an Iowa site.

- b. Matching university resources with the needs of existing Iowa firms.
- c. Evaluation of university research for commercial potential.
- d. The development of a plan that will improve private sector access to the university and the transfer of technology from the university to the private sector.

2. In order to carry out its objectives the consortium shall perform, but is not limited to, the following tasks:

- a. Receive and review selected research synopses.
- b. Disseminate information on research activities of the university.
- c. Identify research needs of existing Iowa businesses and recommend ways in which the university can meet these needs.
- d. On a case-by-case basis, suggest business and financial tactics useful in realizing the commercial potential of university research projects.

Sec. 13. NEW SECTION. 262B.5 REGENTS AND DEPARTMENT OF ECONOMIC DEVELOPMENT.

The state board of regents and the Iowa department of economic development shall enter into an agreement under chapter 28E to coordinate and facilitate the activities of the consortiums. The state board of regents and the Iowa department of economic development shall report annually to the governor and the general assembly concerning the activities of the consortiums.

Sec. 14. 1988 Iowa Acts, Senate File 2312, section 54, subsection 9, paragraph d, is amended to read as follows:

d. To the department of corrections, the sum of one million three hundred thousand (1,300,000) dollars ~~to be retained by the department of revenue and finance and not paid to the department of corrections for the purposes of paragraph "c" upon the approval of the general assembly of the plans submitted pursuant to paragraph "c" but not to be used until the general assembly enacts legislation that provides for the specific expenditure of the moneys, and after consideration of the most recent information made available by the task force consultant.~~

ON THE PART OF THE HOUSE:

- EDWARD G. PARKER, Chair
- MIKE CONNOLLY
- RICHARD V. RUNNING
- CLIFFORD O. BRANSTAD
- WAYNE BENNETT

ON THE PART OF THE SENATE:

- LEONARD L. BOSWELL, Chair
- ALVIN V. MILER
- JOE J. WELSH
- DALE L. TIEDEN
- DAVID M. READINGER

The motion prevailed and the conference committee report 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?" (S.F. 2328)

The ayes were, 76:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Koenigs
Lundby	Maulsby	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Parker
Paulin	Pavich	Peterson, M. K.	Plasier
Poney	Renaud	Rosenberg	Running
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, 24:

Beaman	Brammer	Cooper	Corey
De Groot	Diemer	Eddie	Hanson, D. R.
Hermann	Knapp	Kremer	Lageschulte
Metcalf	Norrgard	Pellett	Peters
Petersen, D. F.	Platt	Renken	Royer
Schneklath	Stueland	Swearingen	Tyrrell

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

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 134

Arnould of Scott asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 134 as follows, and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 134
- 2 By Arnould and Stromer
- 3 A House Concurrent Resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved by the House of Representatives,*
- 6 *the Senate Concurring, That when adjournment is had*
- 7 *on Sunday, April 17, 1988, it shall be the final*
- 8 *adjournment of the second Session of the*
- 9 *Seventy-second General Assembly.*

The motion prevailed and the resolution was adopted.

**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 16, 1988, he approved and transmitted to the Secretary of State the following bill:

Senate File 2321, 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.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on April 15, 1988. Had I been present, I would have voted "aye" on House Files 2463, 2469 and Senate Files 2075, 2107, 2247 and 2333.

CONNOLLY of Dubuque

I was necessarily absent from the House chamber on April 14, 1988. Had I been present, I would have voted "aye" on House File 650.

HANSON of Delaware

I was necessarily absent from the House chamber on the weeks of March 7 and April 11 because of surgery.

LAGESCHULTE of Bremer

I was necessarily absent from the House chamber on Friday, April 15, 1988. Had I been present, I would have voted "aye" on House File 683 and Senate Files 2188 and 2321.

OLLIE of Clinton

I was necessarily absent from the House chamber on Friday afternoon, April 15, 1988. Had I been present, I would have voted "aye" on House File 2469 and Senate Files 2075, 2247 and 2333.

RUNNING of Linn

**PRESENTATION OF VISITORS**

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

Seventeen confirmation students from Janesville United Methodist Church, Janesville, accompanied by Fred Lewis. By Lageschulte of Bremer.

### 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

- |         |   |
|---------|---|
| 1988-51 | Jason Hinson, Mediapolis — Being named Iowa Farmer, the highest state Future Farmers of America degree.   |
| 1988-52 | City of Blockton — Celebrating its Centennial anniversary August 11 through 14, 1988.   |
| 1988-53 | City of Diagonal — Celebrating its Centennial anniversary July 2 through 4, 1988.   |
| 1988-54 | Grace United Methodist Church, Sioux City — For their "100 Years of Caring" to be celebrated in September, 1988.                                      |
| 1988-55 | Perry Mogler, Inwood — Acquiring the distinguished honor of "STAR FARMER" for 1988.   |
| 1988-56 | Bettendorf Middle School, Bettendorf — Receiving the 1987-88 Iowa FINE Programs Recognition Project award for "Child Advocate Program."               |
| 1988-57 | Bettendorf High School, Bettendorf — Receiving the 1987-88 Iowa FINE Programs Recognition Project award for "Bettendorf Schools Planetarium Program." |
| 1988-58 | Theodore A. Breuker, Rock Rapids — Receiving the Boy Scouts of America Eagle Scout Award.   |

### RESOLUTION FILED

**HCR 133**, by Doderer, a concurrent resolution relating to the establishment of an interim study committee to study the practice within the state of Iowa of discrimination on the basis of sex or marital status in the issuance or operation of any type of insurance policy, or plan, including establishment of appropriate risk classifications for setting rates and benefits.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—6528	H.C.R. 130	Maulsby of Calhoun
H—6529	H.C.R. 130	Maulsby of Calhoun
H—6536	H.C.R. 130	Royer of Page Harbor of Mills
H—6537	H.F. 2285	Senate Amendment



On motion by Arnould of Scott, the House stood at ease at 5:26 a.m., until the fall of the gavel.

The House resumed session, Speaker Avenson in the chair.

#### FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.g, the following motions to reconsider which remained on the House Calendar upon adjournment of the 1988 Regular Session of the Seventy-second General Assembly, will be considered to have **failed**:

By Svoboda of Tama to 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, filed on February 19, 1988. (Bill failed)

By Peterson of Carroll and Doderer of Johnson to House File 2356, a bill for an act relating to parental leaves of absence by employees of the state, filed on March 10, 1988, placing out of order amendment H—5538 filed by Sherzan of Polk on March 14, 1988.

By Skow of Guthrie to House File 2390, a bill for an act relating to grandparent visitation rights, filed on March 9, 1988.

By Gruhn of Dickinson to House File 2450, 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, filed on April 6, 1988, placing out of order amendment H—6445 filed by Doderer, et al., on April 13, 1988. (Bill failed)

By Van Camp of Scott to 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, filed on April 13, 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 April 17, 1988, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 134, a house concurrent resolution to provide for adjournment sine die.

Also: That the Senate has on April 17, 1988, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2263, a bill for an act 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.

JOHN F. DWYER, Secretary

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 17th day of April, 1988: House Files 102, 105, 185, 278, 382, 393, 395, 429, 431, 498, 529, 578, 613, 649, 650, 653, 665, 666, 678, 683, 2016, 2046, 2088, 2102, 2106, 2113, 2117, 2153, 2155, 2170, 2191, 2192, 2226, 2233, 2255, 2258, 2260, 2262, 2269, 2277, 2278, 2283, 2294, 2296, 2303, 2307, 2313, 2315, 2316, 2317, 2319, 2320, 2323, 2327, 2336, 2338, 2339, 2344, 2346, 2347, 2348, 2352, 2354, 2367, 2369, 2374, 2377, 2381, 2383, 2386, 2387, 2395, 2396, 2400, 2405, 2406, 2407, 2412, 2416, 2419, 2423, 2428, 2430, 2432, 2433, 2437, 2441, 2449, 2451, 2452, 2453, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2469, 2470, 2471, 2473, 2474, 2476 and 2477.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

**APPOINTMENT BY THE SPEAKER**

The Speaker announced the following appointment:

**LAW ENFORCEMENT ACADEMY COUNCIL**

Representative Michael Peterson . . . . . to a term expiring  
April 30, 1992

**COMMUNICATION RECEIVED**

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

## DEPARTMENT OF MANAGEMENT

The 1988 Annual Report of the Energy Fund Disbursement Council, pursuant to Chapter 93.11(3)(f), Code of Iowa.

## CERTIFICATES OF RECOGNITION

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

JOSEPH O'HERN  
Chief Clerk of the House

- |         |   |
|---------|---|
| 1988-59 | Hans and Fern Senn, Spirit Lake — Attaining fifty years of marriage.  |
| 1988-60 | Joe Aberson, Rock Valley — Attaining his 100th birthday.  |
| 1988-61 | Ben A. and Lucy Jo Colby, Rock Rapids — Having been named "Iowa Master Editor and Publisher" by the Iowa Newspaper Association. |
| 1988-62 | Phyllis Dettman, Farmersburg — The 1988 Iowa's Mother of the Year.  |
| 1988-63 | Jerry Van Wyk, Sheldon — Acquiring the Northwest Iowa State Star Agri-Business Award in Future Farmers of America.              |

## COMMITTEE TO NOTIFY THE GOVERNOR

Arnould of Scott moved that a committee of two be appointed to notify the Governor that the House was ready to adjourn in accordance with House Concurrent Resolution 134 duly adopted.

The motion prevailed and the Speaker appointed as such committee Connors of Polk and Harbor of Mills.

## COMMITTEE TO NOTIFY THE SENATE

Arnould of Scott moved that a committee of two be appointed to notify the Senate that the House was ready to adjourn in accordance with House Concurrent Resolution 134 duly adopted.

The motion prevailed and the Speaker appointed as such committee Buhr of Polk and Carpenter of Polk.

## COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

## REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

The report was received and the committee discharged.

## REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported it had performed its duty and the Governor had sent the following message:

### COMMUNICATION FROM THE GOVERNOR

OFFICE OF THE GOVERNOR  
State Capitol  
Des Moines, Iowa 50319

May 11, 1988

The Honorable Donald Avenson  
Speaker of the House  
State Capitol Building  
L O C A L

Dear Mr. Speaker:

During the 1988 session of the General Assembly, we faced important choices. For the most part, the Legislature made the right choices. However, some opportunities were missed. We made the choices to move this state forward, to focus our resources, to market our assets and improve our business climate, to diversify our economy and to build on our strengths. We worked together to pass an honest and balanced budget. There is no need to increase either the sales or income tax next year.

We enacted the best welfare reform program in the country to help welfare recipients move from dependence to self-sufficiency. Child care and medical care support, education, on-the-job training, job placement and employers' incentives will help people move from welfare into the workforce.

Transportation 2000 will focus our transportation resources to build a commercial highway network within reach of communities all over the state, to improve airports and rail lines and to construct recreational trails throughout our state.

Iowa's investment in economic development continues to provide economic diversity. This year we will be able to start effectively marketing our assets, telling the story of Iowa's opportunities and showing the nation why Iowa is a great place to visit, to invest, to build and to expand. We will continue our incentives to help new and growing businesses prosper.

Our economic development programs are planting seeds of opportunity. Some investments yield jobs today. Iowa is demonstrating a commitment to become the nation's leader in insurance industry by removing barriers. We plan to double the number of insurance jobs in Iowa by the year 2000. Other investments we are making, such as funding for agricultural research, provide opportunities for our young people to establish a home and a career here.

Iowa must continue to improve its business climate. Last year, Iowa led the nation in the percentage increase of new business starts and expansions. We must continue to foster that growth. We continued to cut unemployment compensation taxes on

employers. This year's budget avoids the kind of budget gimmickry that can cause tax increases in future years.

Unfortunately, this year we missed a chance to help new businesses attract capital for growth when the Legislature failed to pass my recommendation that Iowa should conform to federal security regulations.

Efficient management of government is crucial to keep taxes down and this year the Legislature gave the Executive Branch another means to control costs through the voluntary early retirement program. Through careful management, we have cut 1,500 state government jobs over the past two years without massive layoffs and without cutting necessary services to Iowans.

We insured that Iowa will continue to build on our strength in education, providing pilot projects to keep Iowa first in education reform. Action this year provided improved salaries for faculty at our regents universities. And the Legislature funded my recommendation to provide more tuition grants to help over 2,000 Iowa students get an education at our independent colleges and universities.

Public safety requires additional space to keep dangerous prisoners secure in our corrections system. Any time a person who has exhibited dangerous behavior is released, we take a risk. There is a clear need for additional space. We received authority for design, site selection, bidding and construction — but we cannot commence construction until the Legislature approves the site next year. I urge the Legislature to make that its first order of business when it reconvenes next January.

The best can be before us in Iowa. We offer a top education system, productive people who take pride in their work, a wholesome and attractive quality of life for young and old alike. And we are ready to tell the country about those assets.

Our sights are set on a new vision of Iowa. This year, we made choices to help our small towns grow, our cities thrive and our young people find the opportunities for their future.

Very truly yours,  
Terry E. Branstad  
Governor

The communication was received and the committee discharged.

### FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 134, duly adopted, the day of April 17, 1988 having arrived, the Speaker of the House of Representatives declared the 1988 Regular Session of the Seventy-second General Assembly adjourned sine die.

## AMENDMENTS FILED

Amendments filed during the Seventy-second General Assembly,  
1988 Session, not otherwise printed in the House Journal:

H—5001

- 1 Amend House Joint Resolution 3 as follows:
- 2 1. Page 1, line 34, by inserting after the figure
- 3 "1873;" the following: "Wyoming on March 3, 1978;"
- 4 2. Page 2, line 3, by striking the word "and".
- 5 3. Page 2, line 4, by inserting after the figure
- 6 "1986" the following: "; Montana on March 11, 1987;
- 7 Connecticut on May 13, 1987; and Wisconsin on June 30,
- 8 1987".

HARBOR of Mills

H—5005

- 1 Amend House File 2071 as follows:
- 2 1. Page 1, lines 1 and 2, by striking the words
- 3 "EARLY SCHOOL STARTS" and inserting the following:
- 4 "VIOLATIONS OF STATE LAW".
- 5 2. Page 1, by striking line 6 and inserting the
- 6 following: "is in willful violation of state law.
- 7 The department of education shall notify the
- 8 department of management when violations occur."
- 9 3. Title page, by striking lines 1 and 2 and in-
- 10 sserting the following: "An Act relating to reductions
- 11 in state aid payments for school districts who
- 12 willfully violate state law."

SWARTZ of Marshall

H—5009

- 1 Amend House File 2031 as follows:
- 2 1. Page 1, lines 18 and 19, by striking the words
- 3 "~~other than as a passenger,~~" and inserting the
- 4 following: ", other than as a passenger,".

SPEAR of Lee

H—5011

- 1 Amend House File 2031 as follows:
- 2 1. Page 9, by striking line 1 and inserting the
- 3 following: "~~temporarily~~ used within this state for
- 4 not more than twenty consecutive days."

SPEAR of Lee

H—5012

- 1 Amend House File 2031 as follows:
- 2 1. Page 16, line 22, by inserting after the word

- 3 "owners" the following: "or tenants".
- 4 2. Page 16, line 34, by inserting after the word
- 5 "owners" the following: "or tenants".
- 6 3. Page 17, line 8, by inserting after the word
- 7 "owners" the following: "or tenants".
- 8 4. Page 17, line 14, by inserting after the word
- 9 "owners" the following: "or tenants".

SPEAR of Lee

H-5017

- 1 Amend House File 2082 as follows:
- 2 1. Page 7, line 19, by inserting after the word
- 3 "data." the following: "It is the intent of the
- 4 general assembly that the maximum medical assistance
- 5 rate for intermediate care facilities be increased
- 6 incrementally over the next five fiscal years so that
- 7 by July 1, 1992, the maximum medical assistance rate
- 8 will equal the average charges of intermediate care
- 9 facilities participating in the medical assistance
- 10 program to private pay patients."

PAULIN of Plymouth  
 KREMER of Buchanan  
 HERMANN of Scott  
 PELLETT of Cass  
 GARMAN of Story  
 DE GROOT of Lyon  
 VAN CAMP of Scott  
 BEAMAN of Clarke  
 HARBOR of Mills  
 EDDIE of Buena Vista  
 SWEARINGEN of Keokuk  
 ROYER of Page  
 COREY of Louisa  
 SIEGRIST of Pottawattamie  
 METCALF of Polk

VAN MAANEN of Mahaska  
 HUMMEL of Benton  
 HESTER of Pottawattamie  
 MAULSBY of Calhoun  
 RENKEN of Grundy  
 MILLER of Cherokee  
 McKEAN of Jones  
 PETERSEN of Muscatine  
 MULLINS of Kossuth  
 PLASIER of Sioux  
 STUELAND of Clinton  
 SCHNEKLOTH of Scott  
 TYRRELL of Iowa  
 BRANSTAD of Winnebago  
 SHONING of Sioux  
 LAGESCHULTE of Bremer  
 HALVORSON of Clayton

H-5020

- 1 Amend House File 2031 as follows:
- 2 1. Page 5, line 21, by inserting after the word
- 3 "request" the following: "to a person injured in an
- 4 accident involving an all-terrain vehicle or
- 5 snowmobile.".

SPEAR of Lee

H-5022

- 1 Amend House File 2031 as follows:
- 2 1. Page 1, line 21, by adding after the word

- 3 "snowmobile" the following: "or all-terrain vehicle".
- 4 2. Page 1, line 25, by striking the word "every"  
5 and inserting the following: "every a".
- 6 3. Page 1, line 30, by striking the word "every"  
7 and inserting the following: "every a".
- 8 4. Page 2, by striking line 2 and inserting the  
9 following: "a qualified applicants applicant who are  
10 is twelve years of age or more."
- 11 5. Page 9, by striking line 1 and inserting the  
12 following: "temporarily and used within this state  
13 for not more than twenty consecutive days."
- 14 6. Page 9, line 21, by inserting after the word  
15 "or" the following: "any".
- 16 7. Page 10, by inserting after line 5 the  
17 following:  
18 "Sec. \_\_\_\_\_. Section 321G.9, subsection 4, paragraph  
19 d, Code 1987, is amended to read as follows:  
20 d. On the roadways of that portion of county  
21 highways designated by the county board of supervisors  
22 for ~~such~~ the use during a specified period. The  
23 county board of supervisors shall evaluate the traffic  
24 conditions on all county highways and designate  
25 roadways on which snowmobiles or all-terrain vehicles  
26 may be operated for the specified period without  
27 unduly interfering with or constituting an undue  
28 hazard to conventional motor vehicle traffic. Signs  
29 warning of the operation of snowmobiles or all-terrain  
30 vehicles on the roadway shall be placed and maintained  
31 on the portions of highway thus designated during the  
32 period specified for ~~such~~ the operation."
- 33 8. Page 10, line 26, by inserting after the word  
34 "parent" the following: "or guardian".
- 35 9. Page 10, line 27, by inserting after the word  
36 "parent" the following: "or guardian".
- 37 10. Page 11, by striking line 29 and inserting  
38 the following: "inspection of all-terrain vehicles  
39 and snowmobiles and the testing of snowmobile their".
- 40 11. Page 12, by striking line 9 and inserting the  
41 following: "It shall be lawful is unlawful for any a  
42 person to drive or operate any an".
- 43 12. Page 12, by striking line 11 and inserting  
44 the following:  
45 "7. In or on any a park or a fish and game areas  
46 area except on".
- 47 13. Page 12, line 17, by striking the word "such"  
48 and inserting the following: "such the".
- 49 14. Page 12, by striking lines 18 and 19 and  
50 inserting the following: "crossing after yielding to

**Page 2**

- 1 all oncoming traffic. The provisions of this This



2 subsection ~~shall~~ does not apply to ~~any a~~ law".

3 15. Page 12, line 27, by striking the word "any"  
4 and inserting the following: "~~any a~~".

5 16. Page 12, line 34, by striking the word "Any"  
6 and inserting the following: "~~Any An~~".

7 17. Page 13, by striking lines 3 through 5 and  
8 inserting the following: "registered all-terrain  
9 vehicle or snowmobile shall be entitled to ~~may~~ operate  
10 it for ten days immediately following the purchase,  
11 without having completed a transfer of registration.  
12 ~~Any A~~".

13 18. Page 13, line 33, by striking the words  
14 "shall be" and inserting the following: "~~shall be~~  
15 is".

16 19. Page 13, line 33, by striking the word "any"  
17 and inserting the following: "~~any a~~".

18 20. Page 13, line 34, by striking the word "any"  
19 and inserting the following: "~~any an~~".

20 21. Page 14, line 14, by striking the word "any"  
21 and inserting the following: "~~any a~~".

22 22. Page 14, line 28, by striking the word "any"  
23 and inserting the following: "~~any an~~".

24 23. Page 15, line 1, by striking the words "may  
25 not be used on any" and inserting the following: "~~may~~  
26 shall not be used on ~~any an~~".

27 24. Page 16, line 1, by striking the words "shall  
28 not be" and inserting the following: "~~shall is not~~  
29 be".

30 25. Page 16, line 7, by striking the word  
31 "Whenever" and inserting the following: "~~Whenever~~  
32 When".

33 26. Page 17, line 33, by striking the word  
34 "private" and inserting the following: "~~private~~  
35 nonpublic".

36 27. Page 19, by striking lines 27 and 28 and  
37 inserting the following:

38 "1. The provisions of this ~~This~~ chapter and other  
39 applicable laws of this state shall govern the  
40 operation, equipment."

41 28. Page 19, by striking line 32 and inserting  
42 the following: "~~nothing in this chapter shall be~~  
43 construed to ~~does not~~ prevent the".

44 29. Page 19, line 35, by striking the words  
45 "shall be" and inserting the following: "~~shall be~~  
46 are".

47 30. Page 20, by striking lines 1 and 2, and  
48 inserting the following: "only so long as they are  
49 not inconsistent with the provisions of this chapter  
50 or the rules and regulations adopted by the".

H—5024

1 Amend the Committee Amendment, H—5021, to House  
 2 File 102 as follows:  
 3 1. Page 1, by striking lines 13 through 15 and  
 4 inserting the following: “facility, or to an  
 5 employer, other than a hospital licensed pursuant to  
 6 chapter 135B, authorized to dispense prescription  
 7 drugs as defined in section 155A.3, subsection 28,  
 8 administering a polygraph examination to an employee  
 9 who has access to the prescription drugs, if the state  
 10 or political subdivision.”.

SHERZAN of Polk

H—5026

1 Amend House File 231 as follows:  
 2 1. Page 1, line 1, by striking the figure  
 3 “384.21” and inserting the following: “384.22A”.  
 4 2. Page 1, line 5, by striking the word “one” and  
 5 inserting the following: “five”.  
 6 3. Page 1, line 13, by striking the word “five”  
 7 and inserting the following: “fifteen”.  
 8 4. Page 1, line 23, by inserting after the figure  
 9 “384.26” the following: “or to any building  
 10 acquisition financed solely from federal funds”.

Committee on Local Government

H—5027

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 laws, ordinances, and  
 5 regulations”.

FULLER of Hardin

H—5028

1 Amend House File 2051 as follows:  
 2 1. Page 1, line 5, by inserting after the word  
 3 “work” the following: “or in the disposal, cleanup,  
 4 or handling of hazardous materials”.  
 5 2. Page 2, by striking lines 17 and 18 and  
 6 inserting the following:  
 7 “The division may contract for the providing of and  
 8 approve programs for the examination of applicants  
 9 for”.  
 10 3. Page 2, by inserting after line 34 the  
 11 following:  
 12 “The division shall issue the following classes of  
 13 licenses:

14 Class I—Universal license which includes all types  
15 of cranes and hoists, including all types of tower  
16 cranes.

17 Class II—Hydraulic crane license which is limited  
18 to all hydraulic cranes of over two-ton lifting  
19 capacity, regardless of mounting or means of mobility.

20 Class III—License which is limited to cranes  
21 involved with hazardous materials.”

22 4. Page 3, lines 7 and 8, by striking the words  
23 “take the licensing examination administered by the  
24 division” and inserting the following: “have a  
25 physical examination administered by a licensed  
26 medical practitioner”.

27 5. Page 3, by inserting after line 30 the  
28 following:

29 “A crane operator shall report to the division all  
30 personal injury and property damage accidents relating  
31 to the operation of the crane in excess of five  
32 hundred dollars.”

33 6. Page 4, by striking lines 21 and 22, and  
34 inserting the following:

35 “6. Operating a crane with a lifting capacity of  
36 two tons or less.”

37 7. Page 5, by striking line 1 and inserting the  
38 following: “chapter until six months following the  
39 enactment of this chapter and the adoption of rules  
40 for its implementation. In adopting rules for this  
41 chapter the division shall specify in the rules the  
42 date licenses are required under this chapter.”

43 8. Page 5, line 6, by striking the words and  
44 figures “January 1, 1989,” and inserting the  
45 following: “the date specified pursuant to subsection  
46 1 for when licenses are required under this chapter”.

47 9. Page 5, by inserting after line 7 the  
48 following:

49 “\_\_\_\_\_. A person who has five or more years of crane  
50 operating experience is entitled to a license upon

## Page 2

1 successfully completing the written portion of the  
2 examination and pays the application, examination, and  
3 licensing fees. Such person must apply for a license  
4 within a five-year period following the date specified  
5 pursuant to subsection 1 for when licenses are  
6 required under this chapter.”

7 10. Page 5, by inserting after line 11 the  
8 following:

9 “Sec. \_\_\_\_\_. NEW SECTION. 90.12 RECIPROCITY  
10 AGREEMENTS.”

11 The division may enter into reciprocity agreements  
12 with other states which have similar licensing

13 requirements for the purpose of recognizing the  
14 licenses issued by the states that are parties to the  
15 agreement."

RUNNING of Linn

H-5032

1 Amend Senate File 2037 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 17 and 18.  
4 2. Page 2, by striking lines 2 through 6.  
5 3. Renumber sections and correct internal  
6 references as necessary in accordance with this  
7 amendment.

Committee on Appropriations

H-5034

1 Amend House File 2071 as follows:  
2 1. Page 1, by striking line 4 and inserting the  
3 following: "fiscal year shall be reduced for".  
4 2. Page 1, line 6, by inserting after the figure  
5 "1" the following: "by the following amount based  
6 upon the school district's basic enrollment for the  
7 budget year for that fiscal year:  
8 1. For a district with a basic enrollment of fewer  
9 than two hundred fifty, by one hundred dollars.  
10 2. For a district with a basic enrollment between  
11 two hundred fifty and three hundred ninety-nine, by  
12 two hundred dollars.  
13 3. For a district with a basic enrollment between  
14 four hundred and five hundred ninety-nine, by three  
15 hundred dollars.  
16 4. For a district with a basic enrollment between  
17 six hundred and nine hundred ninety-nine, by four  
18 hundred dollars.  
19 5. For a district with a basic enrollment between  
20 one thousand and two thousand four hundred ninety-  
21 nine, by five hundred dollars.  
22 6. For a district with a basic enrollment between  
23 two thousand five hundred and seven thousand four  
24 hundred ninety-nine, by six hundred dollars.  
25 7. For a district with a basic enrollment of seven  
26 thousand five hundred or more, by seven hundred  
27 dollars".

McKEAN of Jones

H-5037

1 Amend House File 313 as follows:  
2 1. Page 1, by striking lines 10 through 22 and  
3 inserting the following:

4 "Sec. \_\_\_\_\_. Section 535.3, Code Supplement 1987, is  
 5 amended to read as follows:  
 6 535.3 INTEREST ON JUDGMENTS AND DECREES.  
 7 Interest shall be is allowed on all money due on  
 8 judgments and decrees of courts at the rate of ten  
 9 percent per year, unless a different rate is fixed by  
 10 the contract on which the judgment or decree is  
 11 rendered, in which case the judgment or decree shall  
 12 draw interest at the rate expressed in the contract,  
 13 not exceeding the maximum applicable rate permitted by  
 14 ~~the provisions of section 535.2, which rate must be~~  
 15 ~~expressed in the judgment or decree. The interest~~  
 16 ~~shall accrue from the date of the commencement of the~~  
 17 ~~action judgment or decree.~~  
 18 This section does not apply to the award of  
 19 interest for judgments and decrees subject to section  
 20 668.13."

21 2. Page 2, by inserting after line 9 the  
 22 following:

23 "Sec. \_\_\_\_\_. Section 668.13, subsection 1, Code  
 24 Supplement 1987, is amended to read as follows:

25 1. Interest, ~~except interest awarded for future~~  
 26 ~~damages,~~ shall accrue from the date of the  
 27 ~~commencement of the action~~ entry of judgment or  
 28 decree.

29 Sec. \_\_\_\_\_. Section 668.13, subsection 4, Code  
 30 Supplement 1987, is amended by striking the  
 31 subsection."

32 3. Renumber as necessary.

HALVORSON of Clayton

H-5039

1 Amend House File 2107 as follows:  
 2 1. Page 5, line 27, by striking the word  
 3 "noneligible".

HARBOR of Mills

H-5040

1 Amend House File 231 as follows:  
 2 1. Page 1, line 13, by striking the word "five"  
 3 and inserting the following: "ten".  
 4 2. Page 1, line 14, by striking the words "at the  
 5 preceding regular city" and inserting the following:  
 6 "for the office of president of the United States at  
 7 the preceding general".

PAULIN of Plymouth

H-5044

1 Amend House File 231 as follows:  
 2 1. Page 1, line 18, by inserting after the word

3 "council." the following: "However, if a valid  
 4 petition is received by the city council within sixty  
 5 days but not fewer than thirty-one days before the  
 6 next regular city election, the city council shall  
 7 hold the special election at the time of the next  
 8 regular city election."

SHONING of Woodbury

H—5049

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 the first  
 9 day of September last Monday in August and shall  
 10 continue for at least one hundred eighty days, except  
 11 as provided in subsection 3, and may be maintained  
 12 during the entire calendar year. A school corporation  
 13 may begin employment of personnel for in-service  
 14 training and development purposes before the date to  
 15 begin elementary and secondary school.

16 4. The director of the department of education may  
 17 grant a request made by a board of directors of a  
 18 school district stating its desire to commence classes  
 19 for regularly established elementary and secondary  
 20 schools before the first day of September prior to the  
 21 starting date specified in subsection 1. A request  
 22 shall be based upon the determination that a starting  
 23 date on or after the first day of September starting  
 24 date specified in subsection 1 would have a  
 25 significant negative educational impact.

26 Sec. 2. Section 299.1, unnumbered paragraph 1,  
 27 Code 1987, is amended to read as follows:

28 A person having control of a child over seven and  
 29 under sixteen years of age, in proper physical and  
 30 mental condition to attend school, shall cause the  
 31 child to attend some public school for at least one  
 32 hundred twenty days in each school year, commencing no  
 33 sooner than the first day of September last Monday in  
 34 August, unless the board of school directors  
 35 establishes a later date, which date shall not be  
 36 later than the first Monday in December."

37 2. Title page, by striking lines 1 and 2 and  
 38 inserting the following: "An Act relating to the  
 39 starting date for schools, including changing the  
 40 starting date and establishing a penalty for  
 41 noncompliance."

SVOBODA of Tama

H-5053

- 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. 120. 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 of property held by the taxpayer for five
- 10 years or more as computed in section 1202 of the
- 11 Internal Revenue Code in effect for tax years
- 12 beginning in the 1986 calendar year. For purposes of
- 13 this subsection, property previously held by the
- 14 taxpayer's spouse is considered held by the taxpayer."
- 15 2. Page 21, line 25, by striking the word and
- 16 figures: "21, 23 through 29" and inserting the
- 17 following: "29, 120".
- 18 3. Page 21, by striking line 28 and inserting the
- 19 following:
- 20 "Sec. \_\_\_\_\_. Section 30 of this Act is".
- 21 4. Page 22, line 1, by inserting before the word
- 22 "limiting" the following: "allowing a capital gains
- 23 deduction for property held for at least five years,".

SCHNEKLOTH of Scott  
CARPENTER of Polk

H-5054

- 1 Amend House File 231 as follows:
- 2 1. Page 1, line 7, by striking the word "forty-
- 3 five" and inserting the following: "thirty".
- 4 2. Page 1, line 16, by striking the word "forty-
- 5 five" and inserting the following: "thirty".

PETERSEN of Muscatine

H-5055

- 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 11, lines 39 and 40, by striking the
- 5 words "two hundred thirty" and inserting the
- 6 following: "five hundred".
- 7 2. Page 11, line 42, by striking the word
- 8 "thirty" and inserting the following: "three
- 9 hundred".
- 10 3. Page 21, line 25, by striking the word and
- 11 figures "15 through 21" and inserting the following:
- 12 "15, 16, 17, 19, 20, 21".
- 13 4. Page 21, line 28, by inserting after the word

- 14 "Sections" the following: "18,"  
 15 5. Page 22, line 2, by inserting after the word  
 16 "pensions," the following: "increasing the standard  
 17 deduction,".

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

H—5064

- 1 Amend House File 231 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. NEW SECTION. 331.308 REFERENDUM ON  
 5 NEW BUILDINGS.  
 6 If a county proposes to acquire a new building by  
 7 construction, purchase, or lease-purchase and the cost  
 8 of the proposal exceeds one million dollars, the  
 9 proposal to acquire the new building is subject to  
 10 voter approval if, within forty-five days after the  
 11 date of the meeting at which the board of supervisors  
 12 took final action to acquire the new building, a  
 13 petition of the eligible electors of the county  
 14 requests the proposal to be submitted for the approval  
 15 of the county electorate. The petition must meet the  
 16 requirements of section 331.306 except that the  
 17 petition is valid if signed by eligible electors of  
 18 the county equal in number to five percent of the  
 19 persons who voted at the preceding general election  
 20 for the office of president of the United States or  
 21 governor. If the petition requirements are met within  
 22 the forty-five days, the new building acquisition  
 23 proposal shall be submitted to the electorate at a  
 24 special election called for that purpose by the board  
 25 of supervisors. If a majority of the votes cast at  
 26 the election favor the acquisition of the new  
 27 building, the county may proceed with the acquisition  
 28 proposal.  
 29 This section does not apply to a building  
 30 acquisition proposal financed by general obligation  
 31 bonds approved as provided in section 331.442."  
 32 2. Amend the title page, line 2, by inserting  
 33 after the word "city" the following: "or county".  
 34 3. By renumbering sections as necessary.

VAN CAMP of Scott  
 HANSEN of Woodbury  
 SCHNEKLOTH of Scott



H-5070

- 1 Amend House File 231 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "city" the following: "of at least one hundred
- 4 thousand population."
- 5 2. Page 1, line 13, by striking the word "five"
- 6 and inserting the following: "twenty-five".

EDDIE of Buena Vista

H-5077

- 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.
- 19 c. If a property tax levy is selected under para-
- 20 graph "a", the levy shall be certified for not more
- 21 than three consecutive years.
- 22 d. If a combination of an enrichment property tax
- 23 and a school district income surtax is selected, the
- 24 amount of tax revenue raised shall not exceed the
- 25 actual cost of the asbestos project or the maximum
- 26 amount which may be raised by the levy of the combina-
- 27 tion of the taxes for the three school years, as de-
- 28 termined under section 442.14, subsections 3 and 4,
- 29 whichever amount is less.
- 30 3. 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 pro-
- 33 vided by law."

SWARTZ of Marshall

H-5081

- 1 Amend Senate File 2094, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, by inserting after line 17 the follow-

- 4 ing: "This subsection is stricken on July 1, 1992."  
 5 2. Page 3, line 29, by inserting after the word  
 6 "community." the following: "This subsection is  
 7 stricken on July 1, 1992."  
 8 3. Page 3, by inserting after line 35 the follow-  
 9 ing: "This subsection is stricken on July 1, 1992."  
 10 4. Page 4, line 26, by inserting after the word  
 11 "parents." the following: "This subsection is  
 12 stricken on July 1, 1992."

SPEAR of Lee

H-5087

- 1 Amend amendment, H-5044, to House File 231 as  
 2 follows:  
 3 1. Page 1, line 5, by striking the word "thirty-  
 4 one" and inserting the following: "forty-seven".

SHONING of Woodbury

H-5094

- 1 Amend Senate File 2094, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 3, by inserting after line 17 the follow-  
 4 ing:  
 5 "This subsection is stricken on July 1, 1992."  
 6 2. Page 3, by inserting after line 29 the  
 7 following:  
 8 "This subsection is stricken on July 1, 1992."  
 9 3. Page 3, by inserting after line 35 the follow-  
 10 ing:  
 11 "This subsection is stricken on July 1, 1992."  
 12 4. Page 4, by inserting after line 35 the  
 13 following:  
 14 "This subsection is stricken on July 1, 1992."

SPEAR of Lee

H-5104

- 1 Amend House File 2239 as follows:  
 2 1. Page 2, line 11, by striking the word and  
 3 figures "November 1, 1988" and inserting the  
 4 following: "May 1, 1989".  
 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."  
 8 3. Page 7, line 22, by inserting after the word  
 9 "expertise" the following: ", and two representatives  
 10 from the petroleum industry, all".  
 11 4. Page 9, line 28, by inserting after the word  
 12 "board" the following: ", except that the fee may not  
 13 be imposed except during the months of June through

14 August”.

15 5. Page 10, by inserting after line 29, the  
16 following: “The maximum annual payment to the  
17 administrator for fund administration may not exceed  
18 two percent of fund revenues.”

VAN CAMP of Scott

H—5106

1 Amend House File 2239 as follows:  
2 1. Page 9, line 24, by striking the word “five”  
3 and inserting the following: “two”.

PETERSEN of Muscatine

H—5107

1 Amend House File 2239 as follows:  
2 1. Page 11, line 8, by inserting after the figure  
3 “6.” the following: “Except that the fund shall not  
4 disburse moneys to compensate an individual third  
5 party for a single occurrence more than two hundred  
6 fifty thousand dollars.”

PETERSEN of Muscatine

H—5109

1 Amend the amendment, H—5096, to Senate File 2094,  
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 4, by inserting after line 20 the  
7 following:  
8 “However, the state department of education shall  
9 waive the human growth and development instruction  
10 requirement in section 256.11 and this subsection,  
11 upon the request of the authorities in charge of an  
12 accredited nonpublic school, if the authorities prove  
13 that a certificated teacher was employed and assigned  
14 a schedule that would have allowed the eligible  
15 students to receive the instruction and the parents or  
16 guardians of all eligible students filed written  
17 requests that their children be excused from the  
18 instruction.””

SPEAR of Lee

H—5110

1 Amend House File 2239 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, by inserting after line 29, the  
24 following:

25 "Sec. \_\_\_\_\_. Section 455B.477, Code 1987, is  
26 amended by adding the following new subsection:  
27 NEW SUBSECTION. 7. The penalty for intentional  
28 failure of an owner or operator to register a  
29 petroleum underground storage tank under section  
30 455B.473 shall be a minimum of seven thousand five  
31 hundred dollars up to a maximum of ten thousand  
32 dollars after October 1, 1989."

33 3. Page 2, line 34, by inserting after the word  
34 "annually" the following: ", beginning July 1,  
35 1989,".

PAULIN of Plymouth

H-5117

1 Amend House File 2239 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 more than two hundred fifty thousand  
9 dollars."

PETERSEN of Muscatine

H-5118

1 Amend House File 2239 as follows:

2 1. Page 3, line 16, by striking the word "twenty"  
3 and inserting the following: "ten".

HUMMEL of Benton

H-5124

1 Amend Senate File 2060 as passed by the Senate as  
2 follows:

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

5 "Sec. 3. Section 96.7, subsection 12, paragraph a,  
6 Code Supplement 1987, is amended to read as follows:  
7 a. An employer other than a governmental entity or  
8 a nonprofit organization, subject to this chapter,  
9 shall pay an administrative contribution surcharge  
10 equal in amount to ~~one-tenth~~ six-hundredths of one  
11 percent of federal taxable wages, as defined in  
12 section 96.19, subsection 20, paragraph "b". The  
13 division shall recompute the amount as a percentage of  
14 taxable wages, as defined in section 96.19, subsection  
15 20, and shall add the percentage surcharge to the  
16 employer's contribution rate determined under this  
17 section. The division shall adopt rules prescribing  
18 the manner in which the surcharge will be collected.  
19 Interest shall accrue on all unpaid surcharges under  
20 this subsection at the same rate as on regular  
21 contributions and shall be collectible in the same  
22 manner."

23 2. By renumbering as required.

COREY of Louisa

H-5125

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,".

CORBETT of Linn

H-5128

1 Amend Senate File 2060, as passed by the Senate, as  
2 follows:

3 1. Page 1, lines 9 and 10, by striking the words  
4 "immediately preceding the computation date" and  
5 inserting the following: "immediately preceding the  
6 computation date".

CARPENTER of Polk  
OLLIE of Clinton

H-5130

- 1 Amend House File 2046 as follows:  
 2 1. Page 1, line 11, by striking the words "Not  
 3 more than five" and inserting the following: "~~Not Of~~  
 4 the eight members with six-year terms, not more than  
 5 five four".

SPEAR of Lee

H-5133

- 1 Amend House File 2107 as follows:  
 2 1. Page 4, by inserting after line 10, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 9A.6A RESIDENT AGENT  
 5 REQUIRED.  
 6 A person registered under this chapter as an  
 7 athlete agent who is not a resident of this state, or  
 8 does not have a principal place of business in this  
 9 state, shall not engage in any activity as an athlete  
 10 agent in this state unless that person has entered  
 11 into an agreement with a person who is a resident of  
 12 this state or whose principal place of business is in  
 13 this state, and who is registered under this chapter  
 14 as an athlete agent, to act on behalf of the  
 15 nonresident athlete agent. The agreement shall  
 16 provide that the resident athlete agent shall act as  
 17 attorney in fact, on whom all process in any action  
 18 involving the nonresident athlete agent may be served,  
 19 as well as any other duties as negotiated by the  
 20 nonresident and resident athlete agent. The agreement  
 21 shall be filed with the secretary of state and shall  
 22 include the name and address of the resident athlete  
 23 agent."

HARBOR of Mills

H-5135

- 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 to pay the actual cost of the  
22 asbestos project. The amount of tax revenue raised  
23 under this subsection shall not exceed the actual cost  
24 of the asbestos project or the maximum amount which  
25 may be raised by the levy of the combination of the  
26 taxes for the three school years, as determined under  
27 section 442.14, subsections 3 and 4, whichever amount  
28 is less.

29 4. The taxes certified for levy under this section  
30 are in addition to any other taxes or additional  
31 enrichment amount raised for other programs as  
32 provided by law."

LAGESCHULTE of Bremer

H-5137

1 Amend House File 2155 as follows:

- 2 1. Page 1, line 21, by striking the word
- 3 "removal" and inserting the following: "removal".
- 4 2. Page 1, line 26, by striking the word
- 5 "removal" and inserting the following: "removal".
- 6 3. Page 2, line 5, by striking the word "removal"
- 7 and inserting the following: "removal".
- 8 4. Page 2, line 6, by striking the words "of the
- 9 asbestos" and inserting the following: "of the
- 10 asbestos project".
- 11 5. Page 2, line 15, by striking the word
- 12 "removal" and inserting the following: "removal".
- 13 6. Page 2, line 24, by striking the word
- 14 "removal" and inserting the following: "removal".

CARPENTER of Polk  
STROMER of Hancock

H-5138

1 Amend H-5115 to House File 2155 as follows:

- 2 1. Page 1, line 12, by inserting after the word
- 3 "project" the following: "but not including any cost
- 4 for encapsulation".
- 5 2. Page 1, line 15, by inserting after the word
- 6 "project" the following: "but not including any cost
- 7 for encapsulation".
- 8 3. Page 1, line 26, by inserting after the word
- 9 "project" the following: "but not including any cost
- 10 for encapsulation,".

SWARTZ of Marshall

H-5140

- 1 Amend House File 2285 as follows:  
 2 1. Page 3, by inserting after line 18 the  
 3 following:  
 4 "Sec. 40. Section 421.27, Code 1987, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 6. In the case of the sales,  
 7 services, and use taxes, the taxpayer purchased or  
 8 leased tangible personal property or services from an  
 9 out-of-state retailer who failed to collect the tax  
 10 and the taxpayer pays the tax owed within ten days of  
 11 notification by the department of the amount of tax  
 12 and interest owing."  
 13 2. Page 13, by inserting after line 1 the  
 14 following:  
 15 "Sec. \_\_\_\_\_. Section 40 of this Act applies to taxes  
 16 due and payable on or after July 1, 1988.

HALVORSON of Clayton

H-5141

- 1 Amend House File 2258 as follows:  
 2 1. Page 1, line 4, by inserting after the word  
 3 "highway." the following: "However, the term  
 4 "trespass" does apply to hunting, fishing, or trapping  
 5 within either half of the right-of-way of a public  
 6 road or highway if the property adjoining that half of  
 7 the right-of-way is posted to prohibit hunting,  
 8 fishing, or trapping."

BENNETT of Ida

H-5142

- 1 Amend the Amendment H-5124 to Senate File 2060 as  
 2 passed by the Senate as follows:  
 3 1. Page 1, line 10, by striking the word "six-  
 4 hundredths" and inserting the word "four-hundredths".  
 5 2. Page 1, line 11, by striking the word  
 6 "federal" and inserting the following: "federal  
 7 state".

COREY of Louisa

H-5156

- 1 Amend amendment, H-5150, to House File 2294 as  
 2 follows:  
 3 1. Page 1, line 9, by inserting after the word  
 4 "minor" the following: ", or other responsible  
 5 adult,".

HAMMOND of Story



H—5157

1 Amend Senate File 2023, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 5, line 26, by inserting after the word  
 4 “person” the following: “or to the property owner or  
 5 tenant when the all-terrain vehicle or snowmobile is  
 6 being operated on private property without permission  
 7 from the property owner or tenant”.

SPEAR of Lee

H—5158

1 Amend Senate File 2023, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 17, line 24, by inserting after the words  
 4 “in the” the following: “lawful and”.

SPEAR of Lee

H—5159

1 Amend Senate File 2023, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 13, line 34, by inserting after the word  
 4 “any” the following: “peace”.

SPEAR of Lee

H—5161

1 Amend Senate File 2023, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 12, line 34, by inserting after the word  
 4 “for” the following: “and a space for the date of  
 5 purchase”.

SPEAR of Lee

H—5162

1 Amend Senate File 2023, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 2, line 22, by inserting after the word  
 4 “resources” the following: “or habitat”.

SPEAR of Lee

H—5165

1 Amend Senate File 312 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 2, by inserting after line 17 the  
 4 following:  
 5 “Sec. \_\_\_\_\_. Section 422.43, subsection 11, Code  
 6 Supplement 1987, is amended to read as follows:  
 7 11. The following enumerated services are subject

8 to the tax imposed on gross taxable services:  
 9 Alteration and garment repair; armored car; automobile  
 10 repair; battery, tire and allied; investment  
 11 counseling; service charges of all financial  
 12 institutions; barber and beauty; boat repair; car wash  
 13 and wax; carpentry; roof, shingle, and glass repair;  
 14 dance schools and dance studios; dry cleaning,  
 15 pressing, dyeing, and laundering; electrical and  
 16 electronic repair and installation; rental of tangible  
 17 personal property, except mobile homes which are  
 18 tangible personal property; rental of billboard space,  
 19 excavating and grading; farm implement repair of all  
 20 kinds; flying service; furniture, rug, upholstery  
 21 repair and cleaning; fur storage and repair; golf and  
 22 country clubs and all commercial recreation; house and  
 23 building moving; household appliance, television, and  
 24 radio repair; jewelry and watch repair; machine  
 25 operator; machine repair of all kinds; motor repair;  
 26 motorcycle, scooter, and bicycle repair; oilers and  
 27 lubricators; office and business machine repair;  
 28 painting, papering, and interior decorating; parking  
 29 facilities; pipe fitting and plumbing; wood  
 30 preparation; licensed executive search agencies;  
 31 private employment agencies, excluding services for  
 32 placing a person in employment where the principal  
 33 place of employment of that person is to be located  
 34 outside of the state; sewing and stitching; shoe  
 35 repair and shoeshine; storage warehousing of raw  
 36 agricultural products; telephone answering service;  
 37 test laboratories, except tests on humans; termite,  
 38 bug, roach, and pest eradicators; tin and sheet metal  
 39 repair; turkish baths, massage, and reducing salons;  
 40 weighing; welding; well drilling; wrapping, packing,  
 41 and packaging of merchandise other than processed  
 42 meat, fish, fowl and vegetables; wrecking service;  
 43 wrecker and towing; cable television; campgrounds;  
 44 carpet and upholstery cleaning; gun and camera repair;  
 45 janitorial and building maintenance or cleaning; lawn  
 46 care, landscaping and tree trimming and removal; pet  
 47 grooming; reflexology; security and detective  
 48 services; tanning beds or salons; and water  
 49 conditioning and softening.  
 50 For purposes of this subsection, gross taxable

**Page 2**

1 services from rental includes rents, royalties, and  
 2 copyright and license fees. For purposes of this  
 3 subsection, "financial institutions" means all  
 4 national banks, federally chartered savings and loan  
 5 associations, federally chartered savings banks,  
 6 federally chartered credit unions, banks organized

7 under chapter 524, savings and loan associations and  
 8 savings banks organized under chapter 534, and credit  
 9 unions organized under chapter 533.”  
 10 2. Title page, line 3, by inserting after the  
 11 word “devices” the following: “and imposing the state  
 12 sales, services, and use taxes on the rental of  
 13 certain advertising devices”.

CHAPMAN of Linn

H—5167

1 Amend Senate File 2023, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 5, line 21, by inserting after the word  
 4 “request” the following: “, to a person injured in an  
 5 accident involving an all-terrain vehicle or  
 6 snowmobile,”.

SPEAR of Lee

H—5168

1 Amend Senate File 2023, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 16, line 22, by inserting after the word  
 4 “owners” the following: “or tenants”.  
 5 2. Page 16, line 34, by inserting after the word  
 6 “owners” the following: “or tenants”.  
 7 3. Page 17, line 8, by inserting after the word  
 8 “owners” the following: “or tenants”.  
 9 4. Page 17, line 14, by inserting after the word  
 10 “owners” the following: “or tenants”.

SPEAR of Lee

H—5169

1 Amend Senate File 2023, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 9, by striking line 1 and inserting the  
 4 following: “temporarily used within this state for  
 5 not more than twenty consecutive days.”

SPEAR of Lee

H—5176

1 Amend Senate File 2023, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, lines 18 and 19, by striking the words  
 4 “, other than as a passenger,” and inserting the  
 5 following: “, other than as a passenger,”.

SPEAR of Lee

H-5177

1 Amend House File 677 as follows:

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

4 "Section 1. Section 307A.2, Code 1987, is amended  
5 by adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. The commission shall  
7 identify, within the primary road system, a network of  
8 commercial and industrial highways. The improvement  
9 of this network shall be considered in the development  
10 of the long-range program and plan of improvements  
11 under this section.

12 Sec. 2. Section 312.1, Code 1987, is amended by  
13 adding the following new unnumbered paragraph:  
14 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
15 453.7, subsection 2, interest or earnings on  
16 investments or time deposits of the moneys in the road  
17 use tax fund and the funds to which moneys from the  
18 road use tax fund are credited shall be credited to  
19 the respective funds which generated the interest or  
20 earnings.

21 Sec. 3. Section 312.2, subsection 17, Code  
22 Supplement 1987, is amended to read as follows:

23 17. The treasurer of state, before making the  
24 allotments provided for in this section, shall credit  
25 monthly from the road use tax fund to the public  
26 transit assistance fund, created under section 601J.6,  
27 an amount equal to ~~one fortieth~~ one twentieth of the  
28 revenue credited to the road use tax fund under  
29 section 423.24, subsection 1, paragraph "b".

30 Sec. 4. Section 312.2, Code Supplement 1987, is  
31 amended by adding the following new subsection:

32 NEW SUBSECTION. 20. The treasurer of state,  
33 before making the allotments provided for in this  
34 section, shall credit annually from the road use tax  
35 fund to the state department of transportation the sum  
36 of one million dollars from the revenue credited to  
37 the road use tax fund under section 423.24, subsection  
38 1, paragraph "b", for the purpose of acquiring,  
39 constructing, and improving recreational trails within  
40 the state. Unobligated portions of this allotment  
41 shall remain available to the state department of  
42 transportation and shall not revert to the road use  
43 tax fund. The state department of transportation  
44 shall adopt rules under chapter 17A to establish  
45 procedures for the expenditure of the funds allotted  
46 under this subsection.

47 Sec. 5. Section 313.4, Code 1987, is amended by  
48 adding the following new subsection:

49 NEW SUBSECTION. 5. During the fiscal year  
50 beginning July 1, 1990, and ending June 30, 1991, and

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1 each subsequent fiscal year, the department shall  
 2 spend from the primary road fund an amount of not less  
 3 than thirty million dollars for the network of  
 4 commercial and industrial highways.

5 Sec. 6. Section 313.8, Code 1987, is amended to  
 6 read as follows:

7 **313.8 IMPROVEMENT OF PRIMARY SYSTEM.**

8 The department shall proceed to the improvement of  
 9 the primary road system as rapidly as funds become  
 10 available therefor until the entire mileage of the  
 11 primary road system is built to established grade,  
 12 bridged and surfaced with pavement or other surface  
 13 suited to the traffic on such road. Improvements  
 14 shall be made and carried out in such manner as to  
 15 equalize the condition of the primary roads and  
 16 accessibility for commercial and industrial economic  
 17 development purposes, as nearly as possible, in all  
 18 sections of the state.

19 Sec. 7. Section 315.3, Code 1987, is amended by  
 20 adding the following new subsection:

21 NEW SUBSECTION. 3. The state transportation  
 22 commission may authorize the temporary transfer of  
 23 funds between the department's share of the RISE fund  
 24 under section 315.4 and the primary road fund in an  
 25 amount not to exceed forty million dollars at one  
 26 time. Transferred funds shall be repaid not later  
 27 than July 1, 1993. The commission shall manage the  
 28 RISE fund to ensure that funds will be available to  
 29 meet contract obligations on approved RISE projects.

30 Sec. 8. Section 321.122, subsection 1, paragraph  
 31 a, Code 1987, is amended to read as follows:

32 a. For a combined gross weight of three tons or  
 33 less ~~forty-five~~ sixty-five dollars and a vehicle which  
 34 is more than ten model years old ~~thirty-five~~ fifty-  
 35 five dollars.

36 Sec. 9. Section 321.122, subsection 1, paragraph  
 37 b, Code 1987, is amended to read as follows:

38 b. For a combined gross weight exceeding three  
 39 tons, the annual registration fee shall be as set  
 40 forth in the following schedule:

41 For a combined gross	42 And not	43 The annual
44 weight exceeding:	45 exceeding:	46 registration fee
		47 shall be:
48 3 Tons .....	49 4 Tons .....	50 \$ 60
		80
46 4 Tons .....	47 5 Tons .....	\$ 70
		90
48 5 Tons .....	49 6 Tons .....	\$ 85
		105
50 6 Tons .....	7 Tons .....	\$ 110

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1					130
2	7 Tons	.....	8 Tons	.....	\$ 145
3					165
4	8 Tons	.....	9 Tons	.....	\$ 180
5					200
6	9 Tons	.....	10 Tons	.....	\$ 215
7					235
8	10 Tons	.....	11 Tons	.....	\$ 260
9					270
10	11 Tons	.....	12 Tons	.....	\$ 285
11					305
12	12 Tons	.....	13 Tons	.....	\$ 320
13					340
14	13 Tons	.....	14 Tons	.....	\$ 355
15					375
16	14 Tons	.....	15 Tons	.....	\$ 445
17	15 Tons	.....	16 Tons	.....	\$ 485
18	16 Tons	.....	17 Tons	.....	\$ 525
19	17 Tons	.....	18 Tons	.....	\$ 565
20	18 Tons	.....	19 Tons	.....	\$ 610
21	19 Tons	.....	20 Tons	.....	\$ 675
22	20 Tons	.....	21 Tons	.....	\$ 715
23	21 Tons	.....	22 Tons	.....	\$ 755
24	22 Tons	.....	23 Tons	.....	\$ 795
25	23 Tons	.....	24 Tons	.....	\$ 835
26	24 Tons	.....	25 Tons	.....	\$ 965
27	25 Tons	.....	26 Tons	.....	\$1,010
28	26 Tons	.....	27 Tons	.....	\$1,060
29	27 Tons	.....	28 Tons	.....	\$1,105
30	28 Tons	.....	29 Tons	.....	\$1,150
31	29 Tons	.....	30 Tons	.....	\$1,200
32	30 Tons	.....	31 Tons	.....	\$1,245
33	31 Tons	.....	32 Tons	.....	\$1,295
34	32 Tons	.....	33 Tons	.....	\$1,340
35	33 Tons	.....	34 Tons	.....	\$1,415
36	34 Tons	.....	35 Tons	.....	\$1,465
37	35 Tons	.....	36 Tons	.....	\$1,510
38	36 Tons	.....	37 Tons	.....	\$1,555
39	37 Tons	.....	38 Tons	.....	\$1,605
40	38 Tons	.....	39 Tons	.....	\$1,650
41	39 Tons	.....	40 Tons	.....	\$1,695

42 Sec. 10. Section 324.3, unnumbered paragraph 1,  
43 Code 1987, is amended to read as follows:

44 For the privilege of operating motor vehicles in  
45 this state an excise tax of fifteen cents per gallon  
46 for the period beginning July 1, 1985 and ending  
47 December 31, 1985, and sixteen cents per gallon for  
48 the period beginning January 1, 1986, and ending March  
49 31, 1988, and twenty cents per gallon beginning April  
50 1, 1988, is imposed upon the use of all motor fuel

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1 used for any purpose except motor fuel containing at  
2 least ten percent alcohol distilled from cereal grains  
3 grown in the United States for the period beginning  
4 July 1, 1978 and ending June 30, 1992 and except as  
5 otherwise provided in this division.

6 Sec. 11. Section 324.3, unnumbered paragraph 4,  
7 Code 1987, is amended to read as follows:

8 For the privilege of operating motor vehicles in  
9 this state an excise tax of fourteen cents per gallon  
10 beginning July 1, 1985 and ending December 31, 1985,  
11 and fifteen cents per gallon for the period beginning  
12 January 1, 1986, and ending March 31, 1988, and  
13 nineteen cents per gallon for the period beginning  
14 April 1, 1988, and ending June 30, 1992, is imposed  
15 upon the use of gasohol used for any purpose except as  
16 otherwise provided in this division.

17 Sec. 12. Section 324.34, unnumbered paragraph 1,  
18 Code 1987, is amended to read as follows:

19 For the privilege of operating motor vehicles in  
20 this state, there is imposed an excise tax on the use,  
21 as defined in section 324.33, of special fuel in a  
22 motor vehicle. The tax rate on special fuel for  
23 diesel engines is sixteen and one-half cents per  
24 gallon for the period beginning July 1, 1985 and  
25 ending December 31, 1986, is seventeen and one-half  
26 cents per gallon for the period beginning January 1,  
27 1986 and ending December 31, 1986, and is eighteen and  
28 one-half cents per gallon for the period beginning  
29 January 1, 1987, and ending March 31, 1988, and is  
30 twenty and one-half cents per gallon beginning April  
31 1, 1988 and twenty-two and one-half cents per gallon  
32 beginning January 1, 1989. On all other special fuel  
33 the per gallon rate is the same as the motor fuel tax.

34 Sec. 13. Section 324.34, unnumbered paragraph 9,  
35 Code 1987, is amended to read as follows:

36 For natural gas used as a special fuel the rate of  
37 tax that is equivalent to the motor fuel tax shall be  
38 ~~thirteen~~ sixteen cents per hundred cubic feet adjusted  
39 to a base temperature of sixty degrees Fahrenheit and  
40 a pressure of fourteen and seventy-three hundredths  
41 pounds per square inch absolute. The tax on natural  
42 gas shall attach at the time of delivery into  
43 equipment for compressing the gas for subsequent  
44 delivery into the fuel supply tank of a motor vehicle  
45 and shall be paid over to the department by the person  
46 operating the compressing equipment under the  
47 applicable provisions for users or dealers. Natural  
48 gas used as a special fuel shall be delivered into  
49 compressing equipment through sealed meters certified  
50 for accuracy by the department of agriculture and land

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1 stewardship.

2 Sec. 14. There is appropriated from the road use  
3 tax fund to the legislative service bureau the sum of  
4 three hundred thousand (300,000) dollars, or so much  
5 thereof as may be necessary, for the purpose of  
6 carrying out a study of the mechanisms for the  
7 distribution of the revenues derived from fuel taxes,  
8 vehicle registration fees, license fees, the use tax  
9 on vehicles, and other sources of the road use tax  
10 fund. The study shall be independently conducted but  
11 administered by a steering committee composed of two  
12 members appointed by the state transportation  
13 commission, two members appointed by the Iowa state  
14 association of counties, and two members appointed by  
15 the league of Iowa municipalities. The steering  
16 committee shall report the findings of the study to  
17 the governor, the chief clerk of the house of  
18 representatives, and the secretary of the senate not  
19 later than January 31, 1989.

20 Sec. 15. There is appropriated from the public  
21 transit assistance fund to the legislative service  
22 bureau the sum of seventy-five thousand (75,000)  
23 dollars, or so much thereof as may be necessary, for  
24 the purpose of carrying out a study of the mechanisms  
25 for the distribution of the public transit assistance  
26 fund. All sources of funding for public transit shall  
27 be considered for purposes of this study. The study  
28 shall be independently conducted but administered by a  
29 steering committee composed of two members appointed  
30 by the state transportation commission, two members  
31 appointed by the regional transit systems, two members  
32 appointed by the large urban transit systems, and two  
33 members appointed by the small urban transit systems.  
34 The steering committee shall report the findings of  
35 the study to the governor, the chief clerk of the  
36 house of representatives, and the secretary of the  
37 senate not later than January 31, 1989.

38 Sec. 16. There is appropriated from the road use  
39 tax fund for the fiscal year beginning July 1, 1988,  
40 and ending June 30, 1989, for the purpose of replacing  
41 lost federal highway funds, to the primary road fund  
42 the sum of twenty million nine hundred thirty-two  
43 thousand (20,932,000) dollars, to the farm-to-market  
44 road fund the sum of five million (5,000,000) dollars,  
45 to the secondary road fund of the counties the sum of  
46 one million five hundred forty-one thousand  
47 (1,541,000) dollars, and to the street construction  
48 fund of the cities the sum of one million one hundred  
49 sixty-four thousand (1,164,000) dollars.

50 Sec. 17. There is appropriated from the road use



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1 tax fund for the fiscal year beginning July 1, 1989,  
2 and ending June 30, 1990, for the purpose of replacing  
3 lost federal highway funds, to the primary road fund  
4 the sum of twenty million nine hundred thirty-two  
5 thousand (20,932,000) dollars, to the farm-to-market  
6 road fund the sum of five million (5,000,000) dollars,  
7 to the secondary road fund of the counties the sum of  
8 one million five hundred forty-one thousand  
9 (1,541,000) dollars, and to the street construction  
10 fund of the cities the sum of one million one hundred  
11 sixty-four thousand (1,164,000) dollars.

12 Sec. 18. There is appropriated from the road use  
13 tax fund for the fiscal year beginning July 1, 1988,  
14 and ending June 30, 1989, to the primary road fund for  
15 the commercial and industrial network of highways the  
16 sum of nineteen million six hundred thousand  
17 (19,600,000) dollars, to the secondary road fund of  
18 the counties the sum of sixteen million three hundred  
19 thousand (16,300,000) dollars, and to the street  
20 construction fund of the cities the sum of nine  
21 million eight hundred thousand dollars (9,800,000)  
22 dollars.

23 Sec. 19. There is appropriated from the road use  
24 tax fund for the fiscal period beginning July 1, 1989,  
25 and ending March 31, 1990, to the primary road fund  
26 for the commercial and industrial network of highways  
27 the sum of ten million four hundred thousand  
28 (10,400,000) dollars, to the secondary road fund of  
29 the counties the sum of eight million seven hundred  
30 thousand (8,700,000) dollars, and to the street  
31 construction fund of the cities the sum of five  
32 million two hundred thousand (5,200,000) dollars.

33 Sec. 20. Beginning April 1, 1990, the treasurer of  
34 state shall, each month before distributing funds  
35 allotted from the road use tax fund under section  
36 312.2, credit to a separate fund held by the treasurer  
37 of state the following amounts:

38 1. From the moneys allotted to the primary road  
39 fund, one-twelfth of twenty-eight million three  
40 hundred thousand dollars.

41 2. From the moneys allotted to the secondary road  
42 fund of the counties, one-twelfth of eleven million  
43 three hundred thousand dollars.

44 3. From the moneys allotted to the farm-to-market  
45 road fund, one-twelfth of three million six hundred  
46 thousand dollars.

47 4. From the moneys allotted to the street  
48 construction fund of the cities, one-twelfth of six  
49 million eight hundred thousand dollars.

50 The moneys in this separate fund, together with

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1 interest or earnings on investments or time deposits  
 2 of the moneys, shall be restored to the road use tax  
 3 fund upon completion of the study required by section  
 4 14 of this Act and action by the general assembly on  
 5 the formula for allocating road use tax funds between  
 6 jurisdictions.

7 Sec. 21. Sections 2, 3, and 4 of this Act take  
 8 effect July 1 following enactment.

9 Sec. 22. Sections 8 and 9 of this Act take effect  
 10 July 1 following enactment for vehicle registrations  
 11 subject to renewal and new vehicle registrations on or  
 12 after that date.

13 Sec. 23. This Act, being deemed of immediate  
 14 importance, takes effect upon its enactment."

15 2. Amend the title, line 1, by striking the words  
 16 "to support business," and inserting the following:  
 17 "by increasing the rate of excise taxes on motor fuel  
 18 and special fuel, increasing certain vehicle  
 19 registration fees, providing for a network of  
 20 commercial and industrial highways, increasing the  
 21 standing appropriation for public transit assistance,  
 22 providing a standing appropriation for trails,  
 23 authorizing the transfer of RISE funds to the primary  
 24 road fund, providing for a study of road use tax fund  
 25 distribution and the distribution of the public  
 26 transit assistance fund, making appropriations from  
 27 the road use tax fund and the public transit  
 28 assistance fund, and providing effective dates."

29 3. Amend the title, by striking lines 2 through  
 30 12.

Committee on Ways and Means

## H-5180

1 Amend Senate File 2023, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 21, by adding after the word  
 4 "snowmobile" the following: "or all-terrain vehicle".

5 2. Page 1, line 25, by striking the word "every"  
 6 and inserting the following: "every a".

7 3. Page 1, line 30, by striking the word "every"  
 8 and inserting the following: "every a".

9 4. Page 2, by striking line 2 and inserting the  
 10 following: "a qualified applicants applicant who are  
 11 is twelve years of age or more."

12 5. Page 10, by inserting after line 5 the  
 13 following:

14 "Sec. \_\_\_\_\_. Section 321G.9, subsection 4, paragraph  
 15 d, Code 1987, is amended to read as follows:

16 d. On the roadways of that portion of county

17 highways designated by the county board of supervisors  
 18 for such use during a specified period. The county  
 19 board of supervisors shall evaluate the traffic  
 20 conditions on all county highways and designate  
 21 roadways on which snowmobiles or all-terrain vehicles  
 22 may be operated for the specified period without  
 23 unduly interfering with or constituting an undue  
 24 hazard to conventional motor vehicle traffic. Signs  
 25 warning of the operation of snowmobiles or all-terrain  
 26 vehicles on the roadway shall be placed and maintained  
 27 on the portions of highway thus designated during the  
 28 period specified for ~~such~~ the operation."

29 6. Page 10, line 26, by inserting after the word  
 30 "parent" the following: ", guardian".

31 7. Page 10, line 27, by inserting after the word  
 32 "parent" the following: "or guardian".

33 8. Page 11, by striking line 29 and inserting the  
 34 following: "inspection of all-terrain vehicles and  
 35 snowmobiles and ~~the testing of snowmobile their~~".

36 9. Page 12, by striking line 9 and inserting the  
 37 following: "It ~~shall be~~ is unlawful for any a person  
 38 to drive or operate any an".

39 10. Page 12, line 17, by striking the word "such"  
 40 and inserting the following: "such the".

41 11. Page 13, by striking lines 3 through 5 and  
 42 inserting the following: "registered all-terrain  
 43 vehicle or snowmobile shall be entitled to may operate  
 44 it for ten days immediately following the purchase,  
 45 without having completed a transfer of registration.  
 46 Any A".

47 12. Page 13, line 33, by striking the words  
 48 "shall be" and inserting the following: "shall be  
 49 is".

50 13. Page 15, line 1, by striking the words "may

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1 not be used on any" and inserting the following: "may  
 2 shall not be used on any an".

3 14. Page 16, line 1, by striking the words "shall  
 4 not be" and inserting the following: "shall is not  
 5 be".

6 15. Page 17, line 33, by striking the word  
 7 "private" and inserting the following: "private  
 8 nonpublic".

9 16. Page 19, by striking lines 27 and 28 and  
 10 inserting the following:

11 "1. The ~~provisions of this~~ This chapter and other  
 12 applicable laws of this state ~~shall~~ govern the  
 13 operation, equipment,".

14 17. Page 19, by striking line 32 and inserting  
 15 the following: "nothing in this chapter ~~shall be~~

- 16 ~~construed to~~ does not prevent the".  
 17 18. Page 19, line 35, by striking the words  
 18 "shall be" and inserting the following: "shall be  
 19 are".  
 20 19. Page 20, by striking lines 1 and 2, and  
 21 inserting the following: "only so long as they are  
 22 not inconsistent with ~~the provisions~~ of this chapter  
 23 or the rules and regulations adopted by the".

SPEAR of Lee

H-5184

- 1 Amend House File 2283 as follows:  
 2 1. By striking page 4, line 9, through page 7,  
 3 line 23.  
 4 2. Title page, by striking lines 9 through 11 and  
 5 inserting the following: "trusts, and providing  
 6 penalties."

SCHNEKLOTH of Scott

H-5199

- 1 Amend the Committee on Ways and Means amendment, H-  
 2 5177, to House File 677, as follows:  
 3 1. By striking page 2, line 36 through page 3,  
 4 line 41.  
 5 2. Renumber sections as necessary.

VAN MAANEN of Mahaska

H-5202

- 1 Amend amendment H-5182 to House File 2283 as  
 2 follows:  
 3 1. Page 1, line 14, by inserting after the word  
 4 "processing," the word "financing".

VAN CAMP of Scott

H-5204

- 1 Amend the Committee on Ways and Means amendment, H-  
 2 5177, to House File 677, as follows:  
 3 1. Page 3, lines 49 and 50, by striking the words  
 4 "twenty cents per gallon beginning April 1, 1988," and  
 5 inserting the following: "eighteen cents per gallon  
 6 for the period beginning April 1, 1988, and ending  
 7 December 31, 1988, and twenty cents per gallon  
 8 beginning January 1, 1989,"  
 9 2. Page 4, lines 13 and 14, by striking the words  
 10 "nineteen cents per gallon for the period beginning  
 11 April 1, 1988, and ending" and inserting the  
 12 following: "seventeen cents per gallon for the period

13 beginning April 1, 1988, and ending December 31, 1988,  
 14 and nineteen cents per gallon for the period beginning  
 15 January 1, 1989, and ending”.

DE GROOT of Lyon  
 HARBOR of Mills

H—5206

1 Amend the Committee on Ways and Means amendment, H—  
 2 5177, to House File 677 as follows:

3 1. Page 3, lines 49 and 50, by striking the words  
 4 “twenty cents per gallon beginning April 1, 1988,” and  
 5 inserting the following: “eighteen cents per gallon  
 6 for the period beginning April 1, 1988, and ending  
 7 June 30, 1988, and twenty cents per gallon beginning  
 8 July 1, 1988.”.

9 2. Page 4, lines 13 and 14, by striking the words  
 10 “nineteen cents per gallon for the period beginning  
 11 April 1, 1988, and ending” and inserting the  
 12 following: “seventeen cents per gallon for the period  
 13 beginning April 1, 1988, and ending June 30, 1988, and  
 14 nineteen cents per gallon for the period beginning  
 15 July 1, 1988, and ending”.

16 3. Page 4, lines 30, 31, and 32, by striking the  
 17 words “beginning April 1, 1988 and twenty-two and one-  
 18 half cents per gallon beginning January 1, 1989” and  
 19 inserting the following: “for the period beginning  
 20 April 1, 1988, and ending June 30, 1988, and twenty-  
 21 two and one-half cents per gallon beginning July 1,  
 22 1988”.

DE GROOT of Lyon  
 HARBOR of Mills

H—5207

1 Amend Senate File 2023, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 19, by striking lines 21 through 23 and  
 4 inserting the following: “When two or more  
 5 transactions for one snowmobile take place during the  
 6 registration process the transactions shall be  
 7 considered as a single registration.”

HARBOR of Mills  
 ROYER of Page

H—5208

1 Amend the Committee on Ways and Means amendment, H—  
 2 5177, to House File 677, as follows:

3 1. Page 1, line 34, by striking the word

- 4 "annually" and inserting the following: "in the  
5 fiscal year beginning July 1, 1988, and ending July  
6 30, 1989,".

HARBOR of Mills  
ROYER of Page  
DE GROOT of Lyon

H-5209

- 1 Amend the Committee on Ways and Means amendment, H-  
2 5177, to House File 677, as follows:  
3 1. Page 1, by striking lines 30 through 46.  
4 2. Renumber as necessary.

HARBOR of Mills  
ROYER of Page  
DE GROOT of Lyon

H-5210

- 1 Amend the Committee on Ways and Means amendment, H-  
2 5177, to House File 677, as follows:  
3 1. By striking page 5, line 38 through page 7,  
4 line 6.

HARBOR of Mills  
ROYER of Page  
DE GROOT of Lyon

H-5211

- 1 Amend the Committee on Ways and Means amendment, H-  
2 5177, to House File 677, as follows:  
3 1. By striking page 3, line 42, through page 4,  
4 line 16.  
5 2. Renumber as necessary.

HARBOR of Mills  
ROYER of Page

H-5212

- 1 Amend House File 2314 as follows:  
2 1. Page 2, by striking lines 14 and 15 and  
3 inserting the following:  
4 "Sec. 2. This Act takes effect January 1, 1989."  
5 2. Title page, line 2, by inserting after the  
6 word "sheriff" the following: "and providing an  
7 effective date".

PLATT of Muscatine

H-5218

- 1 Amend House File 2252 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".

HALVORSON of Webster

H-5220

1 Amend House File 2203 as follows:

2 1. Page 1, by striking lines 3 through 13 and  
3 inserting the following: "A health care insurance  
4 program or policy shall not contain either of the  
5 following provisions:

6 1. A requirement that an employee shall obtain a  
7 prescription drug from a mail-order pharmacy in order  
8 to obtain payment.

9 2. A provision which charges an employee who  
10 obtains a prescription drug from a source other than a  
11 mail-order pharmacy a fee or some other condition that  
12 is not imposed upon an employee who uses a mail-order  
13 pharmacy when the other source provides the  
14 prescription drug at a fee which is equal to or less  
15 than the fee charged at the mail-order pharmacy."

16 2. Page 1, by striking lines 16 through 18 and  
17 inserting the following: "The section does not".

18 3. By striking page 1, line 35 through page 2,  
19 line 6, and inserting the following: "mail-order  
20 pharmacy. A prepaid group plan covering prescription  
21 drugs shall not contain either of the following  
22 provisions:

23 1. A requirement that an employee shall obtain a  
24 prescription drug from a mail-order pharmacy in order  
25 to obtain payment.

26 2. A provision which charges an employee who  
27 obtains a prescription drug from a source other than a  
28 mail-order pharmacy a fee or some other condition that  
29 is not imposed upon an employee who uses a mail-order  
30 pharmacy when the other source provides the  
31 prescription drug at a fee which is equal to or less  
32 than the fee charged at the mail-order pharmacy.  
33 This".

34 4. Page 2, by striking lines 8 through 10, and  
35 inserting the following: "plans made on or after July  
36 1, 1988. This paragraph does not apply to pharmacy".

Committee on Human Resources

H-5221

1 Amend House File 2014 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "DIVISION I

5 CHILD AND DEPENDENT CARE CREDIT

6 Section 101. Section 422.12, subsection 2,  
7 unnumbered paragraph 1, Code Supplement 1987, is  
8 amended to read as follows:

9 A single taxpayer whose adjusted gross income is  
10 less than twenty-two thousand dollars or married  
11 taxpayers whose combined adjusted gross income is less  
12 than twenty-two thousand dollars shall be allowed a  
13 child and dependent care credit equal to ~~forty-five~~  
14 fifty percent of the federal child and dependent care  
15 credit provided in section 21 of the Internal Revenue  
16 Code of 1954.

17 A single taxpayer whose adjusted gross income is  
18 twenty-two thousand dollars to thirty thousand dollars  
19 or married taxpayers whose combined adjusted gross  
20 income is twenty-two thousand dollars to thirty  
21 thousand dollars shall be allowed a child and  
22 dependent care credit equal to forty-five percent of  
23 the federal child and dependent care credit provided  
24 in section 21 of the Internal Revenue Code of 1954.

25 A single taxpayer whose adjusted gross income is  
26 thirty thousand dollars or more or married taxpayers  
27 whose combined adjusted gross income is thirty  
28 thousand dollars or more shall be allowed a child and  
29 dependent care credit equal to twenty-five percent of  
30 the federal child and dependent care credit provided  
31 in section 21 of the Internal Revenue Code of 1954.

32 Sec. 102. Section 422.69, Code 1987, is amended by  
33 adding the following new subsection:

34 NEW SUBSECTION. 4. The director shall compute,  
35 annually, the amount which is the difference between  
36 the total amount of child and dependent care credit  
37 for which all taxpayers eligible for such a credit  
38 would have been eligible for such a credit at a level  
39 equal to forty-five percent of the federal child and  
40 dependent care credit, and the total amount of child  
41 and dependent care credit actually allowed taxpayers  
42 whose adjusted gross incomes exceeded thirty thousand  
43 dollars. Of the taxes, interest, and penalties  
44 collected under division IV which are credited to the  
45 general fund, an amount equal to the difference  
46 computed by the director under this subsection shall  
47 be deposited in a child and dependent care trust fund  
48 created in the state treasury. The moneys in the  
49 account shall only be available to be appropriated for  
50 supplementation of federal social services block grant



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1 funds which provide for child and day care services.

2 DIVISION II

3 DENIAL OF BENEFIT PROHIBITED

4 Sec. 201. Section 96.5, subsection 1, paragraph f,  
5 Code Supplement 1987, is amended to read as follows:

6 f. The individual left the employing unit for not  
7 to exceed ten working days, or such additional time as  
8 may be allowed by the individual's employer, for  
9 compelling personal reasons, if so found by the  
10 division, and prior to such leaving had informed the  
11 individual's employer of such compelling personal  
12 reasons, and immediately after such compelling  
13 personal reasons ceased to exist the individual  
14 returned to the individual's employer and offered the  
15 individual's services and the individual's regular or  
16 comparable work was not available, provided the  
17 individual is otherwise eligible; except that during  
18 the time the individual is away from the individual's  
19 work because of the continuance of such compelling  
20 personal reasons, the individual shall not be eligible  
21 for benefits. For the purposes of this paragraph,  
22 "compelling personal reasons" includes the provision  
23 of care to a child of the individual or to a dependent  
24 adult for whom the individual is responsible.

25 DIVISION III

26 PERSONNEL

27 Sec. 301. Section 237A.5, Code Supplement 1987, is  
28 amended by adding the following new subsection:

29 NEW SUBSECTION. 3. All personnel with direct  
30 responsibility for child care in a licensed or  
31 registered facility shall be accredited in accordance  
32 with the standards established by the department.  
33 Each accredited child care worker shall complete  
34 fifteen contact hours of child care training offered  
35 or approved by the department. The department shall  
36 adopt rules pursuant to chapter 17A regarding  
37 accreditation standards and training requirements.

38 DIVISION IV

39 EMPLOYEE BENEFITS PACKAGE — CHILD DAY CARE OPTION.

40 Sec. 401. The state shall develop, if provided  
41 through a collective bargaining agreement negotiated  
42 under chapter 20, or if offered as a state employee  
43 benefit, a flexible employee benefits package to be  
44 effective July 1, 1989. The benefits package shall  
45 allow an employee to select specific health insurance  
46 and dependent care benefit options. An employee hired  
47 on or after July 1, 1989, may elect a dependent care  
48 benefit by enrolling in a state group health insurance  
49 plan which covers fewer individuals than would  
50 otherwise be eligible for coverage under the

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1 employee's plan. An employee exercising this option  
 2 shall first provide evidence of current health  
 3 insurance coverage through another plan of all  
 4 eligible individuals not to be insured under the state  
 5 group plan. Employees exercising this option may  
 6 elect a dependent care benefit equal to the difference  
 7 between the state contribution toward the health  
 8 insurance plan for which they were eligible and the  
 9 state contribution toward the plan elected. Employees  
 10 eligible for family state health insurance plan  
 11 coverage who elect single coverage or no coverage may  
 12 also contribute to their dependent care benefit the  
 13 employee cost of a family plan.

14 Employees hired prior to July 1, 1989, may elect a  
 15 dependent care benefit by reducing the number of  
 16 individuals covered under their state group health  
 17 insurance plan, provided that they submit evidence of  
 18 current health insurance coverage through another plan  
 19 of all individuals being removed from state plan  
 20 coverage. Reductions in coverage shall entitle the  
 21 employee to elect a dependent care benefit equal to  
 22 the difference between the state contribution toward  
 23 the plan in which previously enrolled and the state  
 24 contribution toward the reduced coverage plan elected.  
 25 Employees who reduce their state health insurance plan  
 26 coverage from family to single or to no coverage may  
 27 also contribute to their dependent care benefit the  
 28 employee cost of the family plan in which previously  
 29 enrolled.

**DIVISION V****CHILD DAY CARE — FINANCIAL ELIGIBILITY GUIDELINES**

31 Sec. 501. The department of human services shall  
 32 adopt administrative rules, to take effect July 1,  
 33 1988, which establish the income eligibility level for  
 34 recipients of child day care services at the  
 35 equivalent of one hundred fifty percent of the federal  
 36 office of management and budget poverty guidelines for  
 37 families of all sizes.”

39 2. Title page, lines 1 and 2, by striking the  
 40 words “and making appropriations”.

Committee on Human Resources

H—5225

1 Amend House File 2276 as follows:

- 2 1. Page 1, by striking lines 18 and 19.
- 3 2. Page 1, line 27, by inserting after the word
- 4 “purpose.” the following: “The department shall
- 5 charge an amount not to exceed five dollars to cover
- 6 the costs of issuing these special plates.”

Committee on Transportation

H—5227

1 Amend the Committee on Transportation amendment, H—  
2 5191, to Senate File 2070 as amended, passed, and  
3 reprinted by the Senate as follows:

4 1. Page 1, by striking line 42 and inserting the  
5 following: "manufacture.

6 Sec. \_\_\_\_\_. Section 422.45, subsection 26,  
7 paragraph b, Code Supplement 1987, is amended to read  
8 as follows:

9 b. The farm machinery and equipment shall  
10 constitute self-propelled implements or implements  
11 customarily drawn or attached to self-propelled  
12 implements or the farm machinery or equipment is a  
13 grain dryer. Implements of husbandry, as defined in  
14 section 321.1, subsection 16, paragraph "e", are  
15 exempt from the requirements of this paragraph."

MUHLBAUER of Crawford

H—5229

1 Amend House File 2314 as follows:

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

4 "Section 1. NEW SECTION. 7F.1 ELECTED OFFICERS  
5 QUALIFICATIONS BOARD CREATED — MEMBERSHIP.

6 1. An elected officials qualifications board is  
7 created. The board shall have eight members appointed  
8 as follows:

9 a. One township trustee appointed by the county  
10 supervisors association affiliated with the Iowa state  
11 association of counties.

12 b. One mayor appointed by the board of directors  
13 of the league of Iowa municipalities.

14 c. One member of a city council appointed by the  
15 board of directors of the league of Iowa  
16 municipalities.

17 d. One member of the board of directors of a  
18 school district appointed by the board of directors of  
19 the Iowa association of school boards.

20 e. One member of the board of directors of a  
21 school district appointed by the board of directors of  
22 the Iowa state education association.

23 f. Two legislators appointed by the legislative  
24 council, not more than one of which is a member of the  
25 same political party.

26 g. One elected state executive officer appointed  
27 by the executive council.

28 2. The membership of the board shall be gender  
29 balanced pursuant to section 69.16A. The members of  
30 the board shall be appointed to six-year staggered  
31 terms of office. The initial appointees shall

32 determine by lot their initial terms of office. Two  
 33 shall be appointed to two-year terms, three shall be  
 34 appointed to four-year terms, and three shall be  
 35 appointed to six-year terms. Thereafter, all members  
 36 shall be appointed to six-year terms. When a member  
 37 no longer holds the office which qualified the member  
 38 for appointment, the member shall no longer be a  
 39 member of the board. A member is eligible for  
 40 reappointment. A vacancy shall be filled for the  
 41 unexpired term in the same manner as the original  
 42 appointment. The term of office takes effect July 1  
 43 of the year of appointment.

44 3. The board shall elect a chairperson and vice  
 45 chairperson annually from among its membership. The  
 46 board shall meet at the call of the chairperson or  
 47 upon written request of a majority of its membership.  
 48 The concurrence of a majority of the members of the  
 49 board shall determine any matter relating to its  
 50 powers and duties.

## Page 2

### 1 Sec. 2. NEW SECTION. 7F.2 POWERS AND DUTIES.

2 The elected officials qualifications board shall  
 3 prescribe, by rule, requirements relating to  
 4 continuing education, comparable worth, and gender  
 5 balance for the political subdivisions of the state  
 6 and public agencies governed by elected officials.

### 7 Sec. 3. NEW SECTION. 7F.3 QUALIFICATION FOR 8 ELECTIVE PUBLIC OFFICE.

9 1. A candidate for an elective public office shall  
 10 have the following qualifications:

11 a. A candidate for a director of a school district  
 12 must have served as a township trustee if the  
 13 candidate is eligible by residence to serve as a  
 14 trustee.

15 b. A candidate for city council or mayor must have  
 16 served as a director of a school district.

17 c. A candidate for an elected county office must  
 18 have served as a mayor or a member of a city council.

19 d. A candidate for state representative or state  
 20 senator must have served as an elected county officer.

21 e. A candidate for an elected state executive  
 22 office must have served as a state representative or a  
 23 state senator.

24 2. The state commissioner of election or a county  
 25 commissioner of election shall not place on an  
 26 election ballot the name of a candidate for elective  
 27 office who does not meet the qualifications for  
 28 candidacy as provided in this section."

29 2. Title page, by striking lines 1 and 2 and in-  
 30 serting the following: "An Act relating to

31 qualifications of elected officers, by creating an  
 32 elected officers qualification board, specifying its  
 33 powers and duties, and providing qualifications for  
 34 certain elective offices.”

HALVORSON of Clayton  
 HARBOR of Mills

H—5231

1 Amend House File 2276 as follows:  
 2 1. Page 1, by striking lines 13 and 14 and in-  
 3 serting the following:  
 4 “(1) Old gold and black for state University of  
 5 Iowa.”  
 6 2. Page 1, by striking line 17 and inserting the  
 7 following:  
 8 “(3) Cardinal and gold for Iowa State University  
 9 of science and technology.”

HARBOR of Mills

H—5232

1 Amend House File 2044 as follows:  
 2 1. Page 1, line 20, by inserting after the word  
 3 “promotional” the following: “and may employ  
 4 professional assistance in establishing the  
 5 guidelines”.  
 6 2. Page 2, by striking lines 32 through 35 and  
 7 inserting the following: “have passed on a separate  
 8 list. After the list of the names of persons with the  
 9 highest ranking has been certified to the council and  
 10 has been exhausted, the names kept on the separate  
 11 list may be certified to the council.”

LUNDBY of Linn

H—5235

1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 6, by inserting after line 28 the follow-  
 4 ing:  
 5 “c. A bank holding company owning a bank, or a  
 6 bank, located in a county with a population in excess  
 7 of fifty thousand.”  
 8 2. By renumbering and relettering as necessary.

SKOW of Guthrie

H—5236

1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 6, by inserting after line 28 the follow-

- 4 ing:  
 5 "c. A bank holding company owning a bank, or a  
 6 bank, located in a county with more than six existing  
 7 banks."  
 8 2. By renumbering and relettering as necessary.

SKOW of Guthrie

H—5237

- 1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 2, line 9, by striking the word "five"  
 4 and inserting the following: "twenty-five".

SKOW of Guthrie

H—5238

- 1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 8, by inserting after line 15 the fol-  
 4 lowing:  
 5 "3. A developmental loan shall not provide for an  
 6 interest rate more than one and one-half percent above  
 7 the then current United States treasury note interest  
 8 rate at the time the loan is made."  
 9 2. By renumbering as necessary.

SKOW of Guthrie

H—5239

- 1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 6, by inserting after line 28 the fol-  
 4 lowing:  
 5 "c. A bank holding company owning a bank, or a  
 6 bank, that is currently engaged in a business other  
 7 than banking business."  
 8 2. By renumbering and relettering as necessary.

SKOW of Guthrie

H—5240

- 1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 2, by inserting after line 3 the  
 4 following:  
 5 "A bank holding company shall not acquire a bank  
 6 located in a county with more than six existing banks,  
 7 and shall not acquire a bank holding company owning a  
 8 bank located in an Iowa county with more than six  
 9 existing banks."

SKOW of Guthrie

H—5241

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 4, line 33, by striking the words "one
- 4 hundred twenty" and inserting the following: "ten".

SKOW of Guthrie

H—5242

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 4, line 35, by striking the words "one
- 4 hundred".
- 5 2. Page 5, line 1, by striking the word "twenty"
- 6 and inserting the following: "ten".

SKOW of Guthrie

H—5243

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "region" the following: ", provided that no more than
- 5 fifty percent of the bank holding company's stock may
- 6 be owned by out-of-state stockholders".

SKOW of Guthrie

H—5244

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "Indiana,".

SKOW of Guthrie

H—5245

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "Kansas,".

SKOW of Guthrie

H—5246

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 7, by inserting after line 13, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. **NEW SECTION. 524.1855A LOCAL**
- 6 **RESIDENTS REQUIRED ON ACQUIRED BANK'S BOARD.**
- 7 The following bank board of directors members and

8 bank officers of a bank acquired by a regional bank  
 9 holding company pursuant to this division must be  
 10 residents of the community where the bank's (and not  
 11 the bank holding company's) principal place of  
 12 business is located for at least ten years after the  
 13 date of acquisition:

- 14 1. Chairperson of the board of directors.
- 15 2. A member of the board of directors.
- 16 3. The president.

17 For the purposes of this section, "community" means  
 18 the county in which the bank has its principal place  
 19 of business and adjacent Iowa counties."

- 20 2. Renumber as necessary.

SKOW of Guthrie

H—5247

1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:

- 3 1. Page 6, line 25, by striking the word "five"  
 4 and inserting the following: "twenty".
- 5 2. Page 6, line 28, by striking the word "five"  
 6 and inserting the following: "twenty".
- 7 3. Page 6, line 31, by striking the word "five"  
 8 and inserting the following: "twenty".
- 9 4. Page 6, line 35, by striking the word "five"  
 10 and inserting the following: "twenty".
- 11 5. Page 7, line 4, by striking the word "five"  
 12 and inserting the following: "twenty".

SKOW of Guthrie

H—5248

1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:

- 3 1. Page 1, line 31, by inserting after the word  
 4 "banks" the following: "located in a county or  
 5 counties with six or fewer existing banks, and".
- 6 2. Page 1, line 34, by inserting after the word  
 7 "banks" the following: "located in a county or  
 8 counties with six or fewer existing banks, and".

SKOW of Guthrie

H—5249

1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:

- 3 1. Page 1, line 31, by inserting after the word  
 4 "banks" the following: ", located in counties with a  
 5 population in excess of fifty thousand and,".



6 2. Page 1, line 34, by inserting after the word  
 7 "banks" the following: ", located solely in counties  
 8 with populations in excess of fifty thousand and,".

SKOW of Guthrie

H-5250

1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:

3 1. Page 1, line 31, by inserting after the word  
 4 "banks" the following: ", located in incorporated  
 5 cities with a population in excess of one hundred  
 6 thousand, and".

7 2. Page 1, line 34, by inserting after the word  
 8 "banks" the following: ", located solely in  
 9 incorporated cities with a population in excess of one  
 10 hundred thousand and,".

SKOW of Guthrie

H-5251

1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:

3 1. By striking everything after the enacting  
 4 clause.

SKOW of Guthrie

H-5252

1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:

3 1. Page 2, line 3, by inserting after the word  
 4 "met" the following: ", but the regional bank holding  
 5 company owned bank shall only participate in banking  
 6 business. A bank owned by a regional bank holding  
 7 company shall not participate in legal, securities,  
 8 real estate, or insurance business, and shall not  
 9 receive a fee or a commission for these prohibited  
 10 activities".

SKOW of Guthrie

H-5253

1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:

3 1. Page 1, line 13, by striking the words "North  
 4 Dakota,".

SKOW of Guthrie

H-5254

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the word "Ohio,".

SKOW of Guthrie

H-5255

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "Michigan,".

SKOW of Guthrie

H-5256

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the word
- 4 "Nebraska,".

SKOW of Guthrie

H-5257

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the words "South
- 4 Dakota, and Wisconsin" and inserting the following:
- 5 "and South Dakota".

SKOW of Guthrie

H-5258

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the words "South
- 4 Dakota,".

SKOW of Guthrie

H-5259

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 27, by striking the words "or
- 4 indirectly".

SKOW of Guthrie

H-5260

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 11, by striking the word
- 4 "Illinois,".

SKOW of Guthrie

H—5261

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "Minnesota."

SKOW of Guthrie

H—5262

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "Missouri."

SKOW of Guthrie

H—5263

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 8, line 26 through page 13,
- 4 line 9.

SKOW of Guthrie

H—5264

- 1 Amend Senate File 2108, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the follow-
- 4 ing:
- 5 "Section 1. Section 422.63, Code 1987, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
- 8 other provision in this section, the franchise tax is
- 9 imposed annually upon a bank owned by a regional bank
- 10 holding company in an amount equal to ten percent of
- 11 the net income received or accrued during the taxable
- 12 year."
- 13 2. Renumber as necessary.

SKOW of Guthrie

H—5265

- 1 Amend Senate File 2108, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 3 the
- 4 following:
- 5 "Before an application is approved for the first
- 6 bank holding company from a specific state within the
- 7 midwestern region seeking to acquire an Iowa bank or
- 8 bank holding company, the superintendent shall
- 9 negotiate with the other state's counterpart banking
- 10 regulator to, so much as possible, establish uniform

11 rules or protocols for the reciprocal interstate  
 12 acquisition of a bank or bank holding company by a  
 13 bank holding company located in one of the two states  
 14 by a bank holding company located in the other state.  
 15 The rules or protocols shall establish, so much as  
 16 possible, common requirements and procedures for  
 17 acquisitions in either state. The rules or protocols  
 18 shall be published in the administrative bulletin, and  
 19 shall apply to the first and subsequent applications  
 20 from that specific midwestern region state. The time  
 21 limit for the superintendent's approval of an  
 22 application may be extended while reasonable  
 23 negotiations are preceding with the other state in the  
 24 first proposed acquisition involving that other  
 25 state."

SCHNEKLOTH of Scott

H—5266

1 Amend Senate File 2108, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, line 10, by inserting after the word  
 4 "superintendent." the following: "If the actual cost  
 5 to the superintendent of processing the application  
 6 exceeds five thousand dollars, the applicant and the  
 7 bank or bank holding company to be acquired shall each  
 8 pay half of the costs in excess of five thousand  
 9 dollars as a precondition to approval."

SCHNEKLOTH of Scott

H—5267

1 Amend Senate File 2108, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by inserting after line 3 the  
 4 following:  
 5 "Before an application is approved for the first  
 6 bank holding company within the midwestern region  
 7 seeking to acquire an Iowa bank or bank holding  
 8 company, the superintendent shall negotiate with the  
 9 other midwestern region states' banking regulators to,  
 10 so much as possible, establish uniform rules or  
 11 protocols for the regional reciprocal interstate  
 12 acquisition of a bank or bank holding company. The  
 13 rules or protocols shall establish, so much as  
 14 possible, common requirements and procedures for  
 15 acquisitions within the region by regional bank  
 16 holding companies. The rules or protocols shall be  
 17 published in the administrative bulletin, and shall  
 18 apply to applications by regional bank holding  
 19 companies of signatory states. The time limit for the  
 20 superintendent's approval of an application may be

21 extended while reasonable negotiations are preceding  
 22 with the state of the applicant for the establishment  
 23 of uniform rules or protocols."

SCHNEKLOTH of Scott

H-5268

1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:

3 1. Page 6, by inserting after line 28 the follow-  
 4 ing:

5 "c. A bank holding company owning a bank, or a  
 6 bank, located in an incorporated city with a  
 7 population in excess of one hundred thousand."

8 2. By renumbering and relettering as necessary.

SKOW of Guthrie

H-5282

1 Amend House File 2345 as follows:

2 1. Page 1, by striking lines 27 through 31, and  
 3 inserting the following: "institutions of higher  
 4 education under the control of the state board of  
 5 regents."

TYRRELL of Iowa

H-5298

1 Amend House File 2327 as follows:

2 1. Page 1, line 7, by inserting after the word  
 3 "area" the following: "if the economic development  
 4 project outside the urban renewal area is necessary  
 5 for the completion of a project within the urban  
 6 renewal area".

7 2. Page 1, line 20, by inserting after the word  
 8 "area" the following: "if the economic development  
 9 project outside the urban renewal area is necessary  
 10 for the completion of a project within the urban  
 11 renewal area".

DAGGETT of Adams

H-5300

1 Amend House File 2221 as follows:

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

Committee on State Government

H-5302

1 Amend House File 2378 as follows:

2 1. Page 2, line 24, by striking the word

- 3 "ABNORMALITY" and inserting the following:  
 4 "ABNORMALITY MENTAL OR PHYSICAL CONDITION".

SPEAR of Lee

H—5303

1 Amend House File 2290 as follows:

2 1. Page 1, by striking lines 5 through 10 and in-  
 3 serting the following: "zoning ordinance or zoning  
 4 regulation against a residential property if the use  
 5 of the property for multifamily residential purposes  
 6 has been licensed or permitted by the city for at  
 7 least five years before the effective date of this Act  
 8 and the rental dwelling meets the requirements of the  
 9 city housing code for licensing or permitting as a  
 10 multifamily residential rental property, and the use  
 11 has been classified as a permitted use by the city's  
 12 zoning ordinance during any part of the five years  
 13 preceding the effective date of this Act. As used in  
 14 this paragraph, multifamily means two or more  
 15 families.

16 Sec. \_\_\_\_\_. Section 364.17, Code 1987, is amended by  
 17 adding the following new subsection:

18 NEW SUBSECTION. 8. A city which adopts or is  
 19 subject to a housing code pursuant to this section  
 20 shall adopt procedures for inspection of rental  
 21 housing for compliance with a zoning ordinance, if  
 22 any, of the city as a part of the city's program for  
 23 regular rental inspections. Upon completion of a  
 24 regular rental inspection, a city shall certify the  
 25 rental housing as to compliance or noncompliance with  
 26 all applicable housing and zoning regulations of the  
 27 city."

Committee on Local Government

H—5304

1 Amend House File 2282 as follows:

2 1. Page 1, line 2, by striking the words "and the  
 3 legislative fiscal bureau".

4 2. Page 1, line 6, by inserting after the word  
 5 "colleges." the following: "The department of  
 6 education shall conduct an educational impact study  
 7 which shall include, but not be limited to, the effect  
 8 of the reclassification on enrollment at other  
 9 postsecondary institutions in the merged area seeking  
 10 to qualify as area community colleges, student access  
 11 to educational opportunity, and also the number of  
 12 students within the school's service area in need of  
 13 the expanded services."

14 3. Page 1, by striking line 8 and inserting the  
 15 following: "community college, and schools

16 reclassified from area vocational school to area  
 17 community college status, after February 1, 1988,  
 18 shall not implement the new curricular changes until  
 19 the study is completed and considered".

20 4. Page 1, line 9, by striking the word "study"  
 21 and inserting the following: "studies".

22 5. Page 1, by inserting after line 11 the  
 23 following: "This section does not apply if a school  
 24 has substantially detrimentally relied on a  
 25 reclassification by the board."

26 6. Title page, by striking line 2 and inserting  
 27 the following: "to area community college and prevent  
 28 the implementation of curricular changes in newly  
 29 reclassified schools until a fiscal and educational  
 30 impact study is".

Committee on Education

H-5306

1 Amend the amendment H-5252 to Senate File 2108, as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:

4 1. Page 1, line 8, by inserting after the word  
 5 "business," the following: "and if an acquired bank  
 6 currently engages in any of these prohibited  
 7 activities the regional bank holding company shall  
 8 divest itself of, or cease, the activities within one  
 9 hundred eighty days after the acquisition,".

TYRRELL of Iowa  
 RENKEN of Grundy  
 KREMER of Buchanan

H-5307

1 Amend Senate File 2108, as amended, passed, and re-  
 2 printed by the Senate, as follows:

3 1. Page 1, line 13, by striking the word "Ohio,".

TYRRELL of Iowa  
 RENKEN of Grundy  
 KREMER of Buchanan

H-5308

1 Amend House File 2380 as follows:

2 1. Page 2, line 16, by inserting after the word  
 3 "subsection," the following: "and with the exception  
 4 of five percent of the revenues collected which shall  
 5 be retained by the seller of the packaging product".

TYRRELL of Iowa

H—5310

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

3 1. Page 7, by inserting after line 13, the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 524.1855A RESTRICTIONS  
6 ON ACQUIRED BANKS.

7 1. A bank owned by a regional bank holding company  
8 pursuant to this division shall invest no less than  
9 ninety percent of its assets in Iowa investments.

10 2. IOWA INVESTMENTS DEFINED. For the purposes of  
11 this chapter, "Iowa investments" means the following:

12 a. Real estate located within Iowa.

13 b. Bonds or obligations of the government of the  
14 United States or any subdivisions thereof when  
15 purchased within Iowa.

16 c. Bonds or obligations of this state or any  
17 county or other political subdivision of the state.

18 d. Bonds, debentures, or secured obligations of  
19 any corporation that has ten percent of its assets  
20 located within Iowa.

21 e. Mortgages covering real estate located within  
22 Iowa.

23 f. Securities backed entirely by mortgages on real  
24 estate located within Iowa.

25 g. Loans to residents of Iowa.

26 h. Preferred and common stock of corporations  
27 having at least ten percent of their assets located  
28 within Iowa or having a principal place of business  
29 located in Iowa.

30 i. Cash deposits and reserves in the bank or held  
31 by the federal reserve.

32 j. Loans to nonresidents of Iowa if eighty percent  
33 of the net proceeds of the loan are used within the  
34 state of Iowa."

35 2. By numbering as necessary.

SVOBODA of Tama  
RENKEN of Grundy  
ROYER of Page

H—5311

1 Amend the amendment H—5246 to Senate File 2108, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 19, the  
5 following:

6 "The board of directors of a bank acquired by a  
7 regional bank holding company pursuant to this  
8 division shall be gender balanced. No person shall be  
9 appointed or reappointed to the board if that



10 appointment or reappointment would cause the number of  
 11 members of the board of one gender to be greater than  
 12 one-half the membership of the board plus one. This  
 13 section does not prohibit an individual from  
 14 completing a term being served prior to the  
 15 acquisition. Additionally, the board of directors of  
 16 a bank acquired pursuant to this division shall adopt  
 17 an affirmative action policy, to be approved by the  
 18 superintendent, which policy shall apply to  
 19 appointments to the board of directors, as well as  
 20 employment and contracting practices of the bank.  
 21 For purposes of this section "affirmative action"  
 22 means "affirmative action" as defined by section  
 23 19B.1, subsection 1."

TYRRELL of Iowa

H-5312

1 Amend Senate File 2108, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 7, by inserting after line 13, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 524.1855A RESTRICTIONS  
 6 ON ACQUIRED BANKS.  
 7 A bank owned by a regional bank holding company  
 8 pursuant to this division shall not do any of the  
 9 following:  
 10 1. Close an office in a municipal corporation  
 11 served by the acquired bank prior to acquisition,  
 12 unless the office is replaced with another office in  
 13 the same municipal corporation offering the same  
 14 services or more services.  
 15 2. Materially reduce services to a municipal  
 16 corporation served by the acquired bank prior to  
 17 acquisition."  
 18 2. By renumbering as necessary.

SVOBODA of Tama  
 RENKEN of Grundy  
 ROYER of Page

H-5315

1 Amend Senate File 2108, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, line 12, by inserting after the word  
 4 "appropriate." the following: "The application shall  
 5 constitute a plan of acquisition, and is binding upon  
 6 the applicant when approved by the superintendent,  
 7 unless the superintendent grants specific written  
 8 permission to deviate from the plan of acquisition."  
 9 2. Page 7, by inserting after line 13, the  
 10 following:

11 "Sec. \_\_\_\_\_. NEW SECTION. 524.1855A PROHIBITIONS  
 12 AND PENALTIES.

13 1. Subsequent to an acquisition, a regional bank  
 14 holding company, acquired bank, or acquired bank  
 15 holding company shall conform to the plan of  
 16 acquisition disclosed in the application pursuant to  
 17 section 524.1853, unless specific written permission  
 18 is obtained from the superintendent to alter a  
 19 specific policy, procedure, investment, or other  
 20 detail contained in the application.

21 2. A person who violates a provision of this  
 22 division, or a rule adopted under this division, is  
 23 subject to a civil penalty of not more than one  
 24 thousand dollars per day for each day the violation  
 25 continues. The superintendent shall report the  
 26 violation and the results of any investigation to the  
 27 attorney general, who may institute a civil action on  
 28 behalf of the state to enforce this division in the  
 29 county in which the violation occurs or in Polk  
 30 county."

31 3. By renumbering as necessary.

SKOW of Guthrie  
 COREY of Louisa  
 PLASIER of Sioux  
 BRANSTAD of Winnebago  
 OSTERBERG of Linn  
 PAULIN of Plymouth  
 VAN CAMP of Scott  
 GARMAN of Story  
 NORRGARD of Des Moines  
 FULLER of Hardin  
 ROSENBERG of Story

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

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

3 1. Page 7, by inserting before line 14, the  
 4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 524.1855A REQUIRED  
 6 DIVESTMENT — CHANGE OF PRINCIPAL PLACE OF BUSINESS.

7 If after an acquisition pursuant to this division  
 8 the state in which the operations of the regional bank  
 9 holding company's banking subsidiaries are principally  
 10 conducted changes so that it is no longer within the  
 11 midwestern region, the bank holding company is  
 12 required to divest itself of its Iowa banks or bank

- 13 holding companies within two years of the date of  
 14 change.”  
 15 2. By renumbering as necessary.

SVOBODA of Tama	RENKEN of Grundy
HANSON of Delaware	ROYER of Page
SKOW of Guthrie	NORRGARD of Des Moines
COREY of Louisa	EDDIE of Buena Vista
PLASIER of Sioux	MILLER of Cherokee
MAULSBY of Calhoun	BRANSTAD of Winnebago
HARBOR of Mills	HALVORSON of Clayton
GARMAN of Story	VAN MAANEN of Mahaska
FULLER of Hardin	TYRRELL of Iowa
BLANSHAN of Greene	PETERSON of Carroll
PAULIN of Plymouth	PETERSEN of Muscatine
VAN CAMP of Scott	McKEAN of Jones
	OSTERBERG of Linn

H—5317

- 1 Amend House File 2378 as follows:  
 2 1. Page 1, by striking lines 22 through 35.  
 3 2. Page 2, by striking lines 1 through 29.  
 4 3. Page 3, by striking lines 7 through 16.  
 5 4. Page 3, by striking line 17 and inserting the  
 6 following:  
 7 “Sec. \_\_\_\_\_. Section 1 of this Act takes effect on”.  
 8 5. Title page, lines 2 and 3, by striking the  
 9 words “and interim study committee”.  
 10 6. By renumbering as necessary.

DAGGETT of Adams

H—5318

- 1 Amend Senate File 2108 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 172C.1, Code 1987, is amended  
 6 by adding the following new subsections:  
 7 NEW SUBSECTION. 18. “Agricultural lender” means a  
 8 bank, trust company, mortgage company, national  
 9 banking association, savings and loan association,  
 10 life insurance company, a state or federal  
 11 governmental agency or instrumentality, including but  
 12 not limited to the federal land bank or any of its  
 13 local associations, or any other financial institution  
 14 or entity authorized to make farm loans in this state.  
 15 NEW SUBSECTION. 19. “Ownership interest” means a  
 16 title to land established by a deed, sheriff’s deed,  
 17 or sheriff’s certificate.  
 18 Sec. 2. NEW SECTION. 172C.16 REPORTING BY  
 19 AGRICULTURAL LENDERS.

20 1. An agricultural lender shall file with the  
 21 secretary of state on or before March 31 of each year  
 22 on forms approved pursuant to chapter 17A and supplied  
 23 by the secretary of state, an annual report containing  
 24 information relating to agricultural land in which the  
 25 lender has an ownership interest or for which the  
 26 agricultural lender holds a sheriff's certificate of  
 27 sale. The report shall include all of the following:  
 28 a. The person's name and address.  
 29 b. The acreage and location listed by township and  
 30 county, or the legally described urban plat, of each  
 31 lot or parcel of agricultural land of more than ten  
 32 acres in which the agricultural lender has an  
 33 ownership interest or for which the agricultural  
 34 lender holds a sheriff's certificate of sale. If an  
 35 ownership interest in the agricultural land has been  
 36 transferred to or from the agricultural lender within  
 37 the reporting period, the agricultural lender shall  
 38 identify the location of the affected land, the type  
 39 of interest transferred, the number of acres  
 40 transferred, the date of the transfer, and the name  
 41 and address of the person acquiring the interest.  
 42 c. The total acreage of agricultural land in which  
 43 the agricultural lender has an ownership interest or  
 44 for which the agricultural lender holds a sheriff's  
 45 certificate of sale, provided the agricultural land  
 46 exists in lots or parcels of more than ten acres.  
 47 d. A description of the types of farming in  
 48 operation on the agricultural land."  
 49 2. Title page, line 1, by inserting after the  
 50 word "to" the following: "financial institutions, by

**Page 2**

1 requiring reporting by agricultural lenders and by  
 2 permitting in certain circumstances".  
 3 3. By renumbering as necessary.

SVOBODA of Tama  
 OSTERBERG of Linn

H-5320

1 Amend House File 2378 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. DECLARATION OF PURPOSE.  
 5 The general assembly recognizes the right of a  
 6 parent to choose and affect their child's education  
 7 and society's interest in and need for an educated  
 8 society. The general assembly also recognizes that  
 9 parent's rights and society's apparent needs have come  
 10 into conflict in at least one court decision and are

11 affected by the provisions of chapter 299. The  
12 general assembly by this Act chooses to impose a  
13 moratorium on the enforcement of the provisions of  
14 chapter 299 until January 1, 1992, to aid the general  
15 assembly in studying the issues and achieving  
16 appropriate solutions to the problems with which the  
17 state has been presented."

18 2. Page 2, line 13, by inserting after the word  
19 "child" the following: "who by September 1 is".

20 3. Page 2, line 16, by inserting after the word  
21 "upon" the following: "or before".

22 4. Page 2, line 17, by striking the words  
23 "certificate stating" and inserting the following:  
24 "certificate stating report in duplicate, to the  
25 district. The secretary shall retain and file one  
26 copy and forward the other copy to the district's area  
27 education agency. The report shall state".

28 5. Page 2, by striking lines 20 and 21, and  
29 inserting the following: "the school year, the  
30 details of such instruction an outline of the course  
31 of study, text used, and the name of the instructor or  
32 nonaccredited school."

33 6. Page 2, by inserting after line 21, the  
34 following:

35 "Until January 1, 1992, nonaccredited schools or  
36 parents, guardians, or custodians of children, who are  
37 older than seven and under sixteen years of age, shall  
38 by filing the report with the district be deemed to  
39 have performed the duties imposed by this chapter."

40 7. Page 3, by striking lines 17 and 18.

41 8. Title page, line 2, by striking the words  
42 "effective date and".

43 9. By renumbering as necessary.

SWARTZ of Marshall

H-5321

1 Amend House File 2211 as follows:

2 1. Page 1, by inserting after line 21 the  
3 following: "A "political action committee" also  
4 includes a candidate's committee when it contributes  
5 to a candidate's committee of a candidate in a  
6 restricted campaign."

7 2. Page 1, line 34, by striking the word and  
8 figure "subsection 6" and inserting the following:  
9 "subsections 6 and 15".

10 3. Page 11, by inserting after line 9 the  
11 following:

12 "15. The commission may increase the limits on  
13 total expenditures set forth in subsection 3 by up to  
14 ten percent on grounds of demographic and political  
15 diversity if the increase is requested by a candidate

16 and all other candidates for that office are notified  
 17 and given an opportunity to be heard prior to approval  
 18 of the increase.

19 16. Political action committee funds shall not be  
 20 used to pay salaries or fees to elected state  
 21 officials or to a business owned or managed by an  
 22 elected state official."

23 4. Page 11, by inserting after line 20 the  
 24 following:

25 "Sec. \_\_\_\_\_. NEW SECTION. 56.35 POLITICAL ACTION  
 26 COMMITTEE LIMITS.

27 The limits on total political action committee  
 28 contributions provided by section 56.33, subsection 3,  
 29 apply to all candidate's committees for eligible  
 30 offices regardless of whether a restricted campaign  
 31 has been filed for or is in effect. Violations of  
 32 this section are subject to the criminal penalty of  
 33 section 56.16."

34 5. Page 15, by inserting after line 24 the  
 35 following:

36 "Sec. \_\_\_\_\_. ESTIMATE. On or before May 15, 1990,  
 37 the director of the department of revenue and finance  
 38 shall provide to the campaign finance disclosure  
 39 commission an estimate of the amount that will be  
 40 available in the Iowa campaign election fund from the  
 41 returns for the two tax years beginning on or after  
 42 January 1, 1988, and January 1, 1989."

43 6. By numbering and renumbering and correcting  
 44 internal references as necessary.

Committee on State Government

H—5323

1 Amend House File 2387 as follows:

2 1. Page 1, lines 8 and 9, by striking the words  
 3 "or any private individual" and inserting the  
 4 following: "~~or any private individual~~".

MAULSBY of Calhoun

H—5325

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 fund and any surplus  
 11 moneys shall be deposited in the household hazardous

12 waste account. All moneys received annually by the  
 13 treasurer of the state for the fines imposed by  
 14 sections 716B.2, 716B.3, and 716B.4 shall also be  
 15 deposited in the fund.

16 2. Page 4, by striking lines 20 through 22 and  
 17 inserting the following: "who shall deposit the  
 18 initial one hundred thousand dollars collected in the  
 19 general fund of the state, the next one hundred  
 20 thousand dollars collected in the emergency response  
 21 fund created under section 29C.8A, and the remainder  
 22 of the moneys collected in the household hazardous  
 23 waste account of the groundwater protection fund".

24 3. Page 4, by striking lines 31 through 33 and  
 25 inserting the following: "treasurer of state for who  
 26 shall deposit the initial one hundred thousand dollars  
 27 collected in the general fund of the state, the next  
 28 one hundred thousand dollars collected in the  
 29 emergency response fund created under section 29C.8A,  
 30 and the remainder of the moneys collected in the  
 31 household hazardous waste account of the groundwater  
 32 protection fund".

33 4. Page 5, by striking lines 11 and 12 and  
 34 inserting the following: "household hazardous waste  
 35 account. Except for the first one hundred thousand  
 36 dollars received annually for deposit in the general  
 37 fund, and the next one hundred thousand dollars  
 38 received annually for deposit in the emergency  
 39 response fund, the treasurer of".

ADAMS of Hamilton  
 HOLVECK of Polk

H-5328

- 1 Amend House File 2403 as follows:
- 2 1. Page 2, line 18, by striking the word "who".

SPEAR of Lee

H-5330

- 1 Amend House File 2403 as follows:
- 2 1. Page 2, line 13, by striking the word
- 3 "receives" and inserting the following: "accepts".

SPEAR of Lee

H-5331

- 1 Amend House File 2403 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 347.9, Code 1987, is amended
- 5 to read as follows:
- 6 347.9 TRUSTEES - APPOINTMENT - TERMS OF OFFICE.

7 When it has been determined by the voters of a  
 8 county to establish a county public hospital, the  
 9 board shall appoint seven trustees chosen from among  
 10 the resident citizens of the county with reference to  
 11 their fitness for office, and not more than four of  
 12 the trustees shall be residents of the city at which  
 13 the hospital is located. The trustees shall hold  
 14 office until the following general election, at which  
 15 time their successors shall be elected, two for a term  
 16 of two years, two for four years, and three for six  
 17 years, and they shall determine by lot their  
 18 respective terms, and thereafter their successors  
 19 shall be elected for regular terms of six years each.  
 20 A person or spouse of a person with medical or special  
 21 staff privileges in the county public hospital or who  
 22 receives direct or indirect compensation from the  
 23 county public hospital or direct or indirect  
 24 compensation from a person contracting for services  
 25 with the hospital shall not be eligible to serve as a  
 26 trustee for that county public hospital."  
 27 2. By renumbering as necessary.

BLANSHAN of Greene

H-5332

1 Amend Senate File 2196, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 13, line 1 through page 14,  
 4 line 31.  
 5 2. Renumber sections and correct internal  
 6 references as necessary.

KREMER of Buchanan

H-5333

1 Amend the amendment H-5310 to Senate File 2108, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 6, by striking the words  
 5 "ACQUIRED BANKS" and inserting the following: "BANK  
 6 INVESTMENTS - DEPOSIT OF PUBLIC FUNDS CONDITIONED  
 7 UPON COMPLIANCE".  
 8 2. Page 1, by striking lines 7 through 9, and  
 9 inserting the following:  
 10 "1. INVESTMENT IN IOWA INVESTMENTS REQUIRED. A  
 11 state bank or national association bank operating a  
 12 bank office in this state shall invest no less than  
 13 sixty percent of its assets in Iowa investments."  
 14 3. Page 1, by striking lines 13 through 15.  
 15 4. Page 1, by inserting after line 34, the  
 16 following:  
 17 "3. DEPOSIT OF PUBLIC FUNDS CONDITIONED UPON



18 COMPLIANCE. After July 1, 1990, eligibility for banks  
 19 to receive deposits of public funds, including state  
 20 treasury funds and the funds of political  
 21 subdivisions, is conditioned upon compliance with  
 22 subsection 1.

23 4. COMPLIANCE WAIVER FROM SUPERINTENDENT. A bank  
 24 may receive deposits of public funds after July 1,  
 25 1990, without complying with subsection 1, if the bank  
 26 has obtained a compliance waiver from the  
 27 superintendent. The superintendent may only issue a  
 28 compliance waiver if one or both of the following  
 29 conditions are met:

30 a. The bank demonstrates to the superintendent's  
 31 satisfaction, or upon the superintendent's own order,  
 32 that compliance would endanger the bank's solvency or  
 33 violate an order of a bank regulator or requirement of  
 34 federal law.

35 b. The bank demonstrates to the superintendent's  
 36 satisfaction that the unique circumstances of the  
 37 bank's service area make compliance economically  
 38 infeasible.

39 Compliance waivers shall be issued for a limited  
 40 period of time, effective for no more than twenty-four  
 41 months. Waivers may be renewed or extended for just  
 42 cause. The issuance of a compliance waiver does not  
 43 create a presumption that a waiver will be issued in  
 44 similar circumstances in the future, or that the  
 45 waiver will be renewed or extended upon expiration."

SWARTZ of Marshall

H-5334

1 Amend House File 2389 as follows:

2 1. Page 1, line 16, by striking the words "or  
 3 affinity" and inserting the following: "~~or~~ affinity".

SPEAR of Lee

H-5335

1 Amend House File 2389 as follows:

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

4 "Section 1. Section 144.36, subsection 2, Code  
 5 1987, is amended by striking subsection 2.

6 Sec. 2. Section 144.36, subsection 4, Code 1987,  
 7 is amended to read as follows:

8 4. The clerk of the district court shall record  
 9 and forward to the state registrar on or before the  
 10 tenth day of each calendar month the original  
 11 certificates of marriages filed with the clerk during  
 12 for the preceding calendar month."

13 2. Renumber as necessary.

SPEAR of Lee

H-5336

1 Amend House File 2389 as follows:

2 1. Page 5, by inserting after line 24 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 595.19, Code 1987, is amended  
5 to read as follows:

6 595.19 VOID MARRIAGES.

7 Marriages between the following persons who are  
8 related by blood are void:

9 1. Between a man and his grandmother, mother,  
10 father's sister, mother's sister, daughter, sister,  
11 son's daughter, daughter's daughter, brother's  
12 daughter or sister's daughter.

13 2. Between a woman and her grandfather, father,  
14 father's brother, mother's brother, son, brother,  
15 son's son, daughter's son, brother's son, or sister's  
16 son.

17 3. Between first cousins.

18 4. Between persons either of whom has a husband or  
19 wife living, but, if the parties live and cohabit  
20 together after the death or divorce of the former  
21 husband or wife, such the marriage shall be is valid  
22 as of the date of the death or divorce of the former  
23 spouse."

24 2. Renumber as necessary.

SPEAR of Lee

H-5337

1 Amend House File 2394 as follows:

2 1. Page 4, by inserting after line 35 the  
3 following:

4 "Sec. \_\_\_\_\_. **NEW SECTION. 111F.17 REVERSION OF**  
5 **ABANDONED RAILROAD RIGHT-OF-WAY.**

6 This division shall not affect the reversion of  
7 abandoned railroad right-of-way which is subject to  
8 reversion to adjoining landowners upon abandonment."

9 2. By renumbering sections.

VAN MAANEN of Mahaska  
PELLETT of Cass  
MAULSBY of Calhoun

H-5338

1 Amend House File 2394 as follows:

2 1. Page 2, by striking line 27 and inserting the  
3 following: "reasonable terms to the adjoining  
4 landowner. If the landowner refuses the option to  
5 purchase or does not proceed to negotiate the purchase

6 within thirty days, the right-of-way shall be offered  
 7 to the department of natural resources, the”.

VAN MAANEN of Mahaska  
 PELLETT of Cass  
 MAULSBY of Calhoun

H-5339

1 Amend House File 2389 as follows:

2 1. Page 4, by striking lines 1 through 9 and  
 3 inserting the following:

4 “595.6 FILING AND RECORD REQUIRED.

5 1. The affidavit or certificate, in each case, A  
 6 certificate of parental consent obtained under section  
 7 595.2 or a court order issued under that section or  
 8 section 595.4, and the affirmation of intent to be  
 9 married, shall be filed by the clerk and constitute a  
 10 part of entered in the records of the clerk's office.

11 A memorandum of the affidavit or certificate of  
 12 parental consent or a court order relating to the  
 13 marriage, and the affirmation of intent to be married  
 14 shall also be entered in the license book records.

15 2. Upon the certificate of parental consent or a  
 16 court order relating to the marriage, and the  
 17 affirmation of intent being recorded pursuant to  
 18 subsection 1, and the”.

SPEAR of Lee

H-5340

1 Amend House File 2282 as follows:

2 1. Page 1, by inserting after line 11 the  
 3 following:

4 “Sec. 2. Section 280A.23, subsection 1, Code  
 5 Supplement 1987, is amended to read as follows:

6 1. Determine the curriculum to be offered in such  
 7 school or college subject to approval of the state  
 8 board. If an existing private educational or  
 9 vocational institution within the merged area has  
 10 facilities and curriculum of adequate size and quality  
 11 which would duplicate the functions of the area  
 12 school, the board of directors shall discuss with the  
 13 institution the possibility of entering into contracts  
 14 to have the existing institution offer facilities and  
 15 curriculum to students of the merged area. The board  
 16 of directors shall consider any proposals submitted by  
 17 the private institution for providing such facilities  
 18 and curriculum. The board of directors may enter into  
 19 such contracts. In approving curriculum, the state  
 20 board shall ascertain that all courses and programs  
 21 submitted for approval are needed and that the  
 22 curriculum being offered by an area school does not

23 duplicate programs provided by existing public or  
 24 private facilities in the area. In determining  
 25 whether duplication would actually exist, the state  
 26 board shall consider the needs of the area and  
 27 consider whether the proposed programs are competitive  
 28 as to size, quality, tuition, purposes, and area  
 29 coverage with existing public and private educational  
 30 or vocational institutions within the merged area.  
 31 The state board shall assist the area vocational  
 32 school boards of directors in developing college  
 33 parallel programs which qualify for college transfer  
 34 credit, as part of the regular curriculum at those  
 35 institutions.

36 Sec. 3. Section 262.9, Code Supplement 1987, is  
 37 amended by adding the following new subsection:

38 NEW SUBSECTION. 19. Assist the state board of  
 39 education in developing college parallel programs for  
 40 the area vocational schools which will qualify for  
 41 college transfer credit."

42 2. Title page, line 1, by striking the words "to  
 43 stay" and inserting the following: "relating to area  
 44 vocational schools, by providing assistance in  
 45 developing college parallel programs and by staying".

46 3. By renumbering as necessary.

KREMER of Buchanan  
 CONNOLLY of Dubuque

H-5345

1 Amend House File 2389 as follows:

2 1. Page 5, by inserting after line 24 the  
 3 following:

4 "Sec. \_\_\_\_\_. Section 595.17, Code 1987, is amended  
 5 to read as follows:

6 595.17 EXCEPTIONS.

7 The provisions of this chapter, as they relate to  
 8 procuring licenses and to the solemnizing of marriages  
 9 are not applicable to members of a denomination having  
 10 an unusual mode of entering the marriage relation.

11 However, section 595.3, subsections 1 through 4, apply  
 12 to persons exempt from obtaining a license under this  
 13 section, and a marriage under the conditions of this  
 14 section shall not be recorded unless the parties  
 15 submit proof that they are not barred from the receipt  
 16 of a license under section 595.3, subsections 1  
 17 through 4, and pay a fee equal to that required for  
 18 the issuance of a marriage license."

19 2. Renumber as necessary.

SPEAR of Lee

H-5346

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 parent of the  
 9 minor will also be informed and that another  
 10 responsible adult in addition to the minor's parent  
 11 may be informed upon the request of the minor."

SHERZAN of Polk

H-5348

1 Amend House File 2389 as follows:  
 2 1. Page 4, line 12, by inserting after the word  
 3 "state" the following: "whether or not the marriage  
 4 is solemnized and".

SPEAR of Lee

H-5351

1 Amend House File 2389 as follows:  
 2 1. Page 4, by striking lines 14 through 23 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_\_. Section 595.10, Code Supplement 1987,  
 5 is amended to read as follows:  
 6 595.10 WHO MAY SOLEMNIZE.  
 7 Marriages may be solemnized by:  
 8 1. A judge of the supreme court, court of appeals,  
 9 or district court, including a district associate  
 10 judge, or a judicial magistrate, and including a  
 11 senior judge as defined in section 602.9202,  
 12 subsection 1.  
 13 2. A person ordained or designated as a leader of  
 14 ~~the person's~~ a religious faith.  
 15 3. Any other person agreed to by the parties.  
 16 2. Renumber as necessary.

SPEAR of Lee

H-5356

1 Amend House File 2400 as follows:  
 2 1. Page 3, line 11, by striking the word "and"  
 3 and inserting the following: "unless an exemption is  
 4 granted by the administrator permitting a smaller E911  
 5 service area. The administrator may grant a  
 6 discretionary exemption from the single county minimum  
 7 service area requirement based upon an E911 joint

8 service board's or other E911 service plan operating  
 9 authority's presentation of evidence which supports  
 10 the requested exemption if the administrator finds  
 11 that local conditions make adherence to the minimum  
 12 standard unreasonable or technically infeasible, and  
 13 that the purposes of this chapter would be furthered  
 14 by granting an exemption. The minimum size  
 15 requirement is intended to prevent unnecessary  
 16 duplication of public safety answering points and  
 17 minimize other administrative and equipment expenses.  
 18 An E911 service area must encompass a geographically  
 19 contiguous area. No exemption shall be granted from  
 20 the contiguous area requirement. The administrator  
 21 may order the inclusion of a specific territory in an  
 22 adjoining E911 service plan area to avoid the creation  
 23 by exclusion of a territory smaller than a single  
 24 county not serviced by surrounding E911 service plan  
 25 areas upon request of the joint 911 service board  
 26 representing the territory. The E911 service plan  
 27 operating authority".

BLANSHAN of Greene  
 KREMER of Buchanan

H—5357

1 Amend House File 2376 as follows:  
 2 1. Page 1, line 4, by striking the words "and  
 3 retail sale".

MAULSBY of Calhoun

H—5359

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 3, line 11, by striking the word "and"  
 5 and inserting the following: "unless an exemption is  
 6 granted by the administrator permitting a smaller E911  
 7 service area. The administrator may grant a  
 8 discretionary exemption from the single county minimum  
 9 service area requirement based upon an E911 joint  
 10 service board's or other E911 service plan operating  
 11 authority's presentation of evidence which supports  
 12 the requested exemption if the administrator finds  
 13 that local conditions make adherence to the minimum  
 14 standard unreasonable or technically infeasible, and  
 15 that the purposes of this chapter would be furthered  
 16 by granting an exemption. The minimum size  
 17 requirement is intended to prevent unnecessary  
 18 duplication of public safety answering points and to  
 19 minimize other personnel, administrative, and  
 20 equipment expenses. An E911 service area must

21 encompass a geographically contiguous area. No  
22 exemption shall be granted from the contiguous area  
23 requirement. The administrator may order the  
24 inclusion of a specific territory in an adjoining E911  
25 service area or areas to avoid the creation by  
26 exclusion of a territory smaller than a single county  
27 not serviced by surrounding E911 service areas upon  
28 request of the joint 911 service board representing  
29 the territory. The E911 service plan operating  
30 authority”.

31 3. Page 5, by inserting after line 3, the  
32 following:

33 “Sec. \_\_\_\_\_. NEW SECTION. 477B.6 FUNDING.

34 1. ACCESS LINE SURCHARGE IMPOSED. An access line  
35 subscriber shall pay a twenty-five cents per month per  
36 access line surcharge for access line services  
37 provided on or after January 1, 1989.

38 2. SURCHARGE COLLECTED BY PROVIDERS. The  
39 surcharge shall be collected as part of the access  
40 line service provider's periodic billing. The  
41 surcharge shall be deposited with the treasurer of  
42 state for deposit into the E911 service fund within  
43 thirty days of collection of the surcharge by the  
44 provider. The surcharge is not a part of a regulated  
45 provider's rate base.

46 3. E911 STANDING LIMITED APPROPRIATION TO APPROVED  
47 E911 SERVICE PLAN OPERATING AUTHORITIES. There is  
48 appropriated from the general fund of the state  
49 annually, beginning April 1, 1989, to each  
50 administrator approved E911 service plan operating

**Page 2**

1 authority, an amount equal to twenty-five cents  
2 multiplied by the number of access lines in the E911  
3 service area as determined annually by the  
4 administrator. The appropriation shall be reduced by  
5 an amount equal to an approved E911 service plan  
6 operating authority's pro rata share of past due and  
7 uncollected surcharges which providers report to the  
8 treasurer of state and the administrator. Moneys  
9 appropriated under this subsection from the general  
10 fund of the state may only be used for nonrecurring  
11 and recurring costs as those terms are defined by  
12 section 477B.2. The total annual appropriation  
13 provided for by this subsection is limited to no more  
14 than the total amount deposited in the general fund of  
15 the state by providers under subsection 2.

16 4. STANDING LIMITED APPROPRIATION TO APPROVED AND  
17 FULLY OPERATIONAL E911 SERVICE PLAN OPERATING  
18 AUTHORITIES. There is appropriated from the general  
19 fund of the state beginning with the fiscal year

20 beginning July 1, 1989, and ending June 30, 1990, and  
 21 each succeeding fiscal year, to each administrator  
 22 approved and operational E911 service plan operating  
 23 authority an amount equal to the pro rata share, based  
 24 on the number of access lines in the E911 service area  
 25 currently provided E911 service as determined annually  
 26 by the administrator, of the balance of funds, if any,  
 27 deposited by providers in the general fund of the  
 28 state pursuant to subsection 2 after payment of the  
 29 appropriation for the prior annum as required by  
 30 subsection 3; provided that an E911 service plan  
 31 operating authority shall not receive in total  
 32 appropriations over time under this subsection an  
 33 amount in excess of the actual recurring and  
 34 nonrecurring costs, as those terms are defined in  
 35 section 477B.2, incurred in establishing and operating  
 36 a 911 or E911 emergency telephone communication system  
 37 prior to obtaining approval from the administrator for  
 38 the existing E911 service plan.

39 The amount of the funds appropriated from the  
 40 general fund of the state under this section shall not  
 41 exceed the amount of any funds credited to the general  
 42 fund of the state from the surcharge collected under  
 43 this section. If the amount of funds collected from  
 44 the surcharge collected under this section is  
 45 insufficient to pay in full the total amount claimed  
 46 under this section, the amount of the claims shall be  
 47 prorated.

48 Sec. \_\_\_\_\_. NEW SECTION. 477B.7 ADMINISTRATOR HAS  
 49 RULEMAKING AUTHORITY TO IMPLEMENT.

50 The administrator may adopt rules under chapter 17A

**Page 3**

- 1 to implement this chapter.”
- 2 4. By renumbering as necessary.

SWARTZ of Marshall  
 SHERZAN of Polk  
 PLATT of Muscatine

H—5361

- 1 Amend House File 2394 as follows:
- 2 1. Page 2, line 19, by inserting after the words
- 3 “(97 Stat. 48).” the following: “The holder of a
- 4 reversionary interest in a railroad right-of-way or
- 5 similar railroad property which is not deemed to be
- 6 abandoned as provided in this section, shall be justly
- 7 compensated by the interim users.”

VAN MAANEN of Mahaska  
 PELLETT of Cass



H-5362

- 1 Amend House File 2325 as follows:
- 2 1. By striking page 6, line 23 through page 8,
- 3 line 14.
- 4 2. Title page, lines 8 and 9, by striking the
- 5 words: "making appropriations from the road use tax
- 6 fund,".
- 7 3. Renumber sections and correct internal
- 8 references as necessary.

KREMER of Buchanan

H-5363

- 1 Amend Senate File 2196, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 13, line 1 through page 14,
- 4 line 31.
- 5 2. Title page, lines 9 and 10, by striking the
- 6 words "making appropriations from the road use tax
- 7 fund,".
- 8 3. Renumber sections and correct internal
- 9 references as necessary.

KREMER of Buchanan

H-5365

- 1 Amend House File 2378 as follows:
- 2 1. Page 1, by striking lines 5 through 7 and
- 3 inserting the following: "shall begin no sooner than
- 4 the first day of September and twenty-seventh day of
- 5 August. School shall continue for at".

MILLER of Cherokee

H-5366

- 1 Amend House File 2394 as follows:
- 2 1. Page 2, by striking lines 11 through 19.
- 3 2. Title page, by striking lines 2 and 3 and
- 4 inserting the following: "system, by providing for
- 5 the acquisition of railroad rights-of-way for uses as
- 6 recreational trails".
- 7 3. By renumbering as necessary.

FOGARTY of Palo Alto

H-5367

- 1 Amend House File 2378 as follows:
- 2 1. Page 1, by striking lines 27 and 28, and
- 3 inserting the following: "cause the child to attend
- 4 some public school for at least one hundred twenty
- 5 days in each".
- 6 2. Page 1, line 29, by striking the words "~~school~~

- 7 year" and inserting the following: "school year".  
 8 3. Page 2, by striking lines 1 through 8.  
 9 4. By renumbering as necessary.

COREY of Louisa

H—5368

- 1 Amend House File 2411 as follows:  
 2 1. Page 2, line 1, by inserting after the word  
 3 "services" the following: "and the quality of care".  
 4 2. Page 2, line 28, by striking the word  
 5 "Develop" and inserting the following: "In  
 6 cooperation with the state board of health, develop".  
 7 3. Page 3, line 16, by inserting after the word  
 8 "health," the following: "the director of inspections  
 9 and appeals, and".  
 10 4. Page 3, line 19, by striking the words "each  
 11 year" and inserting the following: "each year for  
 12 two-year terms".  
 13 5. Page 3, by striking lines 20 through 27 and  
 14 inserting the following: "the house, respectively,  
 15 and the chairperson of the board of directors of the  
 16 corporation or the head of the association or other  
 17 entity providing staff for the commission as provided  
 18 by section 145.3 who shall be a nonvoting member. The  
 19 commissioner and director members shall annually  
 20 select director of public health is the chairperson of  
 21 the commission from among the four voting commission  
 22 members. The other commissioner and director members  
 23 may designate persons to represent them as regular  
 24 voting members of the commission. A majority of the  
 25 seven members including at least two three voting  
 26 members constitutes a quorum."  
 27 6. Page 3, by striking lines 33 and 34 and  
 28 inserting the following: "voting members of the  
 29 commission. The three voting members of the  
 30 commission who are not legislators shall not receive a  
 31 salary or per".  
 32 7. Page 4, line 4, by striking the word "two" and  
 33 inserting the following: "two".  
 34 8. Page 4, line 15, by striking the word "shall"  
 35 and inserting the following: "shall may".  
 36 9. Page 4, by striking lines 16 and 17 and  
 37 inserting the following: "agreement with the health  
 38 policy corporation of Iowa or any other a corporation,  
 39 association, or entity it deems appropriate".  
 40 10. Page 4, line 20, by inserting after the word  
 41 "commission," the following: "and".  
 42 11. Page 4, line 22, by striking the words ",  
 43 subsection 1".  
 44 12. Page 4, by inserting after line 26 the  
 45 following:

46 "The commission shall not enter into an agreement  
 47 with an entity that engages in whole or in part in the  
 48 provision of health care services or an entity that  
 49 has a material financial interest in the provision of  
 50 such services."

**Page 2**

- 1 13. Page 5, by inserting after line 8 the  
 2 following:  
 3 "Sec. \_\_\_\_\_. Section 145.3, subsection 4, paragraph  
 4 e, Code 1987, is amended to read as follows:  
 5 e. ~~The health policy corporation of Iowa or any~~  
 6 ~~other corporation, association, or other entity under~~  
 7 agreement with the commission pursuant to subsection 1  
 8 or state agency, as deemed appropriate, begin  
 9 exploring the feasibility of collecting data for long-  
 10 term health care and home health care relating to cost  
 11 and utilization information."  
 12 14. Title page, line 2, by inserting after the  
 13 word "commission" the following: ", changing its  
 14 composition,".  
 15 15. By numbering and renumbering as necessary.

BEATTY of Warren

H-5369

- 1 Amend House File 2221 as follows:  
 2 1. Page 1, line 16, by striking the words "one or  
 3 more" and inserting the following: "either".  
 4 2. Page 1, by striking lines 23 through 25.  
 5 3. Page 1, line 26, by striking the figure "(3)"  
 6 and inserting the following: "(2)".  
 7 4. Page 1, by inserting after line 27 the  
 8 following:  
 9 "The rules may require that a bidder who reports a  
 10 worker's compensation experience rating modification  
 11 which is equal to or greater than one hundred and  
 12 twenty-five percent of the average of the bidder's  
 13 industry is not competent to bid on a state contract."

RENKEN of Grundy

H-5370

- 1 Amend House File 2221 as follows:  
 2 1. Page 1, line 25, by striking the word "twenty-  
 3 five" and inserting the following: "thirty-five".

GARMAN of Story

H-5371

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

3 "Section 1. Section 18.6, subsection 1, Code 1987,  
 4 is amended by adding the following new paragraphs:  
 5 NEW PARAGRAPH. a. The director shall purchase  
 6 from the lowest responsible bidder. In determining  
 7 the responsibility of a bidder, the director may  
 8 consider the safety record of the bidder, or of the  
 9 person who is represented by the bidder. If the  
 10 safety record is considered, both of the following  
 11 conditions shall be met:

12 (1) There are written criteria for accurately  
 13 determining the safety record of a bidder.

14 (2) Notice of the criteria is given to a  
 15 prospective bidder in the bid specifications.

16 NEW PARAGRAPH. b. Bidder responsibility, as  
 17 defined by rules adopted under this subsection, may be  
 18 used by the institutions under the state board of  
 19 regents, the state department of transportation, the  
 20 commission for the blind, and other state agencies as  
 21 well as the department of general services, in  
 22 developing standards and specifications for  
 23 purchasing.

24 Sec. 2. Section 384.97, Code 1987, is amended by  
 25 adding the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. If the safety record of  
 27 a bidder is to be considered pursuant to section  
 28 384.99, the notice to bidders must contain the  
 29 criteria used to determine the safety record of the  
 30 bidder.

31 Sec. 3. Section 384.99, Code 1987, is amended by  
 32 adding the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. In determining the  
 34 responsibility of the bidder, the governing body may  
 35 consider the safety record of the bidder, or of the  
 36 person represented by the bidder. If the safety  
 37 record is considered, there must be written criteria  
 38 for accurately determining the safety record of a  
 39 bidder."

40 2. Title page, by striking lines 1 and 2 and  
 41 inserting the following: "An Act relating to  
 42 purchasing by state and local governments by defining  
 43 bidder responsibility."

CARPENTER of Polk

H-5375

1 Amend House File 2408 as follows:

2 1. Page 3, by inserting after line 10 the  
 3 following:

4 "Sec. \_\_\_\_\_. Section 601J.4, subsection 2, Code  
 5 1987, is amended to read as follows:

6 2. Upon request, the department shall provide  
 7 assistance to political subdivisions, state agencies,

8 and organizations affected by this chapter for federal  
9 aid applications for urban and rural transit system  
10 program aid. The department, in co-operation with the  
11 regional planning agencies, shall maintain current  
12 information reflecting the amount of federal, state  
13 and local aid received by the public and private  
14 nonprofit organizations providing public transit  
15 services and the purpose for which the aid is  
16 received. The department shall annually prepare a  
17 report to be submitted to the general assembly, the  
18 department of management, and to the governor, prior  
19 to February 1 of each year, stating the receipts and  
20 disbursements made during the preceding fiscal year  
21 and the adequacy of programs financed by federal,  
22 state, local, and private aid in the state. The  
23 department shall analyze the programs financed and  
24 recommend methods of avoiding duplication and  
25 increasing the efficacy of programs financed. The  
26 department shall receive comments from the department  
27 of human services, department of elder affairs, and  
28 the officers and agents of the other affected state  
29 and local government units relative to the  
30 department's analysis. The department shall use the  
31 following criteria to adopt rules to determine  
32 compliance with and exceptions to subsection 1:  
33 a. Elimination of duplicative and inefficient  
34 administrative costs, policies and management.  
35 b. Utilization of resources for transportation  
36 services effectively and efficiently.  
37 c. Elimination of duplicative and inefficient  
38 transportation services.  
39 d. Development of transportation services which  
40 meet the needs of the general public and insure  
41 services adequate to the needs of transportation  
42 disadvantaged persons.  
43 e. Protection of the rights of private enterprise  
44 public transit providers.  
45 f. Coordination of planning for transportation  
46 services at the urban and regional level by all  
47 agencies or organizations receiving public funds that  
48 are purchasing or providing transportation services.  
49 g. Management of equipment and facilities  
50 purchased with public funds so that efficient and

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1 routine maintenance and replacement is accomplished.  
2 h. Training of transit management, drivers and  
3 maintenance personnel to provide safe, efficient, and  
4 economical transportation services.  
5 Eligibility to receive or expend federal, state or  
6 local funds for transportation services by all

7 agencies or organizations purchasing or providing  
 8 these services shall be contingent upon compliance  
 9 with these criteria as determined by the department,  
 10 except that services provided by or purchased by the  
 11 department of human services, which include  
 12 transportation, shall be subject to section 601J.5,  
 13 subsection 3, paragraph "e-."

14 2. By striking page 3, line 23 through page 4,  
 15 line 9, and inserting the following:

16 "Sec. \_\_\_\_\_. Section 601J.5, subsections 1 through  
 17 3, Code 1987, are amended by striking the  
 18 subsections."

19 3. Page 4, by striking lines 10 through 17.

20 4. Title page, by striking lines 5 through 7, and  
 21 inserting the following: "another, and by eliminating  
 22 certain funding restrictions to agencies and  
 23 organizations purchasing or providing transportation  
 24 services with federal, state, or local funds."

GARMAN of Story  
 FULLER of Hardin  
 MUHLBAUER of Crawford  
 BRANSTAD of Winnebago

ROYER of Page  
 EDDIE of Buena Vista  
 VAN MAANEN of Mahaska  
 JAY of Appanoose  
 WISE of Lee  
 MILLER of Cherokee

H—5376

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

3 1. Page 1, by inserting before line 1 the follow-  
 4 ing:

5 "Section 1. Section 422.63, Code 1987, is amended  
 6 by adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding any  
 8 other provision in this section, the franchise tax is  
 9 imposed annually upon a bank owned by a regional bank  
 10 holding company in an amount equal to ten percent of  
 11 the net income received or accrued during the taxable  
 12 year.

13 Sec. 2. Section 422.65, Code 1987, is amended by  
 14 adding the following new subsection:  
 15 NEW SUBSECTION. 3. Notwithstanding any other  
 16 provision of this section the franchise tax imposed on  
 17 a bank owned by a regional bank holding company shall  
 18 be allocated as follows:

19 a. Fifty percent of the franchise tax is allocated  
 20 as otherwise provided for in this section.

21 b. Fifty percent of the franchise tax is  
 22 appropriated to the following programs and shall be  
 23 deposited in the office of the treasurer of state for  
 24 equal allocation among the following programs then in  
 existence:

- 26 (1) Targeted small business loan guarantee  
 27 program.  
 28 (2) Self-employment loan program.  
 29 (3) Programs for the assistance of inventors  
 30 designed to aid in the development of new products  
 31 within the state."  
 32 2. By renumbering as necessary.

SVOBODA of Tama  
 ROYER of Page  
 FULLER of Hardin

H-5377

- 1 Amend House File 2410 as follows:  
 2 1. Page 1, by striking lines 24 through 26.

SCHNEKLOTH of Scott

H-5378

- 1 Amend House File 2410 as follows:  
 2 1. Page 1, by striking lines 1 through 13.

SCHNEKLOTH of Scott

H-5379

- 1 Amend House File 2411 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 2.58, Code 1987, is amended by  
 5 adding the following new unnumbered paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. The legislative service  
 7 bureau shall assist the general assembly in obtaining  
 8 health policy notes for legislative bills pursuant to  
 9 the rules of the general assembly.  
 10 Sec. 2. Section 135E.6, Code 1987, is amended to  
 11 read as follows:  
 12 135E.6 FUND CREATED.  
 13 All Except as otherwise provided in section  
 14 135E.6A, all fees collected under the provisions of  
 15 this division chapter shall be paid to the treasurer  
 16 of state who shall deposit the fees in the general  
 17 fund of the state. Funds shall be appropriated to the  
 18 board to be used and expended by the board to pay the  
 19 compensation and travel expenses of members and  
 20 employees of the board, and other expenses necessary  
 21 for the board to administer and carry out the  
 22 provisions of this division chapter.  
 23 Sec. 3. NEW SECTION. 135E.6A ADDITIONAL FEE FOR  
 24 HEALTH POLICY RESEARCH AND EVALUATION.  
 25 In addition to the fees required by section 135E.5,  
 26 each person granted a license as a nursing home  
 27 administrator or a renewal of such a license shall pay

28 to the board a fee of five dollars per year for the  
 29 conduct of health policy research, review, and  
 30 evaluation activities pursuant to chapter 145. The  
 31 fees collected shall be paid to the treasurer of state  
 32 and deposited in the health policy review trust fund  
 33 established in section 145.15.

34 Sec. 4. NEW SECTION. 135F.14 ADDITIONAL FEES FOR  
 35 HEALTH POLICY RESEARCH AND EVALUATION.

36 In addition to the fees required pursuant to  
 37 section 135F.6, each person granted registration or  
 38 certification by the department as a respiratory care  
 39 practitioner or renewal of such registration or  
 40 certification shall pay to the department a fee of  
 41 five dollars per year for the conduct of health policy  
 42 research, review, and evaluation activities pursuant  
 43 to chapter 145. The fees collected shall be paid to  
 44 the treasurer of state and deposited in the health  
 45 policy review trust fund established in section  
 46 145.15.

47 Sec. 5. Section 145.6, Code 1987, is amended to  
 48 read as follows:

49 145.6 REPORTS AND TERMINATION OF COMMISSION.

50 The commission shall submit an annual report on the

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1 actions taken by the commission to the legislature not  
 2 later than January 15 of each year. ~~The commission~~  
 3 ~~shall be terminated July 1, 1989. If the legislature~~  
 4 ~~does not extend the date for termination, a final~~  
 5 ~~report shall be submitted to the legislature by July~~  
 6 ~~1, 1989.~~

7 Sec. 6. NEW SECTION. 145.11 DECLARATION.

8 1. The general assembly declares that there is  
 9 need for independent review and evaluation preliminary  
 10 to legislative decision-making on proposals for  
 11 revision of scopes of practice, educational and  
 12 experiential requirements, levels of credentialing,  
 13 and regulatory structures for health care professions;  
 14 for the credentialing of additional health care  
 15 professions; for mandating the inclusion or offering  
 16 of benefits or coverage for services provided by  
 17 particular health professions; and for direct payments  
 18 with respect to services provided by particular health  
 19 care professions. A process for independent, expert  
 20 review and evaluation pursuant to overall guidelines  
 21 will encourage a less fragmented, more rational  
 22 approach to the consideration of proposals in these  
 23 areas and will provide the general assembly with  
 24 adequate and reliable information as to the effects of  
 25 the proposals on health policy and health care  
 26 delivery in the state, including effects on the



27 availability and cost of services and coverage.  
28 2. The general assembly further declares that  
29 there is need for a structure in which qualified  
30 persons may be engaged to conduct analytical research  
31 to provide a broader base of information and an  
32 overview for use in considering health policy issues  
33 and measuring the long-term and interactive effects of  
34 various proposals.

35 3. The general assembly further declares that the  
36 conduct of health policy research, review, and  
37 evaluation activities pursuant to this chapter will  
38 benefit health care professionals, and those health  
39 care professionals should share in the costs of those  
40 activities.

41 Sec. 7. NEW SECTION. 145.12 CONTRACTS FOR HEALTH  
42 POLICY RESEARCH, REVIEW, AND EVALUATION.

43 In addition to the powers and duties set forth in  
44 sections 145.1 through 145.6, the health data  
45 commission shall organize and coordinate health policy  
46 research, review, and evaluation activities by  
47 contracting with individuals who are recognized  
48 experts in the fields of health, insurance,  
49 statistics, economics, or other appropriate fields and  
50 assigning them to work in three-member panels to

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1 prepare health policy notes pursuant to section 145.13  
2 or undertake research studies pursuant to section  
3 145.14. The health data commission is granted the  
4 authority to contract and take other actions as  
5 necessary to accomplish this purpose.

6 Sec. 8. NEW SECTION. 145.13 REVIEW AND  
7 EVALUATION OF LEGISLATIVE PROPOSALS — HEALTH POLICY  
8 NOTES.

9 1. The health data commission shall establish a  
10 process of review and evaluation to be utilized in the  
11 consideration of legislative proposals for revision of  
12 scopes of practice, educational and experiential  
13 requirements, levels of credentialing, and regulatory  
14 structures for health care professions; for the  
15 credentialing of additional health care professions;  
16 for mandating the inclusion or offering of benefits or  
17 coverage for services provided by particular health  
18 care professions; and for direct payments with respect  
19 to services provided by particular health care  
20 professions. The process shall apply to each  
21 legislative proposal for which a health policy note is  
22 requested through the legislative service bureau, the  
23 secretary of the senate, or the chief clerk of the  
24 house pursuant to rules of the general assembly. The  
25 health policy note shall contain the findings and

26 recommendations reached at the conclusion of the  
 27 process and, insofar as possible, shall be submitted  
 28 to the general assembly within the time limits set  
 29 forth in the request. The findings shall address the  
 30 effects of the proposal with respect to health policy  
 31 and health care delivery in this state, including the  
 32 availability and cost of services and coverage.

33 2. The commission shall provide for three-member  
 34 panels of experts to review and evaluate proposals and  
 35 prepare health policy notes as provided in subsection

36 1. The commission may provide a separate panel for  
 37 each proposal or assign two or more proposals to a  
 38 single panel.

39 3. The commission shall establish overall health  
 40 policy principles and guidelines to assist the panels  
 41 in the review and evaluation process. The commission  
 42 shall also prepare for each category of proposal a  
 43 documentation list specifying types of data which  
 44 should be provided and issues and questions which  
 45 should be addressed in documentation submitted by  
 46 proponents and opponents of proposals. The  
 47 documentation lists may include items relating to the  
 48 reasons for the proposal and whether and to what  
 49 extent the change is needed by consumers and the  
 50 general public; the results of relevant research,

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1 including professionally accepted, controlled trials  
 2 of various courses of action; evidence of the  
 3 financial impact of the proposal, including the extent  
 4 to which the cost for a particular treatment or  
 5 service would increase or decrease, the extent to  
 6 which the use of a particular treatment or service  
 7 would increase or decrease, the effect of the proposal  
 8 on insurers and insurance rates, and the impact of the  
 9 proposal on the total cost of health care within the  
 10 state; and the experience of other states where  
 11 similar proposals have been adopted. Copies of the  
 12 overall health policy principles and guidelines and  
 13 documentation lists shall be made available to  
 14 interested persons.

15 4. The commission shall establish procedures for  
 16 the submission of documentation by the proponents and  
 17 opponents of a proposal and for review and evaluation  
 18 of the documentation by the panel to which the  
 19 proposal is assigned.

20 In reviewing and evaluating the documentation and  
 21 other information in connection with a proposal the  
 22 panel shall consider the overall health policy  
 23 principles and guidelines and the extent to which the  
 24 documentation is responsive to the specific items on

25 the documentation list provided pursuant to subsection  
26 1; whether or not the research cited meets  
27 professional standards; whether or not the  
28 documentation cites all relevant research with respect  
29 to the proposal; and whether or not the conclusions  
30 and interpretations in the documentation are  
31 consistent with the data submitted. The panel,  
32 through the commission, may request information and  
33 advice from state departments and agencies, including  
34 the health profession examining boards, and from  
35 political subdivisions, and the state departments and  
36 agencies and political subdivisions shall cooperate in  
37 responding to the requests.

38 5. The commission shall adopt rules pursuant to  
39 chapter 17A establishing time limits, forms, and other  
40 procedures applicable to the review and evaluation  
41 process and the preparation of health policy notes and  
42 revised notes for submittal to the general assembly.  
43 The rules shall include provisions for notice and may  
44 include provisions for public hearings.

45 6. When a panel completes a health policy note the  
46 commission shall submit the note to the general  
47 assembly without change, except that the commission  
48 may add its own comments and recommendations at the  
49 end of the note if the comments and recommendations  
50 are properly identified.

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1 Sec. 9. NEW SECTION. 145.14 RESEARCH STUDIES.

2 1. The commission shall provide for one or more  
3 three-member panels of experts to conduct analytical  
4 research studies in the following areas:

5 a. A study of the scopes of practice of all health  
6 care professions in the state for the purpose of  
7 analyzing the interrelationships, boundaries, and  
8 areas of overlap with emphasis on the overall effects  
9 of existing and proposed statutes and rules upon  
10 health care costs, availability of services, and other  
11 facets of the health care delivery system. The study  
12 shall include a comparative review of scope of  
13 practice and related provisions in other states. The  
14 study shall also take into account the changes in  
15 recent decades and developing trends in the following  
16 areas:

17 (1) Relationships among the health care  
18 professions.

19 (2) Educational and experiential requirements for  
20 the various health care professions.

21 (3) The general structure of the health care  
22 delivery system, including the growth of alternative  
23 structures such as health maintenance organizations.

24 (4) Appropriate levels of delivery of professional  
25 health care services in the rural and urban areas of  
26 the state.

27 (5) Relationships among health care providers,  
28 including hospitals, health care facilities, and other  
29 institutional providers, health maintenance  
30 organizations, health care professionals, and  
31 insurers.

32 (6) Health care needs of persons of different age  
33 levels in the state.

34 b. A study of the feasibility and desirability of  
35 establishing a single board for the regulation of all  
36 health care professions in the state.

37 2. The commission may provide for other studies  
38 relating to health policy issues.

39 3. The panel, through the commission, may request  
40 information and advice from state departments and  
41 agencies, including the health profession examining  
42 boards, and from political subdivisions, and the state  
43 departments and agencies and political subdivisions  
44 shall cooperate in responding to the requests.

45 4. The commission may require in connection with  
46 any study conducted under this section that the  
47 findings and conclusions be accompanied by  
48 recommendations from the panel.

49 5. The commission shall establish procedures and  
50 time limits to govern the conduct of each study and

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1 shall provide guidance and direction as to the issues  
2 and questions to be addressed.

3 6. The commission shall provide to the governor  
4 and each member of the general assembly the final  
5 report of each research study conducted under this  
6 section.

7 Sec. 10. NEW SECTION. 145.15 HEALTH POLICY  
8 REVIEW TRUST FUND.

9 1. There is established in the treasury of the  
10 state a trust fund to be known as the health policy  
11 review trust fund. The fund is composed of the fees  
12 imposed by law upon health care professionals for the  
13 conduct of health policy research, review, and  
14 evaluation activities pursuant to this chapter.

15 2. One-half of the moneys in the health policy  
16 review trust fund shall be used by the health data  
17 commission solely for the purpose of financing the  
18 conduct of the health policy research, review, and  
19 evaluation activities provided in this division and  
20 the other half may be used for that purpose or for the  
21 other purposes and activities of the health data  
22 commission provided in this chapter.

23 3. Notwithstanding section 8.33, the health policy  
 24 review trust fund shall not revert to the general fund  
 25 of the state at the end of any annual or biennial  
 26 period and the investment proceeds earned from the  
 27 balance of the fund shall be credited to the fund and  
 28 used for the purposes provided for in this section.

29 Sec. 11. NEW SECTION. 145.16 ADMINISTRATION —  
 30 RULES — STAFF.

31 1. The health data commission is responsible for  
 32 the administration of this division.

33 2. The commission shall adopt rules pursuant to  
 34 chapter 17A as necessary to carry out this division,  
 35 but the commission does not have rulemaking authority  
 36 for other purposes.

37 3. The commission may employ clerical and other  
 38 staff pursuant to chapter 19A as necessary to carry  
 39 out this division.

40 Sec. 12. NEW SECTION. 147.81 ADDITIONAL FEE FOR  
 41 HEALTH POLICY RESEARCH AND EVALUATION.

42 In addition to the fees required by sections 147.25  
 43 and 147.80, each person granted a license or other  
 44 credential or a renewal of a license or credential  
 45 pursuant to this chapter or chapter 147A, 148, 148A,  
 46 148B, 148C, 149, 150, 150A, 151, 152, 152A, 153, 153A,  
 47 154, 154A, 154B, 154C, 155A, 156, 157, or 158 shall  
 48 pay to the department, or to the appropriate board of  
 49 examiners if the board is required by law to collect  
 50 the license fees, a fee of five dollars per year for

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1 the conduct of health policy research, review, and  
 2 evaluation activities pursuant to chapter 145. The  
 3 fees collected shall be paid to the treasurer of state  
 4 and deposited in the health policy review trust fund  
 5 established in section 145.15.

6 Sec. 13. Section 147.82, Code 1987, is amended to  
 7 read as follows:

8 147.82 FEES.

9 All Except as otherwise provided in sections  
 10 147.81, 147.94, 147.102, and 152.3, all fees shall be  
 11 collected by the department and shall be paid to the  
 12 treasurer of state and deposited in the general fund  
 13 of the state, except as provided in sections 147.94  
 14 and 147.102.

15 Sec. 14. Sections 6 through 11 of this Act are  
 16 enacted as a new division of chapter 145 entitled  
 17 "Health Policy Research and Evaluation".

18 2. Title page, by striking lines 1 through 8, and  
 19 inserting the following: "An Act relating to the  
 20 health data commission, providing additional powers  
 21 and duties, providing for health policy research,

22 review, and evaluation, imposing fees, establishing a  
 23 trust fund, deleting provisions for the future  
 24 termination of the commission, and providing other  
 25 properly related matters."

SWARTZ of Marshall  
 JOCHUM of Dubuque

H—5382

1 Amend House File 2389 as follows:  
 2 1. Page 4, line 13, by inserting after the word  
 3 "solemnized" the following: "or whether the marriage  
 4 is solemnized".

SPEAR of Lee

H—5383

1 Amend House File 2345 as follows:  
 2 1. Page 2, line 13, by striking the words "eleven  
 3 members, ten" and inserting the following: "thirteen  
 4 members, twelve".  
 5 2. Page 3, by inserting after line 1 the  
 6 following:  
 7 "\_\_\_\_\_. Two members who are members of the faculty  
 8 of education colleges or departments in approved  
 9 teacher education institutions."  
 10 3. Page 3, line 8, by striking the word "six" and  
 11 inserting the following: "seven".  
 12 4. Page 7, line 21, by inserting after the words  
 13 "school teacher," the following: "one education  
 14 faculty member,".  
 15 5. Page 7, line 25, by inserting after the word  
 16 "teacher" the following: ", one education faculty  
 17 member,".

GARMAN of Story

H—5384

1 Amend House File 2368 as follows:  
 2 1. Page 5, by inserting after line 5 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 508C.16, Code Supplement 1987,  
 5 is amended by adding the following new unnumbered  
 6 paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. The provisions of sec-  
 8 tion 496A.4A shall apply to the association."  
 9 2. Renumber as necessary.

JAY of Appanoose

H—5388

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, and in no  
6 case shall the person be confined overnight".  
7 2. Page 1, line 33, by inserting after the word  
8 "hours" the following: "and only for the purpose of  
9 identification, processing, and transfer, and in no  
10 case shall the person be confined overnight".

FEY of Scott

H-5389

- 1 Amend House File 2378 as follows:  
2 1. Page 2, by inserting after line 29, the  
3 following:  
4 "Sec. 6. Section 299.6, Code 1987, is amended to  
5 read as follows:  
6 299.6 VIOLATIONS.  
7 Any A person who shall violate violates any of the  
8 provisions of sections 299.1 ~~to~~ through 299.5,  
9 inclusive, shall be guilty of a simple misdemeanor.  
10 The punishment shall only be by a fine of not more  
11 than one hundred dollars."  
12 2. By renumbering as necessary.

DODERER of Johnson

H-5391

- 1 Amend Senate File 2196, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 23 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 312.2, Code Supplement 1987, is  
6 amended by adding the following new subsection:  
7 NEW SUBSECTION. 20. The treasurer of state,  
8 before making the allotments provided for in this  
9 section, shall credit annually from the road use tax  
10 fund to the state department of transportation the sum  
11 of one million dollars from the revenue credited to  
12 the road use tax fund under section 423.24, subsection  
13 1, paragraph "b", for the purpose of acquiring,  
14 constructing, and improving recreational trails within  
15 the state. Unobligated portions of this allotment  
16 shall remain available to the state department of  
17 transportation and shall not revert to the road use  
18 tax fund. The state department of transportation  
19 shall adopt rules under chapter 17A to establish  
20 procedures for the expenditure of the funds allotted

- 21 under this subsection.”  
 22 2. Renumber as necessary.

McKEAN of Jones  
 NEUHAUSER of Johnson  
 HAMMOND of Story  
 JOHNSON of Winneshiek

H—5392

- 1 Amend Senate File 2196, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 “Section 1. Section 306.9, unnumbered paragraph 1,  
 6 Code 1987, is amended to read as follows:  
 7 It is declared to be the policy of the state of  
 8 Iowa that relocation of primary highways ~~through~~  
 9 ~~cultivated land~~ shall be avoided to the maximum extent  
 10 possible. Whenever the volume of traffic for which  
 11 the road is designed or other conditions require such  
 12 relocation, diagonal routes shall be avoided wherever  
 13 feasible and prudent alternatives exist.”  
 14 2. Renumber sections and correct internal  
 15 references as necessary.

McKEAN of Jones  
 TYRRELL of Iowa  
 DE GROOT of Lyon  
 JOHNSON of Winneshiek  
 MULLINS of Kossuth

H—5394

- 1 Amend Senate File 2196, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 6, lines 3, 4, and 5, by striking the  
 4 words “eighteen cents per gallon for the period  
 5 beginning April 1, 1988, and ending December 31, 1988,  
 6 and twenty cents per gallon beginning January 1,  
 7 1989,” and inserting the following: “and seventeen  
 8 cents per gallon beginning April 1, 1988,”.  
 9 2. Page 6, lines 17, 18, 19, and 20, by striking  
 10 the words “seventeen cents per gallon for the period  
 11 beginning April 1, 1988, and ending December 31, 1988,  
 12 and nineteen cents per gallon for the period beginning  
 13 January 1, 1989, and ending” and inserting the  
 14 following: “sixteen cents per gallon for the period  
 15 beginning April 1, 1988, and ending”.  
 16 3. Page 8, lines 29, 30, 31, and 32, by striking  
 17 the words “twenty and one-half cents per gallon for  
 18 the period beginning April 1, 1988, and ending  
 19 December 31, 1988, and is twenty-two and one-half  
 20 cents per gallon beginning January 1, 1989” and



- 21 inserting the following: "nineteen and one-half cents
- 22 per gallon beginning April 1, 1988".
- 23 4. Page 9, line 2, by striking the word "sixteen"
- 24 and inserting the following: "fourteen".

McKEAN of Jones  
TYRRELL of Iowa

H-5396

- 1 Amend House File 2403 as follows:
- 2 1. Page 2, line 8, by striking the words "or
- 3 spouse of a person".

BLANSHAN of Greene

H-5398

- 1 Amend House File 2221 as follows:
- 2 1. Page 1, line 13, by striking the word "three-
- 3 year" and inserting the following: "one-year".

CARPENTER of Polk

H-5401

- 1 Amend Senate File 2196, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the follow-
- 4 ing:
- 5 "Section 1. NEW SECTION. 306.60 ROAD
- 6 CONSTRUCTION.
- 7 Effective April 1, 1988, highway authorities
- 8 receiving funds from the road use tax fund shall not
- 9 expend any funds for the construction of new highways.
- 10 This section shall not be construed to prohibit a
- 11 highway authority from reconstructing an existing
- 12 highway or making repairs and maintenance on a
- 13 highway. This section shall not be construed to
- 14 prohibit the construction of new highways with funds
- 15 received under chapter 315."

McKEAN of Jones  
TYRRELL of Iowa  
DE GROOT of Lyon  
HAMMOND of Story  
JOHNSON of Winneshiek  
MULLINS of Kossuth

H-5403

- 1 Amend House File 2211 as follows:
- 2 1. Page 12, line 13, by striking the words "in
- 3 broadcasts or".

STROMER of Hancock

H—5404

1 Amend House File 2211 as follows:

2 1. Page 14, line 11, by striking the words "two  
3 hundred and sixty" and inserting the following:

4 "three hundred".

5 2. Page 15, line 4, by striking the words "two  
6 hundred sixty" and inserting the following: "three  
7 hundred".

8 3. Page 15, lines 31 and 32, by striking the  
9 words "two hundred sixty" and inserting the following:  
10 "three hundred".

STROMER of Hancock

H—5405

1 Amend House File 2211 as follows:

2 1. Page 11, by inserting after line 9 the  
3 following:

4 "\_\_\_\_\_. A candidate in a restricted campaign shall  
5 pay a fee of one hundred dollars to the commission,  
6 which shall not be credited against the contribution  
7 or expenditure limits of subsection 3, to help defray  
8 the cost of a restricted campaign."

9 2. By renumbering as necessary.

TYRRELL of Iowa

H—5406

1 Amend House file 2394 as follows:

2 1. Page 2, line 19, by inserting after the word  
3 "(97 Stat. 48)." the following: "Any railroad right-  
4 of-way acquired or used by the department of natural  
5 resources, the state department of transportation, a  
6 county or city government, or a qualified private  
7 organization under this division is subject to any  
8 existing leases, licenses, or easements for utility  
9 facilities."

DIEMER of Black Hawk  
BLACK of Jasper

H—5409

1 Amend House File 2345 as follows:

2 1. Page 5, line 26, by inserting after the word  
3 "obligations." the following: "The criteria shall set  
4 forth the responsibility that the certificated  
5 employee has to meet the obligations established under  
6 the contract issued pursuant to section 279.13."

MILLER of Cherokee

H-5410

- 1 Amend House File 2419 as follows:
- 2 1. Page 1, by striking lines 16 through 26.
- 3 2. By renumbering as necessary.

DAGGETT of Adams

H-5411

- 1 Amend House File 2211 as follows:
- 2 1. Page 14, line 10, by inserting after the
- 3 figure "43.2" the following: "whose candidate for
- 4 president of the United States or for governor at the
- 5 last preceding general election received the highest
- 6 or second highest number of votes".
- 7 2. Page 14, by striking lines 16 and 17 and
- 8 inserting the following: "within the Iowa election
- 9 campaign fund. All".
- 10 3. Page 14, by striking lines 22 through 30 and
- 11 inserting the following: "account currently
- 12 maintained in the fund. However, at any time when
- 13 more than two accounts are being maintained within the
- 14 fund contributions to the fund by taxpayers who do not
- 15 designate any one political party to receive their
- 16 contributions shall be divided among the accounts in
- 17 the same proportion as the number of qualified
- 18 electors declaring affiliation with each political
- 19 party for which an account is maintained bears to the
- 20 total number of qualified electors who have declared
- 21 an affiliation with a political party. Any".

STROMER of Hancock

H-5412

- 1 Amend Senate File 2093 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 33 the
- 4 following:
- 5 "Any rail line right-of-way acquired or used by the
- 6 department of natural resources, the state department
- 7 of transportation, a county, or a city shall be
- 8 subject to any existing leases, licenses, or easements
- 9 for utility facilities."

DIEMER of Black Hawk  
BLACK of Jasper

H-5413

- 1 Amend amendment, H-5379, to House File 2411 as
- 2 follows:
- 3 1. Page 1, by striking lines 10 through 22.
- 4 2. Page 1, by striking line 28 and inserting the

5 following: "to the board a fee equal to ten percent  
6 of the fee for the license or the renewal, as  
7 appropriate, for the".

8 3. Page 1, line 30, by inserting after the figure  
9 "145." the following: "The fee shall be paid at the  
10 time the license or renewal fee is paid."

11 4. Page 1, by striking line 32, and inserting the  
12 following: "and deposited in the general fund of the  
13 state to the credit of the health policy review  
14 account".

15 5. Page 1, by striking lines 40 and 41, and  
16 inserting the following: "certification shall pay to  
17 the department a fee equal to ten percent of the fee  
18 for the registration or certification or the renewal,  
19 as appropriate, for the conduct of health policy".

20 6. Page 1, line 43, by inserting after the figure  
21 "145." the following: "The fee shall be paid at the  
22 time the registration, certification, or renewal fee  
23 is paid."

24 7. Page 1, by striking lines 44 and 45 and  
25 inserting the following: "the treasurer of state and  
26 deposited in the general fund of the state to the  
27 credit of the health policy review account established  
28 in section".

29 8. Page 1, by inserting after line 46 the  
30 following:

31 "Sec. \_\_\_\_\_. Section 145.2, unnumbered paragraph 2,  
32 Code 1987, is amended to read as follows:

33 The commission consists of the director of the  
34 department of elder affairs, the commissioners of  
35 insurance and human services, the director of public  
36 health, one state senator and one state representative  
37 who shall not be of the same party, shall be nonvoting  
38 members, and shall be appointed each year by the  
39 majority leader of the senate and speaker of the  
40 house, respectively, and the chairperson of the board  
41 of directors of the corporation or the head of the  
42 association or other entity providing staff for the  
43 commission as provided by section 145.3 who shall be a  
44 nonvoting member. ~~The commissioner and director~~  
45 ~~members shall annually select director of public~~  
46 ~~health is the chairperson of the commission from among~~  
47 ~~the four voting commission members.~~ A majority of the  
48 seven members including at least two voting members  
49 constitutes a quorum."

50 9. Page 2, by striking line 20 and inserting the

## Page 2

1 following: "review and evaluation".

2 10. Page 2, by striking lines 38 and 39, and  
3 inserting the following: "benefit health care

4 professionals and third-party payers and thus they  
5 should share in the costs of those”.

6 11. Page 3, by striking lines 3 through 5 and  
7 inserting the following: “145.14. A panel shall not  
8 include more than one employee, agent, contractor, or  
9 other representative from a particular employer,  
10 corporation, partnership, or other entity. The health  
11 data commission is granted the authority to contract  
12 with individuals or entities to accomplish these  
13 purposes but shall not employ persons.”

14 12. Page 3, by striking lines 39 through 42 and  
15 inserting the following:

16 “3. The commission shall prepare for each category  
17 of proposal a”.

18 13. Page 4, by striking line 12.

19 14. Page 4, by striking lines 22 and 23 and  
20 inserting the following: “panel shall consider the  
21 extent to which the”.

22 15. Page 6, by striking lines 7 through 28 and  
23 inserting the following:

24 “Sec. 10. NEW SECTION. 145.15 HEALTH POLICY  
25 REVIEW ACCOUNT.

26 1. There is established in the general fund of the  
27 state an account to be known as the health policy  
28 review account. The account is composed of the fees  
29 imposed pursuant to law upon health care  
30 professionals, health insurers, and other  
31 nongovernmental third-party payers for the conduct of  
32 health policy research, review, and evaluation  
33 activities pursuant to this chapter.

34 2. One-half of the amount in the health policy  
35 review account is appropriated to the health data  
36 commission to be used solely for the purpose of  
37 financing the conduct of the health policy research,  
38 review, and evaluation activities provided in this  
39 division and the other half is appropriated to the  
40 health data commission to be used either for that  
41 purpose or for the other purposes and activities of  
42 the health data commission provided in this chapter.”

43 16. Page 6, line 30, by striking the word “ –  
44 STAFF”.

45 17. Page 6, by striking lines 37 through 39.

46 18. Page 6, by inserting before line 40 the  
47 following:

48 “\_\_\_\_\_. Nothing in this chapter shall be construed  
49 as granting the health data commission authority to  
50 establish health policy.”

**Page 3**

1 19. Page 6, by striking line 50 and inserting the  
2 following: “the license fees, a fee equal to ten

3 percent of the fee for the license or other credential  
4 or the renewal, as appropriate, for”.

5 20. Page 7, line 2, by inserting after the figure  
6 “145.” the following: “The fee shall be paid at the  
7 time the license, other credential, or renewal fee is  
8 paid.”

9 21. Page 7, by striking line 4 and inserting the  
10 following: “and deposited in the general fund of the  
11 state to the credit of the health policy review  
12 account”.

13 22. Page 7, by inserting after line 5 the  
14 following:

15 “Sec. \_\_\_\_\_. NEW SECTION. 505.8A FEES FOR HEALTH  
16 POLICY RESEARCH AND EVALUATION.

17 The commissioner, in cooperation with the health  
18 data commission, shall adopt rules pursuant to chapter  
19 17A providing for the financing, in an amount equal to  
20 the fees collected from health care professionals  
21 pursuant to sections 135E.6A, 135F.14, and 147.81, of  
22 the costs of health policy research, review, and  
23 evaluation activities pursuant to chapter 145 by the  
24 assessment of fees to be paid by health insurers and  
25 other nongovernmental third-party health care payers,  
26 including but not limited to medical and hospital  
27 service corporations, health maintenance  
28 organizations, and self-funded employee health plans.  
29 The rules shall establish a method for apportioning  
30 the fees which takes into account the relative size of  
31 the business of the person or entity to be assessed  
32 and the relative benefits received from the activities  
33 financed. The fees collected shall be paid to the  
34 treasurer of state and deposited in the general fund  
35 of the state to the credit of the health policy review  
36 account established in section 145.15.”

37 23. Page 7, by striking lines 6 through 14.

38 24. Page 7, by striking line 15 and inserting the  
39 following:

40 “Sec. \_\_\_\_\_. Sections 145.11 through 145.16, as  
41 enacted by this Act, are”.

42 25. Page 7, line 23, by striking the words “trust  
43 fund” and inserting the following: “health policy  
44 review account”.

45 26. By numbering, renumbering, and correcting  
46 internal references as necessary.

SWARTZ of Marshall

H—5417

1 Amend House File 2394 as follows:

2 1. Page 2, by inserting after line 19 the  
3 following:

4 “Any railroad right-of-way acquired or used by the

5 department of natural resources, the state department  
6 of transportation, a county, a city, or a qualified  
7 private organization under this division shall be  
8 subject to any existing leases, licenses, or easements  
9 for utility facilities."

DIEMER of Black Hawk  
BLACK of Jasper

H-5419

1 Amend House File 2211 as follows:  
2 1. Page 1, line 19, by striking the word "except"  
3 and inserting the following: "including".

VAN CAMP of Scott

H-5423

1 Amend amendment, H-5304, to House File 2282 as  
2 follows:  
3 1. Page 1, line 15, by inserting after the word  
4 "college" the following: ", unless the college will  
5 not be offering an associate of arts degree".  
6 2. Page 1, line 18, by inserting after the word  
7 "changes" the following: ", unless the changes do not  
8 include the offering of an associate of arts degree,".

JOHNSON of Winneshiek

H-5424

1 Amend House File 2282 as follows:  
2 1. Page 1, line 6, by inserting after the word  
3 "colleges" the following: "for the purpose of  
4 offering an associate of arts degree".  
5 2. Title page, line 3, by inserting after the  
6 word "reviewed," the following: "unless the school  
7 will not be offering an associate of arts degree,".

JOHNSON of Winneshiek

H-5427

1 Amend House File 2403 as follows:  
2 1. Page 1, by striking lines 1 through 18 and  
3 inserting the following:  
4 "Section 1. Section 347.25, Code 1987, is amended  
5 by adding the following new subsections:  
6 NEW SUBSECTION. 1. The board of hospital  
7 trustees, upon petition of the number of qualified  
8 electors of the county as specified in section 45.1,  
9 subsection 2, shall call a special election to be held  
10 for the purpose of selecting one of the following  
11 representation plans under which the board of hospital  
12 trustees shall be elected:

13 a. Plan "one". At large and without district  
14 residence requirements for the trustees.

15 b. Plan "two". At large but with equal-population  
16 district residence requirements for the trustees.

17 c. "Plan "three". From single-trustee equal-  
18 population districts in which the electors of each  
19 district shall elect one trustee who must reside in  
20 that district.

21 NEW SUBSECTION. 2. The petition shall be filed  
22 with the county commissioner of elections by January 1  
23 of a general election year. The special election  
24 shall be held at least one hundred days before the  
25 primary election. Notice of the special election  
26 shall be published once each week for three successive  
27 weeks in an official newspaper of the county, shall  
28 state the representation plans to be submitted to the  
29 electors, and shall state the date of the special  
30 election which shall be held not less than five nor  
31 more than twenty days from the date of last  
32 publication.

33 NEW SUBSECTION. 3. If the plan adopted by a  
34 plurality of the ballots cast in the special election  
35 is not the trustee representation plan currently in  
36 effect, the terms of the hospital trustees serving at  
37 the time of the special election shall continue until  
38 the first day in January which is not a Sunday or  
39 holiday following the next general election, at which  
40 time the terms of the trustees shall expire and the  
41 terms of the trustees elected under the requirements  
42 of the new trustee representation plan shall commence.

43 NEW SUBSECTION. 4. A representation plan adopted  
44 at a special election shall remain in effect for at  
45 least six years."

ROYER of Page  
GARMAN of Story  
MULLINS of Kossuth

H—5430

- 1 Amend House File 2402 as follows:  
2 1. Page 3, line 3, by striking the word "may" and  
3 inserting the following: "may shall".

PLASIER of Sioux  
NORRGARD of Des Moines

H—5431

- 1 Amend House File 2402 as follows:  
2 1. Page 2, line 27, by inserting after the word  
3 "violation." the following: "The department of  
4 inspections and appeals shall observe the trends in an  
5 individual facility in perpetrating violations and



6 shall allow a minimum of two inspections of a health  
 7 care facility in order to investigate an individual  
 8 violation prior to the citing of a facility for a  
 9 class II violation."

PLASIER of Sioux  
 NORRGARD of Des Moines

H-5435

1 Amend Senate File 2023, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 6, line 19, by striking the figure "3,".

4 2. By striking page 6, line 31 through page 7,  
 5 line 6.

6 3. Page 7, by inserting after line 19 the  
 7 following:

8 "Sec. \_\_\_\_\_. Section 321G.6, unnumbered paragraph 3,  
 9 Code 1987, is amended by striking the unnumbered  
 10 paragraph and inserting in the lieu thereof the  
 11 following:

12 An expired snowmobile registration may be renewed  
 13 by paying twenty dollars for the current two-year  
 14 registration period plus a penalty of five dollars."

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

17 "Sec. \_\_\_\_\_. Section 321G.20, Code 1987, is amended  
 18 by adding the following new unnumbered paragraph:

19 **NEW UNNUMBERED PARAGRAPH.** No person under age  
 20 twelve shall operate an all-terrain vehicle on public  
 21 lands."

22 5. Page 20, line 18, by striking the words "the  
 23 effective date of this Act" and inserting the  
 24 following: "December 30, 1989".

25 6. Page 21, by striking lines 12 through 16 and  
 26 inserting the following: "vehicle or snowmobile is  
 27 exempt from paying the tax."

Committee on Transportation

H-5438

1 Amend House File 2393 as follows:

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

4 "Sec. \_\_\_\_\_. Section 123.92, unnumbered paragraph 2,  
 5 Code 1987, is amended to read as follows:

6 Every liquor control licensee and class "B" retail  
 7 wine and beer permittee shall furnish proof of  
 8 financial responsibility either by the existence of a  
 9 liability insurance policy or by posting bond in such  
 10 amount as determined by the division."

11 2. By renumbering as necessary.

SVOBODA of Tama

H-5439

1 Amend Senate File 2108, 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 524.805, subsection 4, Code  
6 1987, is amended to read as follows:

7 4. a. A state bank, or a bank acquired pursuant  
8 to sections 524.1851 through 524.1899, may make such  
9 charges for the handling or custody of deposits as may  
10 be fixed by its board of directors provided that a  
11 schedule of such charges shall be furnished to the  
12 customer at the acceptance by the state bank of the  
13 initial deposit. Any change in such charges shall be  
14 furnished to the customer within a reasonable amount  
15 of time before the effective date of such change.

16 b. Notwithstanding paragraph "a", a bank acquired  
17 by a regional bank holding company shall not impose  
18 different charges for handling or custody of deposits  
19 in a checking account based on the balance or average  
20 balance in the accounts. All checking account charges  
21 or fees imposed by a state bank shall be equal for all  
22 checking accounts, whether the charge is in the form  
23 of a monthly service fee, a per-check charge, other  
24 than the actual cost of printing and distribution of  
25 blank checks, or otherwise."

26 2. Title page, line 1, by inserting after the  
27 word "to" the following: "banks and banking, by  
28 requiring uniform checking account charges and by  
29 permitting in certain circumstances".

30 3. By renumbering as necessary.

SVOBODA of Tama

H-5442

1 Amend the Committee amendment, H-5321, to House  
2 File 2211 as follows:

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

5 "\_\_\_\_\_. Page 9, line 23, by striking the words  
6 "seventy-two" and inserting the following: "forty-  
7 eight"."

8 2. By renumbering as necessary.

BISIGNANO of Polk

H-5443

1 Amend the Committee amendment, H-5321, to House  
2 File 2211 as follows:

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

- 5 "\_\_\_\_\_. Page 9, line 2, by striking the word
- 6 "treasurer" and inserting the following:
- 7 "secretary."
- 8 2. By renumbering as necessary.

BISIGNANO of Polk

H-5444

- 1 Amend the Committee amendment, H-5321, to House
- 2 File 2211, as follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "\_\_\_\_\_. By striking page 9, line 35 through page
- 6 10, line 27, and inserting the following: "a
- 7 benefited candidate for governor."
- 8 \_\_\_\_\_. Page 10, by striking lines 31 and 32 and
- 9 inserting the following: "the political candidates
- 10 fund pending the".
- 11 \_\_\_\_\_. Page 11, by striking lines 2 through 9."
- 12 2. By renumbering as necessary.

BISIGNANO of Polk

H-5445

- 1 Amend the Committee amendment, H-5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "\_\_\_\_\_. Page 8, by striking lines 25 through 30 and
- 6 inserting the following: "following the election." "
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H-5446

- 1 Amend The Committee amendment, H-5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "\_\_\_\_\_. Page 6, by striking lines 30 through 34 and
- 6 inserting the following: "contributions consistent
- 7 with this chapter." "
- 8 2. By renumbering as necessary.

BISIGNANO of Polk

H-5447

- 1 Amend the Committee amendment, H-5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, line 9, by striking the words
- 4 "subsections 6 and" and inserting the following:
- 5 "subsection".

- 6 2. Page 1, by inserting after line 9 the  
 7 following:  
 8 "\_\_\_\_\_. By striking page 4, line 28 through page 5,  
 9 line 17.  
 10 \_\_\_\_\_. Page 7, line 11, by striking the words and  
 11 figure "subsection 6 or".  
 12 3. By renumbering as necessary.

BISIGNANO of Polk

H-5448

- 1 Amend the Committee amendment, H-5321, to House  
 2 File 2211 as follows:  
 3 1. Page 1, by inserting after line 9, the  
 4 following:  
 5 "\_\_\_\_\_. Page 5, by striking lines 21 through 28 and  
 6 inserting the following: "defined by the rules of the  
 7 commission." "  
 8 2. By renumbering as necessary.

BISIGNANO of Polk

H-5449

- 1 Amend the Committee amendment, H-5321, to House  
 2 File 2211 as follows:  
 3 1. Page 1, by inserting after line 9 the  
 4 following:  
 5 "\_\_\_\_\_. Page 8, by striking lines 31 through 35."  
 6 2. By renumbering as necessary.

BISIGNANO of Polk

H-5450

- 1 Amend the Committee amendment, H-5321, to House  
 2 File 2211 as follows:  
 3 1. Page 1, by inserting after line 9, the  
 4 following:  
 5 "\_\_\_\_\_. Page 8, by striking lines 7 through 15 and  
 6 inserting the following: "during the restricted  
 7 campaign." "  
 8 2. By renumbering as necessary.

BISIGNANO of Polk

H-5451

- 1 Amend the Committee amendment, H-5321, to House  
 2 File 2211 as follows:  
 3 1. Page 1, by inserting after line 9, the  
 4 following:  
 5 "\_\_\_\_\_. Page 4, line 12, by striking the word  
 6 "seven" and inserting the following: "fourteen".  
 7 2. By renumbering as necessary.

BISIGNANO of Polk

H-5452

- 1 Amend the Committee amendment, H-5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "\_\_\_\_\_. Page 2, line 17, by striking the word "two"
- 6 and inserting the following: "one".
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H-5453

- 1 Amend the Committee amendment, H-5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "\_\_\_\_\_. Page 4, line 5, by striking the word
- 6 "fourteen" and inserting the following: "thirty".
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H-5454

- 1 Amend the Committee amendment, H-5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "\_\_\_\_\_. Page 9, line 17, by striking the word
- 6 "restricted" and inserting the following:
- 7 "registered".
- 8 2. By renumbering as necessary.

BISIGNANO of Polk

H-5455

- 1 Amend the Committee amendment, H-5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "\_\_\_\_\_. Page 9, line 17, by striking the words
- 6 "twenty-four" and inserting the following: "forty-
- 7 eight".
- 8 2. By renumbering as necessary.

BISIGNANO of Polk

H-5456

- 1 Amend the Committee amendment, H-5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:

- 5 "\_\_\_\_\_. Page 7, line 25, by striking the words  
 6 "sixty" and inserting the following: "ninety".  
 7 2. By renumbering as necessary.

BISIGNANO of Polk

H—5457

- 1 Amend the Committee amendment, H—5321, to House  
 2 File 2211 as follows:  
 3 1. Page 1, by inserting after line 9, the  
 4 following:  
 5 "\_\_\_\_\_. Page 7, line 18, by inserting after the  
 6 word "thousand" the following: "five hundred".  
 7 2. By renumbering as necessary.

BISIGNANO of Polk

H—5458

- 1 Amend the Committee amendment, H—5321, to House  
 2 File 2211 as follows:  
 3 1. Page 1, by inserting after line 9, the  
 4 following:  
 5 "\_\_\_\_\_. Page 7, lines 16 and 17, by striking the  
 6 words "one thousand five hundred" and inserting the  
 7 following: "two thousand".  
 8 2. By renumbering as necessary.

BISIGNANO of Polk

H—5459

- 1 Amend the Committee amendment, H—5321, to House  
 2 File 2211 as follows:  
 3 1. Page 1, by inserting after line 9, the  
 4 following:  
 5 "\_\_\_\_\_. Page 7, line 16, by striking the words  
 6 "five thousand five hundred" and inserting the follow-  
 7 ing: "twenty-five thousand".  
 8 2. By renumbering as necessary.

BISIGNANO of Polk

H—5460

- 1 Amend the Committee amendment, H—5321, to House  
 2 File 2211 as follows:  
 3 1. Page 1, by inserting after line 9, the  
 4 following:  
 5 "\_\_\_\_\_. Page 9, lines 33 and 34, by striking the  
 6 words "five thousand" and inserting the following:  
 7 "seven thousand five hundred".  
 8 2. By renumbering as necessary.

BISIGNANO of Polk

H—5461

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 9, line 31, by striking the word “one”
- 6 and inserting the following: “five”.”
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H—5462

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 9, line 29, by striking the words
- 6 “five hundred” and inserting the following: “one
- 7 thousand”.”
- 8 2. By renumbering as necessary.

BISIGNANO of Polk

H—5463

- 1 Amend Senate File 2196, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by striking the words “six
- 4 hundred” and inserting the following: “two hundred
- 5 fifty”.

HERMANN of Scott

H—5464

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 6, line 22, by striking the word “one”
- 6 and inserting the following: “ten”.”
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H—5465

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 6, line 20, by striking the word
- 6 “five” and inserting the following: “ten”.”
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H-5466

- 1 Amend the Committee amendment, H-5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "\_\_\_\_\_. Page 4, line 25, by striking the word
- 6 "seven" and inserting the following: "fourteen".
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H-5467

- 1 Amend the Committee amendment, H-5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "\_\_\_\_\_. Page 4, line 22, by striking the word
- 6 "fourteen" and inserting the following: "thirty".
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H-5468

- 1 Amend the Committee amendment, H-5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "\_\_\_\_\_. Page 2, line 11, by striking the words "one
- 6 million" and inserting the following: "seven hundred
- 7 fifty thousand".
- 8 2. By renumbering as necessary.

BISIGNANO of Polk

H-5469

- 1 Amend House File 2211 as follows:
- 2 1. Page 12, line 27, by striking the word
- 3 "seventy-two" and inserting the following: "seventy-
- 4 two forty-eight".

BISIGNANO of Polk

H-5470

- 1 Amend House File 2211 as follows:
- 2 1. Page 12, line 31, by striking the word
- 3 "twenty-four" and inserting the following: "twenty-
- 4 four forty-eight".

BISIGNANO of Polk



H-5471

- 1 Amend House File 2211 as follows:
- 2 1. Page 15, by striking lines 21 through 24.

BISIGNANO of Polk

H-5472

- 1 Amend House File 2211 as follows:
- 2 1. Page 11, line 32, by striking the word
- 3 "twenty" and inserting the following: "twenty
- 4 thirty".

BISIGNANO of Polk

H-5473

- 1 Amend House File 2211 as follows:
- 2 1. Page 11, line 16, by striking the word "twice"
- 3 and inserting the following: "three times".

BISIGNANO of Polk

H-5474

- 1 Amend House File 2211 as follows:
- 2 1. Page 15, line 25, by striking the figure
- 3 "1989" and inserting the following: "1992".
- 4 2. Page 15, line 27, by striking the figure
- 5 "1988" and inserting the following: "1991".
- 6 3. Page 15, line 31, by striking the word and
- 7 figures "1988, 1989, and 1990" and inserting the
- 8 following: "1991, 1992, and 1993".
- 9 4. Page 16, by striking line 1 and inserting the
- 10 following: "campaign in 1992, a candidate's committee
- 11 existing in 1991".
- 12 5. Page 16, line 2, by striking the figure "1988"
- 13 and inserting the following: "1991".
- 14 6. Page 16, line 4, by striking the figure "1989"
- 15 and inserting the following: "1992".

BISIGNANO of Polk

H-5475

- 1 Amend House File 2211 as follows:
- 2 1. Page 15, line 25, by striking the figure
- 3 "1989" and inserting the following: "1991".
- 4 2. Page 15, line 27, by striking the figure
- 5 "1988" and inserting the following: "1990".
- 6 3. Page 15, line 31, by striking the word and
- 7 figures "1988, 1989, and 1990" and inserting the
- 8 following: "1990, 1991, and 1992".
- 9 4. Page 16, by striking line 1 and inserting the
- 10 following: "campaign in 1991, a candidate's committee
- 11 existing in 1990".

- 12 5. Page 16, line 2, by striking the figure "1988"  
13 and inserting the following: "1990".  
14 6. Page 16, line 4, by striking the figure "1989"  
15 and inserting the following: "1991".

BISIGNANO of Polk

H-5476

- 1 Amend House File 2211 as follows:  
2 1. Page 12, line 5, by striking the word "sixty-  
3 five" and inserting the following: "~~sixty five~~  
4 sixty".

BISIGNANO of Polk

H-5477

- 1 Amend the Committee amendment, H-5321, to House  
2 File 2211 as follows:  
3 1. Page 1, by inserting after line 9, the  
4 following:  
5 "\_\_\_\_\_. Page 2, line 19, by striking the word "two"  
6 and inserting the following: "one"."  
7 2. By renumbering as necessary.

BISIGNANO of Polk

H-5478

- 1 Amend the Committee amendment, H-5321, to House  
2 File 2211 as follows:  
3 1. Page 1, by inserting after line 9, the  
4 following:  
5 "\_\_\_\_\_. Page 2, line 14, by striking the words "two  
6 hundred fifty" and inserting the following: "three  
7 hundred seventy-five"."  
8 2. By renumbering as necessary.

BISIGNANO of Polk

H-5479

- 1 Amend the Committee amendment, H-5321, to House  
2 File 2211 as follows:  
3 1. Page 1, by inserting after line 9, the  
4 following:  
5 "\_\_\_\_\_. Page 7, lines 6 and 7, by striking the  
6 words "two hundred fifty" and inserting the following:  
7 "five hundred"."  
8 2. By renumbering as necessary.

BISIGNANO of Polk

H—5480

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 7, line 27, by striking the word
- 6 “seven” and inserting the following: “fourteen”.
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H—5481

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 2, line 28, by striking the word “one”
- 6 and inserting the following: “two”.
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H—5482

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 2, line 31, by striking the words
- 6 “twenty-five” and inserting the following: “fifty”.
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H—5483

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 2, line 25, by inserting after the
- 6 word “limit,” the following: “one hundred”.
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H—5484

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 6, line 27, by striking the word “one”
- 6 and inserting the following: “five”.
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H—5485

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 2, line 23, by striking the words “one
- 6 hundred” and inserting the following: “two hundred
- 7 fifty”.”
- 8 2. By renumbering as necessary.

BISIGNANO of Polk

H—5486

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 7, line 15, by striking the word
- 6 “forty” and inserting the following: “fifty”.”
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H—5487

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 7, line 8, by inserting after the word
- 6 “first” the following: “two hundred”.”
- 7 2. By renumbering as necessary.

BISIGNANO of Polk

H—5488

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 “\_\_\_\_\_ Page 6, line 25, by striking the words “one
- 6 thousand” and inserting the following: “two thousand
- 7 five hundred”.”
- 8 2. By renumbering as necessary.

BISIGNANO of Polk

H—5489

- 1 Amend House File 2211 as follows:
- 2 1. Page 11, line 33, by striking the word “forty”
- 3 and inserting the following: “~~forty~~ thirty”.

BISIGNANO of Polk

H—5490

- 1 Amend House File 2211 as follows:
- 2 1. Page 11, line 33, by striking the word “seven”
- 3 and inserting the following: “seven ten”.

BISIGNANO of Polk

H—5491

- 1 Amend House File 2211 as follows:
- 2 1. Page 14, line 6, by striking the word
- 3 “treasurer” and inserting the following: “treasurer
- 4 secretary”.
- 5 2. Page 14, line 8, by striking the word
- 6 “treasurer” and inserting the following: “treasurer
- 7 secretary”.
- 8 3. Page 14, line 14, by striking the word
- 9 “treasurer” and inserting the following: “treasurer
- 10 secretary”.
- 11 4. Page 14, line 31, by striking the word
- 12 “treasurer” and inserting the following: “treasurer
- 13 secretary”.

BISIGNANO of Polk

H—5492

- 1 Amend the Committee amendment, H—5321, to House
- 2 File 2211 as follows:
- 3 1. Page 1, by inserting before line 2, the
- 4 following:
- 5 “\_\_\_\_\_ Page 1, line 17, by inserting after the
- 6 word “governor” the following: “, and all elective
- 7 offices of political subdivisions of the state.”
- 8 2. By renumbering as necessary.

BISIGNANO of Polk

H—5494

- 1 Amend House File 2436 as follows:
- 2 1. Page 1, line 1, by striking the figure
- 3 “159.25” and inserting the following: “15.204”.
- 4 2. Page 1, line 3, by striking the words
- 5 “agriculture and land stewardship” and inserting the
- 6 following: “economic development”.
- 7 3. Page 1, lines 5 and 6, by striking the words
- 8 “of economic development”.
- 9 4. Page 1, by striking lines 7 and 8, and
- 10 inserting the following: “trade officials from
- 11 federal and other agencies, shall do both”.
- 12 5. Page 1, lines 10 and 11, by striking the words
- 13 “agriculture and land stewardship” and inserting the
- 14 following: “economic development”.

15 6. Page 1, by striking lines 17 and 18, and  
 16 inserting the following: "supervision of the  
 17 department of economic development. The department  
 18 shall".

19 7. Page 1, by striking lines 23 through 27 and  
 20 inserting the following: "The department of  
 21 agriculture and land stewardship shall cooperate with  
 22 the department to assist the trade coordinators and  
 23 trade specialists in carrying out their duties. The  
 24 department of economic development shall pay the".

25 8. Title page, line 3, by striking the words  
 26 "agriculture and land stewardship" and inserting the  
 27 following: "economic development".

28 9. By renumbering as necessary.

DE GROOT of Lyon

H-5499

1 Amend House File 2276 as follows:

2 1. Page 1, by inserting before line 34 the  
 3 following:

4 "Sec. \_\_\_\_\_, Section 321.37, unnumbered paragraph 1,  
 5 Code 1987, is amended to read as follows:

6 Registration plates issued for a motor vehicle  
 7 other than a motorcycle, motorized bicycle or a truck  
 8 tractor shall be attached to the motor vehicle, one in  
 9 the front and the other in the rear. The registration  
 10 plate issued for a motor vehicle, motorcycle,  
 11 motorized bicycle, or other vehicle required to be  
 12 registered hereunder under this chapter, other than a  
 13 truck tractor, shall be attached to the rear of the  
 14 vehicle. The registration plate issued for a truck  
 15 tractor shall be attached to the front of the truck  
 16 tractor. The special plate issued to a dealer shall  
 17 be attached on the rear of the vehicle when operated  
 18 on the highways of this state."

19 2. Title page, line 1, by inserting after the  
 20 word "Act" the following: "relating to registration  
 21 plates by providing that only one registration plate  
 22 be displayed on each motor vehicle and by".

23 3. Title page, line 3, by inserting before the  
 24 word "providing" the following: "by".

SCHNEKLOTH of Scott

H-5503

1 Amend House File 2211 as follows:

2 1. By striking page 10, line 30, through page 11,  
 3 line 9 and inserting the following: "county."

BISIGNANO of Polk

H-5504

- 1 Amend House File 2211 as follows:  
 2 1. Page 10, line 29, by striking the words "only  
 3 in Polk" and inserting the following: "in any".

BISIGNANO of Polk

H-5505

- 1 Amend House File 2211 as follows:  
 2 1. By striking page 13, line 5 through page 14,  
 3 line 1 and inserting the following:  
 4 "56.18 ~~CHECKOFF~~ — CAMPAIGN FINANCE INCOME TAX  
 5 CHECKOFF.  
 6 A person whose state income tax liability for ~~any~~  
 7 ~~taxable a tax~~ year is one dollar and fifty cents or  
 8 more may direct, when submitting the person's state  
 9 income tax return to the department of revenue and  
 10 finance, that one dollar and fifty cents of that  
 11 liability be paid over to the Iowa election campaign  
 12 fund when submitting the person's state income tax  
 13 return to the department of revenue and finance and  
 14 political candidates fund as provided in section  
 15 56.19. In the case of a joint return of husband and  
 16 wife having a state income tax liability of three  
 17 dollars or more, each spouse may direct that one  
 18 dollar and fifty cents be paid over to the ~~fund~~ funds.  
 19 The director of revenue and finance shall draft the  
 20 income tax form to provide spaces on the tax return  
 21 which the taxpayer may use to designate that  
 22 contributions be made under this section. The amounts  
 23 paid over under this section shall be credited to a  
 24 specified political party as defined by section 43.2,  
 25 ~~or to~~ the Iowa election campaign fund as a  
 26 contribution to be shared by all ~~such~~ political  
 27 parties and to the political candidates fund in the  
 28 manner prescribed by section 56.19. The form shall  
 29 inform the taxpayer of the consequences of the choices  
 30 provided under this section, but this information may  
 31 be contained in a footnote or other suitable form if  
 32 the director of revenue and finance finds it is not  
 33 feasible to place the information immediately above  
 34 the signature line. The action taken by a person for  
 35 the checkoff is irrevocable."  
 36 2. Page 15, by striking lines 10 through 24 and  
 37 inserting the following:  
 38 "56.25 INCOME TAX FORM — CHECKOFF SPACE.  
 39 The director of revenue and finance shall provide  
 40 space for this the campaign finance income tax  
 41 checkoff on the most frequently used Iowa income tax  
 42 form. An explanation shall be included which clearly  
 43 states that this checkoff does not constitute an

44 additional tax liability. The form shall provide for  
45 the taxpayer to designate that the checkoff shall go  
46 either to the political party of the taxpayer's choice  
47 or be divided among all political parties and  
48 candidates as prescribed by section 56.19."

BISIGNANO of Polk

H-5506

1 Amend House File 2335 as follows:  
2 1. Page 2, line 12, by striking the word  
3 "euthanized" and inserting the following:  
4 "euthanatized".  
5 2. Page 2, by inserting after line 18, the  
6 following:  
7 "\_\_\_\_\_. "Attack" means a menacing act directed  
8 toward causing injury to a person or animal."  
9 3. Page 2, by inserting after line 35, the  
10 following:  
11 "\_\_\_\_\_. "Serious injury" means a physical injury  
12 which results in broken bones or disfiguring  
13 lacerations requiring multiple sutures or cosmetic  
14 surgery."  
15 4. Page 3, by striking lines 14 and 15, and  
16 inserting the following:  
17 "\_\_\_\_\_. A dog which is used by the owner to guard  
18 property located on the premises of a business.  
19 \_\_\_\_\_. A dog which has been declared to be abused as  
20 determined by a court.  
21 \_\_\_\_\_. A dog which has been found running at large,  
22 or which has been impounded for four or more times."  
23 5. Page 3, line 28, by inserting after the word  
24 "sought." the following: "The owner shall present to  
25 the licensing authority a certificate of insurance  
26 provided to the owner by the insurer."  
27 6. Page 3, by striking line 35, and inserting the  
28 following: "upper inner lip, the ear, the medial side  
29 of the fold of the flank, or on the medial side of the  
30 mid thigh of the dog. The licensing number and  
31 method".  
32 7. Page 4, line 4, by inserting after the word  
33 "authorities." the following: "The first two digits  
34 of the licensing number shall designate the county in  
35 which the dog is registered. The digits designating a  
36 county shall correspond to the name of the county as  
37 listed in a ranking in alphabetical order of all  
38 counties. The list of counties shall begin with Adair  
39 county which shall be designated with the digits "01"  
40 and end with Wright county which shall be designated  
41 with the digits "99".  
42 8. Page 4, line 9, by inserting before the words  
43 "The owner" the following: "c."



44 9. Page 4, line 9, by striking the words "one or  
45 more signs" and inserting the following: "at least  
46 one sign".

47 10. Page 4, line 11, by striking the word "Each"  
48 and inserting the following: "The".

49 11. Page 4, line 12, by inserting after the word  
50 "highway." the following: "The sign shall include a

**Page 2**

1 symbol warning children of the presence of the dog."

2 12. Page 4, line 34, by striking the figure  
3 "351B.2".

4 13. Page 5, by inserting after line 25, the  
5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 351B.\_\_\_\_\_ LIABILITY OF  
7 PARENTS OR GUARDIANS.

8 The parent or guardian of a minor who owns a  
9 vicious dog is liable for all injuries or property  
10 damage resulting from an unprovoked attack by the  
11 vicious dog."

12 14. Page 5, line 31, by inserting after the word  
13 "trial." the following: "If the dog is not registered  
14 under section 351B.2, the court shall determine  
15 whether the dog is a vicious dog. Upon determining if  
16 a dog is a vicious dog, the dog shall be declared and  
17 deemed to be a vicious dog. The owner shall have ten  
18 days from the date of receiving custody of the dog in  
19 which to comply with section 351B.2."

20 15. Page 6, by striking lines 11 through 19, and  
21 inserting the following:

22 "Sec. \_\_\_\_\_. NEW SECTION. 351B.\_\_\_\_\_ PENALTIES.

23 1. A person who violates a provision of this  
24 chapter, other than this section, is guilty of a  
25 serious misdemeanor. A person found guilty of a third  
26 or subsequent violation is guilty of an aggravated  
27 misdemeanor.

28 2. The owner of a dog is guilty of a serious  
29 misdemeanor if the dog attacks and causes injury to a  
30 person, and the dog, prior to the violation, was not a  
31 vicious dog.

32 3. The owner of a dog is guilty of an aggravated  
33 misdemeanor if the dog attacks and causes injury to a  
34 person, and the dog, prior to the violation, was a  
35 vicious dog.

36 4. The owner of a dog is guilty of a class "D"  
37 felony, if the dog attacks and causes serious injury  
38 to a person and the dog was a vicious dog prior to the  
39 violation. In addition, the dog shall be immediately  
40 confiscated by the animal control officer, placed in  
41 quarantine for the proper length of time, and  
42 thereafter euthanized.

43 Sec. \_\_\_\_\_. NEW SECTION. 351B. \_\_\_\_\_ EXCEPTIONS.

44 This chapter does not apply to the following:

45 1. An act by a dog performed against a person  
46 assaulting the owner of the dog.

47 2. An act by a dog performed against a trespasser  
48 on the property of the owner, unless the trespasser is  
49 ten years old or younger.

50 3. An act by a dog performed to defend a person

**Page 3**

1 from attack by another person or dog.

2 4. An act by a dog performed to defend its young  
3 or another animal from attack or threat of attack.

4 5. An act by a dog in performance of duties  
5 related to law enforcement, if the dog is on duty and  
6 under the control of a law enforcement officer  
7 competent to control the dog.

8 6. An act by a dog in response to teasing or  
9 baiting, unless the act is directed against a person  
10 ten years old or younger."

11 16. By renumbering as necessary.

CONNORS of Polk

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."

MULLINS of Kossuth

H-5509

1 Amend House File 2389 as follows:

2 1. Page 4, line 11, by striking the words "shall  
3 be recognized as" and inserting the following: "is".

4 2. Page 4, line 12, by striking the words "in any  
5 court in this state".

SPEAR of Lee

H-5514

- 1 Amend House File 2408 as follows:
- 2 1. Page 3, line 27, by inserting after the word
- 3 "transportation" the following: "and county care
- 4 facility transportation".

ROYER of Page

H-5521

- 1 Amend House File 2419 as follows:
- 2 1. Page 3, by inserting after line 3 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 442.2, subsection 1, unnumbered
- 5 paragraph 2, Code 1987, is amended to read as follows:
- 6 However, commencing with the budget year beginning
- 7 July 1, 1987, and ending July 1, 1990, a reorganized
- 8 school district shall cause a foundation property tax
- 9 of four dollars and forty cents per thousand dollars
- 10 of assessed valuation to be levied on all taxable
- 11 property which, in the year preceding the
- 12 reorganization, was within a school district affected
- 13 by the reorganization as defined in section 275.1 and
- 14 which had a certified enrollment of less than six
- 15 hundred. In succeeding school years, the foundation
- 16 property tax levy on that portion shall be increased
- 17 twenty cents per year until it reaches the rate of
- 18 five dollars and forty cents per thousand dollars of
- 19 assessed valuation.
- 20 Sec. 6. Sections 442.9A and 442.39A, Code 1987,
- 21 are repealed.
- 22 Sec. 7. Section 442.39, Code Supplement 1987, is
- 23 repealed.
- 24 Sec. 8. Sections 6 through 8 of this Act take
- 25 effect July 1, 1990."
- 26 2. Title page, line 2, by inserting after the
- 27 word "agreements" the following: "and repealing the
- 28 incentives for sharing and reorganization plans
- 29 effective on a certain date".

CORBETT of Linn

H-5522

- 1 Amend House File 2378 as follows:
- 2 1. Page 3, by striking lines 7 through 16.
- 3 2. Title page, lines 2 and 3, by striking the
- 4 words "and interim study committee."
- 5 3. By renumbering as necessary.

CORBETT of Linn

H-5523

- 1 Amend House File 2397 as follows:  
 2 1. Page 1, line 15, by inserting after the word  
 3 "contract" the following: "for a public building,  
 4 including the site or grounds of, and the erection,  
 5 equipment, remodeling, or reconstruction of, and  
 6 additions or extensions to the building,".  
 7 2. Page 1, line 27, by striking the word "Three"  
 8 and inserting the following: "Four".  
 9 3. Page 1, line 30, by striking the word "Four"  
 10 and inserting the following: "Six".  
 11 4. Page 1, line 33, by striking the word "Five"  
 12 and inserting the following: "Eight".

BISIGNANO of Polk

H-5527

- 1 Amend House File 2437 as follows:  
 2 1. Page 1, line 3, by striking the words "the  
 3 provisions of".

SPEAR of Lee

H-5533

- 1 Amend the Committee amendment, H-5321, to House  
 2 File 2211 as follows:  
 3 1. Page 1, by inserting after line 33 the  
 4 following:  
 5 "Notwithstanding the preceding paragraph, the  
 6 limits on total political action committee  
 7 contributions do not apply to the candidate's  
 8 committee of a candidate who has registered for a  
 9 restricted campaign but is not in a restricted  
 10 campaign because another candidate for the same office  
 11 declined to register."

HANSON of Delaware  
 HALVORSON of Webster

H-5535

- 1 Amend House File 2368 as follows:  
 2 1. Page 1, by inserting after line 22, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 25A.24, Code Supplement 1987,  
 5 is amended to read as follows:  
 6 25A.24 STATE VOLUNTEERS.  
 7 A person who performs services for the state  
 8 government or any agency or subdivision of state  
 9 government and who does not receive compensation is  
 10 not personally liable for a claim based upon an act or  
 11 omission of the person performed in the discharge of

12 the person's duties, except for acts or omissions  
13 which involve intentional misconduct or knowing  
14 violation of the law, ~~or for a transaction from which~~  
15 ~~the person derives an improper personal benefit.~~ For  
16 purposes of this section, "compensation" does not  
17 include payments to reimburse a person for expenses."

18 2. Page 2, by striking lines 27 through 29 and  
19 inserting the following: "intentional misconduct or a  
20 knowing violation of the law, ~~or for a transaction~~  
21 ~~from which the director derives an improper personal~~  
22 ~~benefit.~~ A provision in the articles of".

23 3. Page 5, by inserting after line 5 the  
24 following:

25 "Sec. \_\_\_\_\_. Section 504.17, Code Supplement 1987,  
26 is amended to read as follows:

27 504.17 PERSONAL LIABILITY.

28 Except as otherwise provided in this chapter, a  
29 director, officer, employee, or member of the  
30 corporation is not liable on the corporation's debts  
31 or obligations and a director, officer, member, or  
32 other volunteer is not personally liable in that  
33 capacity, for a claim based upon an act or omission of  
34 the person performed in the discharge of the person's  
35 duties, except for a breach of the duty of loyalty to  
36 the corporation, for acts or omissions not in good  
37 faith or which involve intentional misconduct or  
38 knowing violation of the law, ~~or for a transaction~~  
39 ~~from which the person derives an improper personal~~  
40 ~~benefit.~~

41 Sec. \_\_\_\_\_. Section 504A.101, Code Supplement 1987,  
42 is amended to read as follows:

43 504A.101 PERSONAL LIABILITY.

44 Except as otherwise provided in this chapter, a  
45 director, officer, employee, or member of the  
46 corporation is not liable on the corporation's debts  
47 nor obligations and a director, officer, member, or  
48 other volunteer is not personally liable in that  
49 capacity, for a claim based upon an act or omission of  
50 the person performed in the discharge of the person's

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1 duties, except for a breach of the duty of loyalty to  
2 the corporation, for acts or omissions not in good  
3 faith or which involve intentional misconduct or  
4 knowing violation of the law, ~~or for a transaction~~  
5 ~~from which the person derives an improper personal~~  
6 ~~benefit."~~

7 4. Page 6, by inserting after line 23 the  
8 following:

9 "Sec. \_\_\_\_\_. Section 613.19, Code Supplement 1987,  
10 is amended to read as follows:

## 11 613.19 PERSONAL LIABILITY.

12 A director, officer, employee, member, trustee, or  
 13 volunteer, of a nonprofit organization is not liable  
 14 on the debts or obligations of the nonprofit  
 15 organization and a director, officer, employee,  
 16 member, trustee, or volunteer is not personally liable  
 17 for a claim based upon an act or omission of the  
 18 person performed in the discharge of the person's  
 19 duties, except for acts or omissions which involve  
 20 intentional misconduct or knowing violation of the  
 21 law, or for a transaction from which the person  
 22 derives an improper personal benefit. For purposes of  
 23 this section, "nonprofit organization" includes an  
 24 unincorporated club, association, or other similar  
 25 entity, however named, if no part of its income or  
 26 profit is distributed to its members, directors, or  
 27 officers.

28 Sec. \_\_\_\_\_. Section 613A.2, unnumbered paragraph 3,  
 29 Code Supplement 1987, is amended to read as follows:

30 A person who performs services for a municipality  
 31 or an agency or subdivision of a municipality and who  
 32 does not receive compensation is not personally liable  
 33 for a claim based upon an act or omission of the  
 34 person performed in the discharge of the person's  
 35 duties, except for acts or omissions which involve  
 36 intentional misconduct or knowing violation of the  
 37 law, or for a transaction from which the person  
 38 derives an improper personal benefit. For purposes of  
 39 this section, "compensation" does not include payments  
 40 to reimburse a person for expenses."

41 5. Renumber as necessary.

CARPENTER of Polk

H—5538

1 Amend House File 2356 as follows:

- 2 1. Page 1, line 8, by striking the word "The".
- 3 2. Page 1, by striking lines 9 through 11 and
- 4 inserting the following: "However, this section does
- 5 not apply to an employee covered under a collective
- 6 bargaining agreement pursuant to chapter 20.
- 7 Parental".

SHERZAN of Polk

H—5539

1 Amend House File 2403 as follows:

- 2 1. By striking page 1, line 19 through page 4,
- 3 line 21.

NEUHAUSER of Johnson  
 PONCY of Wapello  
 DVORSKY of Johnson

H-5548

- 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 5, line 28 through page 6,
- 5 line 13.
- 6 2. Renumber sections and correct internal
- 7 references as necessary.

SVOBODA of Tama  
FULLER of Hardin

H-5554

- 1 Amend amendment H-5274A to House File 2345 as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "education" the following words "or the director's
- 5 designee".
- 6 2. Page 1, line 11, by inserting after the word
- 7 "education" the following words "or the director's
- 8 designee".

SPEAR of Lee

H-5557

- 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 5, lines 6 through 8, by striking the
- 5 words "eighteen cents per gallon for the period
- 6 beginning April 1, 1988, and ending December 31, 1988,
- 7 and twenty cents per gallon beginning January 1,
- 8 1989," and inserting the following: "seventeen cents
- 9 per gallon beginning April 1, 1988,".
- 10 2. Page 5, lines 22 through 25, by striking the
- 11 words "seventeen cents per gallon for the period
- 12 beginning April 1, 1988, and ending December 31, 1988,
- 13 and nineteen cents per gallon beginning January 1,
- 14 1989, and ending" and inserting the following:
- 15 "sixteen cents per gallon for the period beginning
- 16 April 1, 1988, and ending".
- 17 3. Page 5, lines 41 through 44, by striking the
- 18 words "twenty and one-half cents per gallon for the
- 19 period beginning April 1, 1988, and ending December
- 20 31, 1988, and twenty-two and one-half cents per gallon
- 21 beginning January 1, 1989" and inserting the
- 22 following: "nineteen and one-half cents per gallon
- 23 beginning April 1, 1988".
- 24 4. Page 5, line 50, by striking the word
- 25 "sixteen" and inserting the following: "fourteen".

McKEAN of Jones  
TYRRELL of Iowa

H-5561

- 1 Amend amendment, H-5372, to House File 2345 as  
 2 follows:  
 3 1. Page 1, line 24, by striking the words  
 4 "attendance of".  
 5 2. Page 1, by striking line 25, and inserting the  
 6 following: "the requirements for certification of  
 7 elementary and secondary school personnel and  
 8 standards for the preparation and certification of  
 9 school personnel in nonpublic schools." "

STROMER of Hancock

H-5562

- 1 Amend amendment H-5274 to House File 2345 as  
 2 follows:  
 3 1. Page 1, by striking lines 10 through 12 and  
 4 inserting the following:  
 5 "The director of the department of education or the  
 6 director's designee may participate in the meetings of  
 7 the board in an ex officio non voting capacity."

DAGGETT of Adams

H-5572

- 1 Amend House File 2441 as follows:  
 2 1. Page 9, line 24, by striking the word "five"  
 3 and inserting the following: "two".

PETERSEN of Muscatine

H-5573

- 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 7 through 9.

STROMER of Hancock

H-5574

- 1 Amend House File 2345 as follows:  
 2 1. Page 5, by striking line 26.

DAGGETT of Adams



H-5575

- 1 Amend Senate File 2023, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 20, by inserting after the word
- 4 "subdivisions" the following: "and qualified private
- 5 organizations".
- 6 2. Page 8, line 22, by inserting after the word
- 7 "subdivisions" the following: "and qualified private
- 8 organizations".

BLACK of Jasper

H-5577

- 1 Amend Senate File 2023, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 4, line 32, by striking the word "ten"
- 4 and inserting the following: "twenty".
- 5 2. Page 6, line 19, by striking the figure "3,".
- 6 3. Page 6, line 21, by inserting after the word
- 7 "Every" the following: "all-terrain vehicle or".
- 8 4. Page 6, line 25, by inserting after the word
- 9 "unregistered" the following: "all-terrain vehicles
- 10 or".
- 11 5. Page 6, line 27, by striking the word "A" and
- 12 inserting the following: "A An all-terrain vehicle
- 13 or".
- 14 6. Page 6, by inserting after line 30 the
- 15 following:
- 16 "After the first day of September in even-numbered
- 17 years, an unregistered all-terrain vehicle or
- 18 snowmobile may be registered for the remainder of the
- 19 current registration period and for the subsequent
- 20 registration period in one transaction."
- 21 7. By striking page 6, line 31 through page 7,
- 22 line 6.
- 23 8. Page 7, by inserting after line 19 the
- 24 following:
- 25 "Sec. \_\_\_\_\_. Section 321G.6, unnumbered paragraph 3,
- 26 Code 1987, is amended by striking the unnumbered
- 27 paragraph and inserting in lieu thereof the
- 28 following:
- 29 An expired snowmobile registration may be renewed
- 30 by paying twenty dollars for the current two-year
- 31 registration period plus a penalty of five dollars."
- 32 9. Page 7, line 30, by striking the word "ten"
- 33 and inserting the following: "twenty".
- 34 10. Page 14, by inserting after line 25 the
- 35 following:
- 36 "Sec. \_\_\_\_\_. Section 321G.20, Code 1987, is amended
- 37 by adding the following new unnumbered paragraph:
- 38 NEW UNNUMBERED PARAGRAPH. No person under age

39 twelve shall operate an all-terrain vehicle on public  
40 lands.”

41 11. Page 20, line 18, by striking the words “the  
42 effective date of this Act” and inserting the  
43 following: “December 30, 1989”.

44 12. Page 21, by striking lines 12 through 16 and  
45 inserting the following: “vehicle or snowmobile is  
46 exempt from paying the tax.”

Committee on Transportation

H—5578

1 Amend Senate File 2023, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 25 the  
4 following:

5 “Sec. \_\_\_\_\_. Section 321G.7, Code 1987, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. The funds received from  
8 the fees collected pursuant to section 321G.30,  
9 subsection 5 and this section shall not be used to  
10 construct trails where environmental damage is likely  
11 to occur. The department shall review and approve or  
12 disapprove plans for the construction of trails based  
13 on an environmental impact assessment of the proposed  
14 trails.”

BLACK of Jasper

H—5579

1 Amend Senate File 2023 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 8, by inserting after line 25 the  
4 following:

5 “Sec. \_\_\_\_\_. Section 321G.7, Code 1987, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. The state shall assume  
8 the liability, pursuant to chapter 25A, for all valid  
9 tort claims arising from the development and operation  
10 of trails, facilities, and programs which are financed  
11 from funds received from registration fees pursuant to  
12 this section or title fees received pursuant to  
13 section 321G.30, subsection 5.”

BLACK of Jasper

H—5580

1 Amend amendment, H—5286, to House File 2345, as  
2 follows:

3 1. Page 1, line 6, by inserting after the word  
4 “teachers” the following: “one of whom is employed by  
5 a merged area school”.

CARPENTER of Polk

H-5582

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. Issue certificates under chapter 260 to  
6 qualified applicants, based upon the recommendations  
7 of the board of educational examiners."

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

10 "Sec. \_\_\_\_\_. Section 260.2, Code 1987, is amended to  
11 read as follows:

12 260.2 POWERS OF BOARD.

13 The board of educational examiners shall ~~have~~  
14 ~~authority to issue recommend to the state board of~~  
15 ~~education the issuance of~~ certificates to applicants  
16 who are eighteen years of age or over, physically  
17 competent and morally fit to teach, and who have the  
18 qualifications and training prescribed in this section  
19 ~~and are recommended for certification by the~~  
20 ~~director."~~

21 3. Page 4, by striking line 29 and inserting the  
22 following:

23 "The board of educational examiners shall ~~issue~~  
24 ~~recommend the issuance of~~ certificates".

25 4. Page 4, line 34, by striking the word "board"  
26 and inserting the following: "state board of  
27 education".

28 5. Page 5, lines 3 and 4, by striking the words  
29 "board of educational examiners" and inserting the  
30 following: "state board of educational examiners".

31 6. By numbering and renumbering sections as  
32 necessary.

CARPENTER of Polk

H-5584

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".

TYRRELL of Iowa

H-5585

1 Amend Senate File 2023, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 8, line 21, by striking the words "At  
4 least" and inserting the following: "At least Not  
5 more than".

6 2. Page 8, line 23, by striking the words

7 "political subdivisions" and inserting the following:  
 8 "~~political subdivisions state~~".  
 9 3. Page 8, line 25, by striking the word "state"  
 10 and inserting the following: "state political  
 11 divisions and qualified private organizations".

BLACK of Jasper

H—5586

1 Amend Senate File 2023 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 22, by striking lines 21 and 22 and  
 4 inserting the following: "in the special conservation  
 5 fund created in section 321G.7."

BLACK of Jasper

H—5587

1 Amend Senate File 2023, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 8, by inserting after line 25 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 321G.7, Code 1987, is amended  
 6 by adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. From funds received  
 8 under this chapter, the department of natural  
 9 resources shall acquire, by lease or purchase, land  
 10 which shall be developed, operated, and maintained as  
 11 trails for the use of all-terrain vehicles and  
 12 snowmobiles. The department shall also develop and  
 13 maintain appropriate parts of existing state land  
 14 under its jurisdiction for the use of all-terrain  
 15 vehicles and snowmobiles from the funds received under  
 16 this chapter."

BLACK of Jasper

H—5588

1 Amend amendment, H—5284, to House File 2345 as  
 2 follows:  
 3 1. Page 1, line 8, by inserting after the word  
 4 "service," the following: "However, a member of the  
 5 board shall not receive per diem under this section if  
 6 the terms of a collective bargaining agreement under  
 7 which the member of the board is covered prohibit the  
 8 receipt of the per diem."

MAULSBY of Calhoun

H—5589

1 Amend House File 2436 as follows:  
 2 1. Page 1, line 1, by striking the words and

- 3 figures "NEW SECTION. 159.25".
- 4 2. Page 1, line 3, by striking the words
- 5 "agriculture and land stewardship" and inserting the
- 6 following: "economic development".
- 7 3. Page 1, line 4, by inserting after the word
- 8 "establish" the following: ", as a pilot project,".
- 9 4. Page 1, line 5, by striking the word "each"
- 10 and inserting the following: "the".
- 11 5. Page 1, line 5, by inserting after the word
- 12 "office" the following: "in Frankfurt, Germany,".
- 13 6. Page 1, by striking lines 7 and 8, and
- 14 inserting the following: "trade officials from
- 15 federal and other agencies, shall do both".
- 16 7. Page 1, lines 10 and 11, by striking the words
- 17 "agriculture and land stewardship" and inserting the
- 18 following: "economic development".
- 19 8. Page 1, line 16, by striking the words
- 20 "positions are" and inserting the following:
- 21 "position is".
- 22 9. Page 1, by striking lines 17 through 27 and
- 23 inserting the following: "supervision of the
- 24 department of economic development.
- 25 The department of agriculture and land stewardship
- 26 shall cooperate with the department to assist the
- 27 trade specialist in carrying out the duties under this
- 28 section. The department of economic development shall
- 29 pay the".
- 30 10. Page 1, line 28, by striking the word "each"
- 31 and inserting the following: "the".
- 32 11. Page 1, line 29, by striking the words "and
- 33 each trade coordinator".
- 34 12. Title page, line 1, by inserting after the
- 35 word "of" the following: "an".
- 36 13. Title page, by striking lines 2 and 3 and
- 37 inserting the following: "specialist position."

DE GROOT of Lyon

H-5590

- 1 Amend Senate File 2023 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 25 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 321G.7, Code 1987, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. From funds received
- 8 under this chapter, the department of natural
- 9 resources shall acquire, by lease or purchase, one or
- 10 more parks which shall be developed, operated, and
- 11 maintained for the use of off-road vehicles."

BLACK of Jasper

H—5595

- 1 Amend amendment H—5577 to Senate File 2023, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 27, by striking the words “in the”
- 5 and inserting the word “in”.

KOENIGS of Mitchell

H—5597

- 1 Amend the amendment, H—5506, to House File 2335 as
- 2 follows:
- 3 1. Page 1, line 8, by inserting before the word
- 4 “animal” the following: “domestic”.

SPEAR of Lee

H—5604

- 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 31, through page 8,
- 5 line 38.
- 6 2. Page 9, by inserting after line 11 the
- 7 following:
- 8 “\_\_\_\_\_ Amend the title page, lines 9 and 10, by
- 9 striking the words “making appropriations from the
- 10 road use tax fund.”

KREMER of Buchanan

H—5613

- 1 Amend Senate File 2046, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 9 and inserting the
- 4 following: “enrollment and area in square miles that
- 5 do not meet the criteria listed in subsection 2B, the
- 6 directors”.
- 7 2. Page 1, line 14, by inserting after the word
- 8 “has” the following: “both”.
- 9 3. Page 1, by striking line 15 and inserting the
- 10 following: “certified enrollment of one thousand or
- 11 more pupils and an area of fifty or more square miles,
- 12 the”.

METCALF of Polk  
SIEGRIST of Pottawattamie

H—5620

- 1 Amend Senate File 2162 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting before line 3 the

4 following:

5 "Sec. \_\_\_\_\_. Section 321.37, unnumbered paragraph 1,  
6 Code 1987, is amended to read as follows:

7 Registration plates issued for a motor vehicle  
8 other than a motorcycle, motorized bicycle or a truck  
9 tractor shall be attached to the motor vehicle, one in  
10 the front and the other in the rear. The registration  
11 plate issued for a motor vehicle, motorcycle,  
12 motorized bicycle, or other vehicle required to be  
13 registered hereunder under this chapter, other than a  
14 truck tractor, shall be attached to the rear of the  
15 vehicle. The registration plate issued for a truck  
16 tractor shall be attached to the front of the truck  
17 tractor. The special plate issued to a dealer shall  
18 be attached on the rear of the vehicle when operated  
19 on the highways of this state."

20 2. Title page, line 1, by inserting after the  
21 word "Act" the following: "relating to the issuance  
22 and display of registration plates,".

SCHNEKLOTH of Scott

H-5629

1 Amend House File 2335 as follows:

2 1. Page 2, line 8, by striking the words "for an"  
3 and inserting the following: "for a domestic".

4 2. Page 2, line 9, by inserting after the word  
5 "animal" the following: "that has bitten a person".

SPEAR of Lee

H-5630

1 Amend House File 2368 as follows:

2 1. Page 1, by striking lines 25 through 32 and  
3 inserting the following:

4 "1. The department of human services shall  
5 establish volunteer programs designed to enhance the  
6 services provided by the department. Roles for  
7 volunteers may include but shall not be limited to  
8 parent aides, friendly visitors, commodity  
9 distributors, clerical assistants, and medical  
10 transporters. Roles for volunteers shall include  
11 conservators and guardians. The department shall  
12 adopt rules for programs which are established.

13 2. a. The commissioner shall appoint a  
14 coordinator of volunteer services to oversee the  
15 provision of services of volunteer conservators and  
16 guardians on a volunteer basis to individuals in this  
17 state requiring such services. The coordinator, after  
18 consulting with personnel assigned to the local office  
19 of the department in a county, shall recommend to the  
20 commissioner how best to serve the needs of

21 individuals in need of the services of a guardian or  
 22 conservator. Where possible, the coordinator shall  
 23 recommend that the services be provided on a  
 24 multicounty basis.

25 b. Volunteer guardians and conservators under this  
 26 program have the powers enumerated under chapter 633  
 27 for guardians and conservators. A volunteer guardian  
 28 or conservator who wishes to take an action for which  
 29 court approval is necessary shall apply to the  
 30 commissioner through the local office for approval of  
 31 the action. If the commissioner approves the request,  
 32 the department shall apply to the district court in  
 33 the county where the individual receiving the services  
 34 resides for approval of the action.

35 c. Services required under this section shall be  
 36 available to all residents of this state regardless of  
 37 financial status. The department shall establish a  
 38 schedule of fees for these services. The fees  
 39 collected shall be used to offset the costs of  
 40 providing the services.

41 The department may waive the fee for any service if  
 42 the person receiving the service is determined to be  
 43 indigent. For the purposes of this subsection, the  
 44 department shall find a person is indigent if the  
 45 person's annual income and resources do not exceed one  
 46 hundred fifty percent of the federal poverty level or  
 47 the person would be unable to pay the fee without  
 48 prejudicing the person's financial ability to provide  
 49 economic necessities for the person or the person's  
 50 dependents.

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1 d. The coordinator shall cooperate with the  
 2 directors of the divisions of the department in  
 3 providing these services and shall seek out  
 4 alternative sources for providing the services  
 5 required under this section.

6 3. All volunteers registered with the department  
 7 and in".

JAY of Appanoose

**H-5639**

1 Amend House File 2444 as follows:

2 1. Page 4, line 15, by striking the words and  
 3 figure "forty thousand (40,000)" and inserting the  
 4 following: "thirty thousand (30,000)".

VAN CAMP of Scott

**H-5642**

1 Amend amendment, H-5630, to House File 2368 as  
 2 follows:



- 3 1. Page 2, by inserting after line 7 the  
 4 following:  
 5 "\_\_\_\_\_. Page 6, by inserting after line 23 the  
 6 following:  
 7 "Sec. \_\_\_\_\_. This section and section 2 of this Act,  
 8 being deemed of immediate importance, are effective  
 9 upon enactment.  
 10 Upon the enactment of section 2 of this Act, the  
 11 commissioner of the department of human services shall  
 12 immediately appoint a person at each local office of  
 13 the department to provide the services of a volunteer  
 14 guardian or conservator. These services shall be  
 15 provided to all individuals in need of these services  
 16 without cost until a determination is made by the  
 17 commissioner on how best to provide these services and  
 18 a fee schedule has been established pursuant to  
 19 section 2 of this Act. In no case shall a fee be  
 20 assessed for any services provided before the  
 21 commissioner has adopted and implemented a schedule of  
 22 fees. The person appointed at each local office shall  
 23 either provide the necessary services or assure the  
 24 availability of qualified volunteers to provide the  
 25 services until such time as the coordinator appointed  
 26 by the commissioner has implemented a plan to provide  
 27 the services of volunteer conservators and guardians  
 28 pursuant to section 2 of this Act."  
 29 \_\_\_\_\_. Title page, line 4, by inserting after the  
 30 word "care" the following: ", and providing an  
 31 effective date".  
 32 2. Renumber as necessary.

JAY of Appanoose

H-5645

- 1 Amend Senate File 2223 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by inserting after line 7, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 726.7, Code 1987, is amended by  
 6 striking the section and inserting the following:  
 7 726.7 WANTON NEGLECT OF A RESIDENT OF A HEALTH  
 8 CARE FACILITY.  
 9 1. A person commits wanton neglect of a resident  
 10 of a health care facility when the person knowingly  
 11 acts in a manner that creates a substantial risk to  
 12 the physical, mental, or emotional health or safety of  
 13 a resident of a health care facility.  
 14 2. Wanton neglect of a resident of a health care  
 15 facility is:  
 16 a. A class "D" felony if the neglect results in  
 17 serious injury.  
 18 b. A serious misdemeanor if the neglect does not

19 result in a serious injury.

20 3. Wanton neglect of a resident of a health care  
21 facility is not a lesser included offense of any other  
22 offense and may be charged in addition to any other  
23 offense that may be alleged to have been committed in  
24 connection with the facts and circumstances  
25 surrounding the neglect.

26 4. "Health care facility" means health care  
27 facility as defined in section 135C.1."

JAY of Appanoose

H-5649

1 Amend amendment H-5611 to House File 2419 as  
2 follows:

3 1. Page 5, by inserting after line 46 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 442.2, subsection 1, unnumbered  
6 paragraph 2, Code 1987, is amended to read as follows:  
7 However, commencing with the budget year beginning  
8 July 1, 1987, and ending July 1, 1990, a reorganized  
9 school district shall cause a foundation property tax  
10 of four dollars and forty cents per thousand dollars  
11 of assessed valuation to be levied on all taxable  
12 property which, in the year preceding the  
13 reorganization, was within a school district affected  
14 by the reorganization as defined in section 275.1 and  
15 which had a certified enrollment of less than six  
16 hundred. In succeeding school years, the foundation  
17 property tax levy on that portion shall be increased  
18 twenty cents per year until it reaches the rate of  
19 five dollars and forty cents per thousand dollars of  
20 assessed valuation.

21 Sec. 6. Sections 442.9A and 442.39A, Code 1987,  
22 are repealed.

23 Sec. 7. Section 442.39, Code Supplement 1987, is  
24 repealed.

25 Sec. 8. Sections 6 through 8 of this Act take  
26 effect July 1, 1990."

27 2. Title page, line 2, by inserting after the  
28 word "agreements" the following: "and repealing the  
29 incentives for sharing and reorganization plans  
30 effective on a certain date".

CORBETT of Linn

H-5657

1 Amend House File 2443 as follows:

2 1. Page 13, by inserting after line 15 the  
3 following:

4 "Notwithstanding section 607A.8 and as a condition  
5 of this appropriation, grand jurors and petit jurors in

6 all courts shall receive twenty dollars as compensation  
7 for each day's service or attendance, including  
8 attendance required for the purpose of being considered  
9 for service, reimbursement for mileage expenses at the  
10 rate specified in section 79.9 or section 602.1509 for  
11 each mile traveled each day to and from their residences  
12 to the place of service or attendance, and reimbursement  
13 for actual expenses of parking, as determined by the  
14 clerk. A juror shall not receive reimbursement for  
15 mileage expenses or actual expenses of parking when the  
16 juror travels in a vehicle for which another juror is  
17 receiving reimbursement for mileage and parking  
18 expenses. Payment of fees and expenses to jurors shall  
19 be made on the first and fifteenth of each month."

EDDIE of Buena Vista

H-5660

1 Amend House File 2429 as follows:

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

4 "Sec. \_\_\_\_\_. Section 192.12, Code 1987, is amended  
5 to read as follows:

6 192.12 ACCESS TO PREMISES.

7 Every milk producer, hauler, distributor, or plant  
8 operator shall, upon request of the secretary or  
9 authorized municipal corporation, permit access of  
10 officially designated persons to all parts of the  
11 establishment or facilities to determine compliance  
12 with the provisions of this chapter and chapters 190  
13 and 191. A distributor or plant operator shall  
14 furnish the secretary, ~~or an authorized person~~  
15 inspecting under contract, or an authorized municipal  
16 corporation, upon request, for official use only, a  
17 true statement of the actual quantities of milk and  
18 milk products of each grade purchased and sold, and a  
19 list of all sources of such milk and milk products,  
20 records of inspections, tests, and pasteurization time  
21 and temperature records."

22 2. Page 2, by inserting after line 21 the  
23 following:

24 "Sec. \_\_\_\_\_. NEW SECTION. 192.48 INSPECTIONS  
25 REQUIRED, CONTRACTS.

26 The department shall be responsible for the  
27 inspection of a dairy farm, milk plant, or transfer  
28 station to ensure compliance with this chapter and  
29 chapters 190 and 191. Whenever practical, the  
30 department shall contract with a person, including but  
31 not limited to a municipal corporation, qualified to  
32 perform inspection services if contracting for the  
33 services is cost-effective and the quality of  
34 inspection assures compliance with state and federal

- 35 law. The department shall review inspection services  
 36 performed by a person under contract to ensure quality  
 37 inspections."  
 38 3. By renumbering as necessary.

JOHNSON of Winneshiek  
 MAY of Worth  
 DE GROOT of Lyon  
 HANSON of Delaware

H-5664

- 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;".

SCHNEKLOTH of Scott

H-5668

- 1 Amend House File 2403 as follows:  
 2 1. Page 3, by striking lines 11 and 12.  
 3 2. By relettering paragraphs as necessary.

TYRRELL of Iowa

H-5670

- 1 Amend House File 2403 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 262.26, Code 1987, is amended  
 5 by adding the following new unnumbered paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. The board shall submit  
 7 to the legislative council during the fourth week in  
 8 July of each year a report covering its proceedings  
 9 with reference to the hospital of the state University  
 10 of Iowa, including all parts of the hospital and  
 11 associated medical service clinics and laboratories,  
 12 and a statement of all receipts and expenditures  
 13 during the preceding fiscal year."  
 14 2. By striking page 1, line 19, through page 4,  
 15 line 21.  
 16 3. Title page, line 1, by inserting after the  
 17 word "to" the following: "public hospitals, by  
 18 requiring reports and providing for".

TYRRELL of Iowa

H-5671

- 1 Amend Senate Concurrent Resolution No. 114, as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, line 24, by striking the words "on  
 4 farm" and inserting the following: "on-farm".

Committee on Agriculture

H-5680

- 1 Amend House File 2448 as follows:  
 2 1. Page 1, line 16, by inserting after the word  
 3 "partnership" the following: ", except a partnership  
 4 whose partners are related to each other by blood or  
 5 marriage and which is actively engaged in farming as  
 6 defined in section 172C.1".  
 7 2. Page 2, by inserting after line 1 the  
 8 following:  
 9 "Sec. 30. Section 422.36, Code Supplement 1987, is  
 10 amended by adding the following new subsection:  
 11 NEW SUBSECTION. 6. A family farm corporation, as  
 12 defined in section 172C.1, is exempt from the payment  
 13 of the thirty-dollar filing fee under subsection 5 and  
 14 section 422.33, subsection 1."  
 15 3. Page 6, line 4, by striking the word and  
 16 figure "and 4" and inserting the following: "4, and  
 17 30".

BENNETT of Ida

H-5681

- 1 Amend House File 2448 as follows:  
 2 1. Page 2, line 15, by striking the words "and  
 3 collection".

CARPENTER of Polk

H-5685

- 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 "46,521,000".  
 5 2. Page 4, line 13, by striking the figure  
 6 "148,069,142" and inserting the following:  
 7 "151,628,755".

VAN MAANEN of Mahaska

H-5692

- 1 Amend House File 2411 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Sections 135.111 through 135.118 are  
 5 enacted as a new division of chapter 135 entitled  
 6 "Health Profession Review Commission".  
 7 Sec. 2. NEW SECTION. 135.111 DECLARATION.  
 8 1. The general assembly declares that it is  
 9 advisable to have the results of an independent  
 10 research, review, and evaluation process prior to  
 11 legislative decision-making regarding proposals

12 concerning the following:

13 a. Licensure of health care institutions and  
14 health care professionals, and the professionals'  
15 scope of practice.

16 b. Whether additional categories of health care  
17 institutions and professions should be licensed, after  
18 considering educational, experiential, and other  
19 relevant criteria.

20 c. Whether health care payors should be required  
21 to include or offer certain benefits or coverage for  
22 services provided by particular health care  
23 institutions and professions, and the appropriate  
24 levels of benefits or coverage for such services.

25 A process for independent, expert research, review,  
26 and evaluation will encourage a less fragmented, more  
27 rational approach to the consideration of proposals in  
28 these areas and will provide the general assembly with  
29 adequate and reliable information as to the effect of  
30 these proposals on health care and health care  
31 delivery in the state, including the effect, if any,  
32 on the availability and cost of services and coverage.

33 2. The general assembly further declares that  
34 there is need for a process by which qualified persons  
35 may be engaged to conduct analytical research to  
36 provide a broader base of information for use in  
37 considering health care issues and measuring the long-  
38 term and interactive effects of various proposals.

39 3. The general assembly further declares that the  
40 conduct of this health care research and review will  
41 benefit the citizens of Iowa and that the costs of  
42 such research should be borne by those affected.

43 Sec. 3. NEW SECTION. 135.112 DEFINITIONS.

44 As used in this division, unless the context  
45 otherwise requires:

46 1. "Commission" means the health profession review  
47 commission.

48 2. "Health care institution" or "health care pro-  
49 fessional" means a person which furnishes health care  
50 services.

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1 3. "Health care payor" means a person which offers  
2 administrative, indemnity, or payment services for  
3 health care in exchange for a premium or service  
4 charge under a program of health care benefits,  
5 including, but not limited to, an insurance company,  
6 association, or exchange issuing health insurance  
7 policies in this state; a health service corporation  
8 operating pursuant to chapter 514; a health  
9 maintenance organization operating pursuant to chapter  
10 514B; a preferred provider organizations; a fraternal

11 benefit society; a third-party administrator; a  
12 corporation, labor organization, or other entity which  
13 provides covered services for its employees or members  
14 by means of a self-funded program of benefits, and a  
15 certified bargaining representative that represents a  
16 group or groups of employees for whom employers  
17 purchase a program of benefits which provide covered  
18 services; and any other person or entity which makes  
19 payments to health care institutions and health care  
20 professionals for health care services.

21 4. "Health care services" means services included  
22 in the furnishing to any individual of care necessary  
23 for the purpose of preventing, alleviating, curing, or  
24 healing human physical or mental illness, injury, or  
25 disability.

26 5. "Health note" means a summary of the results of  
27 the short-term review and analysis of a legislative  
28 proposal which has been prepared by the commission  
29 pursuant to section 135.114, subsection 2.

30 6. "Person" means a person as defined in section  
31 4.1.

32 Sec. 4. NEW SECTION. 135.113 COMMISSION ESTAB-  
33 LISHED — PURPOSE.

34 1. A health profession review commission is  
35 established for the purpose of organizing and  
36 conducting health profession research, review, and  
37 evaluation activities through the use of existing  
38 resources available within appropriate state agencies  
39 and, if necessary, by contracting with individuals or  
40 organizations who are recognized experts in the fields  
41 of study of health, insurance, statistics, economics,  
42 or other appropriate academic disciplines in  
43 furtherance of the purpose and intent of the general  
44 assembly as expressed in section 135.111.

45 Nothing in this division shall be construed as  
46 granting the commission authority to establish health  
47 care policy.

48 2. The commission consists of the director of  
49 public health, the commissioners of insurance and  
50 human services, and the directors of the legislative

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1 service bureau and the legislative fiscal bureau. The  
2 director of public health is the chairperson of the  
3 commission. The other members may designate persons  
4 to represent them as regular members of the  
5 commission. A majority of the members of the  
6 commission constitutes a quorum. The commission shall  
7 meet at least once during each calendar quarter.  
8 Meeting dates shall be set by members of the  
9 commission or by call of the chairperson upon five

10 days' notice to the members. Action of the commission shall not be taken except upon the affirmative vote of a majority of the members of the commission.

13 The members of the commission shall not receive a salary or per diem for being on the commission but shall receive reimbursement for necessary travel and expenses while engaged in commission business. Funds for reimbursement shall come from the moneys appropriated to the department or agency of which the member is the head.

20 Sec. 5. NEW SECTION. 135.114 DUTIES OF  
21 COMMISSION.

22 1. The commission shall establish a process of  
23 research, review, and evaluation to be utilized in the  
24 consideration of legislative proposals concerning the  
25 following:

26 a. Licensure of health care institutions and  
27 health care professionals, and the professionals'  
28 scope of practice.

29 b. Whether additional categories of health care  
30 institutions and professions should be licensed, after  
31 considering educational, experiential, and other  
32 relevant criteria.

33 c. Mandating health care payors to include or  
34 offer certain benefits or coverage for services  
35 provided by particular health care institutions and  
36 professions, and mandating certain levels of benefits  
37 or coverage for those services.

38 The process shall be designed to address the  
39 effects of each proposal with respect to health care  
40 and health care delivery in this state, including the  
41 availability and cost of services and coverage. The  
42 commission shall undertake studies pursuant to this  
43 subsection in response to requests from members of the  
44 general assembly or as it deems appropriate. Reports  
45 of the studies shall be available upon request. At  
46 least once every six months the commission shall  
47 provide to members of the general assembly a listing  
48 of completed reports which may be requested.

49 2. In addition, the commission shall establish a  
50 process for the preparation of health notes for

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1 legislative proposals concerning the matters described  
2 in subsection 1. The process shall apply to each such  
3 legislative proposal for which a health note is  
4 requested by a member of the general assembly. The  
5 health note shall contain a summary of the results of  
6 the commission's short-term review and analysis of the  
7 proposal and, insofar as possible, shall be submitted  
8 to the members of the general assembly within the time



9 limits set forth in the request. A health note may be  
 10 requested for a proposal whether or not the proposal  
 11 is the subject of a more extensive study pursuant to  
 12 subsection 1.

13 3. The commission may contract with individuals or  
 14 entities having recognized expertise in the fields of  
 15 health, insurance, economics or other appropriate  
 16 academic disciplines as necessary to conduct the  
 17 research, review, and evaluation of proposals as  
 18 provided in subsection 1. The experts may be  
 19 organized into panels of two or three. The commission  
 20 may assign more than one study to a single expert or  
 21 panel. A panel shall not include more than one  
 22 employee, agent, contractor, or other representative  
 23 from a particular employer, corporation, partnership,  
 24 or other entity. When a proposal is chosen for study  
 25 pursuant to subsection 1, the commission shall review  
 26 the proposal to determine if the services of outside  
 27 experts are required to conduct the study or if the  
 28 special training and knowledge is possessed by the  
 29 existing staffs of the executive departments under the  
 30 control and direction of members of the commission.  
 31 If, in the judgment of the commission, outside experts  
 32 are required to conduct the study, the commission is  
 33 granted the authority to contract with individuals or  
 34 entities possessing the necessary expertise.

35 4. The commission may assign to outside experts  
 36 engaged for studies pursuant to subsection 1, to  
 37 staffs of the executive departments represented, or to  
 38 commission staff the responsibility for preparing  
 39 particular health notes pursuant to subsection 2.

40 5. The commission shall not enter into an  
 41 agreement with an entity that engages in whole or in  
 42 part in the provision of health care services or an  
 43 entity that has a material financial interest in the  
 44 provision of such services.

45 Sec. 6. NEW SECTION. 135.115 INFORMATION ON  
 46 PROPOSALS.

47 The commission may prepare for each category of  
 48 proposal a list specifying the types of data and the  
 49 questions and issues which should be addressed by  
 50 persons submitting information on specific proposals.

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1 The lists may include the following:

- 2 1. The extent to which the proposed benefit and
- 3 the services it would provide are needed by, available
- 4 to and utilized by the population of the state.
- 5 2. The extent to which insurance coverage for the
- 6 proposed benefit already exists, or if no such
- 7 coverage exists, the extent to which this lack of

8 coverage results in inadequate health care or  
 9 financial hardship for the population of the state.  
 10 3. Relevant findings bearing on the social impact  
 11 of the lack of the proposed benefit.

12 4. Where the proposed benefit would mandate  
 13 coverage of a particular therapy by health care  
 14 payors, the results of at least one professionally  
 15 accepted, controlled trial comparing the medical  
 16 consequences of the proposed therapy, alternative  
 17 therapies, and no therapy.

18 5. Where the proposed benefit would mandate  
 19 coverage by health care payors of an additional class  
 20 of health care institutions or professionals in  
 21 addition to those currently covered, the results of at  
 22 least one professionally accepted, controlled trial  
 23 comparing the medical results achieved by the  
 24 additional class of practitioners and those  
 25 practitioners whose services already are covered by  
 26 benefits.

27 6. The results of any other relevant research  
 28 conducted by the federal government, other states, and  
 29 private and public health care research agencies or  
 30 foundations.

31 7. Evidence of the financial impact of the  
 32 proposed legislation, including the following:

33 a. The extent to which the proposed benefit would  
 34 increase or decrease costs for treatment or service.

35 b. The extent to which similar mandated benefits  
 36 in other states have affected charges, costs, and  
 37 payments for services.

38 c. The extent to which the proposed benefit would  
 39 increase the appropriate use of the treatment or  
 40 service.

41 d. The impact of the proposed benefit on  
 42 administrative expenses of health care payors.

43 e. The impact of the proposed benefit on the costs  
 44 to purchasers of health care coverage and benefits.

45 f. The impact of the proposed benefit on the total  
 46 cost of health care within the state.

47 8. Where the proposal would authorize a new  
 48 category of health care institution or health care  
 49 professional or expand the licensure or scope of  
 50 practice of existing health care institutions and

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1 professions, the following:

2 a. The effect of the proposed authorization or  
 3 expansion on relationships among and between existing  
 4 health care institutions and professions.

5 b. The educational and experiential requirements  
 6 for the various health care professions, including but

7 not limited to, credentialing.

8 c. The general impact, in terms of cost, quality,  
9 and access of the proposal on the existing health care  
10 delivery system.

11 d. The impact of the proposal on the delivery of  
12 institutional and professional health care services in  
13 the rural and urban areas of the state.

14 e. A comparison of similar proposals or related  
15 provisions or changes in other states.

16 f. The impact of the proposal on the health care  
17 needs of persons of different age levels in the state.

18 Sec. 7. NEW SECTION. 135.116 PROCEDURES.

19 1. The commission may establish procedures for the  
20 submission and review of information on a proposal.  
21 In the review and evaluation of information submitted  
22 in connection with a proposal, consideration shall be  
23 given to the extent to which the documentation is  
24 responsive to the items on the list provided pursuant  
25 to section 135.115; whether or not the research cited  
26 meets generally recognized professional standards for  
27 the conduct of scholarly research; whether or not the  
28 information includes all known research relevant to  
29 the proposal; and whether or not the conclusions and  
30 interpretations are consistent with the data  
31 submitted. The commission may request information and  
32 advice from state departments and agencies, including  
33 but not limited to the health data commission, the  
34 health profession examining boards, and from political  
35 subdivisions.

36 2. The commission may adopt rules pursuant to  
37 chapter 17A establishing time limits, forms, and other  
38 procedures applicable to the research, review, and  
39 evaluation process and the preparation of health  
40 notes. The rules may include provisions for notice  
41 and public hearings.

42 Sec. 8. NEW SECTION. 135.117 ADMINISTRATION -  
43 RULES - REPORTS.

44 1. The director of public health is responsible  
45 for the administration of this division and may assign  
46 staff of the department of public health to the  
47 commission.

48 2. The commission, in cooperation with the  
49 director of public health, shall adopt rules pursuant  
50 to chapter 17A as necessary to carry out this

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1 division.

2 3. The commission shall submit an annual report on  
3 the actions taken by the commission to the general  
4 assembly not later than January 15 of each year.

5 Sec. 9. NEW SECTION. 135.118 HEALTH REVIEW

## 6 ACCOUNT.

7 1. There is established in the general fund of the  
 8 state an account to be known as the health review  
 9 account. The account is composed of the fees imposed  
 10 by law upon health care professionals for health  
 11 research, review, and evaluation activities conducted  
 12 pursuant to this division. Subject to legislative  
 13 authorization, an amount equivalent to the amount in  
 14 the health review account is appropriated to the  
 15 health profession review commission to be used for  
 16 conducting its health research, review, and evaluation  
 17 activities as provided in this division.

18 Sec. 10. NEW SECTION. 135E.6A ADDITIONAL FEE FOR  
 19 HEALTH REVIEW.

20 In addition to the fees required by section 135E.5,  
 21 each person granted a license as a nursing home  
 22 administrator or a renewal of such a license shall pay  
 23 to the board an annual fee equal to ten percent of the  
 24 fee for the license or renewal, as appropriate, for  
 25 health policy research, review, and evaluation  
 26 activities pursuant to sections 135.111 through  
 27 135.118. The fee shall be paid at the time the  
 28 license or renewal fee is paid. The fees collected  
 29 shall be paid to the treasurer of state and deposited  
 30 in the general fund of the state to the credit of the  
 31 health review account established in section 135.118.

32 Sec. 11. NEW SECTION. 135F.14 ADDITIONAL FEES  
 33 FOR HEALTH REVIEW.

34 In addition to the fees required pursuant to  
 35 section 135F.6, each person granted registration or  
 36 certification by the department as a respiratory care  
 37 practitioner or renewal of such registration or  
 38 certification shall pay to the department an annual  
 39 fee equal to ten percent of the fee for the  
 40 registration or certification or the renewal, as  
 41 appropriate, for health policy research, review, and  
 42 evaluation activities pursuant to sections 135.111  
 43 through 135.118. The fee shall be paid at the time  
 44 the registration, certification, or renewal fee is  
 45 paid. The fees collected shall be paid to the  
 46 treasurer of state and deposited in the general fund  
 47 of the state to the credit of the health review  
 48 account established in section 135.118.

49 Sec. 12. Section 145.2, Code 1987, is amended by  
 50 adding a new unnumbered paragraph, following

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1 unnumbered paragraph 1, as follows:

2 NEW UNNUMBERED PARAGRAPH. The commission shall  
 3 also cooperate with the health profession review  
 4 commission, established in section 135.113, by

5 providing advice, assistance, and information as  
 6 appropriate to the achievement of the purposes and  
 7 responsibilities of that commission.

8 Sec. 13. Section 145.3, subsection 3, paragraph b,  
 9 Code 1987, is amended by adding the following new  
 10 unnumbered paragraph:

11 **NEW UNNUMBERED PARAGRAPH.** In addition, all  
 12 hospitals shall submit to the commission, on a  
 13 quarterly basis, UB-82 claims data for all hospital  
 14 inpatients and outpatients whose charges are not  
 15 submitted to third-party payers, including self-paid,  
 16 charity, and bad debt cases. The claims data shall  
 17 include the same elements required for submissions by  
 18 third-party payers.

19 Sec. 14. **NEW SECTION.** 147.81 ADDITIONAL FEE FOR  
 20 HEALTH REVIEW.

21 In addition to the fees required by sections 147.25  
 22 and 147.80, each person granted a license or other  
 23 credential or a renewal of a license or credential  
 24 pursuant to this chapter or chapter 147A, 148, 148A,  
 25 148B, 148C, 149, 150, 150A, 151, 152, 152A, 153, 153A,  
 26 154, 154A, 154B, 154C, 155A, or 156 shall pay to the  
 27 department, or to the appropriate board of examiners  
 28 if the board is required by law to collect the license  
 29 fees, an annual fee equal to ten percent of the fee  
 30 for the license or renewal, as appropriate, for health  
 31 policy research, review, and evaluation activities  
 32 pursuant to sections 135.111 through 135.118. The fee  
 33 shall be paid at the time the license or renewal fee  
 34 is paid. The fees collected shall be paid to the  
 35 treasurer of state and deposited in the general fund  
 36 of the state to the credit of the health review  
 37 account established in section 135.118.

38 The additional annual fee imposed by this section  
 39 shall also be imposed upon persons granted licenses or  
 40 other credentials in health care professions for which  
 41 licensing or credentialing provisions are enacted  
 42 after January 1, 1988."

43 2. Title page, by striking lines 1 through 8 and  
 44 inserting the following: "An Act relating to  
 45 research, review, and evaluation of certain health-  
 46 related legislative proposals, providing for the  
 47 establishment of a commission, imposing fees, and  
 48 providing other properly related matters."

BEATTY of Warren

H-5697

- 1 Amend House File 2368 as follows:
- 2 1. By striking page 1, line 1, through page 2,
- 3 line 3.
- 4 2. Renumber as necessary.

JAY of Appanoose

H-5700

- 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.

BISIGNANO of Polk

H-5701

- 1 Amend House File 2167 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "county" the following: "subject to approval of the
- 4 range by the general assembly annually".

PELLETT of Cass

H-5702

- 1 Amend House File 2167 as follows:
- 2 1. Page 1, line 3, by striking the words "state
- 3 court administrator" and inserting the following:
- 4 "local county board of supervisors".
- 5 2. Page 1, line 8, by striking the words "state
- 6 court administrator" and inserting the following:
- 7 "local county board of supervisors".

SCHNEKLOTH of Scott

H-5704

- 1 Amend House File 2167 as follows:
- 2 1. Page 1, line 3, by striking the words "state
- 3 court administrator" and inserting the following:
- 4 "local county compensation board".
- 5 2. Page 1, line 8, by striking the words "state
- 6 court administrator" and inserting the following:
- 7 "local county compensation board".

HUMMEL of Benton

H-5706

- 1 Amend House File 2167 as follows:
- 2 1. Page 1, by inserting after line 11 the
- 3 following:
- 4 "Sec. 2. Section 602.1505, subsection 2, Code
- 5 1987, is amended to read as follows:
- 6 2. The annual salary of a deputy to a clerk of the
- 7 district court shall not exceed eighty percent of the
- 8 annual salary of the clerk of the district court. The
- 9 deputy clerk of the district court shall not receive a
- 10 salary in excess of the highest salary paid to the

11 county auditor, the county treasurer, or the county  
 12 recorder in the county in which the deputy clerk  
 13 serves.

HUMMEL of Benton  
 COOPER of Lucas

H-5707

1 Amend House File 2167 as follows:  
 2 1. Page 1, by inserting after line 11, the  
 3 following:  
 4 "Sec. 2. This Act takes effect July 1, 1993."  
 5 2. Title page, line 1, by inserting after the  
 6 word "court" the following: "and providing an  
 7 effective date".

MILLER of Cherokee

H-5708

1 Amend House File 2167 as follows:  
 2 1. Page 1, by striking lines 8 through 11 and  
 3 inserting the following: "state court administrator.  
 4 A clerk of the district court shall not receive a  
 5 salary more than five percent in excess of the highest  
 6 salary paid to the county auditor, the county  
 7 treasurer, or the county recorder in the county in  
 8 which the clerk serves."

HUMMEL of Benton  
 COOPER of Lucas

H-5709

1 Amend House File 2167 as follows:  
 2 1. Page 1, line 5, by striking the words "chief  
 3 judge of each judicial district" and inserting the  
 4 following: "chief judge of each judicial district  
 5 state court administrator".

HUMMEL of Benton

H-5710

1 Amend House File 2167 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 79.18, Code 1987, is  
 5 repealed."

COREY of Louisa

H-5711

1 Amend House File 2167 as follows:  
 2 1. Page 1, by inserting after line 11 the

3 following:

- 4 "Sec. \_\_\_\_\_. This Act, being deemed of immediate  
5 importance takes effect upon enactment."  
6 2. Title page, line 1, by inserting after the  
7 word "court" the following: "and providing an  
8 effective date".

CORBETT of Linn

H-5712

1 Amend House File 2167 as follows:

- 2 1. Page 1, line 3, by striking the words "state  
3 court administrator" and inserting the following:  
4 "general assembly".  
5 2. Page 1, line 8, by striking the words "state  
6 court administrator" and inserting the following:  
7 "general assembly".

BENNETT of Ida

H-5713

1 Amend House File 2167 as follows:

- 2 1. Page 1, by striking lines 3 and 4.  
3 2. Page 1, line 5, by striking the words "each  
4 county." and inserting the following: "1."  
5 3. Page 1, by striking lines 7 and 8 and  
6 inserting the following: "the judicial district. A  
7 clerk of the district court".

RENKEN of Grundy

H-5715

1 Amend House File 2411 as follows:

- 2 1. Page 1, by striking everything after the  
3 enacting clause and inserting the following:  
4 "Section 1. Section 2.58, Code 1987, is amended by  
5 adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. The legislative service  
7 bureau shall assist the general assembly in procedures  
8 for requesting and obtaining health issues notes for  
9 legislative bills pursuant to the rules of the general  
10 assembly.  
11 Sec. 2. NEW SECTION. 2.111 DECLARATION.  
12 1. The general assembly declares that there is  
13 need for independent review and evaluation preliminary  
14 to legislative decision-making on proposals for  
15 revision of scopes of practice, educational and  
16 experiential requirements, levels of credentialing,  
17 and regulatory structures for health care professions;  
18 for the credentialing of additional health care  
19 professions; for mandating the inclusion or offering  
20 of benefits or coverage for services provided by



21 particular health professions; and for direct payments  
 22 with respect to services provided by particular health  
 23 care professions. A process for independent, expert  
 24 review and evaluation will encourage a less  
 25 fragmented, more rational approach to the  
 26 consideration of proposals in these areas and will  
 27 provide the general assembly with adequate and  
 28 reliable information as to the effects of the  
 29 proposals on health care and health care delivery in  
 30 the state, including effects on the availability and  
 31 cost of services and coverage.

32 2. The general assembly further declares that  
 33 there is need for a structure in which qualified  
 34 persons may be engaged to conduct analytical research  
 35 to provide a broader base of information and an  
 36 overview for use in considering health issues and  
 37 measuring the long-term and interactive effects of  
 38 various proposals.

39 3. The general assembly further declares that the  
 40 conduct of health issues research, review, and  
 41 evaluation activities pursuant to sections 2.112  
 42 through 2.117 will benefit health care professionals,  
 43 and those health care professionals should share in  
 44 the costs of those activities.

45 Sec. 3. NEW SECTION. 2.112 DEFINITIONS.

46 As used in sections 2.111 through 2.117:

47 1. "Directors' committee" means the committee on  
 48 health research and review contracts.

49 2. "Health issues note" means a statement prepared  
 50 to accompany a legislative proposal for revision of

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1 the scope of practice, educational and experiential  
 2 requirements, level of credentialing, or regulatory  
 3 structure for a health care profession; for the  
 4 credentialing of an additional health care profession;  
 5 for mandating the inclusion or offering of benefits or  
 6 coverage for services provided by a particular health  
 7 care profession; or for direct payments with respect  
 8 to services provided by a particular health care  
 9 profession. The note contains findings and  
 10 recommendations resulting from the independent review  
 11 and evaluation process established by the directors'  
 12 committee pursuant to sections 2.111 through 2.117.  
 13 The findings address the effects of the proposal with  
 14 respect to health care and health care delivery in  
 15 this state, including the availability and cost of  
 16 services and coverage.

17 Sec. 4. NEW SECTION. 2.113 DIRECTORS' COMMITTEE  
 18 ON HEALTH RESEARCH AND REVIEW CONTRACTS.

19 The directors of the legislative fiscal bureau,

20 legislative service bureau, and the computer support  
 21 bureau shall serve as a committee on health research  
 22 and review contracts. Action by the committee  
 23 requires the affirmative vote of at least two of the  
 24 directors.

25 Sec. 5. NEW SECTION. 2.114 CONTRACTS FOR HEALTH  
 26 ISSUES RESEARCH, REVIEW, AND EVALUATION.

27 The directors' committee shall organize and  
 28 coordinate health issues research, review, and  
 29 evaluation activities by contracting with individuals  
 30 who are recognized experts in the fields of health,  
 31 insurance, statistics, economics, or other appropriate  
 32 fields and assigning them to work in three-member  
 33 panels to prepare health issue notes pursuant to  
 34 section 2.115 or undertake research studies pursuant  
 35 to section 2.116. A panel shall not include more than  
 36 one employee, agent, contractor, or other  
 37 representative from a particular employer,  
 38 corporation, partnership, or other entity. The  
 39 directors' committee is granted the authority to  
 40 contract with individuals or entities to accomplish  
 41 these purposes but shall not employ persons for such  
 42 purposes.

43 The directors' committee shall not contract with an  
 44 entity which engages in whole or in part in the  
 45 provision of health care services or an entity which  
 46 has a material financial interest in the provision of  
 47 such services.

48 Sec. 6. NEW SECTION. 2.115 REVIEW AND EVALUATION  
 49 OF LEGISLATIVE PROPOSALS – HEALTH ISSUES NOTES.

50 1. The directors' committee shall establish a

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1 process of review and evaluation to be utilized in the  
 2 consideration of legislative proposals for revision of  
 3 scopes of practice, educational and experiential  
 4 requirements, levels of credentialing, and regulatory  
 5 structures for health care professions; for the  
 6 credentialing of additional health care professions;  
 7 for mandating the inclusion or offering of benefits or  
 8 coverage for services provided by particular health  
 9 care professions; and for direct payments with respect  
 10 to services provided by particular health care  
 11 professions. The process shall apply to each  
 12 legislative proposal for which a health issues note is  
 13 requested through the legislative service bureau, the  
 14 secretary of the senate, or the chief clerk of the  
 15 house pursuant to rules of the general assembly. The  
 16 health issues note shall contain the findings and  
 17 recommendations reached at the conclusion of the  
 18 process and, insofar as possible, shall be submitted

19 to the general assembly within the time limits set  
20 forth in the request. The findings shall address the  
21 effects of the proposal with respect to health care  
22 and health care delivery in this state, including the  
23 availability and cost of services and coverage.

24 2. The directors' committee shall provide for  
25 three-member panels of experts to review and evaluate  
26 proposals and prepare health issues notes as provided  
27 in subsection 1. The commission may provide a  
28 separate panel for each proposal or assign two or more  
29 proposals to a single panel.

30 Upon receipt of a legislative proposal for which a  
31 health issues note is requested, and prior to issuance  
32 of a request for proposals from potential panel  
33 members or assignment of the legislative proposal to  
34 an existing panel, the directors' committee shall  
35 submit the legislative proposal to the directors of  
36 public health and elder affairs and the commissioners  
37 of insurance and human services for preliminary review  
38 and suggestions as to the nature and extent of the  
39 study to be conducted. The directors and  
40 commissioners shall respond within thirty days after  
41 receipt of the request and may respond either  
42 individually or as a group.

43 3. The directors' committee shall prepare for each  
44 category of proposal a documentation list specifying  
45 types of data which should be provided and issues and  
46 questions which should be addressed in documentation  
47 submitted by proponents and opponents of proposals.  
48 The documentation lists may include items relating to  
49 the reasons for the proposal and whether and to what  
50 extent the change is needed by consumers and the

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1 general public; the results of relevant research,  
2 including professionally accepted, controlled trials  
3 of various courses of action; evidence of the  
4 financial impact of the proposal, including the extent  
5 to which the cost for a particular treatment or  
6 service would increase or decrease, the extent to  
7 which the use of a particular treatment or service  
8 would increase or decrease, the effect of the proposal  
9 on insurers and insurance rates, and the impact of the  
10 proposal on the total cost of health care within the  
11 state; and the experience of other states where  
12 similar proposals have been adopted. Copies of the  
13 documentation lists shall be made available to  
14 interested persons.

15 4. The directors' committee shall establish  
16 procedures for the submission of documentation by the  
17 proponents and opponents of a proposal and for review

18 and evaluation of the documentation by the panel to  
19 which the proposal is assigned.

20 In reviewing and evaluating the documentation and  
21 other information in connection with a proposal the  
22 panel shall consider the overall health issues and the  
23 extent to which the documentation is responsive to the  
24 specific items on the documentation list provided  
25 pursuant to subsection 1; whether or not the research  
26 cited meets professional standards; whether or not the  
27 documentation cites all relevant research with respect  
28 to the proposal; and whether or not the conclusions  
29 and interpretations in the documentation are  
30 consistent with the data submitted. The panel,  
31 through the directors' committee, may request  
32 information and advice from state departments and  
33 agencies, including the health profession examining  
34 boards and the health data commission, and from  
35 political subdivisions, and the state departments and  
36 agencies and political subdivisions shall cooperate in  
37 responding to the requests.

38 5. When a panel completes a health issues note the  
39 directors' committee shall submit the note to the  
40 general assembly without change.

41 Sec. 7. NEW SECTION. 2.116 RESEARCH STUDIES.

42 1. The directors' committee shall provide for one  
43 or more three-member panels of experts to conduct  
44 analytical research studies in the following areas:

45 a. A study of the scopes of practice of all health  
46 care professions in the state for the purpose of  
47 analyzing the interrelationships, boundaries, and  
48 areas of overlap with emphasis on the overall effects  
49 of existing and proposed statutes and rules upon  
50 health care costs, availability of services, and other

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1 facets of the health care delivery system. The study  
2 shall include a comparative review of scope of  
3 practice and related provisions in other states. The  
4 study shall also take into account the changes in  
5 recent decades and developing trends in the following  
6 areas:

7 (1) Relationships among the health care  
8 professions.

9 (2) Educational and experiential requirements for  
10 the various health care professions.

11 (3) The general structure of the health care  
12 delivery system, including the growth of alternative  
13 structures such as health maintenance organizations.

14 (4) Appropriate levels of delivery of professional  
15 health care services in the rural and urban areas of  
16 the state.

17 (5) Relationships among health care providers,  
 18 including hospitals, health care facilities, and other  
 19 institutional providers, health maintenance  
 20 organizations, health care professionals, and  
 21 insurers.

22 (6) Health care needs of persons of different age  
 23 levels in the state.

24 b. A study of the feasibility and desirability of  
 25 establishing a single board for the regulation of all  
 26 health care professions in the state.

27 2. The panels, through the directors' committee,  
 28 may request information and advice from state  
 29 departments and agencies, including the health  
 30 profession examining boards and the health data  
 31 commission, and from political subdivisions, and the  
 32 state departments and agencies and political  
 33 subdivisions shall cooperate in responding to the  
 34 requests.

35 3. The directors' committee shall require in  
 36 connection with each study conducted under this  
 37 section that the findings and conclusions be  
 38 accompanied by recommendations from the panel.

39 4. The directors' committee shall establish  
 40 procedures and time limits to govern the conduct of  
 41 each study and, after consultation with the directors  
 42 of public health and elder affairs and the  
 43 commissioners of insurance and human services as  
 44 appropriate, shall provide guidance and direction as  
 45 to the issues and questions to be addressed.

46 5. The directors' committee shall provide to each  
 47 member of the general assembly the final report of  
 48 each research study conducted under this section.

49 Sec. 8. NEW SECTION. 2.117 APPROPRIATION.

50 An amount equal to the amount of fees collected

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1 pursuant to sections 135E.6A, 135F.14, and 147.81 is  
 2 appropriated each fiscal year for use by the  
 3 directors' committee in providing for health issues  
 4 research, review, and evaluation pursuant to sections  
 5 2.111 through 2.116.

6 Sec. 9. NEW SECTION. 135E.6A ADDITIONAL FEE FOR  
 7 HEALTH ISSUES RESEARCH AND EVALUATION.

8 In addition to the fees required by section 135E.5,  
 9 each person granted a license as a nursing home  
 10 administrator or a renewal of such a license shall pay  
 11 to the board an annual fee equal to ten percent of the  
 12 fee for the license or renewal, as appropriate, to  
 13 help pay the costs of health issues research, review,  
 14 and evaluation activities pursuant to sections 2.111  
 15 through 2.117. The fee shall be paid at the time the

16 license or renewal fee is paid. The fees collected  
17 shall be paid to the treasurer of state.

18 Sec. 10. **NEW SECTION. 135F.14 ADDITIONAL FEES**  
19 **FOR HEALTH ISSUES RESEARCH AND EVALUATION.**

20 In addition to the fees required pursuant to  
21 section 135F.6, each person granted registration or  
22 certification by the department as a respiratory care  
23 practitioner or renewal of such registration or  
24 certification shall pay to the department an annual  
25 fee equal to ten percent of the fee for the  
26 registration or certification or the renewal, as  
27 appropriate, to help pay the costs of health issues  
28 research, review, and evaluation activities pursuant  
29 to sections 2.111 through 2.117. The fee shall be  
30 paid at the time the registration, certification, or  
31 renewal fee is paid. The fees collected shall be paid  
32 to the treasurer of state and deposited in the general  
33 fund of the state.

34 Sec. 11. **NEW SECTION. 147.81 ADDITIONAL FEE FOR**  
35 **HEALTH ISSUES RESEARCH AND EVALUATION.**

36 In addition to the fees required by sections 147.25  
37 and 147.80, each person granted a license or other  
38 credential or a renewal of a license or credential  
39 pursuant to this chapter or chapter 147A, 148, 148A,  
40 148B, 148C, 149, 150, 150A, 151, 152, 152A, 153, 153A,  
41 154, 154A, 154B, 154C, 155A, or 156 shall pay to the  
42 department, or to the appropriate board of examiners  
43 if the board is required by law to collect the license  
44 fees, an annual fee equal to ten percent of the fee  
45 for the license or renewal, as appropriate, to help  
46 pay the costs of health issues research, review, and  
47 evaluation activities pursuant to sections 2.111  
48 through 2.117. The fee shall be paid at the time the  
49 license or renewal fee is paid. The fees collected  
50 shall be paid to the treasurer of state and deposited

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1 in the general fund of the state.

2 The additional annual fee imposed by this section  
3 shall also be imposed upon persons granted licenses or  
4 other credentials in health care professions for which  
5 licensing or credentialing provisions are enacted  
6 after January 1, 1988."

7 2. Title page, by striking lines 1 through 8 and  
8 inserting the following: "An Act relating to  
9 research, review, and evaluation with respect to  
10 certain health-related legislative proposals,  
11 providing for contracting arrangements and a structure

12 for organization and coordination, imposing fees,  
 13 providing for the appropriation of funds, and  
 14 providing other properly related matters.”

SWARTZ of Marshall  
 JOCHUM of Dubuque  
 GRONINGA of Cerro Gordo

H—5717

1 Amend House File 2335 as follows:

2 1. Page 1, by inserting after line 7 the  
 3 following:

4 “Sec. 2. Section 351.3, Code 1987, is amended to  
 5 read as follows:

6 351.3 APPLICATION BY OWNER.

7 The owner of a dog for which a license is required  
 8 shall, on or before the first day of January of each  
 9 year, apply to the auditor of the county in which the  
 10 owner resides for a license for each dog owned. An  
 11 owner residing in a city, as defined in section 362.2,  
 12 which licenses dogs shall apply to the city clerk. An  
 13 owner not residing in a city which licenses dogs shall  
 14 apply to the auditor of the county in which the owner  
 15 resides.

16 Sec. 3. Section 351.5, unnumbered paragraph 1,  
 17 Code 1987, is amended to read as follows:

18 Such The application shall be in writing on blanks  
 19 provided by the city clerk or county auditor and shall  
 20 state the breed, sex, age, color, markings, and name,  
 21 if any, of the dog, and the address of the owner, and  
 22 be signed by the owner.

23 Sec. 4. Section 351.6, Code 1987, is amended to  
 24 read as follows:

25 351.6 FEE.

26 The annual license fee shall be set by the city  
 27 council or the board of supervisors. The fee shall  
 28 accompany the application.

29 Sec. 5. Section 351.7, Code 1987, is amended to  
 30 read as follows:

31 351.7 TAG.

32 The city clerk or the county auditor shall, upon  
 33 receipt of said the application, deliver or mail to  
 34 the applicant a license which shall be in the form of  
 35 a metal tag stamped as follows:

36 1. The year Year in which issued.

37 2. Name of city or county issuing it.

38 3. Serial number as shown by the record book in  
 39 the office of the city clerk or county auditor.

40 Sec. 6. Section 351.11, Code 1987, is amended to  
 41 read as follows:

42 351.11 TRANSFER ON CHANGE OF RESIDENCE.

43 When a dog licensed in one county is permanently

44 transferred to another county or is permanently  
 45 transferred to a city, as defined in section 362.2,  
 46 which licenses dogs, the owner shall surrender the  
 47 original license tag to the auditor of the county or  
 48 to the clerk of the city to which the dog is removed.  
 49 When a dog licensed in a city is permanently  
 50 transferred outside the city, the owner shall

Page 2

1 surrender the original license tag to the city to  
 2 which the dog is removed, if the city licenses dogs,  
 3 or to the auditor of the county if the dog is removed  
 4 outside a city or to a city which does not license  
 5 dogs. The city clerk or auditor shall preserve the  
 6 surrendered tag, and, without license fee, issue a new  
 7 license tag. The city clerk or auditor shall note on  
 8 the license record the fact that the newly issued  
 9 license tag is issued to effect a transfer of, and is  
 10 in lieu of, such surrendered license tag.

11 Sec. 7. Section 351.16, Code 1987, is amended to  
 12 read as follows:

13 351.16 PAYMENT TO ASSESSOR.

14 If the The owner of any dog required to be licensed  
 15 by the county and upon which a license fee is due so  
 16 desires, the owner may pay such the fee to the  
 17 assessor and the assessor shall give a receipt  
 18 therefor for it, showing the name of the owner, the  
 19 number of dogs owned upon which the fee is paid, the  
 20 sex of each such dog, and the amount of the fee for  
 21 each such dog. The assessor shall forthwith pay said  
 22 the fees collected to the auditor and shall make a  
 23 full report to said the auditor showing the name and  
 24 address of the owner, the number of dogs and the sex  
 25 of each dog owned by each owner, the evidence of  
 26 rabies vaccination for each dog, and the fee paid on  
 27 each such dog. The auditor shall forthwith mail to  
 28 said the owner the proper license tag or tags. The  
 29 auditor may also assign the license tags to the  
 30 assessor who may issue and record them when license  
 31 fees are collected by the assessor as provided in this  
 32 section.

33 Sec. 8. Section 351.22, unnumbered paragraph 1,  
 34 Code 1987, is amended to read as follows:

35 The city clerk or county auditor shall keep a book  
 36 to be known as the record of licenses which shall  
 37 show:"

38 2. Page 6, line 20, by inserting after the word  
 39 "section" the following: "and sections 1 through 9".

40 3. By renumbering as necessary.



H-5718

- 1 Amend House File 2447 as follows:
- 2 1. Page 16, by inserting after line 17 the
- 3 following:
- 4 "4. As a condition of this appropriation, the
- 5 department shall repair and remodel a cottage at the
- 6 juvenile institution at Eldora. The department shall
- 7 spend not more than two hundred thousand (200,000)
- 8 dollars for this purpose."

FULLER of Hardin

H-5719

- 1 Amend House File 2447 as follows:
- 2 1. Page 8, by inserting after line 14 the
- 3 following:
- 4 "12. The allowance for capital costs in the
- 5 formula for reimbursement of hospitals under this
- 6 section, shall be based upon state-wide average
- 7 capital costs for hospitals."

HAMMOND of Story

H-5726

- 1 Amend House File 2447 as follows:
- 2 1. Page 13, line 21, by striking the figure
- 3 "6,691,245" and inserting the following: "6,841,245".
- 4 2. Page 29, line 20, by striking the figure
- 5 "450,000" and inserting the following: "300,000".

CLARK of Cerro Gordo

H-5728

- 1 Amend House File 2447 as follows:
- 2 1. By striking page 17, line 33 through page 18,
- 3 line 4 and inserting the following: "the sixty new
- 4 beds are phased into operation and salary and support
- 5 is provided for not more than forty-seven additional
- 6 full-time equivalent positions:
- 7 ..... \$23,181,000".

VAN CAMP of Scott  
SCHNEKLOTH of Scott

H-5736

- 1 Amend House File 2447 as follows:
- 2 1. Page 4, line 13, by striking the figure
- 3 "148,069,142" and inserting the following:
- 4 "148,432,000".
- 5 2. Page 20, line 22, by striking the figure
- 6 "12,208,400" and inserting the following:
- 7 "13,093,000".

- 8 3. Page 25, line 34, by striking the figure
- 9 "32,378,800" and inserting the following:
- 10 "37,809,000".

VAN MAANEN of Mahaska

H-5743

- 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 "1. Page 2, line 25, by striking the figure
- 6 "885,000" and inserting the following: "642,300".
- 7 2. Page 25, by striking lines 21 through 24 and
- 8 inserting the following:
- 9 ..... \$1,994,700".

COOPER of Lucas  
 CHAPMAN of Linn  
 FOGARTY of Palo Alto  
 DODERER of Johnson  
 COREY of Louisa

MUHLBAUER of Crawford  
 VAN CAMP of Scott  
 BEATTY of Warren  
 HERMANN of Scott  
 PAVICH of Pottawattamie  
 PONCY of Wapello  
 ROYER of Page

H-5745

- 1 Amend the amendment, H-5692, to House File 2411 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word and
- 4 figures "135.111 through 135.118" and inserting the
- 5 following: "2.111 through 2.118".
- 6 2. Page 1, line 5, by striking the figure "135"
- 7 and inserting the following: "2".
- 8 3. Page 1, line 7, by striking the figure
- 9 "135.111" and inserting the following: "2.111".
- 10 4. Page 1, line 43, by striking the figure
- 11 "135.112" and inserting the following: "2.112".
- 12 5. Page 2, by striking lines 1 through 20.
- 13 6. Page 2, line 29, by striking the figure
- 14 "135.114" and inserting the following: "2.114".
- 15 7. Page 2, line 32, by striking the figure
- 16 "135.113" and inserting the following: "2.113".
- 17 8. Page 2, by striking lines 37 through 39 and
- 18 inserting the following: "evaluation activities by
- 19 contracting with individuals or".
- 20 9. Page 2, line 44, by striking the figure
- 21 "135.111" and inserting the following: "2.111".
- 22 10. Page 2, by striking lines 49 and 50 and
- 23 inserting the following: "public health, the
- 24 commissioner of insurance, and the commissioner of
- 25 human services, who shall be nonvoting members, and
- 26 the directors of the legislative".

- 27 11. Page 3, by striking line 1 and inserting the  
 28 following: "service bureau, the legislative fiscal  
 29 bureau, and the computer support bureau. The".  
 30 12. Page 3, line 2, by striking the words "public  
 31 health" and inserting the following: "the legislative  
 32 service bureau".  
 33 13. Page 3, by striking lines 5 through 7 and  
 34 inserting the following: "commission. Four members  
 35 of the commission, including two voting members,  
 36 constitutes a quorum."  
 37 14. Page 3, line 12, by inserting before the word  
 38 "members" the following: "voting".  
 39 15. Page 3, line 20, by striking the figure  
 40 "135.114" and inserting the following: "2.114".  
 41 16. Page 4, line 13, by striking the word "may"  
 42 and inserting the following: "shall".  
 43 17. Page 4, by striking line 18 and inserting the  
 44 following: "provided in subsections 1 and 2. The  
 45 experts shall be".  
 46 18. Page 4, line 19, by striking the words "two  
 47 or".  
 48 19. Page 4, line 20, by striking the words  
 49 "single expert or".  
 50 20. Page 4, by striking lines 24 through 32 and

**Page 2**

- 1 inserting the following: "or other entity. The  
 2 commission is".  
 3 21. Page 4, by striking lines 35 through 39.  
 4 22. Page 4, line 45, by striking the figure  
 5 "135.115" and inserting the following: "2.115".  
 6 23. Page 4, line 47, by striking the word "may"  
 7 and inserting the following: "shall".  
 8 24. Page 6, line 18, by striking the figure  
 9 "135.116" and inserting the following: "2.116".  
 10 25. Page 6, line 25, by striking the figure  
 11 "135.115" and inserting the following: "2.115".  
 12 26. Page 6, by inserting after line 41 the  
 13 following:  
 14 "Sec. \_\_\_\_\_. NEW SECTION. 2.117 SPECIFIC RESEARCH  
 15 STUDIES.  
 16 The commission shall provide for one or more three-  
 17 member panels of experts to conduct analytical  
 18 research studies in the following areas:  
 19 1. A study of the scopes of practice of all health  
 20 care professions in the state for the purpose of  
 21 analyzing the interrelationships, boundaries, and  
 22 areas of overlap with emphasis on the overall effects  
 23 of existing and proposed statutes and rules upon  
 24 health care costs, availability of services, and other  
 25 facets of the health care delivery system. The study

26 shall include a comparative review of scope of  
 27 practice and related provisions in other states. The  
 28 study shall also take into account the changes in  
 29 recent decades and developing trends in the following  
 30 areas:

31 a. Relationships among the health care  
 32 professions.

33 b. Educational and experiential requirements for  
 34 the various health care professions.

35 c. The general structure of the health care  
 36 delivery system, including the growth of alternative  
 37 structures such as health maintenance organizations.

38 d. Appropriate levels of delivery of professional  
 39 health care services in the rural and urban areas of  
 40 the state.

41 e. Relationships among health care providers,  
 42 including hospitals, health care facilities, and other  
 43 institutional providers, health maintenance  
 44 organizations, health care professionals, and  
 45 insurers.

46 f. Health care needs of persons of different age  
 47 levels in the state.

48 2. A study of the feasibility and desirability of  
 49 establishing a single board for the regulation of all  
 50 health care professions in the state."

### Page 3

1 27. By striking page 6, line 42 through page 7,  
 2 line 4.

3 28. Page 7, line 5, by striking the figure  
 4 "135.118" and inserting the following: "2.118".

5 29. Page 7, by striking lines 12 and 13 and  
 6 inserting the following: "pursuant to this division.  
 7 An amount equal to the amount in".

8 30. Page 7, line 14, by inserting after the word  
 9 "appropriated" the following: "each fiscal year".

10 31. Page 7, line 23, by striking the words "an  
 11 annual" and inserting the following: "a".

12 32. Page 7, lines 26 and 27, by striking the word  
 13 and figures "135.111 through 135.118" and inserting  
 14 the following: "2.111 through 2.118".

15 33. Page 7, line 31, by striking the figure  
 16 "135.118" and inserting the following: "2.118".

17 34. Page 7, line 38, by striking the words "an  
 18 annual" and inserting the following: "a".

19 35. Page 7, lines 42 and 43, by striking the word  
 20 and figures "135.111 through 135.118" and inserting  
 21 the following: "2.111 through 2.118".

22 36. Page 7, line 48, by striking the figure  
 23 "135.118" and inserting the following: "2.118".

24 37. Page 8, line 4, by striking the figure

- 25 "135.113" and inserting the following: "2.113".  
 26 38. Page 8, by striking lines 8 through 18.  
 27 39. Page 8, line 29, by striking the words "an  
 28 annual" and inserting the following: "a".  
 29 40. Page 8, line 32, by striking the word and  
 30 figures "135.111 through 135.118" and inserting the  
 31 following: "2.111 through 2.118".  
 32 41. Page 8, line 37, by striking the figure  
 33 "135.118" and inserting the following: "2.118".  
 34 42. Page 8, line 38, by striking the word  
 35 "annual".  
 36 43. By renumbering as necessary.

SWARTZ of Marshall  
 JOCHUM of Dubuque

H-5747

- 1 Amend House File 2436 as follows:  
 2 1. Page 1, line 1, by striking the figure  
 3 "159.25" and inserting the following: "15.204".  
 4 2. Page 1, line 3, by striking the words  
 5 "agriculture and land stewardship" and inserting the  
 6 following: "economic development".  
 7 3. Page 1, lines 5 and 6, by striking the words  
 8 "each foreign trade office operated by the department  
 9 of economic development" and inserting the following:  
 10 "the Hong Kong trade office and in an office for an  
 11 agricultural trade specialist which shall be  
 12 established in Korea".  
 13 4. Page 1, by striking lines 7 and 8, and  
 14 inserting the following: "trade officials from  
 15 federal and other agencies, shall do both".  
 16 5. Page 1, lines 10 and 11, by striking the words  
 17 "agriculture and land stewardship" and inserting the  
 18 following: "economic development".  
 19 6. Page 1, by striking lines 17 and 18, and  
 20 inserting the following: "supervision of the  
 21 department of economic development. The department  
 22 shall".  
 23 7. Page 1, lines 20 and 21, by striking the words  
 24 "a European trade coordinator and".  
 25 8. Page 1, by striking lines 23 through 27 and  
 26 inserting the following: "The department of  
 27 agriculture and land stewardship shall cooperate with  
 28 the department to assist the trade coordinator and  
 29 trade specialists in carrying out their duties. The  
 30 department of economic development shall pay the".  
 31 9. Page 1, line 28, by inserting after the words  
 32 "related to" the following: "establishing an office  
 33 for an agricultural trade specialist in Korea, and  
 34 for".  
 35 10. Page 1, line 29, by striking the word "each"

- 36 and inserting the following: "the".  
 37 11. Title page, line 2, by striking the words  
 38 "in-house coordinators" and inserting the following:  
 39 "a Far East trade coordinator".  
 40 12. Title page, line 3, by striking the words  
 41 "agriculture and land stewardship" and inserting the  
 42 following: "economic development".  
 43 13. By renumbering as necessary.

STUELAND of Clinton

H-5748

- 1 Amend House File 2436 as follows:  
 2 1. Page 1, line 1, by striking the figure  
 3 "159.25" and inserting the following: "15.204".  
 4 2. Page 1, line 3, by striking the words  
 5 "agriculture and land stewardship" and inserting the  
 6 following: "economic development".  
 7 3. Page 1, lines 5 and 6, by striking the words  
 8 "of economic development".  
 9 4. Page 1, by striking lines 7 and 8, and  
 10 inserting the following: "trade officials from  
 11 federal and other agencies, shall do both".  
 12 5. Page 1, lines 10 and 11, by striking the words  
 13 "agriculture and land stewardship" and inserting the  
 14 following: "economic development".  
 15 6. Page 1, by striking lines 17 and 18, and  
 16 inserting the following: "supervision of the  
 17 department of economic development. The department  
 18 shall".  
 19 7. Page 1, by striking lines 23 through 27 and  
 20 inserting the following: "The department of  
 21 agriculture and land stewardship shall cooperate with  
 22 the department to assist the trade coordinators and  
 23 trade specialists in carrying out their duties. The  
 24 department of economic development shall pay the".  
 25 8. Page 1, by inserting after line 29 the  
 26 following:  
 27 "Sec. 2. Of the amount appropriated from the  
 28 general fund of the state to the farm commodity  
 29 division of the department of agriculture and land  
 30 stewardship for the fiscal year beginning July 1,  
 31 1988, and ending June 30, 1989, two hundred fifty  
 32 thousand (250,000) dollars shall be transferred to the  
 33 department of economic development for the fiscal year  
 34 beginning July 1, 1988, and ending June 30, 1989, to  
 35 be used for salaries, support, maintenance, and  
 36 operational purposes for three agricultural trade  
 37 specialists in each foreign trade office operated by  
 38 the department and for a European trade coordinator  
 39 and Far East trade coordinator within the department,  
 40 as established pursuant to this Act."

- 41 9. Title page, line 3, by striking the words  
 42 "agriculture and land stewardship" and inserting the  
 43 following: "economic development, and providing an  
 44 appropriation".  
 45 10. By renumbering as necessary.

DE GROOT of Lyon

H-5754

- 1 Amend amendment, H-5751, to House File 2452 as  
 2 follows:  
 3 1. Page 1, line 24, by striking the word "twenty-  
 4 five" and inserting the following: "twelve".  
 5 2. Page 1, by striking lines 29 and 30, and  
 6 inserting the following: "clerk shall waive the fee  
 7 for an obligor if the clerk determines either that the  
 8 obligor is indigent or".

SWARTZ of Marshall  
 JAY of Appanoose

H-5755

- 1 Amend the amendment H-5752 to House File 2452 as  
 2 follows:  
 3 1. Page 1, by striking lines 11 through 32 and  
 4 inserting the following: "collection services  
 5 center."  
 6 2. Page 1, by striking lines 38 through 42 and  
 7 inserting the following: "clerk of the district court  
 8 if the payee wishes to receive payments".  
 9 3. By striking page 1, line 44, through page 2,  
 10 line 2.  
 11 4. By striking page 2, lines 9 through 27.  
 12 5. By striking page 2, line 34, through page 3,  
 13 line 33.  
 14 6. By renumbering as necessary.

SWARTZ of Marshall

H-5757

- 1 Amend amendment, H-5752, to House File 2452 as  
 2 follows:  
 3 1. Page 1, by striking line 5 and inserting the  
 4 following: "SERVICES CENTER. Notwithstanding section  
 5 252B.13 through 252B.17, the department of human  
 6 services".

PETERSON of Carroll

H-5762

- 1 Amend Senate Concurrent Resolution 116 as passed by
- 2 the Senate, as follows:
- 3 1. Page 1, line 29, by striking the word
- 4 "physical".

Committee on Human Resources

H-5763

- 1 Amend amendment, H-5752, to House File 2452 as
- 2 follows:
- 3 1. Page 1, by striking line 5 and inserting the
- 4 following: "SERVICES CENTER. Notwithstanding
- 5 sections 252B.13 through 252B.17, the department of
- 6 human services".
- 7 2. Page 1, line 17, by striking the word and
- 8 figure "chapter 252B" and inserting the following:
- 9 "sections 252B.1 through 252B.12".
- 10 3. Page 1, line 28, by striking the word and
- 11 figure "chapter 252B" and inserting the following:
- 12 "sections 252B.1 through 252B.12".
- 13 4. Page 1, line 36, by striking the words and
- 14 figure "chapter 252B services" and inserting the
- 15 following: "services under sections 252B.1 through
- 16 252B.12".

PETERSON of Carroll

H-5769

- 1 Amend the amendment, H-5768, to House Joint
- 2 Resolution 13 as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "services" the following: "; revenue committed to the
- 5 road use tax fund".

KOENIGS of Mitchell

H-5771

- 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 in
- 5 the process of reorganizing or dissolving under
- 6 chapter 275".

OLLIE of Clinton  
FULLER of Hardin  
ADAMS of Hamilton

H-5772

- 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 eligible for the supplementary weighting plan under  
 6 section 442.39".

OLLIE of Clinton  
 FULLER of Hardin  
 ADAMS of Hamilton

H-5773

1 Amend the amendment, H-5768, to House Joint  
 2 Resolution 13 as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: "; revenue of the state  
 5 government committed to funding salaries for faculty  
 6 and staff of the state universities at a level  
 7 sufficient to establish and maintain competitiveness  
 8 with comparable universities".

DODERER of Johnson

H-5774

1 Amend the amendment, H-5768, to House Joint  
 2 Resolution 13 as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: "; revenue of the state  
 5 government and local governments committed to funding  
 6 construction at state and county hospitals".

DODERER of Johnson

H-5775

1 Amend the amendment, H-5768, to House Joint  
 2 Resolution 13 as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: "; revenue of the state  
 5 government committed to funding collective bargaining  
 6 agreements between the state of Iowa and its employees  
 7 and revenue of local governments committed to funding  
 8 collective bargaining agreements between the local  
 9 governments and their employees".

BRAMMER of Linn  
 RUNNING of Linn  
 BUHR of Polk

DODERER of Johnson  
 PONCY of Wapello  
 PETERS of Woodbury  
 CONNORS of Polk  
 HAMMOND of Story

H-5776

1 Amend the amendment, H-5768, to House Joint  
 2 Resolution 13 as follows:  
 3 1. Page 1, line 12, by inserting after the word

- 4 "services" the following: "; revenue of the state
- 5 government and local governments committed to funding
- 6 salary adjustments to implement the policy of
- 7 compensation based on comparable worth".

DODERER of Johnson  
 BUHR of Polk  
 HAMMOND of Story

H-5777

- 1 Amend the amendment, H-5768, to House Joint
- 2 Resolution 13 as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "services" the following: "; revenue of the state
- 5 government and local governments committed to funding
- 6 affirmative action activities and programs of the
- 7 state government and local governments required by the
- 8 laws of the United States to overcome the effects of
- 9 past or present practices, policies, or activities
- 10 which are barriers to equal employment opportunity".

DODERER of Johnson  
 BRAMMER of Linn  
 CLARK of Cerro Gordo  
 BUHR of Polk

H-5778

- 1 Amend the amendment, H-5768, to House Joint
- 2 Resolution 13, as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "services" the following: ", revenue committed to
- 5 programs dealing with obstetrical care for indigents
- 6 and for maternal and child health care programs".

NEUHAUSER of Johnson

H-5779

- 1 Amend the amendment, H-5768, to House Joint
- 2 Resolution 13, as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "services" the following: ", revenue committed to the
- 5 Board of Regents, including work-study and student
- 6 loan programs administered by institutions under the
- 7 Board of Regents".

NEUHAUSER of Johnson

H-5780

- 1 Amend the amendment H-5768, to House Joint
- 2 Resolution 13 as follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:

5 "\_\_\_\_\_. Page 1, line 20, by inserting after the  
 6 word "revenue;" the following: "amounts received from  
 7 an Iowa lottery, if used for economic development;"."

HALVORSON of Webster

H-5784

1 Amend amendment, H-5768, to House Joint Resolution  
 2 13, as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: ", revenue committed to any  
 5 state program to combat the destruction of the family  
 6 unit due to domestic violence".

WISE of Lee

H-5785

1 Amend amendment, H-5768, to House Joint Resolution  
 2 13, as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: ", revenue committed to any  
 5 state or local program designed to provide for the  
 6 nutritional needs of Iowa's children and elderly of  
 7 limited financial means".

WISE of Lee

H-5786

1 Amend amendment, H-5768, to House Joint Resolution  
 2 13, as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: ", revenue committed to any  
 5 state program to assist in maintaining the viability  
 6 of the family farm in Iowa".

WISE of Lee

H-5787

1 Amend amendment, H-5768, to House Joint Resolution  
 2 13, as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: ", revenue committed to  
 5 college scholarship programs designed to provide  
 6 scholarships to Iowa residents attending college in  
 7 Iowa".

WISE of Lee

H-5788

1 Amend amendment, H-5768, to House Joint Resolution  
 2 13, as follows:  
 3 1. Page 1, line 12, by inserting after the word

4 "services" the following: ", revenue committed to any  
 5 state or local program that has the effect of reducing  
 6 the reliance on property taxes".

WISE of Lee

H-5789

1 Amend amendment, H-5768, to House Joint Resolution  
 2 13, as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: ", revenue committed to the  
 5 juvenile institutions administered by the department  
 6 of human services at Eldora and Toledo".

FULLER of Hardin  
 ADAMS of Hamilton

H-5790

1 Amend amendment, H-5768, to House Joint Resolution  
 2 13 as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: ", revenue committed to  
 5 economic development in the community services  
 6 division of the merged area schools".

GRONINGA of Cerro Gordo

H-5791

1 Amend the amendment, H-5768, to House Joint  
 2 Resolution 13 as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: ", revenue committed to  
 5 solid waste disposal services".

CONNORS of Polk

H-5792

1 Amend the amendment, H-5768, to House Joint  
 2 Resolution 13 as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: ", revenue committed to  
 5 training for police, fire, and rescue operations".

CONNORS of Polk

H-5793

1 Amend the amendment, H-5768, to House Joint  
 2 Resolution 13 as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: ", revenue committed to  
 5 public health services, including immunization and  
 6 disease prevention".

CONNORS of Polk

H-5794

- 1 Amend the amendment, H-5768, to House Joint
- 2 Resolution 13 as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "services" the following: ", revenue committed to
- 5 additions to police and fire departments".

CONNORS of Polk

H-5795

- 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: "revenue committed to
- 5 elderly services, including but not limited to
- 6 homemaker, case management, chore, respite care, and
- 7 day care;".

HAMMOND of Story  
HARPER of Black Hawk

H-5796

- 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: "revenue committed to
- 5 health care for those infected with acquired
- 6 immunodeficiency virus;".

HAMMOND of Story  
ROSENBERG of Story  
TEAFORD of Black Hawk  
HARPER of Black Hawk

H-5799

- 1 Amend House Joint Resolution 13 as follows:
- 2 1. Page 1, line 15, by inserting after the figure
- 3 "1987." the following: "In addition, the total
- 4 revenue limit is adjusted by the inclusion of an
- 5 amount for each fiscal year equal to the annual amount
- 6 for the relevant fiscal year committed by the state
- 7 government to the funding of correctional services."

SHERZAN of Polk

H-5800

- 1 Amend the amendment, H-5768, to House Joint
- 2 Resolution 13 as follows:
- 3 1. Page 1, lines 9 and 10, by striking the words
- 4 "with enrollments of less than one thousand students".

PONCY of Wapello

H—5801

- 1 Amend House Joint Resolution 13 as follows:
- 2 1. Page 4, line 28, by inserting after line 28
- 3 the following: "If a state or local referendum is
- 4 conducted under section 6, an amount equal to the cost
- 5 of the referendum shall be added to the total revenue
- 6 limit under section 1 for the relevant fiscal year."

DODERER of Johnson  
FEY of Scott

H—5804

- 1 Amend Senate Concurrent Resolution 116, as passed
- 2 by the Senate, as follows:
- 3 1. Page 2, line 16, by inserting after the word
- 4 "government." the following: "The conference shall
- 5 not require a funding subsidy from the state."

BUHR of Polk  
HAMMOND of Story  
PLASIER of Sioux

H—5805

- 1 Amend House Joint Resolution 13, as follows:
- 2 1. Page 2, by inserting after line 11 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. If a federal law or rule which becomes
- 5 effective after the enactment of this article requires
- 6 the state government to incur a net cost increase, the
- 7 state's revenue and spending limits and the total
- 8 revenue limit may be increased by the amount of
- 9 increased cost caused by the action of the federal
- 10 government."
- 11 2. By renumbering as necessary.

WISE of Lee  
DVORSKY of Johnson  
ADAMS of Hamilton  
FEY of Scott  
COHOON of Des Moines  
BISIGNANO of Polk  
PETERS of Woodbury

H—5806

- 1 Amend House Joint Resolution 13 as follows:
- 2 1. Page 2, line 35, by striking the word
- 3 "taxpayer" and inserting the following: "citizen of
- 4 Iowa".

- 5 2. Page 3, line 1, by striking the word
- 6 "taxpayer" and inserting the following: "citizen".

WISE of Lee  
 DVORSKY of Johnson  
 ADAMS of Hamilton  
 FEY of Scott  
 BISIGNANO of Polk  
 PETERS of Woodbury

H—5807

- 1 Amend House Joint Resolution 13 as follows:
- 2 1. Page 2, line 11, by inserting after the word
- 3 "years" the following: "unless the revenues raised by
- 4 a local referendum are used for the reduction of
- 5 property taxes".

WISE of Lee  
 DVORSKY of Johnson  
 ADAMS of Hamilton  
 FEY of Scott  
 COHOON of Des Moines  
 BISIGNANO of Polk  
 PETERS of Woodbury

H—5808

- 1 Amend House Joint Resolution 13 as follows:
- 2 1. Page 2, line 9, by striking the words "a
- 3 majority" and inserting the following: "two-thirds".

WISE of Lee  
 ADAMS of Hamilton  
 FEY of Scott  
 COHOON of Des Moines  
 BISIGNANO of Polk  
 PETERS of Woodbury

H—5809

- 1 Amend House Joint Resolution 13 as follows:
- 2 1. Page 1, lines 17 through 20, by striking the
- 3 words "gifts from nongovernmental sources; all
- 4 receipts of a local government enterprise which was
- 5 operating in 1987 and receives no tax revenue;".

WISE of Lee  
 DVORSKY of Johnson  
 ADAMS of Hamilton  
 FEY of Scott  
 BISIGNANO of Polk  
 PETERS of Woodbury

H—5810

- 1 Amend House Joint Resolution 13 as follows:
- 2 1. Page 1, line 11, by striking the figure "1987"
- 3 and inserting the following: "1989".
- 4 2. Page 1, line 32, by striking the figure "1987"
- 5 and inserting the following: "1989".
- 6 3. Page 2, line 23, by striking the figure "1987"
- 7 and inserting the following: "1989".

WISE of Lee  
 DVORSKY of Johnson  
 ADAMS of Hamilton  
 FEY of Scott  
 COHOON of Des Moines  
 BISIGNANO of Polk  
 PETERS of Woodbury

H—5811

- 1 Amend amendment, H—5768, to House Joint Resolution
- 2 13, as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "services" the following: ", revenue committed to
- 5 mental health-mental retardation services".

ADAMS of Hamilton  
 HARPER of Black Hawk  
 GRUHN of Dickinson

H—5812

- 1 Amend amendment, H—5768, to House Joint Resolution
- 2 13 as follows:
- 3 1. Page 1, line 3, by inserting after the figure
- 4 "1987" the following: "and the total revenue limit
- 5 includes a revenue limit on revenues from the motor
- 6 fuel tax and the special fuel tax to the extent that
- 7 these taxes shall not be higher than the lowest such
- 8 tax in any adjacent state and if in excess of that
- 9 level when this amendment takes effect, they shall be
- 10 kept at the level existing when this amendment takes
- 11 effect until the adjacent state with the lowest level
- 12 raises such taxes".

JAY of Appanoose

H—5814

- 1 Amend Senate File 288, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 3 and 4, by striking the words
- 4 "an inexpensively bound" and inserting the following:
- 5 "a".
- 6 2. Page 1, line 5, by inserting after the word



7 "county" the following: "or city".

8 3. Page 1, line 5, by inserting after the word  
9 "residence" the following: "when possible".

10 4. Page 1, line 19, by striking the word "The"  
11 and inserting the following: "A".

12 5. Page 1, by striking line 21 and inserting the  
13 following: "general assembly and the state law  
14 library."

Committee on State Government

H-5817

1 Amend the amendment, H-5768, to House Joint  
2 Resolution 13 as follows:

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

5 "\_\_\_\_\_. By striking page 1, line 7, through page 5,  
6 line 1, and inserting the following:

7 "The General Assembly shall provide, by law, for  
8 the establishment of spending limits for state and  
9 local government. Such spending limits shall include  
10 provision for adjustments to increase or decrease such  
11 limits due to, but not limited to, such factors as the  
12 annual rate of inflation or deflation as calculated by  
13 the federal government.

14 Sec. 2. The foregoing proposed amendment to the".

SWARTZ of Marshall

H-5818

1 Amend House Joint Resolution 13, as follows:

2 1. By striking page 3, line 9, through page 4,  
3 line 35.

4 2. Page 5, line 1, by striking the figure "3" and  
5 inserting the following: "2".

DODERER of Johnson

H-5819

1 Amend House Joint Resolution 13 as follows:

2 1. Page 1, by striking line 11 and inserting the  
3 following: "local governments in fiscal 1987, with  
4 the following adjustments: revenue committed to any  
5 use that is projected to result in future savings in  
6 state expenditures in excess of the revenue committed  
7 to such use; and an".

SHOULTZ of Black Hawk

H-5820

1 Amend Senate File 2023, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 12, by inserting after line 28 the fol-  
 4 lowing:  
 5 "Sec. \_\_\_\_\_. Section 321G.13, Code 1987, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 12. A person shall not operate or  
 8 ride an all-terrain vehicle or snowmobile on public  
 9 lands, streets, or roads without a helmet. The  
 10 commission shall adopt rules defining helmet  
 11 standards."

SHOULTZ of Black Hawk

H-5821

1 Amend House File 2455 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Sections 135.111 through 135.118 are  
 5 enacted as a new division of chapter 135 entitled  
 6 "Health Profession Review Commission".  
 7 Sec. 2. NEW SECTION. 135.111 DECLARATION.  
 8 1. The general assembly declares that it is  
 9 advisable to have the results of an independent  
 10 research, review, and evaluation process prior to  
 11 legislative decision-making regarding proposals  
 12 concerning the following:  
 13 a. Licensure of health care institutions and  
 14 health care professionals, and the professionals'  
 15 scope of practice.  
 16 b. Whether additional categories of health care  
 17 institutions and professions should be licensed, after  
 18 considering educational, experiential, and other  
 19 relevant criteria.  
 20 c. Whether health care payors should be required  
 21 to include or offer certain benefits or coverage for  
 22 services provided by particular health care  
 23 institutions and professions, and the appropriate  
 24 levels of benefits or coverage for such services.  
 25 A process for independent, expert research, review,  
 26 and evaluation will encourage a less fragmented, more  
 27 rational approach to the consideration of proposals in  
 28 these areas and will provide the general assembly with  
 29 adequate and reliable information as to the effect of  
 30 these proposals on health care and health care  
 31 delivery in the state, including the effect, if any,  
 32 on the availability and cost of services and coverage.  
 33 2. The general assembly further declares that  
 34 there is need for a process by which qualified persons  
 35 may be engaged to conduct analytical research to  
 36 provide a broader base of information for use in  
 37 considering health care issues and measuring the long-  
 38 term and interactive effects of various proposals.  
 39 3. The general assembly further declares that the

40 conduct of this health care research and review will  
 41 benefit the citizens of Iowa and that the costs of  
 42 such research should be borne by those affected.

43 Sec. 3. NEW SECTION. 135.112 DEFINITIONS.

44 As used in this division, unless the context  
 45 otherwise requires:

- 46 1. "Commission" means the health profession review
- 47 commission.
- 48 2. "Health care institution" or "health care pro-
- 49 fessional" means a person which furnishes health care
- 50 services.

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1 3. "Health care payor" means a person which offers  
 2 administrative, indemnity, or payment services for  
 3 health care in exchange for a premium or service  
 4 charge under a program of health care benefits,  
 5 including, but not limited to, an insurance company,  
 6 association, or exchange issuing health insurance  
 7 policies in this state; a health service corporation  
 8 operating pursuant to chapter 514; a health  
 9 maintenance organization operating pursuant to chapter  
 10 514B; a preferred provider organizations; a fraternal  
 11 benefit society; a third-party administrator; a  
 12 corporation, labor organization, or other entity which  
 13 provides covered services for its employees or members  
 14 by means of a self-funded program of benefits, and a  
 15 certified bargaining representative that represents a  
 16 group or groups of employees for whom employers  
 17 purchase a program of benefits which provide covered  
 18 services; and any other person or entity which makes  
 19 payments to health care institutions and health care  
 20 professionals for health care services.

21 4. "Health care services" means services included  
 22 in the furnishing to any individual of care necessary  
 23 for the purpose of preventing, alleviating, curing, or  
 24 healing human physical or mental illness, injury, or  
 25 disability.

26 5. "Health note" means a summary of the results of  
 27 the short-term review and analysis of a legislative  
 28 proposal which has been prepared by the commission  
 29 pursuant to section 135.114, subsection 2.

30 6. "Person" means a person as defined in section  
 31 4.1.

32 Sec. 4. NEW SECTION. 135.113 COMMISSION ESTAB-  
 33 LISHED - PURPOSE.

34 1. A health profession review commission is  
 35 established for the purpose of organizing and  
 36 conducting health profession research, review, and  
 37 evaluation activities through the use of existing  
 38 resources available within appropriate state agencies

39 and, if necessary, by contracting with individuals or  
40 organizations who are recognized experts in the fields  
41 of study of health, insurance, statistics, economics,  
42 or other appropriate academic disciplines in  
43 furtherance of the purpose and intent of the general  
44 assembly as expressed in section 135.111.

45 Nothing in this division shall be construed as  
46 granting the commission authority to establish health  
47 care policy.

48 2. The commission consists of the director of  
49 public health, the commissioners of insurance and  
50 human services, and the directors of the legislative

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1 service bureau and the legislative fiscal bureau. The  
2 director of public health is the chairperson of the  
3 commission. The other members may designate persons  
4 to represent them as regular members of the  
5 commission. A majority of the members of the  
6 commission constitutes a quorum. The commission shall  
7 meet at least once during each calendar quarter.

8 Meeting dates shall be set by members of the  
9 commission or by call of the chairperson upon five  
10 days' notice to the members. Action of the commission  
11 shall not be taken except upon the affirmative vote of  
12 a majority of the members of the commission.

13 The members of the commission shall not receive a  
14 salary or per diem for being on the commission but  
15 shall receive reimbursement for necessary travel and  
16 expenses while engaged in commission business. Funds  
17 for reimbursement shall come from the moneys  
18 appropriated to the department or agency of which the  
19 member is the head.

20 **Sec. 5. NEW SECTION. 135.114 DUTIES OF**  
21 **COMMISSION.**

22 1. The commission shall establish a process of  
23 research, review, and evaluation to be utilized in the  
24 consideration of legislative proposals concerning the  
25 following:

26 a. Licensure of health care institutions and  
27 health care professionals, and the professionals'  
28 scope of practice.

29 b. Whether additional categories of health care  
30 institutions and professions should be licensed, after  
31 considering educational, experiential, and other  
32 relevant criteria.

33 c. Mandating health care payors to include or  
34 offer certain benefits or coverage for services  
35 provided by particular health care institutions and  
36 professions, and mandating certain levels of benefits  
37 or coverage for those services.

38 The process shall be designed to address the  
39 effects of each proposal with respect to health care  
40 and health care delivery in this state, including the  
41 availability and cost of services and coverage. The  
42 commission shall undertake studies pursuant to this  
43 subsection in response to requests from members of the  
44 general assembly or as it deems appropriate. Reports  
45 of the studies shall be available upon request. At  
46 least once every six months the commission shall  
47 provide to members of the general assembly a listing  
48 of completed reports which may be requested.

49 2. In addition, the commission shall establish a  
50 process for the preparation of health notes for

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1 legislative proposals concerning the matters described  
2 in subsection 1. The process shall apply to each such  
3 legislative proposal for which a health note is  
4 requested by a member of the general assembly. The  
5 health note shall contain a summary of the results of  
6 the commission's short-term review and analysis of the  
7 proposal and, insofar as possible, shall be submitted  
8 to the members of the general assembly within the time  
9 limits set forth in the request. A health note may be  
10 requested for a proposal whether or not the proposal  
11 is the subject of a more extensive study pursuant to  
12 subsection 1.

13 3. The commission may contract with individuals or  
14 entities having recognized expertise in the fields of  
15 health, insurance, economics or other appropriate  
16 academic disciplines as necessary to conduct the  
17 research, review, and evaluation of proposals as  
18 provided in subsection 1. The experts may be  
19 organized into panels of two or three. The commission  
20 may assign more than one study to a single expert or  
21 panel. A panel shall not include more than one  
22 employee, agent, contractor, or other representative  
23 from a particular employer, corporation, partnership,  
24 or other entity. When a proposal is chosen for study  
25 pursuant to subsection 1, the commission shall review  
26 the proposal to determine if the services of outside  
27 experts are required to conduct the study or if the  
28 special training and knowledge is possessed by the  
29 existing staffs of the executive departments under the  
30 control and direction of members of the commission.  
31 If, in the judgment of the commission, outside experts  
32 are required to conduct the study, the commission is  
33 granted the authority to contract with individuals or  
34 entities possessing the necessary expertise.

35 4. The commission may assign to outside experts  
36 engaged for studies pursuant to subsection 1, to

37 staffs of the executive departments represented, or to  
 38 commission staff the responsibility for preparing  
 39 particular health notes pursuant to subsection 2.

40 5. The commission shall not enter into an  
 41 agreement with an entity that engages in whole or in  
 42 part in the provision of health care services or an  
 43 entity that has a material financial interest in the  
 44 provision of such services.

45 Sec. 6. NEW SECTION. 135.115 INFORMATION ON  
 46 PROPOSALS.

47 The commission may prepare for each category of  
 48 proposal a list specifying the types of data and the  
 49 questions and issues which should be addressed by  
 50 persons submitting information on specific proposals.

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1 The lists may include the following:

2 1. The extent to which the proposed benefit and  
 3 the services it would provide are needed by, available  
 4 to and utilized by the population of the state.

5 2. The extent to which insurance coverage for the  
 6 proposed benefit already exists, or if no such  
 7 coverage exists, the extent to which this lack of  
 8 coverage results in inadequate health care or  
 9 financial hardship for the population of the state.

10 3. Relevant findings bearing on the social impact  
 11 of the lack of the proposed benefit.

12 4. Where the proposed benefit would mandate  
 13 coverage of a particular therapy by health care  
 14 payors, the results of at least one professionally  
 15 accepted, controlled trial comparing the medical  
 16 consequences of the proposed therapy, alternative  
 17 therapies, and no therapy.

18 5. Where the proposed benefit would mandate  
 19 coverage by health care payors of an additional class  
 20 of health care institutions or professionals in  
 21 addition to those currently covered, the results of at  
 22 least one professionally accepted, controlled trial  
 23 comparing the medical results achieved by the  
 24 additional class of practitioners and those  
 25 practitioners whose services already are covered by  
 26 benefits.

27 6. The results of any other relevant research  
 28 conducted by the federal government, other states, and  
 29 private and public health care research agencies or  
 30 foundations.

31 7. Evidence of the financial impact of the  
 32 proposed legislation, including the following:

33 a. The extent to which the proposed benefit would  
 34 increase or decrease costs for treatment or service.

35 b. The extent to which similar mandated benefits

36 in other states have affected charges, costs, and  
37 payments for services.

38 c. The extent to which the proposed benefit would  
39 increase the appropriate use of the treatment or  
40 service.

41 d. The impact of the proposed benefit on  
42 administrative expenses of health care payors.

43 e. The impact of the proposed benefit on the costs  
44 to purchasers of health care coverage and benefits.

45 f. The impact of the proposed benefit on the total  
46 cost of health care within the state.

47 8. Where the proposal would authorize a new  
48 category of health care institution or health care  
49 professional or expand the licensure or scope of  
50 practice of existing health care institutions and

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1 professions, the following:

2 a. The effect of the proposed authorization or  
3 expansion on relationships among and between existing  
4 health care institutions and professions.

5 b. The educational and experiential requirements  
6 for the various health care professions, including but  
7 not limited to, credentialing.

8 c. The general impact, in terms of cost, quality,  
9 and access of the proposal on the existing health care  
10 delivery system.

11 d. The impact of the proposal on the delivery of  
12 institutional and professional health care services in  
13 the rural and urban areas of the state.

14 e. A comparison of similar proposals or related  
15 provisions or changes in other states.

16 f. The impact of the proposal on the health care  
17 needs of persons of different age levels in the state.

18 Sec. 7. NEW SECTION. 135.116 PROCEDURES.

19 1. The commission may establish procedures for the  
20 submission and review of information on a proposal.  
21 In the review and evaluation of information submitted  
22 in connection with a proposal, consideration shall be  
23 given to the extent to which the documentation is  
24 responsive to the items on the list provided pursuant  
25 to section 135.115; whether or not the research cited  
26 meets generally recognized professional standards for  
27 the conduct of scholarly research; whether or not the  
28 information includes all known research relevant to  
29 the proposal; and whether or not the conclusions and  
30 interpretations are consistent with the data  
31 submitted. The commission may request information and  
32 advice from state departments and agencies, including  
33 but not limited to the health data commission, the  
34 health profession examining boards, and from political

35 subdivisions.

36 2. The commission may adopt rules pursuant to  
37 chapter 17A establishing time limits, forms, and other  
38 procedures applicable to the research, review, and  
39 evaluation process and the preparation of health  
40 notes. The rules may include provisions for notice  
41 and public hearings.

42 Sec. 8. NEW SECTION. 135.117 ADMINISTRATION —  
43 RULES — REPORTS.

44 1. The director of public health is responsible  
45 for the administration of this division and may assign  
46 staff of the department of public health to the  
47 commission.

48 2. The commission, in cooperation with the  
49 director of public health, shall adopt rules pursuant  
50 to chapter 17A as necessary to carry out this

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1 division.

2 3. The commission shall submit an annual report on  
3 the actions taken by the commission to the general  
4 assembly not later than January 15 of each year.

5 Sec. 9. NEW SECTION. 135.118 HEALTH REVIEW  
6 ACCOUNT.

7 1. There is established in the general fund of the  
8 state an account to be known as the health review  
9 account. The account is composed of the fees imposed  
10 by law upon health care professionals for health  
11 research, review, and evaluation activities conducted  
12 pursuant to this division. Subject to legislative  
13 authorization, an amount equivalent to the amount in  
14 the health review account is appropriated to the  
15 health profession review commission to be used for  
16 conducting its health research, review, and evaluation  
17 activities as provided in this division.

18 Sec. 10. NEW SECTION. 135E.6A ADDITIONAL FEE FOR  
19 HEALTH REVIEW.

20 In addition to the fees required by section 135E.5,  
21 each person granted a license as a nursing home  
22 administrator or a renewal of such a license shall pay  
23 to the board an annual fee equal to ten percent of the  
24 fee for the license or renewal, as appropriate, for  
25 health policy research, review, and evaluation  
26 activities pursuant to sections 135.111 through  
27 135.118. The fee shall be paid at the time the  
28 license or renewal fee is paid. The fees collected  
29 shall be paid to the treasurer of state and deposited  
30 in the general fund of the state to the credit of the  
31 health review account established in section 135.118.

32 Sec. 11. NEW SECTION. 135F.14 ADDITIONAL FEES  
33 FOR HEALTH REVIEW.



34 In addition to the fees required pursuant to  
35 section 135F.6, each person granted registration or  
36 certification by the department as a respiratory care  
37 practitioner or renewal of such registration or  
38 certification shall pay to the department an annual  
39 fee equal to ten percent of the fee for the  
40 registration or certification or the renewal, as  
41 appropriate, for health policy research, review, and  
42 evaluation activities pursuant to sections 135.111  
43 through 135.118. The fee shall be paid at the time  
44 the registration, certification, or renewal fee is  
45 paid. The fees collected shall be paid to the  
46 treasurer of state and deposited in the general fund  
47 of the state to the credit of the health review  
48 account established in section 135.118.

49 Sec. 12. Section 145.2, Code 1987, is amended by  
50 adding a new unnumbered paragraph, following

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1 unnumbered paragraph 1, as follows:

2 NEW UNNUMBERED PARAGRAPH. The commission shall  
3 also cooperate with the health profession review  
4 commission, established in section 135.113, by  
5 providing advice, assistance, and information as  
6 appropriate to the achievement of the purposes and  
7 responsibilities of that commission.

8 Sec. 13. Section 145.3, subsection 3, paragraph b,  
9 Code 1987, is amended by adding the following new  
10 unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. In addition, all  
12 hospitals shall submit to the commission, on a  
13 quarterly basis, UB-82 claims data for all hospital  
14 inpatients and outpatients whose charges are not  
15 submitted to third-party payers, including self-paid,  
16 charity, and bad debt cases. The claims data shall  
17 include the same elements required for submissions by  
18 third-party payers.

19 Sec. 14. NEW SECTION. 147.81 ADDITIONAL FEE FOR  
20 HEALTH REVIEW.

21 In addition to the fees required by sections 147.25  
22 and 147.80, each person granted a license or other  
23 credential or a renewal of a license or credential  
24 pursuant to this chapter or chapter 147A, 148, 148A,  
25 148B, 148C, 149, 150, 150A, 151, 152, 152A, 153, 153A,  
26 154, 154A, 154B, 154C, 155A, or 156 shall pay to the  
27 department, or to the appropriate board of examiners  
28 if the board is required by law to collect the license  
29 fees, an annual fee equal to ten percent of the fee  
30 for the license or renewal, as appropriate, for health  
31 policy research, review, and evaluation activities  
32 pursuant to sections 135.111 through 135.118. The fee

33 shall be paid at the time the license or renewal fee  
 34 is paid. The fees collected shall be paid to the  
 35 treasurer of state and deposited in the general fund  
 36 of the state to the credit of the health review  
 37 account established in section 135.118.

38 The additional annual fee imposed by this section  
 39 shall also be imposed upon persons granted licenses or  
 40 other credentials in health care professions for which  
 41 licensing or credentialing provisions are enacted  
 42 after January 1, 1988."

BEATTY of Warren

H—5822

1 Amend House File 2345 as follows:

2 1. Page 4, line 11, by inserting after the word  
 3 "certificates." the following: "The fees shall  
 4 include the costs of employees of the department who  
 5 administer this Act."

DAGGETT of Adams

H—5823

1 Amend the amendment H—5275 to House File 2345 as  
 2 follows:

3 1. Page 1, line 5, by inserting after the word  
 4 "state." the following: "The fees shall include the  
 5 costs of employees of the department who administer  
 6 this Act."

DAGGETT of Adams

H—5824

1 Amend House Joint Resolution 13 as follows:

2 1. Page 1, line 3, by inserting before the word  
 3 "The" the following: "1."  
 4 2. Page 3, by inserting after line 8 the  
 5 following:  
 6 "2. Section 8 of Article VII of the Constitution  
 7 of the State of Iowa is repealed."

CHAPMAN of Linn

H—5825

1 Amend the amendment, H—5573, to House File 2345, as  
 2 follows:

3 1. Page 1, line 11, by inserting after the word  
 4 "standards." the following: "The standards shall  
 5 include a requirement that institutions placed on the  
 6 approved programs list make periodic reports which  
 7 shall provide basic information necessary to keep  
 8 records of each teacher education program up to date

9 and provide information necessary to carry out  
10 research studies relating to teacher education.”

MAULSBY of Calhoun

H—5826

1 Amend the amendment, H—5768, to House Joint  
2 Resolution 13 as follows:  
3 1. Page 1, line 12, by inserting after the word  
4 “an” the following: “annual adjustment of an increase  
5 in the revenue limit to compensate for any reduction  
6 in federal funds received by state and local  
7 governments in any fiscal year as compared to the  
8 amount of federal funds received in fiscal year 1987  
9 or any other preceding fiscal year thereafter,  
10 whichever is greater, and an”.

COHOON of Des Moines  
SPEAR of Lee

H—5827

1 Amend the amendment H—5573, to House File 2345, as  
2 follows:  
3 1. Page 1, by inserting after line 12 the  
4 following:  
5 “\_\_\_\_\_. Page 5, by inserting after line 10 the  
6 following:  
7 Sec. \_\_\_\_\_. Section 260.9 Code Supplement 1987, is  
8 amended by striking the section and inserting in lieu  
9 thereof the following:  
10 260.9 AREA EDUCATION AGENCY ADMINISTRATOR'S  
11 CERTIFICATE.  
12 The board of educational examiners shall adopt  
13 rules establishing a certificate for area education  
14 agency administrators.””

DAGGETT of Adams

H—5829

1 Amend House File 2345 as follows:  
2 1. Page 4, line 1, by inserting after the word  
3 “certificates.” the following: “At least five levels  
4 of certification shall be established. They shall  
5 include a provisional certificate, an educational  
6 certificate, a professional teacher certificate, a  
7 professional administrator certificate, and a  
8 substitute certificate.”

CARPENTER of Polk

H—5830

1 Amend House Joint Resolution 13 as follows:  
2 1. Page 1, by striking lines 16 through 24 and

3 inserting the following:

4 "SEC. 2. "Revenue" includes all amounts received  
5 from all sources, except the following:

6 a. Amounts lawfully refunded to the payors.

7 b. Gifts from nongovernmental sources.

8 c. All receipts of a local government enterprise  
9 which was operating in 1987 and receives no tax  
10 revenue.

11 d. Amounts borrowed lawfully, but this does not  
12 authorize any borrowing.

13 e. Receipts applied to pay principal and interest  
14 on bonds approved by vote of the electors, bonds  
15 outstanding when this article becomes effective, and  
16 revenue bonds on which no payment can be made from tax  
17 revenue."

TABOR of Jackson

H-5831

1 Amend the amendment H-5573, to House File 2345, as  
2 follows:

3 1. Page 1, line 11, by inserting after the word  
4 "standards." the following: "The standards shall  
5 provide that approval of institutions' teacher  
6 education programs by the state board shall be based  
7 on the recommendation of the board of educational  
8 examiners after study of the factual and evaluative  
9 evidence on record about each program in terms of the  
10 standards contained in this chapter."

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

13 "\_\_\_\_\_, Page 4, line 7, by striking the word  
14 "Prescribe" and inserting the following: "Recommend  
15 to the state board of education"."

CARPENTER of Polk

H-5837

1 Amend the amendment, H-5573, to House File 2345, as  
2 follows:

3 1. Page 1, line 11, by inserting after the word  
4 "standards." the following: "The standards shall  
5 provide that the general education component for  
6 teacher education students is a planned program  
7 determined jointly by faculty members in teacher  
8 education and faculty in academic areas."

DAGGETT of Adams

H-5838

1 Amend the amendment, H-5573, to House File 2345, as  
2 follows:

3 1. Page 1, line 11, by inserting after the word  
4 "standards." the following: "The standards shall  
5 provide that upon application by an institution, the  
6 director of the department is authorized to approve  
7 minor additions to, or changes within, an  
8 institution's approved teacher education program."

MILLER of Cherokee

H-5839

1 Amend the amendment, H-5573, to House File 2345, as  
2 follows:  
3 1. Page 1, line 11, by inserting after the word  
4 "standards." the following: "The standards shall  
5 provide that the general education component for  
6 teacher education include but not be limited to those  
7 studies known as liberal arts which shall embrace the  
8 areas of humanities, mathematics, biological and  
9 physical sciences, and the social and behavioral  
10 sciences."

MILLER of Cherokee

H-5841

1 Amend the amendment, H-5573, to House File 2345, as  
2 follows:  
3 1. Page 1, line 11, by inserting after the word  
4 "standards." the following: "The standards shall  
5 provide that curricular programs for the preparation  
6 of teachers are designed to achieve the desired  
7 objectives and reflect the judgment of members of the  
8 faculty, students, graduates of teacher education  
9 programs, and professional associations."

CORBETT of Linn

H-5844

1 Amend Senate Concurrent Resolution 117, as passed  
2 by the Senate, as follows:  
3 1. Page 1, line 13, by inserting after the words  
4 "knowledge of" the following: "policies and".  
5 2. Page 1, line 14, by striking the words "to  
6 increase" and inserting the following: "of".  
7 3. Page 1, line 15, by inserting after the word  
8 "production," the following: "improving methods of  
9 protecting natural resources and the environment,".  
10 4. Page 1, line 22, by striking the word  
11 "development," and inserting the following:  
12 "introduction,".  
13 5. Page 1, by striking lines 23 and 24, and  
14 inserting the following: "and use of soybeans; the  
15 protection of water and soil resources; the social and

- 16 economic factors that impact rural communities; the  
 17 genetic improvement of plants and animals; the".  
 18 6. Page 1, line 25, by striking the word  
 19 "eradication" and inserting the following: "control".  
 20 7. Page 1, line 26, by inserting after the word  
 21 "animals;" the following: "the influence of diet on  
 22 health; nutrition education;".  
 23 8. Page 1, line 26, by striking the word  
 24 "preservation," and inserting the following:  
 25 "preservation and use of plant seeds from around the  
 26 world; the management of farm systems; and the  
 27 improvement of health and safety measures on farms;  
 28 and".  
 29 9. Page 1, by striking lines 27 through 30.  
 30 10. Page 2, by striking line 1.  
 31 11. Page 2, line 4, by striking the word  
 32 "facility".  
 33 12. Page 2, line 8, by inserting after the words  
 34 "including the" the following: "prudent;".  
 35 13. Page 2, line 9, by striking the words "and  
 36 disposal of waste" and inserting the following: "of"  
 37 14. Page 2, line 10, by striking the word  
 38 "efficient".  
 39 15. Page 2, line 11, by striking the word  
 40 "moisture" and inserting the following: "quality".  
 41 16. Page 2, by striking lines 12 through 16, and  
 42 inserting the following: "the improvement and  
 43 measurement of grain quality at the point of sale; the  
 44 development of value-added agricultural products for  
 45 food and industrial uses; the development of leaner".  
 46 17. Page 2, line 17, by inserting after the word  
 47 "meats;" the following: "the development of crops  
 48 with unique characteristics for targeted markets and  
 49 uses;".  
 50 18. Page 2, line 17, by striking the word "and".

## Page 2

- 1 19. Page 2, line 18, by inserting after the word  
 2 "markets;" the following: "the diversification of the  
 3 agricultural sector; the continued development of  
 4 agricultural systems that combine responsible  
 5 stewardship of natural resources with farm  
 6 profitability; the application of molecular biology to  
 7 agricultural sciences, the enhancement of forest and  
 8 wildlife resources of the state; and the impact of  
 9 policy on producers and the economic base of towns and  
 10 cities;".  
 11 20. Page 2, line 24, by inserting after the word  
 12 "agriculture" the following: "and the economic base  
 13 of many related industries".  
 14 21. Page 2, by inserting after line 27, the

15 following:

16 "Be It Further Resolved, That the General Assembly  
17 is committed to supporting a strong research program  
18 in the Iowa Agriculture and Home Economics Experiment  
19 Station; and".

Committee on Agriculture

H-5845

1 Amend the amendment H-5573, to House File 2345, as  
2 follows:

3 1. Page 1, line 11, by inserting after the word  
4 "standards." the following: "The standards shall  
5 provide that approval of institutions' teacher  
6 education programs by the state board shall be based  
7 on the recommendation of the board of educational  
8 examiners after study of the factual and evaluative  
9 evidence on record about each program in terms of the  
10 standards contained in this chapter."

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

13 "\_\_\_\_\_. Page 4, line 7, by striking the word  
14 "Prescribe" and inserting the following: "Recommend  
15 to the state board of education"."

CARPENTER of Polk

H-5846

1 Amend the amendment, H-5768, to House Joint  
2 Resolution 13 as follows:

3 1. Page 1, by striking lines 8 through 10 and in-  
4 serting the following: "program; revenue committed to  
5 school districts and area education agencies,  
6 including additional revenue necessary to comply with  
7 educational standards under sections 256.11 and  
8 256.17; revenue committed to".

OLLIE of Clinton

H-5852

1 Amend Senate Concurrent Resolution 118 as follows:

2 1. Page 1, line 4, by striking the words "exempt  
3 diesel fuel used".

4 2. Page 1, by striking line 5, and inserting the  
5 following: "amend certain provisions in the Internal  
6 Revenue Code which unfairly impact upon farmers."

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

9 "Whereas, effective in 1988, the Congress of the  
10 United States has terminated the diesel fuel tax  
11 exemption applied for on-farm use, causing a hardship  
12 upon agricultural producers who have relied in

13 troubled times upon the exemption in order to produce  
 14 agricultural commodities vital to the nation; and  
 15 *Whereas*, Congress in 1986 created a new section, 26  
 16 U.S.C. § 263A, relating to the capitalization of  
 17 certain costs in the case of property, including costs  
 18 for producing farm animals having a preproductive  
 19 period of two years or less; and

20 *Whereas*, the result of the capitalization  
 21 requirements in § 263A is to impose confusing and  
 22 burdensome accounting practices upon farmers when an  
 23 original goal of the Tax Reform Act of 1986 was to  
 24 simplify the calculation of income taxes; and”.

25 4. Page 1, by striking lines 22 through 28, and  
 26 inserting the following:

27 “*Whereas*, the recently enacted federal legislation  
 28 amending the Internal Revenue Code, relating to the  
 29 termination of the diesel fuel exemption for on-farm  
 30 use and the requirement that costs for producing  
 31 certain farm animals be capitalized, imposes  
 32 additional hardships upon farmers at a time when the  
 33 country should support rather than handicap  
 34 agriculture; *Now Therefore*,”.

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

37 “*Be It Further Resolved*, That the General Assembly  
 38 hereby petitions the Congress of the United States to  
 39 take immediate steps to remove provisions within 26  
 40 U.S.C. § 263A which require capitalization of costs  
 41 related to producing farm animals having a  
 42 preproductive period of two years or less; and”.

Committee on Agriculture

H—5853

1 Amend amendment, H—5829, to House File 2345 as  
 2 follows:

3 1. Page 1, by striking line 7, and inserting the  
 4 following: “conditional certificate, and a”.

CORBETT of Linn

H—5854

1 Amend amendment, H—5829, to House File 2345 as  
 2 follows:

3 1. Page 1, line 8, by striking the word  
 4 “substitute” and inserting the following:  
 5 “conditional”.

CORBETT of Linn

H—5855

1 Amend House Joint Resolution 13 as follows:

2 1. Page 1, line 26, by inserting after the word



3 "law" the following: ", subject to adjustment for  
 4 revenue committed to activities to maintain the public  
 5 health and well-being of Iowans including services of  
 6 obstetrics, maternal and child health care,  
 7 immunizations, disease prevention, health care for  
 8 persons afflicted with acquired immunodeficiency  
 9 virus, programs designed to provide for the  
 10 nutritional needs of children and elderly persons,  
 11 mental health and mental retardation services, and  
 12 programs to ensure the quality of the water, land, and  
 13 atmosphere of this state".

CONNORS of Polk  
 HARPER of Black Hawk  
 NEUHAUSER of Johnson  
 ROSENBERG of Story

HAMMOND of Story  
 ADAMS of Hamilton  
 GRUHN of Dickinson  
 WISE of Lee  
 TEAFORD of Black Hawk

H-5856

1 Amend House Joint Resolution 13 as follows:  
 2 1. Page 1, line 7, by striking the word "revenue"  
 3 and inserting the following: "spending".  
 4 2. Page 1, by striking line 9 and inserting the  
 5 following: "total spending limit for that year. The  
 6 total spending limit is".  
 7 3. Page 1, line 10, by striking the word  
 8 "revenue" and inserting the following: "spending".  
 9 4. Page 1, by striking lines 16 through 24 and  
 10 inserting the following:  
 11 "SEC. 2. "Spending" means the expenditure by state  
 12 or local government of funds raised by state or local  
 13 taxes."  
 14 5. Page 1, line 25, by striking the word  
 15 "revenue" and inserting the following: "spending".  
 16 6. Page 1, line 27, by striking the word  
 17 "revenue" and inserting the following: "spending".  
 18 7. Page 1, by striking lines 28 through 30 and  
 19 inserting the following: "limit. The state limit  
 20 shall exclude, and the local limits shall include,  
 21 state funds transferred to local governments and spent  
 22 by them, provided such funds are raised by state  
 23 taxes. The state".  
 24 8. Page 1, line 31, by striking the word  
 25 "revenue" and inserting the following: "spending".  
 26 9. Page 1, line 33, by striking the word  
 27 "revenue" and inserting the following: "spending".  
 28 10. Page 1, line 34, by striking the word  
 29 "revenue" and inserting the following: "spending".  
 30 11. Page 1, line 35, by striking the word  
 31 "revenue" and inserting the following: "spending".  
 32 12. Page 2, line 3, by striking the word  
 33 "revenue" and inserting the following: "spending".

34 13. Page 2, line 3, by inserting after the word  
35 "limits" the following: "specified in any section of  
36 this article".

37 14. Page 2, line 4, by striking the word "two-  
38 thirds" and inserting the following: "a six-tenths".

39 15. Page 2, line 8, by striking the word  
40 "revenue" and inserting the following: "spending".

41 16. Page 2, line 8, by inserting after the word  
42 "limits" the following: "specified in any section of  
43 this article".

44 17. Page 2, line 9, by striking the words "a  
45 majority" and inserting the following: "six-tenths".

46 18. Page 2, line 13, by striking the word  
47 "revenue" and inserting the following: "spending".

48 19. Page 2, by striking line 14 and inserting the  
49 following: "spending for that year whichever is less;  
50 additional spending".

#### Page 2

1 20. Page 2, line 15, by striking the words "and  
2 received".

3 21. Page 2, line 15, by inserting after the word  
4 "and" the following: "the spending of".

5 22. Page 2, by striking line 19 and inserting the  
6 following: "trust funds and excludes payments out of  
7 these trust funds when such payments are financed by  
8 state or local taxes."

9 23. Page 2, by striking lines 20 and 21.

10 24. Page 2, by striking line 26 and inserting the  
11 following: "the local spending limit and decrease the  
12 state spending limit".

13 25. Page 3, line 24, by striking the word  
14 "revenue" and inserting the following: "spending".

15 26. By striking page 3, line 27 through page 4,  
16 line 1.

17 27. Page 4, by striking lines 9 through 13.

18 28. Page 4, line 15, by striking the word  
19 "revenue" and inserting the following: "spending".

20 29. Page 4, line 22, by striking the word  
21 "revenue" and inserting the following: "spending".

22 30. Page 4, line 24, by striking the word  
23 "revenue" and inserting the following: "spending".

24 31. Page 4, line 26, by striking the word  
25 "revenue" and inserting the following: "spending".

26 32. Page 4, line 27, by striking the word  
27 "revenue" and inserting the following: "spending".

28 33. Page 4, line 30, by striking the word  
29 "revenue" and inserting the following: "spending".

30 34. Page 4, line 31, by striking the word  
31 "revenue" and inserting the following: "spending".

32 35. Page 4, line 34, by striking the words

- 33 "revenue and".
- 34 36. Title page, line 3, by striking the word "
- 35 revenue,".
- 36 37. By renumbering as necessary.

SWARTZ of Marshall

H-5861

- 1 Amend House Joint Resolution 13 as follows:
- 2 1. By striking page 1, line 7, through page 5,
- 3 line 1, and inserting the following:
- 4 "The General Assembly shall provide, by law, for
- 5 the establishment of spending limits for state and
- 6 local government. Such spending limits shall include
- 7 provision for adjustments to increase or decrease such
- 8 limits due to, but not limited to, such factors as the
- 9 annual rate of inflation or deflation as calculated by
- 10 the federal government.
- 11 Sec. 2. The foregoing proposed amendment to the".

SWARTZ of Marshall

H-5863

- 1 Amend Senate File 2310 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 7, by inserting after line 3 the
- 4 following:
- 5 "The department shall allocate from the funds
- 6 appropriated under this subsection fifty thousand
- 7 (50,000) dollars for the fiscal year beginning July 1,
- 8 1988, for the purpose of conducting research regarding
- 9 the occupational health hazards, including respiratory
- 10 hazards, presented by employment in swine confinement
- 11 operations."

CORBETT of Linn  
 TYRRELL of Iowa  
 PETERSEN of Muscatine  
 EDDIE of Buena Vista

H-5865

- 1 Amend Senate File 437, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "entitling" the following: "self-employed".
- 5 2. By striking page 1, line 17 through page 4,
- 6 line 30 and inserting the following:
- 7 "Sec. \_\_\_\_\_. NEW SECTION. 514C.3 COVERAGE FOR
- 8 SELF-EMPLOYED NURSE ANESTHETISTS.
- 9 An insurer, a hospital service corporation, or a
- 10 medical service corporation which covers the costs of
- 11 necessary anesthesia services, care, and procedures

- 12 under an individual or group policy of accident and  
 13 health insurance regulated under chapter 509 or 514A  
 14 or under a nonprofit hospital or medical and surgical  
 15 service plan regulated under chapter 514 shall provide  
 16 coverage for such services, care, and procedures when  
 17 provided by a self-employed certified registered nurse  
 18 anesthetist if the services, care, and procedures are  
 19 within the scope of the certified registered nurse  
 20 anesthetist's license and registration as that scope  
 21 is defined by chapter 152 and the rules of the board  
 22 of nursing and if the policy or plan would pay for the  
 23 anesthesia services, care, and procedures if provided  
 24 by a person licensed under chapter 148 or 150A.  
 25 However, the payment for the services, care, and  
 26 procedures shall not exceed the usual, customary, and  
 27 reasonable rate (UCR) allowances as of January 1,  
 28 1988, together with adjustments to those allowances  
 29 made after that date."  
 30 3. Title page, line 2, by inserting after the  
 31 word "by" the following: "self-employed".  
 32 4. By renumbering as necessary.

Committee on Small Business and Commerce

H—5875

- 1 Amend Senate File 2248, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 1, line 1, through page 2,  
 4 line 3.  
 5 2. Renumber as necessary.

JAY of Appanoose

H—5876

- 1 Amend the amendment, H—5768, to House Joint  
 2 Resolution 13 as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: ", revenue committed to  
 5 training for police, fire, and rescue operations,  
 6 revenue committed to additions of personnel or equip-  
 7 ment to police and fire departments".

CONNORS of Polk

H—5878

- 1 Amend Senate Concurrent Resolution 115 as passed by  
 2 the Senate as follows:  
 3 1. Page 1, line 29, by inserting after the word  
 4 "committee" the following: ", or assign the  
 5 responsibility to an existing interim study  
 6 committee,".

Committee on Human Resources

H-5879

1 Amend Senate File 2225, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 2, line 10, by inserting after the word  
4 "dependency." the following: "Additional con-  
5 sideration may be given in the awarding of grants, to  
6 grant applications from entities which administer  
7 similar programs or have demonstrated experience in  
8 administration of other programs designed to assist  
9 welfare dependent or low-income persons."

SWARTZ of Marshall  
CLARK of Cerro Gordo

H-5888

1 Amend House Joint Resolution 13 as follows:

2 1. Page 1, by striking lines 27 and 28 and  
3 inserting the following: "The state limit shall  
4 exclude, and the local limits".

5 2. Page 3, by inserting after line 8 the  
6 following:

7 "SEC. 13. The state may provide by law for  
8 reasonable and consistent adjustments of revenue  
9 limits among local governments to reflect factors  
10 requiring adjustments, including but not limited to  
11 population changes, changes in school enrollments,  
12 boundary changes, and severe hardships. Adjustments  
13 under this section may exceed the revenue limits  
14 specified in any other section of this article and any  
15 such exceeding of limits shall not be governed by  
16 section 4 of this article."

SWARTZ of Marshall

H-5890

1 Amend House Joint Resolution 13 as follows:

2 1. Page 1, by striking lines 16 through 24 and  
3 inserting the following:

4 "SEC. 2. "Revenue" includes all amounts received  
5 from all sources, except the following:

6 a. Amounts lawfully refunded to the payors.

7 b. Gifts from nongovernmental sources.

8 c. All receipts of a local government enterprise  
9 which was operating in 1987 and receives no tax  
10 revenue.

11 d. Amounts borrowed lawfully, but this does not  
12 authorize any borrowing.

13 e. Receipts applied to pay principal and interest  
14 on bonds approved by vote of the electors, bonds  
15 outstanding when this article becomes effective, and  
16 revenue bonds on which no payment can be made from tax

- 17 revenue.  
 18 f. Receipts from the federal government."  
 19 2. Page 3, lines 28 and 29, by striking the words  
 20 "receipts from the federal government,".

TABOR of Jackson

H—5891

- 1 Amend Senate File 2314 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 21, line 30, by inserting after the  
 4 figure "1989." the following: "However, any portion  
 5 of the loan not reimbursed to the road use tax fund by  
 6 July 1, 1988, is forgiven. Any reimbursements to the  
 7 road use tax fund made pursuant to this section prior  
 8 to July 1, 1988, shall be repaid by the state  
 9 department of transportation. The state department of  
 10 transportation shall adopt rules providing for the  
 11 receipt of applications for the repayments. Not-  
 12 withstanding section 423.24, there is appropriated  
 13 from revenues collected under the operation of section  
 14 423.7 to the state department of transportation such  
 15 moneys as necessary for making repayments under this  
 16 section."

SWARTZ of Marshall

H—5901

- 1 Amend Senate File 4 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by striking everything after the  
 4 enacting clause and inserting the following:  
 5 "Section 1. Section 725.1, Code 1987, is amended  
 6 by adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. A person convicted  
 8 pursuant to this section shall be deemed to have  
 9 consented to a medical examination for any sexually  
 10 transmitted disease which is required by  
 11 administrative rule to be reported to the Iowa  
 12 department of public health, and the court shall order  
 13 the person to submit to the examination at the  
 14 person's expense. Where, pursuant to ordered  
 15 examination, a sexually transmitted disease is found  
 16 to be present, the court shall order the person to  
 17 submit to treatment of the disease. Persons  
 18 identified as infected with the human immunodeficiency  
 19 virus are subject to section 135H.7 as enacted in  
 20 Senate File 2157 if that bill is enacted by the  
 21 general assembly. A person required to undergo  
 22 examination or treatment for disease under this  
 23 section who does not possess sufficient income or  
 24 estate to pay the costs of the examination or

25 treatment in whole or in part shall be considered a  
 26 state patient and the costs of the examination or  
 27 treatment shall be paid as provided in section  
 28 252.25."

Committee on Judiciary and Law Enforcement

H-5904

1 Amend Senate Concurrent Resolution 123 as passed by  
 2 the Senate, as follows:  
 3 1. Page 2, by inserting after line 15 the  
 4 following:  
 5 "e. Two representatives of the Associated Builders  
 6 and Contractors of Iowa."

Committee on Labor and Industrial Relations

H-5905

1 Amend the amendment, H-5768, to House Joint  
 2 Resolution 13 as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "services" the following: ", revenue committed to the  
 5 state court system, including state court  
 6 administrative agencies,".

PETERSON of Carroll  
 SPEAR of Lee

H-5907

1 Amend Senate File 2019, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, by striking lines 10 through 12.  
 4 2. Page 3, line 15, by inserting after the figure  
 5 "147" the following: "or certified under chapter  
 6 147A".  
 7 3. Page 3, line 22, by striking the figure "1985"  
 8 and inserting the following: "1988".  
 9 4. By renumbering as necessary.

Committee on State Government

H-5911

1 Amend Senate File 2307 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 14 through 16 and  
 4 inserting the following: "to subsection 4."

TYRRELL of Iowa

H-5917

1 Amend the amendment, H-5768, to House Joint  
 2 Resolution 13 as follows:

- 3 1. Page 1, by striking lines 8 through 10 and in-  
 4 serting the following: "program; revenue committed to  
 5 school districts, merged area schools, and area  
 6 education agencies, including additional revenue  
 7 necessary to comply with educational standards under  
 8 sections 256.11 and 256.17;".

OLLIE of Clinton

H-5923

- 1 Amend Senate File 2046 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 9, by striking the words "nine  
 4 thousand" and inserting the following: "five  
 5 hundred".  
 6 2. Page 1, line 15, by striking the words "nine  
 7 thousand" and inserting the following: "five  
 8 hundred".

SCHNEKLOTH of Scott

H-5926

- 1 Amend amendment, H-5844, to Senate Concurrent  
 2 Resolution 117, as passed by the Senate, as follows:  
 3 1. Page 1, by striking lines 39 and 40.  
 4 2. Page 1, line 41, by striking the figure "12"  
 5 and inserting the following: "11".  
 6 3. By renumbering as necessary.

MUEHLBAUER of Crawford

H-5927

- 1 Amend the House amendment, H-5859, to Senate File  
 2 2247, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, line 19, by striking the word "two"  
 5 and inserting the following: "ten".

LUNDBY of Linn

H-5928

- 1 Amend the amendment, H-5768, to House Joint  
 2 Resolution 13 as follows:  
 3 1. Page 1, by striking lines 8 through 10 and  
 4 inserting the following: "program; revenue committed  
 5 to school districts, merged area schools, and area  
 6 education agencies, including additional revenue  
 7 necessary to comply with educational standards under  
 8 sections 256.11 and 256.17; revenue committed to".

OLLIE of Clinton



H—5933

1 Amend Senate File 2055, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 1, by striking the word and  
4 figure "subsection 18" and inserting the following:  
5 "subsections 18 and 24".

6 2. Page 1, line 2, by striking the word "is" and  
7 inserting the following: "are".

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

10 24. The term "pesticide dealer" means any person  
11 who distributes restricted use pesticides; pesticide  
12 for use by commercial or public pesticide applicators;  
13 or general use pesticides labeled for agricultural or  
14 lawn and garden use ~~with the exception of dealers~~  
15 ~~whose gross annual pesticide sales are less than ten~~  
16 ~~thousand dollars for each business location owned or~~  
17 ~~operated by the dealer."~~

18 4. Page 2, by inserting after line 29, the  
19 following:

20 "Sec. \_\_\_\_\_. Section 206.8, subsections 2 and 4,  
21 Code Supplement 1987, are amended to read as follows:

22 2. a. A retail pesticide dealer shall pay a  
23 minimum an annual license fee of twenty-five dollars  
24 or an annual license fee based on one-tenth of one  
25 percent of the gross retail sales of all pesticides  
26 sold by the pesticide dealer in the previous year in  
27 accordance with the following schedule based upon  
28 total gross retail pesticide sales.

29 (1) Twenty-five dollars for annual gross retail  
30 pesticide sales of ten thousand dollars or less.

31 (2) One hundred dollars for annual gross retail  
32 pesticide sales of more than ten thousand through  
33 fifty thousand dollars.

34 (3) Two hundred dollars for annual gross retail  
35 pesticide sales of more than fifty thousand dollars  
36 through one hundred thousand dollars.

37 (4) Five hundred dollars for annual gross retail  
38 pesticide sales of more than one hundred thousand  
39 dollars through two hundred and fifty thousand  
40 dollars.

41 (5) One thousand dollars for annual gross retail  
42 pesticide sales of more than two hundred fifty  
43 thousand dollars.

44 The license shall indicate that the person is a retail  
45 pesticide dealer.

46 b. An annual report shall accompany the license  
47 application requesting a total gross retail pesticide  
48 sales figure from each retail dealer. The annual  
49 license fee shall be paid to the department of  
50 agriculture and land stewardship, beginning July 1,

## Page 2

1 1988, and July 1 of each year thereafter. A licensee  
2 shall pay a fee of twenty-five dollars for the period  
3 July 1, 1987, through June 30, 1988.

4 The initial twenty-five dollars of each annual  
5 license fee shall be retained by the department for  
6 administration of the program, and the remaining  
7 moneys collected shall be deposited in the agriculture  
8 management account of the groundwater protection fund.

9 4. Application for a license required for  
10 manufacturers and distributors who are not engaged in  
11 the retail sale of pesticides shall be accompanied by  
12 a twenty-five dollar fee for each business location  
13 within the state required to be licensed, and shall be  
14 on a form prescribed by the secretary. The license  
15 shall indicate if the person is a wholesale pesticide  
16 dealer."

17 5. By striking page 2, line 32 through page 3,  
18 line 15, and inserting the following:

19 "3. a. The registrant, before selling or offering  
20 for sale any pesticide in this state, shall register  
21 each brand and grade of such pesticide with the  
22 secretary upon forms furnished by the secretary, and  
23 the secretary shall set the annual registration fee  
24 annually at one-fifth of one percent of gross sales  
25 within this state with a minimum fee of two hundred  
26 fifty dollars and a maximum fee of three thousand  
27 dollars for each and every brand and grade to be  
28 offered for sale in this state: in accordance with the  
29 following schedule:

30 (1) Five hundred dollars for a restricted use  
31 pesticide.

32 (2) Two hundred fifty dollars for a general use  
33 pesticide.

34 (3) One hundred dollars for a low volume-pest  
35 specific pesticide.

36 (4) Fifty dollars for a pesticide no longer manu-  
37 factured, to be paid annually for three years  
38 following the discontinuation of the pesticide.

39 b. The secretary shall adopt by rule exemptions to  
40 the minimum fee. Fifty dollars of each fee collected  
41 shall be deposited in the treasury to the credit of  
42 the pesticide fund to be used only for the purpose of  
43 enforcing the provisions of this chapter and the  
44 remainder of each fee collected shall be placed in the  
45 agriculture management account of the groundwater  
46 protection fund.

47 Sec. \_\_\_\_\_. Section 206.12, subsection 7, Code  
48 Supplement 1987, is amended by striking the  
49 subsection."

50 6. Title page, by striking lines 1 and 2 and

## Page 3

- 1 inserting the following: "An Act relating to
- 2 pesticides and fertilizers and appropriating funds."

LUNDBY of Linn

H-5940

- 1 Amend Senate File 2169, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 3, by striking lines 21 through 34 and
- 4 inserting the following:

5 "2. For medical examiners, five members licensed  
6 to practice medicine and surgery, two members licensed  
7 to practice osteopathic medicine and surgery, one  
8 member ~~approved~~ licensed as a ~~physician's~~ physician  
9 assistant, and two members not licensed to practice  
10 either medicine and surgery or osteopathic medicine  
11 and surgery, or ~~approved~~ licensed as a ~~physician's~~  
12 physician assistant, and who shall represent the  
13 general public. The ~~physician's~~ physician assistant  
14 shall have all the rights and privileges of a board  
15 member but may vote only on matters relating to  
16 discipline of physicians' assistants, education of  
17 physicians' assistants and rules or policies directly  
18 affecting physicians' assistants. A majority of  
19 members of the board constitutes a quorum."

- 20 2. By striking page 6, line 29 through page 7,
- 21 line 2, and inserting the following:

22 "Sec. \_\_\_\_\_. NEW SECTION. 148.13 REVIEW AND  
23 APPROVAL OF ACTIONS OF BOARD OF PHYSICIAN ASSISTANT  
24 EXAMINERS.

25 The board of medical examiners has the right to  
26 review and approve or disapprove the actions of the  
27 board of physician assistant examiners. If the board  
28 of medical examiners has not disapproved an action  
29 prior to the expiration of thirty days following  
30 notice from the board of physician assistant  
31 examiners, the action is deemed approved. Before  
32 disapproving an action, the board of medical examiners  
33 shall review the written submissions of the board of  
34 physician assistant examiners and shall provide an  
35 opportunity for representatives of that board to  
36 present the matter orally. Disapproval of an action  
37 shall be in writing and shall include a statement of  
38 the reasons for the disapproval."

- 39 3. Page 11, line 23, by inserting after the word
- 40 "misdemeanor." the following: "However, a qualified
- 41 practicing physician may lawfully supervise a
- 42 registered physician assistant at a free medical
- 43 clinic on a temporary basis pending approval of the
- 44 applications by licensed physicians to supervise

45 physician assistants.”

46 4. Page 11, by inserting after line 23 the fol-  
47 lowing:

48 “Sec. \_\_\_\_\_. NEW SECTION. 148C.12 ACTIONS OF BOARD  
49 SUBJECT TO APPROVAL BY BOARD OF MEDICAL EXAMINERS.

50 1. Except as otherwise provided in subsection 3,

**Page 2**

1 actions of the board are subject to approval by the  
2 board of medical examiners and shall not become  
3 effective until approved by that board. If an action  
4 has not been disapproved prior to the expiration of  
5 the thirty-day period prescribed in section 148.13, it  
6 is deemed approved.

7 2. The board shall notify the board of medical  
8 examiners in writing as soon as possible after an  
9 action is taken and shall provide appropriate  
10 background and supporting information if requested by  
11 that board. The board shall cooperate with the board  
12 of medical examiners during that board’s process of  
13 review.

14 3. If the board determines in a particular  
15 licensing case that immediate action is necessary, the  
16 board may take temporary action, effective  
17 immediately, pending approval or disapproval by the  
18 board of medical examiners.”

19 5. Page 12, by striking lines 10 through 14.

20 6. By striking page 12, line 35 through page 13,  
21 line 1.

22 7. Title page, line 3, by inserting after the  
23 word “assistants,” the following: “providing for  
24 review and approval by the board of medical examiners,  
25 revising provisions governing membership on the board  
26 of medical examiners,”.

27 8. By renumbering as necessary.

Committee on State Government

**H—5942**

1 Amend Senate File 2023, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 11, by striking line 29 and inserting the  
4 following: “inspection of ~~snowmobiles~~ and the testing  
5 of snowmobile and all-terrain vehicle”.

BLACK of Jasper

**H—5943**

1 Amend amendment, H—5585, to Senate File 2023 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 8, by inserting after the word

5 "state" the following: "and qualified private  
 6 organizations".  
 7 2. Page 1, line 11, by striking the words "and  
 8 qualified private organizations".

BLACK of Jasper

H-5944

1 Amend the amendment, H-5590, to Senate File 2023,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 9, by striking the word "shall"  
 5 and inserting the following: "may".

BLACK of Jasper

H-5945

1 Amend the amendment, H-5587, to Senate File 2023,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 12, by striking the word "shall"  
 5 and inserting the following: "may".

BLACK of Jasper

H-5950

1 Amend Senate File 2263 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 9 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 99D.12, Code 1987, is amended  
 6 by adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. Purse supplements shall  
 8 be distributed to the breeders of Iowa-foaled horses  
 9 in the manner described in section 99D.22, by the  
 10 racetrack licensee, during the race meet in which the  
 11 supplements are earned. Not more than five percent of  
 12 the purse supplements shall be carried over."  
 13 2. By renumbering as necessary.

BLACK of Jasper

H-5951

1 Amend Senate File 2023, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 12, by inserting after line 28 the fol-  
 4 lowing:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 321G.13A VEHICLES  
 6 PROHIBITED IN STREAMBED - EXCEPTIONS.  
 7 A person shall not operate an all-terrain vehicle  
 8 or other motor vehicle on any part of the bed or bank  
 9 of a meandered stream to the ordinary high water line

10 or nonmeandered navigable stream or river covered by  
 11 water. This section does not prohibit use of ford  
 12 crossings of public or private roads or any other ford  
 13 crossing when used for agricultural purposes. This  
 14 section does not prohibit operation of construction  
 15 vehicles engaged in lawful construction, repair, or  
 16 maintenance in a streambed.

17 The commission shall adopt rules identifying the  
 18 navigable streams and rivers in which an all-terrain  
 19 vehicle or other motor vehicle may be operated and  
 20 specifying the times of year for use of the streams  
 21 and rivers by the vehicles. The commission may exempt  
 22 participants of organized special events from this  
 23 section where the organized special event is approved  
 24 by a state or local authority."

25 2. By renumbering sections as necessary.

OSTERBERG of Linn  
 McKEAN of Jones

H—5953

1 Amend the Committee amendment, H—5842, to Senate  
 2 File 2309, as amended, passed, and reprinted by the  
 3 Senate, as follows:

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

6 "\_\_\_\_\_. Page 6, by inserting after line 3 the  
 7 following:

8 "Sec. \_\_\_\_\_. 1987 Iowa Acts, chapter 233, section  
 9 309, is amended to read as follows:

10 SEC. 309. Notwithstanding section 28.120,  
 11 subsection 6, twenty percent of the loan repayments  
 12 received by the department of economic development  
 13 under that section shall be deposited in the revolving  
 14 loan fund to operate the self-employment loan program  
 15 as established in section 15.241. Not more than  
 16 twenty-five percent of the funds may be used to  
 17 administer the program, and not less than fifty  
 18 percent of the grants or loans provided under the  
 19 program shall go to targeted small businesses as  
 20 defined in section 15.102. It is the intent of the  
 21 general assembly that the department of economic  
 22 development coordinate the activity of the self-  
 23 employment loan program with the small business  
 24 development centers, satellite centers, area community  
 25 colleges, and other technical assistance providers,  
 26 and with the self-sufficiency programs established in  
 27 1987 Iowa Acts, House File 671, under the department  
 28 of human rights and the department of human services.  
 29 The department of economic development may use up to  
 30 fifty thousand dollars from the self-employment loan

31 program revolving fund for purposes of the case  
 32 management assistance program established pursuant to  
 33 House File 2416, if enacted.””

CONNOLLY of Dubuque

H—5954

1 Amend Senate File 2246, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 “Section 1. Section 455B.109, subsection 1,  
 6 unnumbered paragraph 1, Code 1987, is amended to read  
 7 as follows:  
 8 The commission may establish, by rule, a schedule  
 9 or range of civil penalties which may be  
 10 administratively assessed. The schedule shall provide  
 11 procedures and criteria for the administrative  
 12 assessment of penalties of not more than ~~one~~ five  
 13 thousand dollars per day for minor violations of this  
 14 chapter or rules, permits, or orders adopted or issued  
 15 under this chapter. A civil penalty may be assessed  
 16 for each day on which a violation occurs. In adopting  
 17 a schedule or range of penalties and in proposing or  
 18 assessing a penalty, the commission and director shall  
 19 consider among other relevant factors the following:”  
 20 2. By renumbering as required.

HANSON of Delaware

H—5955

1 Amend Senate File 2278, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 8, by striking the figures “~~1989~~  
 4 1990” and inserting the following: “1989 except that  
 5 the standard adopted by the state board relating to  
 6 the foreign language program in grades nine through  
 7 twelve shall not take effect until July 1, 1990”.  
 8 2. Title page, line 3, by inserting after the  
 9 word “date” the following: “of certain standards”.

SWARTZ of Marshall

H—5956

1 Amend Senate File 2278, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 8, by striking the figures “~~1989~~  
 4 1990” and inserting the following: “1989 except that  
 5 the standard adopted by the state board relating to  
 6 fine arts instruction requirements in grades nine  
 7 through twelve shall not take effect until July 1,

8 1990".

9 2. Title page, line 3, by inserting after the  
10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5957

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 physical education requirements in grades nine through  
7 twelve shall not take effect until July 1, 1990".

8 2. Title page, line 3, by inserting after the  
9 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5958

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 health instruction requirements in grades nine through  
7 twelve shall not take effect until July 1, 1990".

8 2. Title page, line 3, by inserting after the  
9 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5959

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 science instruction requirements in grades nine  
7 through twelve shall not take effect until July 1,  
8 1990".

9 2. Title page, line 3, by inserting after the  
10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5960

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to



6 mathematics instruction requirements in grades nine  
7 through twelve shall not take effect until July 1,  
8 1990".

9 2. Title page, line 3, by inserting after the  
10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5961

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 social studies instruction requirements in grades nine  
7 through twelve shall not take effect until July 1,  
8 1990".

9 2. Title page, line 3, by inserting after the  
10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5962

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 English-language arts instruction requirements in  
7 grades nine through twelve shall not take effect until  
8 July 1, 1990".

9 2. Title page, line 3, by inserting after the  
10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5963

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board requiring each  
6 board to employ as its executive officer and chief  
7 administrator a person who holds a certificate  
8 endorsed for service as a superintendent with the  
9 prohibitions on the service of superintendents serving  
10 as principals shall not take effect until July 1,  
11 1990".

12 2. Title page, line 3, by inserting after the  
13 word "date" the following: "of certain standards".

SWARTZ of Marshall

H—5964

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the vocational education program in grades nine  
7 through twelve shall not take effect until July 1,  
8 1990".

9 2. Title page, line 3, by inserting after the  
10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H—5965

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the requirement that each board of directors have a  
7 program to meet the needs of gifted and talented  
8 students shall not take effect until July 1, 1990".

9 2. Title page, line 3, by inserting after the  
10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H—5966

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the adoption by boards of directors of plans which  
7 incorporate global perspectives into all areas and  
8 levels of the educational program shall not take  
9 effect until July 1, 1990".

10 2. Title page, line 3, by inserting after the  
11 word "date" the following: "of certain standards".

SWARTZ of Marshall

H—5967

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the responsibility of boards of directors for ensuring  
7 multicultural nonsexist approaches to educational

- 8 programs shall not take effect until July 1, 1990”.
- 9 2. Title page, line 3, by inserting after the
- 10 word “date” the following: “of certain standards”.

SWARTZ of Marshall

H-5968

- 1 Amend Senate File 2278, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 8, by striking the figures “~~1989~~
- 4 1990” and inserting the following: “1989 except that
- 5 the standard adopted by the state board relating to
- 6 the requirement that each board of directors establish
- 7 and operate a media services program to support the
- 8 total school curriculum shall not take effect until
- 9 July 1, 1990”.
- 10 2. Title page, line 3, by inserting after the
- 11 word “date” the following: “of certain standards”.

SWARTZ of Marshall

H-5969

- 1 Amend Senate File 2278, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 8, by striking the figures “~~1989~~
- 4 1990” and inserting the following: “1989 except that
- 5 the standard adopted by the state board relating to
- 6 the requirement that each board of directors sponsor a
- 7 pupil activity program sufficiently broad and balanced
- 8 to offer opportunities for all pupils to participate
- 9 shall not take effect until July 1, 1990”.
- 10 2. Title page, line 3, by inserting after the
- 11 word “date” the following: “of certain standards”.

SWARTZ of Marshall

H-5970

- 1 Amend Senate File 2278, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 8, by striking the figures “~~1989~~
- 4 1990” and inserting the following: “1989 except that
- 5 the standard adopted by the state board relating to
- 6 voluntary programs of supervised intramural sports for
- 7 pupils in grades seven through twelve shall not take
- 8 effect until July 1, 1990”.
- 9 2. Title page, line 3, by inserting after the
- 10 word “date” the following: “of certain standards”.

SWARTZ of Marshall

H-5971

- 1 Amend Senate File 2278, as passed by the Senate, as
- 2 follows:

- 3 1. Page 1, line 8, by striking the figures "~~1989~~  
 4 1990" and inserting the following: "1989 except that  
 5 the standard adopted by the state board relating to  
 6 the provision of a comprehensive career education  
 7 program in grades kindergarten through twelve shall  
 8 not take effect until July 1, 1990".
- 9 2. Title page, line 3, by inserting after the  
 10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5972

- 1 Amend Senate File 2278, as passed by the Senate, as  
 2 follows:
- 3 1. Page 1, line 8, by striking the figures "~~1989~~  
 4 1990" and inserting the following: "1989 except that  
 5 the standard adopted by the state board relating to  
 6 the requirement that each board of directors have a  
 7 program to identify and provide special assistance to  
 8 at-risk students shall not take effect until July 1,  
 9 1990".
- 10 2. Title page, line 3, by inserting after the  
 11 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5973

- 1 Amend Senate File 2278, as passed by the Senate, as  
 2 follows:
- 3 1. Page 1, line 8, by striking the figures "~~1989~~  
 4 1990" and inserting the following: "1989 except that  
 5 the standard adopted by the state board relating to  
 6 the requirement that each board of directors adopt  
 7 policies outlining procedures for developing,  
 8 implementing, and evaluating its total curriculum  
 9 shall not take effect until July 1, 1990".
- 10 2. Title page, line 3, by inserting after the  
 11 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5974

- 1 Amend Senate File 2278, as passed by the Senate, as  
 2 follows:
- 3 1. Page 1, line 8, by striking the figures "~~1989~~  
 4 1990" and inserting the following: "1989 except that  
 5 the standard adopted by the state board relating to  
 6 the requirement that each board of directors provide  
 7 an articulated sequential elementary-secondary  
 8 guidance program to assist students shall not take

- 9 effect until July 1, 1990".  
10 2. Title page, line 3, by inserting after the  
11 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5975

- 1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the requirement that each board of directors have a  
7 plan for staff development shall not take effect until  
8 July 1, 1990".  
9 2. Title page, line 3, by inserting after the  
10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5976

- 1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the requirement that each board of directors adopt a  
7 school calendar of a minimum of one hundred eighty  
8 days for student instruction and a minimum of twenty  
9 days, excluding vacation and holidays, for other  
10 educational purposes involving instructional and  
11 noninstructional staff shall not take effect until  
12 July 1, 1990".  
13 2. Title page, line 3, by inserting after the  
14 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5977

- 1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the requirement that each board of directors develop  
7 and maintain a policy manual which provides a  
8 codification of its policy actions and requires a  
9 review of the manual every three years shall not take  
10 effect until July 1, 1990".  
11 2. Title page, line 3, by inserting after the  
12 word "date" the following: "of certain standards".

SWARTZ of Marshall

H—5979

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the requirement that each board of directors adopt and  
7 implement a process for conducting an on-going needs  
8 assessment shall not take effect until July 1, 1990".

9 2. Title page, line 3, by inserting after the  
10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H—5980

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the requirement that a school day consist of five and  
7 one-half hours of instruction time for grades one  
8 through twelve shall not take effect until July 1,  
9 1990".

10 2. Title page, line 3, by inserting after the  
11 word "date" the following: "of certain standards".

SWARTZ of Marshall

H—5981

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the requirement that each board of directors adopt  
7 student responsibility and discipline policies shall  
8 not take effect until July 1, 1990".

9 2. Title page, line 3, by inserting after the  
10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H—5982

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the adoption by each board of directors of a policy  
7 for the implementation of a school health services  
8 program shall not take effect until July 1, 1990".

- 9 2. Title page, line 3, by inserting after the  
10 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5983

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 subject areas that must be taught in grades one  
7 through six shall not take effect until July 1, 1990".

8 2. Title page, line 3, by inserting after the  
9 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5984

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the requirement that each board of directors by  
7 adopted policy require its administration to provide  
8 an audit of the instructional time for students shall  
9 not take effect until July 1, 1990".

10 2. Title page, line 3, by inserting after the  
11 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5986

1 Amend Senate File 2278, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by striking the figures "~~1989~~  
4 1990" and inserting the following: "1989 except that  
5 the standard adopted by the state board relating to  
6 the adoption by boards of directors of plans for the  
7 efficient and effective use of technology in the  
8 instructional program shall not take effect until July  
9 1, 1990".

10 2. Title page, line 3, by inserting after the  
11 word "date" the following: "of certain standards".

SWARTZ of Marshall

H-5991

1 Amend Senate File 2311, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 13, line 32 through page 19,

- 4 line 28.  
 5 2. Title page, lines 6 and 7, by striking the  
 6 words "increasing fees collected by the office of the  
 7 secretary of state,".  
 8 3. By renumbering as necessary.

VAN MAANEN of Mahaska  
 HARBOR of Mills  
 HALVORSON of Clayton

H-5996

- 1 Amend Senate File 2311, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 10, lines 13 and 14, by striking the  
 4 words and figure "one million two hundred eighteen  
 5 thousand three hundred sixty-two (1,218,362)" and  
 6 inserting the following: "one million two hundred  
 7 twenty-six thousand eight hundred sixty-two  
 8 (1,226,862)".

HARBOR of Mills  
 VAN MAANEN of Mahaska

H-5997

- 1 Amend Senate File 2209 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 9, by striking the words "or when  
 4 made" and inserting the following: "the transfer of  
 5 any or all of the property and assets of the  
 6 corporation".  
 7 2. Page 1, line 10, by striking the word  
 8 "disposing".  
 9 3. Page 1, by striking lines 24 through 26 and  
 10 inserting the following: "regular course of its  
 11 business,".  
 12 4. Page 1, line 27, by striking the word  
 13 "corporation".  
 14 5. By striking page 1, line 32 through page 2,  
 15 line 8.  
 16 6. Page 2, lines 9 and 10, by striking the words  
 17 "unnumbered paragraph 1,".  
 18 7. Page 2, line 11, by inserting before the word  
 19 "Any" the following: "2."  
 20 8. Page 2, by striking lines 13 through 17 and  
 21 inserting the following: "usual and regular course of  
 22 its business, if the shareholder is entitled to vote  
 23 on the sale or exchange; or  
 24 Sec. \_\_\_\_\_. Section 496A.77, Code 1987, is amended  
 25 by adding the following new subsection:  
 26 NEW SUBSECTION. 3. A corporate action taken  
 27 pursuant to a shareholder vote to the extent the  
 28 articles of incorporation provide that voting or



29 nonvoting shareholders are entitled to dissent and  
30 obtain payment for their shares.”  
31 9. By renumbering as necessary.

## Committee on Judiciary and Law Enforcement

H—6007

1 Amend Senate File 2318, as passed by the Senate, as  
2 follows:

3 1. Page 6, by inserting after line 5 the  
4 following:

5 “Sec. \_\_\_\_\_. NEW SECTION. 550.1 RECIPROCITY IN  
6 LICENSING.

7 1. As used in this section, “commissioner” means  
8 the labor commissioner.

9 2. The commissioner shall adopt rules for a  
10 program requiring reciprocity among governmental  
11 subdivisions in the licensing of persons to perform  
12 building contracting work. The program shall be  
13 consistent with the requirements of this section.

14 3. A person who is licensed by a governmental  
15 subdivision having a population of ten thousand or  
16 over to perform electrical, plumbing, heating,  
17 refrigeration, sewage, or other building contracting  
18 work may register with the commissioner for  
19 participation in the reciprocal licensing program if  
20 the governmental subdivision required, as a  
21 prerequisite to obtaining the license, passage of an  
22 examination which the commissioner determines  
23 adequately measures the ability of a person to perform  
24 the work covered by the license and if the person  
25 files with the commissioner all of the following:

26 a. A copy of each license the person desires to  
27 register for reciprocity, together with fees and  
28 supporting information as required by the  
29 commissioner.

30 b. A surety bond in the amount of twenty-five  
31 thousand dollars conditioned on the faithful  
32 performance by the person of contracts to perform work  
33 within the scope of the person's license or licenses  
34 registered pursuant to this section.

35 c. Proof acceptable to the commissioner of the  
36 person's ability to respond in damages for liability  
37 arising out of the performance of work within the  
38 scope of the person's license or licenses registered  
39 pursuant to this section.

40 4. A license registered pursuant to this section  
41 shall be accepted by a governmental subdivision in  
42 lieu of an independent requirement for examination and  
43 licensure by the governmental subdivision. The  
44 governmental subdivision shall not require an  
45 additional surety bond or additional proof of ability

46 to respond in damages for liability.  
 47 5. Complaints concerning the performance of a  
 48 person whose license is registered pursuant to this  
 49 section shall be forwarded to the commissioner and the  
 50 commissioner shall notify the person of the contents

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1 of the complaint and the possibility of revocation of  
 2 the registration and cancellation of the bond. After  
 3 notice and hearing the commissioner may revoke the  
 4 registration if the commissioner finds that the person  
 5 has violated the applicable building code, has  
 6 fraudulently obtained the registration, or has been  
 7 convicted of a felony. The commissioner may by rule  
 8 set forth other acts, related to the suitability and  
 9 competence of the person to perform building  
 10 contracting work, which constitute cause for  
 11 revocation. The decision to revoke is subject to  
 12 review pursuant to chapter 17A."

13 2. Title page, line 4, by inserting after the  
 14 word "penalties;" the following: "providing for  
 15 reciprocity in licensing for certain persons  
 16 performing building contracting work;".

17 3. By renumbering as necessary.

VAN CAMP of Scott

**H-6009**

1 Amend Senate File 2311, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 10 through 12.

4 2. By renumbering as necessary.

TYRRELL of Iowa

**H-6012**

1 Amend the House amendment H-5860, to Senate File  
 2 2055 as amended, passed, and reprinted by the Senate  
 3 as follows:

4 1. Page 1, line 23, by striking the word  
 5 "fifteen" and inserting the following: "thirty".

LUNDBY of Linn

**H-6016**

1 Amend amendment, H-5859, to Senate File 2247 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

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

6 "\_\_\_\_\_. Page 1, line 10, by striking the words and  
 7 figures "July 1, 1988, and July 1" and inserting the

- 8 following: "July 1, 1988, and July 1 January 1, 1988,  
9 and January 1".  
10 \_\_\_\_\_. Page 1, line 12, by striking the words and  
11 figures "July 1, 1987 through June 30, 1988" and  
12 inserting the following: "July 1, 1987 through June  
13 30, 1988 January 1, 1987 through December 31, 1988".  
14 2. Page 1, line 11, by inserting after the word  
15 "report" the following: "by January 1".  
16 3. By renumbering as necessary.

LUNDBY of Linn

H-6020

- 1 Amend amendment H-6006 to Senate File 2310, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 3, line 34, by striking the word  
5 "enactment." and inserting the following:  
6 "enactment.""  
7 2. Page 3, by striking lines 35 through 40.

NEUHAUSER of Johnson

H-6023

- 1 Amend the Senate amendment, H-4383, to House File  
2 649 as amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 2, by striking lines 3 through 17 and  
5 inserting the following: "dependent. However, this  
6 exemption does not apply to a life insurance policy if  
7 the policyholder files a bankruptcy petition within  
8 one year after the policy is issued and the  
9 policyholder obtained the policy for the purpose of  
10 defrauding one or more creditors."  
11 2. Page 3, lines 44 and 45, by striking the words  
12 "benefit or indemnity of all matured" and inserting  
13 the following: "avails of all".

BRAMMER of Linn

H-6024

- 1 Amend amendment, H-5954, to Senate File 2246 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:  
4 1. Page 1, line 12, by striking the words "one  
5 five" and inserting the following: "one".

PAULIN of Plymouth

H-6025

- 1 Amend the Committee amendment, H-5940, to Senate  
2 File 2169, as amended, passed, and reprinted by the

3 Senate, as follows:

- 4 1. Page 1, by inserting after line 38 the fol-  
 5 lowing:  
 6 "The board of medical examiners may adopt rules  
 7 pursuant to chapter 17A setting forth guidelines and  
 8 procedures for the implementation of this section.  
 9 The rules may provide that some types of actions by  
 10 the board of physician assistant examiners are deemed  
 11 approved without necessity for formal review and  
 12 approval."

BEATTY of Warren

H-6029

- 1 Amend Senate File 2304 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 4, by inserting after line 33 the  
 4 following:  
 5 "b. Represent without fee indigent persons in any  
 6 proceeding brought under chapter 232. The local  
 7 public defender shall counsel and represent the person  
 8 at every stage of the proceedings under chapter 232  
 9 and prosecute appeals or other remedies which the  
 10 local public defender considers to be in the interest  
 11 of justice unless the court or the administrator  
 12 appoints other counsel."  
 13 2. By renumbering as necessary.

ROSENBERG of Story

H-6031

- 1 Amend Senate File 2169, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 11, line 2, by inserting after the word  
 4 "assistants," the following: "orthopedic physician's  
 5 assistants,".

BEATTY of Warren

H-6034

- 1 Amend Senate File 2209, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by inserting after line 17, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 504.17 PROCEDURE FOR  
 6 MERGER, CONSOLIDATION, SALE, LEASE EXCHANGE, MORTGAGE  
 7 OF ASSETS, OR DISSOLUTION.  
 8 To the extent not inconsistent with this chapter,  
 9 the provisions of sections 504A.40 through 504A.52 are  
 10 applicable to corporations organized under this  
 11 chapter."

JAY of Appanoose

H-6043

- 1 Amend Senate File 2309, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 12, by inserting after the word  
4 "fifteen" the following: "point five".

CORBETT of Linn

H-6046

- 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 16 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 10A.104, Code 1987, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 8. Establish by rule standards  
8 and procedures for certifying that targeted small  
9 businesses are eligible to participate in the  
10 procurement set-aside program established in sections  
11 73.15 through 73.21. The procedure for determination  
12 of eligibility shall not include self-certification by  
13 a business. Rules and guidelines adopted pursuant to  
14 this subsection are subject to review and approval by  
15 the director of the department of management. The  
16 director shall maintain a current directory of  
17 targeted small businesses which have been certified  
18 pursuant to this subsection.  
19 Sec. \_\_\_\_\_. Section 15.108, subsection 7, paragraph  
20 c, subparagraph (4), Code Supplement 1987, is amended  
21 by striking the subparagraph.  
22 Sec. \_\_\_\_\_. Section 15.108, subsection 7, paragraph  
23 g, subparagraph (1), Code Supplement 1987, is amended  
24 to read as follows:  
25 (1) Developing a uniform small business vendor  
26 application form which can be adopted by all agencies  
27 and departments of state government to identify small  
28 businesses and targeted small businesses which desire  
29 to sell goods and services to the state. This form  
30 shall also contain information which can be used to  
31 determine certification as a targeted small business  
32 pursuant to ~~paragraph "c", subparagraph (4)~~ section  
33 10A.104, subsection 8.  
34 Sec. \_\_\_\_\_. Section 15.110, Code Supplement 1987, is  
35 amended to read as follows:  
36 15.110 TARGETED SMALL BUSINESS LOAN AND EQUITY  
37 GRANT PROGRAM.  
38 A targeted small business loan and equity grant  
39 program is established within the Iowa department of  
40 economic development. The director shall adopt rules  
41 establishing the standards and procedures for  
42 distributing grants, providing loans, buying down the

43 interest on loans, or buying down the principal on  
 44 loans for newly created small businesses. The total  
 45 amount of assistance to any one business shall not  
 46 exceed five thousand dollars. Standards shall give  
 47 top priority to applicants who establish targeted  
 48 small businesses in industries or fields for which no  
 49 targeted small business has been certified pursuant to  
 50 section 15.108, subsection 7, paragraph "e",

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1 ~~subparagraph (4) 10A.104, subsection 8.~~  
 2 Sec. \_\_\_\_\_. Section 73.16, subsection 2, Code 1987,  
 3 is amended to read as follows:  
 4 2. The director of each agency or department of  
 5 state government having purchasing authority shall  
 6 designate and set aside for awarding to certified  
 7 targeted small businesses identified pursuant to  
 8 ~~section 15.108, subsection 7, paragraph "e"~~ 10A.104,  
 9 subsection 8, at least two percent, and should set a  
 10 goal of up to ten percent, of the value of anticipated  
 11 procurements of goods and services, including  
 12 construction, but not including utility services, each  
 13 fiscal year. The director of each department and  
 14 agency of state government shall cooperate with the  
 15 director of the department of inspections and appeals,  
 16 the director of the department of economic development  
 17 and the director of the department of management and  
 18 do all acts necessary to carry out the provisions of  
 19 this division.

20 Sec. \_\_\_\_\_. Section 73.18, Code 1987, is amended to  
 21 read as follows:

22 73.18 NOTICE OF SOLICITATION FOR BIDS —  
 23 IDENTIFICATION OF TARGETED SMALL BUSINESSES.

24 The director of each agency or department releasing  
 25 a solicitation for bids or request for proposal under  
 26 the set-aside program shall notify the director of the  
 27 department of economic development prior to or upon  
 28 release of the solicitation. The director of the  
 29 department of economic development shall notify the  
 30 soliciting agency or department of any targeted small  
 31 businesses which have been certified pursuant to  
 32 ~~section 15.108, subsection 7, paragraph "c",~~  
 33 subparagraph (4) 10A.104, subsection 8, and which may  
 34 be qualified to bid."

35 2. Page 6, by inserting after line 3 the  
 36 following:

37 "Sec. \_\_\_\_\_. The director of the department of  
 38 inspections and appeals shall maintain the directory  
 39 of targeted small businesses which have been certified  
 40 prior to the effective date of this Act pursuant to  
 41 section 15.108, subsection 7, paragraph "c", subpara-

42 graph (4). Businesses certified by the department of  
43 economic development prior to the effective date of  
44 this Act shall remain certified unless decertified.”

45 3. Title page, line 2, by inserting after the  
46 word “development” the following: “and providing for  
47 the transfer of certain duties”.

48 4. By renumbering as necessary.

BRAMMER of Linn

H—6053

1 Amend the Senate amendment, H—5214, to House File  
2 278, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 5, by striking lines 17 through 19 and  
5 inserting the following:

6 “3. If an alternative form of county government is  
7 adopted by the electorate, another alternative form  
8 shall not be submitted to the electorate for six  
9 years.

10 4. If an alternative form of county government is  
11 submitted and not adopted, another alternative form  
12 shall not be submitted to the electorate for two  
13 years.”

SHERZAN of Polk

H—6056

1 Amend Senate File 2023, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 24, by inserting after line 27 the  
4 following:

5 “Sec. \_\_\_\_\_. NEW SECTION. 321G.36 IMPLIED CONSENT  
6 TO TEST.

7 1. When a peace officer has reasonable grounds to  
8 believe that a snowmobile, motorboat, or all-terrain  
9 vehicle operator may be violating or has violated  
10 section 321G.13, subsection 3, or section 106.12,  
11 subsection 2, as applicable, or the operator has been  
12 involved in a collision resulting in injury or death,  
13 the peace officer may request the operator to provide  
14 a sample of the operator’s breath for a preliminary  
15 screening test using a device approved by the  
16 commissioner of public safety for that purpose. The  
17 results of this preliminary screening test may be used  
18 for the purpose of deciding whether an arrest should  
19 be made and whether to request a chemical test  
20 authorized in this section, but shall not be used in  
21 any court action except to prove that a chemical test  
22 was properly requested of a person pursuant to this  
23 chapter.

24 2. A person who operates a snowmobile, motorboat,

25 or all-terrain vehicle in this state under  
 26 circumstances which give reasonable grounds to believe  
 27 that the person has been operating a snowmobile,  
 28 motorboat, or all-terrain vehicle in violation of  
 29 section 321G.13, subsection 3, or section 106.12,  
 30 subsection 2, as applicable, is deemed to have given  
 31 consent to the withdrawal of specimens of the person's  
 32 blood, breath, or urine and to a chemical test or  
 33 tests of the specimens for the purpose of determining  
 34 the alcohol concentration or presence of drugs,  
 35 subject to this section. The withdrawal of the body  
 36 substances and the test or tests shall be administered  
 37 at the written request of a peace officer having  
 38 reasonable grounds to believe that the person was  
 39 operating a snowmobile, motorboat, or all-terrain  
 40 vehicle in violation of section 321G.13, subsection 3,  
 41 or section 106.12, subsection 2, as applicable, and if  
 42 any of the following conditions exist:

- 43 a. A peace officer has lawfully placed the person
- 44 under arrest for violation of section 321G.13,
- 45 subsection 3, or section 106.12, subsection 2.
- 46 b. The person has been involved in a vessel
- 47 accident or collision resulting in personal injury or
- 48 death.
- 49 c. The person has refused to take a preliminary
- 50 breath screening test provided by this section.

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- 1 d. The preliminary breath screening test was
- 2 administered and it indicated an alcohol concentration
- 3 as defined in section 321J.1 of .10 or more.
- 4 e. The preliminary breath screening test was
- 5 administered and it indicated an alcohol concentration
- 6 of less than .10 and the peace officer has reasonable
- 7 grounds to believe that the person was under the
- 8 influence of a drug other than alcohol or a
- 9 combination of alcohol and another drug.
- 10 3. The peace officer shall determine which of the
- 11 three substances, breath, blood, or urine, shall be
- 12 tested. Refusal to submit to a chemical test of urine
- 13 or breath is deemed a refusal to submit. A refusal to
- 14 submit to a chemical test of blood is not deemed a
- 15 refusal to submit, but in that case, the peace officer
- 16 shall then determine which one of the other two
- 17 substances shall be tested and shall offer the test.
- 18 If the peace officer fails to offer a test within two
- 19 hours after the preliminary screening test is
- 20 administered or refused or the arrest is made,
- 21 whichever occurs first, a test is not required.
- 22 4. Notwithstanding subsection 3, if the peace
- 23 officer has reasonable grounds to believe that the



24 person was under the influence of a drug other than  
25 alcohol or a combination of alcohol and another drug,  
26 a urine test may be required even after a blood or  
27 breath test has been administered.

28 5. If a person refuses to submit to a test as  
29 provided in this section, the court shall order the  
30 person not to operate a snowmobile, motorboat, or all-  
31 terrain vehicle for a period not to exceed two years.

32 6. As used in this section, motorboat means  
33 motorboat as defined in section 106.2."

34 2. Title page, line 2, by inserting after the  
35 word "vehicles," the following: "providing for the  
36 testing of persons operating snowmobiles, motorboats,  
37 or all-terrain vehicles under the influence of alcohol  
38 or drugs,".

39 3. By renumbering sections as necessary.

PETERSON of Carroll  
PAULIN of Plymouth  
GRUHN of Dickinson

H-6061

1 Amend the Senate amendment, H-4383, to House File  
2 649 as amended, passed, and reprinted by the House as  
3 follows:

4 1. By striking page 1, line 3 through page 4,  
5 line 39 and inserting the following:

6 "\_\_\_\_\_. By striking everything after the enacting  
7 clause and inserting the following:

8 "Section 1. There is created an interim  
9 legislative study committee for the purpose of  
10 studying exemptions from execution and attachment.  
11 The exemptions to be studied shall include those  
12 exemptions authorized by federal and state law. The  
13 study shall determine the monetary amount of  
14 exemptions presently allowed by both the federal and  
15 state governments, where there is an abuse of the use  
16 of such exemptions, the purpose of the federal  
17 bankruptcy statutes and the state laws enacted in  
18 response to the federal law, the effect of modifying  
19 the state exemption statutes on persons and families  
20 who have financial problems, and the impact upon  
21 persons and financial institutions of proposed changes  
22 affecting exemption statutes.

23 The legislative council shall appoint the study  
24 committee members, who shall represent members of both  
25 the house and the senate and both political parties.

26 The legislative council may appoint citizen members to  
27 the study committee including, but not limited to,  
28 persons who represent debtors and creditors as well as  
29 neutral experts having knowledge of bankruptcy laws.

30 The study committee shall file a report, accompanied

31 by bill drafts designed to carry out its  
 32 recommendations, with the general assembly meeting in  
 33 the year 1989.”  
 34 \_\_\_\_\_. Title page, line 2, by striking the word  
 35 “revising” and inserting the following: “providing  
 36 for a study of”.  
 37 \_\_\_\_\_. Title page, line 4, by striking the word  
 38 “providing”.”

SVOBODA of Tama

H-6063

1 Amend House File 2326 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 5, by striking lines 6 through 9 and  
 4 inserting the following:  
 5 “NEW SUBSECTION. 10. No foreign association shall  
 6 open or operate a branch office in this state unless  
 7 an association or federal association with its  
 8 principal place of business in this state was  
 9 previously merged into the foreign association in a  
 10 merger as defined in section 534.511, subsection 1.  
 11 This subsection is repealed effective July 1, 1991.”

Senate Amendment

H-6074

1 Amend the amendment, H-5920, to Senate File 2208 as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, line 22, by inserting after the word  
 4 “person” the following: “at a private function or  
 5 event”.

JAY of Appanoose

H-6083

1 Amend House File 2414, as passed by the House, as  
 2 follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 “Section 1. EDUCATIONAL PROGRAM PROVIDED BY AREA  
 6 EDUCATION AGENCY. Notwithstanding the deadline  
 7 requirements specified in section 282.30, subsection  
 8 1, and section 282.31, subsection 1, paragraph “a”, an  
 9 area education agency that received a request to  
 10 provide an educational program for a facility  
 11 specified in section 282.30, subsection 1, after  
 12 December 1, 1987, and consequently did not submit a  
 13 proposed program and budget to the department of  
 14 education by January 1, 1988 for the school year  
 15 beginning July 1, 1988, may submit the proposed  
 16 program and budget for the educational program to the

17 department of education not later than May 1, 1988.  
 18 The department of education shall review and approve  
 19 or modify the program and proposed budget and shall  
 20 notify the area education agency by June 1, 1988.  
 21 Claims for reimbursement shall be filed as provided in  
 22 section 282.31, subsection 1, paragraph "a".

23 Sec. 2. RECOMMENDATIONS BY DEPARTMENT OF  
 24 EDUCATION. The department of education is directed to  
 25 develop recommendations for amendment of sections  
 26 282.30 and 282.31 that will provide for payment of  
 27 claims for the cost of providing an educational  
 28 program in cases in which a request is not timely  
 29 filed because a facility is not established until  
 30 after the December 1 deadline date. The  
 31 recommendations shall be submitted to the general  
 32 assembly meeting in 1989.

33 Sec. 3. Section 282.31, subsection 1, paragraph b,  
 34 Code Supplement 1987, is amended by adding the  
 35 following new unnumbered paragraph:

36 NEW UNNUMBERED PARAGRAPH. However, on June 30 of a  
 37 school year, if the board of directors of a school  
 38 district determines that the number of children under  
 39 this paragraph who were counted in the basic  
 40 enrollment of the school district on the third Friday  
 41 of September of that school year is fewer than the sum  
 42 of the number of months all children were enrolled in  
 43 the school district under this paragraph during the  
 44 school year divided by nine, the secretary of the  
 45 school district may submit a claim to the department  
 46 of education by August 1 following the school year for  
 47 an amount equal to the district cost per pupil of the  
 48 district for the previous school year multiplied by  
 49 the difference between the number of children counted  
 50 and the number of children calculated by the number of

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1 months of enrollment. The amount of the claim shall  
 2 be paid by the department of revenue and finance to  
 3 the school district by October 1 in the same manner as  
 4 the claims are paid under paragraph "a".

5 Sec. 4. This Act, being deemed of immediate  
 6 importance, takes effect upon its enactment."

7 2. Title page, line 1, by inserting after the  
 8 word "for" the following: "special educational  
 9 programs, including".

10 3. Title page, line 1, by inserting after the  
 11 word "certain" the following: "children in".

12 4. Title page, line 2, by striking the words "and  
 13 juvenile detention homes" and inserting the following:  
 14 ", juvenile detention homes, and foster care  
 15 facilities,".

H-6089

- 1 Amend the amendment, H-4383, to House File 649 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 2, line 4, by striking the word "five"  
 5 and inserting the following: "twenty".  
 6 2. Page 2, lines 5 and 6, by striking the words  
 7 "six hundred days" and inserting the following: "one  
 8 year".  
 9 3. Page 2, line 11, by striking the words "six  
 10 hundred day" and inserting the following: "one year".

CORBETT of Linn

H-6091

- 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, line 9, by inserting before the word  
 5 "cost" the following: "sold at".  
 6 2. Page 1, line 10, by inserting before the word  
 7 "cost" the following: "sold at provided without".

FEY of Scott

H-6094

- 1 Amend the amendment, H-5933, to Senate File 2055 as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:  
 4 1. Page 2, by striking line 43 and inserting the  
 5 following: "enforcing the provisions of this chapter  
 6 funding the permanent pesticide container collection  
 7 centers and the".  
 8 2. Page 2, by inserting after line 49, the  
 9 following:  
 10 "\_\_\_\_\_. Page 3, by inserting after line 15, the  
 11 following:  
 12 "Sec. \_\_\_\_\_. Section 206.25, Code Supplement 1987,  
 13 is amended by adding the following new unnumbered  
 14 paragraph:  
 15 NEW UNNUMBERED PARAGRAPH. The department of agri-  
 16 culture and land stewardship shall establish permanent  
 17 pesticide container collection centers based upon the  
 18 program developed and presented to the general  
 19 assembly. The department shall organize and implement  
 20 on a regular schedule statewide pesticide container  
 21 cleanup days for the collection of pesticide  
 22 containers." "

LUNDBY of Linn

H-6097

1 Amend the amendment, H-6013, to House File 2444 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 3, line 10, by inserting after the word  
 5 "Act." the following: "An interior designer  
 6 performing customary interior design services shall  
 7 not be deemed to be engaged in the unlawful practice  
 8 of architecture."

9 2. Page 3, by striking lines 11 through 14.

BLANSHAN of Greene  
 BEATTY of Warren  
 CARPENTER of Polk

H-6098

1 Amend the Committee amendment, H-5940, to Senate  
 2 File 2169, as amended, passed, and reprinted by the  
 3 Senate, as follows:

4 1. Page 1, by striking lines 15 through 19 and  
 5 inserting the following: "member but may vote only on  
 6 matters relating to discipline of ~~physicians'~~  
 7 physician assistants, education of ~~physicians'~~  
 8 physician assistants, and rules or policies directly  
 9 affecting ~~physicians'~~ physician assistants. A  
 10 majority of members of the board constitutes a  
 11 quorum." "

BLANSHAN of Greene  
 CARPENTER of Polk

H-6101

1 Amend the Senate Amendment, H-5214, to House File  
 2 278, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. By striking page 3, line 14, through page 4,  
 5 line 5 and inserting the following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 331.221 COMMITTEE  
 7 PROCEDURES AND REPORTS.

8 1. If the committee proposes to prepare a charter  
 9 plan, the committee shall hold at least one public  
 10 hearing within sixty days of its organization, for the  
 11 purpose of receiving information and materials which  
 12 will assist in the drafting of a county charter.  
 13 Notice of the date, time, and place of the hearing  
 14 shall be given as provided in chapter 21.

15 2. Within nine months after the organization of  
 16 the committee, the committee shall submit a  
 17 preliminary report to the board, which report shall  
 18 include the text of a proposed county charter plan.  
 19 Sufficient copies of the proposed charter plan shall

20 be made available for distribution to residents of the  
 21 county who request a copy. The committee shall hold  
 22 at least one public hearing after submission of the  
 23 preliminary report to obtain public comment on the  
 24 report.

25 3. Within fifteen months after its organization,  
 26 the committee shall submit its final report to the  
 27 board. The final report shall include the full text  
 28 and an explanation of a proposed charter plan, any  
 29 comments deemed desirable by the committee, a written  
 30 opinion by the attorney general of this state, stating  
 31 that the proposed charter plan is not in conflict with  
 32 constitutional or statutory law of this state, and any  
 33 minority reports. The final report shall be made  
 34 available to the residents of the county upon  
 35 request."

SHERZAN of Polk

H-6102

1 Amend the Senate amendment, H-5214, to House File  
 2 278, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. By striking page 2, line 40 through page 3,  
 5 line 13 and inserting the following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 331.220 ORGANIZATION AND  
 7 EXPENSES - TAX.

8 1. Within thirty days after appointment of the  
 9 members of the committee, the county auditor shall  
 10 give written notice of the date, time, and location of  
 11 the first meeting of the committee. At its first  
 12 meeting the committee shall organize by electing a  
 13 chairperson, vice chairperson, and other officers as  
 14 necessary. The committee shall adopt rules governing  
 15 the conduct of its meetings, subject to chapter 21.

16 2. The members of the committee shall serve  
 17 without compensation, but they are entitled to travel  
 18 and other necessary expenses relating to their duties  
 19 of office, subject to section 79.9.

20 3. The board shall provide office space, rooms,  
 21 supplies, and equipment for the committee. The  
 22 committee may employ staff as necessary and pay for  
 23 the research and development of educational materials  
 24 subject to the budget limitations specified in  
 25 subsection 4.

26 4. A county government review committee account is  
 27 created in the general fund of the county. The board  
 28 shall provide funding for the committee equivalent to  
 29 ten cents per capita of the population in the county  
 30 at the preceding federal census. The expenses of the  
 31 committee may be paid from any combination of public  
 32 or private funds available for that purpose.

33 5. To fund the committee, the board may levy a tax  
 34 on the assessed value of the taxable property in the  
 35 county in an amount not to exceed the equivalent of  
 36 ten cents per capita of the population in the county  
 37 at the preceding federal census. This tax is in  
 38 addition to any other tax authorized by law.”

SHERZAN of Polk

H—6103

1 Amend the Senate amendment, H—5214, to House File  
 2 278, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 12, by striking lines 5 through 32 and  
 5 inserting the following:  
 6 “Sec. \_\_\_\_\_. NEW SECTION. 331.239 COUNTY  
 7 CONSOLIDATION – COUNTIES OF LESS THAN TEN THOUSAND  
 8 POPULATION.

9 1. Two or more committees may meet for the purpose  
 10 of considering the consolidation of their respective  
 11 counties.

12 2. In a county having a population of less than  
 13 ten thousand, the committee shall meet with the  
 14 committees of contiguous counties for the purpose of  
 15 considering consolidation with one or more of the  
 16 contiguous counties.

17 3. If two or more committees agree to a  
 18 consolidation of their respective counties, the  
 19 committees shall prepare a county charter plan as  
 20 provided in section 331.223 and provide for all of the  
 21 following in the charter or in a supplemental  
 22 agreement:

23 a. Liquidation or refinancing of existing bonded  
 24 indebtedness and other obligations of the counties.

25 b. Transfer or disposition of property and other  
 26 rights, assets, and claims of the affected counties.

27 c. The name of the consolidated county.

28 d. The name and location of one or more county  
 29 seats.

30 e. Transfer of county personnel and continuation  
 31 of salaries, benefits, collective bargaining  
 32 agreements, retirement rights, and related matters.

33 f. Recommendations for resolution of conflicting  
 34 or irreconcilable ordinances or resolutions of the  
 35 affected counties.

36 g. Consolidation of elective and appointive  
 37 offices, boards, commissions, or other agencies of the  
 38 counties included in the consolidated county.”

SHERZAN of Polk

H-6104

1 Amend the Senate amendment, H-5214, to House File  
2 278, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. By striking page 5, line 20 through page 6,  
5 line 13 and inserting the following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 331.224 COUNTY CHARTER  
7 PLAN AUTHORIZED - LIMITATIONS.

8 1. A county may adopt or amend a charter plan for  
9 the government of the county as provided in this  
10 chapter. The committee may submit a charter plan or  
11 amendment. An amendment may also be submitted by the  
12 board or upon petition as provided in section 331.225.

13 2. A county charter plan shall provide for the  
14 exercise of home rule power and authority and may  
15 include provisions for:

16 a. A board of an odd number of members which may  
17 exceed the number of members specified in section  
18 331.201.

19 b. A supervisor representation plan for the county  
20 which may differ from the supervisor representation  
21 plans specified in sections 331.206, and 331.208  
22 through 331.210.

23 c. The compensation for members of the board and  
24 other elected officers.

25 d. The appointment by the board of one or more of  
26 the county officers otherwise elected as provided in  
27 section 39.17.

28 e. The method of selecting officers of the board  
29 and fixing their terms of office which may differ from  
30 the requirements of section 331.211.

31 f. Determining meetings of the board and rules of  
32 procedure which may differ from the requirements of  
33 section 331.213 except the meetings shall be scheduled  
34 and conducted in compliance with chapter 21.

35 g. The method of combining the duties of elected  
36 county officers which may differ from the requirements  
37 of section 331.323.

38 h. The organization of county departments or  
39 agencies including, but not limited to, the county  
40 commission of veterans affairs organized under chapter  
41 250, a board of county public hospital trustees  
42 established under chapter 347 or 347A, and a county  
43 conservation board established under chapter 111A.  
44 The organization plan may provide for the abolition of  
45 a board or commission and the assumption of its powers  
46 and duties by the board of supervisors or another  
47 officer.

48 3. A county charter plan or amendment shall not  
49 contain a provision which relates to the levy or  
50 collection of a tax."



H-6107

1 Amend the Senate amendment, H-5214, to House File  
 2 278, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. By striking page 4, line 31 through page 5,  
 5 line 19 and inserting the following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 331.223 REFERENDUM -  
 7 EFFECTIVE DATE.

8 1. Upon receipt of a proposed charter plan of the  
 9 committee requiring a vote, the board shall direct the  
 10 county commissioner of elections to submit to the  
 11 qualified electors of the county at the next general  
 12 election the question of whether the proposed charter,  
 13 amendment, or other recommendation shall be adopted.  
 14 If a majority of the votes cast on the question is in  
 15 favor of the proposal, the proposal is adopted.

16 2. If a county charter plan is adopted:

17 a. The proposed charter plan shall take effect  
 18 July 1 following the general election at which it is  
 19 approved unless the charter plan provides a later  
 20 effective date. If the adopted charter plan provides  
 21 for a special election, the board shall direct the  
 22 county commissioner of elections to conduct the  
 23 election.

24 b. The adoption of the charter does not alter any  
 25 right or liability of the county in effect at the time  
 26 of the election at which the charter was adopted.

27 c. All departments and agencies shall continue to  
 28 operate until replaced.

29 d. All ordinances or resolutions in effect remain  
 30 effective until amended or repealed, unless they are  
 31 irreconcilable with the charter.

32 e. Upon the effective date of the charter, the  
 33 county shall adopt the charter by ordinance, and shall  
 34 file a copy of its charter with the secretary of  
 35 state, and maintain copies available for public  
 36 inspection.

37 3. If a county charter plan is adopted by the  
 38 electorate, a county charter plan proposing a change  
 39 in the number of supervisors shall not be submitted to  
 40 the electorate for three years.

41 4. Each recommendation of the committee requiring  
 42 a referendum shall be submitted as a separate issue on  
 43 the ballot."

SHERZAN of Polk

H-6112

1 Amend the Senate amendment, H-5214, to House File  
 2 278, as amended, passed, and reprinted by the House,  
 3 as follows:

- 4 1. Page 5, by striking lines 45 through 47.  
5 2. Page 6, by inserting after line 13 the fol-  
6 lowing:  
7 "Sec. \_\_\_\_\_. NEW SECTION. 331.225 COMBINING OR  
8 SHARING OF ELECTIVE OR APPOINTIVE OFFICES.  
9 1. Notwithstanding the requirements of section  
10 331.323, the committee may recommend the combining of  
11 the elective offices specified in section 331.323.  
12 The consolidation shall be effective January 1  
13 following the next general election at which the  
14 officer is elected to fill the combined office unless  
15 the committee recommends a later date. The election  
16 shall be called by the board as provided in section  
17 331.223.  
18 2. A committee may also meet with one or more  
19 other committees to consider one or more multicounty  
20 shared elective or appointive county offices. The  
21 recommendations of the committees shall be submitted  
22 by the respective boards at the next general election  
23 for voter approval. Upon approval of a majority of  
24 the voters in each affected county, the boards shall  
25 provide, by agreement under chapter 28E, for the  
26 sharing of the offices involved. Shared elective  
27 officers shall be elected as otherwise provided by law  
28 and shared appointive officers shall be appointed as  
29 provided by the agreement. The county officers whose  
30 duties may be shared include, but are not limited to,  
31 the following:  
32 a. Sheriff.  
33 b. Treasurer.  
34 c. Recorder.  
35 d. Auditor.  
36 e. Medical examiner.  
37 f. General relief director.  
38 g. County care facility administrator.  
39 h. Commissioner of veterans affairs.  
40 i. Director of social welfare.  
41 j. County assessor.  
42 k. County weed commissioner.  
43 l. County engineer.  
44 3. The committee shall also review the following  
45 options for sharing of functions, facilities, and  
46 personnel:  
47 a. Agreements adopted pursuant to chapter 28E.  
48 b. Civil defense functions under chapter 29C.  
49 c. County conservation board responsibilities  
50 under chapter 111A.

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- 1 d. Public health responsibilities under chapter  
2 137.

- 3 e. Mental health centers under chapter 230A.
- 4 f. County engineering responsibilities under
- 5 chapter 309.
- 6 g. City and county assessors under chapter 441.”

SHERZAN of Polk

H—6113

- 1 Amend Senate File 2314 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. By striking page 8, line 30 through page 9,
- 4 line 5.
- 5 2. Page 21, line 1, by striking the figure “1.”
- 6 3. Page 21, by striking lines 4 through 10.

VAN MAANEN of Mahaska

H—6114

- 1 Amend Senate File 2314 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 23, line 20, by striking the figure “4”
- 4 and inserting the following: “3”.
- 5 2. By striking page 23, line 33, through page 24,
- 6 line 3.

VAN MAANEN of Mahaska

H—6115

- 1 Amend Senate File 2314 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 23, line 20, by striking the words and
- 4 figure “subsections 2 through” and inserting the
- 5 following: “subsection”.
- 6 2. Page 23, line 20, by striking the word “are”
- 7 and inserting the word “is”.
- 8 3. Page 23, by striking lines 21 through 32.

VAN MAANEN of Mahaska

H—6123

- 1 Amend the Senate amendment, H—5214, to House File
- 2 278, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 15 through 24 and
- 5 inserting the following: “adding the following new
- 6 subsection:
- 7 NEW SUBSECTION. 16. “Committee” means a county
- 8 review committee created under section 331.218.”
- 9 2. By striking page 1, line 41 through page 2,
- 10 line 39 and inserting the following:
- 11 “Sec. \_\_\_\_\_. NEW SECTION. 331.218 COUNTY REVIEW
- 12 COMMITTEE CREATED.”

13 1. The board shall create a county review  
 14 committee each ten years commencing January 1, 1989.  
 15 The purpose of the county review committee is to study  
 16 and make recommendations for the functions,  
 17 organization, and structure of county government  
 18 subject to the requirements and limitations specified  
 19 in this chapter.

20 2. Within forty-five days after January 1, 1989,  
 21 and each ten years thereafter, the membership of the  
 22 committee shall be appointed as follows:

23 a. Two members shall be appointed by the board  
 24 from each state legislative district from a list of  
 25 three names submitted to it by each legislator whose  
 26 district is located in the county and in which a  
 27 majority of the constituency resides in the county.  
 28 Each state legislator shall submit names of persons  
 29 who reside within the county in which the review  
 30 committee is being appointed and within that state  
 31 legislator's district. However, if a county does not  
 32 have a legislative district which has a majority of a  
 33 legislator's constituency residing in the county, the  
 34 state representative and the state senator having the  
 35 largest plurality of constituents residing in the  
 36 county shall each nominate three persons.

37 b. One member shall be appointed by each member of  
 38 the board.

39 3. Each committee appointed under this section  
 40 shall have a minimum of nine members. If the  
 41 appointment procedures provided under subsection 2 do  
 42 not result in a minimum of nine members, the board  
 43 shall appoint the additional members.

44 4. A vacancy on the committee shall be filled by  
 45 appointment in the same manner as the original vacated  
 46 appointment was made. The county auditor shall notify  
 47 the appropriate appointing authority of the vacancy.

48 5. The committee shall be dissolved on its own  
 49 motion following completion of its work or on the date  
 50 of the next general election following its creation,

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1 whichever date comes first."

SHERZAN of Polk

H-6125

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

3 1. Page 9, by inserting after line 2, the  
 4 following:

5 "4. "Low-income" means an amount less than or  
 6 equal to one hundred fifty percent of the then current

7 poverty level as published by the federal department  
8 of health and human services in the federal register.  
9 5. "Moderate-income" means an amount less than or  
10 equal to three hundred percent of the then current  
11 poverty level as published by the federal department  
12 of health and human services in the federal register."  
13 2. By striking page 10, line 34 through page 11,  
14 line 3, and inserting the following: "within the  
15 bank's basic service area. Reporting of loans  
16 pursuant to this section, shall be done for each  
17 census tract within, in whole or in part, the bank's  
18 basic service area. The superintendent may by rule or  
19 decision determine criteria for designating particular  
20 census tracts as low-income or moderate-income  
21 neighborhoods consistent with the definitions of low-  
22 income and moderate-income in this chapter."  
23 3. Page 11, by inserting after line 3, the  
24 following:  
25 "4. Average loan to deposit ratio for the year of  
26 the report."

ROSENBERG of Story

H-6126

1 Amend the Senate amendment, H-4383, to House File  
2 649 as amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 4, by inserting after line 31, the  
5 following:  
6 "Sec. \_\_\_\_\_. There is created an interim legislative  
7 study committee for the purpose of studying the  
8 Uniform Fraudulent Transfer Act. The study shall at  
9 minimum, consider inclusion of provisions relating to  
10 the voiding of transfers to insiders; creditors'  
11 remedies against transferees; an applicable statute of  
12 limitations; a definition of insolvency; elimination  
13 of the "good faith" requirement; a statutory  
14 enumeration of "badges of fraud"; and defendant  
15 defenses for fraudulent transfers. The study shall  
16 determine whether there is an abuse of the use of  
17 exemptions, the effect of imposing the Uniform  
18 Fraudulent Transfer Act on persons and families who  
19 have financial problems, and its impact upon persons  
20 and financial institutions.  
21 The legislative council shall appoint the study  
22 committee members. The membership shall include  
23 members of both the senate and house of  
24 representatives from both political parties. The  
25 legislative council may appoint citizen members to the  
26 study committee including, but not limited to, persons  
27 who represent debtors and creditors as well as neutral  
28 experts having knowledge of the Uniform Fraudulent

29 Transfer Act. The study committee shall file a  
30 report, accompanied by bill drafts designed to carry  
31 out its recommendations, with the general assembly  
32 meeting in the year 1989."

33 2. Page 4, by inserting after line 33, the  
34 following:

35 "\_\_\_\_\_. Title page, line 2, by inserting after the  
36 word "revising" the following: ", and providing for a  
37 study of,".

38 3. By renumbering as necessary.

BRAMMER of Linn

H-6131

1 Amend Senate File 2019, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, line 20, by striking the words "part  
4 of a rescue unit" and inserting the following: "a  
5 member of an ambulance, rescue, or first response  
6 service".

7 2. Page 3, by inserting after line 26 the  
8 following:

9 "Sec. \_\_\_\_\_. Section 147A.1, subsection 1, paragraph  
10 e, Code 1987, is amended to read as follows:

11 e. Any other medical procedure approved by the  
12 board, by rule, as appropriate to be performed by  
13 advanced first responders, advanced EMTs, and  
14 paramedics who have been trained in that procedure.

15 Sec. \_\_\_\_\_. Section 147A.1, subsection 3, Code 1987,  
16 is amended to read as follows:

17 3. "Basic EMT" "Emergency medical technician-  
18 ambulance" means an individual who has satisfactorily  
19 completed the United States department of  
20 transportation's prescribed course for basic EMTs, as  
21 modified for this state, and adopted by rule by the  
22 board certified as provided in section 147.1,  
23 subsection 11, but who is not certified to perform any  
24 of the procedures listed in subsection 1.

25 Sec. \_\_\_\_\_. Section 147A.1, Code 1987, is amended by  
26 adding the following new subsection after subsection 3  
27 and renumbering the subsequent subsections:

28 NEW SUBSECTION. 4. "Advanced first responder"  
29 means an individual certified as provided in section  
30 147.1, subsection 9, who is also trained and certified  
31 by the board to use an automated external  
32 defibrillator.

33 Sec. \_\_\_\_\_. Section 147A.4, Code 1987, is amended to  
34 read as follows:

35 147A.4 RULEMAKING AUTHORITY.

36 1. The department shall adopt rules required or  
37 authorized by this chapter pertaining to the operation  
38 of ambulance services, and rescue squad services, and

39 first response services which have received  
40 authorization under section 147A.5 to utilize the  
41 services of certified advanced first responders,  
42 advanced EMTs, or paramedics. These rules shall  
43 include, but need not be limited to, requirements  
44 concerning physician supervision, necessary equipment  
45 and staffing, and reporting by ambulance services, and  
46 rescue squad services, and first response services  
47 which have received the authorization pursuant to  
48 section 147A.5.

49 2. The board shall adopt rules required or  
50 authorized by this chapter pertaining to the

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1 examination and certification of advanced first  
2 responders, advanced EMTs, and paramedics. These  
3 rules shall include, but need not be limited to,  
4 requirements concerning prerequisites, training, and  
5 experience for advanced first responders, advanced  
6 EMTs, and paramedics and procedures for determining  
7 when individuals have met these requirements.

8 The board shall establish the fee for the  
9 examination of the advanced first responders, advanced  
10 EMTs, and paramedics to cover the administrative costs  
11 of the examination program.

12 Sec. \_\_\_\_\_. Section 147A.5, subsections 1 and 3,  
13 Code 1987, are amended to read as follows:

14 1. An ambulance service, or rescue squad service,  
15 or first response service in this state regularly  
16 engaged in transporting patients, that desires to  
17 provide advanced emergency medical care before or  
18 during the transportation, of a patient shall apply to  
19 the department for authorization to establish a  
20 program utilizing certified advanced first responders,  
21 advanced EMTs, or paramedics for delivery of the care  
22 at the scene of an emergency, during transportation to  
23 a hospital, or while in the hospital emergency  
24 department, and until care is directly assumed by a  
25 physician or by authorized hospital personnel.

26 3. The department may deny an application for  
27 authorization to establish a program utilizing the  
28 services of certified advanced first responders,  
29 advanced EMTs, or paramedics, or may place on  
30 probation, suspend, or revoke existing authorization  
31 if the department finds reason to believe the program  
32 has not been or will not be operated in compliance  
33 with this chapter and the rules adopted pursuant to  
34 this chapter, or that there is insufficient assurance  
35 of adequate protection for the public. The denial or  
36 period of probation, suspension, or revocation shall  
37 be effected and may be appealed as provided by section

38 17A.12.

39 Sec. \_\_\_\_\_. Section 147A.6, Code 1987, is amended to  
40 read as follows:

41 147A.6 ADVANCED FIRST RESPONDER, ADVANCED EMT, AND  
42 PARAMEDIC CERTIFICATES – RENEWAL.

43 1. The board, upon application and receipt of the  
44 prescribed fee, shall issue a certificate attesting to  
45 the qualifications of an individual who has met all of  
46 the requirements for advanced first responder,  
47 advanced EMT, or paramedic certification established  
48 by the rules promulgated under section 147A.4,  
49 subsection 2.

50 2. An advanced first responder, advanced EMT, or

**Page 3**

1 paramedic certificate is valid for the multiyear  
2 period determined by the board, unless sooner  
3 suspended or revoked. The certificate shall be  
4 renewed upon application of the holder and receipt of  
5 the prescribed fee if the holder has satisfactorily  
6 completed continuing medical education programs as  
7 required by rule.

8 Sec. \_\_\_\_\_. Section 147A.7, subsection 1, unnumbered  
9 paragraph 1, Code 1987, is amended to read as follows:

10 The board may deny an application for issuance or  
11 renewal of an advanced first responder, advanced EMT,  
12 or paramedic certificate, or suspend or revoke the  
13 certificate when it finds that the applicant or  
14 certificate holder is guilty of any of the following  
15 acts or offenses:

16 Sec. \_\_\_\_\_. Section 147A.7, subsection 1, paragraphs  
17 j and k, Code 1987, are amended to read as follows:

18 j. Violating a statute of this state, another  
19 state, or the United States, without regard to its  
20 designation as either a felony or misdemeanor, which  
21 relates to the practice of an advanced first  
22 responder, advanced EMT, or paramedic. A copy of the  
23 record of conviction or plea of guilty is conclusive  
24 evidence of the violation.

25 k. Having certification to practice as an advanced  
26 first responder, advanced EMT, or paramedic revoked or  
27 suspended, or having other disciplinary action taken  
28 by a licensing or certifying authority of another  
29 state, territory, or country. A certified copy of the  
30 record or order of suspension, revocation, or  
31 disciplinary action is conclusive or prima facie  
32 evidence.

33 Sec. \_\_\_\_\_. Section 147A.8, Code 1987, is amended to  
34 read as follows:

35 147A.8 AUTHORITY OF CERTIFIED ADVANCED FIRST  
36 RESPONDER, ADVANCED EMT, OR PARAMEDIC.



- 37 An advanced first responder, advanced EMT, or  
 38 paramedic properly certified under this chapter may:  
 39 1. Render advanced emergency medical care, rescue,  
 40 and lifesaving services in those areas for which the  
 41 advanced first responder, advanced EMT, or paramedic  
 42 is certified, as defined and approved in accordance  
 43 with the rules of the board, at the scene of an  
 44 emergency, during transportation to a hospital or  
 45 while in the hospital emergency department, and until  
 46 care is directly assumed by a physician or by  
 47 authorized hospital personnel.  
 48 2. Function in any hospital when:  
 49 a. Enrolled as a student or participating as a  
 50 preceptor in a training program approved by the board;

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- 1 or  
 2 b. Fulfilling continuing education requirements as  
 3 defined by rule; or  
 4 c. Employed by or assigned to a hospital as a  
 5 member of an authorized ambulance service, ~~or~~ rescue  
 6 squad, or first response service, for prehospital  
 7 care, by rendering lifesaving services in the facility  
 8 in which employed or assigned pursuant to the advanced  
 9 first responder's, advanced EMT's, or paramedic's  
 10 certification and under the direct supervision of a  
 11 physician or registered nurse. When the physician or  
 12 registered nurse cannot directly assume emergency care  
 13 of the patient, the advanced first responder, advanced  
 14 EMT, or paramedic may perform without direct  
 15 supervision advanced emergency medical care procedures  
 16 for which that individual is certified if in the  
 17 judgment of the physician or registered nurse the life  
 18 of the patient is in immediate danger and such care is  
 19 required to preserve the patient's life; or  
 20 d. Employed by or assigned to a hospital as a  
 21 member of an authorized ambulance service, ~~or~~ rescue  
 22 squad, or first response service for prehospital care  
 23 to perform nonlifesaving procedures for which those  
 24 individuals have been trained and are designated in a  
 25 written job description. Such procedures may be  
 26 performed after the patient is observed by and when  
 27 the advanced first responder, advanced EMT, or  
 28 paramedic is under the supervision of the physician or  
 29 registered nurse and where the procedure may be  
 30 immediately abandoned without risk to the patient.  
 31 Sec. \_\_\_\_\_. Section 147A.10, Code 1987, is amended  
 32 to read as follows:  
 33 147A.10 EXEMPTIONS FROM LIABILITY IN CERTAIN  
 34 CIRCUMSTANCES.  
 35 1. A physician or physician's designee who gives

36 orders, either directly or via communications  
 37 equipment from some other point, to an appropriately  
 38 certified advanced first responder, advanced EMT, or  
 39 paramedic at the scene of an emergency, and an  
 40 appropriately certified advanced first responder,  
 41 advanced EMT, or paramedic following the orders, are  
 42 not subject to criminal liability by reason of having  
 43 issued or executed the orders, and are not liable for  
 44 civil damages for acts or omissions relating to the  
 45 issuance or execution of the orders unless the acts or  
 46 omissions constitute recklessness.

47 2. A physician, physician's designee, advanced  
 48 first responder, advanced EMT, or paramedic shall not  
 49 be subject to civil liability solely by reason of  
 50 failure to obtain consent before rendering emergency

**Page 5**

1 medical, surgical, hospital or health services to any  
 2 individual, regardless of age, when the patient is  
 3 unable to give consent for any reason and there is no  
 4 other person reasonably available who is legally  
 5 authorized to consent to the providing of such care.

6 3. An act of commission or omission of any  
 7 appropriately certified advanced first responder,  
 8 advanced EMT, or paramedic while rendering advanced  
 9 emergency medical care under the responsible  
 10 supervision and control of a physician to a person who  
 11 is deemed by them to be in immediate danger of serious  
 12 injury or loss of life, shall not impose any liability  
 13 upon the certified advanced first responder, advanced  
 14 EMT, or paramedic, the supervising physician, or any  
 15 hospital, or upon the state, or any county, city or  
 16 other political subdivision, or the employees of any  
 17 of these entities; provided that this section shall  
 18 not relieve any person of liability for civil damages  
 19 for any act of commission or omission which  
 20 constitutes recklessness.

21 Sec. \_\_\_\_\_. Section 147A.11, Code 1987, is amended  
 22 to read as follows:

23 147A.11 PROHIBITED ACTS.

24 1. Any person not certified as required by this  
 25 chapter who claims to be an advanced first responder,  
 26 advanced EMT, or a paramedic, or who uses any other  
 27 term to indicate or imply that the person is an  
 28 advanced first responder, advanced EMT, or a  
 29 paramedic, or who acts as an advanced first responder,  
 30 advanced EMT, or a paramedic without having obtained  
 31 the appropriate certificate under this chapter, is  
 32 guilty of a class "D" felony.

33 2. An owner of an unauthorized ambulance service,  
 34 ~~or~~ rescue squad service, or first response service in

35 this state who operates or purports to operate an  
 36 authorized ambulance service, ~~or~~ rescue squad services  
 37 service, or first response service, or who uses any  
 38 term to indicate or imply such authorization without  
 39 having obtained the appropriate authorization under  
 40 this chapter, is guilty of a class "D" felony.

41 3. Any person who imparts or conveys, or causes to  
 42 be imparted or conveyed, or attempts to impart or  
 43 convey false information concerning the need for  
 44 assistance of an ambulance service, ~~or~~ a rescue squad  
 45 service, or a first response service, or of any  
 46 personnel or equipment thereof, knowing such  
 47 information to be false, is guilty of a serious  
 48 misdemeanor.

49 Sec. \_\_\_\_\_. Section 147A.12, subsection 1, Code  
 50 1987, is amended to read as follows:

**Page 6**

1 1. This chapter does not restrict a registered  
 2 nurse, licensed pursuant to chapter 152, from staffing  
 3 an authorized ambulance service, ~~or~~ rescue squad  
 4 service, provided or first response service if the  
 5 registered nurse can document equivalency through  
 6 education and additional skills training essential in  
 7 the delivery of prehospital emergency care. The  
 8 equivalency shall be accepted when:

9 a. Documentation has been reviewed and approved at  
 10 the local level by the medical director of the  
 11 ambulance, ~~or~~ rescue squad service, or first response  
 12 service in accordance with the rules of the board of  
 13 nursing developed jointly with the board of medical  
 14 examiners.

15 b. Authorization has been granted to that  
 16 ambulance, ~~or~~ rescue squad service, or first response  
 17 service by the council."

18 3. Title page, by striking lines 1 and 2 and  
 19 inserting the following: "An Act relating to health  
 20 care personnel, providing for the credentialing and  
 21 regulation of respiratory care practitioners,  
 22 providing certain exemptions for ambulance, rescue,  
 23 and first response services, providing for the  
 24 certification of advanced first responders, making  
 25 penalties applicable, and providing properly related  
 26 matters."

27 4. By renumbering as necessary.

HAMMOND of Story  
 STROMER of Hancock  
 BLANSHAN of Greene  
 RENAUD of Polk  
 DE GROOT of Lyon

H-6132

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

3 1. Page 18, by inserting after line 16 the  
4 following:

5 "Sec. 717. 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 25, by inserting after line 10 the  
33 following:

34 "Sec. \_\_\_\_\_. PROSPECTIVE AND RETROACTIVE APPLI-  
35 CATION. Section 717, 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, line 8 by inserting before the  
45 word "and" the following: "allowing issuance of a  
46 temporary restricted permit in certain circumstances  
47 with prospective and retroactive application,".

H-6136

- 1 Amend Senate Amendment, H-6083, to House File 2414,
- 2 as passed by the House, as follows:
- 3 1. Page 1, line 42 by inserting before the word
- 4 "number" the following: "cumulative".

ADAMS of Hamilton

H-6144

- 1 Amend amendment, H-5992, to House File 2443 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "\_\_\_\_\_. Page 1, line 19, by striking the words
- 7 "general fund of the state" and inserting the
- 8 following: "fine paper antitrust fund".
- 9 \_\_\_\_\_. Page 1, line 33, by striking the words
- 10 "general fund of the state" and inserting the
- 11 following: "consumer education fund".
- 12 2. Renumber as necessary.

SPEAR of Lee

H-6148

- 1 Amend the Senate amendment, H-5992, to House File
- 2 2443, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 14.

SPEAR of Lee

H-6149

- 1 Amend Senate File 2321, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by inserting after line 16 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 99D.5, subsection 4, Code 1987,
- 6 is amended to read as follows:
- 7 4. Commission members are each entitled to receive
- 8 an annual salary of ~~three six thousand dollars until~~
- 9 ~~June 30, 1987, and thereafter are entitled to forty~~
- 10 ~~dollars per diem for each day actually spent in~~
- 11 ~~performing commission duties.~~ Members shall also be
- 12 reimbursed for actual expenses incurred in the
- 13 performance of their duties to a maximum of six
- 14 thousand dollars per year for each member. Each
- 15 member shall post a bond in the amount of ten thousand
- 16 dollars, with sureties to be approved by the governor,
- 17 to guarantee the proper handling and accounting of
- 18 moneys and other properties required in the

19 administration of this chapter. The premiums on the  
 20 bonds shall be paid as other expenses of the  
 21 commission."

CONNOLLY of Dubuque

H-6152

1 Amend Senate File 2092, as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Title page, line 8, by inserting after the  
 4 word "program" the following: "and providing an  
 5 effective date".

PARKER of Jasper

H-6156

1 Amend Senate File 93, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 4, line 22, by inserting after the word  
 4 "enterprise." the following: "A fraudulent  
 5 transaction includes, but is not limited to, a  
 6 transaction providing for a service charge, annual  
 7 percentage rate of interest, or other charge in excess  
 8 of the limits adopted by rule by the superintendent of  
 9 banking, or the superintendent's designee."  
 10 2. Page 4, by inserting after line 24, the  
 11 following:  
 12 "6. Failure to post applicable service charges,  
 13 loan closing costs, and the annual percentage rate of  
 14 interest in a prominent place on the business'  
 15 premises readily accessible for public inspection."  
 16 3. Page 8, by inserting after line 12, the  
 17 following:  
 18 "Sec. \_\_\_\_\_. NEW SECTION. 81.19A MAXIMUM RATES AND  
 19 CHARGES.  
 20 The superintendent of the division of banking, or  
 21 the superintendent's designee, shall adopt by rule,  
 22 maximum annual percentage rates of interest, service  
 23 charges, loan closing costs, or other charges, in an  
 24 amount reasonable in the circumstances, and calculated  
 25 to protect consumers from abusive rates, but  
 26 recognizing the risks and costs inherent in the  
 27 business."

HUMMEL of Benton

H-6158

1 Amend the Senate amendment H-5992, to House File  
 2 2443 as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by striking lines 8 through 14 and  
 5 inserting the following:

6 "June 30, 1989, the sum of two hundred thousand  
7 (200,000) dollars, or so much thereof as is necessary,  
8 which shall be used for the farm mediation service  
9 program." "

SPEAR of Lee

H-6159

1 Amend Senate File 2017 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 27, by striking the figure  
4 "601E.1" and inserting the following: "601E.1, unless  
5 the applicant has previously provided satisfactory  
6 evidence to the department that the owner of the  
7 vehicle is permanently handicapped in which case the  
8 furnishing of additional evidence shall not be  
9 required for renewal".

10 2. Page 4, by inserting before line 8 the  
11 following:

12 "Sec. \_\_\_\_\_. Section 601E.6, subsection 3, paragraph  
13 b, Code Supplement 1987, is amended to read as  
14 follows:

15 b. Requiring persons who seek permanent  
16 handicapped identification devices or handicapped  
17 identification stickers to furnish evidence upon  
18 initial application that they are permanently  
19 handicapped; and requiring persons who seek temporary  
20 handicapped identification devices to furnish evidence  
21 upon initial application that they are physically  
22 handicapped and, in addition, to furnish evidence at  
23 three-month intervals that they remain physically  
24 handicapped. A person who has provided satisfactory  
25 evidence to the department that the person is  
26 permanently handicapped shall not be required to  
27 furnish evidence of being handicapped at a later  
28 date."

HAMMOND of Story

H-6161

1 Amend Senate File 2312, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 20 the  
4 following:

5 "Sec. \_\_\_\_\_. Notwithstanding 1986 Iowa Acts, chapter  
6 1246, sections 102 and 103, moneys appropriated in  
7 those sections for the purposes specified in section  
8 102, subsections 6 and 7, and section 103, subsection

9 4, shall not revert to the general fund on June 30,  
 10 1988, but shall remain available for expenditure for  
 11 the purposes specified until June 30, 1989."

OLLIE of Clinton  
 FEY of Scott  
 JOHNSON of Winneshiek

H-6170

1 Amend the amendment, H-6013, to House File 2444 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. By striking page 2, line 49 through page 3,  
 5 line 14.

BLANSHAN of Greene  
 BEATTY of Warren  
 CARPENTER of Polk

H-6173

1 Amend amendment, H-5843, to Senate File 356, as  
 2 passed by the Senate, as follows:  
 3 1. Page 2, line 24, by inserting after the word  
 4 "dollars." the following: "However, a home food  
 5 establishment does not include a residence in which  
 6 food is prepared to be used or sold by churches,  
 7 fraternal societies, charitable organizations, or  
 8 civic organizations."

OSTERBERG of Linn  
 KREMER of Buchanan

H-6175

1 Amend the Senate amendment, H-6014, to House File  
 2 2440, as passed by the House, as follows:  
 3 1. Page 1, by inserting after line 9, the  
 4 following:  
 5 "\_\_\_\_\_. Page 13, by inserting after line 11, the  
 6 following:  
 7 "Sec. \_\_\_\_\_. Section 182.13, Code 1987, is amended  
 8 to read as follows:  
 9 182.13 COMPENSATION - MEETINGS - CONFLICT OF  
 10 INTEREST.  
 11 1. Members of the board may receive payment for  
 12 their actual expenses and travel in performing  
 13 official board functions. Payment shall be made from  
 14 amounts collected from the assessment. No member of  
 15 the board shall be a salaried employee of the board.  
 16 However, a member of the board may receive  
 17 compensation, including a salary, from or any an  
 18 organization or agency, including an educational  
 19 institution, receiving funds from the board. The



20 board shall meet at least once every three months, and  
 21 at other times it deems necessary.

22 2. The board shall meet at least once every three  
 23 months, and at other times as the board deems  
 24 necessary.

25 3. If a member of the board has a pecuniary  
 26 interest, either direct or indirect, in matter  
 27 considered by the board, the interest shall be  
 28 disclosed by the member to the board and the interest  
 29 shall be set forth in the minutes of a meeting of the  
 30 board. The member having the pecuniary interest shall  
 31 not participate in an action taken by the board with  
 32 respect to the matter.”

33 2. Page 1, line 11, by inserting before the word  
 34 “and” the following: “providing for the compensation  
 35 of certain board members.”

COOPER of Lucas

H—6176

1 Amend the amendment, H—6119, to Senate File 2312,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 7, line 29, by striking the word “HIGHER”  
 5 and inserting the following: “POSTSECONDARY”.

6 2. Page 7, line 30, by striking the word “higher”  
 7 and inserting the following: “postsecondary”.

8 3. Page 7, line 33, by striking the word “higher”  
 9 and inserting the following: “postsecondary”.

10 4. Page 7, by inserting after line 38 the  
 11 following:

12 “\_\_\_\_\_. An analysis of present and future needs of  
 13 Iowans for postsecondary education.”

14 5. Page 7, line 45, by striking the word “higher”  
 15 and inserting the following: “postsecondary”.

16 6. Page 7, line 48, by striking the word “higher”  
 17 and inserting the following: “postsecondary”.

18 7. Page 7, line 50, by striking the word “higher”  
 19 and inserting the following: “postsecondary”.

20 8. Page 8, line 2, by striking the word “higher”  
 21 and inserting the following: “postsecondary”.

22 9. Page 8, line 6, by striking the word “higher”  
 23 and inserting the following: “postsecondary”.

24 10. Page 8, line 14, by striking the word  
 25 “chairman” and inserting the following: “chair”.

26 11. Page 8, line 27, by striking the word  
 27 “November” and inserting the following: “July”.

28 12. Page 8, line 39, by striking the word  
 29 “chairman” and inserting the following: “chair”.

HAMMOND of Story

H-6178

- 1 Amend Senate File 2250, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by inserting after line 31, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 455B.304, Code Supplement 1987,  
 6 is amended by adding the following new unnumbered  
 7 paragraph:  
 8 NEW UNNUMBERED PARAGRAPH. The commission shall  
 9 adopt rules which prohibit the final disposal of  
 10 beverage containers as defined pursuant to section  
 11 455C.1, subsection 2, by a dealer, distributor, or  
 12 manufacturer of beverage containers, person operating  
 13 a redemption center for beverage containers, or an  
 14 agent of a dealer, distributor, manufacturer, or  
 15 redemption center, in a sanitary landfill."

SHOULTZ of Black Hawk

H-6180

- 1 Amend the amendment, H-6119, to Senate File 2312,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. By striking page 8, line 41 through page 9,  
 5 line 3.

DAGGETT of Adams

H-6186

- 1 Amend the amendment, H-6119, to Senate File 2312,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 33 through 35.  
 5 2. By striking page 2, line 47 through page 3,  
 6 line 9.

HAMMOND of Story  
 ROSENBERG of Story  
 HATCH of Polk  
 TEAFORD of Black Hawk  
 SHOULTZ of Black Hawk

H-6189

- 1 Amend the amendment, H-5987, to Senate File 2130,  
 2 as passed by the Senate, as follows:  
 3 1. Page 1, by striking lines 5 through 18 and in-  
 4 serting the following:  
 5 "Section 1. NEW SECTIQN. 476.18A CROSS-  
 6 SUBSIDIZATION ANNUAL REPORT.  
 7 A public utility or a rural electric cooperative  
 8 shall annually file with the board a report of the

9 receipts and expenditures of the public utility or  
 10 rural electric cooperative, including changes in rates  
 11 or charges which reflect the cross-subsidization of  
 12 interests of the public utility or rural electric  
 13 cooperative in addition to the service provided to its  
 14 customers."

ROSENBERG of Story

H-6197

1 Amend the amendment, H-5900, to Senate File 2262,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 4, the  
 5 following:  
 6 "\_\_\_\_\_. Page 1, line 8, by striking the word  
 7 "meat,".  
 8 \_\_\_\_\_ Page 1, line 27, by striking the word  
 9 "arsenic" and inserting the following: "arsenical"."  
 10 2. Page 1, by striking lines 5 through 8.  
 11 3. Page 1, by striking lines 11 through 15.

FOGARTY of Palo Alto  
 MUHLBAUER of Crawford  
 OSTERBERG of Linn

GRUHN of Dickinson  
 BRANSTAD of Winnebago  
 RUNNING of Linn  
 McKEAN of Jones  
 KREMER of Buchanan

H-6198

1 Amend the amendment, H-6013, to House File 2444, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 3, by striking line 16.

HALVORSON of Webster

H-6203

1 Amend the Senate amendment, H-4383, to House File  
 2 649, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. By striking page 1, line 3 through page 4,  
 5 line 15, and inserting the following:  
 6 "\_\_\_\_\_. By striking page 1, line 31 through page 2,  
 7 line 31, and inserting the following:  
 8 "Sec. \_\_\_\_\_. Section 627.6, subsection 6, Code 1987,  
 9 is amended by striking the subsection and inserting in  
 10 lieu thereof the following:  
 11 6. a. The interest of an individual in any  
 12 accrued dividend or interest, loan or cash surrender  
 13 value of, or any other interest in a life insurance  
 14 policy owned by the individual if the beneficiary of  
 15 the policy is the individual's spouse, child, or

16 dependent. However, the amount of the exemption shall  
 17 not exceed twenty-five thousand dollars in the  
 18 aggregate of any interest or value in insurance  
 19 acquired within two years of the date execution is  
 20 issued or exemptions are claimed, or additions within  
 21 the same time period to a prior existing policy which  
 22 additions are in excess of the amount necessary to  
 23 fund the amount of face value coverage of the policies  
 24 for the two-year period. For purposes of this  
 25 paragraph, acquisitions do not include interests in  
 26 new policies used to replace prior policies to the  
 27 extent of any accrued dividend or interest, loan or  
 28 cash surrender value of, or any other interest in the  
 29 prior policies at the time of their cancellation.

30 b. In the absence of a written agreement or  
 31 assignment to the contrary, upon the death of the  
 32 insured any benefit payable to the spouse, child, or  
 33 dependent of the individual under a life insurance  
 34 policy shall inure to the separate use of the  
 35 beneficiary independently of the insured's creditors.

36 c. A benefit or indemnity paid under an accident,  
 37 health, or disability insurance policy is exempt to  
 38 the insured or in case of the insured's death to the  
 39 spouse, child, or dependent of the insured, from the  
 40 insured's debts.

41 d. The avails of all policies of life, accident,  
 42 health, or disability insurance payable to the  
 43 surviving spouse are exempt from liability for all  
 44 debts of the beneficiary contracted prior to the death  
 45 of the insured, but the amount thus exempted shall not  
 46 exceed seventy-five thousand dollars in the  
 47 aggregate."

48 2. Page 4, line 28, by striking the figure "3"  
 49 and inserting the following: "6".

50 3. By renumbering as necessary.

CORBETT of Linn

H-6211

1 Amend House File 2463 as follows:

2 1. Page 1, lines 10 and 11, by striking the words  
 3 " , a local income surtax,".

4 2. Page 1, lines 15 and 16, by striking the words  
 5 " , a local income surtax,".

6 3. Page 2, line 11, by striking the words "  
 7 income surtax,".

8 4. Page 2, line 17, by striking the words "or an  
 9 income surtax".

10 5. Page 2, lines 19 and 20, by striking the words  
 11 " , an income surtax,".

12 6. Page 3, line 1, by striking the words "or  
 13 income surtax".

- 14 7. Page 3, lines 12 and 13, by striking the words  
 15 "a local income surtax,".  
 16 8. Page 3, line 17, by striking the words "a  
 17 local income surtax,".  
 18 9. Page 4, lines 23 and 24, by striking the words  
 19 "income surtax or".  
 20 10. Page 4, line 30, by striking the words  
 21 "income surtax or".  
 22 11. Page 5, line 7, by striking the words "The  
 23 rate of a local".  
 24 12. Page 5, by striking lines 8 through 10.  
 25 13. Page 5, line 11, by striking the words "case  
 26 of a county."  
 27 14. Page 6, line 20, by striking the word  
 28 "section," and inserting the following: "section."  
 29 15. Page 6, by striking lines 21 through 27.  
 30 16. By striking page 6, line 35 through page 9,  
 31 line 13.  
 32 17. Page 13, line 35, by striking the words and  
 33 figures "section 422B.7, subsection 3, or".  
 34 18. Title page, line 2, by striking the words "a  
 35 local option income surtax or".

BENNETT of Ida

H-6217

- 1 Amend the Senate amendment, H-4383, to House File  
 2 649 as amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. By striking page 1, line 3 through page 4,  
 5 line 23 and inserting the following:  
 6 "\_\_\_\_\_. Page 1, by striking line 19 and inserting  
 7 the following: "in value ~~two hundred dollars in any~~  
 8 ~~particular item or one~~".  
 9 \_\_\_\_\_. Page 1, by inserting after line 23 the  
 10 following:  
 11 "Sec. \_\_\_\_\_. Section 627.6, subsection 3, Code 1987,  
 12 is amended to read as follows:  
 13 3. Private libraries, family bibles, portraits,  
 14 pictures and paintings not to exceed ~~two hundred~~  
 15 ~~dollars in value for any particular item and one~~  
 16 thousand dollars in the aggregate.  
 17 Sec. \_\_\_\_\_. Section 627.6, subsection 5, Code 1987,  
 18 is amended to read as follows:  
 19 5. The debtor's interest, ~~not to exceed two~~  
 20 ~~hundred dollars in value in any particular item, in~~  
 21 household furnishings, household goods, and appliances  
 22 held primarily for the personal, family, or household  
 23 use of the debtor or a dependent of the debtor, not to  
 24 exceed in value two thousand dollars in the  
 25 aggregate."  
 26 \_\_\_\_\_. Page 2, line 4, by striking the word "five"

27 and inserting the following: "ten".  
 28 \_\_\_\_\_ Page 2, line 25, by striking the words  
 29 "benefit or indemnity" and inserting the following:  
 30 "avails".  
 31 2. Page 4, by striking lines 27 through 31 and  
 32 inserting the following:  
 33 "1. The provisions of this Act relating to  
 34 exemptions for the proceeds of a life insurance policy  
 35 payable upon the death of the insured apply to  
 36 proceeds payable on or after the effective date of  
 37 this Act.  
 38 2. The provisions of this Act relating to  
 39 exemptions for interests in life insurance policies,  
 40 other than interests in the proceeds of a policy  
 41 payable upon the death of the insured, apply to  
 42 interests acquired on or after January 1, 1988."  
 43 3. Renumber as necessary.

JAY of Appanoose  
 HALVORSON of Clayton

H-6218

1 Amend House File 2463 as follows:  
 2 1. Page 3, by striking lines 24 through 26 and  
 3 inserting the following: "specify the rate and the  
 4 effective date of the tax."  
 5 2. Page 3, line 27 by striking the word "relief."  
 6 3. Page 4, line 35, by inserting after the word  
 7 "expended." the following: "In the case of a county,  
 8 the amount of the local option revenues, except  
 9 vehicle tax revenues, specified on the ballot that  
 10 will be used for property tax relief shall be one  
 11 hundred percent."  
 12 4. Page 5, lines 6 and 7, by striking the words  
 13 "one-half of".  
 14 5. Page 5, line 32, by inserting after the word  
 15 "or" the following: ", in the case of a city, the".  
 16 6. Page 8, line 31, by striking the words "or  
 17 county".  
 18 7. Page 8, line 35, by inserting after the word  
 19 "subsection." the following: "The financial officer  
 20 of the county shall credit all local income surtax  
 21 revenues received to a special account for property  
 22 tax relief to be granted as provided in this  
 23 subsection."  
 24 8. Page 12, line 15, by striking the words "or  
 25 county".  
 26 9. Page 12, line 19, by inserting after the word  
 27 "subsection." the following: "The financial officer  
 28 of the county shall credit all local sales and

29 services tax revenues received to a special account  
 30 for property tax relief to be granted as provided in  
 31 this subsection."

BENNETT of Ida

H-6221

1 Amend the amendment, H-6013, to House File 2444 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 3, line 10, by inserting after the word  
 5 "Act." the following: "An interior designer  
 6 performing customary interior design services shall  
 7 not be deemed to be engaged in the unlawful practice  
 8 of architecture. Customary interior design services  
 9 include nonload bearing structural aspects of interior  
 10 space."

HAVERLAND of Polk  
 CHAPMAN of Linn  
 GRONINGA of Cerro Gordo

H-6222

1 Amend Senate File 2046, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 9, by striking the words "nine  
 4 thousand" and inserting the following: "eleven  
 5 thousand and more than twelve thousand five hundred".  
 6 2. Page 1, by striking line 15 and inserting the  
 7 following: "certified enrollment between eleven  
 8 thousand and twelve thousand five hundred pupils,  
 9 the".

METCALF of Polk  
 HANSEN of Woodbury

H-6224

1 Amend Senate File 2146, as passed by the Senate, as  
 2 follows:  
 3 1. Title page, by striking line 3.

McKEAN of Jones

H-6225

1 Amend Senate File 2304, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by striking line 33 and inserting the  
 4 following: "bill a county for services rendered to  
 5 the county, which the county is required to pay  
 6 pursuant to chapter 222, 229, 230, or 232, by the".

MUHLBAUER of Crawford  
 McKINNEY of Dallas

H-6227

1 Amend Senate File 2046 as amended, passed, and  
2 reprinted by the Senate as follows:

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

5 "Sec. \_\_\_\_\_. Section 275.12, subsection 2,  
6 paragraphs c and e, Code 1987, are amended to read as  
7 follows:

8 c. Election of not more than ~~one-half~~ two of the  
9 total number of school directors at large from the  
10 entire district and the remaining directors from and  
11 as residents of designated single-member or multi-  
12 member director districts into which the entire school  
13 district shall be divided on the basis of population  
14 for each director. In such case, all directors shall  
15 be elected by the electors of the entire school  
16 district. Changes in the boundaries of director  
17 districts shall not be made during a period commencing  
18 sixty days prior to the date of the annual school  
19 election.

20 e. In districts having seven directors, election  
21 of ~~three~~ two directors at large by the electors of the  
22 entire district, not more than one at each an annual  
23 school election, and election of the remaining  
24 directors as residents of and by the electors of  
25 individual geographic subdistricts established on the  
26 basis of population and identified as director  
27 districts. Boundaries of the subdistricts shall  
28 follow precinct boundaries, insofar as practicable,  
29 and shall not be changed less than sixty days prior to  
30 the annual school election."

31 2. Page 1, line 18, by inserting after the word  
32 "a." the following: "The director districts shall  
33 be drawn so that at least one member of the board is  
34 elected from a director district that comprises a  
35 substantial portion of the attendance area of each  
36 high school in the school district."

SHERZAN of Polk

H-6231

1 Amend Senate File 2046 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 8 and 9 and  
4 inserting the following:

5 "2A. If a proposed school district does not fall  
6 within the enrollment requirements of subsection 2B,  
7 the directors".

8 2. Page 1, by striking line 15 and inserting the  
9 following: "certified enrollment of less than ninety,



10 between three thousand eighty-five and three thousand  
 11 two hundred, or between eleven thousand and twelve  
 12 thousand five hundred pupils, the”.

METCALF of Polk

H-6251

1 Amend Senate File 2311, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 9, by striking lines 21 through 23 and  
 4 inserting the following: “multistate tax commission  
 5 if it is authorized by Act of the general assembly.”

FOGARTY of Palo Alto

H-6253

1 Amend the amendment, H-5860, to Senate File 2055,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 23, by striking the word  
 5 “fifteen” and inserting the following: “twenty-one”.  
 6 2. Page 1, line 31, by inserting after the word  
 7 “person.” the following: “A commercial applicator who  
 8 applies pesticides to agricultural land may, in lieu  
 9 of the requirement of direct supervision, elect to be  
 10 exempt from the certification requirements for a  
 11 period of twenty-one days, if the commercial  
 12 applicator has passed an open-book test developed by  
 13 the department of agriculture and land stewardship in  
 14 cooperation with the Iowa cooperative extension  
 15 service in agriculture and home economics.”

PAULIN of Plymouth

H-6257

1 Amend the amendment, H-5941, to Senate File 2263 as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, by striking lines 6 and 7 and  
 5 inserting the following:  
 6 “\_\_\_\_. Page 1, line 16, by inserting after the  
 7 word “with” the following: “section 99D.25A and”.”  
 8 2. Page 1, by striking lines 17 through 39 and  
 9 inserting the following:  
 10 ““Sec. \_\_\_\_\_. NEW SECTION. 99D.25A ADMINISTRATION  
 11 OF LASIX OR PHENYLBUTAZONE.  
 12 1. As used in this section unless the context  
 13 otherwise requires:  
 14 a. “Bleeder” means, according to its context,  
 15 either:  
 16 (1) A horse which, during a race or exercise, is  
 17 observed by the commission veterinarian or designee to

18 be shedding blood from one or both nostrils and in  
 19 which no upper airway injury is noted during an  
 20 examination by the commission veterinarian immediately  
 21 following such a race or exercise;

22 (2) A horse which, within one and one-half hours  
 23 of such a race or exercise, is observed by the  
 24 commission veterinarian, through visual or endoscopic  
 25 examination, to be shedding blood from the lower  
 26 airway; or

27 (3) A horse which has been certified as a bleeder  
 28 in another state.

29 b. "Bleeder list" means a tabulation of all  
 30 bleeders maintained by the commission veterinarian.

31 c. "Detention barn" means a secured structure  
 32 designated by the commission.

33 2. If a horse is to race with phenylbutazone in  
 34 its system, the trainer shall be responsible for  
 35 marking the information on the entry blank for each  
 36 race in which the horse shall use phenylbutazone.  
 37 Changes made after the time of entry must be submitted  
 38 on the prescribed form to the commission veterinarian  
 39 no later than scratch time.

40 3. Lasix may be administered to certified  
 41 bleeders. Upon request, any horse placed on the  
 42 bleeder list shall, in its next race, be permitted the  
 43 use of lasix. Once a horse has raced with lasix, it  
 44 must continue to race with lasix in all subsequent  
 45 races unless a request is made to discontinue the use.  
 46 If the use of lasix is discontinued, the horse shall  
 47 be prohibited from again racing with lasix unless it  
 48 is later observed to be bleeding. Requests for the  
 49 use of or discontinuance of lasix must be made to the  
 50 commission veterinarian by the horse's trainer or

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1 assistant trainer on a form prescribed by the  
 2 commission on or before the day of entry into the race  
 3 for which the request is made.

4 4. Once a horse has been permitted the use of  
 5 lasix, it must be brought to the detention barn for  
 6 treatment not less than four hours prior to scheduled  
 7 post time for the race in which it is entered to  
 8 start. Once at the detention barn, a horse shall  
 9 remain there until it is taken to the paddock to be  
 10 saddled or harnessed for a race.

11 5. A horse entered to race with lasix must be  
 12 treated at least four hours prior to post time. The  
 13 lasix shall be administered intravenously by a  
 14 veterinarian employed by the owner or trainer of the  
 15 horse under the visual supervision of the commission  
 16 veterinarian. The practicing veterinarian must

17 deposit with the commission veterinarian at the  
18 detention barn an unopened supply of lasix and sterile  
19 hypodermic needles and syringes to be used for the  
20 administrations. The dose level of lasix shall not  
21 exceed two hundred fifty milligrams per  
22 administration.” ”

HATCH of Polk  
OSTERBERG of Linn

H-6260

1 Amend House File 2444, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, lines 17 and 18, by striking the words  
4 “the offices of the clerks of the district court of  
5 the judicial department,”.

JOCHUM of Dubuque

H-6282

1 Amend the amendment, H-6248, to Senate File 2312,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by striking line 5 and inserting the  
5 following:  
6 “ “ .....\$116,120,286” ”.

HAMMOND of Story  
ROSENBERG of Story  
FOGARTY of Palo Alto

H-6296

1 Amend amendment H-6217 to Senate Amendment H-4383,  
2 to House File 649 as amended, passed and reprinted  
3 by the House as follows:  
4 1. Page 1, line 27, by striking the word “ten”  
5 and inserting the word “twenty-five”.

CORBETT of Linn

H-6306

1 Amend amendment, H-6217, to Senate amendment, H-  
2 4383, to House File 649, as amended, passed, and  
3 reprinted by the House as follows:  
4 1. Page 1, by striking lines 1 through 43 and  
5 inserting the following:  
6 “Amend the Senate amendment, H-4383, to House File  
7 649, as amended, passed, and reprinted by the House as  
8 follows:  
9 1. By striking page 1, line 3 through page 4,  
10 line 39 and inserting the following:  
11 “\_\_\_\_\_ Page 2, line 30, by striking the word

12 "fifteen" and inserting the following: "seventy-  
13 five".  
14 2. By renumbering as necessary." "

CORBETT of Linn

H—6307

1 Amend Senate File 2263 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. STUDY COMMISSION CREATED.  
6 1. There is established a commission to study the  
7 issues regarding the humane treatment of racing horses  
8 and dogs and the proper use and regulation of  
9 medications which can alter in any way the behavior,  
10 attitude, temperament, or performance of racing horses  
11 or dogs.  
12 2. The commission shall consist of fifteen members  
13 composed as follows:  
14 a. Five members of the house of representatives  
15 with three members selected by the speaker of the  
16 house and two members selected by the house minority  
17 leader.  
18 b. Five members of the senate with three members  
19 selected by the senate majority leader and two members  
20 selected by the senate minority leader.  
21 c. One member to represent the department of  
22 public safety.  
23 d. The state veterinarian or a designee.  
24 e. One member who is an active member of the Iowa  
25 federation of humane societies.  
26 f. One member to represent the state racing  
27 commission.  
28 g. One member to represent those persons currently  
29 licensed to conduct pari-mutuel betting in Iowa.  
30 3. Public members of the study commission shall  
31 receive a per diem of forty dollars and be reimbursed  
32 for travel and other expenses actually incurred in the  
33 performance of their official duties. Public  
34 employees who are members of the study commission  
35 shall be reimbursed for travel and other expenses  
36 actually incurred in the performance of their official  
37 duties.  
38 4. The cost of the study commission shall be  
39 reimbursed to the state by the state racing commission  
40 through a surcharge upon the license fee collected  
41 under section 99D.14, subsection 3.  
42 5. The study commission shall make its report to  
43 the general assembly on or before January 1, 1989."

OLLIE of Clinton  
FEY of Scott

H-6308

- 1 Amend House File 2463 as follows:
- 2 1. Page 2, line 11, by striking the words
- 3 "vehicle tax," and inserting the following: "vehicle
- 4 tax or".
- 5 2. Page 2, line 11, by striking the words ", or
- 6 sales and services tax".
- 7 3. Page 2, lines 16 and 17, by striking the words
- 8 "a local sales and services tax or".
- 9 4. Page 2, line 19, by striking the words "a
- 10 local sales and services tax,".
- 11 5. Page 2, line 35, by striking the word "a".
- 12 6. Page 3, line 1, by striking the words "local
- 13 sales and services tax or".
- 14 7. Page 3, line 12, by striking the word "tax,"
- 15 and inserting the following: "tax or".
- 16 8. Page 3, line 13, by striking the words "or a
- 17 local sales and services tax," and inserting the
- 18 following: "or a local sales and services tax,".
- 19 9. Page 3, line 17, by striking the word "tax,"
- 20 and inserting the following: "tax or".
- 21 10. Page 3, lines 17 and 18, by striking the
- 22 words "or a local sales and services tax," and
- 23 inserting the following: "or a local sales and
- 24 services tax,".
- 25 11. Page 4, line 24, by striking the words "or
- 26 sales and services tax".
- 27 12. Page 4, line 30, by striking the words "or
- 28 sales and services tax" and inserting the following:
- 29 "sales and services tax".
- 30 13. Page 5, lines 3 and 4, by striking the words
- 31 "The rate of a local sales and services tax shall" and
- 32 inserting the following: "The rate of a local sales
- 33 and services tax shall".
- 34 14. Page 5, by striking lines 5 through 7 and
- 35 inserting the following: "body. The rate of a
- 36 local".
- 37 15. Page 6, line 20, by striking the word
- 38 "section," and inserting the following: "section."
- 39 16. Page 6, by striking lines 21 through 27.
- 40 17. By striking page 9, line 14 through page 13,
- 41 line 26.
- 42 18. Page 13, line 35, by striking the words and
- 43 figure "or section 422B.10,".
- 44 19. Page 14, line 1, by striking the word and
- 45 figure "subsection 4,".
- 46 20. Page 14, by striking lines 8 through 25 and
- 47 inserting the following: "Notwithstanding the repeal
- 48 of the authorization to impose a local sales and
- 49 services tax under chapter 422B, those areas in which
- 50 a local sales and services tax is in effect on June

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1 30, 1988, may remain in effect as provided in this  
 2 section. The local sales and services taxes allowed  
 3 to remain in effect under this section are repealed  
 4 July 1, 1990, unless repealed sooner under the  
 5 provisions of section 422B.1 in effect on June 30,  
 6 1988. Local sales and services tax receipts shall be  
 7 distributed under the provisions of section 422B.10 in  
 8 effect on June 30, 1988."

9 21. Page 15, by inserting after line 5 the  
 10 following:

11 "Sec. \_\_\_\_\_. Sections 422B.8, 422B.9, and 422B.10,  
 12 Code 1987, are repealed July 1, 1988, except to the  
 13 extent provided in section 14 of this Act."

14 22. Title page, lines 2 and 3, by striking the  
 15 words "or a local option sales and services tax".

GRUHN of Dickinson  
 BLACK of Jasper  
 HALVORSON of Clayton  
 DE GROOT of Lyon  
 PELLETT of Cass  
 COOPER of Lucas  
 SCHRADER of Marion  
 PETERSEN of Muscatine

SKOW of Guthrie  
 KOENIGS of Mitchell  
 RENKEN of Grundy  
 HARBOR of Mills  
 LAGESCHULTE of Bremer  
 FOGARTY of Palo Alto  
 ROYER of Page  
 DAGGETT of Adams  
 MAY of Worth

H-6311

1 Amend Senate File 2263 as amended, passed, and  
 2 reprinted by the Senate, as follows:

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

5 "Sec. 3. Section 99D.25, Code 1987, is amended by  
 6 adding the following new subsection:

7 NEW SUBSECTION. 5. Any horse which in the opinion  
 8 of the commission veterinarian has suffered a  
 9 traumatic injury or disability such that a controlled  
 10 program of phenylbutazone administration would not aid  
 11 in restoring the racing soundness of the horse shall  
 12 not be allowed to have phenylbutazone administered."

13 2. By renumbering as necessary.

HOLVECK of Polk  
 LUNDBY of Linn  
 NEUHAUSER of Johnson  
 HATCH of Polk  
 OSTERBERG of Linn

H-6313

1 Amend House File 2463 as follows:

2 1. Page 2, line 32, by inserting after the figure

3 "3." the following: "a."

4 2. Page 3, line 3, by inserting after the word  
5 "petition," the following: "except as provided for  
6 contiguous cities in paragraph "b",".

7 3. Page 3, by inserting after line 9 the fol-  
8 lowing:

9 "b. A city council of a city that is contiguous to  
10 any other city, upon its motion or receipt of a  
11 petition as described in paragraph "a" for a local  
12 sales and services tax, shall provide public notice to  
13 each city council and the residents of any city  
14 contiguous to it and those cities contiguous to them  
15 that they have thirty days from the date of the public  
16 notice to adopt a motion or get a valid petition for  
17 the imposition of a local sales and services tax in  
18 such city to be affective at the same time. The city  
19 giving the notice and each city given notice which  
20 adopts a motion or receives a valid petition within  
21 the thirty-day period shall direct the county  
22 commissioner of elections to submit the question of  
23 the imposition of the local sales and services tax to  
24 the qualified electors of that city. If a majority of  
25 those voting on the question in a city favor the  
26 imposition, the tax shall be imposed as provided in  
27 subsection 6."

28 4. Page 5, line 17, by inserting after the word  
29 "proposition." the following: "When a ballot  
30 proposition for the imposition, repeal, or change in  
31 the rate or percentage amount of a local option tax  
32 has been submitted to the electors and the proposition  
33 fails to gain approval, such proposal, or any proposal  
34 related to the same local option tax, shall not be  
35 submitted to the electors for a period of six months  
36 from the date of the election."

37 5. Page 6, line 2, by inserting after the word  
38 "rate" the following: "or percentage amount".

39 6. Page 8, line 25, by striking the word "human".

40 7. Page 8, lines 26 and 27, by striking the words  
41 "including, but not limited to, the" and inserting the  
42 following: "of the kind and type of".

43 8. Page 12, line 9, by striking the word "human".

44 9. Page 12, line 11, by striking the words  
45 "including, but not limited to, the" and inserting the  
46 following: "of the kind and type of".

WISE of Lee

H-6314

1 Amend House File 2438 as follows:

2 1. Page 2, by striking lines 7 through 10.

SCHRADER of Marion

H—6317

- 1 Amend Senate File 56, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "firearms" the following: "composed of less than
- 5 sixty percent plastic or other nonmetal material".

HATCH of Polk

H—6320

- 1 Amend Senate File 56 as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "firearms" the following: "used for hunting and other
- 5 recreational purposes".

HATCH of Polk  
OSTERBERG of Linn

H—6324

- 1 Amend Senate File 56 as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "state." the following: "However, a political
- 5 subdivision may require the registration of handguns
- 6 owned or possessed by persons within the political
- 7 subdivision's jurisdiction."

HATCH of Polk  
OSTERBERG of Linn

H—6325

- 1 Amend House Resolution 104, as follows:
- 2 1. Page 10, line 5, by striking the words "The
- 3 chief".
- 4 2. Page 10, by striking lines 6 and 7.

CARPENTER of Polk  
HOLVECK of Polk  
DE GROOT of Lyon

H—6326

- 1 Amend House Resolution 103 as follows:
- 2 1. Page 5, by striking lines 7 through 13.

SVOBODA of Tama  
HARBOR of Mills  
HUMMEL of Benton



H-6327

- 1 Amend House Resolution 103, as follows:
- 2 1. Page 5, by striking lines 7 through 13.
- 3 2. By renumbering as necessary.

BENNETT of Ida  
 HERMANN of Scott  
 DE GROOT of Lyon

H-6329

- 1 Amend House File 2463, as follows:
- 2 1. Page 8, line 22, by inserting after the word
- 3 "city" the following: "or county".
- 4 2. Page 8, line 23, by inserting after the word
- 5 "city" the following: "or county".
- 6 3. Page 8, by striking lines 24 through 30 and
- 7 inserting the following: "surtax."
- 8 4. Page 12, line 6, by inserting after the word
- 9 "city" the following: "or county".
- 10 5. Page 12, line 7, by inserting after the word
- 11 "city" the following: "or county".
- 12 6. Page 12, by striking lines 8 through 14, and
- 13 inserting the following: "imposed the tax."

SCHNEKLOTH of Scott

H-6339

- 1 Amend the Amendment H-5941 to Senate File 2263 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 21, by striking the word "three"
- 5 and inserting the following: "two and two-tenths".

HOLVECK of Polk  
 CORBETT of Linn  
 DODERER of Johnson  
 McKEAN of Jones  
 HAMMOND of Story

H-6356

- 1 Amend House File 2463, as follows:
- 2 1. Page 8, line 25, by striking the word "human".
- 3 2. Page 8, lines 28 and 29, by striking the words
- 4 "paragraphs "a" through "h" and paragraph "o"."
- 5 3. Page 12, line 9, by striking the word "human".
- 6 4. Page 12, lines 12 and 13, by striking the
- 7 words "paragraphs "a" through "h" and paragraph "o"."

SCHNEKLOTH of Scott

H-6360

- 1 Amend amendment, H-6313, to House File 2463, as
- 2 follows:

- 3 1. Page 1, by inserting after line 42 the  
 4 following:  
 5 "\_\_\_\_\_. Page 8, lines 28 and 29, by striking the  
 6 words "paragraphs "a" through "h" and paragraph "o"."  
 7 2. Page 1, by inserting after line 46 the  
 8 following:  
 9 "\_\_\_\_\_. Page 12, lines 12 and 13, by striking the  
 10 words "paragraphs "a" through "h" and paragraph "o"."

SCHNEKLOTH of Scott

H-6366

- 1 Amend the amendment, H-6189, to Senate File 2130 as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, by striking line 7, and inserting the  
 4 following:  
 5 "A public utility, a rural electric cooperative, or  
 6 a municipality".  
 7 2. Page 1, line 12, by striking the words  
 8 "utility or" and inserting the following: "utility".  
 9 3. Page 1, line 13, by inserting after the word  
 10 "cooperative" the following: ", or a municipality".

VAN CAMP of Scott

H-6372

- 1 Amend Senate File 2321, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 12, by inserting after 16 the following:  
 4 "Sec. 20. Section 602.1505, Code 1987, is amended  
 5 to read as follows:  
 6 602.1505 DISTRICT COURT CLERK OFFICES - ~~SALARY~~  
 7 LIMITATION SALARIES.  
 8 1. The chief judge of each judicial district shall  
 9 set the salaries of the clerks of the district court  
 10 within the judicial district. ~~A clerk of the district~~  
 11 ~~court shall not receive a salary in excess of the~~  
 12 ~~highest salary paid to the county auditor, the county~~  
 13 ~~treasurer, or the county recorder in the county in~~  
 14 ~~which the clerk serves.~~  
 15 2. The annual salary of a deputy to a clerk of the  
 16 district court shall not exceed eighty percent of the  
 17 annual salary of the clerk of the district court.  
 18 3 2. A clerk of the district court shall set the  
 19 salaries of the deputy clerks and employees of that  
 20 office, subject to subsection 2 and to the approval of  
 21 the chief judge of the judicial district.  
 22 Sec. \_\_\_\_\_. Section 20 of this Act is effective  
 23 January 1, 1989."  
 24 2. By renumbering sections as required.

PETERSON of Carroll

H-6377

1 Amend the Senate amendment, H-6347, to House File  
2 2447 as amended, passed, and reprinted by the House as  
3 follows:

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

6 "\_\_\_\_\_. Page 11, by inserting after line 16 the  
7 following:

8 "As a condition, qualification, and limitation of  
9 the appropriation, if a function or functions of the  
10 collection service center is transferred to another  
11 department, the director of the department of  
12 management pursuant to section 8.39, may transfer the  
13 necessary funds to the appropriate department or  
14 departments."

JOCHUM of Dubuque

H-6381

1 Amend the Senate amendment, H-6063, to House File  
2 2326, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 3 through 11, and  
5 inserting the following:

6 "\_\_\_\_\_. Page 1, by inserting before line 1, the  
7 following:

8 "Section 1. Section 524.1805, Code 1987, is  
9 amended to read as follows:

10 524.1805 OUT-OF-STATE BANK HOLDING COMPANIES.

11 Nothing in this division shall be construed to This  
12 chapter does not authorize a bank holding company  
13 which is with respect to the state of Iowa an "out-of-  
14 state bank holding company", as defined or referred to  
15 in 12 U.S.C. § 1842(d), as amended to January 1, 1971  
16 1988, to acquire any of the voting shares of, any  
17 interest in, all or substantially all of the assets  
18 of, or power to control in any manner the election of  
19 any of the directors of any bank in this state, unless  
20 such one of the following specifically applies:

21 1. The bank holding company was on January 1,  
22 1971, registered with the federal reserve board as a  
23 bank holding company, and on that date owned at least  
24 two banks in this state, provided that this subsection  
25 does not authorize an out-of-state bank holding  
26 company satisfying these conditions to acquire an Iowa  
27 bank or a bank holding company owning one or more Iowa  
28 banks on or after the effective date of this Act  
29 unless an application for approval of that acquisition  
30 was filed with the federal reserve board prior to the  
31 date of enactment of this Act.

32 2. The acquisition is authorized by and approved

33 by the superintendent as provided in this chapter.

34 Sec. 2. NEW SECTION. 524.1901 DEFINITIONS.

35 As used in this division, unless the context  
36 otherwise requires:

37 1. "Bank holding company" means a bank holding  
38 company as defined or referred to in the federal Bank  
39 Holding Company Act of 1956, 12 U.S.C. § 1841 et seq.,  
40 as amended to January 1, 1988.

41 2. "Community Reinvestment Act" means the federal  
42 Community Reinvestment Act of 1977, 12 U.S.C. § 2901  
43 et seq., as amended to January 1, 1988.

44 3. "Iowa bank" means a state or national bank that  
45 has its principal place of business in this state.

46 4. "Out-of-state bank holding company" means an  
47 out-of-state bank holding company as defined or  
48 referred to in the federal Bank Holding Company Act of  
49 1956, 12 U.S.C. § 1842(d), as amended to January 1,  
50 1988.

**Page 2**

1 Sec. 3. NEW SECTION. 524.1902 LIMITATIONS.

2 1. This chapter authorizes, subject to  
3 limitations, conditions, and prior approval by the  
4 superintendent, the acquisition of an Iowa bank or a  
5 bank holding company owning or controlling one or more  
6 Iowa banks by an out-of-state bank holding company  
7 that is located in Minnesota or Nebraska. This  
8 chapter does not authorize the direct or indirect  
9 ownership or control, within the meaning of section  
10 524.1801, of an Iowa bank or a bank holding company  
11 owning or controlling one or more Iowa banks by an  
12 out-of-state bank holding company that is located,  
13 within the meaning of 12 U.S.C. § 1842(d), in any  
14 other state or that is itself owned or controlled  
15 directly or indirectly by an out-of-state bank holding  
16 company located in any other state.

17 2. This chapter does not authorize an out-of-state  
18 bank holding company that pursuant to this chapter has  
19 directly or indirectly acquired ownership or control  
20 of an Iowa bank or a bank holding company owning or  
21 controlling one or more Iowa banks to retain the  
22 interests so acquired if the state in which the out-  
23 of-state bank holding company is located changes to a  
24 state from which the out-of-state bank holding company  
25 would not have been authorized by this chapter to make  
26 that acquisition, or if the out-of-state bank holding  
27 company is acquired directly or indirectly by another  
28 bank holding company that is located, within the  
29 meaning of 12 U.S.C. § 1842(d), in a state from which  
30 it would not have been authorized by this chapter to  
31 make that acquisition.

32 3. For purposes of this chapter, an out-of-state  
33 bank holding company is deemed to be located in that  
34 state in which the aggregate deposits of its  
35 subsidiary commercial banks are greatest. A bank  
36 holding company that is itself directly or indirectly  
37 owned or controlled by another bank holding company is  
38 deemed to be located in that state in which the  
39 aggregate deposits of all subsidiary commercial banks  
40 directly or indirectly owned or controlled by the  
41 parent bank holding company are greatest.

42 Sec. 4. NEW SECTION. 524.1903 RESTRICTIONS.

43 1. An out-of-state bank holding company shall not  
44 acquire a bank or bank holding company if, following  
45 the acquisition, the Iowa banks owned or controlled by  
46 the out-of-state bank holding company would have, in  
47 the aggregate more than ten percent of the total time  
48 and demand deposits of all banks in this state, as  
49 determined by the superintendent on the basis of the  
50 most recent reports of the banks in the state to their

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1 supervisory authorities which are available at the  
2 time of the acquisition.

3 2. An out-of-state bank holding company shall not  
4 acquire any of the following:

5 a. A bank unless the bank has been in existence  
6 and continuously operated as a bank for five or more  
7 years.

8 b. A bank holding company unless each of its  
9 subsidiary banks has been in existence and  
10 continuously operated as a bank for five or more  
11 years.

12 c. An institution chartered as a bank under state  
13 or federal law unless the institution so acquired is  
14 authorized by law and by its articles of incorporation  
15 and its bylaws to and does in fact receive demand  
16 deposits, pay checks, and make commercial loans.

17 3. For purposes of subsection 2, a bank shall be  
18 considered to have been in existence and continuously  
19 operated as a bank for five or more years if either of  
20 the following apply:

21 a. The bank is a new bank as a result of a  
22 consolidation of banks each of which had been in  
23 existence and continuously operated as a bank for five  
24 or more years before the consolidation.

25 b. The bank was organized solely for the purpose  
26 of facilitating the acquisition of another bank that  
27 had been in existence and continuously operated as a  
28 bank for five or more years before the acquisition.

29 4. An Iowa bank that is acquired by an out-of-  
30 state bank holding company under the authority of

31 section 524.1905 shall not engage directly or through  
32 a subsidiary or affiliate in the activity of providing  
33 insurance or real estate services if it was not  
34 engaged in that activity prior to the acquisition,  
35 unless the superintendent grants a waiver of this  
36 restriction.

37 Sec. 5. NEW SECTION. 524.1904 PROTECTION FROM  
38 HOSTILE TAKEOVERS.

39 1. The board of directors of an Iowa bank or a  
40 bank holding company owning or controlling one or more  
41 Iowa banks may approve and file with the  
42 superintendent a resolution of the board of directors  
43 declaring that the bank or bank holding company is  
44 ineligible for acquisition by an out-of-state bank  
45 holding company. The resolution shall be effective  
46 from the time of filing and until the board of  
47 directors approves and files with the superintendent a  
48 resolution rescinding the resolution of ineligibility.  
49 No out-of-state bank holding company shall make an  
50 offer to purchase or acquire, directly or indirectly,

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1 voting shares of a bank or bank holding company for  
2 which a resolution of ineligibility is in effect, or  
3 voting shares of a bank holding company which owns or  
4 controls a bank for which a resolution of  
5 ineligibility is in effect, and any such offer shall  
6 be void.

7 2. An out-of-state bank holding company shall not  
8 acquire, directly or indirectly, any of the voting  
9 shares of an Iowa bank or a bank holding company  
10 owning or controlling one or more Iowa banks unless,  
11 before the acquisition, the board of directors of the  
12 bank or bank holding company has expressly recommended  
13 the acquisition to its shareholders.

14 Sec. 6. NEW SECTION. 524.1905 INTERSTATE  
15 ACQUISITIONS.

16 1. An out-of-state bank holding company that is  
17 located in Minnesota or Nebraska may directly or  
18 indirectly acquire all or a portion of the voting  
19 securities or other capital stock of, or any interest  
20 in all or substantially all of the assets of, or power  
21 to control in any manner the election of any of the  
22 directors of an Iowa bank or a bank holding company  
23 owning or controlling one or more Iowa banks if the  
24 laws of the state in which the out-of-state bank  
25 holding company is located authorize a bank holding  
26 company located in Iowa to acquire banks and bank  
27 holding companies located in that state.

28 2. An acquisition under this section is subject to  
29 application and approval requirements under sections

30 524.1906 and 524.1907.

31 Sec. 7. NEW SECTION. 524.1906 APPLICATION.

32 An out-of-state bank holding company which desires  
33 to make an acquisition as authorized by section

34 524.1905 shall file an application with the  
35 superintendent. The applicant shall pay to the  
36 superintendent an application fee to reimburse the  
37 banking division for costs and expenses incurred by  
38 the division and its employees in processing the  
39 application. The amount of the fee or the basis for  
40 determining the fee shall be as provided by the  
41 superintendent in rules adopted under chapter 17A.

42 The superintendent may require a deposit or partial  
43 payment of the total fee at the time an application is  
44 submitted. The application shall contain such  
45 information as the superintendent may prescribe by  
46 rule as necessary or appropriate. The applicant shall  
47 furnish to the superintendent all of the following:

48 1. Information establishing that the acquisition  
49 will promote the safety and soundness of the bank or  
50 bank holding company proposed to be acquired,

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1 including the subsidiary banks of the bank holding  
2 company proposed to be acquired.

3 2. Information demonstrating that the applicant  
4 intends to adequately meet the convenience and needs  
5 of the communities served by the bank or subsidiary  
6 banks of the bank holding company proposed to be  
7 acquired in accordance with the Community Reinvestment  
8 Act including, where applicable, information relating  
9 to the following:

10 a. Procedures proposed to be carried out by the  
11 banks or subsidiary banks of the bank holding company  
12 proposed to be acquired to ascertain the credit needs  
13 of the communities served by the banks or subsidiary  
14 banks of the bank holding company proposed to be  
15 acquired, including the extent of proposed efforts to  
16 communicate to such communities the credit services  
17 proposed to be provided by the banks or subsidiary  
18 banks of the bank holding company proposed to be  
19 acquired.

20 b. The extent of the proposed marketing and  
21 special credit-related programs to be conducted by the  
22 banks or subsidiary banks of the bank holding company  
23 proposed to be acquired to make the communities served  
24 by the banks or subsidiary banks of the bank holding  
25 company proposed to be acquired aware of the credit  
26 services proposed to be offered by them.

27 c. The extent of proposed participation by the  
28 board of directors of the bank or subsidiary banks of

29 the bank holding company proposed to be acquired in  
30 formulating the policies and reviewing the performance  
31 of the bank or subsidiary banks of the bank holding  
32 company proposed to be acquired in meeting the  
33 purposes of the Community Reinvestment Act.

34 d. The expected geographic distribution of credit  
35 extensions, credit applications, and credit denials of  
36 the bank or subsidiary banks of the bank holding  
37 company proposed to be acquired.

38 e. The proposed participation, including  
39 investments by the bank or subsidiary banks of the  
40 bank holding company proposed to be acquired in local  
41 community development and redevelopment projects or  
42 programs.

43 f. The expected ability of the bank or subsidiary  
44 banks of the bank holding company proposed to be  
45 acquired to meet various credit needs of the  
46 communities served by the banks or subsidiary banks of  
47 the bank holding company proposed to be acquired.

48 3. Proposed capital investment, loan, and dividend  
49 policies of the applicant, including a discussion of  
50 the range of consumer and business services which are

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1 proposed to be offered by the bank or subsidiary banks  
2 of the bank holding company proposed to be acquired  
3 and how the bank or subsidiary banks of the bank  
4 holding company proposed to be acquired proposes to  
5 meet the credit needs of individuals, small business,  
6 and agriculture in the communities served by them.

7 4. Any plans of the applicant to merge, sell the  
8 assets of, or liquidate the bank, bank holding  
9 company, or subsidiary banks of the bank holding  
10 company proposed to be acquired, or make any other  
11 major change in their business or corporate structure  
12 or management.

13 5. Information on how the proposed acquisition  
14 will result in net new benefits to Iowa or the  
15 communities served by the bank or subsidiary banks of  
16 the bank holding company proposed to be acquired.

17 6. Evidence of compliance by the subsidiary banks  
18 of the applicant in the states in which they are  
19 located with the Community Reinvestment Act and any  
20 applicable state community reinvestment statutes or  
21 rules.

22 **Sec. 8. NEW SECTION. 524.1907 SUPERINTENDENT OF**  
23 **BANKING — RESPONSIBILITIES.**

24 1. The superintendent, within ten days of receipt  
25 of an application by a regional bank holding company  
26 to make an acquisition authorized by section 524.1905,  
27 shall do one of the following:



28 a. Accept the application for processing if it is  
29 substantially complete.  
30 b. Request additional information necessary to  
31 complete the application.  
32 c. Return the application if it is substantially  
33 incomplete.  
34 2. If an application is accepted for processing,  
35 the superintendent shall immediately notify the  
36 applicant that the application is accepted for  
37 processing and publish notice of the application in  
38 the Iowa administrative bulletin.  
39 3. a. Consideration of an application under this  
40 section shall be according to procedures adopted by  
41 the superintendent in rules under chapter 17A. The  
42 rules shall require an evidentiary hearing that is  
43 open to the public and shall permit interested persons  
44 other than the parties to the application to intervene  
45 for purposes of submitting testimony and other  
46 evidence for the record. Reasonable prior notice of  
47 the hearing shall be published in the Iowa  
48 administrative bulletin. The rules may provide that a  
49 hearing be adjourned from time to time and reconvened  
50 at various locations within the state to accommodate

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1 the appearance of interested persons. Procedures  
2 governing an application under this section may be  
3 patterned after or incorporate laws and rules  
4 governing contested cases. A person who intervenes  
5 with respect to an application under this section  
6 shall have standing with respect to any appeal from  
7 the final decision.  
8 b. The superintendent may investigate the books,  
9 records, and financial affairs of the applicant and  
10 any affiliate of the applicant, and may make  
11 examinations, investigations, and inquiries as  
12 necessary to permit the consideration of an  
13 application under this section. The results of any  
14 examination, investigation, or inquiry shall be  
15 admissible at the hearing.  
16 4. The superintendent shall disapprove an  
17 application unless the laws of the state in which the  
18 applicant is located satisfy the reciprocity  
19 requirement of section 524.1905.  
20 5. The superintendent shall disapprove an  
21 application unless all of the subsidiary banks of the  
22 applicant satisfy the minimum capital requirements for  
23 banks as established by the federal reserve board for  
24 member banks and in effect on the date of the  
25 application, and unless those minimum capital  
26 requirements will be satisfied by all subsidiary

27 banks, including all Iowa banks to be acquired, if the  
28 application were to be approved.

29 6. In deciding whether to approve an application  
30 for an acquisition under this division, the  
31 superintendent shall consider all of the following:

32 a. Whether the subsidiary banks of the applicant  
33 are operated in a satisfactory manner.

34 b. Whether the financial condition of the  
35 applicant regional bank holding company or any of its  
36 subsidiary banks would jeopardize the financial  
37 stability of the bank or bank holding company proposed  
38 to be acquired.

39 c. Whether the proposed acquisition would result  
40 in a bank that has inadequate capital or poor earnings  
41 prospects.

42 d. Whether the subsidiary banks of the applicant  
43 have provided adequate and appropriate banking  
44 services in their communities, including services  
45 contemplated by the Community Reinvestment Act and any  
46 similar applicable state or local community  
47 reinvestment statutes.

48 e. Whether the applicant proposes to provide  
49 adequate banking services to meet the needs for  
50 banking services of the communities served by the bank

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1 or the subsidiary banks of the bank holding company  
2 proposed to be acquired, including services  
3 contemplated by the Community Reinvestment Act.

4 f. Whether the applicant proposes adequate  
5 activities to ascertain and adequately meet the credit  
6 needs of the communities served by the bank or the  
7 subsidiary banks of the bank holding company proposed  
8 to be acquired, including the extent of efforts to  
9 communicate the availability of all credit services  
10 offered.

11 g. Whether the applicant has plans or practices  
12 which would discourage applications for specific types  
13 of loans.

14 h. Whether there is a record of prohibited  
15 discriminatory or other illegal practices by the  
16 subsidiary banks of the applicant.

17 7. The superintendent shall issue an order either  
18 approving or disapproving an application. The order  
19 shall include findings of fact based upon the  
20 application, investigation, testimony and other  
21 evidence introduced at the hearing, and other evidence  
22 considered. The order must be justified by the  
23 findings of fact.

24 8. Appeals from a decision of the superintendent  
25 shall be pursuant to chapter 17A.

26 Sec. 9. NEW SECTION. 524.1908 BASIC SERVICES  
27 TRANSACTION ACCOUNT.

28 An Iowa bank directly or indirectly acquired by an  
29 out-of-state bank holding company on or after the  
30 effective date of this Act shall offer, on and after  
31 July 1, 1989, a basic services transaction account to  
32 eligible individuals. For purposes of this section:

33 1. "Basic services transaction account" means a  
34 transaction account that has no initial periodic  
35 service fees, allows at least six checks per month to  
36 be drawn on the account without charge, and allows at  
37 least six free electronic funds transfer transactions  
38 per month. The service fees for additional checks or  
39 electronic funds transfer transactions shall not  
40 exceed the lowest fee for similar services charged by  
41 the bank for accounts other than basic accounts.

42 2. "Eligible individual" means a person whose  
43 annual family income is less than the federal poverty  
44 income guidelines as published annually in the federal  
45 register by the United States department of health and  
46 human services.

47 The superintendent shall adopt rules under chapter  
48 17A to implement this section. The rules shall  
49 specify the means by which eligible individuals shall  
50 establish their identity and their eligibility under

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1 this section for purposes of requesting a basic  
2 services transaction account at a bank. A bank shall  
3 post a notice in the lobby of the bank disclosing the  
4 availability of accounts required by this section, and  
5 shall provide basic service transaction accounts when  
6 requested by those persons who establish their  
7 identity and eligibility as required by rules adopted  
8 under this section.

9 Sec. 10. NEW SECTION. 524.1909 DEVELOPMENTAL  
10 LOANS.

11 An Iowa bank directly or indirectly acquired by an  
12 out-of-state bank holding company on or after the  
13 effective date of this Act shall provide, on and after  
14 July 1, 1989, and within its community, a level of  
15 developmental loans as defined by the superintendent  
16 by rule. "Developmental loans" includes but is not  
17 limited to the following:

18 1. Loans for low and moderate income housing,  
19 loans to community development corporations, loans to  
20 small businesses, student education loans, and energy  
21 conservation loans.

22 2. Loans within a distressed area for commercial  
23 purposes, home loans, home improvement loans, and  
24 operating loans to family farmers. The superintendent

25 shall annually designate distressed areas. A  
 26 distressed area may be designated for a geographic  
 27 region smaller than a county. In designating a  
 28 distressed area, the superintendent shall consider the  
 29 unemployment rate, economic conditions, and credit  
 30 needs of the area.

31 Sec. 11. NEW SECTION. 524.1910 NONSEVERABILITY.

32 Sections 524.1902 through 524.1909 are enacted in  
 33 the exercise of the police powers of this state, and  
 34 the provisions of those sections are not severable.  
 35 If any court, administrative agency, or agency of this  
 36 state or of the United States determines that any  
 37 condition or requirement of those sections is invalid  
 38 or is unenforceable as against a bank or bank holding  
 39 company for any reason, then sections 524.1902 through  
 40 524.1909 shall be void, and any pending or subsequent  
 41 acquisition based upon the authority of section  
 42 524.1905 shall be ineffective. An acquisition  
 43 consummated under the authority of section 524.1905  
 44 prior to such a determination shall be effective  
 45 according to the terms and conditions of those  
 46 sections as they existed at the time of the  
 47 acquisition.

48 Sec. 12. NEW SECTION. 525.1 SHORT TITLE.

49 This chapter may be cited as the "Iowa Community  
 50 Reinvestment Act".

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1 Sec. 13. NEW SECTION. 525.2 DEFINITIONS.

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

4 1. "Basic service area" means the area determined  
 5 as provided in section 525.4.

6 2. "Iowa bank" means a state or national bank that  
 7 has its principal place of business in this state.

8 3. "Superintendent" means the superintendent of  
 9 banking appointed under chapter 524.

10 4. "Low-income" means an amount less than or equal  
 11 to one hundred fifty percent of the then current  
 12 poverty level as published by the federal department  
 13 of health and human services in the federal register.

14 5. "Moderate-income" means an amount less than or  
 15 equal to three hundred percent of the then current  
 16 poverty level as published by the federal department  
 17 of health and human services in the federal register.

18 Sec. 14. NEW SECTION. 525.3 COMMUNITY  
 19 REINVESTMENT RESPONSIBILITY.

20 An Iowa bank directly or indirectly acquired by an  
 21 out-of-state bank holding company on or after the ef-  
 22 fective date of this Act shall meet, on and after July  
 23 1, 1989, the credit needs of the community or

24 communities in which it is located, including low-  
25 income and moderate-income neighborhoods, as  
26 determined under section 525.5, and rural areas within  
27 the bank's basic service area, consistent with safe  
28 and sound operations of the bank.

29 **Sec. 15. NEW SECTION. 525.4 ANNUAL COMMUNITY**  
30 **REINVESTMENT DISCLOSURE REPORT AND PUBLIC NOTICE.**

31 An Iowa bank directly or indirectly acquired by an  
32 out-of-state bank holding company on or after the  
33 effective date of this Act shall submit to the  
34 superintendent, for periods of time commencing July 1,  
35 1989, an annual report in a form determined by the  
36 superintendent, which describes the following:

37 1. The credit needs of the community served by the  
38 bank, and the method by which this determination was  
39 made. The superintendent may by rule stipulate a  
40 method to determine the credit needs of a community  
41 served by a bank.

42 2. The methods used to market to the community the  
43 credit services offered by the bank.

44 3. A description of how services actually provided  
45 by the bank satisfied the needs described under  
46 subsection 1.

47 4. The bank's participation in local, state, and  
48 federal business and economic development programs,  
49 small business assistance programs, programs  
50 addressing the financial needs of minorities, and

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1 programs that meet the specific credit needs of rural  
2 communities, including but not limited to the rural  
3 economic development program and the rural  
4 agricultural diversification linked-deposit program.  
5 The superintendent may specify by rule which programs  
6 must be included in the report.

7 A bank shall delineate the local community or  
8 communities that comprise its basic service area. The  
9 basic service area so claimed is subject to the  
10 approval of the superintendent. The superintendent  
11 may order an expansion or contraction of a bank's  
12 basic service area if the superintendent finds the  
13 claimed area does not correspond to the territory in  
14 fact served by the bank. The superintendent shall  
15 adopt rules for determination of the basic service  
16 area based on a bank's facilities, business practices,  
17 and the location, distribution, and concentration of  
18 the bank's borrowers and depositors.

19 A bank shall provide a public notice in the lobby  
20 of each of its facilities which requests the public to  
21 submit comments to the bank regarding its community  
22 lending activities. Each bank shall maintain a file

23 open to public inspection which contains the five most  
 24 recent annual community reinvestment disclosure  
 25 reports, public comments received on its community  
 26 investment activities, and the bank's response to  
 27 those comments.

28 Sec. 16. NEW SECTION. 525.5 COMMUNITY  
 29 REINVESTMENT DISCLOSURE REQUIREMENTS.

30 An Iowa bank directly or indirectly acquired by an  
 31 out-of-state bank holding company on or after the  
 32 effective date of this Act and having more than ten  
 33 million dollars of assets, shall disclose as part of  
 34 its annual community reinvestment disclosure report  
 35 required by section 525.4 the following:

36 1. The number and aggregate dollar amount of  
 37 housing, commercial, small business, agricultural, and  
 38 consumer loans originated in the state in which the  
 39 bank's principal place of business is located.

40 2. The number and aggregate dollar amount of  
 41 housing, commercial, small business, agricultural, and  
 42 consumer loans originated in this state.

43 3. The number and aggregate dollar amount of  
 44 housing, commercial, small business, agricultural, and  
 45 consumer loans originated within low-income and  
 46 moderate-income neighborhoods within the bank's basic  
 47 service area. The superintendent may by rule or  
 48 decision determine criteria for designating particular  
 49 census tracts as low-income or moderate-income  
 50 neighborhoods consistent with the definitions of low-

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1 income and moderate-income in this chapter.

2 4. Average loan to deposit ratio for the year of  
 3 the report.

4 Sec. 17. NEW SECTION. 525.6 COMMUNITY  
 5 REINVESTMENT RATING SYSTEM.

6 The superintendent shall adopt rules, not later  
 7 than January 1, 1990, for a community reinvestment  
 8 rating system for Iowa banks directly or indirectly  
 9 acquired by out-of-state bank holding companies on or  
 10 after the effective date of this Act, to be based upon  
 11 a review of the information provided in a bank's  
 12 annual community reinvestment disclosure report, and  
 13 other information which the superintendent finds to be  
 14 relevant. The system must at minimum provide for an  
 15 unacceptable community reinvestment rating, a minimum  
 16 acceptable community reinvestment rating, and a top  
 17 rating for exemplary community reinvestment, and the  
 18 information shall be public information. The rating  
 19 system may contain more steps than an unacceptable  
 20 rating, a minimum acceptable rating, and an exemplary  
 21 rating.

22 Sec. 18. NEW SECTION. 525.7 ELIGIBILITY FOR  
23 PARTICIPATION IN CERTAIN STATE PROGRAMS CONDITIONED ON  
24 COMMUNITY REINVESTMENT GUIDELINES.

25 After July 1, 1990, unconditional eligibility for  
26 an Iowa bank acquired by an out-of-state bank holding  
27 company on or after the effective date of this Act to  
28 participate in the following programs is conditioned  
29 upon achieving a minimum acceptable community  
30 reinvestment rating under section 525.6 and preference  
31 as between those banks so acquired shall be given to  
32 banks achieving higher ratings, with the highest  
33 preferences given to banks with an exemplary rating:

- 34 1. Deposit of public funds, including state
- 35 treasury funds and the funds of political
- 36 subdivisions.
- 37 2. State loan guarantee programs.
- 38 3. State interest rate buy-down programs.
- 39 4. Other financial programs offered through the
- 40 use of state funds.

41 A bank not meeting a minimum acceptable community  
42 reinvestment rating may receive conditional approval  
43 for eligibility for such programs provided that the  
44 bank develops a proposal for improving its community  
45 reinvestment rating to an acceptable level within a  
46 period of no more than two years and the proposal is  
47 approved by the superintendent.

48 After July 1, 1990, eligibility for a bank acquired  
49 by an out-of-state bank holding company on or after  
50 the effective date of this Act to extend its service

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1 territory, acquire or merge with another financial  
2 institution, build or acquire a new facility, transfer  
3 a home office, or take other action requiring approval  
4 of the superintendent is conditioned upon achieving at  
5 least a minimum acceptable community reinvestment  
6 rating. The superintendent may by rule condition  
7 approval or degree of approval for an action requiring  
8 the superintendent's approval on higher community  
9 reinvestment ratings. However, the superintendent may  
10 grant approval for an action of a bank receiving less  
11 than an acceptable community reinvestment rating if  
12 the superintendent finds that the action is an  
13 essential part of a proposal approved by the  
14 superintendent for improving the bank's community  
15 reinvestment rating to an acceptable level within a  
16 period of no more than two years.

17 Sec. 19. NEW SECTION. 525.8 COMMUNITY  
18 REINVESTMENT TASK FORCE ESTABLISHED.

19 A community reinvestment task force is established  
20 to recommend a uniform community reinvestment rating

21 system to the superintendent of banking, the  
 22 superintendent of savings and loan associations, and  
 23 the superintendent of credit unions that will  
 24 encourage those financial institutions to invest in  
 25 their communities and to meet the requirements of this  
 26 chapter. The task force shall also recommend  
 27 appropriate uses of a rating system including  
 28 incentives and disincentives for various levels of  
 29 performance. The community reinvestment task force  
 30 shall be composed of seven individuals selected for  
 31 their knowledge of the financial needs of Iowa's  
 32 business, farm, and consumer communities, with none  
 33 having a financial interest in or position with a  
 34 financial institution. The majority and minority  
 35 leaders in the senate and the speaker and the minority  
 36 leader in the house of representatives shall each  
 37 appoint one member and the governor shall appoint  
 38 three members of the task force. The task force shall  
 39 report its recommendations to the superintendent of  
 40 banking, the superintendent of savings and loan  
 41 associations, and the superintendent of credit unions  
 42 not later than July 1, 1989, and submit proposed rules  
 43 to implement the recommendations. The superintendent  
 44 of banking, the superintendent of savings and loan  
 45 associations, the superintendent of credit unions, and  
 46 the legislative service bureau shall provide staff  
 47 support to the task force."

48 \_\_\_\_\_. Page 5, by striking lines 6 through 9 and  
 49 inserting the following:

50 "NEW SUBSECTION. 10. A foreign association shall

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1 not open or operate a branch office in this state. If  
 2 a state association or federal association having its  
 3 principal place of business in this state merges with  
 4 a foreign association, then that foreign association  
 5 shall no longer be a foreign association for purposes  
 6 of this subsection. This subsection is repealed  
 7 effective July 1, 1991."

8 \_\_\_\_\_. Page 5, by inserting after line 9 the  
 9 following:

10 "Sec. \_\_\_\_\_. The superintendent of banking shall  
 11 adopt rules under chapter 17A as required by this Act  
 12 according to the following priorities:

13 1. Rules necessary to facilitate and process ap-  
 14 plications under sections 524.1905, 524.1906, and  
 15 524.1907, to take effect as soon as possible after the  
 16 effective date of this Act.

17 2. Rules implementing sections 524.1908 and  
 18 524.1909, to take effect July 1, 1989.

19 3. Rules implementing sections 525.1 through



20 525.7, to take effect July 1, 1989, or such later date  
 21 as provided in those sections.

22 Sec. \_\_\_\_\_. Section 524.1907, subsection 5, of this  
 23 Act does not apply to any bank which is acquired under  
 24 the authority of this Act and which was subject to or  
 25 contemplated within a contract entered into on or  
 26 before July 1, 1984, pursuant to which an out-of-state  
 27 bank holding company directly or indirectly acquired  
 28 voting shares, an interest in all or substantially all  
 29 of the assets, or control of the bank or of a bank  
 30 holding company owning or controlling the bank.

31 Sec. \_\_\_\_\_. Sections 524.1901 through 524.1910 of  
 32 this Act are enacted as a new division XIX of chapter  
 33 524 of the Code, to be entitled "INTERSTATE BANK  
 34 OWNERSHIP". The Code editor shall redesignate chapter  
 35 524, division XIX, Code 1987, as chapter 524, division  
 36 XX, and shall renumber sections 524.1901 and 524.1902,  
 37 Code 1987, as sections 524.2001 and 524.2002,  
 38 respectively." "

39 4. Title page, line 1, by striking the words  
 40 "savings and loan associations" and inserting the  
 41 following: "the regulation of depository financial  
 42 institutions, including the regulation of the  
 43 interstate ownership, organization, reorganization,  
 44 dissolution, management, powers, privileges, duties,  
 45 obligations and responsibilities of depository  
 46 financial institutions".

47 5. By numbering and renumbering sections and  
 48 correcting internal references.

PARKER of Jasper  
 SKOW of Guthrie

H-6394

1 Amend the amendment, H-6381, to the Senate  
 2 amendment H-6063, to House File 2326, as amended,  
 3 passed, and reprinted by the House, as follows:

- 4 1. By striking page 1, line 6 through page 13,
- 5 line 47.
- 6 2. Page 14, by striking lines 8 through 46.
- 7 3. By renumbering as necessary.

HARBOR of Mills

H-6395

1 Amend the amendment, H-6381, to the Senate  
 2 amendment, H-6063, to House File 2326, as amended,  
 3 passed, and reprinted by the House, as follows:

- 4 1. Page 14, by striking lines 39 through 46.
- 5 2. By renumbering as necessary.

HARBOR of Mills

H-6404

- 1 Amend the House amendment, S-5801, to Senate File  
 2 2068, as amended, passed, and reprinted by the Senate,  
 3 as follows:
- 4 1. Page 1, by striking lines 3 through 6.
  - 5 2. Page 1, by striking lines 10 and 11.
  - 6 3. Page 1, lines 14 and 15, by striking the words  
 7 "municipal or industrial" and inserting the following:  
 8 "solid".
  - 9 4. Page 1, by striking line 22 and inserting the  
 10 following: "is in compliance with the rules adopted.  
 11 Sec. 2. NEW SECTION. 455B.313 RESTRICTION ON  
 12 SANITARY LANDFILL SERVICE AREA.  
 13 A city, county, or private agency operating a  
 14 sanitary landfill permitted under this part shall not  
 15 provide sanitary landfill service to the residents of  
 16 more than eight counties. The director shall revoke  
 17 the permit of any sanitary landfill operating in  
 18 violation of this section.
  - 19 Sec. 3. Section 2 of this Act applies  
 20 retroactively to any permit issued on or after January  
 21 1, 1988, for the construction or operation of a  
 22 sanitary landfill.
  - 23 Sec. 4. This Act, being deemed of immediate  
 24 importance, takes effect upon enactment."
  - 25 5. Page 1, by inserting after line 22 the  
 26 following:  
 27 "\_\_\_\_\_. Title page, by striking lines 1 and 2 and  
 28 inserting the following: "An Act relating to the  
 29 construction and operation of sanitary landfills,  
 30 providing for retroactive applicability, and providing  
 31 an effective date.""
  - 32 6. By renumbering, relettering, or redesignating  
 33 and correcting internal references as necessary.

Senate Amendment

H-6408

- 1 Amend the amendment, H-6400, to House File 2455, as  
 2 follows:
- 3 1. Page 1, line 13, by striking the words "health  
 4 care institutions and".
  - 5 2. Page 1, by inserting after line 25 the  
 6 following:  
 7 "d. Other changes affecting the professional  
 8 practice acts of the health professions."
  - 9 3. Page 3, line 27, by striking the words "health  
 10 care institutions and".
  - 11 4. Page 3, by inserting after line 39, the  
 12 following:  
 13 "d. Other changes affecting the professional

14 practice acts of the health professions.”  
 15 5. Page 4, line 23, by inserting before the words  
 16 “A panel” the following: “A study shall not be  
 17 assigned to a single expert under subsection 1,  
 18 subsection 2, or any other provision of this section  
 19 except by unanimous decision of the commission.”

SWARTZ of Marshall

H—6414

1 Amend the amendment, H—5782, to Senate File 376, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 21 through 24.

SCHNEKLOTH of Scott

H—6426

1 Amend amendment, H—5251, to Senate File  
 2 2108, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, line 4, by inserting after the word  
 5 “clause” the following: “and inserting the following:  
 6 “Section 1. Section 524.1805, Code 1987, is  
 7 amended to read as follows:  
 8 524.1805 OUT-OF-STATE BANK HOLDING COMPANIES.  
 9 Nothing in this division shall be construed to This  
 10 chapter does not authorize a bank holding company  
 11 which is with respect to the state of Iowa an “out-of-  
 12 state bank holding company”, as defined or referred to  
 13 in 12 U.S.C. § 1842(d), as amended to January 1, 1971  
 14 1988, to acquire any of the voting shares of, any  
 15 interest in, all or substantially all of the assets  
 16 of, or power to control in any manner the election of  
 17 any of the directors of any bank in this state, unless  
 18 such one of the following specifically applies:  
 19 1. The bank holding company was on January 1,  
 20 1971, registered with the federal reserve board as a  
 21 bank holding company, and on that date owned at least  
 22 two banks in this state, provided that this subsection  
 23 does not authorize an out-of-state bank holding  
 24 company satisfying these conditions to acquire an Iowa  
 25 bank or a bank holding company owning one or more Iowa  
 26 banks on or after the effective date of this Act  
 27 unless an application for approval of that acquisition  
 28 was filed with the federal reserve board prior to the  
 29 date of enactment of this Act.  
 30 2. The acquisition is authorized by and approved  
 31 by the superintendent as provided in this chapter.  
 32 Sec. 2. NEW SECTION. 524.1901 DEFINITIONS.  
 33 As used in this division, unless the context  
 34 otherwise requires:

35 1. "Bank holding company" means a bank holding  
36 company as defined or referred to in the federal Bank  
37 Holding Company Act of 1956, 12 U.S.C. § 1841 et seq.,  
38 as amended to January 1, 1988.

39 2. "Community Reinvestment Act" means the federal  
40 Community Reinvestment Act of 1977, 12 U.S.C. § 2901  
41 et seq., as amended to January 1, 1988.

42 3. "Iowa bank" means a state or national bank that  
43 has its principal place of business in this state.

44 4. "Out-of-state bank holding company" means an  
45 out-of-state bank holding company as defined or  
46 referred to in the federal Bank Holding Company Act of  
47 1956, 12 U.S.C. § 1842(d), as amended to January 1,  
48 1988.

49 Sec. 3. NEW SECTION. 524.1902 LIMITATIONS.

50 1. This chapter authorizes, subject to

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1 limitations, conditions, and prior approval by the  
2 superintendent, the acquisition of an Iowa bank or a  
3 bank holding company owning or controlling one or more  
4 Iowa banks by an out-of-state bank holding company  
5 that is located in Minnesota or Nebraska. This  
6 chapter does not authorize the direct or indirect  
7 ownership or control, within the meaning of section  
8 524.1801, of an Iowa bank or a bank holding company  
9 owning or controlling one or more Iowa banks by an  
10 out-of-state bank holding company that is located,  
11 within the meaning of 12 U.S.C. § 1842(d), in any  
12 other state or that is itself owned or controlled  
13 directly or indirectly by an out-of-state bank holding  
14 company located in any other state.

15 2. This chapter does not authorize an out-of-state  
16 bank holding company that pursuant to this chapter has  
17 directly or indirectly acquired ownership or control  
18 of an Iowa bank or a bank holding company owning or  
19 controlling one or more Iowa banks to retain the  
20 interests so acquired if the state in which the out-  
21 of-state bank holding company is located changes to a  
22 state from which the out-of-state bank holding company  
23 would not have been authorized by this chapter to make  
24 that acquisition, or if the out-of-state bank holding  
25 company is acquired directly or indirectly by another  
26 bank holding company that is located, within the  
27 meaning of 12 U.S.C. § 1842(d), in a state from which  
28 it would not have been authorized by this chapter to  
29 make that acquisition.

30 3. For purposes of this chapter, an out-of-state  
31 bank holding company is deemed to be located in that  
32 state in which the aggregate deposits of its  
33 subsidiary commercial banks are greatest. A bank

34 holding company that is itself directly or indirectly  
35 owned or controlled by another bank holding company is  
36 deemed to be located in that state in which the  
37 aggregate deposits of all subsidiary commercial banks  
38 directly or indirectly owned or controlled by the  
39 parent bank holding company are greatest.

40 Sec. 4. NEW SECTION. 524.1903 RESTRICTIONS.

41 1. An out-of-state bank holding company shall not  
42 acquire a bank or bank holding company if, following  
43 the acquisition, the Iowa banks owned or controlled by  
44 the out-of-state bank holding company would have, in  
45 the aggregate more than ten percent of the total time  
46 and demand deposits of all banks in this state, as  
47 determined by the superintendent on the basis of the  
48 most recent reports of the banks in the state to their  
49 supervisory authorities which are available at the  
50 time of the acquisition.

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1 2. An out-of-state bank holding company shall not  
2 acquire any of the following:

3 a. A bank unless the bank has been in existence  
4 and continuously operated as a bank for five or more  
5 years.

6 b. A bank holding company unless each of its  
7 subsidiary banks has been in existence and  
8 continuously operated as a bank for five or more  
9 years.

10 c. An institution chartered as a bank under state  
11 or federal law unless the institution so acquired is  
12 authorized by law and by its articles of incorporation  
13 and its bylaws to and does in fact receive demand  
14 deposits, pay checks, and make commercial loans.

15 3. For purposes of subsection 2, a bank shall be  
16 considered to have been in existence and continuously  
17 operated as a bank for five or more years if either of  
18 the following apply:

19 a. The bank is a new bank as a result of a  
20 consolidation of banks each of which had been in  
21 existence and continuously operated as a bank for five  
22 or more years before the consolidation.

23 b. The bank was organized solely for the purpose  
24 of facilitating the acquisition of another bank that  
25 had been in existence and continuously operated as a  
26 bank for five or more years before the acquisition.

27 4. An Iowa bank that is acquired by an out-of-  
28 state bank holding company under the authority of  
29 section 524.1905 shall not engage directly or through  
30 a subsidiary or affiliate in the activity of providing  
31 insurance or real estate services if it was not  
32 engaged in that activity prior to the acquisition,

33 unless the superintendent grants a waiver of this  
34 restriction.

35 Sec. 5. NEW SECTION. 524.1904 PROTECTION FROM  
36 HOSTILE TAKEOVERS.

37 1. The board of directors of an Iowa bank or a  
38 bank holding company owning or controlling one or more  
39 Iowa banks may approve and file with the  
40 superintendent a resolution of the board of directors  
41 declaring that the bank or bank holding company is  
42 ineligible for acquisition by an out-of-state bank  
43 holding company. The resolution shall be effective  
44 from the time of filing and until the board of  
45 directors approves and files with the superintendent a  
46 resolution rescinding the resolution of ineligibility.  
47 No out-of-state bank holding company shall make an  
48 offer to purchase or acquire, directly or indirectly,  
49 voting shares of a bank or bank holding company for  
50 which a resolution of ineligibility is in effect, or

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1 voting shares of a bank holding company which owns or  
2 controls a bank for which a resolution of  
3 ineligibility is in effect, and any such offer shall  
4 be void.

5 2. An out-of-state bank holding company shall not  
6 acquire, directly or indirectly, any of the voting  
7 shares of an Iowa bank or a bank holding company  
8 owning or controlling one or more Iowa banks unless,  
9 before the acquisition, the board of directors of the  
10 bank or bank holding company has expressly recommended  
11 the acquisition to its shareholders.

12 Sec. 6. NEW SECTION. 524.1905 INTERSTATE  
13 ACQUISITIONS.

14 1. An out-of-state bank holding company that is  
15 located in Minnesota or Nebraska may directly or  
16 indirectly acquire all or a portion of the voting  
17 securities or other capital stock of, or any interest  
18 in all or substantially all of the assets of, or power  
19 to control in any manner the election of any of the  
20 directors of an Iowa bank or a bank holding company  
21 owning or controlling one or more Iowa banks if the  
22 laws of the state in which the out-of-state bank  
23 holding company is located authorize a bank holding  
24 company located in Iowa to acquire banks and bank  
25 holding companies located in that state.

26 2. An acquisition under this section is subject to  
27 application and approval requirements under sections  
28 524.1906 and 524.1907.

29 Sec. 7. NEW SECTION. 524.1906 APPLICATION.

30 An out-of-state bank holding company which desires  
31 to make an acquisition as authorized by section

32 524.1905 shall file an application with the  
 33 superintendent. The applicant shall pay to the  
 34 superintendent an application fee to reimburse the  
 35 banking division for costs and expenses incurred by  
 36 the division and its employees in processing the  
 37 application. The amount of the fee or the basis for  
 38 determining the fee shall be as provided by the  
 39 superintendent in rules adopted under chapter 17A.  
 40 The superintendent may require a deposit or partial  
 41 payment of the total fee at the time an application is  
 42 submitted. The application shall contain such  
 43 information as the superintendent may prescribe by  
 44 rule as necessary or appropriate. The applicant shall  
 45 furnish to the superintendent all of the following:

- 46 1. Information establishing that the acquisition  
 47 will promote the safety and soundness of the bank or  
 48 bank holding company proposed to be acquired,  
 49 including the subsidiary banks of the bank holding  
 50 company proposed to be acquired.

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- 1 2. Information demonstrating that the applicant  
 2 intends to adequately meet the convenience and needs  
 3 of the communities served by the bank or subsidiary  
 4 banks of the bank holding company proposed to be  
 5 acquired in accordance with the Community Reinvestment  
 6 Act including, where applicable, information relating  
 7 to the following:
  - 8 a. Procedures proposed to be carried out by the  
 9 banks or subsidiary banks of the bank holding company  
 10 proposed to be acquired to ascertain the credit needs  
 11 of the communities served by the banks or subsidiary  
 12 banks of the bank holding company proposed to be  
 13 acquired, including the extent of proposed efforts to  
 14 communicate to such communities the credit services  
 15 proposed to be provided by the banks or subsidiary  
 16 banks of the bank holding company proposed to be  
 17 acquired.
  - 18 b. The extent of the proposed marketing and  
 19 special credit-related programs to be conducted by the  
 20 banks or subsidiary banks of the bank holding company  
 21 proposed to be acquired to make the communities served  
 22 by the banks or subsidiary banks of the bank holding  
 23 company proposed to be acquired aware of the credit  
 24 services proposed to be offered by them.
  - 25 c. The extent of proposed participation by the  
 26 board of directors of the bank or subsidiary banks of  
 27 the bank holding company proposed to be acquired in  
 28 formulating the policies and reviewing the performance  
 29 of the bank or subsidiary banks of the bank holding  
 30 company proposed to be acquired in meeting the

31 purposes of the Community Reinvestment Act.  
 32 d. The expected geographic distribution of credit  
 33 extensions, credit applications, and credit denials of  
 34 the bank or subsidiary banks of the bank holding  
 35 company proposed to be acquired.  
 36 e. The proposed participation, including  
 37 investments by the bank or subsidiary banks of the  
 38 bank holding company proposed to be acquired in local  
 39 community development and redevelopment projects or  
 40 programs.  
 41 f. The expected ability of the bank or subsidiary  
 42 banks of the bank holding company proposed to be  
 43 acquired to meet various credit needs of the  
 44 communities served by the banks or subsidiary banks of  
 45 the bank holding company proposed to be acquired.  
 46 3. Proposed capital investment, loan, and dividend  
 47 policies of the applicant, including a discussion of  
 48 the range of consumer and business services which are  
 49 proposed to be offered by the bank or subsidiary banks  
 50 of the bank holding company proposed to be acquired

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1 and how the bank or subsidiary banks of the bank  
 2 holding company proposed to be acquired proposes to  
 3 meet the credit needs of individuals, small business,  
 4 and agriculture in the communities served by them.  
 5 4. Any plans of the applicant to merge, sell the  
 6 assets of, or liquidate the bank, bank holding  
 7 company, or subsidiary banks of the bank holding  
 8 company proposed to be acquired, or make any other  
 9 major change in their business or corporate structure  
 10 or management.  
 11 5. Information on how the proposed acquisition  
 12 will result in net new benefits to Iowa or the  
 13 communities served by the bank or subsidiary banks of  
 14 the bank holding company proposed to be acquired.  
 15 6. Evidence of compliance by the subsidiary banks  
 16 of the applicant in the states in which they are  
 17 located with the Community Reinvestment Act and any  
 18 applicable state community reinvestment statutes or  
 19 rules.  
 20 **Sec. 8. NEW SECTION. 524.1907 SUPERINTENDENT OF**  
 21 **BANKING — RESPONSIBILITIES.**  
 22 1. The superintendent, within ten days of receipt  
 23 of an application by a regional bank holding company  
 24 to make an acquisition authorized by section 524.1905,  
 25 shall do one of the following:  
 26 a. Accept the application for processing if it is  
 27 substantially complete.  
 28 b. Request additional information necessary to  
 29 complete the application.



30 c. Return the application if it is substantially  
31 incomplete.

32 2. If an application is accepted for processing,  
33 the superintendent shall immediately notify the  
34 applicant that the application is accepted for  
35 processing and publish notice of the application in  
36 the Iowa administrative bulletin.

37 3. a. Consideration of an application under this  
38 section shall be according to procedures adopted by  
39 the superintendent in rules under chapter 17A. The  
40 rules shall require an evidentiary hearing that is  
41 open to the public and shall permit interested persons  
42 other than the parties to the application to intervene  
43 for purposes of submitting testimony and other  
44 evidence for the record. Reasonable prior notice of  
45 the hearing shall be published in the Iowa  
46 administrative bulletin. The rules may provide that a  
47 hearing be adjourned from time to time and reconvened  
48 at various locations within the state to accommodate  
49 the appearance of interested persons. Procedures  
50 governing an application under this section may be

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1 patterned after or incorporate laws and rules  
2 governing contested cases. A person who intervenes  
3 with respect to an application under this section  
4 shall have standing with respect to any appeal from  
5 the final decision.

6 b. The superintendent may investigate the books,  
7 records, and financial affairs of the applicant and  
8 any affiliate of the applicant, and may make  
9 examinations, investigations, and inquiries as  
10 necessary to permit the consideration of an  
11 application under this section. The results of any  
12 examination, investigation, or inquiry shall be  
13 admissible at the hearing.

14 4. The superintendent shall disapprove an  
15 application unless the laws of the state in which the  
16 applicant is located satisfy the reciprocity  
17 requirement of section 524.1905.

18 5. The superintendent shall disapprove an  
19 application unless all of the subsidiary banks of the  
20 applicant satisfy the minimum capital requirements for  
21 banks as established by the federal reserve board for  
22 member banks and in effect on the date of the  
23 application, and unless those minimum capital  
24 requirements will be satisfied by all subsidiary  
25 banks, including all Iowa banks to be acquired, if the  
26 application were to be approved.

27 6. In deciding whether to approve an application  
28 for an acquisition under this division, the

29 superintendent shall consider all of the following:

30 a. Whether the subsidiary banks of the applicant  
31 are operated in a satisfactory manner.

32 b. Whether the financial condition of the  
33 applicant regional bank holding company or any of its  
34 subsidiary banks would jeopardize the financial  
35 stability of the bank or bank holding company proposed  
36 to be acquired.

37 c. Whether the proposed acquisition would result  
38 in a bank that has inadequate capital or poor earnings  
39 prospects.

40 d. Whether the subsidiary banks of the applicant  
41 have provided adequate and appropriate banking  
42 services in their communities, including services  
43 contemplated by the Community Reinvestment Act and any  
44 similar applicable state or local community  
45 reinvestment statutes.

46 e. Whether the applicant proposes to provide  
47 adequate banking services to meet the needs for  
48 banking services of the communities served by the bank  
49 or the subsidiary banks of the bank holding company  
50 proposed to be acquired, including services

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1 contemplated by the Community Reinvestment Act.

2 f. Whether the applicant proposes adequate  
3 activities to ascertain and adequately meet the credit  
4 needs of the communities served by the bank or the  
5 subsidiary banks of the bank holding company proposed  
6 to be acquired, including the extent of efforts to  
7 communicate the availability of all credit services  
8 offered.

9 g. Whether the applicant has plans or practices  
10 which would discourage applications for specific types  
11 of loans.

12 h. Whether there is a record of prohibited  
13 discriminatory or other illegal practices by the  
14 subsidiary banks of the applicant.

15 7. The superintendent shall issue an order either  
16 approving or disapproving an application. The order  
17 shall include findings of fact based upon the  
18 application, investigation, testimony and other  
19 evidence introduced at the hearing, and other evidence  
20 considered. The order must be justified by the  
21 findings of fact.

22 8. Appeals from a decision of the superintendent  
23 shall be pursuant to chapter 17A.

24 **Sec. 9. NEW SECTION. 524.1908 BASIC SERVICES**  
25 **TRANSACTION ACCOUNT.**

26 An Iowa bank directly or indirectly acquired by an  
27 out-of-state bank holding company on or after the

28 effective date of this Act shall offer, on and after  
29 July 1, 1989, a basic services transaction account to  
30 eligible individuals. For purposes of this section:

31 1. "Basic services transaction account" means a  
32 transaction account that has no initial periodic  
33 service fees, allows at least six checks per month to  
34 be drawn on the account without charge, and allows at  
35 least six free electronic funds transfer transactions  
36 per month. The service fees for additional checks or  
37 electronic funds transfer transactions shall not  
38 exceed the lowest fee for similar services charged by  
39 the bank for accounts other than basic accounts.

40 2. "Eligible individual" means a person whose  
41 annual family income is less than the federal poverty  
42 income guidelines as published annually in the federal  
43 register by the United States department of health and  
44 human services.

45 The superintendent shall adopt rules under chapter  
46 17A to implement this section. The rules shall  
47 specify the means by which eligible individuals shall  
48 establish their identity and their eligibility under  
49 this section for purposes of requesting a basic  
50 services transaction account at a bank. A bank shall

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1 post a notice in the lobby of the bank disclosing the  
2 availability of accounts required by this section, and  
3 shall provide basic service transaction accounts when  
4 requested by those persons who establish their  
5 identity and eligibility as required by rules adopted  
6 under this section.

7 Sec. 10. NEW SECTION. 524.1909 DEVELOPMENTAL  
8 LOANS.

9 An Iowa bank directly or indirectly acquired by an  
10 out-of-state bank holding company on or after the  
11 effective date of this Act shall provide, on and after  
12 July 1, 1989, and within its community, a level of  
13 developmental loans as defined by the superintendent  
14 by rule. "Developmental loans" includes but is not  
15 limited to the following:

16 1. Loans for low and moderate income housing,  
17 loans to community development corporations, loans to  
18 small businesses, student education loans, and energy  
19 conservation loans.

20 2. Loans within a distressed area for commercial  
21 purposes, home loans, home improvement loans, and  
22 operating loans to family farmers. The superintendent  
23 shall annually designate distressed areas. A  
24 distressed area may be designated for a geographic  
25 region smaller than a county. In designating a  
26 distressed area, the superintendent shall consider the

27 unemployment rate, economic conditions, and credit  
28 needs of the area.

29 Sec. 11. NEW SECTION. 524.1910 NONSEVERABILITY.

30 Sections 524.1902 through 524.1909 are enacted in  
31 the exercise of the police powers of this state, and  
32 the provisions of those sections are not severable.  
33 If any court, administrative agency, or agency of this  
34 state or of the United States determines that any  
35 condition or requirement of those sections is invalid  
36 or is unenforceable as against a bank or bank holding  
37 company for any reason, then sections 524.1902 through  
38 524.1909 shall be void, and any pending or subsequent  
39 acquisition based upon the authority of section  
40 524.1905 shall be ineffective. An acquisition  
41 consummated under the authority of section 524.1905  
42 prior to such a determination shall be effective  
43 according to the terms and conditions of those  
44 sections as they existed at the time of the  
45 acquisition.

46 Sec. 12. NEW SECTION. 525.1 SHORT TITLE.

47 This chapter may be cited as the "Iowa Community  
48 Reinvestment Act".

49 Sec. 13. NEW SECTION. 525.2 DEFINITIONS.

50 As used in this chapter, unless the context

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1 requires otherwise:

2 1. "Basic service area" means the area determined  
3 as provided in section 525.4.

4 2. "Iowa bank" means a state or national bank that  
5 has its principal place of business in this state.

6 3. "Superintendent" means the superintendent of  
7 banking appointed under chapter 524.

8 4. "Low-income" means an amount less than or equal  
9 to one hundred fifty percent of the then current  
10 poverty level as published by the federal department  
11 of health and human services in the federal register.

12 5. "Moderate-income" means an amount less than or  
13 equal to three hundred percent of the then current  
14 poverty level as published by the federal department  
15 of health and human services in the federal register.

16 Sec. 14. NEW SECTION. 525.3 COMMUNITY  
17 REINVESTMENT RESPONSIBILITY.

18 An Iowa bank directly or indirectly acquired by an  
19 out-of-state bank holding company on or after the ef-  
20 fective date of this Act shall meet, on and after July  
21 1, 1989, the credit needs of the community or  
22 communities in which it is located, including low-  
23 income and moderate-income neighborhoods, as  
24 determined under section 525.5, and rural areas within  
25 the bank's basic service area, consistent with safe

26 and sound operations of the bank.

27 Sec. 15. NEW SECTION. 525.4 ANNUAL COMMUNITY  
28 REINVESTMENT DISCLOSURE REPORT AND PUBLIC NOTICE.

29 An Iowa bank directly or indirectly acquired by an  
30 out-of-state bank holding company on or after the  
31 effective date of this Act shall submit to the  
32 superintendent, for periods of time commencing July 1,  
33 1989, an annual report in a form determined by the  
34 superintendent, which describes the following:

35 1. The credit needs of the community served by the  
36 bank, and the method by which this determination was  
37 made. The superintendent may by rule stipulate a  
38 method to determine the credit needs of a community  
39 served by a bank.

40 2. The methods used to market to the community the  
41 credit services offered by the bank.

42 3. A description of how services actually provided  
43 by the bank satisfied the needs described under  
44 subsection 1.

45 4. The bank's participation in local, state, and  
46 federal business and economic development programs,  
47 small business assistance programs, programs  
48 addressing the financial needs of minorities, and  
49 programs that meet the specific credit needs of rural  
50 communities, including but not limited to the rural

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1 economic development program and the rural  
2 agricultural diversification linked-deposit program.  
3 The superintendent may specify by rule which programs  
4 must be included in the report.

5 A bank shall delineate the local community or  
6 communities that comprise its basic service area. The  
7 basic service area so claimed is subject to the  
8 approval of the superintendent. The superintendent  
9 may order an expansion or contraction of a bank's  
10 basic service area if the superintendent finds the  
11 claimed area does not correspond to the territory in  
12 fact served by the bank. The superintendent shall  
13 adopt rules for determination of the basic service  
14 area based on a bank's facilities, business practices,  
15 and the location, distribution, and concentration of  
16 the bank's borrowers and depositors.

17 A bank shall provide a public notice in the lobby  
18 of each of its facilities which requests the public to  
19 submit comments to the bank regarding its community  
20 lending activities. Each bank shall maintain a file  
21 open to public inspection which contains the five most  
22 recent annual community reinvestment disclosure  
23 reports, public comments received on its community  
24 investment activities, and the bank's response to

25 those comments.

26 Sec. 16. NEW SECTION. 525.5 COMMUNITY  
27 REINVESTMENT DISCLOSURE REQUIREMENTS.

28 An Iowa bank directly or indirectly acquired by an  
29 out-of-state bank holding company on or after the  
30 effective date of this Act and having more than ten  
31 million dollars of assets, shall disclose as part of  
32 its annual community reinvestment disclosure report  
33 required by section 525.4 the following:

34 1. The number and aggregate dollar amount of  
35 housing, commercial, small business, agricultural, and  
36 consumer loans originated in the state in which the  
37 bank's principal place of business is located.

38 2. The number and aggregate dollar amount of  
39 housing, commercial, small business, agricultural, and  
40 consumer loans originated in this state.

41 3. The number and aggregate dollar amount of  
42 housing, commercial, small business, agricultural, and  
43 consumer loans originated within low-income and  
44 moderate-income neighborhoods within the bank's basic  
45 service area. The superintendent may by rule or  
46 decision determine criteria for designating particular  
47 census tracts as low-income or moderate-income  
48 neighborhoods consistent with the definitions of low-  
49 income and moderate-income in this chapter.

50 4. Average loan to deposit ratio for the year of

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1 the report.

2 Sec. 17. NEW SECTION. 525.6 COMMUNITY  
3 REINVESTMENT RATING SYSTEM.

4 The superintendent shall adopt rules, not later  
5 than January 1, 1990, for a community reinvestment  
6 rating system for Iowa banks directly or indirectly  
7 acquired by out-of-state bank holding companies on or  
8 after the effective date of this Act, to be based upon  
9 a review of the information provided in a bank's  
10 annual community reinvestment disclosure report, and  
11 other information which the superintendent finds to be  
12 relevant. The system must at minimum provide for an  
13 unacceptable community reinvestment rating, a minimum  
14 acceptable community reinvestment rating, and a top  
15 rating for exemplary community reinvestment, and the  
16 information shall be public information. The rating  
17 system may contain more steps than an unacceptable  
18 rating, a minimum acceptable rating, and an exemplary  
19 rating.

20 Sec. 18. NEW SECTION. 525.7 ELIGIBILITY FOR  
21 PARTICIPATION IN CERTAIN STATE PROGRAMS CONDITIONED ON  
22 COMMUNITY REINVESTMENT GUIDELINES.

23 After July 1, 1990, unconditional eligibility for

24 an Iowa bank acquired by an out-of-state bank holding  
25 company on or after the effective date of this Act to  
26 participate in the following programs is conditioned  
27 upon achieving a minimum acceptable community  
28 reinvestment rating under section 525.6 and preference  
29 as between those banks so acquired shall be given to  
30 banks achieving higher ratings, with the highest  
31 preferences given to banks with an exemplary rating:

32 1. Deposit of public funds, including state  
33 treasury funds and the funds of political  
34 subdivisions.

35 2. State loan guarantee programs.

36 3. State interest rate buy-down programs.

37 4. Other financial programs offered through the  
38 use of state funds.

39 A bank not meeting a minimum acceptable community  
40 reinvestment rating may receive conditional approval  
41 for eligibility for such programs provided that the  
42 bank develops a proposal for improving its community  
43 reinvestment rating to an acceptable level within a  
44 period of no more than two years and the proposal is  
45 approved by the superintendent.

46 After July 1, 1990, eligibility for a bank acquired  
47 by an out-of-state bank holding company on or after  
48 the effective date of this Act to extend its service  
49 territory, acquire or merge with another financial  
50 institution, build or acquire a new facility, transfer

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1 a home office, or take other action requiring approval  
2 of the superintendent is conditioned upon achieving at  
3 least a minimum acceptable community reinvestment  
4 rating. The superintendent may by rule condition  
5 approval or degree of approval for an action requiring  
6 the superintendent's approval on higher community  
7 reinvestment ratings. However, the superintendent may  
8 grant approval for an action of a bank receiving less  
9 than an acceptable community reinvestment rating if  
10 the superintendent finds that the action is an  
11 essential part of a proposal approved by the  
12 superintendent for improving the bank's community  
13 reinvestment rating to an acceptable level within a  
14 period of no more than two years.

### 15 Sec. 19. NEW SECTION. 525.8 COMMUNITY 16 REINVESTMENT TASK FORCE ESTABLISHED.

17 A community reinvestment task force is established  
18 to recommend a uniform community reinvestment rating  
19 system to the superintendent of banking, the  
20 superintendent of savings and loan associations, and  
21 the superintendent of credit unions that will  
22 encourage those financial institutions to invest in

23 their communities and to meet the requirements of this  
24 chapter. The task force shall also recommend  
25 appropriate uses of a rating system including  
26 incentives and disincentives for various levels of  
27 performance. The community reinvestment task force  
28 shall be composed of seven individuals selected for  
29 their knowledge of the financial needs of Iowa's  
30 business, farm, and consumer communities, with none  
31 having a financial interest in or position with a  
32 financial institution. The majority and minority  
33 leaders in the senate and the speaker and the minority  
34 leader in the house of representatives shall each  
35 appoint one member and the governor shall appoint  
36 three members of the task force. The task force shall  
37 report its recommendations to the superintendent of  
38 banking, the superintendent of savings and loan  
39 associations, and the superintendent of credit unions  
40 not later than July 1, 1989, and submit proposed rules  
41 to implement the recommendations. The superintendent  
42 of banking, the superintendent of savings and loan  
43 associations, the superintendent of credit unions, and  
44 the legislative service bureau shall provide staff  
45 support to the task force.

46 Sec. 20. The superintendent of banking shall adopt  
47 rules under chapter 17A as required by this Act  
48 according to the following priorities:

49 1. Rules necessary to facilitate and process ap-  
50 plications under sections 524.1905, 524.1906, and

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1 524.1907, to take effect as soon as possible after the  
2 effective date of this Act.

3 2. Rules implementing sections 524.1908 and  
4 524.1909, to take effect July 1, 1989.

5 3. Rules implementing sections 525.1 through  
6 525.7, to take effect July 1, 1989, or such later date  
7 as provided in those sections.

8 Sec. 21. Section 524.1907, subsection 5, of this  
9 Act does not apply to any bank which is acquired under  
10 the authority of this Act and which was subject to or  
11 contemplated within a contract entered into on or  
12 before July 1, 1984, pursuant to which an out-of-state  
13 bank holding company directly or indirectly acquired  
14 voting shares, an interest in all or substantially all  
15 of the assets, or control of the bank or of a bank  
16 holding company owning or controlling the bank.

17 Sec. 22. Sections 524.1901 through 524.1910 of  
18 this Act are enacted as a new division XIX of chapter  
19 524 of the Code, to be entitled "INTERSTATE BANK  
20 OWNERSHIP". The Code editor shall redesignate chapter  
21 524, division XIX, Code 1987, as chapter 524, division



22 XX, and shall renumber sections 524.1901 and 524.1902,  
 23 Code 1987, as sections 524.2001 and 524.2002,  
 24 respectively.” ”

25 2. Title page, line 4, by striking the word  
 26 “regional”.

27 3. Title page, line 4, by inserting after the  
 28 word company,” the following: “providing community  
 29 reinvestment standards, requiring a community  
 30 reinvestment study.”.

PARKER of Jasper  
 SKOW of Guthrie

H—6427

1 Amend Senate File 2023, as amended, passed, and re-  
 2 printed by the Senate, as follows:

3 1. Page 12, by inserting after line 28 the fol-  
 4 lowing:

5 “Sec. \_\_\_\_\_. **NEW SECTION. 321G.13A VEHICLES**  
 6 **PROHIBITED IN STREAMBED – EXCEPTIONS.**

7 A person shall not operate an all-terrain vehicle  
 8 or other motor vehicle on any part of the bed or bank  
 9 of a meandered stream to the ordinary high water line  
 10 or nonmeandered navigable stream or river covered by  
 11 water. This section does not prohibit use of ford  
 12 crossings of public or private roads or any other ford  
 13 crossing when used for agricultural purposes. This  
 14 section does not prohibit operation of construction  
 15 vehicles engaged in lawful construction, repair, or  
 16 maintenance in a streambed.

17 The commission shall adopt rules identifying the  
 18 navigable streams and rivers in which an all-terrain  
 19 vehicle or other motor vehicle may be operated and  
 20 specifying the times of year for use of the streams  
 21 and rivers by the vehicles. The commission may exempt  
 22 participants of organized special events from this  
 23 section where the organized special event is approved  
 24 by a state or local authority.”

25 2. By renumbering sections as necessary.

BLACK of Jasper

H—6428

1 Amend Senate File 2023, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 12, line 28, by inserting after the word  
 4 “case.” the following: “This subsection does not  
 5 apply to a peace officer as defined in section 801.4  
 6 or to officers or employees of the department of

7 natural resources who are engaged in their official  
8 duties in research, management, or enforcement.”

BLACK of Jasper  
SCHRADER of Marion

H—6445

1 Amend House File 2450, as follows:  
2 1. Page 3, by inserting after line 24 the  
3 following:  
4 “Sec. \_\_\_\_\_. Section 422.7, Code Supplement 1987, is  
5 amended by adding the following new subsection:  
6 “NEW SUBSECTION. 28. Subtract, to the extent not  
7 already excluded, the first ten thousand dollars, in  
8 the case of a single taxpayer or married person filing  
9 separately, or the first twelve thousand dollars, in  
10 the case of all other filers, of any pension, annuity,  
11 or other retirement benefits received.”  
12 2. Title page, line 1, by inserting after the  
13 word “taxation” the following: “and exemption”.

HAMMOND of Story  
HUMMEL of Benton  
TEAFORD of Black Hawk  
RENKEN of Grundy  
SCHNEKLOTH of Scott  
MILLER of Cherokee  
MAULSBY of Calhoun  
CLARK of Cerro Gordo  
PELLETT of Cass  
HARPER of Black Hawk  
HERMANN of Scott  
EDDIE of Buena Vista  
GRUHN of Dickinson

DODERER of Johnson  
CHAPMAN of Linn  
DIEMER of Black Hawk  
HANSON of Delaware  
METCALF of Polk  
CARPENTER of Polk  
KOENIGS of Mitchell  
ROSENBERG of Story  
SPEAR of Lee  
STUELAND of Clinton  
PETERSEN of Muscatine  
NEUHAUSER of Johnson  
GRONINGA of Cerro Gordo  
KREMER of Buchanan

H—6454

1 Amend the amendment, H—6448, to the Senate  
2 amendment, H—4274, to House File 650, as amended,  
3 passed, and reprinted by the House as follows:  
4 1. Page 2, by inserting after line 37 the  
5 following:  
6 “Sec. \_\_\_\_\_. Section 299.6, Code 1987, is amended to  
7 read as follows:  
8 299.6 VIOLATIONS.  
9 Any person who shall violate any of the provisions  
10 of sections 299.1 to 299.5, inclusive, shall be guilty  
11 of a simple misdemeanor and the court shall order the  
12 person to perform not more than four hundred hours of

13 unpaid community service instead of any fine or  
 14 imprisonment."

15 2. By renumbering as necessary.

MULLINS of Kossuth  
 DODERER of Johnson  
 OSTERBERG of Linn

H-6461

1 Amend Senate File 56, as passed by the Senate, as  
 2 follows:

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

5 "Section 1. Section 306C.22, Code 1987, is amended  
 6 to read as follows:

7 306C.22 POLITICAL SIGNS.

8 1. It is the policy of this state to guarantee the  
 9 constitutional right to political freedom of  
 10 expression, and the provisions of this section  
 11 declaring lawful the placement of political signs on  
 12 public rights-of-way during election campaign periods  
 13 are intended to guard against excessive local  
 14 government encroachment upon this constitutional  
 15 right.

16 2. It shall be lawful to place political signs on  
 17 private property with permission of the owner or  
 18 person in charge of the property, or on any public  
 19 right-of-way with the permission of the owner or  
 20 person in charge of the adjacent property, at any time  
 21 during the period beginning forty-five days before the  
 22 date of the election to which the signs pertain and  
 23 ending on the day of the election, even if such  
 24 placement would otherwise be a violation of this  
 25 chapter. This section shall not be construed to  
 26 authorize placement of any political sign at any  
 27 location where it may, because of its size, location,  
 28 content or coloring constitute a traffic hazard or a  
 29 detriment to traffic safety by obstructing the vision  
 30 of drivers, by detracting from the visibility of any  
 31 traffic-control device or by being confused with an  
 32 authorized traffic-control device. The exemption from  
 33 provisions of this chapter granted by this section for  
 34 political signs shall expire on the seventh day  
 35 following the date of the election to which the signs  
 36 pertain. A municipal corporation shall adopt no  
 37 ordinance which prohibits the placement of political  
 38 signs on private property or on public rights-of-way  
 39 as permitted by this section during the period  
 40 beginning twenty-one days before the date of the  
 41 election to which the signs pertain, nor requires  
 42 removal of the political signs so placed less than  
 43 seven days after the date of that election."

- 44 3. As used in this section, "public right-of-way"  
 45 includes all rights-of-way whether located within or  
 46 outside the corporate limits of a municipality."  
 47 2. Title page, lines 1 and 2, by striking the  
 48 words "the regulation of firearms by a political  
 49 subdivision" and inserting the following:  
 50 "limitations on local government regulation of certain

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- 1 activities relating to the use of property".  
 2 3. By renumbering as necessary.

HALVORSON of Webster

## H-6482

- 1 Amend Senate File 2188, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 12, by striking the words "twelve  
 4 thirteen" and inserting the following: "twelve".  
 5 2. Page 1, by striking line 26.  
 6 3. Page 5, by striking line 23.

CARPENTER of Polk  
DODERER of Johnson  
GRONINGA of Cerro Gordo

## H-6496

- 1 Amend House File 2448, as amended, passed, and re-  
 2 printed by the House, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 422.45, subsection 26, Code  
 6 Supplement 1987, is amended to read as follows:  
 7 26. The gross receipts from the sale or rental, ~~on~~  
 8 ~~or after July 1, 1987,~~ of farm machinery and  
 9 equipment, including replacement parts ~~which are~~  
 10 ~~depreciable for state and federal income tax purposes,~~  
 11 if the following conditions are met:  
 12 a. The farm machinery and equipment shall be  
 13 directly and primarily used in production of  
 14 agricultural products.  
 15 b. The farm machinery and equipment shall  
 16 constitute self-propelled implements or implements  
 17 customarily drawn or attached to self-propelled  
 18 implements or the farm machinery or equipment is a  
 19 grain dryer.  
 20 c. The replacement part is essential to any repair  
 21 or reconstruction necessary to the farm machinery's or  
 22 equipment's exempt use in the production of  
 23 agricultural products.  
 24 Vehicles subject to registration, as defined in  
 25 section 423.1, or replacement parts for such vehicles,

26 shall not be eligible for this exemption.

27 Sec. 2. Section 422.45, subsection 22, Code  
28 Supplement 1987, is amended by adding the following  
29 new paragraph:

30 NEW PARAGRAPH. e. Community health centers as  
31 defined in 42 U.S.C.A. § 254c and migrant health  
32 centers as defined in 42 U.S.C.A. § 254b.

33 Sec. 3. Section 422.45, Code Supplement 1987, is  
34 amended by adding the following new subsections:

35 NEW SUBSECTION. 36. Gross receipts from the sale  
36 of tangible personal property to a nonprofit  
37 organization which was organized for the purpose of  
38 lending the tangible personal property to the general  
39 public for use by them for nonprofit purposes.

40 NEW SUBSECTION. 37. The gross receipts from the  
41 sale or rental of farm machinery or equipment,  
42 including replacement parts, and gross receipts from  
43 services rendered, furnished, or performed in  
44 repairing or reconstructing an implement if all of the  
45 following conditions are met:

46 a. The implement, machinery or equipment is  
47 directly and primarily used in livestock, poultry, or  
48 dairy production.

49 b. The implement is not a self-propelled implement  
50 or implement customarily drawn or attached to self-

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1 propelled implements.

2 c. The replacement part is essential to any repair  
3 or reconstruction necessary to the farm machinery's or  
4 equipment's exempt use in livestock, poultry, or dairy  
5 production.

6 NEW SUBSECTION. 38. The gross receipts from the  
7 sale or rental of tangible personal property or from  
8 services performed, rendered, or furnished to  
9 nonprofit legal aid organizations.

10 Sec. 4. Section 422.47, subsection 4, paragraph f,  
11 Code Supplement 1987, is amended to read as follows:

12 f. In this section, "fuel" includes gas,  
13 electricity, water, heat, steam, and any other  
14 tangible personal property consumed in creating heat,  
15 power, or steam. In this section, "fuel consumed in  
16 processing" means fuel used or disposed of for  
17 processing including grain drying, for providing heat  
18 or cooling for livestock buildings or for generating  
19 electric current, or consumed in self-propelled  
20 implements of husbandry engaged in agricultural  
21 production. In this subsection, "fuel exemption  
22 certificate" means an exemption certificate given by  
23 the purchaser under penalty of perjury to assist  
24 retailers in properly accounting for nontaxable sales

25 of fuel consumed in processing. In this subsection,  
 26 "substantial change" means a change in the use or  
 27 disposition of tangible personal property and services  
 28 by the purchaser such that the purchaser pays less  
 29 than ninety percent of the purchaser's actual sales  
 30 tax liability. A change includes a misstatement of  
 31 facts in an application made pursuant to paragraph "c"  
 32 or in a fuel exemption certificate.

33 Sec. 5. Section 422.47C, subsection 1, Code  
 34 Supplement 1987, is amended to read as follows:

35 1. Sales, services, and use taxes paid on repairs  
 36 to or reconstruction of implements or on the purchase  
 37 or rental of farm machinery or equipment, including  
 38 replacement parts which are depreciable for state and  
 39 federal income tax purposes, shall be refunded to the  
 40 owner, purchaser, or renter provided all of the  
 41 following conditions are met:

42 a. The repairs, reconstruction, purchase, or  
 43 rental was made on or after between July 1, 1987, and  
 44 June 30, 1988.

45 b. The tax was paid to the retailer or timely paid  
 46 to the department by the user if section 423.14 is  
 47 applicable.

48 c. The claim is filed on forms provided by the  
 49 department and is filed between July 1, 1988, and  
 50 September 1, for the previous calendar year 1988.

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1 d. The implements, machinery or equipment is  
 2 directly and primarily used in livestock or dairy  
 3 production.

4 e. The implement is not a self-propelled implement  
 5 or an implement customarily drawn or attached to a  
 6 self-propelled implement, and the machinery or  
 7 equipment is not a grain dryer, subject to an  
 8 exemption under section 422.45.

9 f. The replacement part is essential to any repair  
 10 or reconstruction necessary to the farm machinery's,  
 11 equipment's, or implement's exempt use in livestock or  
 12 dairy production.

13 Sec. 6. The department of revenue and finance, in  
 14 conjunction with the legislative fiscal bureau and the  
 15 department of economic development, shall prepare a  
 16 report for the general assembly and governor on the  
 17 net impact of the current state sales, services, and  
 18 use tax policy on the gross receipts from repairs and  
 19 replacement parts for vehicles, defined in section  
 20 321.1, subsections 4, 6, 8, 9, and 10, which are used  
 21 substantially in interstate commerce. The reports  
 22 shall include, but not be limited to, the following:

23 1. Review of other states' policies and actions.

24 2. Impact on businesses located in Iowa and of  
 25 attracting interstate businesses to Iowa.  
 26 3. Impact on businesses doing business outside of  
 27 Iowa.  
 28 4. Fairness of taxing businesses that get repairs  
 29 and replacement parts from a retailer in relation to  
 30 the businesses that provide the repairs and parts  
 31 within their company structure and including a review  
 32 of the current practice of major firms.  
 33 The report shall be completed and provided to the  
 34 general assembly and governor by January 15, 1989.  
 35 Sec. 7. Section 3 of this Act is retroactive to  
 36 January 1, 1984.”  
 37 2. Title page, by striking lines 1 through 9 and  
 38 inserting the following: “An Act relating to the  
 39 sales, services, and use tax on the gross receipts  
 40 from the sale of tangible personal property or  
 41 services rendered by providing exemptions from the tax  
 42 for sales or services to nonprofit organizations which  
 43 are organized for the purpose of lending personal  
 44 property to the general public for use for nonprofit  
 45 purposes, to community and migrant health centers,  
 46 legal aid corporations and certain farm machinery,  
 47 equipment and implements; requiring a report on the  
 48 net impact of the current sales, services, and use tax  
 49 policy on providing repairs to or the sale of  
 50 replacement parts for certain vehicles used

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1 substantially in interstate commerce; and providing a  
 2 retroactive effective date.”

Senate Amendment

H-6499

1 Amend Senate File 2263 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 22 the  
 4 following:  
 5 “Sec. 3. Section 99D.25, Code 1987, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 5. Phenylbutazone may not be  
 8 administered to a horse within one hundred sixty-eight  
 9 hours of the start of a race in which the horse is  
 10 entered.”  
 11 2. By renumbering as required.

HOLVECK of Polk

H-6507

1 Amend the Amendment H-5941 to Senate File 2263 as  
 2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, line 21, by striking the word "three"  
5 and inserting the following: "two".

HOLVECK of Polk

H-6512

1 Amend House Concurrent Resolution No. 130, as  
2 follows:

- 3 1. Page 1, by striking line 6 and inserting the  
4 following:  
5 "at a certain department of corrections  
6 institution."  
7 2. Page 2, by striking lines 2 through 4 and  
8 inserting the following: "effectiveness of the state  
9 correctional system, request is made to authorize  
10 the".  
11 3. Page 2, by striking lines 7 through 10 and  
12 inserting the following: "of acquiring real or  
13 personal property to add two hundred medium security  
14 beds at Augusta prison farm at Fort Madison and the  
15 cost of".

SPEAR of Lee

H-6517

1 Amend House File 2189 as amended, passed and  
2 reprinted by the House as follows:

- 3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 232.71, subsection 3, Code  
6 Supplement 1987, is amended to read as follows:  
7 3. The investigation may with the consent of the  
8 parent or guardian include a visit to the home of the  
9 child or with the consent of the administrator of a  
10 facility include a visit to the facility providing  
11 care to the child named in the report and examination  
12 of the child. The investigator may interview the  
13 child, but permission to examine the child may only be  
14 given by the parent or guardian of the child, and if  
15 if permission to enter the home or facility and to  
16 examine the child is refused, the juvenile court or  
17 district court upon a showing of probable cause may  
18 authorize the person making the investigation to enter  
19 the home or facility and examine the child. The  
20 department may utilize a multidisciplinary team in  
21 investigations of child abuse involving employees or  
22 agents of a facility providing care for a child."  
23 2. Page 1, line 17, by inserting after the word  
24 "information" the following: "unless after  
25 reasonable efforts are made, the department is unable  
26 to identify the subject's address"."



27 3. Page 1, by inserting after line 19 the fol-  
 28 lowing:  
 29 "If a complete report is not filed within ten  
 30 working days of the receipt of the child abuse report  
 31 and the person or persons alleged to be responsible  
 32 for the abuse have not been interviewed by an  
 33 investigator of the department, the department shall  
 34 notify the person or persons by certified mail that a  
 35 report has been filed and an investigation is in  
 36 process. If the preliminary report does not identify  
 37 a person or persons alleged to be responsible for the  
 38 abuse, the department shall notify the person or  
 39 persons at the time the identification is made.  
 40 However, either notification may be waived by an ex  
 41 parte order of the court when the department has shown  
 42 evidence of probable cause for any of the following:  
 43 a. There is an imminent and impending danger to  
 44 the child.  
 45 b. The alleged perpetrator is likely to flee the  
 46 jurisdiction of the court.  
 47 c. Notification will impede the investigation of  
 48 the alleged abuse.  
 49 d. Notification will impede a criminal  
 50 investigation of the alleged abuse."

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

Senate Amendment

H-6518

1 Amend House Concurrent Resolution No. 130, as  
 2 follows:  
 3 1. Page 1, by striking line 6 and inserting the  
 4 following:  
 5 "at a certain department of corrections  
 6 institution."  
 7 2. Page 2, by striking lines 2 through 4 and  
 8 inserting the following: "effectiveness of the state  
 9 correctional system, request is made to authorize  
 10 the".  
 11 3. Page 2, by striking lines 7 through 10 and  
 12 inserting the following: "of acquiring real or  
 13 personal property to add two hundred medium security  
 14 beds at the Iowa medical and classification center at  
 15 Oakdale and the cost of".

DVORSKY of Johnson

H-6528

1 Amend the amendment, H-6512, to House Concurrent  
 2 Resolution 130, as follows:

- 3 1. Page 1, by striking line 14 and inserting the  
 4 following: "beds at the north central correctional  
 5 facility at Rockwell City and the".

MAULSBY of Calhoun

H-6529

- 1 Amend House Concurrent Resolution No. 130, as  
 2 follows:  
 3 1. Page 1, by striking line 6 and inserting the  
 4 following:  
 5 "at a certain department of corrections  
 6 institution."  
 7 2. Page 2, by striking lines 2 through 4 and  
 8 inserting the following: "effectiveness of the state  
 9 correctional system, request is made to authorize  
 10 the".  
 11 3. Page 2, by striking lines 7 through 10 and  
 12 inserting the following: "of acquiring real or  
 13 personal property to add two hundred medium security  
 14 beds at the north central correctional facility at  
 15 Rockwell City and the cost of".

MAULSBY of Calhoun

H-6536

- 1 Amend House Concurrent Resolution No. 130, as  
 2 follows:  
 3 1. Page 1, by striking line 6 and inserting the  
 4 following: "at a certain department of corrections  
 5 institution."  
 6 2. Page 2, by striking lines 2 through 4 and  
 7 inserting the following: "effectiveness of the state  
 8 correctional system, request is made to authorize  
 9 the".  
 10 3. Page 2, by striking lines 7 through 10 and  
 11 inserting the following: "of acquiring real or  
 12 personal property to add two hundred medium security  
 13 beds at the Clarinda correctional facility at Clarinda  
 14 and the cost of".

ROYER of Page  
 HARBOR of Mills

H-6537

- 1 Amend House File 2285 as passed by the House as  
 2 follows:  
 3 2. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Sec. 50. Section 17A.10, subsection 1, Code 1987,  
 6 is amended to read as follows:  
 7 1. Unless precluded by statute, informal

8 settlements of controversies that may culminate in  
 9 contested case proceedings according to the provisions  
 10 of this chapter are encouraged. Agencies shall  
 11 prescribe by rule specific procedures for attempting  
 12 such informal settlements prior to the commencement of  
 13 contested case proceedings. This subsection shall  
 14 ~~does not be construed to require either party to such~~  
 15 ~~a controversy to utilize use~~ the informal procedures  
 16 or to settle the controversy pursuant to those  
 17 informal procedures. However, in controversies  
 18 disputing the assessment of taxes administered by the  
 19 department of revenue and finance, the department  
 20 shall hold an informal hearing unless all parties  
 21 waive the holding of the hearing."

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

24 "Sec. \_\_\_\_\_. Section 99D.8, Code 1987, is amended by  
 25 striking the section and inserting in lieu thereof the  
 26 following:

27 99D.8 HORSE OR DOG RACING LICENSES – APPLICATIONS.

28 A qualifying organization, as defined in section  
 29 513(d)(2)(C) of the Internal Revenue Code, as defined  
 30 in section 422.3, exempt from federal income taxation  
 31 under sections 501(c)(3), 501(c)(4), or 501(c)(5) of  
 32 the Internal Revenue Code, which is organized to  
 33 promote those purposes enumerated in section 99B.7,  
 34 subsection 3, paragraph "b", and which regularly  
 35 conducts, as one of its substantial exempt purposes,  
 36 an agricultural and educational fair or exposition for  
 37 the promotion of the horse, dog, or other livestock  
 38 breeding industries of the state, or an agency,  
 39 instrumentality, or political subdivision of the  
 40 state, may apply to the commission for a license to  
 41 conduct horse or dog racing. The application shall be  
 42 filed with the administrator of the commission at  
 43 least sixty days before the first day of the horse  
 44 race or dog race meeting which the organization  
 45 proposes to conduct, shall specify the day or days  
 46 when and the exact location where it proposes to  
 47 conduct racing, and shall be in a form and contain  
 48 information as the commission prescribes.

49 If any part of the net income of a licensee is  
 50 determined to be unrelated business taxable income as

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1 defined in section 511 through 514 of the Internal  
 2 Revenue Code, the qualifying organization shall be  
 3 required to distribute the amount of net unrelated  
 4 business taxable income to political subdivisions in  
 5 the state and organizations described in section  
 6 501(c)(3) of the Internal Revenue Code in the county

7 in which it operates. Distributions to these  
 8 organizations made during the year in which the  
 9 unrelated business income was earned shall be treated  
 10 as included in the required distributions for this  
 11 purpose.

12 An organization which meets the requirements of  
 13 this section, as amended, on or before July 1, 1988,  
 14 shall be considered to have met the requirements of  
 15 this section on the date that its initial application  
 16 was originally filed."

17 3. Page 2, by inserting after line 5 the  
 18 following:

19 "Sec. \_\_\_\_\_. Section 324.38, Code 1987, is amended  
 20 by adding the following new subsection:

21 NEW SUBSECTION. 7. When a return is timely filed  
 22 and the taxes due are paid in the manner provided in  
 23 this section, the special fuel dealer or the special  
 24 fuel distributor shall be allowed a credit or discount  
 25 of one-half of one percent of the taxes due on the  
 26 first one hundred thousand gallons of special fuel  
 27 sold in a calendar month. The credit or discount is  
 28 allowed to the special fuel dealer or distributor as  
 29 remuneration for collecting the tax, keeping the  
 30 record, and filing timely returns required by this  
 31 chapter."

32 4. Page 3, by inserting after line 9 the  
 33 following:

34 "Sec. 51. Section 421.8A, Code 1987, is amended to  
 35 read as follows:

36 421.8A DISPUTED ASSESSMENTS.

37 For any The person appealing or seeking review of a  
 38 decision rendered upon completion of the formal  
 39 hearing of a contested case, as defined in section  
 40 17A.2, commenced on or after January 1, 1987 the  
 41 effective date of this Act, the person disputing and  
 42 involving the assessment of tax must pay all tax,  
 43 interest, and penalty pertaining to the disputed  
 44 assessment upon completion of the formal hearing and  
 45 prior to the commencement of the contested case appeal  
 46 or review. Upon a showing of good cause, the hearing  
 47 officer entity to which the appeal or request for  
 48 review is made shall allow the person to post a bond  
 49 in an amount established by the hearing officer  
 50 entity, but not in excess of all tax, interest, and

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1 penalty, in lieu of paying all tax, interest, and  
 2 penalty.

3 The director shall adopt rules establishing  
 4 procedures for payment of taxes under protest upon  
 5 completion of the formal hearing and prior to the

6 appeal or review. If it is finally determined that  
 7 the tax is not due in whole or in part, the department  
 8 shall refund the part of the tax payment which is  
 9 determined not to be due together with interest on the  
 10 amount of the refund at the rate as determined under  
 11 section 421.7."

12 5. Page 3, by inserting after line 9 the  
 13 following:

14 "Sec. \_\_\_\_\_. Section 421.17, subsection 23,  
 15 paragraphs e and g, Code Supplement 1987, are amended  
 16 to read as follows:

17 e. Upon notice of entitlement to a refund or  
 18 rebate, the college aid commission or its servicer  
 19 shall send written notification to the defaulter, and  
 20 a copy of the notice to the department of revenue and  
 21 finance, of the commission's assertion of its rights  
 22 to all or a portion of the defaulter's refund or  
 23 rebate and the entitlement to recover the amount of  
 24 the default through the setoff procedure, the basis of  
 25 the assertion, the defaulter's opportunity to request  
 26 that a joint income tax refund or rebate be divided  
 27 between spouses, the defaulter's opportunity to give  
 28 written notice of intent to contest the claim, and the  
 29 fact that failure to contest the claim by written  
 30 application for a hearing before a specified date will  
 31 result in a waiver of the opportunity to contest the  
 32 claim, causing final setoff by default. Upon  
 33 application, the commission shall grant a hearing  
 34 pursuant to chapter 17A. An appeal taken from the  
 35 decision of a hearing officer and any subsequent  
 36 appeals shall be taken pursuant to chapter 17A.

37 g. The department of revenue and finance shall,  
 38 after notice has been sent to the defaulter by the  
 39 college aid commission or its servicer, set off the  
 40 amount of the default against the defaulter's income  
 41 tax refund or rebate if both the amount of the default  
 42 and the refund or rebate are at least fifty dollars.  
 43 The department shall refund any balance of the income  
 44 tax refund or rebate to the defaulter. The department  
 45 of revenue and finance shall periodically transfer the  
 46 amount set off to the college aid commission. If the  
 47 defaulter gives written notice of intent to contest  
 48 the claim, the commission shall hold the refund or  
 49 rebate until final disposition of the contested claim  
 50 pursuant to chapter 17A or by court judgment. The

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1 commission shall notify the defaulter in writing upon  
 2 completion of setoff."

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

5 "Sec. 40. Section 422.8, subsection 2, Code 1987,  
6 is amended to read as follows:

7 2. Nonresident's net income allocated to Iowa is  
8 the net income, or portion thereof, which is derived  
9 from a business, trade, profession, or occupation  
10 carried on within this state or income from any  
11 property, trust, estate, or other source within Iowa.  
12 If any business, trade, profession, or occupation is  
13 carried on partly within and partly without the state,  
14 only the portion of the net income which is fairly and  
15 equitably attributable to that part of the business,  
16 trade, profession, or occupation carried on within the  
17 state is allocated to Iowa for purposes of section  
18 422.5, subsection 1, paragraph "n" and section 422.13  
19 and income from any property, trust, estate, or other  
20 source partly within and partly without the state is  
21 allocated to Iowa in the same manner, except that  
22 annuities, interest on bank deposits and interest-  
23 bearing obligations, and dividends are allocated to  
24 Iowa only to the extent to which they are derived from  
25 a business, trade, profession, or occupation carried  
26 on within the state. However, income received by an  
27 individual who is a resident of another state is not  
28 allocated to Iowa if the income is subject to an  
29 income tax imposed by the state where the individual  
30 resides, and if the state of residence allows a  
31 similar exclusion for income received in that state by  
32 residents of Iowa. In order to implement the  
33 exclusions, the director shall designate by rule the  
34 states which allow a similar exclusion for income  
35 received by residents of Iowa, and may enter into  
36 agreements with other states to provide that similar  
37 exclusions will be allowed, and to provide suitable  
38 withholding requirements in each state.  
39 Notwithstanding any other provision in this  
40 subsection, income from pension benefits earned in  
41 Iowa and received by an individual who is a resident  
42 of another state shall not be allocated to Iowa, and  
43 shall not, in any other way, be subject to tax in this  
44 state."

45 7. Page 5, by striking lines 3 through 30.

46 8. Page 6, by inserting after line 4 the  
47 following:

48 "Sec. 35. Section 422.45, subsection 22, Code  
49 Supplement 1987, is amended by adding the following  
50 new paragraph:

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1 NEW PARAGRAPH. e. Community health centers as  
2 defined in 42 U.S.C.A. § 254c and migrant health  
3 centers as defined in 42 U.S.C.A. § 254b.

4 Sec. \_\_\_\_\_. Section 422.45, Code Supplement 1987, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 36. The gross receipts from the  
7 sale or rental of tangible personal property or from  
8 services performed, rendered, or furnished to  
9 nonprofit legal aid organizations.”

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

12 “Sec. \_\_\_\_\_. Section 422.65, unnumbered paragraph 3,  
13 Code 1987, is amended to read as follows:

14 Quarterly, the director shall certify to the  
15 treasurer of state the amounts to be paid remit to  
16 each city and county from the franchise tax fund. All  
17 moneys received from the franchise tax are hereby  
18 appropriated according to the provisions of this  
19 section.”

20 10. Page 6, by striking line 29 through page 7,  
21 line 29.

22 11. Page 10, by inserting after line 15 the  
23 following:

24 “Sec. \_\_\_\_\_. Section 422A.2, subsection 2, Code  
25 1987, is amended to read as follows:

26 2. All moneys in the local transient guest tax  
27 fund shall be remitted at least quarterly by the  
28 treasurer of state, pursuant to rules of the director  
29 of revenue and finance, to each city in the amount  
30 collected from businesses in that city and to each  
31 county in the amount collected from businesses in the  
32 unincorporated areas of the county.

33 Sec. \_\_\_\_\_. Section 422B.10, subsection 2, Code  
34 1987, is amended to read as follows:

35 2. The treasurer of state, pursuant to rules of  
36 the director of revenue and finance, shall remit at  
37 least quarterly to the board of supervisors, if the  
38 tax was imposed in the unincorporated areas, and each  
39 city where the tax was imposed its share of the  
40 county's account in the local sales and services tax fund as  
41 computed under subsections 3 and 4.”

42 12. Page 10, by inserting after line 15 the  
43 following:

44 “Sec. \_\_\_\_\_. Section 423.1, subsection 3, paragraph  
45 a, Code Supplement 1987, is amended to read as  
46 follows:

47 a. That cash discounts taken on sales are not in-  
48 cluded. A cash rebate which is provided by a motor  
49 vehicle manufacturer to the purchaser of a vehicle  
50 subject to registration shall not be included so long

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1 as the rebate is applied to the purchase price of the  
2 vehicle.”

3 13. Page 11, by inserting after line 15 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 427.3, subsection 5, Code 1987,  
6 is amended to read as follows:

7 5. The provisions of this section shall apply to  
8 personal property held in partnership but not in  
9 excess of the value of the veteran's share actually  
10 held. Wherever the word "soldier" shall appear in  
11 this chapter, it shall be construed to include,  
12 without limitation, the members of the United States  
13 air force and the United States merchant marine."

14 14. Page 11, by inserting after line 15 the  
15 following:

16 "Sec. \_\_\_\_\_. Section 427.3, Code 1987, is amended by  
17 adding the following new subsection:

18 NEW SUBSECTION. 6. For the purpose of determining  
19 a military tax exemption under this section, property  
20 includes a mobile home as defined in section 135D.1."

21 15. Page 11, by inserting after line 15 the  
22 following:

23 "Sec. 50. Section 446.9, subsections 1 and 2, Code  
24 1987, are amended to read as follows:

25 1. A notice of the time and place of the annual  
26 tax sale shall be served upon the person in whose name  
27 the real estate subject to sale is taxed. The  
28 treasurer shall serve the notice by sending it by  
29 regular first class mail to the person's last known  
30 address not later than May 1 of each fiscal year. The  
31 notice shall contain a description of the real estate  
32 to be sold which is clear, concise, and sufficient to  
33 distinguish the real estate to be sold from all other  
34 parcels. It shall also contain the amount of  
35 delinquent taxes, both regular and special, for which  
36 the real estate is liable each year, the amount of the  
37 penalty, and interest, and ten dollars representing  
38 costs, all to be incorporated as a single sum. The  
39 notice shall contain a statement that, after the sale,  
40 if the real estate is not redeemed within the period  
41 provided in chapter 447, the right to redeem expires  
42 and a deed may be issued.

43 2. Publication of the time and place of the annual  
44 tax sale shall be made once by the treasurer in an  
45 official newspaper in the county at least one week,  
46 but not more than three weeks, before the day of sale.  
47 The publication shall contain a description of the  
48 real estate to be sold that is clear, concise, and  
49 sufficient to distinguish the real estate to be sold  
50 from all other parcels. All items offered for sale

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1 pursuant to section 446.18 may be indicated by an "s"



2 or by an asterisk. The publication shall also contain  
3 the name of the person in whose name the real estate  
4 to be sold is taxed, the amount of delinquent taxes,  
5 both regular and special, for which the real estate is  
6 liable for each year, the amount of the penalty, and  
7 interest, and ten dollars representing costs, all to  
8 be incorporated as a single sum. The publication  
9 shall contain a statement that, after the sale, if the  
10 real estate is not redeemed within the period provided  
11 in chapter 447, the right to redeem expires and a deed  
12 may be issued."

13 16. Page 13, by inserting after line 1 the  
14 following:

15 "Sec. \_\_\_\_\_. Section 35 of this Act is retroactive  
16 to January 1, 1984."

17 17. Page 13, by inserting after line 1 the  
18 following:

19 "Sec. \_\_\_\_\_. Section 40 of this Act is retroactive  
20 to January 1, 1988, for tax years beginning on or  
21 after that date."

22 18. Page 13, by striking lines 4 through 12.

23 19. Page 13, by striking lines 13 through 22.

24 20. Page 13, by inserting after line 22 the  
25 following:

26 "Sec. \_\_\_\_\_. Section 50 of this Act applies to  
27 property taxes due and payable on or after July 1,  
28 1988."

29 21. Page 13, by inserting after line 26 the  
30 following:

31 "Sec. \_\_\_\_\_. Sections 1, 2, 3, 5 through 9, 11, 13,  
32 14, 15, and 21 of this Act are effective July 1, 1988.

33 Sec. \_\_\_\_\_. This Act and sections 50 and 51 of this  
34 Act, being deemed of immediate importance, take effect  
35 upon enactment."

36 22. Title page, line 2, by inserting after the  
37 word "taxes," the following: "the state's  
38 administration of local option taxes,".

39 23. By renumbering, relettering, or redesignating  
40 and correcting internal references as necessary.

Senate Amendment

## RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-second General Assembly, 1988 Session, not otherwise printed in the House Journal.

1   House Concurrent Resolution 27  
 2   By Committee on Rules and Administration  
 3 A House Concurrent Resolution to approve and confirm the  
 4 appointment of the citizens' aide.  
 5     *Whereas*, chapter 601G provides that the citizens'  
 6 aide shall be appointed by the legislative council  
 7 with the approval and confirmation of a constitutional  
 8 majority of the Senate and with the approval and  
 9 confirmation of a constitutional majority of the House  
 10 of Representatives; and  
 11     *Whereas*, on June 18, 1986, the legislative council  
 12 reappointed Mr. William P. Angrick II as citizens'  
 13 aide for a term commencing July 1, 1986, and is  
 14 submitting his name for approval and confirmation by a  
 15 constitutional majority of the Senate and House of  
 16 Representatives; *Now Therefore*,  
 17     *Be It Resolved by the House of Representatives, the*  
 18 *Senate Concurring*, That Mr. William P. Angrick II is  
 19 approved and confirmed as citizens' aide for a four-  
 20 year term which commenced July 1, 1986, as provided in  
 21 sections 601G.3 and 601G.5.

HCR 27 filed April 3, 1987; House adopted March 4, 1988; Senate adopted March 29, 1988.

1   House Concurrent Resolution 104  
 2   By Connors  
 3 A House Concurrent Resolution relating to the establishment  
 4 of a "sister state" relationship with the Republic of  
 5 China (Taiwan) and a trade and investment office in  
 6 Taiwan.  
 7     *Whereas*, the Republic of China (Taiwan) is a  
 8 longtime friend, ally and trading partner of the  
 9 United States; and  
 10     *Whereas*, the Republic of China (Taiwan) holds a  
 11 pivotal and strategic position in Asia and the Pacific  
 12 Rim and is vitally important to the United States in  
 13 trade, defense and cultural exchange; and  
 14     *Whereas*, the people of Taiwan enjoy a democratic  
 15 way of life, a high standard of living and fundamental  
 16 human rights; and  
 17     *Whereas*, strong commercial ties now exist between  
 18 the citizens of the Republic of China (Taiwan) and the  
 19 citizens of the State of Iowa; and  
 20     *Whereas*, the sister city-state concept was  
 21 inaugurated by the President of the United States in

22 1956 to establish greater friendship and understanding  
23 between the people of the Unites States and other  
24 nations through the medium of direct personal  
25 communication; and

26 *Whereas*, the people of Taiwan, like the people of  
27 the State of Iowa and the United States, generally,  
28 have overcome great adversity and have built a  
29 successful, prosperous and free economy; and  
30 *Whereas*, a sister-state relationship between the

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1 Republic of China (Taiwan) and Iowa is in the best  
2 interest of a cooperative relationship between the two  
3 states involved; and

4 *Whereas*, the tremendous potential for trade and  
5 other exchanges with the Republic of China (Taiwan)  
6 can best be developed through the establishment in  
7 Taiwan of an Iowa trade and investment office under  
8 the auspices of the Iowa Department of Economic  
9 Development; *Now Therefore*,

10 *Be It Resolved By The House Of Representatives, The*  
11 *Senate Concurring*, That the General Assembly, on  
12 behalf of the people of the State of Iowa, extends to  
13 the people of the Republic of China (Taiwan), through  
14 the Provincial Legislature of Taiwan, an invitation to  
15 join Iowa as a sister state and to conduct mutually  
16 beneficial social, economic, educational, and cultural  
17 programs in order to bring our citizens closer  
18 together and strengthen international understanding  
19 and good will; and

20 *Be It Further Resolved*, That the Iowa Department of  
21 Economic Development is urged to begin planning for  
22 the opening of an Iowa trade and investment office in  
23 Taiwan in addition to the other foreign offices of the  
24 Department, with emphasis on developing the potential  
25 for trade and communications with the Republic of  
26 China (Taiwan); and

27 *Be It Further Resolved*, That copies of this  
28 resolution be transmitted by the Chief Clerk of the  
29 House to the Governor of Taiwan, the Speaker of the  
30 Provincial Legislature of Taiwan, the President of the

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1 Legislative Yuan, Republic of China (Taiwan), each  
2 member of the Iowa Congressional delegation, the Iowa  
3 Department of Economic Development, and to the  
4 presiding officers of the legislative houses in each  
5 of the other states.

HCR 104 filed January 14, 1988; House adopted January 27, 1988;  
Senate adopted February 4, 1988.

1 House Concurrent Resolution 108

2 By Hammond and Mullins

3 A Concurrent Resolution relating to the designation  
4 of the vocational rehabilitation building as the  
5 Jessie M. Parker State Office Building in honor  
6 of Jessie M. Parker.

7 *Whereas*, it has become accepted procedure to name  
8 state office buildings in the Capitol Complex in honor  
9 of persons significant in Iowa's history and heritage;  
10 and

11 *Whereas*, the state office building located at 510  
12 East Twelfth Street, which houses the Division of  
13 Vocational Rehabilitation of the Department of  
14 Education, lacks an official name; and

15 *Whereas*, the Iowa Commission on the Status of Women  
16 has recommended that this building be named in  
17 commemoration of a distinguished Iowa native and  
18 recent Iowa Women's Hall of Fame inductee, Jessie M.  
19 Parker, whose career as an educator in Iowa spanned  
20 more than fifty-five years; and

21 *Whereas*, the Capitol Planning Commission has  
22 considered and unanimously endorsed this proposal; and

23 *Whereas*, Jessie M. Parker began her career in  
24 education by serving as a teacher and high school  
25 principal in the Lake Mills public schools between  
26 1897 and 1915 and served as the county superintendent  
27 of schools in Winnebago County between 1915 and 1927,  
28 the first woman elected to important public office in  
29 that county; and

30 *Whereas*, Jessie M. Parker served as state rural

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1 school supervisor in the State Department of Public  
2 Instruction between 1928 and 1938 and was elected  
3 State Superintendent of Public Instruction in 1938,  
4 holding that position through subsequent elections  
5 until her retirement in 1954; and

6 *Whereas*, Jessie M. Parker was a dedicated educator  
7 and humanitarian whose aggressive leadership and  
8 commitment to educational advancement led to many  
9 accomplishments, including making educational services  
10 more accessible to persons in rural Iowa through  
11 busing and consolidation, establishing professional  
12 certification for teachers, providing comprehensive  
13 curriculum aids for teachers and schools, promoting  
14 safety education and driver education, revising the  
15 accounting system for schools, and developing the  
16 home-to-school telephone system for children ill at  
17 home; and

18 *Whereas*, it was Jessie M. Parker who originally  
19 negotiated with the State Executive Council for use of

20 a site, north of Grand Avenue across from the State  
21 Capitol Building, for renovated buildings accessible  
22 for persons with disabilities, thereby laying the  
23 foundation for eventual use of the site for  
24 construction of a new vocational rehabilitation  
25 building, completed in 1980; *Now Therefore,*  
26 *Be It Resolved By The House Of Representatives, The*  
27 *Senate Concurring,* That the state office building  
28 located at 510 East Twelfth Street, which houses the  
29 Division of Vocational Rehabilitation of the  
30 Department of Education, be named the Jessie M.

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1 Parker State Office Building in honor of Jessie M.  
2 Parker; and  
3 *Be It Further Resolved,* That an appropriate  
4 commemorative plaque be placed near the entrance of  
5 the Jessie M. Parker State Office Building in  
6 recognition of Jessie M. Parker and the outstanding  
7 contributions to education, including special  
8 education and rehabilitation services, for which she  
9 is noted.

HCR 108 filed February 3, 1988; House adopted March 21, 1988;  
Senate adopted April 14, 1988.

**SUPPLEMENT TO THE HOUSE JOURNAL****BILLS APPROVED, VETOED OR  
ITEM VETOED SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills passed by the 1988 Regular Session of the Seventy-second General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 102 — Relating to the prohibition of polygraph examinations as a condition of employment, and providing a penalty. Approved 5-12-88.
- H.F. 105 — Relating to the appointment of assessors and deputy assessors and providing an effective date. Approved 5-12-88.
- H.F. 185 — Relating to violations of a person's civil rights and providing penalties. Approved 5-5-88.
- H.F. 278 — Authorizing a city to establish an administrative agency to manage and control a city airport, and authorizing local government reorganization by the establishment of an alternative form of county government or city-county government, or by consolidating county governments, and making corresponding amendments to the Code. Approved 5-12-88.
- H.F. 382 — To reserve a specific amount of a claim payable on an insurance policy on property located within the corporate limits of a city for the cost of demolition of the property by the city. Approved 5-6-88.
- H.F. 393 — 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, by limiting the areas of licensed premises which may be searched without a warrant, by providing that separate licensed premises, one under a class "E" liquor control license and the other under another retail liquor control license or a retail wine or beer permit, may share a common entrance, by providing an exemption to the licensing requirements for a class "E" liquor control license in counties under nine thousand five hundred in population, by providing for the assessment of a civil penalty in lieu of a license suspension for an offense by a licensee, by allowing a person holding a special permit for the purchase of sacramental wine to purchase from a class "A" wine permittee, 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. Approved 5-13-88.
- H.F. 395 — Relating to the taking of animals and subjecting violators to penalties. Approved 5-11-88.
- H.F. 429 — Relating to the investigation of a driver of a vehicle violating the warning lamps or stop arm of a school bus and requiring the issuance of a uniform citation in certain circumstances. Approved 5-10-88.

- H.F. 431 — Relating to the education, practice, and supervision of cosmetologists and barbers. Approved 4-26-88.
- H.F. 498 — To revise provisions relating to dangerous weapons and the carrying of dangerous weapons and knives, and providing penalties. Approved 5-5-88.
- H.F. 529 — Relating to governmental competition with and purchase of goods and services from private enterprise. Approved 5-12-88.
- H.F. 578 — Providing for the use of vintage Iowa registration plates. Approved 5-10-88.
- H.F. 613 — Relating to the licensing and examination of first mortgage bankers and mortgage brokers, and regulation of other mortgage lenders, and providing penalties. Approved 5-3-88.
- H.F. 649 — Relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters, providing for the applicability of the Act, and providing an effective date. Approved 5-15-88.
- H.F. 650 — Relating to school year duration and attendance requirements and providing for an effective date, a moratorium, and an interim study committee. Approved 5-16-88.
- H.F. 653 — Relating to issuance of collision damage waivers in motor vehicle rental agreements, making penalties applicable, and providing an effective date. Approved 5-3-88.
- H.F. 665 — Authorizing a tax levy for city libraries by petition and referendum. Approved 5-11-88.
- H.F. 666 — 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. Approved 5-2-88.
- H.F. 678 — Authorizing the establishment of a benefited recreational lake district and its dissolution, the election of trustees, the levy of a tax, and the contract of indebtedness. Approved 5-9-88.
- H.F. 683 — Relating to energy assistance to low income households by establishing a customer contribution fund, an emergency weatherization fund, an energy crisis fund and an affordable heating payment program pilot project, making civil penalties applicable, and providing an appropriation. Approved 5-6-88.
- H.F. 2016 — 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. Approved 5-9-88.
- H.F. 2046 — Relating to student membership on the state board of regents. Approved 5-16-88.

- H.F. 2088 — Relating to work release for prisoners in county jails by providing for intermittent sentencing. Approved 4-26-88.
- H.F. 2102 — To prohibit the taking of a predominantly white deer and providing a penalty. Approved 5-7-88.
- H.F. 2106 — Prohibiting the advertisement, or sale in this state of home testing kits for human immunodeficiency virus antibody or antigen testing, and providing penalties. Approved 5-12-88.
- H.F. 2113 — Relating to the dispensing of prescription drugs. Approved 5-12-88.
- H.F. 2117 — Allowing certain name changes on an application for marriage or in divorce and annulment decrees. Approved 5-2-88.
- H.F. 2153 — Expanding the time in which the utilities board may grant or refuse an application for rehearing in a contested case. Approved 4-26-88.
- H.F. 2155 — Relating to payment of costs of asbestos identification and removal by boards of directors of school districts. Vetoed 5-17-88. See Governor's Veto Message.
- H.F. 2170 — 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 additional requirements for case permanency plans, providing other procedural revisions, and providing properly related matters. Approved 5-12-88.
- H.F. 2191 — Relating to commercial concessions operated on certain state-owned lands. Approved 5-9-88.
- H.F. 2192 — Exempting certain vessels from displaying registration and passenger capacity numbers. Approved 5-7-88.
- H.F. 2226 — Relating to the calculation of budget enrollment of a reorganized school district. Approved 4-26-88.
- H.F. 2233 — Relating to work programs for inmates of state correctional institutions. Approved 5-5-88.
- H.F. 2255 — Relating to the confidentiality of records of clients of advocacy services offered by the department of human rights. Approved 4-26-88.
- H.F. 2258 — Relating to trespass upon the right-of-way of a public road or highway. Approved 5-11-88.
- H.F. 2260 — To prohibit employer sanctions against employees who refuse to work in unsafe conditions. Approved 4-26-88.
- H.F. 2262 — Relating to the deduction and disbursement of certain moneys from an allowance paid to an inmate. Approved 5-5-88.
- H.F. 2269 — Relating to the operation and funding of rail lines including funds in the special railroad facility fund and the rail assistance fund and an appropriation and providing an effective date. Approved 5-11-88 with the exception of Section 3. See Governor's Item Veto Message.



- H.F. 2277 — 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. Vetoed 5-16-88. See Governor's Veto Message.
- H.F. 2278 — 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. Approved 5-5-88.
- H.F. 2283 — Relating to agricultural property holdings by providing certain definitions; restricting processors; 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. Approved 5-9-88.
- H.F. 2294 — Relating to testing for and confidentiality of human immunodeficiency virus-related matters and providing penalties. Approved 5-12-88.
- H.F. 2296 — Providing coverage under the Iowa life and health guaranty association to the holders of unallocated annuity contracts. Approved 4-29-88.
- H.F. 2303 — 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. Approved 4-26-88.
- H.F. 2307 — Relating to the regulation of the state's insurance industry and the administration of the insurance division of the department of commerce. Approved 4-26-88.
- H.F. 2313 — Relating to child day care for sick children. Approved 4-26-88.
- H.F. 2315 — Relating to commercial paper by modifying the definition of "sum certain". Approved 4-26-88.
- H.F. 2316 — 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. Approved 5-6-88.
- H.F. 2317 — Relating to the repeal of the Iowa venture capital investment Act. Approved 4-29-88.
- H.F. 2319 — To exclude Saturday as a banking day. Approved 4-26-88.

- H.F. 2320— 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. Approved 4-26-88.
- H.F. 2323— Relating to the pledge of United States government obligations or their functional equivalents as security for the deposit of public funds. Approved 4-26-88.
- H.F. 2327— 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. Approved 5-2-88.
- H.F. 2336— Relating to the confidentiality of certain records and information concerning individual use of services provided by libraries and video rental businesses, and providing a penalty. Approved 5-15-88.
- H.F. 2338— Relating to environmental quality by creating an emergency response fund and by establishing and increasing fines and penalties. Approved 5-9-88.
- H.F. 2339— Relating to grievances and discipline resolution for certain employees of the state. Approved 5-12-88.
- H.F. 2344— 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 and amending the definition of disability. Approved 5-12-88.
- H.F. 2346— Relating to the coordination of rural development programs by creating a rural development coordinating committee and the office of rural resources coordinator. Approved 5-11-88.
- H.F. 2347— Relating to the calculation of special assessment installments, interest on unpaid installments, and interest penalties. Approved 4-26-88.
- H.F. 2348— Relating to certain ambiguities and inconsistencies of the Code as they relate to city government. Approved 5-14-88.
- H.F. 2352— Relating to right-of-way and relocation assistance provided to persons displaced by highway or urban renewal projects. Approved 5-11-88.
- H.F. 2354— Relating to radon testing and providing a penalty. Approved 5-12-88.
- H.F. 2367— Relating to training for mandatory reporters of dependent adult abuse and child abuse. Approved 5-12-88.
- H.F. 2369— Relating to the duties and authority of the board of parole. Approved 4-26-88.
- H.F. 2374— Relating to the nomination of candidates for the office of lieutenant governor for the general election in the year 1990. Approved 4-27-88.

- H.F. 2377 — 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. Approved 5-16-88.
- H.F. 2381 — Relating to carrying out water protection projects and practices within soil and water conservation districts, and providing for a water protection fund. Approved 5-9-88.
- H.F. 2383 — Relating to the movement of vehicles of excess size and weight, subject to penalties provided by law. Approved 5-11-88.
- H.F. 2386 — Relating to additional factors, requirements, and guidelines for providing assistance under the community economic betterment account of the Iowa plan fund and RISE program. Approved 5-15-88.
- H.F. 2387 — Relating to the construction of cable systems and telegraph and telephone lines in the state. Approved 5-6-88.
- H.F. 2395 — Permitting certain water utilities to become cooperatives, restricting the exemption from the application of the provisions of chapter 476 for persons furnishing electricity to five or fewer customers to those such persons who are furnishing the electricity by secondary line, from an alternate energy production facility, or small hydro facility, and expanding allowable purposes under Chapter 499. Approved 5-6-88.
- H.F. 2396 — 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. Approved 5-11-88.
- H.F. 2400 — Relating to enhanced 911 emergency telephone communication systems, by requiring each county to prepare an enhanced 911 service plan for submittal to the office of disaster services on or before March 1, 1989, by requiring conversion of pay telephones to accept 911 calls without charge, by allowing a local E911 service surcharge, by providing certain liability exemptions in conjunction with the delivery of E911 services, and by providing a limited privacy waiver to permit nonlisted or unpublished numbers to be included in E911 service providing a penalty, and an effective date. Approved 5-6-88.
- H.F. 2405 — Relating to the administration and benefits for certain public retirement systems, making appropriations, providing an effective date, and providing retroactive applicability. Approved 5-13-88.
- H.F. 2406 — Relating to access by the citizens' aide to confidential records and proceedings. Approved 5-14-88.
- H.F. 2407 — 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. Approved 5-3-88.

- H.F. 2412 — Relating to judicial sentencing options. Approved 5-5-88.
- H.F. 2416 — Relating to establishing a case management assistance program to assist low-income persons in starting up or expanding small businesses. Approved 4-26-88.
- H.F. 2419 — Relating to enrollment of school pupils, including initiating and effecting school district dissolutions and whole-grade sharing agreements, setting maximum incentives. Approved 5-16-88.
- H.F. 2423 — Relating to sureties and surety bonds for public officers and employees. Approved 4-26-88.
- H.F. 2428 — Increasing and establishing certain court filing fees. Approved 5-15-88.
- H.F. 2430 — To designate hearing officers as administrative law judges. Approved 4-26-88.
- H.F. 2432 — 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. Approved 5-14-88.
- H.F. 2433 — Relating to public school vocational education in agriculture technology and creating a council for agricultural education. Approved 5-16-88.
- H.F. 2437 — Relating to utilization of energy resources in the state including the implementation of energy conservation measures. Approved 5-6-88.
- H.F. 2441 — Relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date. Approved 5-13-88 with the exception of Sections 1 and 2; Section 3, first paragraph, subsection 3; Section 8; Section 10, new subsection 6; and Sections 11 through 30. See Governor's Item Veto Message.
- H.F. 2449 — 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. Approved 5-16-88.
- H.F. 2451 — 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. Approved 4-26-88.
- H.F. 2452 — 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, by providing appropriations, and by providing effective dates. Approved 5-12-88 with the exception of Section 16, subsection 5. See Governor's Item Veto Message.

- H.F. 2453— 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. Approved 5-7-88.
- H.F. 2456— Relating to programs for which appropriations to the department of human services are required, providing an effective date, and providing penalties. Approved 5-14-88.
- H.F. 2457— Relating to payments for local school districts, area schools, counties, cities, local conference boards, county hospitals, and county agricultural extension councils. Approved 5-14-88.
- H.F. 2458— 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. Approved 5-2-88.
- H.F. 2459— Relating to the imposition and collection of the state sales, services, and use taxes by out-of-state retailers. Approved 5-4-88.
- H.F. 2460— 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. Approved 5-11-88.
- H.F. 2461— Relating to tax refunds paid by the county treasurer. Approved 5-2-88.
- H.F. 2462— Relating to the licensing of dogs, subjecting violators to a penalty, and providing an effective date. Approved 5-7-88.
- H.F. 2463— Relating to local option taxes by authorizing a city or county to receive tax return information relating to the taxes; changing the number of days notice must be given before a local hotel or motel tax is imposed, repealed, or its rate changed; legalizing the premature collection of a local hotel or motel tax; and providing an effective date. Approved 5-4-88.
- H.F. 2464— Relating to the lease-purchase and disposal of real or personal property by the department of general services and providing a standing appropriation of proceeds previously deposited. Approved 5-7-88.
- H.F. 2465— Relating to taxation 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 and use 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, prohibiting a motor fuel excise tax refund for motor fuel or special fuel taken out of the state in fuel supply tanks of aircraft or watercraft, prohibiting an income tax credit on fuel tax paid on motor fuel used in watercraft or aircraft, and providing an appropriation. Approved 5-10-88.
- H.F. 2466— Relating to residential care facilities by requiring the inclusion of certain residential care facilities in a demonstration project and the extension of the exclusion of a residential care facility from certificate of need requirements. Approved 5-12-88.

- H.F. 2469 — Relating to energy development and conservation, making appropriations of the petroleum overcharge funds, and providing an effective date. Approved 5-6-88 with the exception of Section 1, subsection 2, paragraph d. See Governor's Item Veto Message.
- H.F. 2470 — 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. Approved 5-6-88.
- H.F. 2471 — Relating to regulation of milk production and marketing by creating a fund for administration and appropriating the moneys in the fund, providing for inspection, raising fees relating to the milk industry, and providing for the establishment of milk production and processing standards. Approved 5-4-88.
- H.F. 2473 — Relating to the administration and requirements for military service tax credits, and making appropriations directly from the state general fund for purposes of the military service tax credit and payment of the franchise tax to local governments, and providing an effective date. Approved 5-4-88.
- H.F. 2474 — Relating to financial institutions and the location of satellite terminals and the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date. Vetoed 5-14-88. See Governor's Veto Message.
- H.F. 2476 — Relating to administrative procedures to challenge the identification, classification, and exemption of property for taxation purposes. Approved 5-14-88.
- H.F. 2477 — Relating to certain state taxes by providing for the statute of limitations for state individual and corporate tax purposes, the definition of investment counseling for state sales, services, and use tax purposes, the allowance of the military service tax credit for mobile homes, for 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 and to the issuance of fuel exemption certificates for state sales, services and use tax purposes for the purchase of fuel used in farm implements, and providing a retroactive applicability and effective dates. Approved 5-13-88.

- SJR 1 — A joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor. Sent to Secretary of State 4-17-88.
- SJR 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 and providing an effective date. Sent to Secretary of State 4-17-88.
- S.F. 38 — Relating to agricultural drainage wells. Approved 5-7-88.
- S.F. 69 — Relating to the investment of idle public funds by authorizing investment in drainage district warrants or improvement certificates. Approved 5-7-88.
- S.F. 149 — Relating to dentist's services under accident and sickness insurance policies. Approved 4-28-88.
- S.F. 173 — Establishing priorities for deductions from the earnings of residents of community-based correctional facilities. Approved 5-5-88.
- S.F. 201 — Related to the senate's review and confirmation of gubernatorial appointments, and providing an effective date. Approved 4-28-88.
- S.F. 299 — Relating to podiatry by broadening the scope of practice of podiatry, by including podiatrists in the definition of "physician" for certain purposes, by providing for data collection and utilization review, and by providing for other properly related matters. Approved 5-10-88.
- S.F. 302 — Relating to the disability of brain injury. Approved 5-12-88.
- S.F. 323 — To provide a procedure for parents or guardians to enroll their children in the public schools of contiguous school districts and providing for the implementation of administrative rules and an effective date. Approved 4-27-88.
- S.F. 356 — Relating to the regulation of home prepared foods and foods sold at farmers markets, and providing penalties. Approved 5-12-88.
- S.F. 370 — 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. Approved 4-27-88.
- S.F. 394 — Relating to care of animals in commercial establishments. Approved 5-7-88.
- S.F. 443 — Defining and establishing redemption centers, dealer agents, and territory of service between dealer agents and distributors, and subjecting violators to a penalty. Approved 5-10-88.
- S.F. 452 — To cancel all personal property taxes not collected by July 1, 1988, including the removal of tax liens against personal property. Approved 5-13-88.

- S.F. 464 — Relating to the regulation of health clubs and providing penalties. Approved 5-12-88.
- S.F. 484 — Relating to health care providers, hospitals, and patients by providing for the creation of a patient catastrophic injury fund for health care providers and hospitals, establishing a surcharge to be deposited in the fund, providing for an assessment on hospital charges, establishing qualifications for a health care provider, hospital, or patient to be protected by the fund, establishing a limitation on the liability of the fund, establishing a study and certain other powers and duties of the commissioner of insurance, providing for indemnification agreements between a hospital and a health care provider, providing that the Act does not apply to certain contracts guaranteeing results, establishing certain reporting requirements regarding claims, providing for the appointment of a fund administrator and for administration of the fund, providing that an advance payment or a settlement is not an admission of liability, providing for liability of defense costs in certain actions, authorizing the fund to procure reinsurance, providing for structured settlements, establishing a mediation system to assist in the resolution of disputes, establishing certain mandatory reporting requirements for health care providers regarding acts which may constitute malpractice, providing for regional pricing of insurance, establishing a system for the reimbursement of certain amounts paid for medical liability insurance to ensure the availability of physicians to all citizens of this state, establishing a study to determine where the state is experiencing a shortage of needed medical services, establishing an effective date, providing for applicability and establishing penalties. Vetoed 5-13-88. See Governor's Veto Message.
- S.F. 2017 — 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. Approved 5-12-88.
- S.F. 2018 — Creating a family support subsidy program. Approved 4-27-88.
- S.F. 2039 — Allowing certain personalized vehicle registration plates to contain up to seven characters, relating to the issuance of registration plates by equalizing penalties for late renewals, relating to the issuance of registration plates by providing for the issuance of collegiate registration plates, relating to the issuance of registration plates by providing for the issuance of congressional medal of honor plates, relating to the titling and registration of motor vehicles, and by including an appropriation, and providing an effective date. Approved 5-11-88.
- S.F. 2051 — 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. Approved 5-9-88.
- S.F. 2055 — Relating to the registration and use of certain pesticides. Approved 5-9-88.



- S.F. 2058— 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 and providing for retroactive applicability and an effective date. Approved 5-4-88.
- S.F. 2063— Relating to the jurisdiction of magistrates, and providing an effective date. Approved 4-26-88.
- S.F. 2075— 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, by providing for the application of a penalty to persons who improperly use criminal history information obtained in the course of an investigation, by allowing the department of public safety the use of certain revenues generated by fees, and by expanding the definition of indecent contact with a child. Approved 5-15-88.
- S.F. 2086— 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. Approved 5-7-88.
- S.F. 2091— Relating to the offense of disorderly conduct and making a penalty applicable. Approved 4-26-88.
- S.F. 2092— 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, and providing effective dates. Approved 5-11-88 with the exception of Sections 9 and 23. See Governor's Item Veto Message.
- S.F. 2106— Relating to the prohibition of the sale, offering for sale, purchase, application, or use of chlordane in this state, and making a penalty applicable. Approved 4-27-88.
- S.F. 2107— Relating to the creation of a foster home insurance fund. Approved 5-12-88.
- S.F. 2117— Relating to certain motor vehicle violations and providing an effective date. Approved 5-11-88.
- S.F. 2126— 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 and providing for the act's applicability. Approved 5-9-88.
- S.F. 2135— Relating to the issuance of grain bargaining permits and limiting the assets of the grain depositors and sellers indemnity fund, providing for penalties for certain delinquent payments, and providing for an early effective date and date of applicability. Approved 5-3-88.

- S.F. 2157— Relating to a comprehensive acquired immune deficiency syndrome (AIDS) prevention and intervention plan. Approved 5-12-88.
- S.F. 2169— 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. Approved 5-12-88.
- S.F. 2170— Relating to the membership of the commission on the status of women and other boards, commissions, committees, and councils. Approved 5-3-88.
- S.F. 2171— Making nonsubstantive, noncontroversial statutory corrections to comply with reorganization changes, improve clarity, remove conflicts and inconsistencies, correct references, and correct grammar and syntax. Approved 4-28-88.
- S.F. 2188— Relating to the mobile home annual tax, the property tax credit and rent reimbursement for elderly and disabled individuals by changing the formula used for determining the amount of the annual tax, credit and reimbursement and providing effective dates. Approved 5-2-88.
- S.F. 2192— To establish a child development coordinating council for the promotion of child development services to certain at-risk children and to prescribe its duties. Approved 4-28-88.
- S.F. 2193— Relating to requirements for approved teacher education programs and the establishment of a teacher certification advisory committee. Approved 5-17-88.
- S.F. 2203— Relating to the composition of the engineering and land surveying examining board and providing an effective date. Approved 4-27-88.
- S.F. 2225— Relating to the establishment of a family development and self-sufficiency council and the council's duties. Approved 5-15-88.
- S.F. 2230— Relating to the sale of part of a gravel pit owned by a county. Approved 5-15-88.
- S.F. 2232— Relating to elections and election procedures and providing an effective date. Approved 4-27-88.
- S.F. 2233— Relating to the registration of voters in state offices. Approved 5-6-88.
- S.F. 2238— 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, remove ambiguities and providing effective dates. Approved 5-4-88.
- S.F. 2245— Relating to the certification of laboratories which perform analyses of specimens for the department of natural resources. Approved 4-27-88.
- S.F. 2247— Relating to the regulation and reporting of certain pesticides. Approved 5-4-88.

- S.F. 2248 — 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. Approved 5-6-88.
- S.F. 2250 — Relating to environmental protection by exempting certain persons from pesticide application certification requirements, 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. Approved 5-6-88.
- S.F. 2253 — To require that students in grades nine through twelve take history and government classes. Approved 4-28-88.
- S.F. 2257 — Relating to expenses for the state judicial nominating commission. Approved 4-26-88.
- S.F. 2259 — Relating to the disposal of abandoned mobile homes and abandoned personal property of the abandoned mobile home owner. Approved 5-2-88.
- S.F. 2262 — Relating to organically produced food by providing for the establishment of standards, enforcement measures, penalties and an effective date. Approved 5-9-88.
- S.F. 2263 — 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. Approved 5-2-88.
- S.F. 2274 — 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, and revising other provisions relating to the suspension and revocation of licenses by the board. Approved 4-27-88.
- S.F. 2278 — Relating to school standards, providing for implementation of educational standards developed and adopted by the state board of education, enactment of educational standards, providing a waiver procedure, providing for additional study of certain standards, and providing delayed effective dates for certain standards. Approved 5-16-88.
- S.F. 2284 — Relating to the disclosure of mental health information and providing a penalty. Approved 5-12-88.
- S.F. 2289 — Relating to the sale of certificates of deposit, issued by foreign associations, within the state. Approved 5-3-88.

- S.F. 2291 — 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, and providing an effective date. Approved 4-27-88.
- S.F. 2295 — Relating to the development of programs for the identification, educational methods, and staff qualifications for at-risk children. Approved 4-27-88.
- S.F. 2296 — Requiring the area education agencies to utilize federally funded health care programs to share in the costs of services provided to certain children requiring special education and providing an effective date. Approved 5-4-88.
- S.F. 2301 — Relating to the maintenance of local financial support by governmental subdivisions for operating expenses of local libraries. Approved 4-28-88.
- S.F. 2303 — 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, and providing an effective date. Approved 4-28-88.
- S.F. 2304 — Relating to the administration of legal representation of indigent persons in criminal cases and proceedings under chapter 232 by local public defenders, and the state public defender's office, and providing an effective date. Approved 5-5-88.
- S.F. 2306 — Relating to the review by a juvenile court judge of a juvenile court referee's decision by providing that review is on the record only and striking language providing that the juvenile judge may allow a rehearing at any time. Approved 4-26-88.
- S.F. 2307 — Providing for a study by the department of public safety concerning the establishment of a physical criminal evidence registry. Approved 4-27-88.
- S.F. 2312 — Relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational, cultural, and rehabilitational programs of this state and providing an effective date. Approved 5-17-88 with the exception of Sections 5, 61, 63, 67, 68 and 69. See Governor's Item Veto Message.
- S.F. 2313 — Imposing additional hazardous waste fees with civil penalties applicable. Approved 4-27-88.
- S.F. 2315 — 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. Approved 4-27-88.
- S.F. 2316 — Relating to the establishment of a division on the status of blacks within the department of human rights. Approved 5-10-88.
- S.F. 2318 — 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. Approved 5-5-88.

- S.F. 2322— Relating to and making appropriations for the compensation, training, and benefits for public officials and employees, and providing effective dates. Approved 5-15-88 with the exception of Sections 3 and 11. See Governor's Item Veto Message.
- S.F. 2323— Appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants. Approved 4-28-88.
- S.F. 2327— To provide for a state individual income tax checkoff for the United States olympic committee, a portion of which shall be made available for amateur sports and special olympic programs in Iowa, and providing a retroactive effective date. Approved 5-10-88.
- S.F. 2328— Relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used. Approved 5-15-88.
- S.F. 2330— Relating to the provision of certain services to persons with mental retardation, a developmental disability, or mental illness. Approved 5-14-88.
- S.F. 2331— Relating to the collection of fees for and the rights and duties of the sheriff regarding service of legal process and levy of execution. Approved 4-28-88.
- S.F. 2333— Relating to a conflict between civil service laws and the terms and conditions of a collective bargaining agreement pertaining to the mandatory bargaining subject of seniority as it affects promotions and transfers. Vetoed 5-15-88. See Governor's Veto Message.
- S.F. 2335— Relating to the formula used in valuing agricultural property. Approved 4-27-88.
- S.F. 2338— 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, requiring related reports by the commissioner of insurance, and providing applicable and effective dates. Approved 5-5-88.
- S.F. 2344— Appropriating funds to the office of the attorney general for the fiscal year beginning July 1, 1988, and ending June 30, 1989. Approved 5-17-88.

## GOVERNOR'S VETO MESSAGES

May 17, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

House File 2155, an act relating to payment of costs of asbestos identification and removal by boards of directors of school districts, is hereby transmitted to you in accordance with Article III, Section 6, of the Constitution of the State of Iowa.

This legislation provides school districts with additional budgetary flexibility to pay for inspection, reinspection, and management plans relating to the presence of asbestos in school buildings. In addition, House File 2155 authorizes local school boards to levy and impose a combination property and income enrichment surtax without voter approval at an election.

Some funding flexibility already exists under current law to help local school districts absorb the inspection and planning costs. And, local taxpayers should not be saddled with a possible \$36 million tax increase without a chance to vote on it. For these reasons, I cannot sign this bill into law.

The Federal Asbestos Hazardous Emergency Response Act mandates a series of actions to be undertaken by local schools to deal with asbestos in school facilities. Under the first phase of this federal act, school districts are mandated to inspect for asbestos problems, take samples, pay for the cost of sample analysis, and write management plans by October 12 of this year.

There is now pending consideration in Congress three bills to extend the October 12 deadline for inspection and plan development for one year. However, final passage has not yet been received and the federal Environmental Protection Agency has advised local districts to proceed assuming the current deadline.

The Department of Education has estimated that these activities will cost between \$2.1 and \$3 million. The Department has received a federal grant for \$1 million to help defray these costs, leaving an additional \$1.1 to \$2 million of expenses to be picked up by local districts.

Currently, local school districts can pay for these costs from their general fund. However, there is some question as to whether or not unexpended balances in site levy or schoolhouse funds could be used for these purposes. School districts reasonably requested the flexibility necessary to make use of unobligated balances in these funds to meet the October 12 federal mandate for inspections and management plans.

Section 1 of this bill was designed to provide the local districts with the authority to use funds in the site levy and schoolhouse fund in addition to the general fund for purposes of conducting the inspection and planning activities required by the federal act. However, a careful review of Chapter 278 of the Code reveals that the schools now have the authority to utilize unobligated schoolhouse funds for asbestos inspection and planning purposes. These activities are similar to the engineering and architectural services which are authorized in the schoolhouse fund so long as they lead to

reconstruction and repair of school facilities. Therefore, it would appear that local school districts already have flexibility to use funds outside the general fund to meet the October 12 deadline. The need for Section 1 of the bill is thus drawn into some question.

Section 2 of House File 2155 is the most objectionable, however. This section of the bill allows local school boards to levy and impose a property and income surtax to pay the actual cost of asbestos removal or encapsulation projects without approval of the voters at an election. Current law allows districts to levy such an enrichment tax upon the majority vote of the people. Presently, voters in 62 districts have authorized such enrichment taxes.

It is estimated that it will cost approximately \$36 million to remove and encapsulate all of the asbestos in school facilities in the state. A local property and income tax increase of that magnitude should not be put in place without a vote of the people. I have approved the authorization of local option taxes in the past but always with a caveat that the tax must receive approval of the voters at an election. Without that safeguard, I cannot allow this potential tax increase to be passed into law.

I do understand, however, that school districts face serious financial constraints in dealing with federal requirements to remove or encapsulate asbestos. However, school districts do have ways in which to deal with those requirements.

First, districts could ask for a vote of the people to request a schoolhouse fund levy increase or an enrichment tax for that purpose. Some argue that school districts do not have the time to request and receive such voter approval. However, if the school boards were allowed to levy the enrichment tax, the funds would not be available until fiscal year 1990. If on the other hand, the tax revenues were available for fiscal year 1990 after receiving voter approval, an election would have to be held prior to March 15 of next year. Surely, ten months is sufficient time for a school district to conduct such an election.

The second option for school boards is to seek extraordinary relief from the school budget review committee. This committee reviews emergency requests for additional funds on a case by case basis and can authorize additional allowable growth if a serious financial hardship is shown.

And, finally, the legislature could review the need for additional state aid to help school districts defray the costs of asbestos removal and encapsulation. Action by the next General Assembly could make available funds during the same time frame as the enrichment levy authorized in this bill. However, continuing state budget constraints make a substantial increase in state funding for this purpose unlikely at this time. Additional federal assistance should also be sought to fund this federal mandate.

In short, school districts already have flexibility to use unspent schoolhouse funds to help pay for the inspection and planning activities required by the federal asbestos act. In addition, I am philosophically opposed to efforts to allow local boards to levy up to \$36 million in additional local property and income taxes without a vote of the people. Our state has a history of requiring a vote on local tax issues of this magnitude and we should not break that precedent.

Local school boards have sufficient time to seek a vote of the people to provide funds for this purpose; apply to the school budget review committee for special need allowable growth; or seek additional state and federal funds for fiscal year 1990. I find all these options preferable to a \$36 million local property and income tax increase imposed without voter approval.

For the above reasons, I hereby respectfully disapprove House File 2155.

Sincerely,  
Terry E. Branstad  
Governor

May 16, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

House File 2277, 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, is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 2277 amends the landmark educational excellence bill passed last session. Apparently, the intent of the legislation was to clarify and correct some of the statutory language included in the teacher excellence bill. Unfortunately, the legislation does more than clarify and correct; it also confuses and creates a potential loophole which could defeat the original purpose of the teacher excellence program.

House File 2277 makes some technical changes in Chapter 294A of the Code. Included in these changes are provisions to allow for the distribution of the Phase I funding in districts that add teaching staff; provisions dealing with the treatment of area education agencies (AEA's) in the event that a school district within that area does not have an approved Phase III plan; and adjustments in certain reporting and payment dates for the three-phase program. Section 3 includes a provision which would allow a school district to use Phase III funds for a program or effort that was in effect prior to the beginning of the teacher excellence program. It is this latter provision which I find most objectionable.

The first purpose of the teacher excellence program was to provide funds to attract quality individuals into the teaching profession. That was accomplished by establishing an \$18,000 minimum salary in Phase I. Phase II provided additional funds for general salary increases to keep good teachers in the profession. And, Phase III provided additional funds to teachers on the basis of their performance or for doing additional work. During the first year of the teacher excellence program local schools relied heavily on the additional work component of Phase III. This so-called supplemental pay is being used by districts throughout the state to award teachers for supplementing and not supplanting programs or activities that had been done previously. It is critical that this requirement be maintained.

Iowans must receive additional results for the dollars they have spent on the teacher excellence program. If, instead, school districts are allowed to use funds for activities or programs that were in effect prior to the commencement of the teacher excellence program, Iowans will be shortchanged for their investment in educational excellence. Phase III funds should be used for new efforts or performance pay; not pay for last year's activities.



The teacher excellence program is an historic \$92.5 million commitment by this state for quality education in the future. The program is complex in that it rewards both performance and additional work and it relies on local control to be successful. During the first year, school districts were given a very short time period in which to respond to this demand for quality. During the second year, I expect to see a significant improvement in the plans that are submitted by individual school districts. In order to accomplish that, we need to provide the local districts with stability that will enhance their planning processes. I have committed to stability in the funding for this program so long as positive results are achieved and I believe we should do the same with regard to the specific statutory requirements. Opening up a potentially gaping loophole by allowing districts to use these funds for programs they already had in place prior to the beginning of the teacher excellence initiative would defeat the original purpose for Phase III and would potentially cause great disruption in the planning processes for local school districts that are now underway.

For the above reasons, I hereby respectfully disapprove House File 2277.

Sincerely,  
Terry E. Branstad  
Governor

May 14, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

House File 2474, an act relating to financial institutions and the location of satellite terminals and the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date, is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 2474 strictly limits the ability of Iowa banks to provide point of sale financial services outside of their market territories. The bill also applies the franchise tax to banks that move their home offices outside the state. Since interstate banking was not authorized, this provision of the bill has no impact.

Restricting the operation of banks offering point of sale services, however, could have significant adverse impact on economic development in the state and, as a result, I find it objectionable. This bill inhibits the growth of the electronic fund transfer industry in the state of Iowa and is in direct contradiction to economic development efforts to help telecommunications and data processing industries grow in the state of Iowa.

Specifically, this legislation prohibits any bank from placing point of sale terminals outside of its market area. These terminals are likely to be a significant growth area in the data processing business in the future as merchants attempt to ease the financial transaction process for consumers at the point of purchase. By preventing the Iowa banks from offering point of sale terminals services outside of their market area, this legislation would significantly inhibit the availability of this new technology for Iowa consumers.

In addition, this legislation would ironically allow an out-of-state bank to offer point of sale services for merchants in the state of Iowa while limiting an in-state bank's ability to do so.

I understand there are some banks in Iowa that are interested and have the data processing capability to become real market leaders in this field. I do not believe the state should forfeit the job opportunities associated with those capabilities by establishing the significant point of sale restrictions included in House File 2474.

For the above reasons, I hereby respectfully disapprove House File 2474.

Sincerely,  
Terry E. Branstad  
Governor

May 13, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

Senate File 484, an act relating to health care providers, hospitals, and patients by providing for the creation of a patient catastrophic injury fund for health care providers and hospitals, establishing a surcharge to be deposited in the fund, providing for an assessment on hospital charges, establishing qualifications for a health care provider, hospital, or patient to be protected by the fund, establishing a limitation on the liability of the fund, establishing a study and certain other powers and duties of the commissioner of insurance, providing for indemnification agreements between a hospital and a health care provider, providing that the act does not apply to certain contracts guaranteeing results, establishing certain reporting requirements regarding claims, providing for the appointment of a fund administrator and for administration of the fund, providing that an advance payment or a settlement is not an admission of liability, providing for liability of defense costs in certain actions, authorizing the fund to procure reinsurance, providing for structured settlements, establishing a mediation system to assist in the resolution of disputes, establishing certain mandatory reporting requirements for health care providers regarding acts which may constitute malpractice, providing for regional pricing of insurance, establishing a system for the reimbursement of certain amounts paid for medical liability insurance to ensure the availability of physicians to all citizens of this state, establishing a study to determine where the state is experiencing a shortage of needed medical services, establishing an effective date, providing for applicability and establishing penalties, is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 484 puts the state in the medical malpractice insurance business by establishing a patient compensation fund for recoveries of up to \$5 million. The first \$1 million worth of coverage is effectively paid for by the doctor or hospital with the remaining \$4 million worth of coverage supplied by a one percent tax on hospital billings and, if needed, the state's general fund.

Senate File 484 is a so-called tort reform bill. However, even some of the strongest proponents of this bill admit that the bill does not reform our tort liability system.

Instead, proponents argue that it will provide a reduction in the cost of reinsurance for some doctors and hospitals in our state and will maintain and possibly even enhance the ability of plaintiffs in medical malpractice actions to receive recoveries. However, in this effort to provide reinsurance to some physicians and hospitals and to protect the plaintiffs in malpractice cases, the legislature apparently forgot about one important player in this process — the taxpayer. Indeed, Senate File 484 is simply bad public policy. It is fiscally unsound; its potential long term impacts are frightening; and it forfeits the chance to obtain meaningful tort liability reform at this time and for the foreseeable future. For those reasons, I cannot approve Senate File 484.

It is no understatement to say that the medical malpractice system in the state of Iowa is in a state of crisis. Consider, for example, that malpractice premiums in Iowa have risen by 366 percent since 1981. And, an Iowa Supreme Court's study found that the number of medical malpractice cases filed in Iowa doubled from 1981 to 1986. The size of the awards also increased significantly.

This medical malpractice crisis has resulted in a loss of access to and an increase in cost of quality medical care. For example, a 1987 survey of physicians in Iowa found that 57 percent of them were less likely to provide services to high risk patients than in 1981. Moreover, between 1981 and 1987 the state lost one-third of its practicing obstetric physicians and one-half of those who quit practiced in rural areas. In fact, today in some parts of Iowa, a mother must travel up to 60 miles to give birth to her baby.

This malpractice crisis also has added to health care cost inflation. The same survey found that two-thirds of the doctors were more likely to require additional laboratory tests in order to practice defensive medicine. And, there can be little doubt that the additional malpractice insurance premiums required to be paid by doctors, at least in part, have been passed on in higher costs to health care consumers.

Now, there are some who say that the medical malpractice crisis is simply an insurance company conspiracy. However, the facts do not bear that out. In fact, approximately 600 companies have the ability to write medical malpractice insurance in Iowa. However, in 1987, only six insurers wrote 90 percent of the market. The reason for the small number of insurers is clear: medical malpractice insurance has not been significantly profitable in the past few years. Moreover, the loss ratio for companies insuring medical malpractice in Iowa has gotten significantly worse with Iowa's largest medical malpractice insurer's loss ratio exceeding 120 percent in one year.

What is needed to resolve this serious problem? It is clear there must be some cap placed on medical malpractice recoveries. I recommended a \$250,000 cap on non-economic losses — similar caps are presently in place in 21 other states. In addition, the medical profession itself must do an even better job of policing its profession to ensure that physicians who are not up to standard are not allowed to practice.

But Senate File 484 does not significantly address the issue of improving the quality of physicians and hospitals and does not put in place reasonable limitations on recoveries. Instead, this bill simply shifts the cost from doctors, plaintiffs and their attorneys to the public. I acknowledge that Senate File 484 does provide reinsurance for the 40 percent of doctors who need greater than a million dollars worth of coverage. However, the reduction in malpractice costs for those individuals comes at too high a price.

First, I have deep philosophical concerns about the state being involved in this type of insurance business. Five of the ten states that are involved in the medical malpractice insurance business have funds that are actuarially insolvent. The reason is simple. The political process resists efforts to put funds away for potential losses in the future. Instead, the temptation among state governments is to provide funds on a cash flow basis only. That temptation may look good in the short run, but in the long term, it can cause a severe financial crisis for the state.

Second, Senate File 484 is fiscally unwise. It puts in place a \$7 million tax on health care on hospital consumers to help pay for medical malpractice claims. This is, in effect, a general tax increase in order to fund the problem we have not taken action to solve. Moreover, careful actuarial reviews of the bill have been conducted for the Insurance Division for the Department of Commerce and the Iowa Medical Society. Review was difficult to do since the bill contains significant ambiguous language, i.e., the determination of whether coverage is per occurrence or per defendant is not clear. Moreover, the actuarial firm has indicated that state taxpayers could eventually be forced to pay excess liability costs of between \$426,000 to \$4 million per year. Given the tight fiscal conditions existing in the state, it would be difficult for the state to absorb these additional costs. Regardless of the actual size of the state liability, I believe that it is unwise for the state fiscal policy to have the taxpayers exposed to significant liability resulting from medical malpractice claims.

Third, I believe the bill could, in the long term, make the medical malpractice crisis even worse. This bill could actually result in increased medical malpractice claims above present levels. Senate File 484 provides for up to \$5 million of coverage for all doctors and hospitals in the state. Currently, 60 to 70 percent of doctors have coverage of only \$1 million. The additional availability of \$4 million of insurance would certainly be an attractive target for plaintiff attorneys in malpractice cases to shoot at. And higher claims will only make the current malpractice crisis even worse.

Fourth, I believe Senate File 484, if signed, would significantly reduce the chances for meaningful tort reform for the future. In effect, this bill relieves some of the pressures for medical malpractice reform. Since health care consumers and taxpayers would be paying for higher levels of coverage, there may be reduced interest among the affected physicians and hospitals to push for meaningful malpractice reform for the future. As a result, the likelihood of reform in the future is significantly diminished.

In summary, I am aware that the proponents of this legislation indicate that it protects medical malpractice plaintiffs and will provide some reinsurance for some medical practitioners. However, these marginal benefits are clearly outweighed by the fact that the legislature, in passing this bill, forgot about the taxpayer. The health care consumer and the state's general fund would be forced to absorb the probable increase in medical malpractice awards. I believe that is bad public policy and fiscally unwise. And it significantly reduces our chance to obtain meaningful tort reform in the future.

Moreover, I have deep philosophical reservations about having the state enter into the insurance business and believe it should only be done on rare occasions when the potential exposure to the state is slim and public policy reasons for offering of such insurance are overwhelming. In addition, I believe it is inappropriate for the state to enter that type of business when the result is to mask the root cause of the medical malpractice crisis. Indeed, we should not push this problem on to the public. As public policymakers, our role is to protect the public, not to make them the ultimate absorbers of excess risk.

I pledge to work with the legislature, the affected interests, and representatives of public to develop a meaningful medical malpractice and tort liability reform in the future. It will require compromise from all parties and commitment to protect the public interest in available and affordable health care.

For the above reasons, I hereby respectfully disapprove Senate File 484.

Sincerely,  
Terry E. Branstad  
Governor

May 15, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

Senate File 2333, an act relating to a conflict between civil service laws and the terms and conditions of a collective bargaining agreement pertaining to the mandatory bargaining subject of seniority as it affects promotions and transfers, is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2333 permits selected provisions of collective bargaining agreements to supercede Iowa civil service law. It also affects mandatory subjects of collective bargaining. This bill would apply to certain city employees under collective bargaining contracts.

The bill makes two significant changes in current law. First, it changes city civil service law to require that seniority as it affects promotions and transfers be a mandatory subject of collective bargaining. Secondly, Senate File 2333 provides that collective bargaining agreements supersede the current civil service law.

If a collectively bargained agreement arrived at either through voluntary settlement or arbitration includes a term or condition related to seniority as it affects promotion and transfer, the collectively bargained agreement would automatically supersede the provisions of the civil service law.

If, for example, an agreement stated that seniority would be the only factor considered in promotions, that provision would override the existing civil service law and the length of service would be the sole criteria. This could have an adverse impact on cities in Iowa trying to implement affirmative action programs for minorities and protective classes and performance related pay. I find this objectionable.

It is a much wiser policy to bargain contracts within the confines of the existing law. Iowa's collective bargaining and civil service law established a delicate balance between management and labor. This balance should not be upset by allowing bargaining agreements to roam outside the law. Furthermore, it is a bad precedent to allow collective bargaining agreements to override existing law.

For the above reasons, I hereby respectfully disapprove Senate File 2333.

Sincerely,  
Terry E. Branstad  
Governor

## GOVERNOR'S ITEM VETO MESSAGES

May 11, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 2269, an act relating to the operation and funding of rail lines including funds in the special railroad facility fund and the rail assistance fund and an appropriation and providing an effective date.

House File 2269 is approved with the following exception which I hereby disapprove.

I am unable to approve the item designated in Section 3 of this bill which reads as follows:

Moneys credited to the authority under this section shall be repaid from the general fund to the road use tax fund.

House File 2269 provides funding for needed rail branch line improvements in the state. The bill provides the Iowa Rail Finance Authority with the Heartland Rail Corporation's loan repayments to be used for debt service or rehabilitation of financially feasible rail branch lines in the state. However, since these repayments are not secure, the legislature authorized the Iowa Rail Finance Authority to utilize up to \$2 million of use tax funds per year to pay debt service on rail bonds in the event the Heartland Funds and shipper pledges fall short. This \$2 million security enhancement would, in turn, then be repaid with funds appropriated in this bill from the state's general fund.

I support efforts to provide appropriate funding to rehabilitate financially feasible rail branch lines. I believe this is a critical problem facing this state; the availability of good rail service has a significant impact on the ability of our state's products to compete in the world marketplace. Therefore, I have approved portions of this bill which allow the Heartland loan repayments to be secured for rail rehabilitation.

However, the provision to require the eventual use of tax dollars from the general fund raises serious constitutional and financial questions. This requirement could, in fact, obligate the general fund of the state to pay debt on railroad bonds, contradicting the debt prohibition that appropriately exists in our Constitution. Moreover, the state's general fund balance is not sufficient to absorb this additional \$2 million appropriation.

In fact, the Department of Transportation would be well advised to avoid the utilization of the use tax dollars to secure rail bonds unless absolutely necessary. The Heartland loan repayment funds would be better utilized on a grant or a revolving loan fund basis. However, I understand that additional financing tools may be necessary if an immediate rail branch line crisis should occur. Therefore, I have allowed the use tax security enhancement to remain in the bill but I cannot approve the provision that effectively pledges the state of Iowa's general fund to pay that debt service.

It is my understanding that my action should, in fact, enhance the workability of this bill by removing a significant constitutional cloud over the bill. For the future, I believe that the legislature should review other sources of financing for needed rail branch line improvements and purchases. I am deeply concerned about further efforts to rob the Road Fund for this purpose. Such action serves only to reduce our ability to complete our Transportation 2000 commercial highway network. I plan to work with a coalition of shippers, rail lines, and other interested parties this summer and fall to develop appropriate recommendations to the legislature to deal with our emerging rail problems. Significant attention should be given to reviewing ways in which rail user and fuel fees can be utilized as a method of funding.

In short, I cannot accept the item in this bill that requires that rail debt service be paid back by the general fund of the state. Obligating the general fund for that purpose could, in fact, be unconstitutional. And, in any event, it is a fiscally imprudent use of those dollars.

For the above reasons, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2269 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 13, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 2441, an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date.

House File 2441 is approved with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as: Sections 1 and 2 in their entirety; the first paragraph of Section 3, subsection 3; Section 8 in its entirety; Section 10, new subsection 6, in its entirety, and Sections 11 through 30 in their entirety.

House File 2441 establishes a state operated underground storage tank insurance fund. The fund would provide coverage up to \$500,000 per occurrence for leaks from underground storage tanks. This state insurance system is funded by tank fees assessed to owners of underground storage tanks which will raise approximately \$6 million per year. In addition, the legislation requires the imposition of a two cent per gallon tax on all petroleum products stored in the state in August of 1988. This tax increase is expected to raise approximately \$3 million this year.

In addition, House File 2441 includes provisions which delay the state rules requiring monitoring wells around existing tanks from May 1 of this year to January 14 of 1989 and provides additional enforcement tools to the Department of Natural Resources in this area.

I believe that a delay in the implementation of the state rules requiring costly monitoring of wells is in order, given the fact the federal government has yet to issue its rules governing these tanks. In addition, I approve of the additional enforcement tools which are provided to the Department of Natural Resources to deal with leaky underground storage tanks.

However, I cannot approve the items in this bill which:

- put the state in the insurance business by creating the state underground storage tank insurance fund;
- raise taxes; and
- appropriate tax revenues to the fund.

I believe this complicated tax increase and public insurance system sets the state on a fiscally hazardous course. Moreover, it excessively increases the gas and petroleum taxes for Iowans and prematurely leapfrogs federal regulations which have not yet been issued in this area.

First, some background is probably in order. The Congress has passed a law requiring the Environmental Protection Agency (EPA) to establish standards to deal with underground storage tanks. The EPA has been struggling with those standards for over two years. Proposed rules were issued once and then withdrawn after considerable public comment and protest. The key elements of the rules are likely to be monitoring cleanup and financial responsibility standards. In the interim, the Iowa Legislature mandated that the state require expensive monitoring wells to be constructed around each existing underground storage tank by May 1 of this year. Most owners of underground storage tanks were simply unable to comply with this mandate. Moreover, many owners of underground storage tanks were unable to obtain insurance necessary to provide funds to clean up underground storage tank leaks if they are found.

This bill is an attempt by the General Assembly to provide state insurance to pay for cleanup without knowing what the federal rules which will govern the financial liability of tank owners will require.

My concerns about that action by the state of Iowa are threefold:

- The underfunded insurance effectively exposes the state to considerable liability;
- The taxes on petroleum products should not be raised again and used for this purpose;
- State action of this import should not be taken until the federal rules are issued.

I have deep philosophical concerns about involving the state in the insurance business. I generally believe that insurance is best left to the private sector. I do understand that most underground storage tank owners find it difficult, if not impossible, to locate private insurers, however. Nevertheless, House File 2441 establishes an insurance fund, that according to actuarial estimates, will be insolvent by \$10-\$20 million. This \$10-\$20 million unfunded liability would have to be picked up by either tank owners or, in all probability, by the state. Since tank owners do not have the financial ability to pick up those additional costs, it is quite likely that this \$10-\$20 million of unfunded liability will eventually fall on the state's taxpayers. I am reluctant to commit the state to fund such a substantial liability.



In addition, I am deeply concerned about the method that is used in this legislation to provide public funds for this insurance system. Public funds are provided by a two cent increase in all petroleum products stored in August of this year. We have already adjusted the motor fuel user fee to pay for the Transportation 2000 commercial highway network and to replace lost federal funds needed to repair and maintain our highways. I believe that adjustment is enough. We should not shove another two cent per gallon tax increase in August on to the state's petroleum users.

Moreover, I am concerned about the precedent this legislation sets in using a petroleum tax for purposes other than maintaining our transportation system. Our Constitution appropriately requires that motor fuel user fees be dedicated towards the maintenance of our roadways. This legislation attempts to evade that constitutional provision by taxing petroleum fuels while they are still in the distributor storage tanks and then using them for an insurance fund. Thus, the bill raises serious constitutional questions and, in any event, sets a bad precedent for road funding decisions in the future.

Finally, I believe that House File 2441 attempts to solve a problem that has not yet been defined. The financial responsibility requirements to be placed on owners of underground storage tanks will be established by the rules reportedly due out anywhere from October of this year to the spring of next year. In addition, the preliminary reports indicate that there may be changes in the financial responsibility requirements for tank owners in those rules. And, there are some reports that the effective date of the financial responsibility requirements in the rules could be delayed until 1990 or 1991.

Frankly, until the rules are finally issued, we do not know what type of financial responsibility system should be established to deal with leaky underground storage tanks. The likely size of the problem will probably necessitate some sort of state role in the cleanup process and I am certainly willing to consider options to do that, given the important environmental need to maintain clean groundwater. However, I believe it would be premature and ill advised to put in place a two cent per gallon petroleum tax, and a state operated insurance fund with a \$10-\$20 million unfunded liability until we receive clear indications of just what the federal government will require. We should have a much better idea of what those requirements will be at the time of the commencement of the next General Assembly. Once the final federal rules are issued, I will work closely with the affected parties to develop an appropriate state response to this important environmental issue.

In short, I cannot approve those items in House File 2441 which potentially obligate the state to considerable financial liability, raise the petroleum tax by two cents per gallon on Iowans, and appropriate to and establish the state underground storage insurance fund. I believe it would be premature and fiscally unwise for the state to take this step at this time.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2441 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 12, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 2452, 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, by providing appropriations, and by providing effective dates.

House File 2452 is approved with the following exception which I hereby disapprove.

I am unable to approve the item designated as Section 16, subsection 5, in its entirety.

House File 2452 deals with child support collection services and provides that the Department of Human Services shall continue to provide for centralized child support collection services for Aid to Dependent Children (ADC) recipients with the remaining collection services to be provided by the clerks of court. While I am concerned about the additional costs of this transfer, I believe this modification is understandable and not inappropriate, given the past startup problems associated with the state centralized collection service system.

However, subsection 5 of Section 16 is an attempt by the General Assembly to statutorily delimit the Governor's constitutional line item veto authority and, as a result, cannot be approved.

This subsection includes legislative dicta to the effect that individual appropriations included in the bill are considered part of the unified whole and, purportedly, cannot be subject to the Governor's line item veto authority. I have some concerns about the funding mechanism used in this bill — this ongoing program is funded with one-time Racing Commission dollars that had been set aside for another purpose. Nevertheless, I understand that the legislature had no other source of funds available to finance the transfer of a portion of the child support collection services to the judicial department and I have, therefore, approved those appropriation items.

However, when the legislature attempts to define the Constitution by statute, it is clearly exceeding its authority. We have a time-honored tradition in this country of judicial review. That means the court, not the legislature, decides what is constitutional and what is not. Indeed, in a recent decision, Junkins v. Branstad, Case No. 86-1740 (filed March 16, 1988), the court strongly reaffirmed the principle that it is the court, not the legislature, that decides the meaning of the Constitution.

Therefore, in subsection 5, the legislature is clearly invading the power of the judicial branch to construe the law and the power of the executive branch to carry it out.

For the above reasons, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2452 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 6, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 2469, an act relating to energy development and conservation, making appropriations of the petroleum overcharge funds, and providing an effective date.

House File 2469 is approved with the following exception which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2, paragraph d. This item in House File 2469 appropriates \$1 million to the Department of Natural Resources to buy down interest rates by approximately one-half percent on \$10 million worth of energy conservation bonds. These bonds are to be issued to the State of Iowa Facilities Improvement Corporation with the debt service to be paid out of each department's operating budget.

I understand that the State of Iowa Facilities Improvement Corporation has issued bonds in the past in order to finance energy conservation improvements with short pay-back periods. State agencies are now saddled with paying approximately \$19 million of debt service on those bonds for the next ten years.

While I understand there is a continuing need for additional capital expenditures for energy conservation improvements on state property, I believe it would be fiscally unwise for the state to further encumber operating budgets with long-term debt. Indeed, excessive use of the bonding financed out of operating budgets would place state agencies in a fiscal straightjacket. Moreover, the long-term debt financed in operating budgets has put other governmental jurisdictions in deep financial crises.

I understand that the State of Iowa Facilities Improvement Corporation has not planned to issue any additional bonds under its authority and I concur with that decision. Moreover, I believe that with the improving state economy, the state ought to attend to the most critical of these capital needs through direct appropriation. Indeed, with Department of Energy approval, the \$1 million provided for this purpose would be much better used to provide for the actual energy improvements rather than buying down interest rates by one-half percent on \$10 million worth of debt.

In short, appropriating a million dollars to buy down interest rates by one-half percent on \$10 million of additional debt is fiscally unsound and unwise. The state should instead consider capital appropriations for energy conservation needs without encumbering operating budgets with long-term debt service.

For this reason, I hereby respectfully disapprove the designated item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2469 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 11, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2092, 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, and providing effective dates.

Senate File 2092, the so-called rural development financing bill contains many positive features which I am approving. Specifically, this bill would allow the Department of Economic Development to establish a low interest loan revolving fund to aid small communities in rural development projects. The Governor's Rural Development Task Force report of last summer indicated the need for the state to provide targeted financial assistance to small communities in the area of traditional infrastructure, new infrastructure, and housing. Clearly, the maintenance of sewers, water, road, bridges and airports is critical to the economic vitality of small communities. In addition, I understand the need for so-called new infrastructure services — communications systems, day care, and technology transfer — in order to support economic diversity in our smaller communities. And, in many small communities the availability of housing is a critical component of economic development efforts.

I believe state financial assistance to communities in these areas will do much to assist us to implement our rural development strategy.

However, Senate File 2092 also contains two fiscally unsound and unworkable provisions which are not approved.

I am unable to approve the item designated as Section 9 in its entirety.

This section of the bill diverts one and one-half cents of the state's cigarette tax to the community development revolving loan fund. Apparently, this \$4 million is to be used by the Iowa Finance Authority to back up to \$15 million worth of bonds to be issued per year for the purposes specified in the act.

I cannot approve this item because it sets a bad precedent by diverting general fund dollars for debt service. While I understand that these funds will not be utilized unless the legislature does not make a specific appropriation to provide for the debt service, I believe this provision could put the state in a fiscal straitjacket by tying up portions of state general fund revenue sources to pay off bonds. It is fiscally unwise in the long term to be dedicating a portion of our general fund tax revenues for bonding.

The general fund is just now beginning to be restored to reasonable fiscal health and diverting significant revenue sources from the general fund into debt service would restrict the state's ability to respond to financial emergencies in the future and limit our ability to return the state to a sound fiscal condition.

Moreover, the use of general funds dollars for debt service raises serious constitutional questions, given the constitutional prohibition on state indebtedness.

I am unable to approve the section designated as Section 23 in its entirety.

This section of Senate File 2092 authorizes the Iowa Finance Authority to issue bonds to capitalize the community and rural development loan program. The Iowa Finance Authority is authorized to issue up to \$15 million of bonds under this provision in any one calendar year. This provision is simply unworkable and could jeopardize the entire community and rural development loan program. It would put the state too far in debt at too high a cost.

First, sufficient funds are not provided to service up to \$15 million per year of debt. In fact, due to the fact that loans are required to be made from these funds at a zero to five percent interest rate, it is anticipated that up to \$14 million may have to be used over the life of each \$15 million bond issue just to buy-down the interest rate. And, it is anticipated that one-third to one-half of each year's available appropriations would have to be used to buy-down the interest rate to the five percent maximum allowed.

Secondly, this provision would put the state too far in debt. Indeed, each \$15 million of debt would require up to \$43 million worth of debt service. This could financially hamstring the state and prevent us from having the financial flexibility to react to changing needs in the future.

And finally, this item in Senate File 2092 does not put an overall limit on the amount of bonds that could be issued under this section. The \$15 million limit is for each calendar year. Conceivably IFA would be authorized to issue \$15 million each and every subsequent year. Clearly, if that were to be done, the one and one-half cent cigarette tax diversion which is to be used to service these bonds would be woefully inadequate. As a result, the state would be forced to dedicate a larger and larger portion of its cigarette tax revenues for debt service.

In short, I believe that the community and rural development loan program can work effectively to provide essential infrastructure and housing services to small communities through a zero to five percent revolving loan fund. This approach was successfully achieved in the community revolving loan program established in 1983. However, it is simply unworkable and fiscally unwise to require the authority to issue bonds to capitalize the fund. Moreover, given the dubious financial feasibility of these bonds the authority had not planned on making use of the bonding authority included in Senate File 2092 in the near term in any event.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2092 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 17, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2312, an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational, cultural, and rehabilitational programs of this state and providing an effective date.

Senate File 2312 is approved with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 5 in its entirety.

This item in Senate File 2312 provides the Public Broadcasting Division of the Department of Cultural Affairs with the authority to use the financing of the State of Iowa Facilities Improvement Corporation (SIFC) to purchase portions of needed ultra-high frequency transmitter packages. Moreover, the legislation exempted IPTV from the requirement that these packages meet the six-year energy payback requirement that is applied to financing. It is anticipated that the total cost of replacing these transmitters at IPTV is approximately \$860,000.

I am concerned about legislation which authorizes additional bonding or lease/purchases by SIFC. The principal and interest on this financing must be paid out of the operating budgets of the individual entities. In this case, it would, in effect, require a diversion of operating funds from the IPTV budget for debt service.

In addition, I am concerned about the exemption from the six-year energy payback requirement that is included in this item. Energy conservation projects with longer than six-year paybacks are generally deemed to be poor investments. Issuing bonds for that purpose is especially unwise financial strategy.

I am cognizant of the need by IPTV to replace some of their transmitters which are well past their useful lives. However, I would prefer direct appropriations to fund the purchase of these replacement transmitters. I have approved provisions in the oil overcharge bill which potentially will provide direct general fund appropriations for the purchase of these transmitters. If the intent of that appropriation is not realized, the General Assembly may need to consider a direct appropriation to replace the transmitters in future years.

I am unable to approve the item designated as Section 61 in its entirety.

This provision in Senate File 2312 requires the Board of Regents to issue bonds to finance energy conservation projects with a payback of an average of six years. Certainly, energy conservation should be an important priority of the capital program of the State Board of Regents and the Regents have allocated funds for that purpose in the past.

However, I object to requiring the State Board of Regents to issue debt financing for this purpose. Debt financing limits our financial flexibility in future years as we struggle to payback the principal and interest on the debt. Moreover, debt financing runs the risk of tying up the operating budgets of the Regent institutions.

I am in support of and have signed legislation to require the Board of Regents to carefully review energy conservation projects which can be undertaken with reasonable payback periods. However, I cannot approve legislation which stipulates that the only method of financing those projects be bonding. Instead, the Board of Regents institutions have attempted to finance as many energy conservation projects as possible from the building repairs portion of their operating budgets. Extraordinary needs for energy conservation funds can be requested for consideration by the Governor and the General Assembly through the normal appropriation process and pay-as-you-go basis.

I am unable to approve the item designated as Section 63 in its entirety.

This section of Senate File 2312 strikes the statutory provision which requires that the Department of Ophthalmology of the School of Medicine at the State University of Iowa to provide continuing education for therapeutically certified optometrists.

In effect, this provision reopens an issue that the last General Assembly resolved by allowing optometrists to offer therapeutic services.

In order to be therapeutically certified, optometrists must meet strict education and certification requirements. Legislation passed last session by the General Assembly required the Department of Ophthalmology at the University of Iowa Hospitals and Clinics to provide some of this continuing education.

I believe that the legislation was correct last year in requiring that optometrists receive some of their continuing education at the Department of Ophthalmology at the University of Iowa. The state of Iowa does not have an optometry school and therefore it is somewhat difficult for optometrists to receive appropriate continuing education in the state of Iowa. Optometrists who do provide therapeutic services can benefit greatly from the instruction and expertise which is available at the Department of Ophthalmology. Moreover, I believe that continuing delivery of quality eye care in Iowa requires the Department of Ophthalmology to be involved in the continuing education of therapeutically certified optometrists. In order to ensure that will occur, I am item vetoing this section of Senate File 2312.

Section 65 of Senate File 2312 provides legislative authorization for the postsecondary education task force. I am not item vetoing this from the bill since I respect the prerogative of the General Assembly to conduct studies that are deemed appropriate.

However, I have some serious concerns about the structure of the study which is included in Section 65. This study does not include representation from the executive branch of state government. Such representation is critical to a complete, effective, and realistic plan for postsecondary higher education for the future. I am strongly in support of efforts to develop strategic plans for the greater coordination and focusing of our higher education resources in the state. As a result, I am working closely with the presidents and chief executive officers of each of the three major education governance boards in the state. We are planning a joint meeting of those boards to develop a process for strategic planning and coordination. I would hope that the General Assembly would work closely with the executive branch group to jointly develop plans for the future of higher education in Iowa.

I am unable to approve the items designated as Sections 67 and 68 in their entirety.

These items in Senate File 2312 provide for the accretion of the classroom teachers at the Iowa Braille and Sight Saving School and the Iowa School for the Deaf to the

faculty bargaining unit at the University of Northern Iowa or another approved classroom teacher bargaining unit established under Chapter 20.

Under current law, the Public Employment Relations Board has the responsibility to establish units for collective bargaining purposes. That provision in Chapter 20 has worked quite well and the legislature should not, by statute, tinker with it. I believe that the statutory responsibilities of the Public Employment Relations Board should be respected and therefore I cannot approve of this accretion language.

I am unable to approve the item designated as Section 69 in its entirety.

This provision in Senate File 2312 specifically restricts the self-liquidating financing authority for utilities, telecommunications, sewers and research equipment at the Regents institutions. The Board of Regents has used this authority over the years to meet critical needs of the Regent institutions at the lowest financing possible cost. Moreover, this self-liquidating method of financing has no impact on the state's general fund and is financed by the university's ability to generate revenues to make the payments. In addition, the Board of Regents has prudently used this mechanism to help finance important economic development projects including research equipment and the human resources biology facility at the University of Iowa. Therefore, I believe the Regents should retain this ability to obtain low cost financing to meet emergency and other important academic and economic needs for the state at no cost to our general fund.

As a matter of course, the Board of Regents has consulted with my office and the legislature prior to making use of this financing mechanism. I have been assured that such prior consultation will continue to occur.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2312 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 15, 1988

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2322, an act relating to and making appropriations for the compensation, training, and benefits for public officials and employees, and providing effective dates.

Senate File 2322 is approved with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 3 in its entirety. This section of Senate File 2322 makes line item appropriations of salary adjustments amounts to state departments and local agencies or programs. The specific allocations included in the bill are made on the basis of a snapshot of the personnel system that was taken in September of 1987.



The state and local personnel system is dynamic, thus, these specific allocations do not take account of substantial numbers of positions which were added or deleted or significant changes in pay classifications which have occurred since that time. As a result, it is anticipated that some of the allocations to individual departments in this bill are in error by as much as \$200,000.

The most glaring error is the failure to take account of the centralization of the personnel adopted by the General Assembly which resulted in the deletion of a number of positions in Corrections and the Department of Human Services and in the addition of some positions in the Department of Personnel. The Department of Personnel would be unable to carry out these functions with the allocation provided in Section 3.

Section 2 of this bill makes the traditional lump sum appropriation of the salary adjustment funds to the Department of Management under Section 8.43 of the Iowa Code. This section of the Code provides the Department of Management with the authority to distribute salary adjustment funds to individual departments, local agencies, and programs. Providing the department with this allocation authority will ensure that funds are distributed equitably and consistent with the personnel structure authorized by the General Assembly for fiscal year 1989. The Department of Management will provide appropriate reports to the Legislative Fiscal Bureau and interested legislators regarding the allocations that are made and the rationale for those allocations. The department will also, of course, respond to any additional requests for information.

In short, the specific allocations of salary adjustment funds made in Section 3 of the bill do not reflect significant personnel changes which have occurred since September of 1987. This legislation also provides a lump sum allocation to the Department of Management for distribution. Utilization of that authority will allow a more accurate allocation of these salary adjustment funds, with full reporting provided to the General Assembly.

I am unable to approve the item designated as Section 11 of Senate File 2322 in its entirety.

This section of the bill, in effect, reduces appropriations available to the Department of Public Safety for undercover drug buy money. A separate bill provided \$200,000 from the Law Enforcement Training Reimbursement Fund to the Department of Public Safety for drug buy money which is critical to the success of our efforts to crack down on drug dealers. This bill, however, provides that other appropriations from that reimbursement fund be fully credited prior to providing funds for undercover purchases.

It is estimated that the legislature has over-appropriated funds from the Law Enforcement Training Reimbursement Fund by at least \$70,000. Thus, the state's narcotics enforcement effort would be hamstrung by this significant reduction in money needed to pursue investigations into illicit drug trafficking in Iowa. In addition, the state's eligibility for federal crime control act funds for drug law enforcement would also be jeopardized.

Apparently, the legislature at one time intended to short the drug buy money account in order to provide additional salary money to the Attorney General's office. However, the appropriation from the reimbursement fund for that purpose was never made. In addition, since Section 3 of this act was item vetoed, the Department of Management has the flexibility to provide appropriate salary adjustments to the Attorney General's office to fund authorized staff.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2322 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

IN MEMORIAM

House

A memorial adopted by the House of Representatives, 1988 Regular Session of the Seventy-second General Assembly, commemorating the life, character, and public service of a former member of the House of Representatives.

HAROLD V. NELSON . . . . . June 30, 1899—March 12, 1988

HAROLD V. NELSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Harold V. Nelson begs leave to submit the following Memorial:

Harold V. Nelson was born June 30, 1899 on a farm near Quimby in Cherokee County, the son of Hanna M. and Edward S. Nelson. On June 15, 1926 he married Lela Irene Johnson, to which union was born one son.

Harold Nelson had dual careers in farming and livestock feeding. He was active in the Boy Scouts of America, was past county president of the Farm Bureau; was a director of the Federal Land Bank Association of Storm Lake; was a member of the Methodist Church, Kiwanis, Toastmasters and the Little Sioux Rod and Gun Club.

A Republican, Mr. Nelson represented Cherokee County during the Sixty-first, Sixty-second and Sixty-third General Assemblies.

Harold V. Nelson died March 12, 1988, and is survived by his wife, Lela and son, James; four grandchildren and four great-grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-second General Assembly of Iowa, That in the passing of the Honorable Harold V. Nelson, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.*

*Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.*

TOM H. MILLER  
LEE J. PLASIER  
KENNETH DE GROOT

Committee

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ARNOULD, ROBERT C.—Representative **Scott** County, Majority Floor Leader

Amendments filed—269, 1420-1421  
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 Bills deferred—151, 293, 316, 320, 363, 400, 404, 416, 476, 500, 520, 523, 563, 577, 588, 599, 607, 613, 621, 684, 694, 696, 698, 701, 741, 786, 794, 817, 836, 860, 866, 993, 1002, 1011, 1021, 1023, 1042, 1052, 1075, 1104, 1151, 1152, 1195, 1205, 1208, 1210, 1213, 1231, 1239, 1265, 1269, 1272, 1273, 1274, 1277, 1278, 1280, 1281, 1287, 1289, 1295, 1306, 1360, 1380, 1633, 1702, 1750, 1946, 1948, 1998, 1999, 2025, 2088, 2142  
 Bills introduced—1549, 1901, 1981  
 Bills referred to committees—333, 373, 888, 1866  
 Bills rereferred to committees—1079  
 Bills returned to committees—1110, 1559  
 Leave of absence—768  
 Presented with gift—2120  
 Remarks by—8-9, 2251-2252  
 Resolutions deferred—1581, 1584, 1598  
 Resolutions offered—4, 4-5, 302, 306, 354, 2270  
 Unanimous consent, committee notices and agendas—386

## ASSISTANT MAJORITY FLOOR LEADERS—

Florence D. Buhr, Representative **Polk** County  
 (See Buhr, Florence D.—Representative **Polk** County, Assistant Majority Floor Leader)

- John Groninga, Representative **Cerro Gordo** County  
(See Groninga, John—Representative **Cerro Gordo** County, Assistant Majority Floor Leader)
- Rod Halvorson, Representative **Webster** County  
(See Halvorson, Rod—Representative **Webster** County, Assistant Majority Floor Leader)
- Bob Skow, Representative **Adair-Dallas-Guthrie-Madison** Counties  
(See Skow, Bob—Representative **Adair-Dallas-Guthrie-Madison** Counties, Assistant Majority Floor Leader)

#### ASSISTANT MINORITY FLOOR LEADERS—

- Wayne Bennett, Representative **Ida-Monona-Woodbury** Counties  
(See Bennett, Wayne—Representative **Ida-Monona-Woodbury** Counties, Assistant Minority Floor Leader)
- Dorothy F. Carpenter, Representative **Polk** County  
(See Carpenter, Dorothy F.—Representative **Polk** County, Assistant Minority Floor Leader)
- Kyle Hummel, Representative **Benton-Black Hawk** Counties  
(See Hummel, Kyle—Representative **Benton-Black Hawk** Counties, Assistant Minority Floor Leader)
- Donald J. Paulin, Representative **Plymouth-Woodbury** Counties  
(See Paulin, Donald J.—Representative **Plymouth-Woodbury** Counties, Assistant Minority Floor Leader)

- AVENSON, DONALD D.—Representative **Chickasaw-Fayette** Counties  
(See Speaker of the House—Donald D. Avenson, Representative **Chickasaw-Fayette** Counties)

#### AWARDS AND GIFTS—

- Certificates of excellence presented to House Pages—553, 1812-1813
- Plaques were presented to the following members who will be retiring at the end of this legislative session: Representatives Parker, Platt, Skow, Swearingen and Cooper—2120
- Plaques were presented to the following leaders in appreciation of their service to the House: Representatives Avenson, Arnould and Stromer—2120
- Representatives Running and Norrgard who are candidates for offices other than the House were also recognized for their service—2120

- BEAMAN, JACK—Representative **Adair-Adams-Cass-Clarke-Union** Counties  
Amendments filed—141, 142, 273, 285, 331, 796, 1130, 1131, 1178  
Amendments offered—374  
Bills introduced—158, 178, 292, 304, 346, 347, 356, 465  
Committee appointments—1711  
Petitions presented—482, 964  
Presented to the House Carole Besson, foreign exchange student from Switzerland—341  
Requested his name be added as a sponsor of H-5152 to House File 2294—458  
Subcommittee assignments—107, 120, 121, 130, 175, 176, 225, 328, 365, 411, 477, 494, 546, 564, 869, 961, 962

- BEATTY, LINDA L.—Representative **Warren** County  
Amendments filed—273, 277, 463, 643, 912, 949, 1019, 1177, 1178, 1252, 1372, 1426, 1709, 1767, 1811, 1964  
Amendments offered—402, 555, 1107, 1120, 1202, 1310, 1365, 1414, 1763

Amendments withdrawn—1763, 1872

Appointed to the Advisory Commission on Intergovernmental Relations—15

Bills introduced—159, 345

Leave of absence—586, 858

Petitions presented—464

Presented to the House the Honorable James Middleswart, former member of the House—234

Resolutions offered—354

Subcommittee assignments—41, 42, 43, 145, 156, 176, 225, 235, 310, 444, 906, 907, 1035

**BENNETT, WAYNE**—Representative **Ida**-Monona-Woodbury Counties, Assistant Minority Floor Leader

Amendments filed—221, 277, 428, 429, 481, 486, 610, 629, 822-823, 870, 911, 912, 913, 1373, 1419-1420, 1425, 1490, 1646, 1689-1690

Amendments offered—486, 488, 489, 490, 667, 822, 918, 927, 1447, 1490, 1689

Amendments withdrawn—920, 1886

Bills introduced—125

Committee appointments—1947, 2199

Leave of absence—272

Reports—2199, 2257-2269

Resolutions offered—369

Subcommittee assignments—120, 130, 199, 460, 494, 906, 908, 1250, 1644

**BILLS**—

(See also action on House Joint Resolutions, House Files, Senate Joint Resolutions and Senate Files in Legislative Index Volume)

Amendments not otherwise printed during session—2278-2577

Approved—224, 288, 347, 387, 424-425, 510, 545, 563, 686, 838, 1175-1176, 1316, 1371, 1561, 1704-1705, 1808-1809, 1985, 2107, 2271, 2582-2597

Approved after session—2582-2597

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Deferred—151, 161, 194, 216, 293, 316, 320, 363, 400, 404, 416, 435, 476, 500, 520, 523, 563, 577, 588, 599, 607, 613, 621, 684, 694, 696, 698, 701, 741, 786, 794, 817, 836, 860, 866, 993, 1002, 1011, 1021, 1023, 1042, 1052, 1075, 1104, 1151, 1152, 1195, 1205, 1208, 1210, 1213, 1231, 1239, 1265, 1269, 1272, 1273, 1274, 1277, 1278, 1280, 1281, 1287, 1289, 1295, 1360, 1384, 1527, 1633, 1702, 1713, 1750, 1946, 1948, 1998, 1999, 2025, 2088, 2118, 2142, 2174

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Item veto messages—339-341, 1982-1983, 1983-1984, 2100-2105, 2105, 2105-2106, 2606-2618

Item vetoed after session—2584, 2588, 2589, 2590, 2593, 2596, 2597



Motion to override governor's item veto—469-470, 538-539, 2098-2099, 2099-2100  
 Passed on file—298  
 Referred to committees—333, 373, 888, 1866  
 Rereferred to committees—476, 1078  
 Resolutions adopted, not otherwise printed in journal—2578-2581  
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 Returned to committees—1110, 1559  
 Sent to governor—298, 386-387, 410-411, 510, 1249, 1561, 1643, 1704, 1811, 1862, 1985, 2274  
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 Withdrawn from committee—994-995, 1642

**BILLS SENT TO GOVERNOR—**  
 (See Bills, Sent to the Governor)

**BISIGNANO, TONY—Representative Polk County**  
 Amendments filed—449, 571, 689, 701, 732, 733, 734, 767, 912, 913, 932, 1018, 1038, 1373, 1426, 1494-1495, 1498, 1535, 1945-1946, 1963-1964  
 Amendments offered—475, 699, 726, 1535  
 Ask and received unanimous consent to withdraw his request for a ruling on germaneness of H-5399 to HF 2348—708  
 Bills introduced—126, 213, 228, 292, 305  
 Committee appointments—1844, 1909, 2040  
 Leave of absence—215, 228, 1308  
 Presided at sessions of the House—400, 927, 1025, 2125  
 Reports—1958-1959, 2095-2097, 2187-2188  
 Resolutions offered—134, 2108  
 Rulings made—929  
 Subcommittee assignments—120, 121, 145, 163, 199, 235, 310, 349, 350, 388, 460, 477, 529, 838, 1250

**BLACK, DENNIS H.—Representative Jasper-Marshall Counties**  
 Amendments filed—165, 313, 343, 421-422, 463, 689, 734, 797, 798, 912, 999, 1129, 1130, 1252, 1253, 1341, 1426, 1563, 1646, 1864, 2173  
 Amendments offered—192, 323, 395, 421, 468, 742, 1069, 1311, 1341, 1369, 1598, 2023, 2024, 2084, 2173  
 Amendments withdrawn—2023  
 Bills introduced—21, 92, 179, 212, 228, 240, 392  
 Committee appointments—1072  
 Leave of absence—522, 1374, 1648  
 Presided at sessions of the House—1009  
 Reports—1052-1053, 2027-2029  
 Rulings made—1011  
 Subcommittee assignments—145, 156, 235, 288, 310, 365, 388, 510, 511

**BLANSHAN, GENE—Representative Boone-Carroll-Greene Counties**  
 Amendments filed—369, 449, 456, 481, 596, 629, 688, 689, 732, 734, 759-762, 962, 1252, 1253, 1372, 1404, 1426, 1709, 2014  
 Amendments offered—456, 489, 501, 696, 756, 759, 853, 1199, 1313, 1404, 1523, 1718, 1998, 2014  
 Amendments withdrawn—491, 762, 1523, 2015

- Bills introduced—135, 150, 158, 178, 188, 305, 346, 413  
 Committee appointments—2198  
 Presented to the House the Honorable Ernie Gilson, former member of the House—1503  
 Presided at sessions of the House—139, 475, 898, 1232, 1292, 1582  
 Reports—2231-2249  
 Resolutions offered—1863  
 Subcommittee assignments—39, 40, 42, 107, 130, 175, 183, 225, 235, 311, 349, 350, 529, 687, 906, 907
- BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—**  
 (See Appointments and/or Communications, subheading Reports and/or Individual Headings)
- BRAMMER, PHILIP E.—Representative Linn County**  
 Amendments filed—701, 1017, 1018, 1021, 1177, 1178, 1242-1247, 1253, 1811, 1924-1925  
 Amendments offered—1183, 1924, 1925  
 Amendments withdrawn—1247, 1655  
 Bills introduced—21, 213  
 Committee appointments—1654  
 Leave of absence—91, 135, 297, 332, 413, 498, 573, 597, 735, 1088, 1549, 1624, 1989, 2110  
 Reports—1800  
 Resolutions offered—354, 1425  
 Subcommittee assignments—107, 120, 121, 145, 183, 199, 349, 350, 388, 411, 460, 766, 869, 1644
- BRANSTAD, CLIFFORD O.—Representative Hancock-Kossuth-Winnebago Counties**  
 Amendments filed—142, 277, 285, 463, 481, 596, 628, 629, 644, 797, 815-816, 870, 1130, 1234, 1373, 1646, 1864  
 Bills introduced—110, 148, 178, 292, 356  
 Committee appointments—536, 1614, 1947, 2199  
 Leave of absence—405, 703, 926, 1549  
 Reports—1512, 1918-1919, 2199, 2257-2269  
 Resolutions offered—369  
 Subcommittee assignments—129, 225, 328, 329, 443, 494, 686, 908, 1035, 1810
- BRANSTAD, GOVERNOR TERRY E.—**  
 (See Governor Branstad, Terry E.)
- BUDGET MESSAGE—**  
 Delivered by Governor Terry E. Branstad—96-103  
 Resolution relating to, HCR 102—4 adopted, 5, 94
- BUHR, FLORENCE D.—Representative Polk County, Assistant Majority Floor Leader**  
 Amendments filed—689, 796, 911, 1017, 1018, 1131, 1563, 1945-1946, 1961, 1963-1964  
 Amendments offered—949, 979, 1188, 1213, 1945, 1961, 1963  
 Appointed to the Developmental Disabilities Steering Committee—16  
 Bills introduced—450  
 Committee appointments—1799, 2040, 2216, 2275  
 Leave of absence—166  
 Presented to the House the Honorable Ulrich Irmer, a member of the West German Parliament—1249  
 Presided at sessions of the House—1668  
 Reports—1838-1842, 2187-2188

Resolutions offered—134, 1425

Subcommittee assignments—34, 39, 121, 129, 130, 183, 225, 311, 350, 443, 444, 460, 687, 907, 1504, 2108

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Appropriations—137, 230, 855, 889, 1152, 1385, 1616, 1672, 1676, 1845, 1867, 2254

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Unfinished business—1291, 1374, 1444, 1455, 1513, 1567, 1649, 1763, 1814, 1903, 1978

Ways and Means—431, 818, 926, 1352, 1438, 1529, 1634, 1885, 1924, 1948, 1996, 2015, 2083

#### CAPITOL PLANNING COMMISSION—

Resolution relating to, HCR 108—227, 496, 497, 985-986 as amended, adopted, 1902

#### CARPENTER, DOROTHY F.—Representative Polk County, Assistant Minority Floor Leader

Amendments filed—238, 239, 272, 275-276, 277, 390, 412, 428, 644, 688, 703-704, 767, 797, 911, 912, 913, 922, 930, 953, 963, 998, 1019, 1038, 1066, 1252, 1372, 1426, 1646, 1771-1772, 1864, 1945-1946, 1953, 1960-1961, 1963, 1963-1964, 1988, 2171

Amendments offered—272, 275, 558, 920, 922, 1009, 1679, 1771, 1953, 1963, 2003, 2005

Amendments withdrawn—558, 922, 2004

Bills introduced—213, 512

Committee appointments—2139, 2198, 2216, 2275

Leave of absence—332, 968

Reports—2214, 2231-2249

Requested her name be added as a sponsor of House File 2046—127

Resolutions offered—134, 354

Subcommittee assignments—38, 39, 40, 41, 42, 43, 108, 119, 121, 145, 199, 342, 350, 388, 411, 478, 546, 642, 907, 908, 1504, 2108

#### CERTIFICATES OF RECOGNITION—

Abraham Lincoln High School, Council Bluffs—1706

American Federation of Grain Millers—19

Andrew Walsh, Davenport, Eagle Scout Award—18

Ben A. & Lucy Jo Colby, Rock Rapids, "Iowa Master Editor & Publisher"—2275

Bettendorf Middle School, Bettendorf—2272

Boys' Basketball Team of Palmer High School—1126

Blockton, City of, centennial anniversary—2272

Bluffs Run, Council Bluffs, 2nd yr. operation—427

Burdette (Bud) Given, Cedar Rapids—296

Carrie Spann, Council Bluffs—795

Chad Zaputil, Centerville High School—795

Coach Richard Bangs, Garnavillo Girls Basketball Team—795

Cummings, City of, centennial anniversary—1707

Darwin Schultz, Council Bluffs, Deaf All-American Team, 1987—108

Dawn Thompson, Fair Oaks Middle School—795

Denison High School Academic Decathlon Team—997

De Wild, Grant, Reckert & Associates Company, Rock Rapids—19

Diagonal, City of, centennial anniversary—2272

Doug Knotek, Lewis Central High School—625

Eldon L. Schroder, Sioux City—1707

- Future Farmers of America Chapter, Sibley-Ocheyedan School—1126  
 Girls' Basketball Team, Dike Community School—997  
 Girls' Basketball Team, Treynor, Iowa—1126  
 Girls' Basketball Team, Moravia—1126  
 Glen & Myrtle Mills, Wapello, 77th anniversary—200  
 Government class of West Delaware High School—1126  
 Government class of Parkersburg High School—1126  
 Grace Cottrell, Washington, 110th birthday—1372  
 Grace United Methodist Church, Sioux City—2272  
 Hans & Fern Senn, Spirit Lake, 50th anniversary—2275  
 Hugo & Apoline Busche, Waucoma, 60th anniversary—200  
 Iowa Driver Education Golden Anniversary Committee—296  
 Indianola High School Boys Basketball Team—1126  
 James B. Rue Elementary School, Council Bluffs—1707  
 Jason Glottfelder, New London—625  
 Jason Hinson, Mediapolis—2272  
 Jason Samuel Grubisich, Sheldon, Boy Scouts of America Eagle Court of Honor Award—511  
 Jason Waddingham, Sheldon, Eagle Scout Award—19  
 Jennie Edmundson Hospital Auxiliary, Council Bluffs—19  
 Jenny Schuttings, Spencer Middle School—795  
 Jerry Yockum, Algona, 1987 Alternate Iowa Teacher of the Year award—19  
 Jerry Van Wyk, Shedan—2275  
 Jim Cook, Snap on Tools, Algona—19  
 Joe Aberson, Rock Valley, 100th birthday—2275  
 John E. Flannery, Marshalltown—18  
 John Oostendorp, West Liberty High School—625  
 Kevin Nixon, Abraham Lincoln High School—1372  
 Kristi Anderson, Abraham Lincoln High School—1126  
 Laura Lenth, Evangelical Lutheran Good Samaritan Society—18  
 Local 50, American Federation of Grain Millers—19  
 Long Lines, Ltd., Sergeant Bluffs—1707  
 Lori Fehr, Fair Oaks Middle School—795  
 Maude Krouse, Rock Rapids Health Center, 104th birthday—1706  
 Meg Symmonds, West Middle School—795  
 Nishna Valley Boys Basketball Team—1126  
 Perry Mogler, Inwood—2272  
 Phyllis Dettman, 1988 Iowa's Mother of the Year—2275  
 Rose Birkicht, Cedar Rapids, 90th birthday—511  
 Ross K. Vernon, Sioux Center—19  
 Ryan Graves, Council Bluffs, Deaf All-American Team, 1987—108  
 Sadye Brooker, McKinley Middle School—795  
 St. Albert Boys Basketball Team, Council Bluffs—1126  
 Stacey Rice, Storm Lake Community School—625  
 Susanne Smith, Moravia High School—1126  
 The Brotherhood of Maintenance of Way Employees—511  
 The Harris Lake Park Wolves & Coach Gary Richardson—1125  
 The Renwick Public Library, Renwick—1707  
 The Wrestling Team Of Centerville High School—795  
 Theodore A. Breuker, Rock Rapids—2272  
 Tim Griffins, Laurens-Marathon Community School—625  
 W. J. McGowan, Dyersville, 100th birthday—108  
 Woodrow Wilson Junior High School, Council Bluffs—1706  
 W. W. & Jessie Molsberry, Sigourney, 70th wedding anniversary—296

**CHAPMAN, KAY—Representative Linn County**

Amendments filed—463, 734, 949, 1001-1002, 1018, 1019, 1087, 1129, 1425, 1497, 1864, 1928, 2083  
 Amendments offered—527, 786, 1001, 1068, 1112, 1117, 1137, 1497, 1928, 2083  
 Bills introduced—91, 158, 179, 202, 213  
 Committee appointments—536  
 Leave of absence—272  
 Presented plaques to each leader in appreciation of his service and dedication to the House—2120  
 Reports—9-11, 12-13, 13-15, 186-187, 458, 591, 1503, 1512  
 Resolutions offered—354  
 Subcommittee assignments—43, 107, 119, 145, 208, 209, 289, 342, 349, 350, 444, 546, 686, 868, 869, 907, 1081, 1250

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**CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Arthur A. McGiverin**  
(See Supreme Court of Iowa)**CHILDREN, YOUTH AND FAMILIES, COMMISSION ON—**

Communication from—161

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**CLAIMS FILED—**

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Claims filed—47-52, 53-88, 195-196, 425-426

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Communications from Department of Management—53-88, 195-196

**CLARK, BETTY JEAN**—Representative **Cerro Gordo-Floyd-Mitchell** Counties

Amendments filed—239, 629, 689, 912, 946, 1017, 1066, 1178, 1556, 1776-1777, 1864

Amendments withdrawn—946

Bills introduced—21, 125, 149, 179, 202, 213, 303, 314, 332, 346, 393, 450, 499

Committee appointments—111, 1909

Leave of absence—671, 724, 768

Reports—1958-1959

Resolutions offered—369, 1425

Subcommittee assignments—120, 121, 183, 208, 289, 310, 349, 444, 478, 529, 687, 869, 961, 962

**COHOON, DENNIS M.**—Representative **Des Moines** County

Amendments filed—1018, 1019

Amendments offered—755, 1440

Committee appointments—1711

Leave of absence—332

Reports—1834-1836

Subcommittee assignments—43, 120, 121, 176, 183, 199, 289, 328, 365, 411, 478, 868, 961, 997, 1081

**COLLEGE AID COMMISSION**—

Appointment to—16

**COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS**—

(See Appointments and/or Communications, subheading Reports and/or Individual Headings)

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- Ways and Means—201, 368, 481, 687, 732, 766-767, 869-870, 910-911, 1016, 1251, 1317-1318, 1505, 1708, 1863, 1951, 1987, 2015

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(See Appointments and/or Communications, subheading Reports and/or Individual Headings)

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House File 395—1052-1053, 2027-2029 adopted  
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 House File 2278—1958-1959 adopted  
 House File 2452—2127-2129 adopted  
 House File 2339—2214 adopted  
 House File 2441—2216-2220 adopted  
 House File 2405—2231-2249 adopted  
 Senate File 38—2255-2256 adopted  
 Senate File 173—2187-2188 adopted  
 Senate File 394—1918-1919 adopted  
 Senate File 2055—2223-2225 adopted  
 Senate File 2250—2226-2228 adopted  
 Senate File 2278—2205-2211 adopted



Senate File 2310—1838-1842 adopted  
 Senate File 2312—2049-2081, 2082 adopted  
 Senate File 2314—1834-1836 adopted  
 Senate File 2318—1800, 1801 adopted  
 Senate File 2321—2095-2097 adopted  
 Senate File 2328—2199, 2257-2269 adopted

Reports called up:

House File 395—1052  
 House File 666—1512  
 House File 2278—1958  
 House File 2339—2214  
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 House File 2441—2216  
 House File 2452—2127  
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 Senate File 2055—2223  
 Senate File 2250—2226  
 Senate File 2278—2205  
 Senate File 2310—1838  
 Senate File 2312—2049  
 Senate File 2314—1834  
 Senate File 2318—1799  
 Senate File 2321—2095  
 Senate File 2328—2257

Reports filed:

House File 666—1124  
 Senate File 394—1811

CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—

(See President of the United States, Congress and/or Federal Agencies)

CONNOLLY, MICHAEL W.—Representative **Dubuque** County

Amendments filed—239, 551, 629, 797, 832, 1130, 1242-1247, 1318, 1412-1413, 1708, 1806, 1964  
 Amendments offered—605, 805, 831, 832, 966, 1212, 1713, 1772, 1806, 1964  
 Amendments withdrawn—1232, 1774, 1806  
 Appointed to the Iowa Peace Institute—16  
 Bills introduced—391, 414  
 Committee appointments—1947, 2199  
 Leave of absence—498  
 Presented to the House the Honorable Rollie Howell, former member of the House—1644  
 Presided at sessions of the House—1093  
 Reports—2199, 2257-2269  
 Subcommittee assignments—43, 107, 120, 130, 156, 175, 176, 198, 199, 225, 328, 364, 365, 411, 444, 477, 478, 494, 564, 686, 687, 731, 962, 1035, 1250

CONNORS, JOHN H.—Representative **Polk** County, Speaker Pro Tempore

Amendments filed—449, 571, 734, 1017, 1039, 1066, 1253, 1494-1495, 1506, 1563  
 Amendments offered—418, 578, 1494, 1529, 1818  
 Bills introduced—21, 158, 213, 240, 292, 305, 306, 332, 346, 413, 465, 466

- Committee appointments—2139, 2275  
Leave of absence—735  
Petitions presented—464  
Presented to the House the Honorable Richard “Dick” Welden, former member of the House—868  
Presided at sessions of the House—148, 180, 230, 347, 470, 621, 631, 916, 1011, 1050, 1074, 1079, 1106, 1292, 1400, 1428, 1540, 1942, 2084, 2120, 2173, 2175, 2190  
Reports—2214  
Requested his name be added as a sponsor of H-5077 to House File 2155—327  
Resolutions offered—90, 134, 1425  
Rulings made—917, 1428, 2085  
Subcommittee assignments—42, 119, 120, 121, 155, 182, 208, 310, 349, 350, 365, 388, 460, 478, 529, 868, 869, 907, 961, 962, 1013
- COOPER, JAMES J.**—Representative Clarke-Monroe-Lucas-Wayne Counties  
Amendments filed—463, 629, 796, 825, 870, 912, 949, 1319, 1372, 1419-1420, 1563  
Amendments offered—503, 708, 851, 927  
Amendments withdrawn—1528  
Bills introduced—179, 214, 292, 392  
Leave of absence—1599, 1836, 2110  
Presided at sessions of the House—563, 744, 1447, 1957  
Rulings made—744, 1451, 1961, 1962  
Subcommittee assignments—89, 120, 129, 156, 183, 199, 235, 311, 328, 349, 388, 546, 731, 839, 908, 1035
- CORBETT, RON J.**—Representative Linn County  
Amendments filed—165, 285, 302, 344, 369, 390, 481, 767, 796, 797, 830, 870, 911, 913, 925, 934-935, 936, 1038, 1065, 1131, 1157, 1178, 1234, 1252, 1373, 1425, 1563, 1646  
Amendments offered—360, 383, 399, 516, 517, 518, 755, 830, 925, 934, 936, 1135, 1234, 1628, 1630, 1632  
Amendments withdrawn—935, 936, 978, 1170, 1233  
Bills introduced—35, 158, 188, 213, 346  
Leave of absence—413, 536, 553, 573, 841  
Requested his name be added as a sponsor of H-5077 to House File 2155—327  
Subcommittee assignments—175, 328, 349, 365, 444, 1014
- COREY, VIRGIL E.**—Representative Des Moines-Louisa-Washington Counties  
Amendments filed—142, 147, 227, 390, 428, 449, 596, 629, 643, 705, 840, 913, 949, 1177  
Amendments offered—433, 883, 1226  
Amendments withdrawn—559  
Bills introduced—36, 110, 167, 291, 305, 332  
Committee appointments—1654, 2040  
Leave of absence—597, 1360, 1565  
Petitions presented—872  
Reports—2187-2188  
Subcommittee assignments—120, 121, 130, 175, 176, 225, 328, 365, 460, 564, 731, 1014, 1035
- DAGGETT, HORACE**—Representative Adams-Decatur-Ringgold-Taylor Counties  
Amendments filed—285, 428, 449, 571, 572, 595, 596, 621-622, 628, 629, 689, 796, 797, 962, 1019, 1038, 1103, 1178, 1372, 1373, 1415, 1563, 1864  
Amendments offered—619, 620, 741, 777, 778, 779, 780, 781, 793, 794, 825, 1399, 1405, 1415, 1417  
Amendments withdrawn—741, 780, 1409  
Bills introduced—3, 21, 45, 149, 159, 178, 292, 304, 345, 347, 356, 391

Committee appointments—1845  
 Leave of absence—137, 148, 964, 1428  
 Petitions presented—166, 964  
 Reports—2049-2081  
 Subcommittee assignments—43, 120, 121, 156, 176, 199, 328, 388, 477, 494, 962, 1035, 1081, 1863

DE GROOT, KENNETH—Representative **Lyon-O'Brien-Osceola-Sioux Counties**  
 Amendments filed—141, 142, 354, 369, 481, 497, 596, 628, 629, 688, 689, 734, 796, 798, 816, 819, 832, 832-833, 856-857, 870, 871, 962, 999, 1177, 1251, 1253, 1416, 1419-1420, 1425, 1563, 1646, 1708  
 Amendments offered—490, 832, 856, 1134, 1135, 1305, 1416, 1537, 1688, 1754  
 Amendments withdrawn—1308  
 Bills introduced—1, 21, 178, 228, 346, 356  
 Committee appointments—1814  
 Leave of absence—325, 381, 714, 937, 1618  
 Resolutions offered—354, 369  
 Subcommittee assignments—120, 121, 129, 329, 388, 411, 494, 686, 731, 1013, 1014, 1035

DEVELOPMENTAL DISABILITIES STEERING COMMITTEE—  
 Appointment to—16

DIEMER, MARVIN E.—Representative **Black Hawk County**  
 Amendments filed—412, 449, 644, 688, 689, 701-702, 797, 1253, 1864  
 Amendments offered—543, 701, 1023  
 Bills introduced—158, 167, 168, 499, 533  
 Committee appointments—1072  
 Leave of absence—864, 1047, 1669  
 Reports—1052-1053, 2027-2029  
 Resolutions offered—390  
 Subcommittee assignments—89, 156, 183, 235, 350, 510, 511, 529

DODERER, MINNETTE—Representative **Johnson County**  
 Amendments filed—227, 239, 269, 279-280, 281, 281-282, 369, 688, 701, 703-704, 1016, 1017, 1018, 1019, 1131, 1563, 1646, 1767, 1802, 1864, 1865, 1945, 1964, 1965, 1988, 2083, 2124-2125  
 Amendments offered—246, 269, 278, 279, 281, 415, 701, 703, 949, 1200, 1767, 2124  
 Amendments withdrawn—270, 274, 280, 281, 283  
 Bills introduced—158, 179, 297  
 Committee appointments—2198  
 Leave of absence—303, 482, 498, 1549, 1648  
 Petitions presented—597  
 Presented to the House Barbara Jean Poepsel, Iowa's Junior Miss for 1988—293  
 Reported at sessions of the House—170  
 Reports—2231-2249  
 Resolutions offered—354, 1425, 2272  
 Subcommittee assignments—120, 156, 183, 199, 342, 443, 444, 687, 1250, 1644

DVORSKY, ROBERT E.—Representative **Iowa-Johnson Counties**  
 Amendments filed—239, 343, 796, 797, 1018, 1318, 1372, 1425, 1557-1558, 2109  
 Amendments offered—986, 1449, 1690  
 Amendments withdrawn—2042  
 Bills introduced—21, 92, 158, 371, 392, 413

Leave of absence—597, 631  
 Resolutions offered—354  
 Subcommittee assignments—145, 163, 175, 176, 199, 328, 906, 1013, 1035

**ECONOMIC DEVELOPMENT, COMMITTEE ON—**

Amendments filed—571, 1086, 1129  
 Amendments offered—1091, 1194, 1444  
 Bills introduced—243, 451, 482, 555, 574, 575, 631  
 Recommendations—237, 447, 479, 530, 565-566, 1082, 1126-1127  
 Subcommittee assignments—199, 349, 444, 478, 906, 997

**EDDIE, RUSSELL J.—Representative Buena Vista-Pocahontas Counties**

Amendments filed—142, 296, 390, 596, 644, 820, 870, 1065, 1419-1420, 1864  
 Amendments withdrawn—898  
 Bills introduced—148, 149, 158, 345, 346, 393  
 Leave of absence—150, 268, 413, 1088, 1989, 2110  
 Petitions presented—1320  
 Subcommittee assignments—107, 119, 129, 145, 156, 199, 235, 311, 329, 349, 388, 444, 460, 731, 839, 868, 906, 997, 1014

**EDUCATION, COMMISSION OF THE STATES—**

Appointment to—16

**EDUCATION, COMMITTEE ON—**

Amendments filed—331, 595, 689, 1038, 1087, 1102-1103  
 Amendments offered—358, 755, 853, 966, 1100, 1102, 1212, 1215, 1222, 1296, 1381, 1440  
 Bills introduced—125, 158, 202, 213, 372, 482, 554, 598, 632, 646  
 Recommendations—122, 157, 200-201, 226, 289, 330, 366-367, 461, 495, 548, 591-592, 626, 687, 766, 1036-1037, 1082-1083, 1645  
 Resolutions offered—227, 368  
 Subcommittee assignments—43, 107, 130, 156, 175, 176, 199, 225, 288, 289, 328, 365, 477, 478, 494, 564, 731, 961, 962, 1035, 1081

**ELDER AFFAIRS, DEPARTMENT OF—**

Appointment to—16

**EMPLOYEES—**

(See Officers and Employees)

**ENERGY AND ENVIRONMENTAL PROTECTION, COMMITTEE ON—**

Amendments filed—1038, 1065, 1131  
 Amendments offered—1110, 1685, 1793, 1814, 1823, 1910  
 Bills introduced—316, 451, 466, 498, 554, 575, 631, 632, 691  
 Recommendations—201, 330, 428, 462, 495-496, 548, 592-593, 626-627, 1037, 1062-1063, 1127  
 Subcommittee assignments—175, 176, 209, 328, 365, 547, 906, 907, 961, 1013, 1014, 1035, 1081

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**ETHICS, COMMITTEE ON—**

Recommendations—428  
 Resolution offered—511  
 Resolution relating to, HR 104—511, 596, 1575-1581, 1582-1584, 1646

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- House File 431—Representatives Shoning & Stueland—795
- House File 433—Representative Schrader—960
- House File 529—Representative Corey—1423
- House File 566—Representative Bisignano—794
- House File 566—Representatives Shoning & Stueland—795
- House File 578—Representative Corey—1423
- House File 650—Representative Hanson of Delaware—2271
- House File 653—Representative Ollie—2107
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- House File 666—Representative Adams—1643
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- House File 2088—Representative De Groot—766
- House File 2088—Representative Stueland—795
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- House File 2106—Representatives Shoning & Stueland—795
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- House File 2123—Representative Ollie—295
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- House File 2173—Representative Adams—730
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- House File 2189—Representative Norrgard—730
- House File 2228—Representative Eddie—458
- House File 2233—Representative Corey—1561
- House File 2240—Representative Branstad—765-766
- House File 2247—Representative Adams—730
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- House File 2323 – Representative Norrgard – 730
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- House File 2363 – Representative Corey – 624
- House File 2363 – Representative Norrgard – 730
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- House File 2401 – Representative Adams – 730
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 House File 2414—Representative Branstad—765-766  
 House File 2415—Representative Branstad—765-766  
 House File 2416—Representative Stueland—795  
 House File 2426—Representative Stueland—795  
 House File 2427—Representative Stueland—795  
 House File 2430—Representative Bisignano—794  
 House File 2430—Representatives Shoning & Stueland—795  
 House File 2432—Representative Bisignano—794  
 House File 2432—Representatives Shoning & Stueland—795  
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 House File 2443—Representative Lageschulte—960, 1644  
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 House File 2447—Representatives Lageschulte & Stueland—996  
 House File 2448—Representative Lageschulte—996  
 House File 2448—Representative Metcalf—1012  
 House File 2460—Representative Ollie—1809  
 House File 2461—Representative Ollie—1423  
 House File 2463—Representative Connolly—2271  
 House File 2464—Representative Maulsby—1809  
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#### FEDERAL AGENCIES –

(See President of the United States, Congress and/or Federal Agencies)

#### FEY, THOMAS H. – Representative Scott County

- Amendments filed – 688, 689, 734, 963, 1018, 1038, 1086, 1252, 1253, 1319, 1373, 1563, 1804  
 Amendments offered – 700, 1044, 1269, 1270, 1804  
 Amendments withdrawn – 700  
 Bills introduced – 2, 21, 159, 167, 213, 292, 305  
 Committee appointments – 95, 1909



Leave of absence—332, 1374  
 Presented to the House the Honorable Bill Glubs, former member of the House and Senate—1249  
 Presented to the House Robert and Donna Shaw, Davenport, 1988 Iowa Small Business Persons of the Year—1706  
 Reports—1958-1959  
 Resolutions offered—354, 1425  
 Subcommittee assignments—120, 121, 199, 235, 310, 349, 365, 388, 444, 460, 546, 591, 687, 1035, 1644

**FOGARTY, DANIEL P.**—Representative Clay-**Palo Alto** Counties

Amendments filed—283, 491, 628, 640, 643, 870, 911, 912, 914, 949, 1177, 1373, 1419-1420, 1426, 1505, 1506, 1563, 1591, 1646  
 Amendments offered—922, 1133, 1419, 1616  
 Bills introduced—136, 148, 149, 292, 371  
 Committee appointments—2216  
 Escorted to the Chief Clerk's station and presented to the House Bernard Allen, member of the Irish Parliament—872  
 Leave of absence—1230  
 Petitions presented—512, 631  
 Presented to the House the Honorable Edward Norland, former member of the House—730  
 Presented to the House Gail Bannstetter, Miss Shamrock for the annual St. Patricks celebration in Emmetsburg—872  
 Presided at sessions of the House—382, 476, 815, 1306  
 Reports—2255-2256  
 Resolutions offered—1988  
 Subcommittee assignments—89, 120, 129, 225, 364, 411, 494, 731, 1035  
 Unanimous consent to change vote—1452

**FULLER, ROBERT D.**—Representative Franklin-**Hardin**-Hamilton Counties

Amendments filed—187, 273, 343, 596, 644, 705, 796, 815-816, 912, 946, 1002, 1016, 1017, 1419-1420, 1426, 1852  
 Amendments offered—323, 824, 1852  
 Amendments withdrawn—323, 946  
 Bills introduced—92, 124, 126, 136, 149, 189, 305, 393, 413, 483  
 Committee appointments—96  
 Leave of absence—45, 148, 1526  
 Presided at sessions of the House—374, 539, 820  
 Subcommittee assignments—107, 129, 145, 156, 163, 176, 183, 199, 235, 328, 349, 365, 388, 444, 591, 838, 839, 907, 997

**GARMAN, TERESA**—Representative Boone-**Story** Counties

Amendments filed—90, 142, 285, 449, 571, 596, 629, 643, 644, 688, 689, 871, 930-931, 1130, 1131, 1251, 1506, 1564, 1864  
 Amendments offered—777, 1628, 1999, 2020, 2023  
 Bills introduced—148, 149, 345, 346, 391, 393  
 Leave of absence—454  
 Requested her name be added as a sponsor of House File 2197—327  
 Requested her name be added as a sponsor of House Joint Resolution 2003—363  
 Requested her name be withdrawn as a sponsor of House Joint Resolution 2004—686  
 Resolutions offered—1425  
 Subcommittee assignments—42, 129, 176, 225, 235, 310, 365, 444, 591, 906, 907, 1035

## GENERAL ASSEMBLY—HOUSE—

(See also Rules and Administration Committee in the General Index and/or House Concurrent Resolutions, House Resolutions and Senate Concurrent Resolutions listed in Legislative Index Volume)

## Resolutions relating to:

- House Concurrent Resolution 101, condition of the state message—4 adopted, 5, 22
- House Concurrent Resolution 102, budget message—4 adopted, 5, 94
- House Concurrent Resolution 103, condition of the judicial department—4-5 adopted, 94
- House Concurrent Resolution 104, “sister state”, relationship with the Republic of China (Taiwan), trade and investment office—90, 170 adopted, 241
- House Concurrent Resolution 106, congratulate the Greater Des Moines Chamber of Commerce Federation, centennial—134, SCR 103 substituted and adopted, 151
- House Concurrent Resolution 107, use of road tax revenues—187
- House Concurrent Resolution 115, ten-year building program, bd. of regents—390, 511
- House Concurrent Resolution 119, national wildlife week—643
- House Concurrent Resolution 123, exempt House Joint Resolution 13 from Joint Rule 20—1016, 1642
- House Concurrent Resolution 125, better child care services—1425
- House Concurrent Resolution 126, ten-year building program, issuance of revenue bonds—1505
- House Concurrent Resolution 130, lease-purchase of real and personal prop., increase number of med. security beds, dept. of corrections institutions—1987-1988, 2109, 2272
- House Concurrent Resolution 134, final adjournment—2270 adopted, 2274
- House Resolution 103, rules governing lobbyists—511, 596, 734, 1592-1598, 1646
- House Resolution 104, code of ethics—511, 596, 1575-1581, 1582-1584, 1646
- House Resolution 106, pay tribute to Jerry C. Miller, restoration painter—1863-1864, 2221-2222 adopted
- Senate Concurrent Resolution 104—241, 290, 329, 366, 369, 540, as amended, adopted, 599

## GIFTS—

(See Awards and Gifts)

## GOVERNOR BRANSTAD, TERRY E.—

- Addressed joint convention—23-30, 96-103
- Bills signed by—224, 288, 347, 424-425, 545, 563, 686, 838, 1175-1176, 1316, 1371, 1561, 1704-1705, 1808-1809, 1985, 2107, 2271, 2582-2597
- Closing message—2276-2277
- Committees to escort—24, 30, 96, 103
- Committees to notify—1, 23, 96, 2275, 2276
- Communication from—104
- Delivered the Budget Message—96-103
- Delivered the Condition of the State Message—23-30
- Item veto messages—339-341, 1982-1983, 1983-1984, 2100-2105, 2105, 2105-2106, 2606-2618
- Resolution relating to Budget Message, HCR 102—4 adopted, 5, 94
- Resolution relating to the Condition of the State Message, HCR 101—4 adopted, 22

## Resolutions relating to:

House Concurrent Resolution 101—4 adopted, 5, 22

House Concurrent Resolution 102—4 adopted, 5, 94

House Concurrent Resolution 115—390, 511

Veto messages—2598-2605

**GRONINGA, JOHN**—Representative **Cerro Gordo** County, Assistant Majority Floor Leader

Amendments filed—239, 481, 570, 605, 759-762, 913, 1017, 1129, 1178, 1425, 1476-1483, 1484-1485, 1494, 1495-1496, 1864, 1988, 2136-2137

Amendments offered—520, 604, 605, 1091, 1192, 1194, 1308, 1484, 1494, 1892, 1893, 2136  
Bills introduced—499

Leave of absence—166

Presided at sessions of the House—270, 639, 714

Subcommittee assignments—107, 120, 121, 199, 235, 349, 350, 411, 478, 766, 997

**GRUHN, JOSEPHINE**—Representative **Dickinson-Emmet** Counties

Amendments filed—331, 870, 911, 963, 1018, 1039, 1251, 1318, 1373, 1419-1420, 1426, 1563, 1864, 1945

Amendments offered—334, 756, 1450, 1514, 1515

Amendments withdrawn—1514

Bills introduced—3, 92, 110, 148, 228, 229, 305

Committee appointments—95, 1072, 1614

Petitions presented—512, 631, 1374

Presided at sessions of the House—1487

Reports—95, 1918-1919, 2027-2029

Subcommittee assignments—89, 121, 129, 145, 155, 163, 182, 225, 235, 329, 443, 494, 511, 546, 686, 906, 1014

**HALVORSON, RODNEY N.**—Representative **Webster** County, Assistant Majority Floor Leader

Amendments filed—302, 463, 532, 552, 1017, 1131, 1163, 1372, 1373, 1426, 1622-1623, 1988

Amendments offered—1543, 1544, 1622, 2141

Bills introduced—21, 46, 229, 303

Committee appointments—2216

Leave of absence—964

Resolutions offered—1987

Subcommittee assignments—39, 43, 44, 130, 183, 225, 311, 767, 906, 907, 1810, 2108

**HALVORSON, ROGER A.**—Representative **Allamakee-Clayton** Counties

Amendments filed—138, 138-139, 139, 142, 142-143, 165, 211, 285, 428, 551, 571, 596, 815-816, 912, 1087, 1130, 1131, 1251, 1252, 1372, 1425, 1476-1483, 1484, 1495, 1495-1496, 1555, 1563, 1582, 1629, 1776-1777

Amendments offered—138, 139, 142, 274, 285, 560, 783, 955, 1010, 1282, 1284, 1287, 1484, 1495, 1540, 1618

Amendments withdrawn—434

Bills introduced—2, 92, 158, 241, 304, 356, 886

Committee appointments—111, 1844

Leave of absence—178, 914, 1320, 1549, 1805

Presented to the House Mrs. Phyllis Dettman, "1988 Iowa's Mother of the Year"—1317

Reports—2095-2097

- Resolutions offered—354, 369  
Subcommittee assignments—38, 40, 41, 43, 107, 108, 120, 121, 145, 183, 199, 288, 342, 349, 350, 389, 444, 546, 547, 564, 766, 868, 869, 907, 908, 1062, 1176, 1177
- HAMMOND, JOHNIE**—Representative **Story** County  
Amendments filed—449, 463, 497, 595, 630, 688, 689, 796, 798, 943, 1017, 1018, 1039, 1086, 1130, 1131, 1159, 1167-1168, 1174, 1178, 1252, 1253, 1319, 1372, 1373, 1408, 1408-1409, 1412-1413, 1425, 1506, 1556, 1591, 1646, 1773, 1811, 1864, 1865, 1895, 1945, 1961, 2171  
Amendments offered—472, 505, 707, 985, 1144, 1147, 1152, 1156, 1159, 1164, 1167, 1174, 1408, 1412, 1591, 1618, 1945, 1961, 2085, 2171  
Amendments withdrawn—476, 506, 943, 1408, 1413, 1590  
Appointed to the Health Data Commission—16  
Bills introduced—21, 45, 91, 92, 109, 125, 158, 291, 346, 391, 393, 573  
Committee appointments—1, 1799, 2139, 2198  
Leave of absence—597, 1088, 1966  
Presented to the House the winners of the “Write Women Back Into History” essay contest—729-730  
Presented to the House the University of Yucatan Ballet Folklorico Dancers—960  
Presided at sessions of the House—649, 1455  
Reports—1838-1842, 2214  
Resolutions offered—227, 354, 1425  
Rulings made—667  
Subcommittee assignments—42, 43, 44, 121, 183, 208, 310, 342, 349, 350, 427, 444, 478, 529, 686, 869, 907, 961, 962, 1504
- HANSEN, STEVE D.**—Representative **Woodbury** County  
Amendments filed—290, 689, 700-701, 796, 814, 821, 831-832, 833-836, 912, 1038, 1425, 1498, 1557-1558  
Amendments offered—694, 698, 700, 814, 821, 831, 833, 1498  
Amendments withdrawn—699  
Appointed to the Medical Assistance Advisory Council—16  
Bills introduced—36, 126, 213, 305  
Committee appointments—22  
Presided at sessions of the House—619, 904, 1171  
Rulings made—1172  
Subcommittee assignments—39, 40, 41, 43, 107, 108, 145, 156, 288, 289, 342, 343, 365, 389, 444, 546, 868, 906, 908, 1014
- HANSON, DARRELL R.**—Representative **Buchanan-Delaware-Linn** Counties  
Amendments filed—239, 551, 596, 756-757, 767, 871, 1130, 1131, 1163, 1178, 1864  
Amendments offered—556, 1162, 1163, 1448  
Amendments withdrawn—1209  
Bills introduced—125, 135, 371, 391  
Leave of absence—166, 188, 291, 303, 332, 597, 768, 872, 914, 1067, 1088, 1239, 1254, 1320, 1599, 1648, 1866, 1989, 2110  
Presided at sessions of the House—487  
Resolutions offered—369  
Subcommittee assignments—39, 42, 43, 44, 130, 163, 176, 183, 198, 199, 310, 311, 350, 388, 478, 686, 906, 907, 1035, 1250

**HARBOR, WILLIAM H.**—Representative **Mills**-Montgomery-Pottawattamie Counties  
 Amendments filed—44, 138, 138-139, 139, 142, 142-143, 165, 211, 285, 428, 497, 551,  
 552, 571, 596, 796, 816, 819, 825, 832-833, 911, 912, 1086, 1129, 1130, 1131, 1252,  
 1318, 1563, 1622, 1646, 1811, 2272

Amendments offered—784, 816, 819, 825, 832, 1301, 1617, 1618, 1622, 1691

Amendments withdrawn—1619

Bills introduced—3, 46, 149, 158, 159, 240, 292, 304, 332, 356, 533

Committee appointments—1844, 2275

Leave of absence—166, 588, 773, 951, 1222, 1446, 1549, 1805

Petitions presented—512, 1427

Presented plaques to each leader in appreciation of his service and dedication to  
 the House—2120

Reports—2095-2097

Resolutions offered—354, 369

Subcommittee assignments—107, 183, 289, 328, 349, 365, 511, 591, 868

**HARPER, PATRICIA**—Representative **Black Hawk** County

Amendments filed—688, 734, 798, 839, 1017, 1018, 1039, 1178, 1411, 1426, 1864

Amendments offered—770, 1381, 1411

Amendments withdrawn—771

Appointed to the Department of Elder Affairs—16

Bills introduced—21, 125, 292, 297, 413

Committee appointments—22, 1799

Petitions presented—430, 645

Presented to the House thirty-one eighth through twelfth grade students represent-  
 ing 26,000 Girl Scouts, statewide—1013

Reports—1838-1842

Requested her name be added as a sponsor of House File 2025—153

Resolutions offered—354, 1425

Subcommittee assignments—43, 119, 121, 130, 175, 176, 199, 208, 225, 288, 310, 328,  
 349, 350, 365, 427, 444, 478, 529, 564, 686, 906, 961, 962, 1013, 1035

**HATCH, JACK**—Representative **Polk** County

Amendments filed—840, 870, 911, 912, 998, 1029-1030, 1033, 1319, 1373, 1426, 1506,  
 1563, 1564, 1645, 1709, 1988, 2011-2012, 2019

Amendments offered—942, 944, 1025, 1028, 1029, 1033, 1336, 1652, 2011, 2017, 2086,  
 2087

Amendments withdrawn—1664, 2017

Bills introduced—21, 35, 45, 46, 92, 126, 166, 189, 291, 292, 297, 332

Committee appointments—1903

Leave of absence—482, 498, 1088

Reports—2216-2220

Resolutions offered—134, 354, 1425

Subcommittee assignments—107, 129, 130, 460, 477, 494, 511, 731, 1014

**HAVERLAND, MARK A.**—Representative **Polk** County

Amendments filed—688, 870, 911, 912, 948-949, 956-958, 958, 963, 998, 1086, 1318,  
 1415, 1425, 1709, 2090-2092

Amendments offered—193, 772, 940, 941, 947, 951, 956, 958, 1059, 1089, 1215, 1346,  
 1741, 2090

Amendments withdrawn—1523

Bills introduced—21, 45, 109, 213, 214

Leave of absence—2120

Presided at sessions of the House—1383

Resolutions offered—134, 1425

Subcommittee assignments—120, 175, 183, 199, 288, 289, 328, 365, 477, 478, 494, 687, 731, 962, 1014, 1081

#### HEALTH DATA COMMISSION—

Appointment to—16

Communications from—17, 104, 234

#### HERMANN, DONALD F.—Representative **Scott** County

Amendments filed—142, 187, 211, 285, 629, 797, 870, 912, 930-931, 949, 962, 1066, 1130, 1131, 1646, 1864

Amendments offered—220, 819, 878, 1168, 1170, 1171, 1172

Bills introduced—2, 3, 35

Committee appointments—1799, 2139

Leave of absence—1838

Reports—2214

Subcommittee assignments—43, 208, 209, 310, 349, 427, 478, 529, 686, 961, 962

#### HESTER, JOAN L.—Representative Harrison-**Pottawattamie** Counties

Amendments filed—142, 285, 911, 950, 1130, 1758

Amendments offered—950, 1695, 1758

Bills introduced—212, 370, 533

Committee appointments—2000

Leave of absence—1517

Petitions presented—498, 1132, 1648

Reports—2127-2129

Resolutions offered—354, 369

Subcommittee assignments—43, 119, 145, 176, 199, 208, 235, 288, 310, 328, 349, 350, 365, 427, 477, 478, 529, 686, 687, 907, 961, 962, 1013, 1081

#### HOLVECK, JACK—Representative **Polk** County

Amendments filed—596, 628, 629, 630, 913, 1178, 1564, 1581, 1582, 1646, 1709, 1988, 2019, 2109

Amendments offered—778, 927, 1222, 1581, 1583, 1598, 2019, 2087, 2088, 2116, 2117

Amendments withdrawn—2087, 2116

Bills introduced—168, 189, 305, 345, 392, 430, 467, 512

Committee appointments—1

Leave of absence—166, 228, 272, 669, 985

Resolutions offered—134

Subcommittee assignments—107, 121, 145, 175, 176, 209, 350, 388, 411, 444, 686, 1014, 1035, 1863

#### HOUSE CONCURRED—

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House File 327, H-5121—381

House File 382, H-6526—2115

House File 393, H-6137, as amended—1641

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House File 433, H-5122—915

House File 498, H-6081—1432  
House File 529, H-6150—1363  
House File 578, H-6085—1364  
House File 613, H-6464, as amended—1928  
House File 649, H-4383, as amended—1655  
House File 650, H-4274, as amended—1966  
House File 653, H-6092, as amended—1893  
House File 683, H-6492, as amended—2012  
House File 2011, H-5031—318  
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House File 2102, H-6086—1343  
House File 2106, H-6141—1350  
House File 2113, H-6240—1604  
House File 2117, H-6087—1434  
House File 2170, H-6489—1944  
House File 2192, H-6305—1606  
House File 2233, H-6068—1435  
House File 2262, H-6065—1321  
House File 2269, H-6532—2135  
House File 2277, H-6072—1323  
House File 2278, H-6375, as amended—1804  
House File 2283, H-6468—1931  
House File 2294, H-6344—1661  
House File 2327, H-6079—1344  
House File 2336, H-6078—1437  
House File 2338, H-6138—1351  
House File 2344, H-6304, as amended—1895  
House File 2348, H-6239—1511  
House File 2352, H-6491—1991  
House File 2354, H-6422—1923  
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House File 2386, H-6348, as amended—1806  
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House File 2396, H-6359, as amended—1802  
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House File 2428, H-6369—1752  
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House File 2437, H-6099—1603  
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House File 2440, H-6014, as amended—1528  
House File 2443, H-5992, as amended—1558  
House File 2444, H-6013, as amended—1551  
House File 2447, H-6347, as amended—1758  
House File 2453, H-6511—2026  
House File 2456, H-6497, as amended—2092

House File 2457, H-6371—1761  
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House File 2464, H-6545—2174  
House File 2466, H-6523—2112  
House File 2469, H-6505, as amended—2038  
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Senate File 2017, H-6345—1663  
Senate File 2039, H-6432—1899  
Senate File 2074, H-5147—1057  
Senate File 2075, H-6515—2034  
Senate File 2094, H-5203—1008  
Senate File 2107, H-6501—2002  
Senate File 2135, H-6266—1607  
Senate File 2164, H-6272—1611  
Senate File 2193, H-6419—1917  
Senate File 2247, H-6520—2039  
Senate File 2248, H-6469—1949  
Senate File 2284, H-6267—1613  
Senate File 2296, H-6405—1915  
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Senate File 2322, H-6527—2123  
Senate File 2323, H-6418—1884

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House File 2339, H-6494—2015  
House File 2405, H-6544—2170  
House File 2432, H-6550—2200  
House File 2441, H-6444—1861



House File 2452, H-6478—1977  
 House File 2459, H-6465—1930  
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 Senate File 2164, H-6272—1671  
 Senate File 2250, H-6516—2033  
 Senate File 2310, H-6343—1725  
 Senate File 2312, H-6417—1834  
 Senate File 2314, H-6346—1667

**HOUSE RULES AND ADMINISTRATION COMMITTEE—**  
 (See Rules and Administration, Committee On)

**HUMAN RESOURCES, COMMITTEE ON—**

Amendments filed—211, 449, 551, 912, 999, 1066  
 Amendments offered—293, 522, 537, 751, 1089, 1140, 1144, 1259, 1261, 1695  
 Bills introduced—166, 178, 357, 370, 372, 393, 451, 482, 533, 576  
 Recommendations—147, 164, 210, 352-353, 447, 480, 548-549, 566, 909, 997-998, 1063-1064, 1987  
 Resolutions offered—550  
 Subcommittee assignments—43, 119, 120, 121, 208, 310, 349, 350, 427, 444, 460, 478, 529, 686, 687, 961, 962, 1013, 1014, 1810

**HUMMEL, KYLE—Representative Benton-Black Hawk Counties, Assistant Minority Floor Leader**

Amendments filed—142, 268, 281-282, 331, 369, 449, 481, 688, 912, 999, 1086, 1318, 1319, 1491-1493, 1505, 1556, 1646, 1864  
 Amendments offered—268, 281, 333, 506, 508, 717, 1409, 1491  
 Bills introduced—45, 91, 124, 158, 179, 214, 292, 315  
 Leave of absence—188, 1254  
 Resolutions offered—369, 1708  
 Subcommittee assignments—107, 145, 209, 906, 1014, 1176

**INTERIM COMMITTEES—**

(See also Legislative Council and/or Study Committees)

Resolutions relating to:

House Concurrent Resolution 114, review present and projected higher ed. needs and offerings—369, 478, 548  
 House Concurrent Resolution 116, replace prop. tax with net worth tax—428  
 House Concurrent Resolution 117, grounds for civil commitment of mentally ill persons—550  
 House Concurrent Resolution 122, family and marriage law re prop. rights—1016  
 House Concurrent Resolution 127, handling and disposal of solid waste—1645  
 House Concurrent Resolution 128, financing and expenditure methods, capital projects, st. and local governments—1708  
 House Concurrent Resolution 131, ec. role and ag. and the agricultural community can play in preparing for and developing this state's full potential—1988  
 House Concurrent Resolution 132, budgeted full-time equivalent positions, commonly known as FTE's—2108  
 House Concurrent Resolution 133, discrimination in insurance—2272

**INTRODUCTION OF BILLS—**

(See Bills, Introduction of, and/or Individual Listings)

**JAY, DANIEL J.**—Representative **Appanoose-Davis-Wapello** Counties

Amendments filed—331, 343, 644, 767, 796, 840, 870, 912, 962, 998, 1017, 1018, 1066, 1129, 1130, 1178, 1251, 1252, 1253, 1425, 1476-1483, 1484, 1485-1486, 1495-1496, 1557-1558, 1629, 1646, 1684, 1775-1776, 1776-1777, 1850, 1864

Amendments offered—395, 787, 1136, 1196, 1197, 1279, 1285, 1286, 1378, 1455, 1476, 1485, 1495, 1629, 1681, 1683, 1684, 1775, 1850, 1903

Amendments withdrawn—1288, 1294, 1455, 1630, 1683, 1905

Bills introduced—36, 167, 413

Committee appointments—111, 1909, 2000

Leave of absence—188, 332, 413

Petitions presented—1320

Reports—1958-1959, 2127-2129

Resolutions offered—1425

Subcommittee assignments—38, 39, 40, 41, 42, 43, 108, 145, 163, 183, 288, 328, 342, 388, 389, 444, 546, 547, 642, 868, 869, 907, 908, 1062

**JOCHUM, THOMAS J.**—Representative **Dubuque** County

Amendments filed—449, 476, 644, 840, 870, 911, 912, 913, 962, 963, 999, 1073-1074, 1074, 1251, 1253, 1318, 1372, 1398-1399, 1401-1402, 1405-1407, 1498, 1505, 1506, 1522, 1550, 1551, 1555, 1563, 1589-1590, 1708, 1709, 1771, 1773, 1774, 1778, 1811, 1864

Amendments offered—476, 864, 943, 1001, 1074, 1311, 1398, 1401, 1402, 1415, 1417, 1522, 1550, 1551, 1555, 1584, 1586, 1589, 1620, 1621, 1750, 1768, 1771, 1772, 1773, 1774, 1778

Amendments withdrawn—1522, 1584, 1750, 1777

Committee appointments—1711, 1844, 1845

Invited to the well and presented plaques to the following members who will be retiring: Representatives Parker, Platt, Skow, Swearingen & Cooper—2120

Petitions presented—631, 691

Presided at sessions of the House—1510

Reports—1834-1836, 2049-2081, 2095-2097

Representatives Running and Norrgard, who are candidates for other offices other than the House, were recognized for their service—2120

Subcommittee assignments—107, 120, 121, 208, 510, 564, 730, 731, 1176, 1177, 1863

**JOHNSON, PAUL W.**—Representative **Allamakee-Winneshiek** Counties

Amendments filed—239, 629, 644, 688, 689, 796, 871, 1319, 1688-1689, 1788, 1795, 1796-1797, 1811, 1864

Amendments offered—420, 638, 670, 1685, 1688, 1793, 1795, 1796, 1823, 1824, 1906, 1907, 1910

Amendments withdrawn—639

Appointed to the Iowa Peace Institute—172

Bills introduced—21, 466

Committee appointments—1072, 2093, 2124, 2216

Leave of absence—1320

Reports—2027-2029, 2223-2225, 2226-2228, 2255-2256

Subcommittee assignments—121, 129, 130, 145, 163, 175, 199, 209, 388, 411, 494, 511, 547, 731, 907, 908, 961, 1013, 1014, 1035, 1081

**JOINT CONVENTIONS**—

Budget Message—96-103

Condition of the Judicial Department Message—111-117

Condition of the State Message—23-30

## Resolutions relating to:

- House Concurrent Resolution 101, condition of the state message—4 adopted, 22
- House Concurrent Resolution 102, budget message—4 adopted, 5, 94
- House Concurrent Resolution 103, the condition of the judicial department—4-5 adopted, 94

## JOINT RULES—

(See also Rules and/or Rules and Administration, Committee On)

## Rules invoked:

## Rule 13 (conference committee):

Senate File 2314—1836

## Rule 17 (fiscal notes):

House File 2377—613

House File 2440—860

Senate File 484—1501

Senate File 2074, H-5061A—270

Senate File 2225—1089

Senate File 2262—1515

## Rule 17 out of order:

Senate File 484—1501

Senate File 2225—1089

Pursuant to Rule 20 (time of committee passage &amp; consideration of bills):

House Joint Resolution 20—1428

Resolution relating to, HCR 123—1016, 1642

## JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—

Amendments filed—481, 532, 629, 912, 1086, 1129, 1130, 1131

Amendments offered—527, 698, 725, 1068, 1196, 1206, 1239, 1241, 1282, 1285, 1286, 1287, 1455

Amendments withdrawn—1455

Bills introduced—167, 213, 214, 393, 452, 534, 573, 574, 576, 598, 633, 645, 646, 905, 1703

Recommendations—164, 210-211, 237, 353, 367, 447-448, 480, 530-531, 566-567, 593, 627, 909-910, 998, 1078, 1083-1084, 1127-1128, 1424

Resolutions offered—1016

Subcommittee assignments—38, 39, 40, 41, 42, 43, 107, 108, 145, 156, 183, 208, 209, 288, 289, 342, 343, 388, 389, 444, 478, 546, 547, 642, 868, 869, 906, 907, 908, 1062, 1081

KNAPP, DONALD J.—Representative **Dubuque-Jones Counties**

Amendments filed—1318, 1557-1558

Amendments offered—1528

Bills introduced—109

Committee appointments—111

Leave of absence—2015, 2110

Presided at sessions of the House—900

Reports—111

Subcommittee assignments—42, 43, 156, 176, 289, 310, 591, 731, 906, 907, 1035

KOENIGS, DEO A.—Representative **Chickasaw-Howard-Mitchell Counties**

Amendments filed—511, 628, 814, 839, 870, 998, 1016, 1017, 1039, 1086, 1177, 1178, 1251, 1318, 1419-1420, 1506, 1563, 1864, 1988, 1997-1998

Amendments offered—319, 587, 639, 814, 1031, 1047, 1179, 1180, 1204, 1205, 1308, 1309, 1515, 1600, 1997

Bills introduced—125, 149, 292  
 Committee appointments—1  
 Leave of absence—150, 188, 413, 745  
 Petitions presented—1989  
 Presented to the House the Honorable Vince Steffen, former Speaker of the House—1562  
 Presided at sessions of the House—476  
 Reports—5  
 Resolutions offered—1988  
 Subcommittee assignments—120, 163, 183, 199, 328, 329, 460, 510, 511, 546, 686, 868

**KREMER, JOSEPH M.—Representative Black Hawk-Buchanan Counties**

Amendments filed—142, 285, 463, 485, 492, 595, 629, 643, 833, 911, 1252, 1372, 1373, 1426, 1776-1777, 1864  
 Amendments offered—488, 667, 1288  
 Amendments withdrawn—902  
 Bills introduced—110, 188  
 Committee appointments—1, 1614  
 Leave of absence—140, 735, 939, 1118, 1648  
 Petitions presented—188  
 Reports—1918-1919  
 Subcommittee assignments—43, 107, 145, 156, 183, 209, 329, 343, 350, 444, 460, 546, 906, 908, 1014

**LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—**

Amendments filed—157, 369, 1038, 1086  
 Amendments offered—557, 1183  
 Amendments withdrawn—216  
 Bills introduced—357, 466, 483, 598  
 Recommendations—157, 367, 462, 496, 593, 1037, 1084-1085, 2030-2031  
 Subcommittee assignments—34, 120, 209, 235, 365, 460, 868, 869, 1014, 1035

**LAGESCHULTE, RAYMOND—Representative Black Hawk-Bremer-Butler Counties**

Amendments filed—142, 147, 187, 428, 814, 1017, 1495, 1563  
 Amendments offered—191, 194, 432  
 Amendments withdrawn—431  
 Bills introduced—168, 202  
 Leave of absence—1, 150, 158, 391, 573, 597, 648, 691, 773, 864, 926, 951, 1075, 1549, 1669  
 Petitions presented—464  
 Subcommittee assignments—38, 40, 41, 43, 107, 108, 120, 145, 163, 176, 199, 208, 235, 288, 328, 342, 365, 388, 389, 444, 478, 546, 687, 731, 868, 869, 907, 908, 962, 1081, 1644

**LAW ENFORCEMENT ACADEMY COUNCIL—**

Appointment to—2274

**LEAVE OF ABSENCE—**

1, 45, 91, 135, 137, 138, 140, 148, 158, 166, 171, 178, 188, 215, 222, 228, 242, 268, 272, 285, 291, 297, 303, 314, 325, 332, 358, 375, 381, 391, 405, 413, 454, 464, 472, 482, 498, 522, 536, 553, 573, 586, 588, 597, 623, 631, 640, 648, 669, 671, 677, 691, 703, 710, 714, 724, 726, 735, 743, 745, 768, 773, 799, 803, 816, 830, 841, 856, 858, 863, 864, 872, 889, 914, 926, 937, 939, 942, 943, 964, 968, 985, 994, 1000, 1007, 1040,

1047, 1067, 1075, 1088, 1118, 1132, 1179, 1222, 1230, 1234, 1239, 1254, 1292, 1308, 1320, 1360, 1374, 1382, 1428, 1446, 1487, 1516, 1517, 1526, 1549, 1565, 1599, 1614, 1618, 1624, 1635, 1648, 1669, 1672, 1756, 1805, 1836, 1838, 1852, 1866, 1950, 1965, 1966, 1989, 2015, 2038, 2048, 2110, 2120, 2173, 2204

#### LEGISLATIVE COUNCIL COMMITTEE—

(See also Study Committees)

Resolutions relating to:

House Concurrent Resolution 114—369, 478, 548  
 House Concurrent Resolution 116—428  
 House Concurrent Resolution 117—550  
 House Concurrent Resolution 122—1016  
 House Concurrent Resolution 127—1645  
 House Concurrent Resolution 128—1708  
 House Concurrent Resolution 131—1988  
 House Concurrent Resolution 132—2108  
 House Concurrent Resolution 133—2272

#### LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

#### LEGISLATIVE FISCAL BUREAU—

Communication from—206

#### LOBBYISTS—

(See Ethics, Committee On)

#### LOCAL GOVERNMENT, COMMITTEE ON—

Amendments filed—187, 390, 571, 595

Amendments offered—418, 742

Bills introduced—213, 315, 391, 392, 451, 465, 483, 534, 574, 575, 632, 645

Recommendations—211, 237-238, 389-390, 448, 480, 531-532, 568, 593, 627-628, 642-643, 910, 998, 1064

Subcommittee assignments—41, 107, 145, 155, 156, 186, 199, 235, 310, 311, 349, 350, 388, 444, 477, 529, 838, 839, 907, 997

#### LOW-LEVEL RADIO ACTIVE WASTE MANAGEMENT ADVISORY COMMITTEE—

Appointment to—172

#### LUNDBY, MARY A.—Representative **Linn** County

Amendments filed—285, 302, 551, 552, 644, 689, 720-721, 723, 962, 1129, 1131, 1177, 1252, 1253, 1291-1292, 1564, 1709, 1811

Amendments offered—720, 722, 747, 753, 983, 1235, 1522, 1824

Amendments withdrawn—1795, 1796, 1824

Bills introduced—35, 136, 213, 465, 554

Committee appointments—2000

Presented to the House the Honorable Emil Novack, former member of the House—426

Reports—2127-2129

Requested her name be added as a sponsor of H-5152 to House File 2294—458

Subcommittee assignments—39, 43, 130, 175, 183, 225, 328, 350, 443, 444, 997

#### MAJORITY FLOOR LEADER, Robert C. Arnould—Representative **Scott** County

(See Arnould, Robert C.—Representative **Scott** County, Majority Floor Leader)

## MANAGEMENT, DEPARTMENT OF—

- Claims approved—53-88
- Claims disapproved—47-52, 195-196
- Claims filed—47-52, 53-88, 195-196
- Communications from, stating claims filed with—52-88, 194-196

## MARTIN LUTHER KING, JR.—

- Observance of—93-94

MAULSBY, RUHL—Representative **Calhoun-Sac-Webster** Counties

- Amendments filed—141, 142, 238, 277, 285, 490-491, 571, 596, 628, 629, 644, 798, 1019, 1131, 1253, 1318, 1372, 1373, 1419-1420, 1864, 2272
- Amendments offered—270, 490, 785, 1303, 1414
- Amendments withdrawn—679, 714
- Bills introduced—178, 346, 356, 450, 533
- Committee appointments—1845
- Leave of absence—1672
- Petitions presented—691
- Reports—2049-2081
- Resolutions offered—369, 428, 1987
- Subcommittee assignments—43, 156, 199, 460, 477, 511, 731, 1035, 1176, 1810

MAY, DENNIS—Representative **Cerro Gordo-Winnebago-Worth** Counties

- Amendments filed—870, 871, 1419-1420, 1426, 1563, 1646
- Amendments offered—540
- Bills introduced—179, 371
- Committee appointments—1614
- Presided at sessions of the House—857
- Reports—1918-1919
- Resolutions offered—1988
- Subcommittee assignments—120, 121, 129, 163, 175, 183, 328, 329, 365, 388, 460, 494, 546, 686, 687, 908, 1013

McKEAN, ANDREW (ANDY)—Representative **Jones-Linn** Counties

- Amendments filed—138-139, 142, 147, 211, 277, 285, 596, 621-622, 688, 689, 796, 797, 823-824, 840, 870, 871, 894, 1130, 1178, 1373, 1425, 1426, 1556, 1557-1558, 1646, 1851-1852, 1865, 2086
- Amendments offered—813, 821, 823, 889, 890, 894, 895, 896, 1556, 1851, 2086, 2117
- Amendments withdrawn—216, 826
- Appointed to the Medical Assistance Advisory Council—16
- Bills introduced—124, 168, 178, 214, 356
- Committee appointments—1992, 2093, 2124, 2216
- Leave of absence—148, 573, 1047, 1308, 1805
- Presented to the House Yoshiko Toyama, a teacher from Tokyo, Japan—1317
- Reports—2205-2211, 2223-2225, 2226-2228, 2255-2256
- Resolutions offered—369
- Subcommittee assignments—175, 209, 328, 365, 547, 907, 961, 1013, 1014, 1035

McKINNEY, WAYNE, JR.—Representative **Dallas** County

- Amendments filed—870, 1178, 1251, 1372, 1425
- Amendments offered—1053, 1241, 1375, 1377, 1650
- Committee appointments—111, 2000
- Leave of absence—472, 482, 498

Presided at sessions of the House—723

Reports—2127-2129

Subcommittee assignments—39, 40, 41, 43, 107, 108, 145, 208, 209, 288, 329, 342, 350, 389, 444, 546, 547, 564, 731, 868, 869, 907, 908, 1014, 1081, 1177

#### MEDICAL ASSISTANCE ADVISORY COUNCIL—

Appointments to—16

#### MEMORIALS—

Committee appointed—1814

In Memoriam List—2619

Memorials—2619

Resolution relating to—1814

#### MESSAGES—

(See also Communications, Joint Conventions and Addressed the House)

From Governor Terry E. Branstad—2276-2277

From Senate—22, 94-95, 150, 159, 168-169, 180, 190, 204, 215, 241, 243, 245, 294-295, 355-356, 378, 386, 410, 424, 442-443, 452-454, 493, 499-500, 513, 535-536, 540, 577, 590, 599, 613, 633-634, 647-648, 685-686, 693-694, 728-729, 764-765, 770, 800-801, 818, 837-838, 867, 888, 916, 959-960, 966, 985, 996, 1011-1012, 1060, 1079-1080, 1118, 1132-1133, 1218-1221, 1254-1257, 1290, 1320-1321, 1374, 1422-1423, 1427-1428, 1453-1455, 1559-1561, 1566, 1599, 1614-1616, 1643, 1648-1649, 1668-1669, 1693-1694, 1710, 1756-1757, 1762-1763, 1798-1799, 1813-1814, 1826-1827, 1837-1838, 1844, 1866, 1900-1901, 1902-1903, 1922, 1946-1947, 1967-1969, 1989-1990, 1995-1996, 2000-2001, 2025-2026, 2033-2034, 2048, 2084, 2110-2112, 2119-2120, 2121, 2139, 2143, 2176, 2189-2190, 2198, 2199, 2203, 2212-2213, 2222-2223, 2229, 2253, 2255, 2257, 2274

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Item veto messages—339-341, 1982-1983, 1983-1984, 2100-2105, 2105, 2105-2106, 2606-2618

Motion to override governor's item veto—469-470, 538-539, 2098-2099, 2099-2100

Objection to immediate message—1793

Senate messages considered—3, 22, 110, 168, 180, 202, 214, 229, 293, 306, 372, 394, 414, 452, 467, 534, 555, 598, 633, 646, 692, 735, 768-769, 799, 837, 841, 873, 887, 914, 938, 964, 1000, 1020, 1040, 1061, 1067, 1088, 1507, 1565, 1703, 1710, 1762, 1813, 1827, 1901, 1922, 1982, 2118, 2253

Veto messages—2598-2605

#### METCALF, JANET S.—Representative Polk County

Amendments filed—142, 222, 285, 829, 839, 840, 902, 1131, 1177, 1252, 1253, 1425, 1426, 1771-1772, 1864, 1954, 1955, 1956

Amendments offered—829, 902, 1353, 1354, 1383, 1446, 1450, 1954, 1955, 1956

Amendments withdrawn—1384

Bills introduced—135, 168, 212, 371, 466, 499

Committee appointments—1  
 Leave of absence—856, 914, 964  
 Requested her name be added as a sponsor of H-5077 to House File 2155—327  
 Resolutions offered—134, 354, 1425  
 Subcommittee assignments—34, 107, 121, 145, 199, 209, 349, 350, 444, 686, 868, 1014, 1250

**MILLER, TOM H.**—Representative **Cherokee-Clay-O'Brien Counties**

Amendments filed—142, 285, 596, 643, 644, 689, 820, 912, 1038, 1399-1400, 1864, 1964  
 Amendments offered—1399  
 Bills introduced—178, 356  
 Committee appointments—1814, 1992  
 Leave of absence—942, 2038  
 Petitions presented—370, 512  
 Presented to the House Joyce Yangand Lo Ying Shey from Taiwan-Peoples Republic of China—1034  
 Reports—2205-2211  
 Resolutions offered—369, 1814  
 Subcommittee assignments—43, 120, 121, 156, 199, 288, 460, 477, 478, 997, 1035, 1863

**MINORITY FLOOR LEADER, Delwyn Stromer**—Representative Franklin-**Hancock-Wright Counties**

(See Stromer, Delwyn—Representative Franklin-**Hancock-Wright Counties**, Minority Floor Leader)

**MOTION RULED OUT OF ORDER—**

House Joint Resolution 13—1428

**MOTION TO OVERRIDE GOVERNOR'S ITEM VETO—**

Filed:

House File 2082—469-470, 538-539  
 House File 2444—2099  
 House File 2447—2098-2099

Lost:

House File 2082—538-539  
 House File 2444—2100  
 House File 2447—2099

**MOTIONS TO RECONSIDER—**

Filed:

House File 102—224  
 House File 431—563  
 House File 2106—764  
 House File 2162—424  
 House File 2170—545  
 House File 2173—684  
 House File 2194—347  
 House File 2233—528  
 House File 2238—410  
 House File 2258—424  
 House File 2278, H-5281A—764  
 House File 2294—509  
 House File 2344—590  
 House File 2345, H-5290 & H-5288—624



House File 2348—727  
House File 2348, H-5344—728  
House File 2351—590  
House File 2354—684  
House File 2355—624  
House File 2356—728  
House File 2376—624  
House File 2390—685  
House File 2392—728  
House File 2395—685  
House File 2396—685  
House File 2427—764  
House File 2448—959  
House File 2450—1502  
Senate File 484—1861  
Senate File 2017—1316  
Senate File 2051—1248  
Senate File 2070—1124  
Senate File 2074—287  
Senate File 2164—1643  
Senate File 2182—1079  
Senate File 2193—1248  
Senate File 2196, H-5594—837  
Senate File 2196, H-5621—868  
Senate File 2258—1079  
Senate File 2304—1422  
Senate File 2312—1503

## Lost:

House File 2170—675  
House File 2238—2273  
House File 2258—523  
House File 2351—714  
House File 2356—2273  
House File 2390—2273  
House File 2448—980-981  
House File 2450—2273  
Senate File 484—2273  
Senate File 2074—327

## Prevailed:

House File 431—744  
House File 2173—1042  
House File 2233—560  
House File 2278, H-5281A—1044  
House File 2294—684  
House File 2354—979  
House File 2376—714  
House File 2392—1040  
Senate File 2164—1671  
Senate File 2196, H-5594—901  
Senate File 2312—1584

## Ruled out of order:

House File 431—744  
House File 2348, H-5344—743  
House File 2448—981

## Withdrawn:

House File 102—347  
House File 2106—889  
House File 2162—457  
House File 2194—357-358  
House File 2344—641  
House File 2348—743  
House File 2355—679  
House File 2395—746  
House File 2396—786  
House File 2427—889  
Senate File 2017—1384  
Senate File 2051—1635  
Senate File 2070—1218  
Senate File 2182—1218  
Senate File 2193—1422  
Senate File 2196, H-5621—900  
Senate File 2258—1093-1094  
Senate File 2304—1671-1672

## Motions to reconsider:

(From the floor)  
House File 431, H-5198 & H-5228—744  
House File 2283, H-5182, as amended—492  
House File 2356, H-5223—723  
House File 2462, H-6183A—1359  
House File 2477—2196  
House File 2477, H-6546—2197  
House Resolution 103, H-5513—1598  
Senate File 2070, H-5191A, as amended—1096  
Senate File 2074, H-5067—283  
Senate File 2092, H-6106—1451  
Senate File 2164, H-6272—1671  
Senate File 2171—1293  
Senate File 2171, H-5947—1293  
Senate File 2263, H-5941 & H-6502—2125  
Senate File 2310, H-5995—1174  
Senate File 2312, H-6119A & H-6171—1584  
Senate File 2312, H-6248—1590  
Senate File 2314, H-5797, as amended & H-6075—1314  
Senate File 2318, H-6008—1230  
Senate File 2318—1306  
Senate File 2318, H-6139—1307  
Senate File 2321, H-6370, as amended—1777  
Senate File 2323—1670  
Senate File 2323, H-6309—1670  
Senate File 2327—1958  
Senate Joint Resolution 1, H-5072—1544  
Senate Joint Resolution 1, H-5071—1545

## Lost:

House File 2283, H-5182, as amended—492  
 House File 2477—2196  
 Senate File 2314, H-5797, as amended—1314  
 Senate File 2327—1958

## Prevailed:

House File 431, H-5198 & H-5228—744  
 House File 2356, H-5223—723  
 House File 2462, H-6183A—1359  
 Senate File 2070, H-5191A, as amended—1096  
 Senate File 2074, H-5067—284  
 Senate File 2092, H-6106—1451  
 Senate File 2164, H-6272—1671  
 Senate File 2171—1292  
 Senate File 2171, H-5947—1294  
 Senate File 2263, H-5941 & H-6502—2125  
 Senate File 2310, H-5995—1174  
 Senate File 2312, H-6119A & H-6171—1584  
 Senate File 2312, H-6248—1590  
 Senate File 2314, H-6075—1315  
 Senate File 2318, H-6008—1230  
 Senate File 2318—1306  
 Senate File 2318, H-6139—1307  
 Senate File 2321, H-6370—1777  
 Senate File 2323—1670  
 Senate File 2323, H-6309—1670  
 Senate Joint Resolution 1, H-5072—1544  
 Senate Joint Resolution 1, H-5071—1545

Final disposition of motions to reconsider—2273

**MUHLBAUER, LOUIS J.—Representative Crawford-Shelby Counties**

Amendments filed—551, 628, 644, 796, 870, 912, 949-950, 999, 1129, 1177, 1373, 1419-1420, 1425, 1426  
 Amendments offered—949, 1059, 1094, 1095, 1097  
 Amendments withdrawn—949, 1096, 1098  
 Appointed to the Interstate Agricultural Grain Marketing Commission—16  
 Bills introduced—392  
 Leave of absence—138, 188, 381, 391, 1526, 1565  
 Petitions presented—691  
 Presented to the House the Honorable Loran Schmit, State Senator, Bellwood, Nebraska—590  
 Resolutions offered—1988  
 Subcommittee assignments—121, 129, 145, 155, 156, 328, 329, 444, 460, 838, 868, 908, 1035

**MULLINS, SUE B.—Representative Humboldt-Kossuth-Palo Alto-Pocahontas Counties**

Amendments filed—134, 142, 165, 277, 449, 463, 491, 571, 688, 689, 734, 796, 798, 948-949, 953-954, 1130, 1252, 1411, 1419-1420, 1556, 1646, 1709, 1864, 1865, 1945  
 Amendments offered—140, 491, 506, 751, 752, 948, 953, 1411, 1750, 1911, 1945  
 Amendments withdrawn—1945  
 Bills introduced—2, 21, 45, 135, 136, 158, 159, 178, 202, 213, 229, 314, 332, 371, 573  
 Committee appointments—2093, 2124

Leave of absence—242, 332, 724, 968, 1040, 1549, 1965  
 Presented to the House winners of the "Write Women Back Into History" essay contest—729-730  
 Presented to the House the Honorable Karl E. Kiilsholm, former member of the House—838  
 Presented to the House the following delegation from our sister Province, Hebei, China; Sun Guozhi, Li Tie, Xu Ping, Liu Haiquan, Li Wenye and their interpreter Cui Shunyi—1562  
 Reports—2223-2225, 2226-2228  
 Resolutions offered—227, 354, 1425  
 Subcommittee assignments—43, 107, 121, 175, 176, 208, 209, 310, 328, 349, 427, 444, 478, 511, 529, 547, 731, 907, 961, 962, 1013, 1014, 1035, 1081, 1863

#### NATURAL RESOURCES AND OUTDOOR RECREATION, COMMITTEE ON—

Amendments filed—238, 313, 354, 1066  
 Amendments offered—319, 323, 395, 420, 1906  
 Bills introduced—213, 214, 241, 315, 355, 575  
 Recommendations—89, 122, 211, 238, 353, 480, 568-569, 962, 1014  
 Resolutions offered—595, 998  
 Subcommittee assignments—89, 145, 163, 183, 235, 510, 511

#### NEUHAUSER, MARY C.—Representative **Johnson** County

Amendments filed—688, 711-712, 712-713, 796, 839, 962, 1017, 1039, 1086, 1167, 1178, 1242-1247, 1318, 1564, 1709, 1788, 1864  
 Amendments offered—710, 711, 712, 969, 1205, 1235, 1242, 1410, 1567, 1572  
 Amendments withdrawn—1167  
 Bills introduced—21, 92, 450, 465  
 Committee appointments—1845  
 Leave of absence—1516  
 Presided at sessions of the House—777  
 Reports—2049-2081  
 Requested her name be added as a sponsor of House Concurrent Resolution 111—424  
 Requested her name be added as a sponsor of H-5077 to House File 2155—327  
 Subcommittee assignments—120, 121, 175, 365, 411, 731, 868, 869, 962

#### NORRGARD, CLYDE L.—Representative **Des Moines**-Henry Counties

Amendments filed—239, 596, 690, 912, 962, 1252, 1373  
 Amendments offered—439, 522, 979, 1148, 1259, 1260, 1380  
 Bills introduced—305, 413  
 Committee appointments—111, 1614  
 Leave of absence—597, 631, 1292, 2048, 2110  
 Petitions presented—464  
 Presided at sessions of the House—2005  
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OLLIE, C. ARTHUR — Representative **Clinton** County

Amendments filed — 390, 412, 449, 559, 1002, 1016, 1038, 1087, 1102-1103, 1103, 1129, 1178, 1319, 1373, 1405-1407, 1419, 1563, 1864, 1946, 1960-1961, 1978-1980

Amendments offered — 853, 1002, 1100, 1102, 1103, 1296, 1297, 1405, 1414, 1416, 1419, 1942, 1946, 1960, 1978

Amendments withdrawn — 1297, 1407, 1414, 1960, 2020

Appointed to the Education Commission of the States — 16

Bills introduced — 21, 22, 158

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Leave of absence — 464

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Subcommittee assignments — 43, 156, 199, 209, 328, 477, 494, 962, 997, 1035, 1081

OSTERBERG, DAVID — Representative **Cedar-Linn** Counties

Amendments filed — 239, 272, 380, 463, 481, 596, 621-622, 767, 796, 840, 1130, 1372, 1373, 1419-1420, 1426, 1506, 1556, 1564, 1645, 1709, 1795-1796, 1811, 1865, 1945, 1988, 2124

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Amendments withdrawn — 1380, 2005

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Committee appointments — 1903

Leave of absence — 272

Presented to the House foreign exchange student, Maria Danielsson, Sweden — 426

Reports — 2216-2220

Resolutions offered — 1425

Subcommittee assignments — 120, 175, 176, 198, 199, 209, 329, 411, 460, 478, 494, 547, 686, 907, 961, 1014, 1035, 1250, 1644, 1863

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PARKER, EDWARD G. — Representative **Jasper-Marion-Polk-Warren** Counties

Amendments filed — 734, 913, 1318, 1372, 1709, 1802, 1864, 2173-2174

Amendments offered — 748, 1444, 1449, 1802, 1887, 1920, 2173

Committee appointments — 1947, 2199, 2216

Presided at sessions of the House — 1691, 1964

Reports — 2199, 2257-2269

Rulings made — 1692

Subcommittee assignments — 107, 120, 121, 145, 209, 235, 444, 906

PAULIN, DONALD J. — Representative **Plymouth-Woodbury** Counties, Assistant Minority Floor Leader

Amendments filed — 142, 211, 285, 369, 571, 596, 689, 871, 902, 911, 963, 1032-1033, 1177, 1251, 1505, 1555, 1795-1796, 1811

Amendments offered — 636, 719, 898, 1795

Bills introduced—36, 92, 148, 149, 158, 228, 332, 346, 371, 450  
 Committee appointments—1903  
 Leave of absence—640  
 Reports—2216-2220  
 Resolutions offered—369  
 Subcommittee assignments—42, 43, 107, 156, 163, 175, 183, 208, 209, 289, 343, 546,  
 547, 868, 869, 906, 907, 908, 961, 1014, 1035

**PAVICH, EMIL S.**—Representative **Pottawattamie** County  
 Amendments filed—949, 1178, 1252, 1253, 1302, 1318, 1319, 1426  
 Amendments offered—1298, 1302, 1314, 1419  
 Bills introduced—21, 158, 189, 212, 292, 303, 465  
 Committee appointments—1711  
 Petitions presented—512, 1710  
 Presided at sessions of the House—385  
 Reports—1834-1836  
 Requested his name be added as a sponsor of House File 2025—153  
 Requested his name be added as a sponsor of H-5152 to House File 2294—458  
 Resolutions offered—354  
 Subcommittee assignments—40, 43, 120, 129, 175, 182, 235, 311, 328, 546, 591, 906,  
 907, 1035

**PELLETT, WENDELL C.**—Representative **Cass-Harrison-Pottawattamie-Shelby**  
 Counties  
 Amendments filed—142, 629, 643, 815-816, 912, 1131, 1419-1420, 1563, 1864  
 Asked and received unanimous consent to change vote on House File 2313—528  
 Bills introduced—109, 346, 393  
 Leave of absence—1549  
 Petitions presented—464, 512  
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 House—1080  
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 Subcommittee assignments—155, 163, 182, 731, 1013, 1035

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**PETERS, MIKE**—Representative **Woodbury** County  
 Amendments filed—449, 463, 689, 1017, 1018, 1086  
 Amendments offered—470, 704  
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 Bills introduced—126, 305  
 Committee appointments—23  
 Leave of absence—1075, 1635, 2173  
 Presided at sessions of the House—669, 819, 860, 936  
 Rulings made—860  
 Subcommittee assignments—107, 119, 145, 182, 209, 235, 310, 350, 444, 529, 839, 997,  
 1013, 1014

**PETERSEN, DAN**—Representative **Muscatine-Scott** Counties  
 Amendments filed—141, 142, 238, 277, 369, 463, 596, 644, 797, 820, 911, 912, 1065,  
 1319, 1419-1420, 1563, 1646, 1864  
 Amendments offered—820, 933, 956, 1032, 1914

Bills introduced—158, 346, 466, 533  
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 Leave of absence—148, 188, 375, 597  
 Reports—1512, 2255-2256  
 Resolutions offered—369  
 Subcommittee assignments—41, 175, 176, 235, 328, 329, 444, 494, 529, 686, 838, 906, 961, 1035

**PETERSON, MICHAEL K.**—Representative Audubon-Carroll-Shelby Counties  
 Amendments filed—239, 596, 689, 796, 870, 895, 963, 998, 999, 1086, 1251, 1319, 1426, 1709, 1773, 1776-1777  
 Amendments offered—720, 722, 895, 898, 991, 1041, 1773, 1776  
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 Resolutions offered—354, 1425  
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Filed—166, 188, 370, 430, 464, 482, 498, 512, 573, 597, 631, 645, 691, 872, 914, 964, 1067, 1132, 1320, 1374, 1427, 1648, 1710, 1989

**PLASIER, LEE J.**—Representative Plymouth-Sioux Counties  
 Amendments filed—142, 285, 596, 629, 690, 775, 917-918, 946-947, 1018, 1291-1292  
 Amendments offered—772, 774, 775, 917, 946, 1291  
 Amendments withdrawn—772, 774  
 Bills introduced—92  
 Committee appointments—1654, 1814, 1909, 2040  
 Leave of absence—166, 816, 1614  
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 Resolutions offered—369  
 Subcommittee assignments—42, 43, 107, 120, 156, 199, 289, 310, 328, 343, 349, 365, 477, 494, 906, 908, 961, 1081

**PLATT, DONALD R.**—Representative Louisa-Muscatine Counties

Amendments filed—141, 463, 511, 629, 630, 797, 1251, 1253, 1319  
 Amendments offered—1313  
 Bills introduced—292, 305, 465  
 Committee appointments—1711  
 Presided at sessions of the House—684, 1998, 2116  
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 Requested his name be added as a sponsor of H-5077 to House File 2155—327  
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 Senate File 2323, H-6265B—Representative McKinney—1652  
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 Senate File 2328, H-6423—Representative Running—1849  
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- PONCY, CHARLES N.—Representative Wapello County**  
 Amendments filed—211, 273, 796, 911, 949, 1017, 1318, 1319, 1419, 1505  
 Amendments offered—230, 1385, 1409  
 Amendments withdrawn—231  
 Appointed to the College Aid Commission—16  
 Bills introduced—45, 136, 158, 179, 214, 292, 305, 332  
 Committee appointments—1845  
 Leave of absence—272, 803  
 Reports—2049-2081  
 Resolutions offered—354  
 Subcommittee assignments—38, 39, 40, 41, 42, 43, 108, 145, 156, 163, 342, 511, 546, 642, 868, 908

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RENAUD, DENNIS L.—Representative **Polk** County

- Amendments filed—273, 331, 369, 449, 644, 688, 702-703, 839, 840, 870, 885, 1178, 1253, 1425, 1638-1641
- Amendments offered—335, 415, 702, 714, 863, 884, 885, 981, 1522, 1524, 1638
- Bills introduced—212, 305, 332, 413, 465, 483
- Leave of absence—166
- Presided at sessions of the House—988, 1216
- Requested his name be added as a sponsor of H-5152 to House File 2294—458
- Resolutions offered—134
- Subcommittee assignments—40, 175, 209, 235, 311, 460, 546, 868, 906, 1035

RENKEN, ROBERT H.—Representative **Butler-Grundy** Counties

- Amendments filed—142, 285, 595, 596, 629, 643, 815-816, 816, 825, 912, 913, 1131, 1505, 1563, 1864

Amendments offered—815  
 Bills introduced—158, 292, 346, 393  
 Leave of absence—171, 937, 1088  
 Petitions presented—1132  
 Presided at sessions of the House—743  
 Resolutions offered—369  
 Subcommittee assignments—40, 107, 119, 120, 129, 145, 155, 175, 209, 235, 310, 311,  
 411, 444, 477, 906, 907, 1014

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Senate Concurrent Resolution 115—688

Senate Concurrent Resolution 116—688

Senate Concurrent Resolution 117—643

Senate Concurrent Resolution 118—688

Resolutions adopted, not otherwise printed in the journal—2578-2581

**ROSENBERG, RALPH—Representative Story County**

Amendments filed—239, 331, 449, 596, 700-701, 726, 734, 840, 1017, 1019, 1038, 1039, 1129, 1177, 1251, 1253, 1373, 1408, 1412-1413, 1419, 1425, 1506, 1557-1558, 1581, 1591, 1646, 1811, 1864, 1865, 2020, 2037-2038, 2042-2047, 2125

Amendments offered—454, 725, 843, 844, 845, 1028, 1206, 1239, 1240, 1277, 1280, 1408, 1418, 1556, 1557, 1657, 1814, 1815, 1885, 1894, 2020, 2042, 2125

Amendments withdrawn—279, 1378, 1815

Bills introduced—2, 21, 91, 92, 109, 158, 166, 291, 292, 297, 346, 393, 452

Committee appointments—536, 2093, 2124, 2216

Leave of absence—222, 228

Reports—1512, 2223-2225, 2226-2228

Requested his name be added as a sponsor of H-5077 to House File 2155—327

Resolutions offered—1425

Subcommittee assignments—42, 43, 107, 119, 120, 156, 199, 343, 388, 411, 546, 869, 906, 908, 1035, 1062, 1081

**ROYER, WILLIAM D. (BILL)—Representative Fremont-Mills-Page Counties**

Amendments filed—142, 463, 497, 596, 628, 629, 644, 689, 734, 796, 815-816, 816, 819, 825, 832-833, 949, 1131, 1253, 1319, 1563, 2272

Amendments offered—671, 1303

Bills introduced—292, 346, 356

Committee appointments—1799

Leave of absence—773, 1000, 1487, 1756

Petitions presented—1710

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Resolutions offered—369

Subcommittee assignments—121, 163, 388, 411, 511, 838, 868

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 Senate File 2263, H-6234, as amended—2024

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  - Education committee meeting—1550
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  - Reinstated—1222
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Amendments filed—187, 273, 1017, 1178, 1234, 1373, 1426, 1505, 1709, 1849, 1850, 1850-1851, 1851  
 Amendments offered—160, 557, 1232, 1233, 1774, 1845, 1849, 1850, 1851  
 Bills introduced—92, 136, 167, 291, 292, 305, 393, 413, 465  
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 Conference committee appointed—2124  
 Leave of absence—597, 1382  
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 Resolutions offered—354  
 Rulings made—2125  
 Subcommittee assignments—34, 39, 130, 183, 225, 235, 311, 444, 460, 529, 868, 907, 1035, 1176, 1810

**SCHNEKLOTH, HUGO**—Representative **Scott** County

Amendments filed—142, 211, 238, 275-276, 277, 285, 290, 354, 481, 491, 571, 629, 644, 734, 829, 840, 870, 902, 911, 912, 1129, 1419-1420, 1488-1489, 1646, 1708, 1811, 1864  
 Amendments offered—232, 382, 384, 484, 491, 649, 758, 900, 923, 924, 1382, 1488, 1570, 1620, 1888  
 Amendments withdrawn—275, 489, 490, 491, 492, 1383, 1888  
 Bills introduced—3, 35, 124, 189, 291, 303, 305, 346, 357, 370, 371, 452, 464  
 Leave of absence—768, 943  
 Resolutions offered—1016  
 Subcommittee assignments—107, 120, 199, 342, 349, 350, 365, 686, 766, 1644, 1863

**SCHRADER, DAVID**—Representative **Marion** County

Amendments filed—302, 343, 797, 1178, 1253, 1419-1420, 1425, 1426, 1563, 1645, 1759, 1848-1849, 1864, 2037-2038  
 Amendments offered—338, 395, 1110, 1283, 1355, 1514, 1572, 1759, 1848, 2037  
 Amendments withdrawn—338  
 Bills introduced—92, 291  
 Committee appointments—1, 1903  
 Leave of absence—631  
 Presented to the House Tonya Van Wyk, Queen of the 1988 Pella Tulip Festival—1812  
 Presided at sessions of the House—793  
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 Resolutions offered—643  
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**SHERZAN, GARY**—Representative **Polk** County

Amendments filed—165, 273, 551, 571, 629, 630, 796, 798, 840, 1017, 1038, 1251, 1252, 1253, 1425, 1426, 1505, 1506, 1555, 1676-1677, 1677, 1775, 2014

- Amendments offered—273, 875, 896, 1045, 1340, 1555, 1676, 1677, 1691, 2014  
 Amendments withdrawn—216, 220, 1340, 1341, 2014  
 Bills introduced—292, 305, 332, 393, 413  
 Committee appointments—1654, 2139  
 Leave of absence—45, 314, 597, 1132, 1374  
 Presented to the House former Page, Kristi Santi, 1988 Modern Miss of Iowa—996-997  
 Presided at sessions of the House—2015  
 Reports—1800, 2214  
 Resolutions offered—134, 2108  
 Subcommittee assignments—43, 107, 145, 156, 209, 343, 444, 478, 546, 906, 908, 1014, 1035
- SHONING, DON**—Representative **Woodbury** County  
 Amendments filed—142, 227, 285, 343, 369, 720-721, 796, 943-944, 1130, 1131  
 Amendments offered—943  
 Bills introduced—2, 3, 136, 292, 391, 393  
 Committee appointments—22, 2216  
 Leave of absence—148, 743  
 Resolutions offered—369  
 Subcommittee assignments—42, 43, 176, 183, 209, 443, 444, 687
- SHOULTZ, DON**—Representative **Black Hawk** County  
 Amendments filed—227, 239, 840, 1019, 1178, 1319, 1369-1370, 1372, 1373, 1411, 1411-1412, 1425, 1563, 1692, 1698, 1965  
 Amendments offered—500, 968, 1222, 1224, 1225, 1368, 1369, 1411, 1689, 1692, 1698, 1965  
 Amendments withdrawn—1690  
 Bills introduced—21, 35, 46, 125, 179, 414  
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 Leave of absence—150  
 Petitions presented—645  
 Presided at sessions of the House—673, 1414  
 Reports—2223-2225, 2226-2228  
 Resolutions offered—369, 1645  
 Rulings made—1414  
 Subcommittee assignments—43, 107, 156, 199, 328, 349, 350, 477, 766, 906, 961, 1035
- SIEGRIST, J. BRENT**—Representative **Pottawattamie** County  
 Amendments filed—141, 142, 689, 839, 840, 963, 1318, 1319, 1964  
 Amendments offered—1409, 1417  
 Bills introduced—92, 125, 213, 240, 370  
 Leave of absence—413, 588  
 Petitions presented—691, 1132  
 Resolutions offered—354  
 Subcommittee assignments—43, 107, 120, 156, 163, 198, 199, 208, 289, 328, 342, 365, 477, 478, 546, 686, 687, 731, 868, 869, 907, 961, 962, 1035, 1081, 1250
- SKOW, BOB**—Representative **Adair-Dallas-Guthrie-Madison** Counties, Assistant Majority Floor Leader  
 Amendments filed—273, 283, 481, 570, 571, 596, 644, 734, 815-816, 870, 999, 1497-1498, 1563, 1709, 1864  
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 Leave of absence—137, 166, 228, 889, 1179, 1234, 1374  
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 Subcommittee assignments—107, 145, 199, 209, 349, 350, 444, 766, 1014

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**SPEAR, CLAY—Representative Des Moines-Lee Counties**

Amendments filed—147, 157, 331, 343, 354, 369, 412, 463, 481, 551, 595, 628, 629, 644, 688, 726, 734, 767, 796, 797, 839, 840, 870, 912, 999, 1019, 1066, 1086, 1252, 1318, 1319, 1373, 1505, 1556, 1864, 2109

Amendments offered—293, 376, 382, 400, 739, 772, 967, 968, 1005, 1069, 1092, 1103, 1275, 1534, 1535

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 Representative Jochum invited to the well and presented plaques to the following members who will be retiring: Representatives Parker, Platt, Skow, Swearingen & Cooper—2120  
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Amendments offered—160, 402, 415, 555, 753, 985, 1107, 1120, 1199, 1200, 1202, 1213, 1818, 1998, 2141

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Delivered by Governor Terry E. Branstad—23-30

Resolution relating to, HCR 101—4 adopted, 5, 22

**STROMER, DELWYN**—Representative Franklin-Hancock-Wright Counties, Minority Floor Leader

Amendments filed—141, 277, 428, 571, 629, 644, 673, 689, 797, 912, 930-931, 931, 932, 1178, 1253, 1420-1421, 1486-1487, 1788, 1852-1855

Amendments offered—140, 277, 616, 620, 782, 783, 784, 785, 930, 931, 932, 952, 982, 1416, 1486, 1788, 1852

Amendments withdrawn—(div. w/d) 1242, 1763

Asked and received unanimous consent to consider H-5725—751

Bills introduced—125, 158, 159, 292, 533, 1549, 1901

Leave of absence—677-678

Petitions presented—573

Presented to the House the Honorable John Pelton, former member of the House—545

Presented with gift—2120

Remarks by—8, 2250-2251

Resolutions offered—4, 4-5, 302, 306, 1987, 2270

Special presentation to House Pages—553, 1812-1813

**STUDY BILL COMMITTEE ASSIGNMENTS—**

Agriculture—34, 145, 153, 174, 198, 309, 342, 348, 363, 387, 477, 529, 545

Economic Development—89, 106, 117, 118, 119, 129, 173, 207, 224, 310, 342, 363, 529, 838

Education—19-20, 38, 88, 106, 117, 118, 208, 348, 349, 364, 427, 477, 510

Energy And Environmental Protection—38, 174, 206, 208, 225, 299, 300, 364, 387, 443, 460

Human Resources—37, 104, 105, 106, 118, 119, 154, 155, 161, 162, 174, 175, 197, 198, 206, 234, 288, 308, 387, 388, 545

Judiciary and Law Enforcement—88, 89, 118, 119, 128, 144, 162, 173, 174, 181, 197, 198, 207, 225, 234, 307, 308, 411, 427, 443, 459, 460, 546, 1250

Labor and Industrial Relations—106, 119, 155, 162, 208, 235, 296, 308, 427, 443, 459, 546

Local Government—154, 162, 182, 225, 308, 309, 341, 348, 349, 364, 387, 427, 443, 459, 510, 545

Natural Resources and Outdoor Recreation—153, 155, 162, 174, 196, 197, 207, 296, 300, 477

Small Business and Commerce—107, 128, 129, 155, 175, 182, 288, 296, 298, 307, 309, 310, 342, 364, 460, 510

State Government—106, 118, 128, 154, 162, 181, 182, 198, 206, 207, 225, 235, 299, 300, 309, 328, 342, 348, 363, 364, 494

Transportation—89, 105, 106, 119, 128, 153, 162, 182, 197, 198, 206, 296, 308, 388, 477, 529

Ways and Means—128, 197, 224, 299, 310, 348, 426, 427, 564, 642, 730, 766, 906, 1013, 1061, 1125, 1176, 1424, 1810

**STUDY BILL SUBCOMMITTEE ASSIGNMENTS—**

Assignments—44, 108, 121-122, 131, 132, 133, 146, 147, 156, 163, 164, 176-177, 183-186, 199-200, 209-210, 226, 235-237, 289, 311-312, 329-330, 343, 350-352, 365-366, 389, 411, 445, 446, 461, 478-479, 494, 530, 547, 564-565, 591, 687, 869, 908, 1014, 1372, 1645

Reassigned—130, 131, 444, 445

**STUDY COMMITTEES—**

(See also Legislative Council)

Resolutions relating to:

House Concurrent Resolution 114, review present and projected higher ed. needs and offerings—369, 478, 548

- House Concurrent Resolution 116, replace prop. tax with a net worth tax—428
- House Concurrent Resolution 117, grounds for civil commitment of mentally ill persons—550
- House Concurrent Resolution 122, family and marriage law re prop. rights—1016
- House Concurrent Resolution 127, handling and disposal, solid waste—1645
- House Concurrent Resolution 128, financing and expenditure methods, capital projects, state and local governments—1708
- House Concurrent Resolution 131, ec. role that ag. and agricultural community can play, preparing for and developing this state's full potential—1988
- House Concurrent Resolution 132, budgeted full-time equivalent positions, commonly know as FTE's—2108
- House Concurrent Resolution 133, discrimination in insurance—2272

**STUELAND, VICTOR (VIC)—Representative Cedar-Clinton Counties**

- Amendments filed—142, 285, 629, 796, 962, 1419-1420, 1864
- Amendments offered—421, 856
- Bills introduced—158, 346, 393
- Committee appointments—95, 1072
- Leave of absence—726, 939, 1624
- Reports—2027-2029
- Subcommittee assignments—129, 145, 183, 460, 546
- Unanimous consent to change vote—2016

**SUBCOMMITTEE—**

- Assignments—34, 40, 42, 43, 89, 107, 108, 119-121, 129, 130, 145, 155, 156, 163, 175, 176, 182, 183, 198-199, 208-209, 225, 235, 288-289, 310-311, 328-329, 342-343, 349-350, 364-365, 388-389, 427, 443-444, 460, 477-478, 494, 510-511, 529, 546-547, 564, 591, 642, 686-687, 730-731, 766, 838-839, 868-869, 906-908, 961-962, 997, 1013-1014, 1035, 1062, 1081, 1176-1177, 1250, 1504, 1644, 1810, 1863, 2108
- Reassigned—38, 39, 40, 41, 42, 43, 44, 89, 107, 119, 120, 121, 129, 145, 163, 182, 198, 199, 443, 444

**SUPREME COURT OF IOWA—**

- (Chief Justice Arthur A. McGiverin)
- Delivered the Condition of the Judicial Department's Message—111-117
- Resolution relating to, HCR 103—4-5 adopted, 94

**SVOBODA, JANE—Representative Black Hawk-Marshall-Tama Counties**

- Amendments filed—227, 481, 596, 644, 732, 796, 870, 902, 962, 963, 1251, 1318, 1419-1420, 1426, 1646
- Amendments offered—485, 815, 1631
- Amendments withdrawn—830, 984, 1633
- Appointed to the Social Services Block Grant Advisory Committee—172
- Bills introduced—92, 110, 126, 136, 212, 292, 304, 413, 467
- Leave of absence—148, 188, 1360
- Resolutions offered—354
- Subcommittee assignments—129, 175, 199, 209, 328, 329, 349, 443, 547, 731, 907, 961, 1013, 1014, 1035

**SWARTZ, THOMAS E. (TOM)—Representative Marshall County**

- Amendments filed—147, 313, 428, 572, 596, 629, 630, 644, 689, 840, 870, 913, 962, 998, 1019, 1039, 1065, 1066, 1086, 1087, 1130, 1131, 1169, 1178, 1242-1247, 1359, 1359-1360, 1372, 1373, 1709, 1775, 1811, 1848, 1864, 1946, 1960-1961, 2177-2186

- Amendments offered—160, 161, 431, 616, 881, 882, 1003, 1169, 1172, 1216, 1359, 1449, 1775, 1848, 1867, 1872, 1881, 2177  
 Amendments withdrawn—194, 1004, 1089, 1314, 1881  
 Bills introduced—92, 126, 167, 297, 346, 413  
 Committee appointments—1844, 1992  
 Reports—2095-2097, 2205-2211  
 Resolutions offered—238  
 Subcommittee assignments—43, 145, 156, 199, 328, 477, 478, 511, 564, 731, 962, 1035
- SWEARINGEN, GEORGE R.**—Representative Jefferson-**Keokuk**-Wapello Counties  
 Amendments filed—142, 629  
 Bills introduced—167  
 Committee appointments—23, 2198  
 Leave of absence—268, 291, 691, 724, 830, 863, 939, 994, 1007, 1222, 1487, 1549, 1635, 1852, 1950, 2038, 2204  
 Petitions presented—464  
 Subcommittee assignments—42, 119, 175, 182, 350, 529, 961, 1013
- TABOR, DAVID M.**—Representative Dubuque-**Jackson** Counties  
 Amendments filed—767, 820, 913, 921, 1019, 1086, 1411, 1426, 1555, 1790, 1935, 2173-2174, 2190-2195  
 Amendments offered—358, 789, 790, 921, 1790, 1935, 2190  
 Amendments withdrawn—2197  
 Announcement—1494  
 Committee appointments—536  
 Leave of absence—150  
 Presided at sessions of the House—321, 637, 825, 875, 947, 1297, 1356, 1358, 1491, 1515, 1526, 2031, 2199, 2203  
 Reports—1512  
 Rulings made—879, 951, 1493, 1495, 1515, 1526  
 Subcommittee assignments—156, 199, 235, 328, 365, 477, 478, 564, 731, 868, 1081, 1644
- TEAFORD, JANE**—Representative **Black Hawk** County  
 Amendments filed—369, 840, 870, 884, 912, 1017, 1039, 1373, 1401-1402, 1426, 1864  
 Amendments offered—384, 537, 884, 1261, 1948  
 Bills introduced—21, 92, 125, 213  
 Committee appointments—96  
 Leave of absence—1088  
 Petitions presented—645  
 Presided at sessions of the House—1486  
 Remarks in honor and memory of Dr. Martin Luther King, Jr.—93-94  
 Resolutions offered—354, 1425  
 Subcommittee assignments—119, 121, 130, 175, 176, 199, 208, 225, 310, 328, 349, 365, 427, 444, 478, 529, 686, 687, 961, 962, 1644
- TRANSPORTATION, COMMITTEE ON**—  
 Amendments filed—463, 497, 551, 732, 797, 1038, 1066, 1086  
 Amendments offered—710, 1094, 1133, 1204, 1269, 1567  
 Bills introduced—178, 212, 243, 356, 370, 452, 498, 555, 597, 735  
 Recommendations—133-134, 201, 290, 368, 462, 496, 550, 595, 628, 732, 869, 1037-1038, 1065, 1086  
 Resolutions offered—18, 550, 643  
 Subcommittee assignments—120, 121, 155, 163, 177, 182, 183, 328, 329, 364, 365, 411, 460, 546, 591, 686, 868, 869, 1035

**TYRRELL, PHIL**—Representative **Iowa-Poweshiek Counties**

Amendments filed—141, 142, 268, 285, 343, 369, 571, 572, 595, 596, 629, 688, 689, 796, 797, 830, 830-831, 839, 911, 1065, 1087, 1105, 1177, 1318, 1372, 1425, 1426, 1505, 2172

Amendments offered—373, 375, 383, 580, 682, 830, 862, 863, 917, 1105, 1404, 2172

Amendments withdrawn—779, 1618

Bills introduced—2, 22, 109, 158, 179, 188, 229, 292, 306, 314, 346, 393

Leave of absence—285, 710

Presented to the House a member of the state department who introduced six mideast journalists from Sudan, Syria, Egypt and Jordan—1862

Request for division of amendment withdrawn—1162

Resolutions offered—369

Subcommittee assignments—89, 120, 235, 460, 869, 907

**UNANIMOUS CONSENT**—

Committee notices & agendas—386

House Concurrent Resolution 105, placed on calendar—1642

House Concurrent Resolution 123, placed on calendar—1642

House File 2233, change of vote—528

Senate File 2092, H-6047, change of vote—1452

Senate File 2335, change of vote—2016

**UNFINISHED BUSINESS CALENDAR**—

1291, 1374, 1444, 1455, 1513, 1567, 1649, 1763, 1814, 1903, 1978

**VAN CAMP, MICHAEL J.**—Representative **Scott County**

Amendments filed—141, 142, 272, 273, 290, 302, 343, 354, 369, 449, 463, 492, 572, 596, 644, 688, 689, 797, 840, 902, 912, 928, 939, 941-942, 942, 947, 949, 962, 1029, 1131, 1157, 1158, 1177, 1178, 1291-1292, 1373, 1425, 1505, 1563, 1641, 1709, 1849, 2173

Amendments offered—272, 336, 359, 472, 473, 617, 707, 860, 862, 865, 879, 880, 881, 928, 939, 941, 982, 1029, 1030, 1157, 1158, 1189, 1228, 1523, 1571, 1572, 1849, 2173

Amendments withdrawn—374, 475, 862, 947, 1031, 1230

Asked and received unanimous consent to withdraw his request for a germaneness ruling on H-5654—883

Bills introduced—136, 150, 179, 188, 214, 292, 304, 371, 393, 413, 533

Committee appointments—1903

Petitions presented—1710, 1989

Requested his name be added as a sponsor of House File 2093—172

Resolutions offered—122, 369

Subcommittee assignments—39, 40, 42, 175, 176, 183, 225, 235, 311, 906, 907, 1035

**VAN MAANEN, HAROLD**—Representative **Keokuk-Mahaska-Wapello Counties**

Amendments filed—138, 140, 142, 268, 285, 354, 497, 596, 621-622, 629, 643, 644, 796, 797, 836, 911, 912, 930, 942, 953, 963, 1086, 1087, 1129, 1131, 1251, 1252, 1253, 1373, 1415, 1416, 1622

Amendments offered—140, 142, 362, 683, 823, 836, 855, 859, 862, 930, 942, 953, 1160, 1301, 1304, 1312, 1617

Amendments withdrawn—142, 942, 956, 1305, 1313, 1622

Bills introduced—45, 91, 291, 346, 356, 393

Committee appointments—96

Requested his name be added as a sponsor of House File 2093—172

Resolutions offered—369

Subcommittee assignments—208, 510, 564, 730, 731, 1177

## VISITORS —

Presentation of — 34, 234, 341, 426, 479, 529, 545, 590, 642, 730, 765, 838, 868, 906, 960-961, 996-997, 1013, 1034-1035, 1061, 1080, 1125, 1176, 1249-1250, 1317, 1423, 1503, 1562-1563, 1644, 1706, 1809-1810, 1862, 1986-1987, 2108, 2190, 2271

## VOTES (Roll Call)—

Non-record — 137, 138, 139, 142, 148, 150, 170, 191, 216, 241, 246, 272, 283, 324, 327, 333, 360, 363, 374, 375, 384, 385, 421, 432, 457, 470, 490, 492, 518, 523, 540, 560, 577, 589, 617, 620, 622, 633, 636, 675, 684, 698, 700, 704, 714, 720, 722, 726, 743, 744, 774, 777, 784, 787, 794, 804, 813, 814, 815, 816, 821, 822, 823, 824, 825, 829, 832, 861, 876, 880, 881, 884, 895, 896, 898, 900, 922, 923, 926, 927, 944, 947, 953, 967, 979, 1008, 1011, 1023, 1029, 1031, 1032, 1040, 1042, 1047, 1069, 1097, 1169, 1230, 1233, 1235, 1290, 1292, 1293, 1301, 1303, 1306, 1314, 1315, 1359, 1383, 1384, 1413, 1447, 1451, 1453, 1486, 1487, 1496, 1498, 1501, 1510, 1515, 1517, 1522, 1524, 1527, 1540, 1543, 1544, 1545, 1558, 1617, 1622, 1652, 1670, 1671, 1688, 1691, 1699, 1759, 1772, 1773, 1779, 1800, 1817, 1836, 1848, 1849, 1852, 1855, 1922, 1945, 1953, 1958, 1962, 1963, 1964, 1965, 1966, 1999, 2000, 2019, 2024, 2085, 2088, 2127, 2137, 2196, 2197, 2229

Record — 139-140, 141, 143, 221-222, 222-223, 271-272, 273, 274-275, 276-277, 277-278, 280-281, 282-283, 284, 285-286, 337, 361, 375, 377, 382, 399, 484, 486, 487, 517, 618, 620, 639, 668, 721, 771, 773, 781, 785, 816, 819, 824, 833, 857, 858, 859, 862, 865, 878, 880, 890, 900, 901, 902, 918, 919, 920, 922, 924, 925, 927, 929, 932, 933, 935, 939, 952, 955, 988, 994, 995, 1009, 1056, 1098, 1157, 1158, 1159, 1161, 1163, 1173, 1229, 1231, 1234, 1304, 1305, 1309, 1312, 1382, 1400, 1407, 1410, 1448, 1488, 1489, 1490, 1493, 1498, 1499, 1582, 1619, 1690, 1720, 1791, 2022, 2172

## WAYS AND MEANS CALENDAR —

431, 818, 926, 1352, 1438, 1529, 1634, 1885, 1924, 1948, 1996, 2015, 2083

## WAYS AND MEANS, COMMITTEE ON —

Amendments filed — 201, 369, 481, 767, 867, 1864, 1988

Amendments offered — 246, 431, 805, 1948, 1996

Bills introduced — 392, 735, 886, 887, 914, 1020, 1290, 1502, 1703, 1807, 1844, 1922, 1947

Recommendations — 201, 368, 481, 687, 732, 766-767, 869-870, 1016, 1251, 1317-1318, 1505, 1708, 1863, 1951, 1987, 2015

Resolutions offered — 1708

Subcommittee assignments — 119, 120, 121, 163, 198, 199, 235, 388, 411, 478, 686, 687, 868, 910-911, 1013, 1250, 1644, 1863

## WISE, PHILIP — Representative Lee-Van Buren Counties

Amendments filed — 211, 239, 428, 449, 644, 913, 1017, 1018, 1039, 1131, 1564, 1864, 1865, 1946, 1960-1961

Amendments offered — 455, 456, 1138

Bills introduced — 213, 305

Committee appointments — 1992

Leave of absence — 314

Petitions presented — 430

Presided at sessions of the House — 506, 1779

Reports — 2205-2211

Resolutions offered — 354, 369

Subcommittee assignments — 120, 163, 198, 199, 289, 328, 349, 365, 388, 477, 494, 686, 868, 906, 961, 962, 1081, 1250