

**State of Iowa**

**1989**

# **JOURNAL OF THE HOUSE**

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SEVENTY-THIRD  
GENERAL ASSEMBLY**

**Convened January 9, 1989  
Adjourned May 7, 1989**

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April 17 - May 7**

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

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# JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day — Sixty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 17, 1989

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

Prayer was offered by the Honorable Jane Teaford, state representative from Black Hawk County.

The Journal of Friday, April 14, 1989 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 343, a bill for an act relating to the labeling, advertising, adulteration, misbranding, and dispensing of drugs, devices, and cosmetics, providing penalties, and providing properly related matters.

Also: That the Senate has on April 13, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 379, a bill for an act relating to the hospice licensure renewal fee.

Also: That the Senate has on April 13, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 506, a bill for an act relating to the solicitation of public donations and making penalties applicable.

Also: That the Senate has on April 13, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 596, a bill for an act relating to the handling and use of county and municipal infractions, making a Code correction in regard to such infractions, and providing for penalties and remedies for such infractions.

Also: That the Senate has on April 13, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 643, a bill for an act relating to the filing of a bond by out-of-state contractors.

Also: That the Senate has on April 13, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 709, a bill for an act relating to credit card receipt processing for state departments.

JOHN F. DWYER, Secretary

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn on request of Adams of Hamilton.

## CONSIDERATION OF BILLS

## Unfinished Business Calendar

The House resumed consideration of **Senate File 157**, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license, previously deferred and placed on the unfinished business calendar.

Metcalf of Polk offered the following amendment H—3904 filed by her and moved its adoption:

H—3904

- 1 Amend Senate File 157, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the words "fifteen
- 4 fourteen" and inserting the following: "fifteen".
- 5 2. Page 1, line 13, by striking the word
- 6 "fourteen" and inserting the following: "fourteen
- 7 fifteen".
- 8 3. Title page, line 1, by striking the word
- 9 "fourteen-year-old" and inserting the following:
- 10 "fifteen-year-old".

A non-record roll call was requested.

The ayes were 20, nays 34.

Amendment H—3904 lost.

Wise of Lee offered the following amendment H—3854 filed by him:

H—3854

- 1 Amend Senate File 157 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 and figure "paragraphs 1" the following: ", 2,".
- 5 2. Page 2, by inserting after line 6, the
- 6 following:
- 7 "Each application shall be accompanied by a
- 8 statement from the school board or superintendent of
- 9 the applicant's school. The statement shall be upon a
- 10 form provided by the department. The school board or



11 superintendent shall certify that a need exists for  
 12 the license and that the board and superintendent are  
 13 not responsible for actions of the applicant which  
 14 pertain to the use of the school license. The  
 15 department of education shall adopt rules pursuant to  
 16 chapter 17A establishing criteria for issuing a  
 17 statement of necessity. Upon receipt of a statement  
 18 of necessity, the department shall issue a school  
 19 license. The fact that the applicant resides at a  
 20 distance less than one mile from the applicant's  
 21 schools of enrollment is prima-facie evidence of the  
 22 nonexistence of necessity for the issuance of a  
 23 license. A school license shall not be issued for  
 24 purposes of attending a public school in a school  
 25 district other than the district of residence of the  
 26 parent or guardian of the student, if the student is  
 27 enrolled in the public school which is not the school  
 28 district of residence through open enrollment under  
 29 section 282.18."

Blanshan of Greene offered the following amendment H-4018,  
 to amendment H-3854, filed by him and Miller of Cherokee and  
 moved its adoption:

H-4018

1 Amend the amendment, H-3854, to Senate File 157, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 6, the  
 5 following:  
 6 "Any person who is thirteen years of age, who may  
 7 qualify for a minors' school license at fourteen years  
 8 of age, may take the instruction permit written  
 9 examination. Upon successful completion of the  
 10 written examination, the department shall not issue an  
 11 instruction permit, but shall instead issue a special  
 12 certificate which states that the examination has been  
 13 successfully completed and that the person is eligible  
 14 to take a driver education course. The person in  
 15 possession of the special certificate may operate a  
 16 motor vehicle, but only when accompanied by a driver  
 17 education instructor."  
 18 2. Page 1, line 25, by inserting after the word  
 19 "residence", the following: "or a district which is  
 20 contiguous to the district of residence,".  
 21 3. Page 1, line 28, by striking the word  
 22 "through" and inserting the following: "because of".  
 23 4. Page 1, line 29, by inserting after the figure  
 24 "282.18" the following: "or as a result of an  
 25 election by the student's district of residence to  
 26 enter into one or more sharing agreements pursuant to  
 27 the procedures in chapter 282".

A non-record roll call was requested.

The ayes were 42, nays 34.

Amendment H—4018 was adopted.

On motion by Wise of Lee, amendment H—3854, as amended, was adopted.

Metcalf of Polk offered the following amendment H—3905 filed by her and moved its adoption:

H—3905

- 1 Amend Senate File 157, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 24, by striking the figures "9
- 4 11:30" and inserting the following: "9".
- 5 2. Title page, by striking lines 3 through 5 and
- 6 inserting the following: "courses and requiring
- 7 completion of driver education before issuance of a
- 8 school license."

Amendment H—3905 was adopted, placing out of order lines 9 and 10 of amendment H—3804, previously adopted and found on page 1480 of the House Journal.

Metcalf of Polk offered the following amendment H—3903 filed by her and moved its adoption:

H—3903

- 1 Amend Senate File 157 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 4 through 31 and
- 4 inserting the following: "between the ages of fifteen
- 5 years and twenty-one years who resides in the public
- 6 school district and who satisfies the preliminary
- 7 licensing requirements of the department.
- 8 Sec. 2. Section 321.194, unnumbered paragraphs 1
- 9 and 3, Code 1989, are amended to read as follows:
- 10 Upon certification of a special need by the school
- 11 board or the superintendent of the applicant's school,
- 12 the department may issue a school license to a person
- 13 between the ages of ~~fourteen~~ fifteen and eighteen
- 14 years who has successfully completed an approved
- 15 driver education course. The school license shall
- 16 ~~entitle~~ entitles the holder, while having the license
- 17 in immediate possession, to operate a motor vehicle
- 18 during the hours of 6 a.m. to 9 p.m. over the most
- 19 direct and accessible route between the licensee's
- 20 residence and schools of enrollment and between
- 21 schools of enrollment for the purpose of attending

22 duly scheduled courses of instruction and  
 23 extracurricular activities at the schools or at any  
 24 time when accompanied by a parent or guardian, driver  
 25 education instructor, or".  
 26 2. Title page, by striking lines 1 and 5 and  
 27 inserting the following: "An Act relating to driving  
 28 privileges of fifteen-year-old drivers, permitting  
 29 attendance at approved driver education courses, and  
 30 requiring completion of driver education before  
 31 issuance of a school license."

A non-record roll call was requested.

The ayes were 12, nays 37.

Amendment H—3903 lost.

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. 157)

The ayes were, 69:

Adams	Arnould	Banks	Bennett
Black	Blanshan	Branstad	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hermann	Hester	Hibbard
Jochum	Johnson	Knapp	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKinney	Mertz	Miller
Muhlbauer	Nielsen	Ollie	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renken	Royer	Schnekloth	Schrader
Shearer	Shoning	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 24:

Beaman	Beatty	Brown	Buhr
Diemer	Doderer	Halvorson, R. N.	Hammond
Hatch	Haverland	Holveck	Jesse
Kistler	Koenigs	McKean	Metcalf
Osterberg	Pavich	Poncy	Renaud
Sherzan	Shoultz	Svoboda	Trent

Absent or not voting, 7:

Bigignano	Brammer	Brand	Jay
Neuhauser	Rosenberg	Stromer	

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 79**, a bill for an act relating to the certificate of need program, previously deferred and placed on the unfinished business calendar.

Hammond of Story offered the following amendment H-3684 filed by the committee on human resources:

H-3684

- 1 Amend Senate File 79 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 25, by striking the words "two
- 4 hundred fifty" and inserting the following: two three
- 5 hundred thirty".
- 6 2. Page 5, line 22, by striking the word "four"
- 7 and inserting the following: "three".
- 8 3. Page 5, line 27, by striking the word "two"
- 9 and inserting the following: "three".
- 10 4. Page 6, line 1, by striking the word "four"
- 11 and inserting the following: "three".
- 12 5. Page 6, line 6, by striking the word "two" and
- 13 inserting the following: "three".
- 14 6. Page 6, line 14, by striking the word "two"
- 15 and inserting the following: "three".
- 16 7. Page 6, line 15, by striking the word "fifty".
- 17 8. Page 7, by inserting after line 24, the
- 18 following:
- 19 "Sec. \_\_\_\_\_. Section 135.62, subsection 2, paragraph
- 20 d, Code 1989, is amended by adding the following new
- 21 subparagraph:
- 22 NEW SUBPARAGRAPH. (6) Develop standards by July
- 23 1, 1991, for all health services and equipment to be
- 24 provided by hospitals which serve an urban area with a
- 25 population of twenty-five thousand or more. The
- 26 standards adopted shall require but are not limited to
- 27 all of the following:
- 28 (a) That all hospitals serving an area as
- 29 specified develop cooperative sharing agreements for
- 30 equipment usage and provision of health services.
- 31 (b) That specific types of equipment or health
- 32 services be provided in accordance with a formula
- 33 developed by the council and approved by the state
- 34 board of health. The formula shall require
- 35 limitations as to the specific type of equipment or

36 health services provided in a specified area based  
 37 upon the population served. The formula shall be used  
 38 by the council as a standard in evaluating a  
 39 certificate of need application.”

40 9. Page 15, by striking lines 14 through 19.

41 10. By renumbering as necessary.

Swartz of Marshall offered the following amendment H—3901, to the committee amendment H—3684, filed by him and moved its adoption:

H—3901

- 1 Amend amendment, H—3684, to Senate File 79, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
  - 4 1. Page 1, by striking lines 17 through 39.
  - 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 16.

Amendment H—3901 was adopted.

Division of the committee amendment H—3684 was requested as follows:

H—3684A, lines 3 through 39 and line 41.

H—3684B, line 40.

On motion by Hammond of Story, the committee amendment H—3684A, as amended, was adopted.

Hammond of Story moved the adoption of amendment H—3684B.

Roll call was requested by Hansen of Woodbury and Peters of Woodbury.

On the question “Shall the committee amendment H—3684B be adopted?” (S.F. 79)

The ayes were, 44:

Banks	Beaman	Beatty	Bennett
Bisignano	Brown	Buhr	Carpenter
Chapman	Daggett	De Groot	Eddie
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Harbor
Hermann	Hester	Hibbard	Kistler
Koenigs	McKinney	Mertz	Metcalf
Miller	Pavich	Pellett	Peters
Plasier	Poncy	Renaud	Renken
Royer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Tabor	Trent	Tyrrell	Van Maanen

The nays were, 49:

Adams	Arnould	Black	Blanshan
Brand	Branstad	Clark	Connolly
Connors	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Harper	Hatch	Haverland	Holveck
Jesse	Johnson	Knapp	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	Muhlbauer	Nielsen
Ollie	Osterberg	Petersen, D. F.	Peterson, M. K.
Rosenberg	Schneklloth	Schrader	Shearer
Svoboda	Swartz	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 7:

Brammer	Cohoon	Corbett	Jay
Jochum	Neuhauser	Sherzan	

The committee amendment H—3684B lost.

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. 79)

The ayes were, 79:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Buhr
Chapman	Clark	Cohoon	Connolly
Connor	Corbett	Daggett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Siegrist
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 18:

Bennett	Carpenter	De Groot	Eddie
Hansen, S. D.	Hanson, D. R.	Kremer	Mertz
Miller	Pellett	Peters	Petersen, D. F.
Plasier	Poncy	Shoning	Shultz
Spenner	Trent		

Absent or not voting, 3:

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

On motion by Arnould of Scott, the House was recessed at 12:06 p.m., until 2:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 426**, a bill for an act relating to sexual abuse, including sexual abuse in the third degree and sexual abuse which constitutes a forcible felony, to release on appeal from a conviction of sexual abuse in the third degree, and providing penalties, previously deferred and placed on the unfinished business calendar.

Rosenberg of Story offered the following amendment H-3913 filed by the committee on judiciary and law enforcement and moved its adoption:

H-3913

- 1 Amend Senate File 426, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. **NEW SECTION. 668.15 DAMAGES RESULTING**
- 6 **FROM SEXUAL ABUSE - EVIDENCE.**
- 7 In an action against a person accused of sexual
- 8 abuse, as defined in section 709.1, by an alleged
- 9 victim of sexual abuse for damages arising from an
- 10 injury resulting from the act of sexual abuse,
- 11 evidence concerning the past sexual behavior of the
- 12 alleged victim is not admissible."
- 13 2. Title page, line 4, by inserting after the
- 14 word "degree," the following: "to evidence admissible
- 15 in an action for damages arising from an injury

- 16 resulting from an act of sexual abuse.”  
 17 3. Renumber as necessary.

The committee amendment H—3913 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. 426)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohon
Connolly	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 5:

Banks	Daggett	Kremer	Maulsby
Van Maanen			

Absent or not voting, 4:

Brammer	Connors	Hatch	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

**House File 271**, a bill for an act providing for the repeal of a local option sales and services tax and providing an effective date, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—3485 filed by him and moved its adoption:

H—3485

- 1 Amend House File 271 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. 10. Section 422B.9, unnumbered paragraph 2,
- 5 Code 1989, is amended to read as follows:
- 6 A local sales and services tax shall be repealed
- 7 only on March 31, June 30, September 30, or December
- 8 31. However, a local sales and services tax shall not
- 9 be repealed before the tax has been in effect for one
- 10 year. At least forty days before the imposition or
- 11 repeal of the tax, a county shall provide notice of
- 12 the action by certified mail to the director of
- 13 revenue and finance."
- 14 2. Page 1, by inserting after line 10 the
- 15 following:
- 16 "Sec. \_\_\_\_\_. Section 10 of this Act applies to local
- 17 sales and services taxes that are in effect on or
- 18 after January 1, 1990."
- 19 3. Title page, line 1, by striking the words
- 20 "providing for" and inserting the following:
- 21 "relating to".

Amendment H—3485 was adopted.

Kremer of Buchanan asked and received unanimous consent to defer action on amendment H—3156.

Groninga of Cerro Gordo offered the following amendment H—3293 filed by him and moved its adoption:

H—3293

- 1 Amend House File 271 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "tax" the following: "in the unincorporated areas
- 4 or".
- 5 2. Page 1, line 5, by inserting after the word
- 6 "imposed" the following: "upon adoption of its own
- 7 motion for repeal in the unincorporated areas or".
- 8 3. Page 1, line 9, by inserting after the word
- 9 "which" the following: "it adopted the repeal motion
- 10 or".

Amendment H—3293 was adopted.

Harbor of Mills asked and received unanimous consent to withdraw amendment H—3161 filed by him on February 15, 1989.

Kremer of Buchanan offered the following amendment H—3156, previously deferred, filed by him and moved its adoption:

H—3156

- 1 Amend House File 271 as follows:
- 2 1. Page 1, line 1, by inserting after the figure
- 3 "1." the following: "Section 422B.1, Code 1989, is
- 4 amended by adding the following new subsection:
- 5 NEW SUBSECTION. 8."
- 6 2. Page 1, line 3, by striking the words "chapter
- 7 422B" and inserting the following: "this chapter".
- 8 3. Page 1, line 10, by inserting after the word
- 9 "received." the following: "For purposes of this
- 10 subsection, incorporated city area includes an
- 11 incorporated city which is contiguous to another
- 12 incorporated city."
- 13 4. Page 1, by striking line 13.

Amendment H—3156 was adopted.

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

On the question "Shall the bill pass?" (H.F. 271)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklöth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Brammer Neuhauser

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

### Unfinished Business Calendar

The House resumed consideration of **Senate File 490**, a bill for an act relating to the sale, lease, rental, or advertising of water treatment systems, previously deferred and placed on the unfinished business calendar.

Bisignano of Polk offered the following amendment H—3986 filed by him:

H—3986

- 1 Amend Senate File 490, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 22, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 714.16, subsection 2, paragraph
- 6 h, subparagraph (3), unnumbered paragraph 2, Code
- 7 1989, is amended to read as follows:
- 8 The manufacturer's performance data sheet shall be
- 9 given to the buyer and shall be signed and dated by
- 10 the buyer and the seller prior to the consummation of
- 11 the sale or at the time of the sale of the water
- 12 treatment system. If the seller delivers the
- 13 manufacturer's performance data sheet at the time of
- 14 the sale, the buyer shall have at least ten days to
- 15 return the water treatment system to the seller, and
- 16 upon receipt of the returned merchandise, the seller
- 17 shall promptly return the purchase price, tax, and
- 18 reasonable shipping charges associated with the return
- 19 to the buyer. The manufacturer's performance data
- 20 sheet shall contain information including, but not
- 21 limited to:"
- 22 2. By renumbering as necessary.

Bisignano of Polk offered the following amendment H—4055, to amendment H—3986, filed by him from the floor and moved its adoption:

H—4055

- 1 Amend amendment, H—3986, to Senate File 490, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, line 14, by striking the word "ten"

4 and inserting the following: "twenty-five".

Amendment H—4055 was adopted.

Osterberg of Linn rose on a point of order that amendment H—3986 was not germane.

The Speaker ruled the point well taken and amendment H—3986, as amended, not germane.

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. 490)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Brammer                      Knapp                      Neuhauser

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 751**, a bill for an act relating to the remittance of the local option tax to local governments, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 751)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

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

### Unfinished Business Calendar

The House resumed consideration of **Senate File 472**, a bill for an act relating to private and home education and providing a penalty, previously deferred and placed on the unfinished business calendar.

Cohon of Des Moines offered the following amendment H—3933 filed by the committee on education:

H—3933

- 1 Amend Senate File 472 as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the words "private
- 4 and".
- 5 2. Page 1, line 6, by striking the words "private
- 6 and".
- 7 3. Page 1, line 17, by striking the words
- 8 "private and".
- 9 4. Page 1, by striking line 22, and inserting the
- 10 following: "participants in alternative school or
- 11 noncertified home education".
- 12 5. Page 1, line 26, by striking the words
- 13 "private and".
- 14 6. Page 2, by striking lines 6 through 9.
- 15 7. Page 2, lines 14 and 15, by striking the words
- 16 "noncertificated private school or a".
- 17 8. Page 2, line 28, by striking the words
- 18 "noncertified private school or".
- 19 9. Page 2, by striking lines 30 through 33.
- 20 10. Page 3, by striking line 3 and inserting the
- 21 following: "is not a home instructor, but who assists
- 22 a".
- 23 11. Page 3, line 4, by striking the word "or".
- 24 12. Page 3, by striking lines 12 through 14, and
- 25 inserting the following: "in a noncertified home
- 26 education program."
- 27 13. Page 3, lines 19 and 20, by striking the
- 28 words "a noncertified private school or".
- 29 14. Page 3, lines 22 and 23, by striking the
- 30 words "each school year" and inserting the following:
- 31 "by February 1 of the year before each school year of
- 32 placement".
- 33 15. Page 4, line 1, by striking the words
- 34 "nonaccredited private school or a" and inserting the
- 35 following: "noncertified".
- 36 16. Page 4, line 25, by striking the words
- 37 "private or" and inserting the following:
- 38 "noncertified".
- 39 17. Page 4, line 30, by inserting after the word
- 40 "ENROLLMENT" the following: "AND ALTERNATIVE SCHOOL
- 41 PROGRAMS".
- 42 18. Page 4, line 32, by striking the words
- 43 "private or".
- 44 19. Page 5, by striking lines 3 through 9, and
- 45 inserting the following: "enrollment under section
- 46 442.4 and shall be counted as one pupil. The district
- 47 shall hire certificated personnel to provide

48 instructional services on a consulting basis to  
 49 parents of students enrolled in noncertified home  
 50 education programs. The district shall determine the

**Page 2**

1 number of certificated personnel needed for the  
 2 instructional services under this section and develop  
 3 an alternative school program for provision of the  
 4 instructional services. The program shall include,  
 5 but is not limited to, providing assistance in  
 6 instructional planning to home instructors to achieve  
 7 academic progress in one or more subject areas."

8 20. Page 5, by striking lines 19 through 29.

9 21. Page 5, line 31, by striking the words  
 10 "private or".

11 22. Page 6, line 2, by striking the words  
 12 "private or".

13 23. Page 6, line 9, by striking the words  
 14 "private or".

15 24. Page 6, line 29, by striking the words  
 16 "private or".

17 25. Page 6, line 34, by striking the words  
 18 "private or".

19 26. Page 7, line 5, by striking the words  
 20 "private or".

21 27. Page 7, by striking line 16 and inserting the  
 22 following: "home instructor for not less than five  
 23 hours per".

24 28. Page 7, line 23, by striking the words  
 25 "private or".

26 29. By striking page 7, line 34, through page 8,  
 27 line 2, and inserting the following: "256.11, or may  
 28 require the continuation of the".

29 30. Page 8, line 18, by striking the words  
 30 "private or".

31 31. Page 8, line 24, by striking the words  
 32 "private or".

33 32. Page 8, line 26, by striking the words  
 34 "private or".

35 33. By striking page 8, line 29 through page 9,  
 36 line 12, and inserting the following:

37 "Sec. \_\_\_\_\_. NEW SECTION. 299A.13 NONCERTIFIED  
 38 HOME EDUCATION ADVISORY COMMITTEES.

39 If a notice of intent to enroll a child in a  
 40 noncertified home education program is filed with a  
 41 superintendent under section 299A.3, the local school  
 42 district shall form a committee within ninety days of  
 43 the receipt of the notice, to assist and advise the  
 44 district in the development of an alternative school  
 45 program in the district under section 299A.4."

46 34. Page 9, line 15, by striking the words

- 47 "private or".  
 48 35. Page 9, line 20, by striking the words  
 49 "private or".  
 50 36. Title page, line 1, by striking the words

**Page 3**

- 1 "private and".  
 2 37. By renumbering as necessary.

Shoultz of Black Hawk in the chair at 4:13 p.m.

Cohoon of Des Moines offered the following amendment H—4062, to the committee amendment H—3933, filed from the floor by Cohoon, Siegrist and Ollie and moved its adoption:

H—4062

- 1 Amend the amendment, H—3933, to Senate File 472, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 17 and 18 and  
 5 inserting the following:  
 6 "\_\_\_\_\_. Page 2, by striking lines 27 through 29."  
 7 2. Page 1, by inserting after line 32, the  
 8 following:  
 9 "\_\_\_\_\_. Page 3, line 25, by striking the word  
 10 "private" and inserting the following: "noncertified  
 11 home".  
 12 3. Page 2, by inserting after line 14 the  
 13 following:  
 14 "\_\_\_\_\_. Page 6, line 16, by striking the word  
 15 "private" and inserting the following: "noncertified  
 16 home".  
 17 \_\_\_\_\_ Page 6, line 22, by striking the word  
 18 "private" and inserting the following: "noncertified  
 19 home".  
 20 \_\_\_\_\_ Page 6, line 25, by striking the word  
 21 "private".  
 22 \_\_\_\_\_ Page 6, by striking line 26, and inserting  
 23 the following: "home instructor shall modify the  
 24 noncertified home education program".

Amendment H—4062 was adopted.

On motion by Cohoon of Des Moines, the committee amendment H—3933, as amended, was adopted.

Ollie of Clinton offered the following amendment H—4063 filed by him from the floor and moved its adoption:

H—4063

- 1 Amend Senate File 472, as amended, passed, and

2 reprinted by the Senate, as follows:

- 3 1. Page 6, line 15, by striking the word "shall"  
4 and inserting the following: "may".

Amendment H—4063 was adopted.

Spear of Lee offered the following amendment H—3922 filed by him and moved its adoption:

H—3922

- 1 Amend Senate File 472, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 9, line 22, by inserting after the figure  
4 "427.1." the following: "If, however, the home  
5 otherwise qualifies for tax exemption under section  
6 427.1, this section shall not prevent the home from  
7 being exempt under that section."

Amendment H—3922 was adopted.

Van Maanen of Mahaska offered the following amendment H—4064 filed by him from the floor and moved its adoption:

H—4064

- 1 Amend Senate File 472, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 9, by inserting after line 31 the  
4 following:  
5 "Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1259, sections  
6 7, 8, and 9, are amended to read as follows:  
7 SEC. 7. Notwithstanding section 802.4,  
8 prosecutions for violations of chapter 299, which  
9 occur as the result of the enrollment of a child in a  
10 nonaccredited school which employs instructors who are  
11 not certificated under chapter 260, and which occur  
12 between the effective date of this Act and July 1,  
13 ~~1989~~ 1990, shall be deferred until after July 1, ~~1989~~  
14 1990 unless the parent, guardian, or custodian fails  
15 to meet the requirements of section 299.4.  
16 This section does not apply to any parent,  
17 guardian, or custodian who has enrolled a child in an  
18 equivalent instruction program which meets the  
19 requirements of section 299.1 on or prior to the  
20 effective date of this Act.  
21 SEC. 8. Until July 1, ~~1989~~ 1990, any person  
22 providing equivalent instruction under section 299.1  
23 shall provide evidence, as part of the report  
24 submitted under section 299.4, that any child  
25 instructed has complied with the immunization  
26 requirements of section 139.9.  
27 SEC. 9. Until July 1, ~~1989~~ 1990, a person who is

28 not a certified instructor, but who is providing  
 29 equivalent instruction under section 299.1, is a  
 30 mandatory reporter of child abuse under section  
 31 232.69."

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—4064 be adopted?"  
 (S.F. 472)

The ayes were, 36:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Eddie	Garman
Gruhn	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Kremer	Lundby	Maulsby
McKean	Mertz	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Spear	Stromer	Stueland
Trent	Tyrrell	Van Maanen	Wise

The nays were, 61:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lykam	May	McKinney	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Siegrist	Spenner
Svoboda	Swartz	Tabor	Teaford
Shoultz			
Presiding			

Absent or not voting, 3:

Brammer	Halvorson, R. N.	Neuhauser
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Amendment H—4064 lost.

Speaker Avenson in the chair at 5:10 p.m.

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. 472)

The ayes were, 64:

Arnould	Bennett	Bisignano	Black
Blanshan	Brand	Brown	Buhr
Carpenter	Chapman	Connors	Corbett
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Halvorson, R. A.
Hammond	Harbor	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Shearer	Shoultz	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker
			Avenson

The nays were, 33:

Adams	Banks	Beaman	Beatty
Branstad	Clark	Cohon	Connolly
Daggett	De Groot	Doderer	Garman
Gruhn	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Hermann	Hester	Kremer	Maulsby
Muhlbauer	Pellett	Peters	Plasier
Renken	Royer	Schneklath	Schrader
Shoning	Siegrist	Spear	Tyrrell
Van Maanen			

Absent or not voting, 3:

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

**IMMEDIATE MESSAGE**  
(Senate File 472)

Arnould of Scott asked and received unanimous consent that Senate File 472 be immediately messaged to the Senate.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Daggett of Adams, for the remainder of the day, on request of Bennett of Ida.

The House resumed consideration of **Senate File 149**, a bill for an act relating to the compulsory attendance and truancy laws and

providing penalties, previously deferred and placed on the unfinished business calendar.

Harper of Black Hawk offered the following amendment H—3848 filed by the committee on education:

H—3848

- 1 Amend Senate File 149 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 256.9, Code 1989, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 35. Develop model guidelines for
- 8 district in-service training programs for truancy
- 9 officers."
- 10 2. Page 1, by striking lines 18 and 19, and
- 11 inserting the following: "policy which shall require
- 12 each child to attend school for at least one hundred
- 13 forty-eight days, to be met by attendance for at
- 14 least".
- 15 3. Page 1, line 32, by striking the words
- 16 "sixteen eighteen" and inserting the following:
- 17 "sixteen".
- 18 4. Page 2, by striking lines 21 through 25, and
- 19 inserting the following:
- 20 "2. Whose educational qualifications are equal to
- 21 those of pupils who have completed the eighth grade."
- 22 5. Page 3, line 22, by striking the words
- 23 "sixteen eighteen" and inserting the following:
- 24 "sixteen".
- 25 6. Page 3, line 34, by striking the words
- 26 "sixteen eighteen" and inserting the following:
- 27 "sixteen".
- 28 7. Page 4, line 17, by striking the words
- 29 "sixteen eighteen" and inserting the following:
- 30 "sixteen".
- 31 8. Page 5, line 2, by inserting after the word
- 32 "service." the following: "If mediation services are
- 33 not available in the community, mediation shall be
- 34 provided by the county attorney or the county
- 35 attorney's designee."
- 36 9. Page 5, line 23, by inserting after the figure
- 37 "299.6." the following: "The county attorney's office
- 38 or the mediation service shall require the parent and
- 39 the school to pay a fee to help defray the
- 40 administrative cost of mediation services. The county
- 41 attorney's office or the mediation service shall
- 42 establish a sliding scale of fees to be charged
- 43 parents, based upon ability to pay. A parent shall
- 44 not be denied the services of a mediator solely

- 45 because of inability to pay the fee.”  
 46 10. Page 5, by striking line 27 and inserting the  
 47 following: “OR IMPRISONMENT.”  
 48 11. Page 5, lines 33 and 34, by striking the  
 49 words “imprisonment not exceeding ten days or”.  
 50 12. Page 6, line 2, by striking the words “or

**Page 2**

- 1 imprisonment” and inserting the following: “or  
 2 imprisonment”.  
 3 13. Page 6, lines 4 and 5, by striking the words  
 4 “imprisonment not exceeding twenty days or”.  
 5 14. Page 6, line 6, by striking the words “, or  
 6 both a fine and imprisonment”.  
 7 15. Page 6, line 8, by striking the words “or  
 8 imprisonment”.  
 9 16. Page 6, line 10, by striking the words  
 10 “imprisonment not exceeding thirty days or”.  
 11 17. Page 6, line 11, by striking the words “, or  
 12 both a fine and imprisonment”.  
 13 18. Page 6, line 13, by striking the words “or  
 14 imprisonment”.  
 15 19. Page 7, line 10, by striking the words  
 16 “sixteen eighteen” and inserting the following:  
 17 “sixteen”.  
 18 20. Page 7, line 26, by inserting after the word  
 19 “officer.” the following: “Each school district shall  
 20 provide an in-service training program for the person  
 21 appointed to serve as the district truancy officer.  
 22 The training program shall reflect, but is not limited  
 23 to, information about school and local legal  
 24 procedures relating to the methods of handling truant  
 25 children and the children’s families.”  
 26 21. Page 8, lines 14 and 15, by striking the  
 27 words “sixteen eighteen” and inserting the following:  
 28 “sixteen”.  
 29 22. Page 8, line 16, by striking the word “such”  
 30 and inserting the following: “such those”.  
 31 23. Page 9, line 14, by striking the words “such  
 32 child” and inserting the following: “such the child”.  
 33 24. Page 9, line 33, by striking the words “the  
 34 provisions of this Act” and inserting the following:  
 35 “an increase in the maximum mandatory attendance age  
 36 from sixteen to up to eighteen”.  
 37 25. Page 10, line 7, by inserting after the word  
 38 “shall” the following: “by January 1990,”.  
 39 26. Page 10, line 29, by inserting after the word  
 40 “develop” the following: “recommendations for”.  
 41 27. Page 10, by inserting after line 32 the  
 42 following:  
 43 “6. Develop recommendations regarding alternative

- 44 programming for students who are at risk of dropping  
 45 out of the regular schools and programs. The  
 46 recommendations shall include, but are not limited to,  
 47 the following:  
 48 a. Modification of the minimum educational  
 49 standards contained in section 256.11.  
 50 b. Alternative curricula, including competency-

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- 1 based instruction.  
 2 c. Alternative teaching methods, including indi-  
 3 vidualized programming.  
 4 d. Alternative graduation requirements."  
 5 28. Page 10, lines 33 and 34, by striking the  
 6 words "Schools which provide alternative" and  
 7 inserting the following: "Alternative".  
 8 29. Page 11, by striking lines 4 and 5 and  
 9 inserting the following:  
 10 "Sec. \_\_\_\_\_. BAR OF PROSECUTION. Notwithstanding  
 11 section 802.4, a parent, guardian, or custodian who  
 12 met the criteria for deferral of prosecutions of  
 13 chapter 299, under the 1988 Iowa Acts, chapter 1259,  
 14 section 7, shall not be prosecuted for violations of  
 15 chapter 299 which occurred between May 16, 1988, and  
 16 July 1, 1989."  
 17 30. By renumbering as necessary.

Corbett of Linn offered the following amendment H—3884, to the committee amendment H—3848, filed by him:

**H—3884**

- 1 Amend the amendment, H—3848, to Senate File 149 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 9, the  
 5 following:  
 6 "\_\_\_\_\_. Page 1, line 8, by striking the words "one  
 7 hundred eighty" and inserting the following: "~~one~~  
 8 hundred eighty two hundred."  
 9 2. Page 1, line 10, by striking the words "and  
 10 19" and inserting the following: "through 20".  
 11 3. Page 1, by striking lines 12 through 14 and  
 12 inserting the following: "each child to attend school  
 13 for at least one hundred sixty-eight days, to be met  
 14 by attendance for at least forty-two days each school  
 15 quarter, for the schools under."  
 16 4. Page 1, by inserting after line 21, the  
 17 following:  
 18 "\_\_\_\_\_. Page 2, line 34, by striking the words "~~one~~  
 19 hundred eighty" and inserting the following: "two  
 20 hundred".

- 21 \_\_\_\_\_ Page 3, line 1, by striking the words "one  
 22 hundred forty-eight" and inserting the following:  
 23 "one hundred sixty-eight".  
 24 \_\_\_\_\_ Page 3, lines 2 and 3, by striking the word  
 25 "thirty-seven" and inserting the following: "forty-  
 26 two".  
 27 5. By renumbering as necessary.

Ollie of Clinton rose on a point of order that amendment H—3884 was not germane.

The Speaker ruled the point well taken and amendment H—3884 not germane.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—3952, to the committee amendment H—3848, filed by him on April 10, 1989.

Corbett of Linn offered the following amendment H—3931, to the committee amendment H—3848, filed by Neuhauser of Johnson and him and moved its adoption:

H—3931

- 1 Amend the amendment, H—3848, to Senate File 149, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, by striking lines 37 through 40, and  
 5 inserting the following:  
 6 "\_\_\_\_\_. Page 10, by striking lines 4 through 7, and  
 7 inserting the following:  
 8 "The department of education shall, by January  
 9 1990, do the following":  
 10 \_\_\_\_\_ Page 10, line 15, by striking the words  
 11 "affected by this Act" and inserting the following:  
 12 "who are at risk of dropping out of the regular  
 13 schools and programs".  
 14 \_\_\_\_\_ Page 10, by striking lines 20 through 32."  
 15 2. Page 2, line 43, by striking the figure "6."  
 16 and inserting the following: "4."  
 17 3. Page 3, line 4, by striking the words  
 18 "graduation requirements" and inserting the following:  
 19 "options for graduation".  
 20 4. Page 3, by inserting after line 4, the  
 21 following:  
 22 "\_\_\_\_\_. Page 10, by inserting before line 33, the  
 23 following:  
 24 "The department of education, in coordination with  
 25 the department of human services, the supreme court,  
 26 the department of public health, and the department of  
 27 employment services, by July 1991, shall build a data  
 28 base which will assist in the identification of at-

29 risk students and middle and high schools within the  
 30 state having a significant population of at-risk  
 31 students. At-risk characteristics to be considered  
 32 may include, but are not limited to, high levels of  
 33 one or more of the following: below grade level  
 34 performing students, grade retention, school dropouts,  
 35 school expulsions, teen pregnancy, poverty, single  
 36 parent families, substance abuse, teenage suicides,  
 37 youth underemployment, juvenile delinquency, and child  
 38 abuse. In building this data base, consideration  
 39 shall be given to protecting the privacy of the  
 40 individual student and limiting the data burden on  
 41 school districts.”  
 42 5. By renumbering as necessary.

Amendment H—3931 was adopted.

Van Maanen of Mahaska offered the following amendment  
 H—3860, to the committee amendment H—3848, filed by Daggett of  
 Adams and moved its adoption:

H—3860

1 Amend the amendment, H—3848, to Senate File 149, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 3, by inserting after line 9 the  
 5 following:  
 6 “Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1259, sections  
 7 7, 8, and 9, are amended to read as follows:  
 8 SEC. 7. Notwithstanding section 802.4,  
 9 prosecutions for violations of chapter 299, which  
 10 occur between the effective date of this Act and July  
 11 1, ~~1989~~ 1990, shall be deferred until after July 1,  
 12 ~~1989~~ 1990 unless the parent, guardian, or custodian  
 13 fails to meet the requirements of section 299.4.  
 14 This section does not apply to any parent,  
 15 guardian, or custodian who has enrolled a child in an  
 16 equivalent instruction program which meets the  
 17 requirements of section 299.1 on or prior to the  
 18 effective date of this Act.  
 19 SEC. 8. Until July 1, ~~1989~~ 1990, any person  
 20 providing equivalent instruction under section 299.1  
 21 shall provide evidence, as part of the report  
 22 submitted under section 299.4, that any child  
 23 instructed has complied with the immunization  
 24 requirements of section 139.9.  
 25 SEC. 9. Until July 1, ~~1989~~ 1990, a person who is  
 26 not a certified instructor, but who is providing  
 27 equivalent instruction under section 299.1, is a  
 28 mandatory reporter of child abuse under section  
 29 232.69.”

A non-record roll call was requested.

The ayes were 24, nays 49.

Amendment H—3860 lost.

On motion by Harper of Black Hawk, the committee amendment H—3848, as amended, was adopted.

Spear of Lee offered the following amendment H—3323 filed by him and moved its adoption:

H—3323

- 1 Amend Senate File 149, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, by striking line 6 and inserting the
- 4 following:
- 5 "7. Who is exempted under section".

Amendment H—3323 was adopted.

Swartz of Marshall offered the following amendment H—4057 filed by him from the floor:

H—4057

- 1 Amend Senate File 149, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 16, by inserting after the word
- 4 "number" the following: "and names".
- 5 2. Page 8, by striking line 20, and inserting the
- 6 following: "each semester, report this information,
- 7 along with the number and names of children who in the
- 8 judgment of the district have an attendance problem,
- 9 to the".
- 10 3. Page 8, line 21, by inserting after the words
- 11 "the department." the following: "The department
- 12 shall analyze the information and annually advise the
- 13 districts on possible solutions to local attendance
- 14 problems."

The following amendment H—4068, to amendment H—4057, filed by Swartz of Marshall from the floor, was adopted by unanimous consent:

H—4068

- 1 Amend amendment H—4057, to Senate File 149, as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, line 6, by striking the words "each
- 4 semester" and inserting the word "annually".

On motion by Swartz of Marshall, amendment H—4057, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 149)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
Mr. Speaker			
Avenson			

The nays were, 11:

Banks	Clark	Garman	Hanson, D. R.
Kremer	Maulsby	McKean	Petersen, D. F.
Renken	Schnekloth	Van Maanen	

Absent or not voting, 4:

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

**MOTIONS TO RECONSIDER WITHDRAWN**  
(Senate File 224)

Connolly of Dubuque and Shearer of Louisa asked and received unanimous consent to withdraw their motions to reconsider Senate

File 224, a bill for an act relating to student exercise of free expression in the public schools, filed by them on April 10, 1989.

MOTION TO RECONSIDER PREVAILED  
(Senate File 79)

Hammond of Story called up for consideration the motion to reconsider Senate File 79, filed from the floor, and moved to reconsider the vote by which Senate File 79, a bill for an act relating to the certificate of need program, passed the House and was placed on its last reading on April 17, 1989.

A non-record roll call was requested.

The ayes were 53, nays 35.

The motion prevailed and the House reconsidered Senate File 79, placing out of order the motion to reconsider filed by Lundby of Linn from the floor.

Lundby of Linn moved to reconsider the vote by which the committee amendment H—3684B, found on page 1622 of the House Journal, failed to be adopted by the House on April 17, 1989.

A non-record roll call was requested.

The ayes were 51, nays 36.

The motion prevailed and the House reconsidered amendment H—3684B.

Hammond of Story moved the adoption of the committee amendment H—3684B.

A non-record roll call was requested.

The ayes were 50, nays 37.

Amendment H—3684B 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. 79)

The ayes were, 86:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Schnekloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 3:

Adams	Hammond	Nielsen
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Absent or not voting, 11:

Blanshan	Brammer	Daggett	Hermann
Hester	Lageschulte	Neuhauser	Rosenberg
Royer	Sherzan	Stueland	

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

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: Senate Files 79, 149 and 490.

### 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, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 59, a bill for an act relating to the purchase and sale of grain by providing for the offering of a special quality grains electronic bulletin board service through the

department of agriculture and land stewardship and providing for an advisory committee study of grain marketing to draft proposed legislation to develop the market for special quality grains.

Also: That the Senate has on April 17, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 723, a bill for an act relating to the implementation of a program for integrated roadside vegetation management and weed control, including the crediting of moneys to the living roadway trust fund, and providing an effective date.

Also: That the Senate has on April 17, 1989, 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 119, a bill for an act relating to state financial management by revising provisions governing the reversion of appropriations, the prescribing of uniform accounting systems and forms, account coding to identify authorizing statutes, and authorization for the prepayment of claims, and providing properly related matters.

Also: That the Senate has on April 17, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 373, a bill for an act relating to public utilities and their affiliates, with civil penalties applicable.

Also: That the Senate has on April 17, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 423, a bill for an act exempting from state taxes certain bonds and notes issued by the agricultural development authority.

Also: That the Senate has on April 17, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 512, a bill for an act relating to chemical emergencies, providing for the establishment of the Iowa emergency response commission and specifying its powers and duties, providing for intergovernmental agreements, providing for the designation of local emergency planning districts and the appointment of local emergency planning committees, providing for immunity from liability, providing disclosure requirements, authorizing civil actions by the commission, and providing properly related matters.

Also: That the Senate has on April 17, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 515, a bill for an act relating to the assessment and valuation of special purpose tooling property.

Also: That the Senate has on April 17, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 517, a bill for an act relating to and making appropriations to various state agencies including certain state 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, restricting the expenditure of moneys from

the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date.

Also: That the Senate has on April 17, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 521, 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

### **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, 1989: House Files 301, 332, 375, 380, 418, 537 and 666.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

### **RESOLUTION ENROLLED, SIGNED AND SENT TO SECRETARY OF STATE**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following resolution has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State on this 17th day of April, 1989: House Joint Resolution 5.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

### **PRESENTATION OF VISITORS**

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

Sixty-four fifth grade students from Willard Elementary School, Des Moines, accompanied by Mrs. Ogle and Miss Morris. By Connors of Polk.

Fifteen eighth grade students from Lutheran Inter Parish, Williamsburg, accompanied by Linda Gomez. By Dvorsky of Johnson.

## CERTIFICATE OF RECOGNITION

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

JOSEPH O'HERN  
Chief Clerk of the House

1989-61      Leonard Lorenger, Sioux City — Celebrating his 90th birthday.

### SUBCOMMITTEE ASSIGNMENT

#### Senate File 24

Appropriations: Hatch, Chair; Buhr and Carpenter.

## COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 621), exempting certain deeds transferring real estate from declarations of value and the tax on transfers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 17, 1989.

**Committee Bill** (Formerly House File 708), creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, imposing a tax on certain beverage containers, providing for properly related matters, and subjecting violators to penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 17, 1989.

## RESOLUTIONS FILED

**SCR 18**, by committee on agriculture, a concurrent resolution to petition the Governor of the state of Iowa to issue a proclamation of a disaster emergency due to drought conditions affecting water resources of the state.

Laid over under **Rule 25**.

**SCR 19**, by committee on agriculture, a concurrent resolution to urge and petition the United States Department of Agriculture to make

lands which are under the conservation reserve program eligible for grazing by livestock.

Laid over under **Rule 25**.

**SCR 20**, by committee on agriculture, a concurrent resolution to urge and petition the congress of the United States, the president of the United States, the secretary of agriculture, the United States department of agriculture, including the animal and plant health inspection service of the United States department of agriculture, to reconsider adoption of rule changes amending 9 C.F.R. pt. 92 relating to precautions against infection of native swine herds from foreign transmission of disease.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-4050	H.F.	643	Senate Amendment
H-4051	H.F.	343	Senate Amendment
H-4052	S.F.	272	Schnekloth of Scott
H-4053	S.F.	363	Carpenter of Polk
H-4054	S.C.R.	19	Osterberg of Linn
H-4056	H.F.	753	Chapman of Linn
H-4058	S.F.	363	Jochum of Dubuque
H-4059	H.F.	753	Shoultz of Black Hawk
H-4060	H.F.	760	Plasier of Sioux
H-4061	H.F.	718	Daggett of Adams
			Beaman of Clarke
H-4065	H.F.	477	Schrader of Marion
H-4066	H.F.	753	Chapman of Linn
H-4067	S.F.	389	Muhlbauer of Crawford
H-4069	H.F.	753	Schnekloth of Scott
H-4070	H.F.	753	Schnekloth of Scott
H-4071	S.F.	119	Senate Amendment
H-4072	H.F.	723	Senate Amendment
H-4073	H.F.	59	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 7:12 p.m., until 9:00 a.m., Tuesday, April 18, 1989.

# JOURNAL OF THE HOUSE

One Hundredth Calendar Day — Sixty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 18, 1989

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

Prayer was offered by the Honorable Mary Lundby, state representative from Linn County.

The Journal of Monday, April 17, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Connors of Polk from one hundred twenty-four constituents.

By Eddie of Buena Vista from three hundred eleven residents of District 10.

By Pellett of Cass from fifty-six constituents of District 97.

By Schneklath of Scott from thirty-four constituents and residents.

By Tyrrell of Iowa from twenty-one constituents.

The following petition was received and placed on file:

By Kremer of Buchanan, from forty-three constituents of District 27, favoring the opening of and adequate staffing of a Locked Adolescent Unit at Mental Health Institute, Independence, Iowa.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque and Peterson of Carroll, both until their arrival, on request of Connors of Polk; Hester of Pottawattamie, for April 18, 19, 20, 1989, on request of Siegrist of Pottawattamie.

## SENATE MESSAGES CONSIDERED

**Senate File 373**, by committee on environment and energy utilities, a bill for an act relating to public utilities and their affiliates, with civil penalties applicable.

Read first time and **passed on file**.

**Senate File 423**, by Vande Hoef, a bill for an act exempting from state taxes certain bonds and notes issued by the agricultural development authority.

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

**Senate File 512**, by Hutchins and Hultman, a bill for an act relating to chemical emergencies, providing for the establishment of the Iowa emergency response commission and specifying its powers and duties, providing for intergovernmental agreements, providing for the designation of local emergency planning districts and the appointment of local emergency planning committees, providing for immunity from liability, providing disclosure requirements, authorizing civil actions by the commission, and providing properly related matters.

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

**Senate File 515**, by committee on ways and means, a bill for an act relating to the assessment and valuation of special purpose tooling property.

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

**Senate File 517**, by committee on appropriations, a bill for an act relating to and making appropriations to various state agencies including certain state 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, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date.

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

**Senate File 521**, by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

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

CONSIDERATION OF BILLS  
Unfinished Business Calendar

The House resumed consideration of **Senate File 371**, a bill for an act relating to elections and election procedures, previously deferred and placed on the unfinished business calendar.

Halvorson of Webster offered the following amendment H—3907 filed by the committee on state government and moved its adoption:

H—3907

1 Amend Senate File 371, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Sec. \_\_\_\_\_. Section 43.15, subsection 1, Code 1989,  
6 is amended by striking the subsection and inserting in  
7 lieu thereof the following:

8 1. A signer may sign nomination papers for more  
9 than one candidate for the same office, and the  
10 signature is not invalid solely because the signer  
11 signed nomination papers for one or more other  
12 candidates for the office."

13 2. Page 13, by striking lines 8 through 14 and  
14 inserting the following: "not sign it. A person may  
15 sign nomination petitions under this chapter for more  
16 than one candidate for the same office, and the  
17 signature is not invalid solely because the person  
18 signed nomination petitions for one or more other  
19 candidates for the office."

20 3. Page 15, line 13, by inserting after the word  
21 "elector" the following: ", presented in person with  
22 proper identification in the office of the county  
23 commissioner of registration".

24 4. Page 16, by striking lines 18 and 19 and  
25 inserting the following: "partisan county offices on  
26 the ballot with the board of supervisors first,  
27 followed by the other county offices and township  
28 offices in the same sequence in which they appear in  
29 sections 39.17 and 39.22."

30 5. Page 29, by striking lines 14 through 16 and  
31 inserting the following: "district, rather than at  
32 large. A person may sign nomination petitions for  
33 more than one candidate for the same office, and the  
34 signature is not invalid solely because the person  
35 signed nomination petitions for one or more other  
36 candidates for the office. The petition shall include  
37 be filed with the".

38 6. Page 30, by inserting after line 21, the  
39 following:

40 "Sec. \_\_\_\_\_. Section 280A.15, subsection 2, Code  
41 1989, is amended to read as follows:

42 2. A candidate for member of the board of

43 directors of a merged area shall be nominated by a  
44 petition signed by not less than fifty eligible  
45 electors of the director district from which the  
46 member is to be elected. The petition shall state the  
47 number of the director district from which the  
48 candidate seeks election, and the candidate's name and  
49 status as an eligible elector of the director  
50 district. Signers of the petition, in addition to

**Page 2**

1 signing their names, shall show their residence,  
2 including street and number if any, the school  
3 district in which they reside, and the date they  
4 signed the petition. A person may sign nomination  
5 petitions for more than one candidate for the same  
6 office, and the signature is not invalid solely  
7 because the person signed nomination petitions for one  
8 or more other candidates for the office. The petition  
9 shall include the affidavit of the candidate being  
10 nominated, stating the candidate's name and residence,  
11 and that the individual is a candidate, is eligible  
12 for the office sought, and if elected will qualify for  
13 the office."

14 7. Page 32, by striking lines 26 through 28 and  
15 inserting the following: "city election, but not less  
16 than ten persons. A person may sign nomination  
17 petitions for more than one candidate for the same  
18 office, and the signature is not invalid solely  
19 because the person signed nomination petitions for one  
20 or more other candidates for the office. Nomination  
21 petitions shall be".

22 8. Page 32, by inserting after line 30 the  
23 following:

24 "Sec. \_\_\_\_\_. Section 467A.5, subsection 3, Code  
25 1989, is amended to read as follows:

26 3. At each general election a successor shall be  
27 chosen for each commissioner whose term will expire in  
28 the succeeding January. Nomination of candidates for  
29 the office of commissioner shall be made by petition  
30 in accordance with chapter 45, except that each  
31 candidate's nominating petition shall be signed by at  
32 least twenty-five eligible electors of the district.  
33 The petition form shall be furnished by the county  
34 commissioner of elections. Every candidate shall file  
35 with the nomination papers an affidavit stating the  
36 candidate's name, the candidate's residence, that the  
37 person is a candidate and is eligible for the office  
38 of commissioner, and that if elected the candidate  
39 will qualify for the office. An eligible elector  
40 shall not in any one year sign the nominating  
41 petitions of a number of candidates greater than the  
42 number of commissioners to be elected in that year.

43 The signed petitions shall be filed with the county  
 44 commissioner of elections not later than five o'clock  
 45 p.m. on the fifty-fifth day prior to the general  
 46 election. The votes for the office of district  
 47 commissioner shall be canvassed in the same manner as  
 48 the votes for county officers, and the returns shall  
 49 be certified to the commissioners of the district. A  
 50 plurality shall be sufficient to elect commissioners,

**Page 3**

1 and no primary election for the office shall be held.  
 2 If the canvass shows that the two candidates receiving  
 3 the highest and the second highest number of votes for  
 4 the office of district commissioner are both residents  
 5 of the same township, the board shall certify as  
 6 elected the candidate who received the highest number  
 7 of votes for the office and the candidate receiving  
 8 the next highest number of votes for the office who is  
 9 not a resident of the same township as the candidate  
 10 receiving the highest number of votes."  
 11 9. By numbering and renumbering as necessary.

The committee amendment H—3907 was adopted.

Peters of Woodbury offered the following amendment H—4022  
 filed by him and moved its adoption:

H—4022

1 Amend Senate File 371, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 "1. Page 9, by inserting after line 17 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 43.78, subsection 1, paragraphs  
 6 d, e, and f, Code 1989, are amended to read as  
 7 follows:  
 8 d. For any office to be filled by the voters of an  
 9 entire county, by the party's county convention, which  
 10 may be reconvened by the county party chairperson if  
 11 the vacancy occurs after the convention has been held  
 12 or too late to be filled at the time it is held  
 13 precinct committee members for the county, who shall  
 14 be convened or reconvened as appropriate by the county  
 15 party chairperson. The party's state constitution or  
 16 bylaws may allow the voting strength of each precinct  
 17 represented at such a convention to be made  
 18 proportionate to the vote cast for the party's  
 19 candidate for the office in question in the respective  
 20 precincts at the last general election for that  
 21 office.  
 22 e. For the office of county supervisor elected by  
 23 the voters of a district within the county, by the

24 delegates to the party's county convention who  
 25 represent the precincts lying party's precinct  
 26 committee members whose precincts lie within that  
 27 district, who shall be convened or reconvened as  
 28 appropriate by the county party chairperson. The  
 29 party's state constitution or bylaws may allow the  
 30 voting strength of each precinct represented at such a  
 31 convention to be made proportionate to the vote cast  
 32 for the party's candidate for the office in question  
 33 in the respective precincts at the last general  
 34 election for that office.

35 f. For any other partisan office filled by the  
 36 voters of a subdivision of a county, by those members  
 37 of the party's county central committee who represent  
 38 the precincts lying the party's precinct committee  
 39 members whose precincts lie within that district, who  
 40 shall be convened or reconvened as appropriate by the  
 41 county party chairperson. The party's state  
 42 constitution or bylaws may allow the voting strength  
 43 of each precinct represented at such a convention to  
 44 be made proportionate to the vote cast for the party's  
 45 candidate for the office in question in the respective  
 46 precincts at the last general election for that  
 47 office.

48 PARAGRAPH DIVIDED. However, this paragraph shall  
 49 not apply to partisan city offices in special charter  
 50 cities for which candidates are nominated under this

**Page 2**

- 1 chapter, but such ballot vacancies shall be filled as  
 2 provided by section 43.116."  
 3 2. By numbering and renumbering as necessary.

A non-record roll call was requested.

The ayes were 36, nays 47.

Amendment H—4022 lost.

Blanshan of Greene asked and received unanimous consent to  
 withdraw amendment H—4025 filed by him on April 13, 1989.

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. 371)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	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	Hibbard	Holveck
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalfe	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Connolly	Hester	Jay	Jesse
Jochum	Peterson, M. K.		

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

Connors of Polk in the chair at 9:59 a.m.

### Ways and Means Calendar

**House File 758**, a bill for an act permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine, 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. 758)

The ayes were, 83:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Corbett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Haverland
Hermann	Hibbard	Holveck	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Connors	
		Presiding	

The nays were, 10:

Banks	Branstad	Daggett	Eddie
Maulsby	McKean	Pellett	Spenner
Stueland	Van Maanen		

Absent or not voting, 7:

Harbor	Hatch	Hester	Jay
Jesse	Jochum	Peterson, M. K.	

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 46**, a bill for an act relating to the employment of inmates and prisoners, previously deferred and placed on the unfinished business calendar.

Plasier of Sioux offered the following amendment H—3632 filed by him and moved its adoption:

H—3632

- 1 Amend Senate File 46, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking everything after the
- 4 enacting clause and inserting the following:

5 "Section 1. NEW SECTION. 246.707 LABOR  
6 CONFLICTS.

7 The department of corrections shall adopt the  
8 following policies regarding employment of inmates and  
9 work release clients at sites where an organized labor  
10 dispute exists:

11 1. The department or its staff shall not  
12 participate in an informal or organized recruitment of  
13 replacement workers for employers experiencing  
14 organized labor conflict.

15 2. Department staff shall not make referrals for  
16 employment to employers experiencing an organized  
17 labor strike.

18 3. Department staff shall not provide  
19 transportation for inmates and clients employed at a  
20 site of a labor dispute.

21 4. Although the department cannot prohibit inmates  
22 and clients from employment at sites of a labor  
23 dispute, except where programming reasons exist  
24 related to the nature of the work, the nature of the  
25 labor conflict, and the possible behavior of the  
26 inmate or client, department staff shall advise the  
27 inmate or client of issues and factors to be  
28 considered when employed or seeking employment at a  
29 site where a labor conflict exists. The inmate or  
30 client shall be informed that the employment may be of  
31 a temporary nature, that labor conflicts create  
32 significant strife that may result in actions against  
33 the inmate or client that would be contrary to the  
34 inmate's or client's well-being personally, and that  
35 opportunities for future employment may be limited.

36 5. Inmates and clients shall not be disciplined  
37 for participation in an organized strike or for  
38 refusal to work at a site where an organized strike is  
39 occurring.

40 6. The director of the judicial district  
41 department of correctional services may establish  
42 additional rules, guidelines, and procedures to  
43 implement this policy.

44 Additional guidelines shall be issued addressing  
45 the role of staff in discussing situations related to  
46 this policy and the requirements placed upon staff to  
47 inform inmates and clients of certain information, and  
48 the limitations that exist."

Roll call was requested by Bennett of Ida and Plasier of Sioux.

On the question "Shall amendment H—3632 be adopted?" (S.F. 46)

The ayes were, 40:

Banks	Beaman	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Mertz	Metcalf	Miller
Muhlbauer	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shearer
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 51:

Arnould	Avenson, Spkr.	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cphoon	Connolly
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Knapp	Koenigs	Lykam	May
McKinney	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Poney
Renaud	Rosenberg	Sherzan	Shultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Connors	
		Presiding	

Absent or not voting, 9:

Adams	Bennett	Black	Halvorson, R. N.
Hester	Jochum	Johnson	Peterson, M. K.
Schrader			

Amendment H — 3632 lost.

Halvorson of Clayton offered the following amendment H — 3732 filed by Halvorson, et al., and moved its adoption:

H—3732

- 1 Amend Senate File 46 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 111A.4, Code 1989, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 11. To enter into chapter 28E
- 7 agreements with the department of corrections pursuant
- 8 to section 246.703, subsection 2.
- 9 Sec. \_\_\_\_\_. Section 246.703, Code 1989, is amended
- 10 to read as follows:
- 11 246.703 SERVICES OF INMATES — INSTITUTIONS AND

## 12 PUBLIC SERVICE.

13 1. Inmates shall work on state account in the  
14 maintenance of state institutions, in the erection,  
15 repair, authorized demolition, or operation of  
16 buildings and works used in connection with the  
17 institutions, and in industries established and  
18 maintained in connection with the institutions by the  
19 director. The director shall encourage the making of  
20 agreements with departments and agencies of the state  
21 or its political subdivisions to provide products or  
22 services under an inmate work program to the  
23 departments and agencies. The director may implement  
24 an inmate work program for trustworthy inmates of  
25 state correctional institutions, under proper  
26 supervision, whether at work centers located outside  
27 the state correctional institutions or in construction  
28 or maintenance work at public or charitable facilities  
29 and for other agencies of state, county, or local  
30 government. The supervision, security, and  
31 transportation of, and allowances paid to inmates used  
32 in public service projects shall be provided pursuant  
33 to agreements made by the director and the agency for  
34 which the work is done. Housing and maintenance shall  
35 also be provided pursuant to the agreement unless the  
36 inmate is housed and maintained in the correctional  
37 facility. All such work, including but not limited to  
38 that provided in this section, shall have as its  
39 primary purpose the development of attitudes, skills,  
40 and habit patterns which are conducive to inmate  
41 rehabilitation. The director may adopt rules allowing  
42 inmates participating in an inmate work program to  
43 receive educational or vocational training outside the  
44 state correctional institutions and away from the work  
45 centers or public or charitable facilities used under  
46 a program.

47 2. The director may enter into a chapter 28E  
48 agreement with a county board of supervisors or county  
49 conservation board to provide inmate services for  
50 environmental maintenance including but not limited to

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1 brush and weed cutting, tree planting, and erosion  
2 control. The board of supervisors or conservation  
3 board shall reimburse the department of corrections  
4 for the allowance paid the inmates by the director.  
5 The supervision, security, and transportation of  
6 inmates used pursuant to the chapter 28E agreement  
7 shall be provided by the department of corrections.

8 3. However, an inmate shall not work in a public  
9 service project or pursuant to a chapter 28E agreement  
10 if the work of that inmate would replace a person

11 employed by the state agency or political subdivision,  
12 which employee is performing the work of the public  
13 service project at the time the inmate is being  
14 considered for work in the project.”  
15 2. By renumbering as necessary.

Amendment H—3732 was adopted.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3372 filed by Tyrrell, et al., on March 13, 1989.

Tyrrell of Iowa offered the following amendment H—3378 filed by Tyrrell, et al., and moved its adoption:

H—3378

1 Amend Senate File 46, as passed by the Senate, as  
2 follows:  
3 1. By striking page 1, line 1 through page 2,  
4 line 7, and inserting the following:  
5 “Section 1. Section 732.1, Code 1989, is amended  
6 to read as follows:  
7 732.1 CONTRACTING TO BOYCOTT OR STRIKE IN  
8 SYMPATHY.  
9 It shall be unlawful for any labor union,  
10 association or organization, or the officers,  
11 representatives, agents or members thereof, to enter  
12 into any contract, agreement, arrangement, combination  
13 or conspiracy for the purpose of, by strikes or  
14 threats of strikes, by violence or threats of  
15 violence, by coercion, or by concerted refusal to  
16 make, manufacture, assemble, or use, handle,  
17 transport, deliver or otherwise deal with any  
18 articles, products or materials:  
19 1. To force or require any person, firm, state  
20 agency, or corporation to cease using, selling,  
21 handling, transporting or dealing in the goods or  
22 products of any other person, firm, or corporation, or  
23 2. To force or require any person, firm, state  
24 agency, or corporation to cease selling, transporting  
25 or delivering goods or products to any other person,  
26 firm, or corporation, or  
27 3. To force or require any employer ~~other than~~  
28 their own employer or state agency to ~~recognize~~, deal  
29 with, comply with the demands of, or employ members of  
30 any labor union, association or organization, or  
31 4. To force or require any employer to break an  
32 existing collective bargaining agreement which such  
33 employer may have with any labor union, association or  
34 organization.  
35 Sec. 2. NEW SECTION. 732.1A COERCION AND  
36 INTIMIDATION PROHIBITED.

37 It shall be unlawful for any person, labor  
 38 organization, or officer, agent or member thereof, or  
 39 employer, or officer or agent thereof, by any  
 40 threatened or actual intimidation of an employee or  
 41 prospective employee, including work release  
 42 prisoners, or the employee's parents, spouse,  
 43 children, grandchildren, or any other persons residing  
 44 in the employee's or prospective employee's home, or  
 45 by any damage or threatened damage to the employees  
 46 property, to compel or attempt to compel such employee  
 47 to join, affiliate with, or financially support a  
 48 labor organization or to refrain from doing so, or to  
 49 otherwise forfeit the employee's rights as guaranteed  
 50 by provisions of this chapter. It shall also be

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1 unlawful to cause such employee to be denied  
 2 employment or discharged from employment because of  
 3 support or nonsupport of a labor organization, or by  
 4 virtue of the employee's status as a work release  
 5 prisoner, by inducing or attempting to induce any  
 6 other person to refuse to work with such employee."  
 7 2. Title page, line 1, by striking the words  
 8 "employment of inmates and prisoners" and inserting  
 9 the following: "employment-related coercion and  
 10 intimidation of inmates, prisoners, and other  
 11 employees".

Roll call was requested by Tyrrell of Iowa and Branstad of Winnebago.

Rule 75 was invoked.

On the question "Shall amendment H—3378 be adopted?"  
 (S.F. 46)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklloth	Shearer	Shoning
Siegrist	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brand

Brown	Buhr	Chapman	Cohoon
Connolly	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Poncy
Renaud	Rosenberg	Schrader	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Connors
			Presiding

Absent or not voting, 6:

Black	Halvorson, R. N.	Hester	Jochum
Peterson, M. K.	Spenner		

Amendment H — 3378 lost.

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

On the question "Shall the bill pass?" (S.F. 46)

The ayes were, 64:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connolly	Corbett	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Metcalf	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Wise	Connors
			Presiding

The nays were, 31:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot
Diemer	Eddie	Garman	Harbor
Hermann	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Miller

Pellett	Petersen, D. F.	Plasier	Renken
Royer	Shoning	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

Absent or not voting, 5:

Hester	Jochum	Peterson, M. K.	Schnekloth
Siegrist			

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

### IMMEDIATE MESSAGE (Senate File 46)

Arnould of Scott asked and received unanimous consent that Senate File 46 be immediately messaged to the Senate.

### Ways and Means Calendar

**House File 753**, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters, was taken up for consideration.

The House stood at ease at 10:58 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 753 at 11:53 a.m., Connors of Polk in the chair.

(House File 753 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 11:55 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 753**, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary

landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters, pending at recess.

Shoultz of Black Hawk offered the following amendment H—4049 filed by him:

H—4049

- 1 Amend House File 753 as follows:
- 2 1. Page 1, by striking lines 18 through 20, and
- 3 inserting the following:
- 4 "6. "Recycling" means any process by which waste,
- 5 or materials which would otherwise become waste, are
- 6 collected, separated, or processed and revised or
- 7 returned to use in the form of raw materials or
- 8 products. "Recycling" includes the composting of yard
- 9 waste which has been previously separated from other
- 10 waste, but does not include any form of energy
- 11 recovery."
- 12 2. Page 2, line 30, by inserting after the word
- 13 "stream" the following: ", existing as of July 1,
- 14 1988,".
- 15 3. Page 2, line 32, by inserting after the word
- 16 "recycling." the following: "For the purposes of this
- 17 section, "waste stream" means the disposal of solid
- 18 waste as "solid waste" is defined in section 455B.301.
- 19 In determination of the reduction level of the waste
- 20 stream, it shall be considered that each person
- 21 currently generates three and one-half pounds of waste
- 22 per day, and that this amount shall be reduced by the
- 23 percentages indicated in order to preserve the health
- 24 and safety of all Iowans."
- 25 4. Page 5, by inserting after line 11, the
- 26 following:
- 27 "h. Promotion of the concentration of the efforts
- 28 of the business and industry resource search service
- 29 by the small business assistance center for the safe
- 30 and economic management of solid waste and hazardous
- 31 substances at the university of northern Iowa, to
- 32 locate existing waste streams and materials from
- 33 businesses and industries which generate small amounts
- 34 of waste and to catalyze the reuse of these materials
- 35 in the production of goods and services.
- 36 3. The department, in cooperation with businesses
- 37 involved in the manufacturing and use of polystyrene
- 38 packaging products or food service items, shall

39 establish and implement a recycling demonstration  
40 project utilizing these items by July 1, 1990. The  
41 department shall submit a report of the results of the  
42 project to the general assembly by July 1, 1991."

43 5. Page 5, line 33, by striking the word and  
44 figures "January 15, 1991" and inserting the  
45 following: "July 1, 1990".

46 6. Page 8, line 23, by inserting after the word  
47 "consumers" the following: ", or from wholesale  
48 customers".

49 7. Page 9, by striking lines 11 through 29 and  
50 inserting the following:

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1 "2. Beginning January 1, 1990, at the time a  
2 vehicle is titled from the manufacturer's statement of  
3 origin, an owner of the vehicle subject to  
4 registration pursuant to chapter 321 or 326, except  
5 for official vehicles, shall pay an environmental  
6 assessment fee of eleven dollars. Payment of the  
7 environmental assessment fee shall be made in addition  
8 to the certificate of title and use tax fee, to the  
9 county treasurer. The county treasurer shall remit  
10 the environmental assessment fees to the treasurer of  
11 state and a monthly report to the department of  
12 revenue and finance. The state treasurer shall  
13 deposit the environmental assessment fees remitted in  
14 the waste volume reduction and recycling fund. Fifty  
15 cents of the environmental assessment fee collected  
16 for each vehicle by the county treasurer may be  
17 retained by the county, and deposited in the county's  
18 general fund. The director of the state department of  
19 transportation, through the distributed teleprocessing  
20 network, shall provide assistance to each county  
21 treasurer in the collection, receipt, accounting, and  
22 reporting of the environmental assessment fees."

23 8. Page 12, line 4, by inserting after the letter  
24 "a." the following: "1. - "

25 9. Page 12, line 5, by inserting after the letter  
26 "b." the following: "2. - "

27 10. Page 12, line 6, by inserting after the  
28 letter "c." the following: "3. - "

29 11. Page 12, line 7, by inserting after the  
30 letter "d." the following: "4. - "

31 12. Page 12, line 8, by inserting after the  
32 letter "e." the following: "5. - "

33 13. Page 12, line 9, by inserting after the  
34 letter "f." the following: "6. - "

35 14. Page 12, line 10, by inserting after the  
36 letter "g." the following: "7. - "

37 15. Page 12, line 31, by striking the word

38 "products" and inserting the following: "packaging  
39 products or food service items".

40 16. Page 12, line 32, by inserting after the word  
41 "chlorofluorocarbons." the following: "Beginning  
42 January 1, 1998, a person shall not sell, offer for  
43 sale, purchase, or use plastic foam products, not  
44 previously prohibited, which are manufactured with  
45 fully halogenated chlorofluorocarbons."

46 17. Page 13, by inserting after line 18, the  
47 following:  
48 "a. The initial thirty-five thousand dollars  
49 collected for deposit in the fund shall be  
50 appropriated to the department for establishment of

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1 the pollution hotline program established pursuant to  
2 section 455B.116, and for the salary and support of  
3 not more than one full-time equivalent position."

4 18. Page 14, by striking line 3, and inserting  
5 the following: "be awarded for incineration without  
6 energy recovery or for mass refuse-to-energy  
7 facilities."

8 19. Page 14, by inserting after line 11, the  
9 following:

10 "j. To promote the recycling of  
11 chlorofluorocarbons used as refrigerant."

12 20. Page 14, by striking lines 12 through 16 and  
13 inserting the following:

14 "Sec. 16. NEW SECTION. 455D.16 PACKAGING  
15 PRODUCTS - RECYCLING - PROHIBITION OF POLYSTYRENE  
16 PRODUCTS.

17 The department, in cooperation with businesses  
18 involved in the manufacturing and use of packaging  
19 products or food service items, shall establish a  
20 recycling program to increase the recycling of  
21 packaging products or food service items by twenty-  
22 five percent by January 1, 1991, and by fifty percent  
23 by January 1, 1993. If the recycling goals are not  
24 reached, beginning January 1, 1994, a person shall not  
25 manufacture, offer for sale, sell, or use any  
26 polystyrene packing products or food service items in  
27 this state."

28 21. Page 14, by striking lines 24 through 33 and  
29 inserting the following:

30 "NEW SUBSECTION. 12. The director shall require  
31 that as a condition of a contract for the purchase of  
32 items by the department, the person submitting the  
33 proposed contract for purchase of items shall receive  
34 information regarding the availability of an on-site,  
35 nonregulatory, review of waste management of the  
36 facility of the person submitting the proposed

37 contract by the small business assistance center for  
 38 the safe and economic management of solid waste and  
 39 hazardous substances at the university of northern  
 40 Iowa. The person submitting the proposed contract  
 41 shall certify that the person has received and  
 42 examined the information on a form prescribed by the  
 43 department.

44 NEW SUBSECTION. 13. The director shall adopt  
 45 rules which require that prior to the purchase of a  
 46 newly manufactured durable consumer product, a  
 47 determination of the recyclability of the product be  
 48 made. The rules shall require that if a product is  
 49 found to present environmental risks that make  
 50 recycling of the product uneconomical, the product

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1 shall not be purchased, and an alternative product  
 2 which is acceptable shall be found.”

3 22. Page 16, line 29, by inserting after the  
 4 figure “1990” the following: “except that this  
 5 requirement shall not prohibit the use of such  
 6 products when no alternative product is available  
 7 through existing technology”.

8 23. Page 16, by striking lines 31 and 32, and  
 9 inserting the following: “statements, the provision  
 10 of information regarding on-site review of waste  
 11 management in product bidding and contract procedures,  
 12 and determine the recyclability of durable consumer  
 13 products purchased by the board.”

14 24. Page 17, by striking lines 18 and 19, and  
 15 inserting the following: “require product content  
 16 statements, the provision of information regarding on-  
 17 site review of waste management in product bidding and  
 18 contract procedures, and determine the recyclability  
 19 of durable consumer products purchased by the  
 20 administrator.”

21 25. Page 17, by inserting before line 20, the  
 22 following:

23 “Sec. \_\_\_\_\_. Section 321.20, Code 1989, is amended  
 24 by adding the following new subsection:

25 NEW SUBSECTION. 6. The amount of the  
 26 environmental assessment fee to be paid pursuant to  
 27 section 455D.11.”

28 26. Page 18, by inserting after line 34, the  
 29 following:

30 “Sec. \_\_\_\_\_. NEW SECTION. 455B.116 POLLUTION  
 31 HOTLINE PROGRAM.

32 The department shall establish a toll-free  
 33 telephone number to allow citizens to report incidents  
 34 resulting in pollution of the environment or damage to  
 35 natural resources. The department shall receive and

36 evaluate the reports and refer them to the appropriate  
37 state or local jurisdiction for initial investigation.  
38 The agency receiving a referral shall investigate the  
39 complaint, attempt to resolve the problem, and upon  
40 completion of the investigation, report to the  
41 department on the disposition of each complaint  
42 indicating how the problem was resolved.

43 The department shall use moneys appropriated to the  
44 waste volume reduction and recycling fund for the  
45 purpose of implementation of the program and shall use  
46 the moneys appropriated under section 455E.11 for the  
47 program to provide financial assistance to counties  
48 for investigation of complaints and to provide  
49 compensation to persons who materially assist in the  
50 conviction of persons who have caused pollution of or

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1 damage to the environment. The amount of compensation  
2 shall be ten percent, but not more than five hundred  
3 dollars of each penalty assessed shall be provided to  
4 the person filing the complaint if the complaint had a  
5 material effect upon the conviction of the person  
6 found to have caused the pollution or damage. An  
7 employee of a state agency which has responsibility  
8 for the environment is not eligible for any  
9 compensation based upon the conviction of a person who  
10 causes pollution of or damage to the environment."

11 27. By striking page 19, line 35, through page  
12 20, line 3, and inserting the following:

13 "NEW UNNUMBERED PARAGRAPH. The commission shall  
14 adopt rules for the certification of operators of  
15 incinerators. The criteria for certification shall  
16 include, but is not limited to, an operator's  
17 technical competency and operation and maintenance of  
18 incinerators."

19 28. Page 20, line 11, by inserting after the  
20 figure "455B.306." the following: "For those sections  
21 for which the department has not developed rules, the  
22 permit shall contain conditions and a schedule for  
23 meeting all applicable requirements of section  
24 455B.306."

25 29. Page 20, line 17, by inserting after the  
26 figure "455B.306." the following: "For those sections  
27 for which the department has not developed rules, the  
28 permit shall contain conditions and a schedule for  
29 meeting all applicable requirements of section  
30 455B.306."

31 30. Page 20, line 24, by inserting after the  
32 figure "455B.306." the following: "For those sections  
33 for which the department has not developed rules, the  
34 permit shall contain conditions and a schedule for

35 meeting all applicable requirements of section  
36 455B.306."

37 31. Page 21, line 26, by inserting after the word  
38 "residents." the following: "For the purposes of this  
39 section, a public agency managing the waste stream for  
40 cities or counties pursuant to chapter 28E, shall file  
41 one comprehensive plan on behalf of its members, which  
42 constitutes full compliance by the public agency's  
43 members with the filing requirements of this section."

44 32. Page 23, by inserting after line 13, the  
45 following:

46 "Sec. \_\_\_\_\_. NEW SECTION. 455B.314 INCINERATION AT  
47 SANITARY DISPOSAL PROJECTS.

48 Beginning January 1, 1990, a sanitary disposal  
49 project that includes incineration as a part of its  
50 disposal process shall separate from the materials to

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1 be incinerated recyclable and reusable materials,  
2 materials which will result in uncontrolled toxic or  
3 hazardous air emissions when burned, and hazardous or  
4 toxic materials which are not rendered nonhazardous or  
5 nontoxic by incineration. The removed materials shall  
6 be recycled, reused, or treated and disposed in a  
7 manner approved by the department. Separation of  
8 waste includes magnetic separation."

9 33. Page 24, by striking lines 14 through 24.

10 34. Page 24, by inserting after line 30, the  
11 following:

12 "Sec. \_\_\_\_\_. Section 455E.11, subsection 2,  
13 paragraph c, Code 1989, is amended to read as follows:

14 c. A household hazardous waste account. The  
15 moneys collected pursuant to section 455F.7 shall be  
16 deposited in the household hazardous waste account.  
17 Except for the first one hundred thousand dollars  
18 received annually for deposit in the general fund,  
19 waste volume reduction and recycling fund to be used  
20 by the department to provide financial assistance to  
21 counties in investigation of complaints and to provide  
22 compensation to persons who materially assist in the  
23 conviction of persons who pollute or damage the  
24 environment under the pollution hotline program  
25 established pursuant to section 455B.116; and the next  
26 one hundred thousand dollars received annually for  
27 deposit in the emergency response fund, the treasurer  
28 of state shall deposit moneys received from civil  
29 penalties and fines imposed by the court pursuant to  
30 sections 455B.146, 455B.191, 455B.386, 455B.417,  
31 455B.454, 455B.466, and 455B.477, in the household  
32 hazardous waste account. Two thousand dollars is  
33 appropriated annually to the Iowa department of public

34 health to carry out departmental duties under section  
 35 135.11, subsections 20 and 21, and section 139.35,  
 36 eighty thousand dollars is appropriated to the  
 37 department of natural resources for city, county, or  
 38 service organization project grants relative to  
 39 recycling and reclamation events, and eight thousand  
 40 dollars is appropriated to the department of  
 41 transportation for the period of October 1, 1987,  
 42 through June 30, 1989, for the purpose of conducting  
 43 the used oil collection pilot project. The remainder  
 44 of the account shall be used to fund Toxic Cleanup  
 45 Days programs, education programs, and other  
 46 activities pursuant to chapter 455F, including the  
 47 administration of the household hazardous materials  
 48 permit program by the department of revenue and  
 49 finance.  
 50 The department shall submit to the general

**Page 7**

1 assembly, annually on or before January 1, an itemized  
 2 report which includes but is not limited to the total  
 3 amount of moneys collected and the sources of the  
 4 moneys collected, the amount of moneys expended for  
 5 administration of the programs funded within the  
 6 account, and an itemization of any other expenditures  
 7 made within the previous fiscal year.  
 8 35. Page 25, by striking lines 9 and 10, and  
 9 inserting the following: "content statements, the  
 10 provision of information regarding on-site review of  
 11 waste management in product bidding and contract  
 12 procedures, and determine the recyclability of durable  
 13 consumer products purchased by the department."  
 14 36. By renumbering, relettering, and correcting  
 15 internal references as necessary.

Tabor of Jackson in the chair at 2:03 p.m.

Shoultz of Black Hawk offered the following amendment H—4059,  
 to amendment H—4049, filed by him and moved its adoption:

**H—4059**

1 Amend amendment, H—4049, to House File 753 as  
 2 follows:  
 3 1. Page 1, by inserting after line 45, the  
 4 following:  
 5 "\_\_\_\_\_. Page 6, by inserting after line 17, the  
 6 following:  
 7 "9. Review procurement specifications used by  
 8 other agencies for products including but not limited  
 9 to lubricating oils, retread tires, building  
 10 insulation materials, and recovered materials from

11 waste tires, and shall revise the specifications to  
 12 allow procurement of items containing recovered  
 13 materials. The specifications which shall be revised  
 14 shall include but are not limited to specifications  
 15 which restrict the use of alternative materials in  
 16 place of virgin materials, exclude recovered  
 17 materials, or provide performance standards which  
 18 exclude items containing recovered materials and which  
 19 standards are more stringent than necessary to satisfy  
 20 an agency's needs. The director shall not develop  
 21 specifications and an agency shall not be required to  
 22 use recovered materials if the agency documents that  
 23 the use of recovered materials will jeopardize the  
 24 intended end use of the item.

25 The director shall develop a preferential  
 26 procurement program for products made of recycled or  
 27 recovered materials. The program shall include the  
 28 development and publishing of a preferential listing  
 29 of products, promotion of the program, procedures for  
 30 obtaining and verifying estimates and certifications  
 31 of the recovered material content of a product, and  
 32 annual review and monitoring of the program.””

Amendment H—4059 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bisignano of Polk, until his arrival, on request of Arnould of Scott.

Chapman of Linn offered the following amendment H—4056, to amendment H—4049, filed by her and moved its adoption:

H—4056

1 Amend the amendment, H—4049, to House File 753 as  
 2 follows:

3 1. Page 2, line 14, by inserting after the word  
 4 “fund” the following: “in a separate account which  
 5 shall be used solely for funding the waste tire  
 6 abatement program established pursuant to this section  
 7 and programs related to disposal of waste oil and lead  
 8 acid batteries”.

Amendment H—4056 lost.

Schnekloth of Scott offered the following amendment H—4069, to amendment H—4049, filed by him:

H—4069

1 Amend the amendment, H—4049, to House File 753, as  
 2 follows:

- 3 1. By striking page 1, line 49, through page 2,  
 4 line 22, and inserting the following:  
 5 "\_\_\_\_\_. Page 9, by striking lines 11 through 33 and  
 6 inserting the following:  
 7 "2. Proceeds derived from the payment of taxes  
 8 provided for under section 98.6, subsection 2, which  
 9 are credited to the general fund and remitted to the  
 10 waste volume reduction and recycling fund, shall be  
 11 under to fund waste tire abatement efforts prescribed  
 12 under this section." "  
 13 2. Page 4, by inserting after line 2, the  
 14 following:  
 15 "\_\_\_\_\_. Page 16, by inserting after line 16 the  
 16 following:  
 17 "Sec. \_\_\_\_\_. Section 98.6, subsection 2, Code 1989,  
 18 is amended to read as follows:  
 19 2. Notwithstanding subsection 1, there is imposed  
 20 and shall be collected and paid to the department a  
 21 tax on all cigarettes used or otherwise disposed of in  
 22 this state for any purpose at the rate of seventeen  
 23 mills on each cigarette for the period beginning March  
 24 1, 1988, and ending June 30, 1989, and at the rate of  
 25 fifteen and one-half mills on each cigarette beginning  
 26 July 1, 1989. Beginning July 1, 1989, of the moneys  
 27 collected and paid for deposit in the general fund,  
 28 one and one-half mills on each cigarette shall be  
 29 remitted to the waste volume reduction and recycling  
 30 fund to fund waste tire abatement efforts prescribed  
 31 pursuant to section 455D.11."  
 32 3. By renumbering as necessary.

Hansen of Woodbury rose on a point of order that amendment H-4069 was not germane.

The Speaker ruled the point well taken and amendment H-4069 not germane.

Schnekloth of Scott moved that the rules be suspended to consider amendment H-4069.

Roll call was requested by Schnekloth of Scott and Stueland of Clinton.

On the question "Shall the rules be suspended to consider amendment H-4069?" (H.F. 753)

The ayes were, 40:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Doderer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor

Hermann	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 55:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Peters	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Teaford	Wise	Tabor	
		Presiding	

Absent or not voting, 5:

Avenson, Spkr.	Bisignano	Hester	Jochum
Neuhauser			

The motion to suspend the rules lost.

Banks of Plymouth offered the following amendment H—4086, to amendment H—4049, filed by him from the floor:

H—4086

- 1 Amend the amendment, H—4049, to House File 753, as
- 2 follows:
- 3 1. By striking page 2, line 46 through page 3,
- 4 line 3.
- 5 2. By striking page 4, line 28 through page 5,
- 6 line 10.
- 7 3. By renumbering as necessary.

The House stood at ease at 2:27 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—4086, to amendment H—4049, to House File 753 at 2:58 p.m., Connors of Polk in the chair.

Banks of Plymouth moved the adoption of amendment H—4086, to amendment H—4049.

A non-record roll call was requested.

The ayes were 28, nays 50.

Amendment H—4086 lost.

Rosenberg of Story offered the following amendment H—4087, to amendment H—4049, filed by him from the floor and moved its adoption:

H—4087

- 1 Amend the amendment, H—4049, to House File 753 as
- 2 follows:
- 3 1. Page 3, by striking lines 4 through 7.
- 4 2. By renumbering as necessary.

Amendment H—4087 was adopted.

Hanson of Delaware asked and received unanimous consent to defer action on amendment H—4088.

Van Maanen of Mahaska offered the following amendment H—4089, to amendment H—4049, filed by him from the floor and moved its adoption:

H—4089

- 1 Amend the amendment, H—4049, to House File 753, as
- 2 follows:
- 3 1. By striking page 1, line 49, through page 2,
- 4 line 22.
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 38, nays 47.

Amendment H—4089 lost.

Hanson of Delaware offered amendment H—4090, to amendment H—4049, filed by him from the floor and requested division as follows:

H—4090

- 1 Amend amendment, H—4049, to House File 753 as
- 2 follows:

H—4090A

- 3 1. Page 1, by striking lines 36 through 42.
- 4 2. Page 3, by striking lines 12 through 27.

H—4090B

- 5 3. Page 4, by striking lines 3 through 7.

H-4090A

6 4. By renumbering as necessary.

Speaker Avenson in the chair at 3:31 p.m.

Hanson of Delaware moved the adoption of amendment H-4090A, to amendment H-4049.

Roll call was requested by Sherzan of Polk and Swartz of Marshall.

On the question "Shall amendment H-4090A be adopted?"  
(H.F. 753)

The ayes were, 43:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Halvorson, R. A.
Hammond	Hanson, D. R.	Harbor	Hermann
Kistler	Jay	Jesse	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Nielsen	Osterberg
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen	Wise	

The nays were, 44:

Adams	Arnould	Black	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Gruhn	Halvorson, R. N.
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Knapp	Koenigs	Lykam
May	McKinney	Neuhauser	Ollie
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Mr. Speaker Avenson

Absent or not voting, 13:

Beatty	Bisignano	Blanshan	Connolly
Fuller	Garman	Groninga	Hester
Hibbard	Jochum	Johnson	Mertz
Muhlbauer			

Amendment H-4090A lost.

The House resumed consideration of amendment H—4090B, to amendment H—4049.

On motion by Hanson of Delaware, amendment H—4090B was adopted.

Hanson of Delaware offered the following amendment H—4088, previously deferred, to amendment H—4049, filed by him from the floor and moved its adoption:

H—4088

- 1 Amend amendment, H—4049, to House File 753, as
- 2 follows:
- 3 1. Page 3, line 22, by striking the word "fifty"
- 4 and inserting the following: "seventy-five".
- 5 2. Page 3, line 23, by striking the figure "1993"
- 6 and inserting the following: "1995".
- 7 3. Page 3, line 24, by striking the figure "1994"
- 8 and inserting the following: "1996".

A non-record roll call was requested.

The ayes were 29, nays 42.

Amendment H—4088 lost.

On motion by Shoultz of Black Hawk, amendment H—4049, as amended, was adopted, placing out of order amendment H—4066, filed by Chapman of Linn on April 17, 1989.

Tabor of Jackson in the chair at 3:51 p.m.

Trent of Muscatine offered the following amendment H—4078 filed by him from the floor and moved its adoption:

H—4078

- 1 Amend House File 753, as follows:
- 2 1. Page 7, line 18, by striking the figure "1991"
- 3 and inserting the following: "1992".

Amendment H—4078 lost.

Schnekloth of Scott asked and received unanimous consent to withdraw the following amendments filed by him:

H—3874 filed April 6, 1989, placing out of order H—3961, to amendment H—3874, filed April 11, 1989.

H—4070 filed April 17, 1989.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3859 filed by him on April 5, 1989.

Petersen of Muscatine offered the following amendment H—4083 filed from the floor by him and Hanson of Delaware and moved its adoption:

H—4083

- 1 Amend House File 753 as follows:
- 2 1. Page 14, by inserting after line 16 the fol-
- 3 lowing:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 455D.17 CERTAIN PRODUCTS
- 5 PROHIBITED FROM DISPOSAL.
- 6 Beginning July 1, 1991, a person shall not dispose
- 7 of nondegradable plastic grocery or garbage bags in a
- 8 sanitary landfill.
- 9 Beginning July 1, 1995, a person shall not dispose
- 10 of nondegradable plastic containers or bags at a
- 11 sanitary landfill."
- 12 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 28, nays 36.

Amendment H—4083 lost.

Siegrist of Pottawattamie offered the following amendment H—4077 filed by him and moved its adoption:

H—4077

- 1 Amend House File 753, as follows:
- 2 1. By striking page 15, line 30, through page 16,
- 3 line 10.
- 4 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 28, nays 41.

Amendment H—4077 lost.

Spenner of Henry offered the following amendment H—4084 filed by him from the floor and moved its adoption:

H—4084

- 1 Amend House File 753 as follows:
- 2 1. Page 25, by inserting after line 17 the fol-
- 3 lowing:
- 4 "Sec. \_\_\_\_\_. COLLECTION OF USED MOTOR OIL — PILOT
- 5 PROJECT. The state department of transportation shall
- 6 expand the pilot project to collect and dispose of
- 7 used motor oil from residences and farms, which was
- 8 originally instituted in October 1987, to all counties

9 in the state by October 1, 1989.

10 Collection sites shall be located at the state  
11 department of transportation facility within a county  
12 or if no such facility is located in the county, the  
13 collection site shall be located at the county  
14 engineer garage located within the county.

15 The state department of transportation shall report  
16 to the general assembly by March 1, 1990, regarding  
17 the progress of the pilot project in each county and  
18 shall make recommendations concerning the continuation  
19 of the individual projects.

20 This section is repealed July 1, 1991."

21 2. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 39, nays 52.

Amendment H—4084 lost.

Siegrist of Pottawattamie offered the following amendment  
H—4093 filed by him from the floor and moved its adoption:

H—4093

1 Amend House File 753 as follows:

2 1. Page 11, line 5, by striking the words "or  
3 refuse-to-energy".

Amendment H—4093 was adopted.

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

On the question "Shall the bill pass?" (H.F. 753)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
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	Hibbard
Holveck	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalfe

Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Tabor		
	Presiding		

The nays were, 3:

Maulsby	Renken	Schnekloth
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Absent or not voting, 3:

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

### Unfinished Business Calendar

The House resumed consideration of **Senate File 199**, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes, and the committee amendment H—3877, as amended, (found on page 1502 of the House Journal), previously deferred and placed on the unfinished business calendar.

On motion by Teaford of Black Hawk, the committee amendment H—3877, as amended, was adopted.

Speaker Avenson in the chair at 4:45 p.m.

Hanson of Delaware offered the following amendment H—3999 filed by him and moved its adoption:

H—3999

- 1 Amend Senate File 199, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by striking lines 19 and 20 and in-
- 4 serting the following:
- 5 "Sec. 3. Section 237A.3, subsections 1 and 2, Code
- 6 1989, are amended to read as follows:
- 7 1. A person who operates or establishes a family
- 8 day care home may apply to the department for
- 9 registration under this chapter. The department shall
- 10 issue a certificate of registration upon receipt of a
- 11 statement from the family day care home that the home
- 12 complies with rules adopted by the department. The

13 registration certificate shall be posted in a  
 14 conspicuous place in the family day care home, shall  
 15 state the name of the registrant, the number of  
 16 individuals who may be received for care at any one  
 17 time and the address of the home, and shall include a  
 18 check list of registration compliances. No greater  
 19 number of children than is authorized by the  
 20 certificate shall be kept in the family day care home  
 21 at any one time. A registered or unregistered family  
 22 day care home may provide care for a period of two  
 23 hours or less to more than six but less than twelve  
 24 children at one time if no more than six of the  
 25 children are not attending school on at least the  
 26 kindergarten level. The registration process may be  
 27 repeated on an annual basis. A facility which is not  
 28 a family day care home by reason of the definition of  
 29 child day care in section 237A.1, subsection 7, but  
 30 which provides care, supervision or guidance to a  
 31 child may be issued a certificate of registration  
 32 under this chapter.”  
 33 2. Title page, line 2, by inserting after the  
 34 word “for” the following: “family and”.

Amendment H—3999 was adopted, placing out of order amend-  
 ment H—4034 filed by Corbett of Linn on April 14, 1989.

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

On the question “Shall the bill pass?” (S.F. 199)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohon	Connolly	Connors	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	Haverland	Hermann
Hibbard	Holveck	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken

Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Blanshan	Harper	Hatch	Hester
Jochum	Mertz		

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 765**, by committee on ways and means, a bill for an act exempting certain deeds transferring real estate from declarations of value and the tax on transfers.

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

**House File 766**, by committee on appropriations, a bill for an act relating to claims against the state regarding certain forfeitable real property.

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

**House File 767**, by committee on appropriations, a bill for an act restructuring the board of parole and providing an effective date.

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

**House File 768**, by Arnould, a bill for an act relating to excursion gambling boats, by providing licensing requirements, by providing for the allocation of revenue, by providing for the accounting of receipts, by providing restrictions on the operation of gambling games, and providing a penalty.

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 524, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions.

JOHN F. DWYER, Secretary

### RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on judiciary and law enforcement upon adjournment, for consideration of House File 768.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 459**, a bill for an act relating to payment of a senior judge's medical insurance premium and annuity, previously deferred and placed on the unfinished business calendar.

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. 459)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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	Hibbard	Holveck
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Blanshan                      Hester                      Jochum                      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 5:13 p.m., until the fall of the gavel.

The House resumed session at 5:20 p.m., Speaker Avenson in the chair.

### SENATE MESSAGE CONSIDERED

**Senate File 524**, by committee on ways and means, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions.

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 agenda, for consideration of Senate File 524 at the committee on ways and means April 19, 1989 meeting.

### SENATE AMENDMENTS CONSIDERED

Osterberg of Linn called up for consideration **House File 598**, a bill for an act relating to the testing of public water systems, and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H-4043:

H-4043

- 1 Amend House File 598 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 9 through 20, and
- 4 inserting the following:
- 5 "b. Adopt rules which require each public water
- 6 system regulated under chapter 455B to test the source
- 7 water of that supply for the presence of synthetic
- 8 organic chemicals and pesticides every two years. The
- 9 rules shall enumerate the synthetic organic chemicals
- 10 and pesticides, but not more than ten of each, for
- 11 which the samples are to be tested; shall specify the
- 12 approved analytical methods for conducting the
- 13 analysis of water samples; and shall require the
- 14 reporting of the analytical test results to the
- 15 department. Priority for testing in the first year

16 shall be those public water supplies for which none of  
 17 the specified contaminants have been analyzed within  
 18 the past five years. All of the laboratory analysis  
 19 and data management shall be conducted by the center  
 20 for health effects of environmental contamination.  
 21 Sample collection shall be conducted using a standard  
 22 sampling protocol by personnel within the department  
 23 and the center for health effects of environmental  
 24 contamination in conjunction with other ongoing field  
 25 activities. Samples from private wells and samples  
 26 from privately owned public water supplies shall be  
 27 allowed to undergo the same analysis. The cost for  
 28 the analysis provided for samples from private wells  
 29 and privately owned public water supplies shall not  
 30 exceed one hundred ninety-five dollars for the first  
 31 year of testing. The department shall submit a report  
 32 to the general assembly, by September 1 of each year,  
 33 of the findings of the tests and the conclusions which  
 34 may be drawn from the tests."

The motion prevailed and the House concurred in the Senate amendment H—4043.

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. 598)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Brammer
Brand	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groning	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hibbard	Holveck	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning

Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Bisignano	Blanshan	Brown	Hester
Jochum			

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 127**, a bill for an act to allow class "C" liquor control license holders and class "B" beer permit holders to brew beer to be served on the premises and making the barrel tax on beer applicable, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—4010:

H—4010

- 1 Amend House File 127, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 4, by striking lines 26 and 27.
- 4 2. Title page, line 3, by striking the word "
- 5 and".
- 6 3. Title page, line 4, by striking the words
- 7 "providing an effective date".

The motion prevailed and the House concurred in the Senate amendment H—4010.

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. 127)

The ayes were, 75:

Adams	Arnould	Beatty	Bennett
Black	Brammer	Brand	Buhr
Carpenter	Cohoon	Connolly	Connors
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	Haverland	Jay

Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 16:

Banks	Beaman	Branstad	Clark
Daggett	De Groot	Garman	Hermann
Holveck	Maulsby	McKean	Pellett
Plasier	Renken	Schnekloth	Van Maanen

Absent or not voting, 9:

Bisignano	Blanshan	Brown	Chapman
Hester	Hibbard	Jochum	Stromer
Tabor			

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

### MOTION TO RECONSIDER (House File 758)

I move to reconsider the vote by which House File 758 passed the House on April 18, 1989.

HALVORSON of Webster

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 18th day of April, 1989: House Files 475 and 655.

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 18, 1989, he approved and transmitted to the Secretary of State the following bills:

House File 301, an act relating to the rulemaking authority of the labor commissioner.

House File 332, an act allowing a physician, as defined in section 135.1, to issue a statement attesting to a person's handicap for the purpose of issuing a handicapped plate, identification device, or sticker, and providing an effective date.

House File 375, an act relating to the Iowa conservation corps program.

House File 380, an act relating to real estate practices, permitting certain activities to be conducted through a corporation owned by a real estate broker associate or salesperson, and providing properly related matters.

House File 418, an act relating to the number of elector signatures required to authorize inclusion of a proposition relating to school districts on a regular election ballot.

House File 666, an act to repeal the provision repealing the postsecondary options Act.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday afternoon, April 13, 1989. Had I been present, I would have voted "nay" on House File 537 and "aye" on Senate Files 111, 122, 201, 218, 233, 253, 256, 318, 360, 365, 391, 406, 434, 482, 485, 486 and 494.

DAGGETT of Adams

### COMMUNICATION FROM STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 18, 1989 and is on file in the office of the Chief Clerk:

April 17, 1989

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

Dear Mr. O'Hern:

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

These include 2 claims of a general nature that were denied by the State Appeal Board on April 10, 1989. This supplements our filing of January 5, 1989.

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

Sincerely,  
Richard D. Johnson  
Chairman  
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN, Chief Clerk

DEPARTMENT OF MANAGEMENT  
STATE APPEAL BOARD

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G88-0827	Carol Hoffman Perry, Iowa (Outdated Expenses)	\$ 134.40	DENIED
G88-1037	Bernard J. O'Malley Des Moines, Iowa (IPERS Refund)	81.37	DENIED

PRESENTATION OF VISITORS

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

Nineteen eighth grade students from St. John Elementary School, Bancroft, accompanied by Madeline Summitt. By Branstad of Winnebago.

Forty-five sixth grade students from Carter Lake Elementary School, Carter Lake, accompanied by Linda Nelson and Steve Milhollin. By Pavich of Pottawattamie.

Forty-five sixth grade students from Twin Cedars Elementary School, Bussey, accompanied by Mark Law. By Schrader of Marion.

SUBCOMMITTEE ASSIGNMENT

Senate File 512

State Government: Renaud, Chair; Connors and Hanson of Delaware.

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 claims against the state regarding certain forfeitable real property.

Fiscal Note is not required.

Recommended **Do Pass** April 17, 1989.

**Committee Bill**, restructuring the board of parole and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 17, 1989.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 768**, a bill for an act relating to excursion gambling boats, by providing licensing requirements, by providing for the allocation of revenue, by providing for the accounting of receipts, by providing restrictions on the operation of gambling games, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** April 18, 1989.

RESOLUTION FILED

**HCR 11**, by Eddie, a concurrent resolution to urge and petition the United States government to consider state and local political subdivisions as separate persons for purposes of participating in the federal conservation reserve program.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-4075	S.F.	294	Hibbard of Madison
H-4082	H.F.	762	Koenigs of Mitchell
H-4085	H.F.	762	Fogarty of Palo Alto
			Eddie of Buena Vista
			Mertz of Kossuth
			Petersen of Muscatine
			De Groot of Lyon
H-4091	H.F.	738	Dvorsky of Johnson
Adams of Hamilton			Osterberg of Linn
May of Worth			Trent of Muscatine
Lundby of Linn			Muhlbauer of Crawford
Holveck of Polk			Rosenberg of Story
			Plasier of Sioux
H-4094	H.F.	763	Koenigs of Mitchell
			Cannolly of Dubuque
H-4095	S.F.	363	Teaford of Black Hawk
			Hammond of Story
			Blanshan of Greene
H-4096	H.F.	680	Siegrist of Pottawattamie

On motion by Arnould of Scott, the House adjourned at 5:28 p.m., until 9:00 a.m., Wednesday, April 19, 1989.

# JOURNAL OF THE HOUSE

One Hundred First Calendar Day — Sixty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 19, 1989

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

Prayer was offered by Reverend Michael Metz, pastor of the Ruthven United Methodist Church, Ruthven.

The Journal of Tuesday, April 18, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Shoning of Woodbury, from fifty-nine constituents of District 3 opposing House File 316, an act requiring a multicultural, nonsexist approach in all accredited schools.

## 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, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 165, a bill for an act relating to the authority of the county conservation board to grant certain law enforcement powers to its director and employees.

Also: That the Senate has on April 17, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 670, a bill for an act relating to the number of days and hours of instruction in school per school day.

Also: That the Senate has on April 17, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 88, a bill for an act relating to children, youth, and families, providing for the collection, development, and dissemination of statistical information, providing for the continued existence of the division of children, youth, and families in the department of human rights, and providing an effective date.

Also: That the Senate has on April 17, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 117, a bill for an act relating to medical assistance requirements and providing for eligibility of certain recipients of federal Medicare.

Also: That the Senate has on April 17, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 121, a bill for an act relating to the possession or making of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms, and providing penalties.

Also: That the Senate has on April 17, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 170, a bill for an act relating to personnel serving the consumer advocate division of the department of justice and the utilities division of the department of commerce, deleting provisions relating to the consumer advocate's authority to utilize employees of the utilities division, expanding the authority to employ consultants and technical advisors pursuant to contract, revising provisions relating to compensation, and providing effective dates.

Also: That the Senate has on April 17, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 216, a bill for an act relating to the issuance of cremation permits, providing reporting requirements, providing for the payment of costs, and making penalties applicable.

Also: That the Senate has on April 17, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 231, a bill for an act relating to the regulation of alternate operator services and making civil penalties applicable.

Also: That the Senate has on April 17, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 278, a bill for an act relating to the disclosure of information by continuing care facilities and senior adult congregate living facilities, and providing penalties.

Also: That the Senate has on April 17, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 300, a bill for an act relating to the annexation of territory including secondary roads.

Also: That the Senate has on April 17, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 343, a bill for an act relating to recovery of merchandise or damages and providing for civil penalties.

Also: That the Senate has on April 17, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 428, a bill for an act relating to the installation and use of telecommunications devices for deaf persons in an enhanced 911 service area.

Also: That the Senate has on April 18, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 525, a bill for an act relating to excursion gambling boats, by providing licensing requirements, by providing for the allocation of revenue, by providing for the accounting of receipts, by providing restrictions on the operation of gambling games, and providing a penalty.

JOHN F. DWYER, Secretary

### SENATE MESSAGE CONSIDERED

**Senate File 525**, by Hutchins, a bill for an act relating to excursion gambling boats, by providing licensing requirements, by providing for the allocation of revenue, by providing for the accounting of receipts, by providing restrictions on the operation of gambling games, and providing a penalty.

Read first time and **passed on file**.

### MOTION TO RECONSIDER WITHDRAWN (Senate File 56)

Garman of Story asked and received unanimous consent to withdraw the motion to reconsider Senate File 56, a bill for an act establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons and certain owner-occupied housing, filed by her on April 13, 1989.

### CONSIDERATION OF BILLS Appropriations Calendar

**Senate File 369**, a bill for an act making a supplemental appropriation to complete the GAAP implementation schedule for the merged area schools' general operations and to continue the ethanol truck project, and requiring the release and allocation of previously appropriated funds, requiring reimbursement for the auditor of state, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Peterson of Carroll asked and received unanimous consent to withdraw amendment H—3559 filed by the committee on appropriations March 23, 1989.

Black of Jasper offered the following amendment H—3596 filed by him and Connolly of Dubuque and moved its adoption:

H—3596

- 1 Amend Senate File 369, as amended, passed, and
- 2 reprinted by the Senate as follows:

- 3 1. Page 3, by inserting after line 16 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 312.2A, subsection 1, Code  
 6 1989, is amended by striking the subsection.  
 7 Sec. \_\_\_\_\_. Section 312.2A, subsection 2, Code 1989,  
 8 is amended to read as follows:  
 9 2. The treasurer of state, before making the  
 10 allotments provided for in section 312.2, shall credit  
 11 for the fiscal year period beginning July 1, 1988, and  
 12 ending June 30, ~~1989~~ 1990, to the state department of  
 13 transportation one hundred thousand dollars from the  
 14 road use tax fund from revenue credited to the road  
 15 use tax fund under section 423.24, subsection 1,  
 16 paragraph "b". The state department of transportation  
 17 shall expend the moneys to carry out the statewide  
 18 trails development plan provided for in section 111F.2  
 19 and to acquire land and other property to complete  
 20 parts of existing recreational trails including, but  
 21 not limited to, the Cedar Valley nature trail, the  
 22 Heritage trail, the Grundy county nature trail, and  
 23 the Comet trail as provided in section 111F.2,  
 24 subsection 3."  
 25 2. Title page, line 5, by inserting after the  
 26 word "funds," the following: "relating to moneys  
 27 appropriated for recreational trails,".

Amendment H - 3596 was adopted.

Peterson of Carroll offered the following amendment H - 3697  
 filed by him and Harbor of Mills and moved its adoption:

H - 3697

- 1 Amend Senate File 369 as follows:  
 2 1. Page 3, by inserting after line 16 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 8.31, unnumbered paragraph 3,  
 5 Code 1989, is amended to read as follows:  
 6 Allotments of appropriations made for equipment,  
 7 land, permanent improvements, and other capital  
 8 projects may, however, be allotted in one amount by  
 9 major classes or projects for which they are  
 10 expendable without regard to quarterly periods. For  
 11 fiscal years beginning on or after July 1, 1989,  
 12 allotments of appropriations for equipment, land,  
 13 permanent improvements, and other capital projects,  
 14 except where contracts have been entered into with  
 15 regard to the acquisition or project prior to July 1,  
 16 1989, shall not be allotted in one amount but shall be  
 17 allotted at quarterly periods as provided in this  
 18 section."

Amendment H - 3697 was adopted.

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

On the question "Shall the bill pass?" (S.F. 369)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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	Holveck	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Blanshan	Hester	Hibbard	Jay
Jochum	Muhlbauer	Swartz	Teaford

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

### Unfinished Business Calendar

The House resumed consideration of **Senate File 266**, a bill for an act requiring electric utilities to have in effect a comprehensive energy management program before increased rates, charges, schedules, and regulations may be approved by the utilities board, previously deferred and placed on the unfinished business calendar.

Dvorsky of Johnson offered the following amendment H—3810 filed by him and moved its adoption:

H—3810

- 1 Amend Senate File 266 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking line 5 and inserting the
- 4 following: "not have an increased revenue requirement
- 5 finally".
- 6 2. Title page, by striking line 3 and inserting
- 7 the following: "revenue requirements may be finally
- 8 approved by".

Amendment H—3810 was adopted.

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

On the question "Shall the bill pass?" (S.F. 266)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hibbard	Holveck	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 1:

Daggett

Absent or not voting, 6:

Blanshan	Hester	Jochum	Royer
Schneklath	Shoultz		

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 419**, a bill for an act relating to energy efficiency and providing effective dates, previously deferred and placed on the unfinished business calendar.

Johnson of Winneshiek offered amendment H—4029 filed by him. Division was requested as follows:

H—4029

- 1 Amend Senate File 419, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—4029A

- 3 1. Page 1, lines 10 and 11, by striking the words
- 4 "two miles per gallon under".
- 5 2. Page 1, lines 19 and 20, by striking the words
- 6 "two miles per gallon under".

H—4029B

- 7 3. Page 1, line 32, by inserting after the word
- 8 "management" the following: "and the energy and
- 9 geological resources division of the department of
- 10 natural resources".
- 11 4. Page 3, line 7, by inserting after the word
- 12 "program" the words "for energy efficiency".
- 13 5. Page 4, by striking lines 25 through 33.

H—4029C

- 14 6. Page 5, by striking line 34.

Johnson of Winneshiek asked and received unanimous consent to withdraw amendment H—4029A.

On motion by Johnson of Winneshiek, amendment H—4029B was adopted.

Bisignano of Polk offered the following amendment H—4030 filed by him and moved its adoption:

H—4030

- 1 Amend Senate File 419, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 23 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 476.1A, unnumbered paragraph 2,
- 6 Code 1989, is amended to read as follows:
- 7 However, sections 476.20, 476.21, 476.41 through
- 8 476.44, 476.51, 476.56, 476.62, and 476.66 and

- 9 chapters 476A and 478, to the extent applicable, apply  
 10 to such electric utilities.  
 11 Sec. \_\_\_\_\_. Section 476.1B, subsection 1, Code 1989,  
 12 is amended by adding the following new paragraph:  
 13 NEW PARAGRAPH. j. Enforcement of section 476.62.”

Amendment H—4030 was adopted.

The House resumed consideration of amendment H—4029C.

Johnson of Winneshiek moved the adoption of amendment H—4029C.

A non-record roll call was requested.

The ayes were 51, nays 38.

Amendment H—4029C 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. 419)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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.
Hatch	Haverland	Hermann	Hibbard
Holveck	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Renken

Absent or not voting, 8:

Blanshan  
Hester

Doderer  
Jochum

Harbor  
Miller

Harper  
Stromer

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills and Stromer of Hancock, both until their return, on request of Halvorson of Clayton.

The House resumed consideration of **Senate File 389**, a bill for an act relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expanding participation in farm mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions, previously deferred and placed on the unfinished business calendar.

Gruhn of Dickinson asked and received unanimous consent to withdraw amendment H—3895 filed by her on April 6, 1989.

Jay of Appanoose offered the following amendment H—3963 filed by him:

H—3963

- 1 Amend Senate File 389, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 4, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 511.8, subsection 10, paragraph
- 6 b, Code 1989, is amended to read as follows:
- 7 b. Any real estate acquired through foreclosure,
- 8 or in settlement or satisfaction of any indebtedness.
- 9 Any company or association may improve real estate so
- 10 acquired or remodel existing improvements and exchange
- 11 such real estate for other real estate or securities,
- 12 and real estate acquired by such exchange may be
- 13 improved or the improvements remodeled. Any farm real
- 14 estate acquired under this paragraph shall be sold
- 15 within five years from the date of acquisition unless
- 16 the commissioner of insurance shall extend the time
- 17 for such period or periods as seem warranted by the

18 circumstances.

19 Sec. \_\_\_\_\_. NEW SECTION. 511.8A AGRICULTURAL LAND.

20 Agricultural land, as defined in section 172C.1,  
 21 purchased by a life insurance company or association  
 22 incorporated by or organized under the laws of this or  
 23 any other state, at sales upon foreclosure of  
 24 mortgages or deeds of trust owned by it, or acquired  
 25 upon judgments or decrees obtained or rendered for  
 26 debts due it, or real property conveyed to it in  
 27 satisfaction of debts previously contracted in the  
 28 course of its business, or real property obtained by  
 29 it through redemption as a junior mortgagee or  
 30 judgment creditor, shall be sold or otherwise disposed  
 31 of by the company or association within two years  
 32 after title is vested in the company or association,  
 33 unless the company or association procures a  
 34 certificate from the commissioner of insurance  
 35 extending the time. The commissioner may extend the  
 36 time if the interest of the company or association  
 37 will suffer materially by the forced sale of the  
 38 agricultural land. The time for the sale is extended  
 39 to the time the commissioner directs in the  
 40 certificate. Agricultural land held by a company or  
 41 association pursuant to this paragraph shall be valued  
 42 on the books of the company or association at a value  
 43 determined by obtaining the per acre average of the  
 44 valuations for the current year and the four previous  
 45 years for agricultural land in the county in which the  
 46 agricultural land is located as published by Iowa  
 47 state university of science and technology. If an  
 48 appraisal conducted by an independent real estate  
 49 appraiser is available for the current year, the five-  
 50 year county average shall be adjusted by either adding

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1 or subtracting from the five-year average the  
 2 percentage by which the particular farm's current  
 3 appraised value exceeds or is less than the current  
 4 year's county average value.

5 Sec. \_\_\_\_\_. Section 515.35, subsection 4, paragraph  
 6 h, subparagraph (1), unnumbered paragraph 2, and  
 7 subparagraphs (2) through (4), Code 1989, are amended  
 8 to read as follows:

9 All real estate, other than agricultural land, as  
 10 defined in section 172C.1, specified in subparagraph  
 11 subdivisions (a), (b), and (c) of this subparagraph  
 12 shall be sold and disposed of within three years after  
 13 the company acquires title to it, or within three  
 14 years after the real estate ceases to be necessary for  
 15 the accommodation of the company's business, and the  
 16 company shall not hold any of those properties for a

17 longer period unless the company elects to hold the  
18 property under another paragraph of this section, or  
19 unless the company procures a certificate from the  
20 commissioner of insurance ~~that its extending the time.~~  
21 The commissioner may extend the time if the interest  
22 of the company will suffer materially by the forced  
23 sale of those properties and that the real estate.  
24 The time for the sale is extended to the time the  
25 commissioner directs in the certificate.

26 Agricultural land, as defined in section 172C.1,  
27 which is real estate specified in subparagraph  
28 subdivisions (a), (b), (c), and (d), shall be sold and  
29 disposed of within two years after the company  
30 acquires title to it. The company shall not hold the  
31 agricultural land for a longer period unless the  
32 company procures a certificate from the commissioner  
33 of insurance extending the time. The commissioner may  
34 extend the time if the interest of the company will  
35 suffer materially by the forced sale of the real  
36 estate. The time for the sale is extended to the time  
37 the commissioner directs in the certificate.

38 Agricultural land held by a company pursuant to this  
39 paragraph shall be valued on the books of the company  
40 at a value determined by obtaining the per acre  
41 average of the valuations for the current year and the  
42 four previous years for agricultural land in the  
43 county in which the agricultural land is located as  
44 published by Iowa state university of science and  
45 technology. If an appraisal conducted by an  
46 independent real estate appraiser is available for the  
47 current year, the five-year county average shall be  
48 adjusted by either adding or subtracting from the  
49 five-year average the percentage by which the  
50 particular farm's current appraised value exceeds or

**Page 3**

1 is less than the current year's county average value.

2 (2) A company may acquire, hold, and convey real  
3 estate other than agricultural land, as defined in  
4 section 172C.1, as required for the convenient  
5 accommodation and transaction of its business.

6 (3) A company may acquire real estate, other than  
7 agricultural land, as defined in section 172C.1, or an  
8 interest in the real estate as an investment for the  
9 production of income, and may hold, improve, or  
10 otherwise develop, subdivide, lease, sell, and convey  
11 the real estate so acquired directly or as a joint  
12 venture or through a limited or general partnership in  
13 which the company is a partner.

14 (4) A company may also acquire and hold real

15 estate, other than agricultural land, as defined in  
16 section 172C.1, if the purpose of the acquisition is  
17 to enhance the sale value of real estate previously  
18 acquired and held by the company under this paragraph,  
19 and if the company expects the real estate so acquired  
20 to qualify under subparagraph (2) or (3) of this  
21 paragraph within three years after acquisition.

22 Sec. \_\_\_\_\_. Section 524.910, subsection 2, Code  
23 1989, is amended to read as follows:

24 2. Real property purchased by a state bank at  
25 sales upon foreclosure of mortgages or deeds of trust  
26 owned by it, or acquired upon judgments or decrees  
27 obtained or rendered for debts due it, or real  
28 property conveyed to it in satisfaction of debts  
29 previously contracted in the course of its business,  
30 or real property obtained by it through redemption as  
31 a junior mortgagee or judgment creditor, shall be sold  
32 or otherwise disposed of by the state bank within five  
33 two years after title is vested in the state bank,  
34 unless the time is extended by the superintendent.  
35 Agricultural land held by a state bank pursuant to  
36 this subsection shall be valued on the books of the  
37 bank at a value determined by obtaining the per acre  
38 average of the valuations for the current year and the  
39 four previous years for agricultural land in the  
40 county in which the agricultural land is located as  
41 published by Iowa state university of science and  
42 technology. If an appraisal conducted by an  
43 independent real estate appraiser is available for the  
44 current year, the five-year county average shall be  
45 adjusted by either adding or subtracting from the  
46 five-year average the percentage by which the  
47 particular farm's current appraised value exceeds or  
48 is less than the current year's county average value.  
49 To the extent permitted by federal law, national banks  
50 may value agricultural land on the same basis as state

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1 banks. Before the state bank sells or otherwise  
2 disposes of agricultural land held pursuant to this  
3 subsection, the state bank shall first offer the prior  
4 owner the opportunity to repurchase the agricultural  
5 land on the terms the state bank proposes to sell or  
6 dispose of the agricultural land.

7 Sec. \_\_\_\_\_. Section 654.16, Code 1989, is amended to  
8 read as follows:

9 **654.16 SEPARATE REDEMPTION OF HOMESTEAD.**

10 If a foreclosure sheriff's sale is ordered on  
11 agricultural land used for farming, as defined in  
12 section 175.2, the mortgagor may, by a date set by the  
13 court but not later than ten days before the sale,

14 designate to the court the portion of the land which  
15 the mortgagor claims as a homestead. The homestead  
16 may be any contiguous portion of forty acres or less  
17 of the real estate subject to the foreclosure  
18 sheriff's sale. The homestead shall contain the  
19 residence of the mortgagor and shall be as compact as  
20 practicable.

21 If the designated a homestead is sold at a  
22 foreclosure sale in order to satisfy the judgment  
23 designated, the court shall determine the fair market  
24 value of the designated homestead before the sheriff's  
25 sale. The court may consult with the county  
26 appraisers appointed pursuant to section 450.24, or  
27 with one or more independent appraisers, to determine  
28 the fair market value of the designated homestead.

29 The mortgagor may redeem the designated homestead  
30 by tendering the lesser of either the amount bid at  
31 the sheriff's sale pursuant to procedures set forth in  
32 chapter 628, or the fair market value, as determined  
33 pursuant to this section, of the designated homestead  
34 at any time within two years one year from the date of  
35 the foreclosure sheriff's sale, pursuant to the  
36 procedures set forth in chapter 628. However, this  
37 paragraph shall not apply to a member institution  
38 which has purchased a designated homestead at a  
39 foreclosure sale.

40 The mortgagor may redeem the designated homestead  
41 from a member institution, which has purchased the  
42 designated homestead at a foreclosure sale, by  
43 tendering the fair market value of the designated  
44 homestead within one year from the date of the  
45 foreclosure sale, pursuant to the procedures set forth  
46 in chapter 628.

47 If the member institution which has purchased  
48 mortgagor does not redeem the designated homestead at  
49 a foreclosure sale is not a state bank as defined in  
50 section 524.103, the following shall apply:

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1 1. At Not later than the time the sheriff's deed  
2 is issued recorded, the institution grantee in the  
3 sheriff's sale shall notify the mortgagor of the  
4 mortgagor's right of first refusal. A copy of this  
5 unnumbered paragraph and subsections 1 through 5 and,  
6 titled "Notice of Right of First Refusal" is  
7 sufficient notice.

8 2. If within one year after a sheriff's deed is  
9 issued to the institution recorded, the institution  
10 grantee proposes to sell or otherwise dispose of the  
11 designated homestead, in a transaction other than a  
12 public auction, the institution grantee shall first

13 offer the mortgagor the opportunity to repurchase the  
 14 designated homestead on the same terms and at the same  
 15 price that the institution grantee proposes to sell or  
 16 dispose of the designated homestead. If the  
 17 institution grantee seeks to sell or otherwise dispose  
 18 of the designated homestead by public auction within  
 19 one year after a sheriff's deed is issued to the  
 20 institution recorded, the mortgagor must be given  
 21 sixty days' notice of all of the following:

22 a. The date, time, place, and procedures of the  
 23 auction sale.

24 b. Any minimum terms or limitations imposed upon  
 25 the auction.

26 3. The institution grantee is not required to  
 27 offer the mortgagor financing for the purchase of the  
 28 homestead.

29 4. The mortgagor has ten business days after being  
 30 given notice of the terms and price of the proposed  
 31 sale or disposition, other than a public auction, in  
 32 which to exercise the right to repurchase the  
 33 homestead by submitting a binding offer to the  
 34 institution grantee on the same terms as the proposed  
 35 sale or other disposition, with closing to occur  
 36 within thirty days after the offer unless otherwise  
 37 agreed by the institution grantee. After the  
 38 expiration of either the period for offer or the  
 39 period for closing, without submission of an offer or  
 40 a closing occurring, the institution grantee may sell  
 41 or otherwise dispose of the designated homestead to  
 42 any other person on the terms upon which it was  
 43 offered to the mortgagor.

44 5. Notice of the mortgagor's right of first  
 45 refusal, a proposed sale, auction, or other  
 46 disposition, or the submission of a binding offer by  
 47 the mortgagor, is considered given on the date the  
 48 that notice or offer is personally served on the other  
 49 party or on the date the that notice or offer is  
 50 mailed to the other party's last known address by

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1 registered or certified mail, return receipt  
 2 requested. The right of first refusal provided in  
 3 this section is not assignable, but may be exercised  
 4 by the mortgagor's successor in interest, receiver,  
 5 personal representative, executor, or heir only in  
 6 case of bankruptcy, receivership, or death of the  
 7 mortgagor.

8 As used in this section, "member institution" means  
 9 any lending institution that is a member of the  
 10 federal deposit insurance corporation, the federal  
 11 savings and loan insurance corporation, the national

12 credit union administration, or an affiliate of such  
13 institution."

14 2. Page 3, by inserting after line 8 the  
15 following:

16 "Sec. \_\_\_\_\_. An insurance company or association  
17 which has purchased land before the effective date of  
18 this Act has until July 1, 1991, to dispose of the  
19 land as provided under sections 511.8A and 515.35, as  
20 amended by this Act.

21 Sec. \_\_\_\_\_. Section 524.910, as amended by this Act,  
22 applies to all foreclosure actions filed on or after  
23 March 30, 1990, and as applied to a prior owner's  
24 opportunity to repurchase agricultural land is  
25 retroactive to all foreclosure actions for which a  
26 sheriff's sale has not been held on March 30, 1990.

27 Sec. \_\_\_\_\_. Section 654.16, as amended by this Act,  
28 applies to all foreclosure actions filed on or after  
29 the effective date of this Act, and is retroactive to  
30 all foreclosure actions for which a sheriff's sale has  
31 not been held on the effective date of this Act.

32 Sec. \_\_\_\_\_. This Act, being deemed of immediate  
33 importance, takes effect upon enactment."

34 3. Title page, line 1, by striking the words  
35 "farm crisis relief, by" and inserting the following:  
36 "transfer of land ownership, by restricting the time  
37 land can be held by insurance and financial  
38 institutions, providing the opportunity to repurchase  
39 land, providing for redemption,".

40 4. Title page, line 6, by striking the word  
41 "and".

42 5. Title page, line 8, by inserting after the  
43 word "actions" the following: ", and providing an  
44 effective date and dates of applicability".

Gruhn of Dickinson rose on a point of order that amendment H—3963 was not germane.

The Speaker ruled the point well taken and amendment H—3963 not germane.

Muhlbauer of Crawford asked and received unanimous consent to withdraw amendment H—4067 filed by him on April 17, 1989.

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. 389)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohon
Connolly	Connors	Corbett	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.	Harper
Hatch	Haverland	Hermann	Hibbard
Holveck	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 2:

Bisignano	Metcalf
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Absent or not voting, 7:

Blanshan	Fey	Harbor	Hester
Jochum	Sherzan	Stromer	

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

The House resumed consideration of **Senate File 174**, a bill for an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the Act and an effective date, previously deferred and placed on the unfinished business calendar.

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

On the question "Shall the bill pass?" (S.F. 174)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	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.
Harper	Hatch	Haverland	Hermann
Hibbard	Holveck	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 2:

Bisignano                      Swartz

Absent or not voting, 7:

Blanshan	Harbor	Hester	Jochum
Sherzan	Stromer	Teaford	

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

### SENATE AMENDMENTS CONSIDERED

Bisignano of Polk called up for consideration **House File 123**, a bill for an act relating to the compensation of election boards, amended by the Senate, and moved that the House concur in the following Senate amendment H—3409:

H—3409

- 1 Amend House File 123, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 8 and 9, and
- 4 inserting the following: "less than ~~two dollars and~~
- 5 ~~fifty cents nor more than~~ three dollars and fifty
- 6 cents per hour, while".

The motion prevailed and the House concurred in the Senate amendment H—3409.

Bisignano 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. 123)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	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.
Harper	Hatch	Haverland	Hermann
Hibbard	Holveck	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 1:

Bennett

Absent or not voting, 5:

Blanshan	Harbor	Hester	Jochum
Stromer			

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

Fuller of Hardin called up for consideration **House File 241**, a bill for an act relating to the authority of fire chiefs and their officers at fire scenes and emergencies, and providing a penalty for violations,

amended by the Senate, and moved that the House concur in the following Senate amendment H—3974:

H—3974

- 1 Amend House File 241, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 27 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 100B.4 TRAFFIC CONTROL.
- 6 Notwithstanding a contrary provision of this
- 7 chapter, if a peace officer is on the scene, the peace
- 8 officer is in charge of traffic control and a peace
- 9 officer shall not be prohibited from performing the
- 10 duties of a peace officer at the fire scene."
- 11 2. Page 1, by striking line 28 and inserting the
- 12 following:
- 13 "Sec. \_\_\_\_\_. NEW SECTION. 100B.5 PENALTY."
- 14 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3974.

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

On the question "Shall the bill pass?" (H.F. 241)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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.	Harper	Hatch	Haverland
Hermann	Hibbard	Holveck	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning

Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Blanshan	Harbor	Hester	Jochum
Renken	Stromer		

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

Fey of Scott called up for consideration **House File 371**, a bill for an act relating to emergency medical care providers, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—4036:

H—4036

- 1 Amend House File 371 as follows:
- 2 1. Page 8, line 23, by inserting after the word
- 3 "designee," the following: "or".

The motion prevailed and the House concurred in the Senate amendment H—4036.

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

On the question "Shall the bill pass?" (H.F. 371)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hibbard	Holveck	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg

Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Blanshan	Garman	Harbor	Hester
Jochum	Stromer		

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

### INTRODUCTION OF BILL

**House File 769**, by committee on ways and means, a bill for an act creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, authorizing a state-sponsored credit card, providing for properly related matters, and subjecting violators to penalties.

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

On motion by Arnould of Scott, the House was recessed at 10:58 p.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 19, 1989 passed the following bill in which the concurrence of the House is asked:

Senate File 532, a bill for an act relating to the compensation and benefits for legislators, and other public officials and employees by specifying salary levels, by providing adjustments for salaries, by specifying properly related matters, by making appropriations, and by specifying effective dates for certain provisions.

JOHN F. DWYER, Secretary

### COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee: Brown of Lucas, Pavich of Pottawattamie and Bennett of Ida.

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

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

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

JOINT CONVENTION  
PIONEER LAWMAKERS  
FIFTIETH BIENNIAL SESSION  
(House Chamber — 1:30 p.m.)

In accordance with House Concurrent Resolution 3 duly adopted, the joint convention was called to order, President Zimmerman presiding.

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

Senator Hutchins of Audubon moved that a committee of four be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee Senators Coleman of Webster and Tieden of Clayton, on the part of the Senate; and Representative Blanshan of Greene and Pellett of Cass, on the part of the House.

The committee escorted the Pioneer Lawmakers into the House chamber.

President Zimmerman presented Senator Thomas Mann, Jr. of Polk, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Zimmerman presented Representative John Connors of Polk, Speaker pro tempore of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House of Representatives.

President Zimmerman presented Representative William H. Harbor, of Mills County, who responded to the welcome.

Representative Harbor announced the 1969-1970 class of legislators who were eligible to become members of the Pioneer Lawmakers; that Russell "Rusty" Laird, Lobbyist from Des Moines; Dr. William "Steamboat Bill" Peterson, Iowa City; and Bettie Wentz, House Secretary, Des Moines were awarded honorary membership in the Pioneer Lawmakers Association.

Representative Harbor presented George Mills, longtime newsman from Des Moines, who addressed the Pioneer Lawmakers.

President Zimmerman presented the Honorable Jack Miller, former member of the Iowa House of Representatives and Iowa Senate and United States Senator representing Iowa and presently Senior U.S. Circuit Judge, U.S. Court of Appeals for the Federal Circuit, who addressed the joint convention as follows:

Madam President, Pioneer Lawmakers, Ladies and Gentlemen:

It has been a long time since I addressed a joint session of the Iowa legislature, and I am highly honored and appreciative of the gracious invitation to do so on this, the 50th biennium of the Iowa Pioneer Lawmakers Association.

As my reference point, I would select a day early in December 1954. The November elections were behind us, and a new session of the legislature was only a month away — January of 1955. I had been elected State Representative from Woodbury County and was really looking forward to what promised to be a new and deeply satisfying experience as a state legislator.

So, on that December day, I drove to Des Moines to arrange for a room in one of the hotels, with the expectation that I would ordinarily be able to go home on Friday afternoon and return on Sunday evening. I also wanted some orientation on how the House of Representatives operated. I was lucky — the Chief Clerk of the House, whose service commenced clear back in 1921, was A. C. Gustafson, known to everyone as "Gus", and he was in. He gave me an enthusiastic hour of his valuable time, answering many questions and really showing me around. I also met his deputy, Bill Kendrick, who served as Chief Clerk from 1959 to 1972.

My first need, said Gus, was an experienced secretary, and he put me in touch with Edith McElroy, who accepted my invitation to be my secretary during the upcoming session. Edith was an officer in the Business and Professional Women's Association and was most helpful in insuring that I would be knowledgeable and fairly liberal with respect to legislation affecting women. As the session went on, it became more and more evident that a good staff is indispensable to a good legislature, and we certainly had a good staff while I was there. A little lady, who served as legislative counsel to the House, deserves special comment — Lillian Leffert. No bill of any consequence was cleared for action without passing her professional review. She taught me a lot.

It wasn't long before I noticed the influence some of the political writers, TV and radio newscasters had on the legislature. In retrospect, this should not have been surprising considering the quality of journalists like George Mills, Cliff Millen, Skip Weber, Frank Nye of the Cedar Rapids Gazette; Bill Severn of the Waterloo Courier; Dillard Stokes of the Council Bluffs Nonpareil; and Paul Norris of the Marshalltown Times Republican. They may not have had recognition on a nationwide scale, but they were

then, and their successors are today, just as professional as self-appointed members of the "Washington Media Elite."

It seemed as though there was always something brewing in the House. The first time we had a record vote, all of the lights showed up on the board — except the one of State Representative Klein from Clarke County. He stood up, got the Speaker's eye, and said: "I want to press the blue button." Everyone laughed except Klein. Later we learned that he was color blind. Speaker Art Hanson was still suspicious.

If you were there, as I was, how could you ever forget Show Girl Dagmar's visit to the Capital? She had an overactive press agent, who spread the word that Dagmar would visit the Capital, the Governor, and — of course — the legislature. Three of us had an appointment with Governor Leo Hoegh as soon as the House convened. Just as we began to move toward the rear of the chamber, Dagmar appeared in center stage, at the back of this aisle, escorted by Clark McNeal of Belmond, who announced in his silver-tongued voice: "Mr. Speaker, a message from the Senate." Down the aisle to the well of the chamber they came. Dagmar didn't wait to be introduced. She literally engulfed the Speaker in a warm embrace. We thought it prudent to get out of there and meet with the Governor. But as we got to the Governor's outer office, he came out, hair mussed, and mouth bleeding from excess lipstick. "Did you see that woman?" he asked. We reported what had occurred in the House. This time, Art Hanson was not just suspicious — he was red-faced.

At the next election, I moved over to the Senate, Woodbury County's Charlie Van Eaton having retired. It wasn't long before my erstwhile colleagues in the House began asking me what I thought of the change. Somehow I managed to finesse their questions by saying it would be like comparing the rumpus room of one's home with the study — one usually has more "fun" in the rumpus room. In my four-year term in the Senate, the biggest issue, of course, was reapportionment, which was not settled until after I had left. Nevertheless this issue was terribly abrasive and emotional, causing the same hard feelings that had previously arisen over school district legislation.

The Iowa legislature had its share of lobbyists, whom I found to be an honorable and able group of men and women. Most of them presented their views fairly — albeit forcefully. This was particularly true with women's organizations. I recall one morning shortly before the Senate convened. I observed an unusually large number of women moving about and wondered what was going on. A colleague with whom I was conferring, Lawrence Putney of Tama County pointed to the front page of the Register, which read: "HOUSE PASSES DOVE BILL". This was a perennial issue, with bills to open a shooting season being constantly stuck in committee. It was evident that the women's lobby was dedicated to insuring that the dove bill would have that fate. I was visiting with colleagues in the rotunda, when a small contingent approached us. The chair of the conservation committee immediately checked his pocket notebook and with a glint in his eye, said, "My dear ladies, that bill has been referred to a subcommittee of which Senator \_\_\_\_\_ is chair, (pointing) and there he is now!" Well, the ladies were gone before his sentence was finished.

Late in my last session in the Senate, my wife and I thought that we ought to have our two oldest children, Janice, ten and Judy, nine, spend a day visiting the legislature. At the time, we did not know what the political future held — perhaps this would be my last session in the legislature. (As it turned out, it was.) So, on a Wednesday morning, my wife put Janice and Judy on an early morning Braniff flight to Des Moines, from Sioux City. On the way over to the Statehouse, I told the girls that I

would be debating a bill, that I might lose, and that they should not feel badly if I did. My adversary in the debate was Buster Lynes of Plainfield. After I had discussed the bill, he took the floor, speaking loudly and looking rather fierce. He was just getting warmed up when the Lieutenant Governor ordered a ten minute recess, for what reason, I don't know.

I invited my daughters to come meet the Senator they were eyeing warily. They approached with a little reluctance and extended their small hands to shake his. "I'm delighted to meet you....", began Senator Lynes. He questioned the girls about their classes, their concerns and life at home and too soon the Senate was gavelled to order. Janice and Judy returned to their seats and I settled in for the rest of Senator Lynes' remarks.

To my great surprise, my adversary simply stated that there were obvious problems with such legislation and that he would oppose it. He then lowered his microphone and sat down. The bill passed, which shows even little girls can influence legislation.

Let me close with a few observations. First, a comparison of the State legislature with the federal Congress. After twelve years in the U.S. Senate, I would have to say that the State legislature does a better job of legislating — gives a closer, more personal attention to its business — than does the Congress. Here each house often becomes, in effect, a committee of the whole. Almost all of the members are present and are familiar with the bills being debated. Of course, there are exceptions, but I am satisfied that the federal Congress could take a lesson in grass roots legislating from many state legislatures including, particularly this one.

Second, it can be argued that the reason for the differences lies in the Congressional complexities spawned by rules or statutes, including an unhelpfully large number of subcommittees, each striving to gain a share of the publicity pie. This argument has merit, but year after year the Congress seems less and less willing to streamline its operations and to devote its energies (including spending) to what is necessary — as distinguished from what is merely desirable.

Finally, those who have had and will, in the future, have the privilege of serving in the Iowa legislature can be justly proud of their dedication to the proclamation that "Our liberties we prize and our rights we will maintain." This, along with an enlightened state judiciary, which we have in Iowa, explains why Iowa is a good and great land. Nowhere can you find a better place to achieve what President Bush has praised as a "sense of service and love of country."

May God bless your efforts.

Thank you.

Arnould of Scott moved that the joint convention be now dissolved at 2:26 p.m., which motion prevailed.

The House reconvened at 2:27 p.m., Speaker Avenson in the chair.

The House stood at ease at 2:28 p.m., until the fall of the gavel.

The House resumed session at 3:20 p.m., Speaker Avenson in the chair.

## SENATE MESSAGE CONSIDERED

**Senate File 532**, by committee on appropriations, a bill for an act relating to the compensation and benefits for legislators, and other public officials and employees by specifying salary levels, by providing adjustments for salaries, by specifying properly related matters, by making appropriations, and by specifying effective dates for certain provisions.

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

## CONSIDERATION OF BILLS

## Ways and Means Calendar

**House File 755**, a bill for an act relating to mobile home taxes and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 755)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Doderer

Halvorson, R. N.

Hatch

Hester

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 **House File 738**, a bill for an act relating to public utilities and their affiliates, with civil penalties applicable, previously deferred, and placed on the unfinished business calendar.

Dvorsky of Johnson offered the following amendment H-4091 filed by Dvorsky, et al., and moved its adoption:

H-4091

1 Amend House File 738 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. Section 476.10, unnumbered paragraph

5 1, Code 1989, is amended to read as follows:

6 When the board deems it necessary in order to carry

7 out the duties imposed upon it by this chapter for the

8 purpose of determining rate matters to investigate the

9 books, accounts, practices, and activities of, or make

10 appraisals of the property of any public utility, or

11 to render any engineering or accounting services to

12 any public utility, or to review the operations or

13 annual reports of the public utility under section

14 476.31 or 476.32, or to evaluate a proposal for

15 reorganization under section 476.73, the public

16 utility shall pay the expense reasonably attributable

17 to the investigation, appraisal, service, or review.

18 The board shall ascertain the expenses including

19 certified expenses incurred by the consumer advocate

20 division of the department of justice directly

21 chargeable to the public utility under section 475A.6,

22 and shall render a bill, by certified mail, to the

23 public utility, either at the conclusion of the

24 investigation, appraisal, services, or review, or from

25 time to time during its progress, which bill is notice

26 of the assessment and shall demand payment. The total

27 amount of such expense in any one calendar year, for

28 which any public utility shall become liable, shall

29 not exceed two-tenths of one percent of its gross

30 operating revenues derived from intrastate public

31 utility operations in the last preceding calendar

32 year.

33 Sec. 2. NEW SECTION. 476.67 PURPOSE.

34 It is the intent of the general assembly that a

35 public utility should not directly or indirectly

36 include in regulated rates or charges any costs or  
 37 expenses of an affiliate engaged in any business other  
 38 than that of utility business unless the affiliate  
 39 provides goods or services to the public utility. The  
 40 costs that are included should be reasonably necessary  
 41 and appropriate for utility business. It is also the  
 42 intent of the general assembly that a public utility  
 43 should only provide nonutility services in a manner  
 44 that minimizes the possibility of cross-subsidization  
 45 or unfair competitive advantage.

46 Sec. 3. NEW SECTION. 476.68 DEFINITIONS.

47 As used in this division, unless the context  
 48 otherwise requires:

49 1. "Public utility" includes only gas or electric  
 50 rate-regulated public utilities and rate-regulated

**Page 2**

1 telephone utilities providing local exchange  
 2 telecommunication service.

3 2. "Affiliate" means a party that directly, or  
 4 indirectly through one or more intermediaries,  
 5 controls, is controlled by, or is under common control  
 6 with a rate-regulated public utility.

7 3. "Control" means the possession, direct or  
 8 indirect, of the power to direct or cause the  
 9 direction of the management and policies of an  
 10 enterprise through ownership, by contract or  
 11 otherwise.

12 4. "Utility business" means the generation or  
 13 transmission of electricity or furnishing of gas or  
 14 furnishing electricity or furnishing rate-regulated  
 15 communications services to the public for  
 16 compensation.

17 5. "Nonutility service" includes the sale, lease,  
 18 or other conveyance of commercial and residential gas  
 19 or electric appliances, interior lighting systems and  
 20 fixtures, or heating, ventilating, or air conditioning  
 21 systems and component parts or the servicing, repair,  
 22 or maintenance of such equipment.

23 Sec. 4. NEW SECTION. 476.69 AFFILIATE RECORDS.

24 1. ACCESS TO RECORDS. Every public utility and  
 25 affiliate through the public utility shall provide the  
 26 board with access to books, records, accounts,  
 27 documents, and other data and information which the  
 28 board finds necessary to effectively implement and  
 29 effectuate the provisions of this chapter.

30 2. SEPARATE RECORDS. The board may require  
 31 affiliates of a public utility to keep separate  
 32 records and the board may provide for the examination  
 33 and inspection of the books, accounts, papers, and  
 34 records, as may be necessary to enforce this chapter.

35 3. ALLOCATION PERMITTED. The board may inquire as  
36 to and prescribe, for ratemaking purposes, the  
37 allocation of capitalization, earnings, debts, and  
38 expenses related to ownership, operation, or  
39 management of affiliates.

40 Sec. 5. NEW SECTION. 476.70 AFFILIATE  
41 INFORMATION REQUIRED TO BE FILED.

42 1. GOODS AND SERVICES. All contracts or  
43 arrangements providing for the furnishing or receiving  
44 of goods and services including but not limited to the  
45 furnishing or receiving of management, supervisory,  
46 construction, engineering, accounting, legal,  
47 financial, marketing, data processing, or similar  
48 services made or entered into on or after July 1,  
49 1989, between a public utility and any affiliate shall  
50 be filed annually with the board.

**Page 3**

1 2. SALES, PURCHASES, AND LEASES. All contracts or  
2 arrangements for the purchase, sale, lease, or  
3 exchange of any property, right, or thing made or  
4 entered into on or after July 1, 1989, between a  
5 public utility and any affiliate shall be filed  
6 annually with the board.

7 3. LOANS. All contracts or arrangements providing  
8 for any loan of money or an extension or renewal of  
9 any loan of money or any similar transaction made or  
10 entered into on or after July 1, 1989, between a  
11 public utility and any affiliate, whether as  
12 guarantor, endorser, surety, or otherwise, shall be  
13 filed annually with the board.

14 4. VERIFIED COPIES REQUIRED. Every public utility  
15 shall file with the board a verified copy of the  
16 contract or arrangement referred to in this section,  
17 or a verified summary of the unwritten contract or  
18 arrangement, and also of all the contracts and  
19 arrangements or a verified summary of the unwritten  
20 contracts or arrangements, whether written or  
21 unwritten, entered into prior to July 1, 1989, and in  
22 force and effect at that time. Any contract or  
23 agreement determined by the board to be a confidential  
24 record pursuant to section 22.7 shall be returned to  
25 the public utility filing the confidential record  
26 within sixty days after the contract or agreement is  
27 filed.

28 5. EXEMPTION. The provisions of this section  
29 requiring filing of contracts or agreements with the  
30 board shall not apply to transactions with an  
31 affiliate where the amount of consideration involved  
32 is not in excess of fifty thousand dollars or five  
33 percent of the capital equity of the utility,

34 whichever is smaller. However, regularly recurring  
35 payments under a general or continuing arrangement  
36 which aggregate a greater annual amount shall not be  
37 broken down into a series of transactions to come  
38 within this exemption. In any proceeding involving  
39 the rates, charges or practices of the public utility,  
40 the board may exclude from the accounts of the public  
41 utility any unreasonable payment or compensation made  
42 pursuant to any contract or arrangement which is not  
43 required to be filed under this subsection.

44 6. CONTINUING JURISDICTION. The board shall have  
45 the same jurisdiction over modifications or amendments  
46 of contracts or arrangements in this section as it has  
47 over the original contracts or arrangements. Any  
48 modification or amendment of contracts or arrangements  
49 shall also be filed annually with the board.

50 7. SANCTION. For ratemaking purposes, the board

**Page 4**

1 may exclude the payment or compensation to an  
2 affiliate or adjust the revenue received from an  
3 affiliate associated with any contract or arrangement  
4 required to be filed with the board if the contract or  
5 arrangement is not so filed.

6 8. ALTERNATIVE INFORMATION. The board shall  
7 consult with other state and federal regulatory  
8 agencies for the purpose of eliminating duplicate or  
9 conflicting filing requirements and may adopt rules  
10 which provide that comparable information required to  
11 be filed with other state or federal regulatory  
12 agencies may be accepted by the board in lieu of  
13 information required by this section.

14 9. REASONABLENESS REQUIRED. In any proceeding,  
15 whether upon the board's own motion or upon  
16 application or complaint involving the rates, charges,  
17 or practices of any public utility, the board, for  
18 ratemaking purposes may exclude from the accounts of  
19 the public utility or adjust any payment or  
20 compensation related to any transaction with an  
21 affiliate for any services rendered or for any  
22 property or service furnished or received, as  
23 described in this section, under contracts or  
24 arrangements with an affiliate unless and upon inquiry  
25 the public utility shall establish the reasonableness  
26 of the payment or compensation.

27 10. EXEMPTION BY RULE OR WAIVER. The board may  
28 adopt rules which exempt any public utility or class  
29 of public utility or class of contracts or  
30 arrangements from this section or waive the  
31 requirements of this section if the board finds that  
32 the exemption or waiver is in the public interest.

33 Sec. 6. NEW SECTION. 476.71 AUDITS REQUIRED.

34 The board may periodically retain a nationally or  
35 regionally recognized independent auditing firm to  
36 conduct an audit of the transactions between a public  
37 utility and its affiliates. An affiliate transaction  
38 audit shall not be conducted more frequently than  
39 every three years, unless ordered by the board for  
40 good cause. The cost of the audit shall be paid by  
41 the public utility to the independent auditing firm  
42 and shall be included in its regulated rates and  
43 charges, unless otherwise ordered by the board for  
44 good cause after providing the public utility the  
45 opportunity for a hearing on the board's decision.

46 Sec. 7. NEW SECTION. 476.72 REORGANIZATION  
47 DEFINED.

48 For purposes of this division unless the context  
49 otherwise requires, "reorganization" means either of  
50 the following:

**Page 5**

1 1. The acquisition, sale, lease, or any other  
2 disposition, directly or indirectly, including by  
3 merger or consolidation, of the whole or any  
4 substantial part of a public utility's assets.

5 2. The purchase or other acquisition or sale or  
6 other disposition of the controlling capital stock of  
7 any public utility, either directly or indirectly.

8 Sec. 8. NEW SECTION. 476.73 TIME AND STANDARDS  
9 FOR REVIEW.

10 1. A reorganization shall not take place if the  
11 board disapproves. Prior to reorganization, the  
12 applicant shall file with the board a proposal for  
13 reorganization with supporting testimony and evidence  
14 to establish that the reorganization is not contrary  
15 to the interests of the public utility's ratepayers  
16 and the public interest.

17 2. A proposal for reorganization shall be deemed  
18 to have been approved unless the board disapproves the  
19 proposal within forty-five days after its filing.  
20 However, the board shall not disapprove a proposal for  
21 reorganization without providing for notice and  
22 opportunity for hearing. The notice of hearing shall  
23 be provided no later than twenty-one days after the  
24 proposal for reorganization has been filed.

25 3. In its review of a proposal for reorganization,  
26 the board may consider all of the following:

27 a. Whether the board will have reasonable access  
28 to books, records, documents, and other information  
29 relating to the public utility or any of its  
30 affiliates.

31 b. Whether the public utility's ability to attract

32 capital on reasonable terms, including the maintenance  
33 of a reasonable capital structure, is impaired.

34 c. Whether the ability of the public utility to  
35 provide safe, reasonable, and adequate service is  
36 impaired.

37 d. Whether ratepayers are detrimentally affected.

38 e. Whether the public interest is detrimentally  
39 affected.

40 4. EXEMPTION BY RULE OR WAIVER. The board may  
41 adopt rules which exempt any public utility or class  
42 of public utility or class of reorganization from this  
43 section if the board finds that with respect to the  
44 public utility or class of public utility or class of  
45 reorganization review is not necessary in the public  
46 interest. The board may adopt rules necessary to  
47 protect the interest of the customers of the exempt  
48 public utility. These rules may include, but are not  
49 limited to, notification of a proposed sale or  
50 transfer of assets or stock. The board may waive the

**Page 6**

1 requirements of this section, if the board finds that  
2 board review is not necessary in the public interest.

3 Sec. 9. NEW SECTION. 476.74 CROSS-SUBSIDIZATION  
4 PROHIBITED.

5 A rate-regulated gas or electric public utility  
6 shall not directly or indirectly include any costs or  
7 expenses attributable to providing nonutility service  
8 in regulated rates or charges.

9 Sec. 10. NEW SECTION. 476.75 PROVISION OF  
10 NONUTILITY SERVICE.

11 1. A rate-regulated gas or electric public utility  
12 providing any nonutility service to its customers  
13 shall keep and render to the board separate records of  
14 the nonutility service. The board may provide for the  
15 examination and inspection of the books, accounts,  
16 papers, and records of the nonutility service, as may  
17 be necessary, to enforce any provisions of this  
18 chapter.

19 2. The board shall adopt rules which specify the  
20 manner and form of the accounts relating to providing  
21 nonutility services which the rate-regulated gas or  
22 electric utility shall maintain.

23 Sec. 11. NEW SECTION. 476.76 ADDITIONAL  
24 REQUIREMENTS.

25 A rate-regulated gas or electric public utility  
26 which engages in a systematic marketing effort as  
27 defined by the board, other than on an incidental or  
28 casual basis, to promote the availability of  
29 nonutility service from the public utility shall make  
30 available at reasonable compensation on a

31 nondiscriminatory basis to all persons engaged  
32 primarily in providing the same competitive nonutility  
33 services in that area all of the following services to  
34 the same extent utilized by the public utility in  
35 connection with its nonutility services:

36 1. Access to and use of the public utility's  
37 customer lists.

38 2. Access to and use of the public utility's  
39 billing and collection system.

40 3. Access to and use of the public utility's  
41 mailing system.

42 Sec. 12. NEW SECTION. 476.77 AUDIT REQUIRED.

43 The board may periodically retain a nationally or  
44 regionally recognized independent auditing firm to  
45 conduct an audit of the nonutility services provided  
46 by a rate-regulated gas or electric public utility  
47 subject to the provisions of section 476.76. A  
48 nonutility service audit shall not be conducted more  
49 frequently than every three years, unless ordered by  
50 the board for good cause. The cost of the audit shall

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1 be paid by the public utility to the independent  
2 auditing firm and shall be included in its regulated  
3 rates and charges, unless otherwise ordered by the  
4 board for good cause after providing the public  
5 utility the opportunity for a hearing on the board's  
6 decision.

7 Sec. 13. NEW SECTION. 476.78 EXEMPTION — ENERGY  
8 EFFICIENCY.

9 Notwithstanding any language to the contrary,  
10 nothing in this division shall prohibit a public  
11 utility from participating in or conducting energy  
12 efficiency projects or programs established or  
13 approved by the board or required by statute. A  
14 public utility participating in or conducting energy  
15 efficiency projects or programs established or  
16 approved by the board or required by statute shall not  
17 be subject to the provisions of sections 476.76 and  
18 476.77 for those energy efficiency projects or  
19 programs.

20 Sec. 14. NEW SECTION. 476.79 COMPLAINTS.

21 Any person may file a written complaint with the  
22 board requesting the board to determine compliance by  
23 a rate-regulated gas or electric utility with the  
24 provisions of section 476.74, 476.75, or 476.76 or any  
25 validly adopted rules to implement those sections. If  
26 the board determines there is any reasonable ground to  
27 investigate the complaint, the board shall promptly  
28 initiate formal complaint proceedings. The formal  
29 proceeding may be initiated at any time by the board

- 30 on its own motion.  
 31 Sec. 15. Sections 476.67 through 476.79 created  
 32 under this Act shall be a separate division of chapter  
 33 476."

Amendment H—4091 was adopted.

SENATE FILE 373 SUBSTITUTED FOR HOUSE FILE 738

Dvorsky of Johnson asked and received unanimous consent to substitute Senate File 373 for House File 738.

**Senate File 373**, a bill for an act relating to public utilities and their affiliates, with civil penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 373)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Holveck
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renaud	Rosenberg	Royer	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spenner	Stromer	Stueland	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 10:

Branstad	Hanson, D. R.	Haverland	Hermann
Jay	Poncy	Renken	Schneklath
Shearer	Spear		

Absent or not voting, 3:

Hester

Hibbard

Svoboda

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

### Appropriations Calendar

**Senate File 363**, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

The House stood at ease at 3:42 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 363 at 4:48 p.m., Speaker Avenson in the chair.

Peterson of Carroll offered the following amendment H—3744 filed by the committee on appropriations:

H—3744

- 1 Amend Senate File 363, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 8, line 15, by striking the word "April"
- 4 and inserting the following: "March".
- 5 2. Page 8, line 18, by striking the word "April"
- 6 and inserting the following: "March".
- 7 3. Page 8, by inserting after line 18 the fol-
- 8 lowing:
- 9 "Sec. \_\_\_\_\_. Notwithstanding 1988 Iowa Acts, chapter
- 10 1276, section 8, subsection 2, the Iowa juvenile home
- 11 is not required to establish a diagnostic program and
- 12 short-term high-impact program for adjudicated female
- 13 delinquents and adjudicated "child in need of
- 14 assistance" boys and girls residing at the state
- 15 juvenile home until the juvenile home is able to
- 16 reduce population to seventy-two, which will provide a
- 17 living unit for the evaluation program."
- 18 4. Page 9, line 10, by striking the word "April"
- 19 and inserting the following: "March".

- 20 5. Page 9, line 13, by striking the word "April"  
 21 and inserting the following: "March".
- 22 6. Page 10, line 12, by inserting after the word  
 23 "rewiring" the following: "and connection to the city  
 24 sewer system".
- 25 7. Page 11, line 10, by inserting after the word  
 26 "in" the following: "subsection 3 of".
- 27 8. Page 11, line 15, by striking the word "April"  
 28 and inserting the following: "March".
- 29 9. Page 11, line 18, by striking the word "April"  
 30 and inserting the following: "March".
- 31 10. Page 12, line 18, by striking the word  
 32 "April" and inserting the following: "March".
- 33 11. Page 12, line 21, by striking the word  
 34 "April" and inserting the following: "March".
- 35 12. Page 14, line 10, by striking the word  
 36 "April" and inserting the following: "March".
- 37 13. Page 14, line 12, by striking the word  
 38 "April" and inserting the following: "March".
- 39 14. Page 17, line 19, by striking the word  
 40 "April" and inserting the following: "March".
- 41 15. Page 17, line 22, by striking the word  
 42 "April" and inserting the following: "March".
- 43 16. Page 17, line 33, by striking the word  
 44 "Priority".
- 45 17. By striking page 17, line 34 through page 18,  
 46 line 5.
- 47 18. Page 18, line 6, by striking the words "this  
 48 section."
- 49 19. Page 18, line 7, by striking the word "forty"  
 50 and inserting the following: "forty-five".

## Page 2

- 1 20. Page 18, by inserting after line 13, the  
 2 following:  
 3 "Notwithstanding section 8.33, unobligated and  
 4 unencumbered funds remaining on November 30, 1989,  
 5 from the funds appropriated in this section for the  
 6 fiscal year beginning July 1, 1988, shall revert to  
 7 the general fund of the state on November 30, 1989."
- 8 21. Page 18, line 20, by striking the words  
 9 "expanded capitol complex space for" and inserting the  
 10 following: "completion of architectural and  
 11 engineering design for the capitol expansion project  
 12 submitted by the capitol planning commission and  
 13 amended not to include office space for legislators".
- 14 22. Page 18, by striking lines 21 and 22.
- 15 23. Page 18, line 23, by striking the words  
 16 "capitol expansion design".
- 17 24. By renumbering, relettering, or redesignating  
 18 and correcting internal references as necessary.

Lundby of Linn offered the following amendment H—4003, to the committee amendment H—3744, filed by her:

H—4003

1 Amend the amendment, H—3744, to Senate File 363, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 17 the  
5 following:

6 "\_\_\_\_\_. Page 8, by inserting after line 18 the  
7 following:

8 "Sec. \_\_\_\_\_. There is appropriated from the general  
9 fund of the state to the department of human services  
10 for the fiscal year beginning July 1, 1989, and ending  
11 June 30, 1990, to be used to increase the foster care  
12 reimbursements by ten percent over the amount of reim-  
13 bursement the department is to provide for the family  
14 care, group care, shelter care, and individual living  
15 programs as a result of the enactment of an appropria-  
16 tion for those programs to the department for the  
17 fiscal year beginning July 1, 1989. The amount  
18 appropriated under this section shall not exceed the  
19 amount of increased tax revenues received during the  
20 fiscal year beginning July 1, 1989, as a result of the  
21 enactment of section 50 of this Act." "

22 2. Page 2, by inserting after line 16 the fol-  
23 lowing:

24 "\_\_\_\_\_. Page 19, by inserting after line 27 the  
25 following:

26 "Sec. 50. Section 98.6, subsection 2, Code 1989,  
27 is amended to read as follows:

28 2. Notwithstanding subsection 1, there is imposed  
29 and shall be collected and paid to the department a  
30 tax on all cigarettes used or otherwise disposed of in  
31 this state for any purpose at the rate of seventeen  
32 mills on each cigarette for the period beginning March  
33 1, 1988, and ending June 30, 1989, and at the rate of  
34 fifteen and one-half mills on each cigarette beginning  
35 July 1, 1989."

36 \_\_\_\_\_. Title page, by striking line 10 and in-  
37 serting the following: "and eliminating the scheduled  
38 decrease in the state cigarette tax and".

Peterson of Carroll rose on a point of order that amendment H—4003 was not germane.

The Speaker ruled the point well taken and amendment H—4003 not germane.

Shultz of Black Hawk offered the following amendment H—3923, to the committee amendment H—3744, filed by him and moved its adoption:

H—3923

- 1 Amend amendment, H—3744, to Senate File 363, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 46 through 50 and
- 5 inserting the following: "line 7".

Amendment H—3923 was adopted.

Haverland of Polk offered the following amendment H—4106, to the committee amendment H—3744, filed by him from the floor and moved its adoption:

H—4106

- 1 Amend the amendment, H—3744, to Senate File 363,
- 2 as amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking line 13 and inserting
- 5 the following: "amended by substituting additional
- 6 public meeting rooms, conference rooms and related
- 7 legislative purposes for office space for legislators".

Amendment H—4106 was adopted.

On motion by Peterson of Carroll, the committee amendment H—3744, as amended, was adopted.

Van Maanen of Mahaska offered the following amendment H—3998 filed by him:

H—3998

- 1 Amend Senate File 363, 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 "AUDITOR OF STATE
- 6 Section 1. There is appropriated from the general
- 7 fund of the state to the auditor of state for the
- 8 fiscal year beginning July 1, 1988, and ending June
- 9 30, 1989, the following amount, or so much thereof as
- 10 is necessary, to be used for the purposes designated:
- 11 For the cost of auditing the clerks of district
- 12 courts and implementing GAAP incrementation:
- 13 .....\$ 221,900
- 14 DEPARTMENT OF HUMAN SERVICES
- 15 Sec. 2. There is appropriated from the general
- 16 fund of the state to the department of human services
- 17 for the fiscal year beginning July 1, 1988, and ending
- 18 June 30, 1989, the following amounts, or so much
- 19 thereof as is necessary, to be used for the purposes
- 20 designated:

21 1. For medical assistance to be used for the same  
 22 purposes and to supplement funds appropriated by 1988  
 23 Iowa Acts, chapter 1276, section 3:  
 24 .....\$ 2,200,000  
 25 2. For medical contracts to be used for the same  
 26 purposes and to supplement funds appropriated by 1988  
 27 Iowa Acts, chapter 1276, section 4:  
 28 .....\$ 600,000  
 29 3. For the Iowa veterans home to be used for the  
 30 same purposes and to supplement funds appropriated by  
 31 1988 Iowa Acts, chapter 1276, section 12:  
 32 .....\$ 300,000  
 33 4. For juvenile justice reimbursement to counties  
 34 to be used for the same purposes and to supplement  
 35 funds appropriated by 1988 Iowa Acts, chapter 1276,  
 36 section 25:  
 37 .....\$ 1,200,000  
 38 5. Notwithstanding section 8.39, funds  
 39 appropriated in the department for the purposes  
 40 designated in subsections 1, 2, 3, and 4, are not  
 41 subject to transfer. However, nothing in this Act  
 42 prohibits the department from transferring moneys from  
 43 other sources to be used for the purposes designated  
 44 in subsections 1, 2, 3, and 4.  
 45 Sec. 3. 1988 Iowa Acts, chapter 1276, section 1,  
 46 subsection 1, is amended to read as follows:  
 47 1. For aid to families with dependent children:  
 48 .....\$ 48,328,449  
 49 .....47,328,449  
 50 Sec. 4. 1988 Iowa Acts, chapter 1276, section 11,

**Page 2**

1 is amended to read as follows:  
 2 SEC. 11. MENTAL HEALTH INSTITUTES. There is  
 3 appropriated from the general fund of the state for  
 4 the fiscal year beginning July 1, 1988, and ending  
 5 June 30, 1989, to the department of human services for  
 6 the state mental health institutes, the following  
 7 amount, or so much thereof as is necessary, to be used  
 8 for salaries and support for not more than one  
 9 thousand one hundred ninety-one point sixteen full-  
 10 time equivalent positions, maintenance, and  
 11 miscellaneous purposes:  
 12 .....\$ 38,153,000  
 13 .....38,353,000  
 14 The state mental health institutes may exceed the  
 15 specified number of full-time equivalent positions if  
 16 the additional positions are specifically related to  
 17 licensing, certification, or accreditation standards,  
 18 or citations. The department shall notify the  
 19 legislative fiscal bureau if the specified number is

20 exceeded. The notification shall include an estimate  
21 of the number of full-time equivalent positions added  
22 and the fiscal effect of the addition.

23 Sec. 5. 1988 Iowa Acts, chapter 1276, section 17,  
24 unnumbered paragraph 1, is amended to read as follows:

25 There is appropriated from the general fund of the  
26 state for the fiscal year beginning July 1, 1988, and  
27 ending June 30, 1989, to the department of human  
28 services the following amount, or so much thereof as  
29 is necessary, to be used for supplemental payments of  
30 child care costs:

31 .....\$ 3,500,000  
32 ..... 2,100,000

33 Sec. 6. 1988 Iowa Acts, chapter 1276, section 21,  
34 unnumbered paragraph 1, is amended to read as follows:

35 There is appropriated from the general fund of the  
36 state for the fiscal year beginning July 1, 1988, and  
37 ending June 30, 1989, to the department of human  
38 services, the following amount, or so much thereof as  
39 is necessary, to be used beginning on or before  
40 October 1, 1988, for supplemental payments of the  
41 child care costs of persons who qualify for  
42 transitional child care assistance for a period of  
43 twelve months due to a loss of eligibility for  
44 assistance under chapter 239 because of an increase in  
45 earned income:

46 .....\$ 2,100,000  
47 ..... 500,000

48 DEPARTMENT OF CORRECTIONS

49 Sec. 7. There is appropriated from the general  
50 fund of the state to the department of corrections for

Page 3

1 the fiscal year beginning July 1, 1988, and ending  
2 June 30, 1989, the following amount, or so much  
3 thereof as is necessary, to be used for the purpose  
4 designated:

5 1. For upgrading its sewer requirements at  
6 correctional institutions:  
7 .....\$ 200,000

8 Notwithstanding section 8.39, funds appropriated in  
9 this section shall be used for the purposes designated  
10 and are not subject to transfer.

11 The provisions of section 8.33 do not apply to the  
12 funds appropriated in this section. The unobligated  
13 and unencumbered funds remaining on April 30, 1990,  
14 from the funds appropriated in this section for the  
15 fiscal year beginning July 1, 1988, shall revert to  
16 the general fund of the state on April 30, 1990.

17 2. For operations, salaries, support, maintenance,  
18 and miscellaneous purposes to supplement funds

19 appropriated by 1988 Iowa Acts, chapter 1271,  
 20 subsections 4 and 5:  
 21 .....\$ 800,000  
 22 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
 23 Sec. 8. 1988 Iowa Acts, chapter 1272, section 1,  
 24 subsection 2, paragraph a, is amended to read as  
 25 follows:

26 a. From the general fund for salaries and support,  
 27 for not more than twenty-three full-time equivalent  
 28 positions, maintenance, and miscellaneous purposes:  
 29 .....\$ 985,270  
 30 899,770

31 The general assembly finds it necessary to reduce  
 32 the appropriation made by this subsection due to the  
 33 vacant positions and underexpenditures in the  
 34 international trade bureau.

35 DEPARTMENT OF NATURAL RESOURCES  
 36 Sec. 9. 1988 Iowa Acts, chapter 1272, section 5,  
 37 subsection 4, is amended to read as follows:

38 4. For the payment of assessments to the midwest  
 39 interstate low-level radioactive waste compact:  
 40 .....\$ 78,000  
 41 -0-

42 DEPARTMENT OF GENERAL SERVICES  
 43 Sec. 10. There is appropriated from the general  
 44 fund of the state to the department of general  
 45 services for the fiscal year beginning July 1, 1988,  
 46 and ending June 30, 1989, the following amount, or so  
 47 much thereof as is necessary, to be used for the  
 48 purposes designated:

49 For utility and maintenance costs:  
 50 .....\$ 200,000

Page 4

- 1 Sec. 11. This Act, being deemed of immediate
- 2 importance, is effective upon enactment.”
- 3 2. Title page, by striking lines 3 through 9 and
- 4 inserting the following: “of human services,
- 5 department of corrections, department of agriculture
- 6 and land stewardship, and department of natural
- 7 resources”.

Van Maanen of Mahaska offered the following amendment  
 H—4019, to amendment H—3998, filed by him and moved its adoption:  
 H—4019

- 1 Amend the amendment, H—3998, to Senate File 363, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by inserting after line 50 the fol-
- 5 lowing:

6 "JUDICIAL DEPARTMENT

7 Sec. \_\_\_\_\_. There is appropriated from the general  
8 fund of the state to the judicial department for the  
9 fiscal year beginning July 1, 1988, and ending June  
10 30, 1989, the following amounts, or so much thereof as  
11 is necessary, to be used for the purposes designated:

- 12 1. For adult indigent defense costs:
- 13 ..... \$ 1,523,710
- 14 2. For juvenile indigent defense costs:
- 15 ..... \$ 884,089"

16 2. Page 4, line 6, by inserting after the word "steward-  
17 ship," the following: "judicial department,".

Amendment H-4019 was adopted.

Van Maanen of Mahaska offered the following amendment  
H-4021, to amendment H-3998, filed by him and moved its adoption:

H-4021

1 Amend the amendment, H-3998, to Senate File 363, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 3, by inserting after line 50 the fol-  
5 lowing:

6 "DEPARTMENT OF COMMERCE

7 Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1274, section  
8 16, is amended to read as follows:

9 SEC. 16. There is appropriated from the  
10 administrative services trust fund to the  
11 administrative services division of the department of  
12 commerce for the fiscal year beginning July 1, 1988,  
13 and ending June 30, 1989, the following amount, or so  
14 much thereof as is necessary, to be used for the  
15 following purposes:

- 16 For salaries and support for not more than forty-
- 17 four point five full-time equivalent positions,
- 18 maintenance, and miscellaneous purposes:
- 19 ..... \$ 1,377,154
- 20 ..... 1,443,854

21 Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1274, section  
22 17, unnumbered paragraph 1, is amended to read as  
23 follows:

24 Notwithstanding section 123.53, there is  
25 appropriated from the beer and liquor control fund to  
26 the alcoholic beverages division of the department of  
27 commerce for the fiscal year beginning July 1, 1988,  
28 and ending June 30, 1989, four million ~~four hundred~~  
29 ~~ninety-five thousand seven hundred fifty-five~~  
30 ~~(4,495,755)~~ five hundred forty-two thousand nine  
31 hundred eleven dollars, or so much thereof as is  
32 necessary, for salaries and support for not more than

33 eighty-three point eighty-six full-time equivalent  
 34 positions, maintenance and other operational purposes  
 35 or additional funds as necessary for the orderly and  
 36 efficient operation of the liquor system, subject to  
 37 the approval of the department of management. The  
 38 department of management shall notify the legislative  
 39 fiscal committee of the need for additional funds.  
 40 Funds appropriated under this section shall not be  
 41 used for lease-purchase of cash registers.  
 42 Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1274, section  
 43 23, unnumbered paragraphs 1 and 2, are amended to read  
 44 as follows:  
 45 There is appropriated from the insurance revolving  
 46 fund to the insurance division of the department of  
 47 commerce for the fiscal year beginning July 1, 1988,  
 48 and ending June 30, 1989, the following amount, or so  
 49 much thereof as is necessary, to be used for the  
 50 following purposes:

Page 2

1 For salaries and support for not more than eighty-  
 2 seven point thirty-three full-time equivalent  
 3 positions, maintenance and other operational purposes:  
 4 .....\$ 3,547,300  
 5 ..... 3,552,436  
 6 Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1274, section  
 7 25, unnumbered paragraphs 1 and 2, are amended to read  
 8 as follows:  
 9 There is appropriated from the utilities trust fund  
 10 to the utilities division of the department of  
 11 commerce for the fiscal year beginning July 1, 1988,  
 12 and ending June 30, 1989, the following amount, or so  
 13 much thereof as is necessary, to be used for the  
 14 following purposes:  
 15 For salaries and support for not more than ninety-  
 16 six point five full-time equivalent positions,  
 17 maintenance and other operational purposes:  
 18 .....\$ 4,478,319  
 19 ..... 4,489,791

IOWA DEPARTMENT OF PUBLIC HEALTH

21 Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1277, section 6,  
 22 is amended to read as follows:  
 23 SEC. 6. There is appropriated from the separate  
 24 fund created under section 321J.17 to the family and  
 25 community health division of the Iowa department of  
 26 public health for the fiscal year beginning July 1,  
 27 1988, and ending June 30, 1989, the amount of seventy-  
 28 six thousand (76,000) one hundred two thousand  
 29 dollars, or so much thereof as is necessary, to pay  
 30 the costs of medical examinations in crimes of sexual  
 31 abuse and of treatments for prevention of venereal

32 disease as required by section 709.10.”  
 33 2. Page 4, line 6, by inserting after the word  
 34 “stewardship,” the following: “department of  
 35 commerce, Iowa department of public health.”

Amendment H—4021 was adopted.

(Amendment H—3998, as amended, to Senate File 363, pending.)

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday morning April 18, 1989. Had I been present, I would have voted “aye” on House File 758 and Senate Files 46 and 371.

PETERSON of Carroll

### PRESENTATION OF VISITORS

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

Eighty-five 4-H members from Plymouth and Cherokee Counties, accompanied by Virginia Bitterly. By Banks of Plymouth and Miller of Cherokee.

Thirty-one sixth grade students from Ruthven-Ayrshire Community School, Ruthven, accompanied by Steve Ingvall and Connie Larson. By Fogarty of Palo Alto.

Fifty fifth and sixth grade students from Union-Whitten Middle School, Union. By Fuller of Hardin and Renken of Grundy.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 374 Ways and Means**

Relating to the indexing of tax brackets and the standard deduction for income taxation and providing an applicability date.

#### **H.S.B. 375 Ways and Means**

Relating to state individual income tax by giving capital gain deduction treatment to limited amounts of capital gain, and providing a retroactive applicability date.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 756**

Agriculture: Gruhn, Chair; Eddie and Muhlbauer.

**Senate File 423**

Ways and Means: May, Chair; Osterberg and Schnekloth.

**Senate File 515**

Ways and Means: Connolly, Chair; Schnekloth and Teaford.

**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 524**, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-4111** April 19, 1989.

**Committee Bill** (Formerly House File 286), relating to eligibility for reimbursement for rent constituting property tax paid.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 19, 1989.

**Committee Bill** (Formerly House Study Bill 369), relating to the sales and use tax and providing an exemption from taxation for consumer rental purchases.

Fiscal Note is not required.

Recommended **Do Pass** April 19, 1989.

**AMENDMENTS FILED**

H-4097	S.F.	502	Kremer of Buchanan
H-4098	H.F.	760	Plasier of Sioux
			Haverland of Polk
H-4099	H.F.	680	Hammond of Story
			Siegrist of Pottawattamie
			Beatty of Warren
			Harbor of Mills
H-4100	H.F.	768	Sherzan of Polk
H-4101	H.F.	767	Halvorson of Clayton
H-4102	S.F.	525	Tyrrell of Iowa
H-4103	H.F.	146	Halvorson of Webster
H-4104	H.F.	643	Tyrrell of Iowa

H-4105	S.F.	363	Peterson of Carroll Jochum of Dubuque
H-4107	S.F.	525	Tyrrell of Iowa
H-4108	S.F.	525	Holveck of Polk
H-4109	S.F.	525	Gruhn of Dickinson McKean of Jones Osterberg of Linn Holveck of Polk
H-4110	S.F.	363	Swartz of Marshall
H-4111	S.F.	524	Committee on Ways and Means
H-4112	S.F.	363	Spear of Lee
H-4113	S.F.	363	Brand of Benton Rosenberg of Story Brown of Lucas Cohon of Des Moines
H-4114	S.F.	525	Holveck of Polk Gruhn of Dickinson
H-4115	H.F.	760	Carpenter of Polk
H-4116	H.F.	522	Connors of Polk Mertz of Kossuth
H-4117	H.F.	722	Bisignano of Polk
H-4118	S.F.	363	Royer of Page Daggett of Adams Maulsby of Calhoun
H-4119	S.F.	363	Harbor of Mills
H-4120	S.F.	363	Swartz of Marshall Osterberg of Linn
H-4121	S.F.	470	Brown of Lucas
H-4122	S.F.	525	Harbor of Mills
H-4123	S.F.	525	Harbor of Mills
H-4124	S.F.	525	Groninga of Cerro Gordo
H-4125	H.F.	768	Holveck of Polk
H-4126	S.F.	525	Gruhn of Dickinson Osterberg of Linn
			McKean of Jones Fogarty of Palo Alto
H-4127	S.F.	525	Holveck of Polk

On motion by Arnould of Scott, the House was recessed at 5:13 p.m., until 7:30 p.m.

#### EVENING SESSION

The House reconvened at 7:30 p.m. for a joint Senate and House memorial session, Fuller of Hardin in the chair.

**JOINT MEMORIAL SERVICE**

Invocation ..... Representative Horace Daggett, Adams  
"Jesus Walked This Lonesome Valley" ..... Spiritual  
Legislative Chorus

**MEMORIALS – HOUSE**

Reading: Representative Dorothy F. Carpenter, Polk

**MEMORIAL – SENATE**

Reading: Senator Jack W. Hester, Pottawattamie

"Precious Lord Take My Hand" ..... Allen-Ringwald  
Double Mixed Quartet  
Honorable Mark Haverland, Honorable Jack Hester, Honorable Mark Shearer;  
Secretaries Joan Koenigs, Clarretta De Groot, Barbara Kalbach, Harriett Vande Hoef  
and Research Assistant Peter Small

**MEMORIALS – HOUSE**

Reading: Representative Vic Stueland, Clinton

**MEMORIAL – HOUSE AND SENATE**

Reading: Senator Jean Lloyd-Jones, Johnson

"Deep River" ..... Spiritual  
Peter Small, House Democratic Staff

**MEMORIALS – HOUSE**

Reading: Representative Jane Svoboda, Tama

**MEMORIAL – SENATE**

Reading: Senator Ray Taylor, Hardin

"Joy In The Morning" ..... Natalie Sleeth  
Legislative Chorus

**MEMORIAL HOUSE**

Reading: Representative Charles N. Poncy, Wapello

**MEMORIAL – HOUSE AND SENATE**

Reading: Senator Larry Murphy, Fayette

Benediction ..... Senator Richard Vande Hoef, Osceola

**IN MEMORIAM**

**SERVED IN THE HOUSE OF REPRESENTATIVES AND SENATE**

Honorable Elizabeth R. Miller (Marshall County) House – 63rd and 64th.  
(Marshall County) Senate – 65th, 66th, 67th, 67x and 68th.

Honorable John Patton (Buchanan and Delaware Counties) House – 64th.  
(Buchanan and Delaware Counties) Senate – 61st and 62nd.

**SERVED IN THE HOUSE OF REPRESENTATIVES**

Honorable Don D. Alt (Polk County) 63rd and 64th.

Honorable John E. Camp (Clinton County) 58th, 59th, 60th, 60x, 62nd, 63rd and 64th.

Honorable William E. Darrington (Harrison County) 54th, 55th, 56th, 57th, 58th, 59th, 60th, 60x, 62nd and 63rd.

Honorable James P. Denato (Polk County) 61st.

Honorable Isabel M. Elliott (Woodbury County) 47th and 48th.

Honorable Ada Garner (Butler County) 45th and 45x.

Honorable Frances G. Hakes (Pocahontas County) 59th, 60th and 60x.

Honorable Alfred Eugene Jones (Clarke County) 54th and 55th.

Honorable Edgar J. Koch (Woodbury County) 62nd and 63rd.

Honorable Harold V. Nelson (Cherokee County) 61st, 62nd and 63rd.

Honorable Fred J. Paullus (Franklin County) 48th and 49th.

Honorable Henry H. Stevens (Greene County) 51st, 52nd, 52x, 53rd, 54th, 55th, 56th and 57th.

Honorable Paul A. Troeger (Wapello County) 48th, 50th, 50x, 52nd and 52x.

**SERVED IN THE SENATE**

Honorable J. Louis Fisher (Warren and Clarke Counties) 57th, 58th, 59th, 60th and 60x.

Honorable Howard L. Vincent (Wayne and Lucas Counties) 60th and 60x.

**CANDLELIGHTERS**

Representative Jane Teaford, Black Hawk

Representative Mike Peters, Woodbury

Senator Eugene S. Fraise, Lee

Senator Kenneth D. Scott, Cerro Gordo

**HOSTS**

Representative John H. Connors, Polk

Representative Dolores M. Mertz, Kossuth

Representative Mary A. Lundby, Linn

Senator C. Joseph Coleman, Webster

Senator Donald V. Doyle, Woodbury

Senator Maggie Tinsman, Scott

**LEGISLATIVE CHORUS**

Director: Representative Betty Jean Clark, Cerro Gordo

Accompanist: Nancy Shimanek Boyd

Comprised of Legislators, Legislative Secretaries and Staff

**HOUSE MEMORIAL COMMITTEE**

Honorable Robert D. Fuller, Chair  
Honorable Mark S. Shearer  
Honorable Tom H. Miller  
Honorable Don Shoning

**SENATE MEMORIAL COMMITTEE**

Honorable C. Joseph Coleman, Chair  
Honorable Donald V. Doyle  
Honorable Dale L. Tieden  
Honorable Richard F. Drake

Piano compliments of Critchett's Piano and Organ Co., Inc., Des Moines

Flowers arranged by The Bloomin' Greenry, Indianola, Iowa

On motion by Connors of Polk, the House adjourned at 8:06 p.m.,  
until 9:00 a.m., Thursday, April 20, 1989.

# JOURNAL OF THE HOUSE

One Hundred Second Calendar Day — Sixty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 20, 1989

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by the Honorable Paul Johnson, state representative from Winneshiek County.

The Journal of Wednesday, April 19, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Hibbard of Madison from fifty-five citizens.

By Schneklath of Scott from one hundred ninety-one residents.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rosenberg of Story on request of Lykam of Scott.

## INTRODUCTION OF BILLS

**House File 770**, by committee on ways and means, a bill for an act relating to the sales and use tax and providing an exemption from taxation for consumer rental purchases.

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

**House File 771**, by committee on ways and means, a bill for an act relating to eligibility for reimbursement for rent constituting property tax paid and providing for a retroactive applicability date.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 373, a bill for an act relating to the registration, regulation, and inspection of swimming pools and spas, and providing penalties.

Also: That the Senate has on April 18, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 740, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable.

Also: That the Senate has on April 18, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 82, a bill for an act relating to jurisdiction over and discipline of members of the Iowa national guard.

Also: That the Senate has on April 18, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 111, a bill for an act relating to foreign money judgments and providing an effective date.

Also: That the Senate has on April 18, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 218, a bill for an act relating to the investments of credit unions, by permitting investment in corporate bonds as defined by rule of the administrator.

Also: That the Senate has on April 18, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 318, a bill for an act relating to the state soil conservation committee, by providing for the composition of the committee and its powers and duties.

Also: That the Senate has on April 18, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 365, a bill for an act relating to the filing of campaign finance disclosure reports by city and school elective offices and for local ballot issues.

Also: That the Senate has on April 18, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 391, a bill for an act relating to reporting county jail information to the director of the department of corrections.

Also: That the Senate has on April 18, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 407, a bill for an act relating to unclaimed intangible personal property by providing for the treatment of claims in the course of the dissolution of a corporation in the same manner as unclaimed property held by a court or by the state and by altering certain aspects of claim administration, distribution of moneys, and other matters properly related with the disposition of unclaimed personal property and procedures related thereto.

Also: That the Senate has on April 19, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 520, a bill for an act relating to and making appropriations to the department of economic development.

Also: That the Senate has on April 18, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 526, a bill for an act to legalize proceedings of the city council of the city of Ventura relating to the method of payment for a construction project and providing an effective date.

JOHN F. DWYER, Secretary

### BUSINESS PENDING AT ADJOURNMENT Appropriations Calendar

The House resumed consideration of **Senate File 363**, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date, and amendment H—3998, as amended, found on pages 1728 through 1731 of the House Journal.

The House stood at ease at 10:00 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3998, as amended, to Senate File 363 at 11:32 a.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 363 be deferred and that the bill retain its place on the calendar.

(Amendment H—3998, as amended, pending.)

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-nine members present, eleven absent.

### MOTION TO RECONSIDER PREVAILED (Senate File 124)

Connors of Polk called up for consideration the motion to reconsider Senate File 124, filed on April 11, 1989, and moved to reconsider

the vote by which Senate File 124, a bill for an act relating to gambling and the regulation of gambling devices and systems, by authorizing limited gambling on excursion boats, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing fees on admissions, by allocating revenue, by requiring licenses and imposing fees, by making corresponding amendments to the Code, and by providing penalties for violations, failed to pass the House and was placed on its last reading on April 11, 1989.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 51, nays 47.

The motion prevailed and Senate File 124 was reconsidered.

Connors of Polk asked and received unanimous consent to withdraw amendment H—3970 filed by Connors, et al., on April 11, 1989, placing the following amendments, to amendment H—3970, out of order:

H—3978 filed by Tyrrell of Iowa on April 12, 1989.

H—3984 filed by Holveck of Polk on April 12, 1989.

Connors of Polk in the chair at 12:30 p.m.

Speaker Avenson in the chair at 12:42 p.m.

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

On the question "Shall the bill pass?" (S.F. 124)

The ayes were, 51:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fuller
Groninga	Halvorson, R. A.	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Koenigs	Kremer
Lundby	Lykam	May	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Shearer	Sherzan
Shoultz	Spear	Spenner	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

The nays were, 47:

Banks	Beaman	Beatty	Bennett
Branstad	Carpenter	Clark	Connolly
Corbett	Daggett	De Groot	Diemer
Eddie	Fogarty	Garman	Gruhn
Halvorson, R. N.	Hammond	Hanson, D. R.	Harbor
Hermann	Holveck	Johnson	Kistler
Knapp	Lageschulte	Maulsby	McKean
Metcalf	Miller	Osterberg	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Schrader	Shoning	Siegrist
Stromer	Stueland	Svoboda	Swartz
Tabor	Tyrrell	Van Maanen	

Absent or not voting, 2:

Hester                      Rosenberg

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 for unanimous consent to suspend the rules for the immediate consideration of House File 768.

Objection was raised.

Arnould of Scott moved to suspend the rules for the immediate consideration of House File 768.

A non-record roll call was requested.

The ayes were 57, nays 33.

The motion prevailed and the rules were suspended.

**House File 768**, a bill for an act relating to excursion gambling boats, by providing licensing requirements, by providing for the allocation of revenue, by providing for the accounting of receipts, by providing restrictions on the operation of gambling games, and providing a penalty, was taken up for consideration.

Sherzan of Polk offered the following amendment H—4100 filed by him and moved its adoption:

H—4100

- 1 Amend House File 768 as follows:
- 2 1. Page 1, by inserting after line 19, the
- 3 following:
- 4 "NEW SUBSECTION. 21. To establish minimum charges
- 5 for admission to excursion gambling boats and regulate

6 the number of free admissions.  
7 **NEW SUBSECTION. 22.** Drug testing, as permitted by  
8 section 730.5, shall be required periodically, not  
9 less than every sixty days, of persons employed as  
10 captains, pilots, or physical operators of excursion  
11 gambling boats under the provisions of this bill."

Amendment H—4100 was adopted.

### SENATE FILE 525 SUBSTITUTED FOR HOUSE FILE 768

Sherzan of Polk asked and received unanimous consent to substitute Senate File 525 for House File 768.

**Senate File 525**, a bill for an act relating to excursion gambling boats, by providing licensing requirements, by providing for the allocation of revenue, by providing for the accounting of receipts, by providing restrictions on the operation of gambling games, and providing a penalty, was taken up for consideration.

Harbor of Mills offered the following amendment H—4123 filed by him and moved its adoption:

H—4123

1 Amend Senate File 525, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 13, by inserting after the word  
4 "boat." the following: "The videotaping shall be  
5 performed under guidelines set by rule of the division  
6 of criminal investigation and the rules may be  
7 required that all or part of the original tapes be  
8 submitted to the division on a timely schedule."

Amendment H—4123 was adopted.

Harbor of Mills offered the following amendment H—4122 filed by him and moved its adoption:

H—4122

1 Amend Senate File 525, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, line 1, by striking the word "may" and  
4 inserting the following: "shall".

Amendment H—4122 was adopted.

Gruhn of Dickinson offered the following amendment H—4109 filed by Gruhn, et al., and moved its adoption:

H—4109

- 1 Amend Senate File 525, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, lines 5 and 6, by striking the words
- 4 “, lakes, and reservoirs”.

Roll call was requested by Gruhn of Dickinson and Branstad of Winnebago.

On the question “Shall amendment H—4109 be adopted?”  
(S.F. 525)

The ayes were, 42:

Banks	Beaman	Beatty	Bennett
Branstad	Carpenter	Clark	Corbett
De Groot	Doderer	Fogarty	Garman
Gruhn	Hammond	Hanson, D. R.	Harbor
Haverland	Hermann	Holveck	Jesse
Kistler	Lageschulte	Maulsby	McKean
Mertz	Metcalf	Miller	Muhlbauer
Osterberg	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Schrader
Shoning	Siegrist	Tabor	Teaford
Tyrrell	Van Maanen		

The nays were, 45:

Adams	Arnould	Bisignano	Black
Blanshan	Brand	Brown	Buhr
Chapman	Cohoon	Connolly	Connors
Dvorsky	Fey	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Harper	Hatch
Hibbard	Jay	Jochum	Johnson
Koenigs	Kremer	Lundby	Lykam
May	McKinney	Neuhauser	Nielsen
Ollie	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Shearer	Sherzan
Shoultz	Spear	Swartz	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 13:

Brammer	Daggett	Diemer	Eddie
Fuller	Hester	Knapp	Rosenberg
Spenner	Stromer	Stueland	Svoboda
Trent			

Amendment H—4109 lost.

Holveck of Polk offered the following amendment H—4108 filed by him and moved its adoption:

H—4108

- 1 Amend Senate File 525, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 10 through 15 and
- 4 inserting the following: "season when gambling may be
- 5 conducted by the licensee. The commission shall not
- 6 allow a licensee to conduct gambling games on an
- 7 excursion gambling boat while docked during the off
- 8 season."

Amendment H—4108 lost.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—4102 filed by him on April 19, 1989.

Holveck of Polk asked and received unanimous consent to defer action on amendment H—4127.

Gruhn of Dickinson offered the following amendment H—4126 filed by Gruhn, et al., and moved its adoption:

H—4126

- 1 Amend Senate File 525, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 30, by striking the words
- 4 "paragraph b,".
- 5 2. By striking page 2, line 32 through page 3,
- 6 line 8, and inserting the following: "amended by
- 7 adding the following paragraph:
- 8 NEW PARAGRAPH. c. If, after the effective date of
- 9 1989 Iowa Acts, Senate".

Roll call was requested by Gruhn of Dickinson and Osterberg of Linn.

Rule 75 was invoked.

On the question "Shall amendment H—4126 be adopted?" (S.F. 525)

The ayes were, 46:

Banks	Beaman	Beatty	Bennett
Branstad	Carpenter	Clark	Connolly
Corbett	De Groot	Eddie	Fogarty
Garman	Gruhn	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Hermann	Holveck
Jesse	Kistler	Knapp	Lageschulte
Maulsby	McKean	Mertz	Metcalf
Miller	Muhlbauer	Osterberg	Pellett

Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Schrader	Shoning	Siegrist
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 47:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fuller
Groninga	Halvorson, R. A.	Hansen, S. D.	Harper
Hatch	Hibbard	Jay	Jochum
Johnson	Koenigs	Kremer	Lundby
Lykam	May	McKinney	Neuhauser
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Shearer
Sherzan	Shoultz	Spear	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 7:

Daggett	Diemer	Haverland	Hester
Rosenberg	Svoboda	Swartz	

Amendment H—4126 lost, placing out of order amendment H—4127, previously deferred, filed by Holveck of Polk on April 19, 1989.

Holveck of Polk offered the following amendment H—4114 filed by him and Gruhn of Dickinson and moved its adoption:

H—4114

- 1 Amend Senate File 525, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, line 5, by striking the word "nine"
- 4 and inserting the following: "five".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 45, nays 48.

Amendment H—4114 lost.

Renaud of Polk in the chair at 2:11 p.m.

Groninga of Cerro Gordo offered the following amendment H—4124 filed by him and moved its adoption:

H—4124

- 1 Amend Senate File 525, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 3, by striking lines 19 through 25.  
4 2. Page 4, by striking lines 14 through 19.

Roll call was requested by Groninga of Cerro Gordo and Black of Jasper.

On the question "Shall amendment H—4124 be adopted?"  
(S.F. 525)

The ayes were, 17:

Beatty	Blanshan	Brown	Buhr
Eddie	Groninga	Halvorson, R. N.	Hatch
Holveck	Jay	Johnson	Koenigs
May	Osterberg	Pavich	Peterson, M. K.
Svoboda			

The nays were, 75:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Bisignano	Black
Brand	Branstad	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hibbard	Jesse	Jochum
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Pellett	Peters	Petersen, D. F.	Plasier
Poncy	Renken	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Renaud	
		Presiding	

Absent or not voting, 8:

Brammer	Daggett	Hermann	Hester
Rosenberg	Royer	Shoultz	Swartz

Amendment H—4124 lost.

Tyrrell of Iowa offered the following amendment H—4107 filed by him and moved its adoption:

H—4107

- 1 Amend Senate File 525, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 4, line 19, by inserting after the word

4 "misdemeanor." the following: "If a person who is  
 5 guilty of violating this subsection possesses a  
 6 license to own a gambling game operation or a license  
 7 to operate an excursion gambling boat, the license  
 8 shall be suspended for thirty days upon a guilty plea  
 9 or conviction of a first offense and the license shall  
 10 be revoked upon a guilty plea or conviction of a  
 11 second offense."

Roll call was requested by Tyrrell of Iowa and Pellett of Cass.

On the question "Shall amendment H—4107 be adopted?"  
 (S.F. 525)

The ayes were, 43:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Harbor	Hermann
Holveck	Kistler	Lageschulte	Maulsby
McKean	Metcalf	Miller	Osterberg
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Schrader	Shearer
Shoning	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 49:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Hansen, S. D.
Harper	Hatch	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	Lykam	May	McKinney
Muhlbauer	Neuhauser	Nielsen	Ollie
Pavich	Peters	Peterson, M. K.	Poncy
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Renaud			
Presiding			

Absent or not voting, 8:

Brammer	Haverland	Hester	Hibbard
Jesse	Mertz	Rosenberg	Stromer

Amendment H—4107 lost.

Speaker Avenson in the chair at 2:36 p.m.

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

On the question "Shall the bill pass?" (S.F. 525)

The ayes were, 80:

Adams	Arnould	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker
			Avenson

The nays were, 17:

Banks	Beaman	Beatty	Brown
Daggett	De Groot	Groninga	Jay
Kistler	Maulsby	Miller	Pavich
Pellett	Renaud	Renken	Royer
Van Maanen			

Absent or not voting, 3:

Haverland	Hester	Rosenberg
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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 20, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 98, a bill for an act relating to the establishment of bank offices within a municipal corporation or urban complex in which the principal place of business of the bank is located.

Also: That the Senate has on April 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 361, a bill for an act relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions.

Also: That the Senate has on April 20, 1989, 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 508, a bill for an act relating to common liens on real or personal property and providing a remedy.

Also: That the Senate has on April 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 531, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application.

JOHN F. DWYER, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 520**, by committee on appropriations, a bill for an act relating to and making appropriations to the department of economic development.

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

**Senate File 526**, by Miller, a bill for an act to legalize proceedings of the city council of the city of Ventura relating to the method of payment for a construction project and providing an effective date.

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

### IMMEDIATE MESSAGE

(Senate File 525)

Arnould of Scott asked and received unanimous consent that Senate File 525 be immediately messaged to the Senate.

MOTION TO RECONSIDER WITHDRAWN  
(House File 758)

Halvorson of Webster asked and received unanimous consent to withdraw the motion to reconsider House File 758, a bill for an act permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine, filed by him on April 18, 1989.

On motion by Arnould of Scott, the House was recessed at 2:48 p.m., until 3:45 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Black of Jasper, until his return, on request of Nielsen of Linn.

SENATE MESSAGE CONSIDERED

**Senate File 531**, by committee on appropriations, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application.

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

SENATE AMENDMENT CONSIDERED

Dvorsky of Johnson called up for consideration **House File 729**, a bill for an act relating to insurance coverage for health care services, requiring that coverage be made available for care provided

by certain registered nurses, providing for direct payment, modifying provisions relating to preferred providers, and providing for data collection and utilization review, amended by the Senate, and moved that the House concur in the following Senate amendment H—3990:

H—3990

- 1 Amend House File 729 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by striking lines 10 through 23.

The motion prevailed and the House concurred in the Senate amendment H—3990.

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

On the question “Shall the bill pass?” (H.F. 729)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Blanshan	Brammer
Brand	Branstad	Buhr	Carpenter
Clark	Cphoon	Connors	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	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 1:

Chapman

Absent or not voting, 7:

Bisignano	Black	Brown	Connolly
Hester	Rosenberg	Shoultz	

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

### Appropriations Calendar

The House resumed consideration of **Senate File 363**, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date, previously deferred, and amendment H—3998, as amended, found on pages 1728 through 1731 of the House Journal.

Swartz of Marshall in the chair at 4:29 p.m.

Van Maanen of Mahaska offered the following amendment H—4147, to amendment H—3998, filed from the floor by Van Maanen, Harbor, Halvorson of Clayton and Maulsby and moved its adoption:

H—4147

1 Amend the amendment, H—3998, to Senate File 363, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 3, by inserting after line 50 the  
 5 following:  
 6 "Sec. \_\_\_\_\_. There is appropriated from the general  
 7 fund of the state for the fiscal year beginning July  
 8 1, 1989, and ending June 30, 1990, to the following  
 9 named agencies and funds the specified amounts, or as  
 10 much thereof as may be available, for the purposes  
 11 designated:  
 12 1. To the department of general services for  
 13 capitol restoration:  
 14 ..... \$ 5,200,000  
 15 2. To be divided equally among the state board of  
 16 regents, the department of human services, the  
 17 department of general services, and the department of  
 18 corrections, up to the following amount, for major  
 19 maintenance and fire safety improvements:  
 20 ..... \$ 2,000,000

- 21 3. To the university of northern Iowa for the
- 22 boiler project:
- 23 .....\$ 1,100,000
- 24 4. To the department of public defense for
- 25 armories:
- 26 .....\$ 1,300,000
- 27 5. To the state university of Iowa for a pharmacy
- 28 addition:
- 29 .....\$ 600,000
- 30 6. To the Iowa state university of science and
- 31 technology for cattle/swine research facilities:
- 32 .....\$ 2,000,000
- 33 7. To the state university of Iowa for business
- 34 building planning:
- 35 .....\$ 1,000,000
- 36 8. To the Iowa state fair board for maintenance:
- 37 .....\$ 2,500,000
- 38 9. To the Iowa state university of science and
- 39 technology for remodeling Gilman hall:
- 40 .....\$ 2,500,000
- 41 10. To the resource enhancement and protection
- 42 fund if enacted by the Seventy-third General Assembly:
- 43 .....\$ 2,500,000
- 44 11. To the judicial department for computer
- 45 purchase and operation, including nine full-time
- 46 equivalent positions for system operation and
- 47 maintenance:
- 48 .....\$ 3,400,000
- 49 12. To the revolving fund created in section
- 50 15.287:

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- 1 .....\$ 2,500,000"
- 2 2. Title page, line 10, by inserting after the
- 3 word "and" the following: "making capital appropriations and".

Roll call was requested by Jochum of Dubuque and Peterson of Carroll.

On the question "Shall amendment H—4147 be adopted?" (S.F. 363)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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	Hibbard
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Swartz	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Black	Hester	Holveck	Rosenberg
Shoultz			

Amendment H—4147 was adopted.

Speaker Avenson in the chair at 5:18 p.m.

Van Maanen of Mahaska moved the adoption of amendment H—3998, as amended.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—3998, as amended, be adopted?" (S.F. 363)

The ayes were, 35:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Kistler	Kremer	Lageschulte	Lundby
Maulsby	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Schnekloth
Siegrist	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 60:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey

Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKean
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 5:

Black	Hatch	Hester	Rosenberg
Royer			

Amendment H—3998, as amended, lost.

Jochum of Dubuque offered the following amendment H—4105 filed by Peterson of Carroll and him:

H—4105

1 Amend Senate File 363 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, line 5, by striking the figure  
4 "2,600,000" and inserting the following: "2,200,000".  
5 2. Page 3, line 9, by striking the figure  
6 "300,000" and inserting the following: "600,000".  
7 3. Page 3, line 17, by striking the figure  
8 "1,000,000" and inserting the following: "1,200,000".  
9 4. Page 8, by inserting after line 18 the  
10 following:  
11 "Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1276, section  
12 1, subsection 1, is amended to read as follows:  
13 1. For aid to families with dependent children:  
14 .....\$ 48,328,449  
15 ..... 47,328,449  
16 Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1276, section  
17 11, is amended to read as follows:  
18 SEC. 11. MENTAL HEALTH INSTITUTES. There is  
19 appropriated from the general fund of the state for  
20 the fiscal year beginning July 1, 1988, and ending  
21 June 30, 1989, to the department of human services for  
22 the state mental health institutes, the following  
23 amount, or so much thereof as is necessary, to be used  
24 for salaries and support for not more than one  
25 thousand one hundred ninety-one point sixteen full-  
26 time equivalent positions, maintenance, and  
27 miscellaneous purposes:

28 .....\$ 38,153,000  
 29 .....38,353,000

30 The state mental health institutes may exceed the  
 31 specified number of full-time equivalent positions if  
 32 the additional positions are specifically related to  
 33 licensing, certification, or accreditation standards,  
 34 or citations. The department shall notify the  
 35 legislative fiscal bureau if the specified number is  
 36 exceeded. The notification shall include an estimate  
 37 of the number of full-time equivalent positions added  
 38 and the fiscal effect of the addition.

39 Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1276, section  
 40 17, unnumbered paragraph 1, is amended to read as  
 41 follows:

42 There is appropriated from the general fund of the  
 43 state for the fiscal year beginning July 1, 1988, and  
 44 ending June 30, 1989, to the department of human  
 45 services the following amount, or so much thereof as  
 46 is necessary, to be used for supplemental payments of  
 47 child care costs:

48 .....\$ 3,500,000  
 49 .....2,100,000

50 Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1276, section

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1 21, unnumbered paragraph 1, is amended to read as  
 2 follows:

3 There is appropriated from the general fund of the  
 4 state for the fiscal year beginning July 1, 1988, and  
 5 ending June 30, 1989, to the department of human  
 6 services, the following amount, or so much thereof as  
 7 is necessary, to be used beginning on or before  
 8 October 1, 1988, for supplemental payments of the  
 9 child care costs of persons who qualify for  
 10 transitional child care assistance for a period of  
 11 twelve months due to a loss of eligibility for  
 12 assistance under chapter 239 because of an increase in  
 13 earned income:

14 .....\$ 2,100,000  
 15 .....500,000

16 Sec. \_\_\_\_\_. There is appropriated from the general  
 17 fund of the state to the department of human services  
 18 for the fiscal year beginning July 1, 1988, and ending  
 19 June 30, 1989, the following amounts, or so much  
 20 thereof as is necessary, to be used for the purposes  
 21 designated:

22 For start-up costs associated with the development  
 23 of juvenile emergency shelters and group homes for the  
 24 placement of juveniles who have a high risk of the  
 25 commission of a crime or a delinquent act and who need  
 26 placement out-of-home and need specialized programs

27 such as substance abuse or education programs:  
28 .....\$ 1,000,000"

29 5. Page 10, by inserting after line 30 the  
30 following:

31 "Sec. \_\_\_\_\_. There is appropriated from the general  
32 fund of the state to the department of corrections for  
33 the fiscal year beginning July 1, 1988, and ending  
34 June 30, 1989, the following amounts, or so much  
35 thereof as is necessary, to be used for the purposes  
36 designated:

37 1. For salaries for correctional officers:  
38 .....\$ 82,086

39 a. As a condition, limitation, qualification of  
40 the appropriation made in this subsection, \$7,711  
41 shall be used to employ two additional correctional  
42 officers at the Ft. Madison correctional facility,  
43 \$23,693 shall be used to employ five additional  
44 correctional officers and one additional correctional  
45 counselor at the Anamosa correctional facility, \$4,415  
46 shall be used to employ one additional correctional  
47 counselor at the Oakdale correctional facility, \$3,856  
48 shall be used to employ one additional correctional  
49 officer at the Newton correctional facility, \$7,711  
50 shall be used to employ an additional two correctional

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1 officers at the Mt. Pleasant correctional facility,  
2 \$7,711 shall be used to employ two additional  
3 correctional officers at the Clarinda correctional  
4 facility, \$19,278 shall be used to employ five  
5 additional correctional officers at the Mitchellville  
6 correctional facility, and \$7,711 shall be used to  
7 employ two additional correctional officers at the  
8 Rockwell City correctional facility.

9 b. Notwithstanding section 8.39, funds  
10 appropriated in this subsection shall be used for the  
11 salaries of those correctional officers employed  
12 pursuant to paragraph "a" and the funds are not  
13 subject to transfer between correctional facilities.

14 2. For support and miscellaneous purposes of the  
15 correctional facilities:  
16 .....\$ 710,310

17 Sec. \_\_\_\_\_. There is appropriated from the general  
18 fund of the state to the department of corrections for  
19 the fiscal year beginning July 1, 1988, and ending  
20 June 30, 1989, the following amounts, or so much  
21 thereof as is necessary, to be allocated as follows:

22 1. For the second judicial district department of  
23 correctional services, the following amount, or so  
24 much thereof as is necessary, to be used for the OWI  
25 program:

26 .....\$ 14,888

27 2. For the third judicial district department of  
28 correctional services, the following amount, or so  
29 much thereof as is necessary, to be used for the OWI  
30 program:

31 .....\$ 7,000

32 3. For the sixth judicial district department of  
33 correctional services, the following amount, or so  
34 much thereof as is necessary, to be used for the OWI  
35 program:

36 .....\$ 15,280

37 Sec. \_\_\_\_\_. There is appropriated from the general  
38 fund of the state to the department of corrections for  
39 the fiscal year beginning July 1, 1988, and ending  
40 June 30, 1989, the following amounts, or so much  
41 thereof as is necessary, to be used for the purposes  
42 designated:

43 1. For an education pilot project to implement the  
44 Novanet computer training system for community-based  
45 correctional program clients in the first and fifth  
46 judicial districts:

47 .....\$ 450,000

48 2. For job training grant programs to award grants  
49 to community-based correctional program judicial  
50 districts or through nonprofit agencies:

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1 .....\$ 400,000

2 Job training grant programs must be designed and  
3 administered so that the programs are not in direct  
4 competition with other federal Job Training  
5 Partnership Act programs in order to be eligible for  
6 these grants.

7 3. For an offender reorientation project in the  
8 fifth judicial district:

9 .....\$ 100,000

10 4. For an alternative sentencing pilot project in  
11 judicial district 3B, to provide judges with  
12 alternatives to returning parole or probation  
13 violators to prison:

14 .....\$ 200,000

15 Violators who may be included in the project include  
16 class "C" and class "D" felons. Alternatives under  
17 the project could include, but are not limited to,  
18 local jail or community service.

19 5. For costs associated with the design of prison  
20 expansion:

21 .....\$ 250,000

22 6. To provide for financial arrangements to begin  
23 construction of a \$12,000,000 expansion in prison  
24 capacity in the manner provided in this subsection:

25 .....\$ 1,500,000  
 26 a. Establishment of a one hundred bed secure  
 27 facility at Newton for parole and probation violators  
 28 of which twenty-five beds are specifically used for  
 29 substance abuse treatment programs for clients of the  
 30 state adult corrections system.  
 31 b. Construction of a two hundred bed medium  
 32 security dormitory style facility at the Oakdale  
 33 corrections campus along with the upgrading of the  
 34 kitchen, dining room space, and records management.  
 35 c. Addition of sixty-six low-risk medium security  
 36 beds at the Rockwell City campus plus six detention  
 37 cells along with the upgrading of the kitchen and  
 38 dining room space, a new visitors room, and program-  
 39 recreation space.  
 40 d. Addition of ten new community corrections  
 41 residential beds in the third judicial district.  
 42 e. Replacement of the existing thirty community  
 43 corrections residential bed facility with a new  
 44 seventy-five community corrections residential bed  
 45 facility at Cedar Rapids.  
 46 Notwithstanding section 8.33, unencumbered or  
 47 unobligated funds remaining on June 30, 1989, from the  
 48 appropriations made in this section shall not revert  
 49 but shall be available for expenditure during the  
 50 fiscal year beginning July 1, 1989, for the same

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1 purpose for which the funds were originally  
 2 appropriated.”  
 3 6. Page 11, by inserting after line 18 the  
 4 following:  
 5 “Sec. \_\_\_\_\_. There is appropriated from the general  
 6 fund of the state to the judicial department for the  
 7 fiscal year beginning July 1, 1988, and ending June  
 8 30, 1989, the following amounts, or so much thereof as  
 9 is necessary for the purposes designated:  
 10 For the development of a computer system for the  
 11 state’s judicial system:  
 12 .....\$ 3,400,000”  
 13 7. Page 11, by striking lines 31 and 32.  
 14 8. Page 13, by inserting after line 31 the  
 15 following:  
 16 “Sec. \_\_\_\_\_. There is appropriated from the general  
 17 fund of the state to the department of cultural  
 18 affairs for the fiscal year beginning July 1, 1988,  
 19 and ending June 30, 1989, the following amount, or so  
 20 much thereof as is necessary, to be used for the  
 21 purposes designated:  
 22 For the replacement of the old IPBN channel 12  
 23 transmitter:

24 .....\$ 500,000”

25 9. Page 16, by inserting after line 31 the  
26 following:

27 “Sec. \_\_\_\_\_. There is appropriated from the general  
28 fund of the state to the Iowa resources enhancement  
29 and protection fund for fiscal year beginning July 1,  
30 1988, and ending June 30, 1989, the following amount  
31 to be used for the purposes of the fund, if the fund  
32 is created by enactment of the Seventy-third General  
33 Assembly:

34 .....\$ 5,000,000”

35 10. Page 19, by inserting after line 14 the  
36 following:

37 “Sec. \_\_\_\_\_. There is appropriated from the general  
38 fund of the state to the department of general  
39 services for the fiscal year beginning July 1, 1988,  
40 and ending June 30, 1989, the following amount, or so  
41 much thereof as is necessary, to be used for the  
42 purposes designated:

43 For utility and maintenance costs:

44 .....\$ 200,000

45 DEPARTMENT OF PERSONNEL

46 Sec. \_\_\_\_\_. There is appropriated from the general  
47 fund of the state to the department of personnel for  
48 the fiscal year beginning July 1, 1988, and ending  
49 June 30, 1989, the following amount, or so much  
50 thereof as is necessary, to be used for the purposes

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1 designated:

2 For site purchase, planning, design, and site  
3 preparation to establish a child care center at the  
4 capitol complex:

5 .....\$ 300,000

6 1. The department of personnel shall survey the  
7 state employees located at the capitol complex to  
8 determine interest in on-site child day care services.  
9 The survey shall include but is not limited to an  
10 assessment of all of the following items:

11 a. The number and ages of children of employees  
12 who express an intent to utilize a child care center  
13 established at the capitol complex.

14 b. The time of day during which child day care  
15 services are desired.

16 c. The work location of interested employees.

17 d. The potential impact of establishing child day  
18 care services at the capitol complex upon private  
19 child day care providers.

20 2. By October 1, 1989, the department shall report  
21 the results of the child day care survey to the state  
22 employees child care council which is created in the

23 department of personnel. The council shall determine  
 24 the level of need for a capitol complex child care  
 25 center and shall monitor the planning to establish a  
 26 child care center in the capitol complex. The  
 27 membership of the council shall include  
 28 representatives of each of the unions representing  
 29 state employees and the directors of the following  
 30 departments or the directors' designees: the  
 31 department of general services, the department of  
 32 personnel, the department of human services, the state  
 33 department of transportation, and the Iowa department  
 34 of public health. The council shall determine its own  
 35 operating procedures.

36 3. If the survey of capitol complex employees  
 37 identifies an intent for twenty or more children to  
 38 utilize child day care services, the department of  
 39 personnel shall commence efforts to establish a child  
 40 care center at the capitol complex, including  
 41 commencement of the transfer of moneys appropriated in  
 42 this section to the department of general services in  
 43 an amount sufficient to purchase and prepare a site,  
 44 develop a design, and plan for the establishment of a  
 45 child care center located within the capitol complex  
 46 with sufficient capacity for the number of children to  
 47 be provided day care services as determined by the  
 48 state employees child care council.

49 4. Unencumbered or unobligated funds remaining  
 50 from the appropriation made by this section on June

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1 30, 1990, shall revert to the general fund of the  
 2 state on September 30, 1990.

3 DEPARTMENT OF HUMAN SERVICES

4 Sec. \_\_\_\_\_. There is appropriated from the general  
 5 fund of the state to the department of human services  
 6 for the fiscal year beginning July 1, 1988, and ending  
 7 June 30, 1989, the following amount, or so much  
 8 thereof as is necessary, to be used for the purposes  
 9 designated:

10 For outreach, recruitment, and training of new  
 11 child day care providers:  
 12 .....\$ 200,000

13 1. Of the funds appropriated in this section up to  
 14 \$25,000 may be used to develop and distribute start-up  
 15 kits for establishing child day care services. The  
 16 use of the remaining funds shall include the  
 17 recruitment of new child day care providers and the  
 18 training of family and group day care home providers  
 19 and of child care center administrators and other  
 20 staff.

21 2. Notwithstanding section 8.33, unencumbered or

22 unobligated funds remaining from the appropriation  
23 made by this section shall not revert to the general  
24 fund until September 30, 1990."

25 11. Page 19, by inserting after line 27 the  
26 following:

27 "IOWA FINANCE AUTHORITY

28 Sec. \_\_\_\_\_. There is appropriated from the general  
29 fund of the state to the housing trust fund created  
30 pursuant to section 220.100, subsection 1, for the  
31 fiscal year beginning July 1, 1988, and ending June  
32 30, 1989, the following amount, or so much thereof as  
33 is necessary, to be used for the purposes designated:

34 For the programs established in section 220.100,  
35 subsection 2:

36 .....\$ 3,000,000

37 Notwithstanding section 8.33, unencumbered or  
38 unobligated funds remaining in the housing trust fund  
39 on June 30, 1989, shall not revert to the general fund  
40 of the state but shall remain in the housing trust  
41 fund and be used for the programs as provided in this  
42 section.

43 Sec. \_\_\_\_\_. There is appropriated from the general  
44 fund of the state to the revolving fund created  
45 pursuant to section 15.287, for the fiscal year  
46 beginning July 1, 1988, and ending June 30, 1989, the  
47 following amount, or so much thereof as is necessary,  
48 to be used for the purposes for which moneys in the  
49 fund may be used:

50 .....\$ 5,000,000"

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1 12. Title page, line 9, by inserting after the  
2 word "transportation," the following: "department of  
3 personnel, Iowa finance authority,".

Dvorsky of Johnson offered the following amendment H-4129,  
to amendment H-4105, filed by him and Tyrrell of Iowa from the  
floor and moved its adoption:

**H-4129**

1 Amend amendment, H-4105, to Senate File 363, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 3, line 44, by striking the word  
5 "Novanet".

Amendment H-4129 was adopted.

Royer of Page asked and received unanimous consent to defer  
action on amendment H-4118.

Spear of Lee offered the following amendment H—4112, to amendment H—4105, filed by him and moved its adoption:

H—4112

- 1 Amend the amendment, H—4105, to Senate File 363, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by inserting after line 45 the
- 5 following:
- 6 "f. Renovation of sixty-five dormitory-style beds
- 7 at farm three at the Fort Madison correctional
- 8 facility."

Amendment H—4112 was adopted.

Brand of Benton offered the following amendment H—4113, to amendment H—4105, filed by Brand, et al., and moved its adoption:

H—4113

- 1 Amend the amendment, H—4105, to Senate File 363, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, line 28, by inserting before the word
- 5 "There" the following: "1."
- 6 2. Page 7, by inserting after line 36 the fol-
- 7 lowing:
- 8 "2. As nearly as practicable, of the moneys appro-
- 9 priated in subsection 1, the Iowa finance authority
- 10 should allocate ten percent for the homeless grant
- 11 program under section 220.100, subsection 2, paragraph
- 12 "a"; twenty percent for the home maintenance and
- 13 repair program under section 220.100, subsection 2,
- 14 paragraph "b"; thirty-five percent for the rental
- 15 rehabilitation program under section 220.100,
- 16 subsection 2, paragraph "c"; and thirty-five percent
- 17 for the home ownership incentive program under section
- 18 220.100, subsection 2, paragraph "d". After February
- 19 1, 1990, moneys allocated to a program under section
- 20 220.100, subsection 2, may be reallocated by the
- 21 authority to another program under that subsection if
- 22 the other program has more need. In providing funds
- 23 under the home maintenance and repair program and the
- 24 home ownership incentive program, the authority shall,
- 25 to the extent feasible, make funds available under the
- 26 programs for purposes of pilot projects for sweat-
- 27 equity housing cooperatives.
- 28 3. Of the moneys appropriated in subsection 1 that
- 29 are allocated to the homeless grant program, up to
- 30 thirty percent may be used for grants for operating
- 31 costs of homeless shelters.
- 32 4. As nearly as practicable, of the moneys

33 appropriated in subsection 1 that are allocated to the  
34 home maintenance and repair program, the rental  
35 rehabilitation program, and the home ownership  
36 incentive program, twenty-five percent from each  
37 program should be used to assist very low-income  
38 families and seventy-five percent from each program  
39 should be used to assist lower income families.

40 5. The assistance provided by the authority under  
41 the home ownership incentive program shall include,  
42 but not be limited to, the following kinds:

- 43 a. Closing costs assistance.
- 44 b. Down payment assistance.
- 45 c. Home maintenance and repair assistance.
- 46 d. Loan processing assistance through a loan  
47 endorser review contractor who would act on behalf of  
48 the authority in assisting lenders in processing loans  
49 that will qualify for government insurance or  
50 guarantee or for financing under the authority's

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1 mortgage revenue bond program.  
2 e. Mortgage insurance program.  
3 Not more than fifty percent of the assistance  
4 provided by the authority under the home ownership  
5 incentive program shall be provided under paragraphs  
6 "d" and "e".

7 6. Assistance provided under the home ownership  
8 incentive program shall be limited to mortgages under  
9 thirty-five thousand dollars, except in those areas of  
10 the state where the median price of homes exceeds the  
11 state average. In providing the assistance under the  
12 home ownership incentive program, the authority shall  
13 require substantial seller participation of not less  
14 than two percent of the mortgage amount, which  
15 participation includes, but is not limited to, home  
16 ownership maintenance funding, down payment  
17 assistance, payment of closing costs, or  
18 rehabilitation costs.

19 7. The authority, in conjunction with the  
20 department of economic development, shall work with  
21 the private sector to set up workshops to educate  
22 housing sponsors on the housing programs available and  
23 to assist housing sponsors in the application  
24 process."

Amendment H-4113 was adopted.

Swartz of Marshall asked and received unanimous consent to defer action on amendment H-4110.

Swartz of Marshall offered the following amendment H-4120, to amendment H-4105, filed by him and Osterberg of Linn and moved its adoption:

H—4120

1 Amend the amendment, H—4105, to Senate File 363, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 7, line 50, by striking the figure  
5 "5,000,000" and inserting the following: "5,000,000  
6 The moneys appropriated in this section to the  
7 revolving fund, which are allocated under the program  
8 to the traditional and new infrastructure categories,  
9 shall be used exclusively for assistance to  
10 communities to meet the water needs of those  
11 communities that have suffered as a result of the  
12 drought conditions that have existed during the past  
13 two years. A community may apply for assistance under  
14 the program on behalf of a benefited water district  
15 formed under chapter 357 or on behalf of a rural water  
16 district incorporated and organized under chapter  
17 357A. Assistance shall only be available to those  
18 communities which demonstrate a substantial local  
19 effort to assist in community development as defined  
20 by rules of the department of economic development.  
21 Awards of these funds shall be made only to those  
22 applicants who include a plan to educate the users on  
23 methods to reduce per capita consumption of water by  
24 ten percent."

Amendment H—4120 was adopted.

Royer of Page offered the following amendment H—4148, to amendment H—4105, filed from the floor by Royer, Daggett and Harbor:

H—4148

1 Amend the amendment, H—4105, to Senate File 363, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 4, by striking line 23 and inserting the  
5 following: "construction of an expansion in prison".  
6 2. Page 4, by striking lines 26 through 45 and  
7 inserting the following:  
8 "a. Construction of one hundred twenty dormitory-  
9 style beds and necessary support facilities at the  
10 Iowa medical and classification centers.  
11 b. Construction of eighty dormitory-style beds and  
12 necessary support facilities at the Clarinda  
13 correctional facility.  
14 c. Renovation of sixty-five dormitory-style beds  
15 at the Fort Madison farm III correctional facility.  
16 d. Construction of seventy-five community  
17 residential-style beds in the sixth judicial  
18 district.

19 e. Addition of ten new community corrections  
20 residential beds in the third judicial district."

The following amendment H—4149, to amendment H—4148, to amendment H—4105, filed by Royer of Page from the floor was adopted by unanimous consent:

H—4149

- 1 Amend amendment H—4148, to Senate File 363, as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 14 and 15.

Royer of Page moved the adoption of amendment H—4148, as amended, to amendment H—4105.

Roll call was requested by Peterson of Carroll and Sherzan of Polk.

On the question "Shall amendment H—4148 be adopted?"  
(S.F. 363)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hermann
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pavich	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklloth	Shoning
Siegrist	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Osterberg	Peters	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 7:

Corbett	Hester	Hibbard	Ollie
Rosenberg	Stromer	Svoboda	

Amendment H—4148, as amended, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, for the remainder of the day, on request of Royer of Page.

Royer of Page asked and received unanimous consent to withdraw amendment H—4118, (previously deferred) to amendment H—4105, filed by him on April 19, 1989.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—4110, (previously deferred) to amendment H—4105, filed by him on April 19, 1989.

On motion by Jochum of Dubuque, amendment H—4105, as amended, was adopted.

Mertz of Kossuth asked and received unanimous consent to withdraw amendment H—3536 filed by her on March 22, 1989.

Hammond of Story offered amendment H—3847 filed by Hammond, et al., and requested division as follows:

H—3847

- 1 Amend Senate File 363 as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—3847A

- 3 1. Page 3, by inserting before line 18 the
- 4 following:
- 5 "4A. For start-up grants to counties and nonprofit
- 6 organizations:
- 7 .....\$ 396,000
- 8 Start-up grants may include funds for furnishings,
- 9 equipment, minor remodeling, and expenses for a
- 10 facility's first month of operating expenses. An
- 11 applicant must submit an application for a grant
- 12 before June 30, 1989, the maximum amount of a grant is
- 13 limited to \$15,000, and a facility must be in
- 14 operation before March 1, 1989, to be eligible for a
- 15 grant. Start-up grants shall be awarded to any of the
- 16 following types of facilities:
- 17 a. A child foster care facility which is licensed
- 18 under chapter 237.
- 19 b. A child day care facility which is licensed

H-3847A

20 under chapter 237A.

21 c. A residential care facility for the mentally  
22 ill or mentally retarded established pursuant to  
23 chapter 135C.

24 d. An intermediate care facility for the mentally  
25 retarded established pursuant to chapter 135C.

26 e. A community supervised apartment living  
27 arrangement for mentally ill, mentally retarded, or  
28 developmentally disabled adults.

29 f. A residential care facility approved pursuant  
30 to the waiver demonstration project established under  
31 1986 Iowa Acts, chapter 1246, section 206."

32 2. Page 8, line 14, by inserting after the word  
33 "subsections" the following: "4A,".

34 3. Page 8, line 16, by inserting after the word  
35 "subsections" the following: "4A,".

H-3847B

36 4. Page 17, by striking lines 3 and 4.

H-3847A

37 5. By renumbering as necessary.

Hammond of Story offered the following amendment H-3979, to amendment H-3847A, filed by her and moved its adoption:

H-3979

1 Amend the amendment, H-3847, to Senate File 363, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 6, by inserting after the word  
5 "organizations" the following: "and for salaries and  
6 support for not more than the following full-time  
7 equivalent positions".

8 2. Page 1, by inserting after line 7 the  
9 following:

10 " . . . . . FTEs 1.0"

11 3. Page 1, line 15, by inserting after the word  
12 "grant." the following: "The criteria used to award  
13 the start-up grants shall include the number of jobs  
14 to be created, the shortage of facilities in a  
15 community and the state, and the cost effectiveness of  
16 the proposal in comparison with alternative methods of  
17 providing the services."

18 4. Page 1, by inserting after line 31 the  
19 following:

20 "g. A residential treatment facility for substance  
21 abusers licensed under chapter 125."

Amendment H-3979 was adopted.

Hammond of Story moved the adoption of amendment H—3847A, as amended.

A non-record roll call was requested.

The ayes were 32, nays 47.

Amendment H—3847A, as amended, lost.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—4119 filed by Harbor of Mills on April 19, 1989.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—4053 filed by her on April 17, 1989.

Jochum of Dubuque offered the following amendment H—4058 filed by him and moved its adoption:

H—4058

- 1 Amend Senate File 363, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 19, line 5, by inserting after the word
- 4 "restoration." the following: "Of the amount of the
- 5 appropriation used for capitol restoration, the
- 6 department may use up to \$750,000 to replace
- 7 transformers in the capitol building."

Amendment H—4058 was adopted.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—3549 filed by Harbor of Mills and him on March 22, 1989.

Teaford of Black Hawk asked and received unanimous consent to withdraw amendment H—4095 filed by Teaford, et al., on April 18, 1989.

Halvorson of Clayton offered the following amendment H—3997 filed by him and moved its adoption:

H—3997

- 1 Amend Senate File 363, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 19, by inserting after line 22 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Notwithstanding the appropriations made
- 6 for capital projects in this Act, in computing the
- 7 state general fund balance on June 30, 1989, for pur-
- 8 poses of determining the annual and cumulative infla-
- 9 tion factors under section 422.4, subsection 17, the

- 10 appropriations in this Act for capital projects shall  
 11 be considered part of the state general fund balance  
 12 on June 30, 1989."

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

On the question "Shall amendment H—3997 be adopted?"  
 (S.F. 363)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot
Diemer	Eddie	Fuller	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklloth	Shoning	Siegrist
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 4:

Corbett	Hester	Hibbard	Rosenberg
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Amendment H—3997 lost.

Banks of Plymouth asked and received unanimous consent to withdraw amendment H—3774 filed by Corbett of Linn on April 3, 1989.

Halvorson of Clayton offered the following amendment H—3790 filed by Harbor of Mills and him and moved its adoption:

H-3790

1 Amend Senate File 363, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 19, by inserting after line 27 the fol-  
 4 lowing:  
 5 "Sec. \_\_\_\_\_. If the appropriations made in this Act  
 6 will result in the unobligated state general fund  
 7 balance on June 30, 1989, to be less than sixty  
 8 millions dollars, each appropriation made in this Act  
 9 and any monetary limitation placed on the use of that  
 10 appropriation shall be reduced by the same percentage  
 11 such that the unobligated state general fund balance  
 12 on June 30, 1989, is sixty million dollars."

Amendment H-3790 lost.

The House resumed consideration of amendment H-3847B, found on page 1771 of the House Journal.

Hammond of Story asked and received unanimous consent to withdraw amendment H-3847B.

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. 363)

The ayes were, 77:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Clark	Cohoon	Connolly	Connors
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lykam	Maulsby	May
McKean	McKinney	Mertz	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
Mr. Speaker			
Avenson			

The nays were, 19:

Banks	Bennett	Branstad	Carpenter
Garman	Harbor	Hermann	Lundby
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklloth
Siegrist	Stromer	Van Maanen	

Absent or not voting, 4:

Corbett	Hester	Hibbard	Rosenberg
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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 363)

Arnould of Scott asked and received unanimous consent that Senate File 363 be immediately messaged to the Senate.

### GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 20, 1989

The Honorable Donald Avenson  
Speaker of the House  
House of Representatives  
State Capitol Building  
L O C A L

Dear Mr. Speaker:

House File 537, an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 537 was originally a bill designed to make technical adjustments in vehicle registration and titling procedures handled by the Department of Transportation and county treasurers. Those provisions in the bill — Sections 1 through 5 — represent reasonable changes in motor vehicle statutes about which I have no objection.

However, an amendment — Section 6 — was added to this bill, which makes this bill most objectionable.

Specifically, Section 6 specifies that the location of the Department of Transportation's Motor Vehicle Division Administration facility must be in Ankeny and prescribes that the cost of the lease-purchase of that facility cannot exceed \$7,200,000. On the surface, such an authorization may appear to be innocuous. However, upon a review of the background of this provision, it is clear to me that House File 537 puts the state on a slippery slope of partisan political involvement in the selection of the location of state facilities. Iowa state government enjoys a reputation for honest, clean,

and open government and has obtained the trust of its citizens, in part, by following the established processes and procedures for the selection of sites and the construction of state facilities. This bill tarnishes that reputation and threatens that trust by taking the state down a path where partisan political influence rather than merit form the basis of these important decisions. It is for that reason I can not approve this bill.

Some additional background is in order. The Iowa Department of Transportation's Motor Vehicle operations administrative facilities are located in several locations in central Iowa. In an effort to provide the public with better access to these facilities as well as to increase the efficiency of the management of Motor Vehicle Administration, the DOT several years ago decided to investigate the possibility of co-locating the administrative facilities in one location.

In an effort to make certain that the process was appropriate and the decision based upon the best site for the Department, the DOT employed a consultant who assisted in developing and evaluating the request for proposals that were received for possible locations at such a site. A number of proposals were presented and ranked by the consultant. The staff recommended to the DOT Commission that it accept the consultant's recommendations and enter into an agreement with the company that had developed the top ranked proposal. However, the Commission asked the staff to do a further review of the proposals that had been received since the top ranked proposal apparently was not of the lowest cost. That further investigation was being conducted at the time the General Assembly added an amendment to House File 537 which, in effect, requires the Commission to select the second ranked proposal which also was not the lowest cost proposal.

It would have been far wiser for the General Assembly to wait for the Commission to complete its review before providing final authorization for entry into a lease-purchase agreement with any one of the companies making a proposal. However, it was alleged that the top two proposals represented competing partisan political interests and, indeed, it was represented to my office that those representing the Ankeny site planned to use partisan political influence to ensure that its site was selected. And, apparently, that is just what happened.

Frankly, I think that kind of activity is inappropriate and has no place in state government. Therefore, I have asked the Department of Transportation to renew its current leases and suspend all efforts to co-locate their Motor Vehicle Administration facilities until such time as a process can be developed which wings out the partisan political influence from this project. As far as I am concerned, the Department ought to stay in its current facilities until we can be assured those influences will not taint the eventual selection of the site for this facility. I am pleased the staff and the Commission of the Department of Transportation are prepared to do just that. I hope that the General Assembly will work with us to make certain that the selection of the eventual site will be selected through a process we can all be proud of.

In short, House File 537 makes partisan influence, not merit, the basis for selecting a Motor Vehicle Administration site for the Department of Transportation. I believe such a process is both inappropriate and unwise. And for that reason, I must take an action to prevent it from becoming the law of this state.

For the above reason, I hereby respectfully disapprove House File 537.

Sincerely,  
Terry E. Branstad  
Governor

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 20, 1989, he approved and transmitted to the Secretary of State the following bills:

House File 475, an act providing for the refund of unexpired registration fees for certain vehicles registered as special mobile equipment and providing an effective date.

House File 655, an act relating to the second injury fund, by increasing payments to the fund in event of a job-related death, and providing an effective date.

Senate File 120, an act relating to the allowable length of stinger-steered automobile transporters and certain semitrailers when operated on highways designated by the state transportation commission.

Senate File 275, an act relating to the administration of an estate and changing certain notice provisions.

Senate File 276, an act relating to the registration of federal liens.

Senate File 397, an act relating to salaries of the clerks of the district court.

Senate File 402, an act relating to the membership of the medical assistance advisory council.

Senate File 435, an act relating to state licensing of asbestos professionals who perform work in schools.

Senate File 500, an act relating to the powers and duties of certain local governmental bodies, by providing for the use of ordinances in certain instances, by changing procedures for certain city elections, by requiring written veto messages, by changing filing procedures for a special assessment, and by specifying the duties of city finance offices.

## PROOF OF PUBLICATION

(Senate File 526)

Published copy of Senate File 526 and verified proof of publication of said bill in the Clear Lake Mirror-Reporter, a newspaper printed and published in Cerro Gordo County, Iowa on April 5, 1989 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

## PRESENTATION OF VISITORS

Van Maanen of Mahaska presented to the House the Honorable George Swearingen, former member of the House representing Keokuk County.

Lageschulte of Bremer presented to the House Rosa Flores, foreign exchange student from Honduras.

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

Fifty sixth grade students from Britt and Kanawha Elementary Schools, Britt and Kanawha. By Branstad of Winnebago.

Seventeen senior students from Yale-Jamaica-Bagley School, accompanied by Ernie Gilson. By Hibbard of Madison.

Forty-four third grade students from St. Pius Elementary School, Urbandale, accompanied by Denise Zimmerman. By Metcalf of Polk.

Thirty-eight high school students from Green Mountain, Garwin. By Svoboda of Tama.

Twenty fourth through ninth grade students from Franklin Christian School, Leon, accompanied by Marvin Kauffman. By Daggett of Adams.

#### SUBCOMMITTEE ASSIGNMENT

##### Senate File 526

Judiciary and Law Enforcement: Siegrist, Chair; Clark and Hansen of Woodbury.

#### COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN  
Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

**House File 756**, a bill for an act relating to weights and measures and other technical standards by permitting pitless electronic scales to be installed in certain circumstances and by providing for reference to the most current standards as adopted by the United States national institute of standards and technology, formerly the national bureau of standards, and by revising references to the national bureau of standards to reflect its change of name.

Fiscal Note is not required.

Recommended **Do Pass** April 20, 1989.

#### COMMITTEE ON APPROPRIATIONS

**Committee Bill**, relating to and making appropriations to the justice system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 19, 1989.

#### AMENDMENTS FILED

H—4130

S.F. 524

De Groot of Lyon  
Connolly of Dubuque

H-4131	H.F.	373	Senate Amendment
H-4132	H.F.	740	Senate Amendment
H-4133	S.F.	186	Halvorson of Clayton Harbor of Mills
H-4134	S.F.	532	Tyrrell of Iowa
H-4136	S.F.	185	Tabor of Jackson
H-4137	H.F.	643	Tyrrell of Iowa
H-4138	H.F.	680	Harper of Black Hawk
H-4139	H.F.	757	Hatch of Polk
H-4140	S.F.	524	Koenigs of Mitchell Connolly of Dubuque
H-4141	H.F.	98	Senate Amendment
H-4142	H.F.	680	Neuhauser of Johnson Hammond of Story Tabor of Jackson
H-4143	H.F.	760	Carpenter of Polk
H-4144	S.F.	524	Brown of Lucas Hibbard of Madison Brand of Benton Jesse of Jasper Mertz of Kossuth Shearer of Louisa
H-4145	S.F.	524	Fuller of Hardin Svoboda of Tama Brown of Lucas
H-4146	S.F.	508	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 7:18 p.m., until 9:00 a.m., Friday, April 21, 1989.

# JOURNAL OF THE HOUSE

One Hundred Third Calendar Day — Sixty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 21, 1989

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

Prayer was offered by the Honorable Mark Shearer, state representative from Louisa County.

The Journal of Thursday, April 20, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Nielsen of Linn, from seventy-two constituents of District 50 opposing any increase in beer, wine or soft drink taxing measures.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn on request of Royer of Page; Wise of Lee on request of Peters of Woodbury; Cohoon of Des Moines on request of Lykam of Scott.

## INTRODUCTION OF BILLS

**House File 772**, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system.

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

**House File 773**, by Arnould and Stromer, a bill for an act relating to targeted small businesses.

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

## CONSIDERATION OF BILLS

### Appropriations Calendar

**House File 757**, a bill for an act relating to programs to increase opportunity for minorities in postsecondary education and women and minorities in postsecondary faculty positions, was taken up for consideration.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—3871 filed by him on April 5, 1989.

Hatch of Polk offered the following amendment H—4139 filed by him and moved its adoption:

H—4139

1 Amend House File 757, as follows:

- 2 1. Page 1, line 11, by inserting after the word  
3 "established" the following: "to provide additional  
4 funding to the state board of regents' institutions  
5 and accredited private institutions in order to  
6 encourage resident minority students to remain in  
7 Iowa, to attend colleges and universities in Iowa,  
8 and".  
9 2. Page 4, by striking lines 10 through 26.  
10 3. Page 7, line 25, by striking the figure  
11 "261.106" and inserting the following: "261.105".  
12 4. By renumbering as necessary.

Amendment H—4139 was adopted.

Van Maanen of Mahaska offered amendment H—3845 filed by him. Division was requested as follows:

H—3845

1 Amend House File 757 as follows:

H—3845A

- 2 1. Page 2, line 33, by inserting after the word  
3 "paid" the following: "to the institution, and  
4 credited by the institution against the student's  
5 tuition, fees, room, and board,".  
6 2. Page 3, line 6, by inserting after the word  
7 "institution" the following: "or regents'  
8 university".

H—3845B

- 9 3. Page 4, line 26, by inserting after the word  
10 "purposes." the following: "Not more than one percent  
11 of funds appropriated in any fiscal year may be used  
12 by the commission for administrative costs of the Iowa  
13 minority academic grants for economic success program  
14 in that fiscal year."

On motion by Van Maanen of Mahaska, amendment H—3845A was adopted.

With the adoption of amendment H—4139, amendment H—3845B was out of order.

Connolly of Dubuque in the chair at 9:43 a.m.

Buhr of Polk in the chair at 10:07 a.m.

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

On the question "Shall the bill pass?" (H.F. 757)

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Buhr			
Presiding			

The nays were, 5:

Banks	Branstad	Garman	Pellett
Renken			

Absent or not voting, 6:

Corbett	Hermann	Holveck	Jesse
Sherzan	Wise		

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 141**, 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, previously deferred and placed on the unfinished business calendar.

Jay of Appanoose offered the following amendment H—3951 filed by the committee on judiciary and law enforcement and moved its adoption:

H--3951

1 Amend Senate File 141, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Sec. \_\_\_\_\_. Section 20.4, subsection 2, unnumbered  
6 paragraph 2, Code 1989, is amended to read as follows:

7 Supervisory employee means any individual having  
8 authority in the interest of the public employer to  
9 hire, transfer, suspend, layoff, recall, promote,  
10 discharge, assign, reward or discipline other public  
11 employees, or the responsibility to direct them, or to  
12 adjust their grievances, or effectively to recommend  
13 such action, if, in connection with the foregoing,  
14 exercise of such authority is not of a merely routine  
15 or clerical nature, but requires the use of  
16 independent judgment. All school superintendents,  
17 assistant superintendents, principals and assistant  
18 principals shall be deemed to be supervisory  
19 employees.

20 Sec. \_\_\_\_\_. Section 20.11, subsections 4 and 5, Code  
21 1989, are amended to read as follows:

22 4. The board shall file its findings of fact and  
23 conclusions of law. If the board finds that the party  
24 accused has committed a prohibited practice, the board  
25 may, within thirty days of its decision, enter into a  
26 consent order with the party to discontinue the  
27 practice, or after the thirty days following the  
28 decision may petition the district court for  
29 injunctive relief pursuant to rules of civil procedure  
30 320 to 330.

31 5. ~~Any party aggrieved by any decision or order of~~  
32 ~~the board may within ten days from the date such~~  
33 ~~decision or order is filed, appeal therefrom to the~~  
34 ~~district court of the county in which the hearing was~~  
35 ~~held, by filing with the board a written notice of~~  
36 ~~appeal setting forth in general terms the decision~~  
37 ~~appealed from and the grounds of the appeal. The~~  
38 ~~board shall forthwith give notice to the other parties~~  
39 ~~in interest. The board's review of proposed decisions~~  
40 ~~and the rehearing or judicial review of final~~  
41 ~~decisions is governed by the provisions of chapter~~  
42 17A.

43 Sec. \_\_\_\_\_. Section 20.11, subsections 6, 7, 8, 9,  
44 10, and 11, Code 1989, are amended by striking the  
45 subsections.

46 Sec. \_\_\_\_\_. Section 20.17, subsection 4, Code 1989,  
47 is amended to read as follows:

48 4. The terms of a proposed collective bargaining  
49 agreement shall be made available to the public by the  
50 public employer and reasonable notice shall be given

## Page 2

1 to the public employees by the employee organization  
2 prior to a ratification election. The collective  
3 bargaining agreement shall become effective only if  
4 ratified by a majority of those voting by secret  
5 ballot."

6 2. Page 5, by inserting after line 14 the  
7 following:

8 "Sec. \_\_\_\_\_. Section 96.8, subsection 4, paragraph  
9 a, Code 1989, is amended to read as follows:

10 a. In any case in which the enterprise or business  
11 of a subject employer has been sold or otherwise  
12 transferred to a subsequent employing unit or  
13 reorganized or merged into a single employing unit  
14 under the provisions of section 96.7, subsection 3 2,  
15 paragraph "b", the account of the transferring  
16 employer shall terminate as of the date on which such  
17 transfer, reorganization or merger was completed."

18 3. Page 6, line 9, by striking the figure  
19 "162.8,".

20 4. Page 6, by inserting after line 10 the  
21 following:

22 "Sec. \_\_\_\_\_. Section 162.8, Code 1989, is amended to  
23 read as follows:

24 **162.8 COMMERCIAL BREEDER'S LICENSE.**

25 A person shall not operate as a commercial breeder  
26 unless the person has obtained a license issued by the  
27 secretary or unless the person has obtained a  
28 certificate of registration issued by the secretary if  
29 the kennel is federally licensed. Application for the  
30 license or the certificate shall be made in the manner  
31 provided by the secretary. The annual license or the  
32 certification period expires one year from date of  
33 issue. The license fee is forty dollars per year and  
34 the certificate fee is five twenty dollars per year.  
35 The license may be renewed upon application and  
36 payment of the prescribed fee in the manner provided  
37 by the secretary if the licensee has conformed to all  
38 statutory and regulatory requirements. The  
39 certificate may be renewed upon application and  
40 payment of the prescribed fee in the manner provided  
41 by the secretary."

42 5. Page 16, by striking lines 7 through 16.

43 6. Page 31, by inserting after line 31 the  
44 following:

45 "Sec. \_\_\_\_\_. Section 474.1, unnumbered paragraph 3,  
46 Code 1989, is amended to read as follows:

47 As used in this chapter and chapters 475A, 476,  
48 476A, 478, and 479, and 479A, "division" and  
49 "utilities division" mean the utilities division of  
50 the department of commerce.

## Page 3

1 Sec. \_\_\_\_\_. Section 474.9, Code 1989, is amended to  
2 read as follows:

3 474.9 GENERAL JURISDICTION OF UTILITIES BOARD.

4 The utilities board has general supervision of all  
5 pipelines and all lines for the transmission, sale,  
6 and distribution of electrical current for light,  
7 heat, and power pursuant to chapters 476, 476A, 478,  
8 and 479, and 479A, and has other duties as provided by  
9 law.

10 Sec. \_\_\_\_\_. Section 476.10, unnumbered paragraph 1,  
11 Code 1989, is amended to read as follows:

12 When the board deems it necessary in order to carry  
13 out the duties imposed upon it by this chapter for the  
14 purpose of determining rate matters to investigate the  
15 books, accounts, practices, and activities of, or make  
16 appraisals of the property of any public utility, or  
17 to render any engineering or accounting services to  
18 any public utility, or to review the operations or  
19 annual reports of the public utility under section  
20 476.31 or 476.32, the public utility shall pay the  
21 expense reasonably attributable to the investigation,  
22 appraisal, service, or review. The board shall  
23 ascertain the expenses including certified expenses  
24 incurred by the consumer advocate division of the  
25 department of justice directly chargeable to the  
26 public utility under section 475A.6, and shall render  
27 a bill, by certified mail, to the public utility,  
28 either at the conclusion of the investigation,  
29 appraisal, services, or review, or from time to time  
30 during its progress, which bill is notice of the  
31 assessment and shall demand payment. The total amount  
32 of such expense in any one calendar year, for which  
33 any public utility shall become liable, shall not  
34 exceed two-tenths of one percent of its gross  
35 operating revenues derived from intrastate public  
36 utility operations in the last preceding calendar  
37 year."

38 7. Page 32, by inserting after line 8 the fol-  
39 lowing:

40 "Sec. \_\_\_\_\_. Section 537.7103, subsection 3, para-  
41 graph a, subparagraph (1), Code 1989, is amended to  
42 read as follows:

43 (1) Notifying a debtor of the fact that the ~~debtor~~  
44 ~~debt collector~~ may report a debt to a credit bureau or  
45 engage an agent or an attorney for the purpose of  
46 collecting the debt."

47 8. Page 33, by inserting after line 6, the  
48 following:

49 "Sec. \_\_\_\_\_. Section 602.3105, Code 1989, is amended  
50 to read as follows:

## Page 4

## 1 602.3105 APPLICATIONS.

2 Applications for certification shall be on forms  
3 prescribed and furnished by the board and the board  
4 shall not require that the application contain a  
5 photograph of the applicant. An applicant shall not  
6 be denied certification because of age, citizenship,  
7 sex, race, religion, marital status, or national  
8 origin although the application may require  
9 citizenship information. The board may consider the  
10 past felony record of an applicant ~~only if the felony~~  
11 ~~conviction relates directly to the practice of~~  
12 ~~certified shorthand reporting~~. Character references  
13 may be required, but shall not be obtained from  
14 certified shorthand reporters.”

15 9. Page 33, by inserting after line 19 the  
16 following:

17 “Sec. \_\_\_\_\_. Section 602.3203, subsection 5, Code  
18 1989, is amended to read as follows:

19 5. Conviction of a felony ~~related to the practice~~  
20 ~~of shorthand reporting or conviction of a felony that~~  
21 ~~would affect the ability to practice shorthand~~  
22 ~~reporting~~. A copy of the record of conviction or plea  
23 of guilty is conclusive evidence.”

24 10. Page 36, by inserting after line 20 the  
25 following:

26 “Sec. \_\_\_\_\_. Section 730.5, subsection 2, Code 1989,  
27 is amended to read as follows:

28 2. Except as provided in subsection 7, an employer  
29 shall not require or request employees or applicants  
30 for employment to submit to a drug test as a condition  
31 of employment, preemployment, promotion, or change in  
32 status of employment. An employer shall not request,  
33 require, or conduct random or blanket drug testing of  
34 employees. However, this section does not apply to  
35 preemployment drug tests authorized for peace officers  
36 or correctional officers of the state, or to drug  
37 tests required under federal statutes law, or to drug  
38 tests conducted pursuant to a nuclear regulatory  
39 commission policy statement, or to drug tests  
40 conducted to determine if an employee is ineligible to  
41 receive workers’ compensation under section 85.16,  
42 subsection 2.”

43 11. Renumber as necessary.

The committee amendment H—3951 was adopted.

Jay of Appanoose offered amendment H—4032 filed by the committee on judiciary and law enforcement and requested division as follows:

H-4032

1 Amend Senate File 141, as amended, passed, and  
2 reprinted by the Senate, as follows:

H-4032A

3 1. Page 32, by inserting after line 2, the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 524.107, Code 1989, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 3. This subsection does not  
8 prohibit a broker-dealer registered under section  
9 502.302 from soliciting business on behalf of or  
10 referring business to a bank or trust company which is  
11 subject to regulation by a federal agency or any other  
12 state."

H-4032B

13 2. Page 32, by inserting after line 8 the  
14 following:  
15 "Sec. \_\_\_\_\_. Section 537.2501, subsection 1,  
16 paragraph f, as enacted by 1989 Iowa Acts, House File  
17 552, section 2, is amended to read as follows:  
18 f. With respect to open-end credit pursuant to a  
19 credit card issued by the creditor which entities  
20 entitles the cardholder to purchase or lease goods or  
21 services from at least one hundred persons not related  
22 to the card issuer, the parties may contract for an  
23 over-limit charge not to exceed ten dollars if the  
24 balance of the account exceeds the credit limit  
25 established pursuant to the agreement. The over-limit  
26 charge under this paragraph shall not be assessed  
27 again in a subsequent billing cycle unless in a  
28 subsequent billing cycle the account balance has been  
29 reduced below the credit limit.  
30 If the differential treatment of this subsection  
31 based on the number of persons honoring a credit card  
32 is found to be unconstitutional, the parties may  
33 contract for the over-limit charge as described in  
34 this paragraph in any consumer credit transaction  
35 pursuant to open-end credit, and the other conditions  
36 relating to the over-limit charge shall remain in  
37 effect."  
38 3. By renumbering as necessary.

Jay of Appanoose asked and received unanimous consent to withdraw the committee amendment H-4032A.

On motion by Jay of Appanoose, the committee amendment H-4032B 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. 141)

The ayes were, 81:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Carpenter	Chapman	Clark
Connors	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Hatch	Hermann	Hester	Hibbard
Holveck	Jay	Jochum	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Miller
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Buhr			
Presiding			

The nays were, 10:

Branstad	Daggett	De Groot	Garman
Maulsby	Plasier	Royer	Trent
Tyrrell	Van Maanen		

Absent or not voting, 9:

Cohoon	Connolly	Corbett	Harper
Haverland	Jesse	Koenigs	Muhlbauer
Wise			

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 765**, a bill for an act exempting certain deeds transferring real estate from declarations of value and the tax on transfers, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 765)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Branstad
Brown	Carpenter	Chapman	Clark
Connors	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
Hibbard	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Buhr	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Brand	Cohoon	Connolly	Corbett
Holveck	Jesse	Miller	Muhlbauer
Wise			

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

**House File 762**, a bill for an act relating to the designation, inventory, sale, taxation, and protection of protected wetlands, and providing a civil penalty for violations, was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H-4085 filed by Fogarty, et al.:

H-4085

- 1 Amend House File 762 as follows:
- 2 1. Page 1, by striking lines 9 through 27, and

3 inserting the following:

4 "Sec. 2. NEW SECTION. 108.12 OFFER TO PURCHASE  
5 PROTECTED WETLANDS.

6 The department or county conservation board of the  
7 county in which a protected wetland is located may  
8 offer to purchase the protected wetland at any time.  
9 In lieu of making an offer to purchase the protected  
10 wetland in fee simple, the department or the county  
11 conservation board may make an offer to purchase a  
12 conservation easement as provided in chapter 111D."

13 2. Page 2, line 7, by striking the words "any  
14 person" and inserting the following: "affected  
15 landowners".

16 3. Page 2, line 18, by inserting after the word  
17 "county" the following: "or shall withdraw the  
18 preliminary designation of the property as a protected  
19 wetland".

20 4. Page 3, by striking lines 2 through 6.

21 5. By renumbering as necessary.

Arnould of Scott asked and received unanimous consent that House File 762 be deferred and that the bill retain its place on the calendar.

(Amendment H—4085 pending.)

### SENATE AMENDMENTS CONSIDERED

Teaford of Black Hawk called up for consideration **House File 196**, a bill for an act relating to the collection of certain adoption information according to federal regulations, amended by the Senate, and moved that the House concur in the following Senate amendment H—4040:

H—4040

1 Amend House File 196, as passed by the House, as  
2 follows:

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

5 "NEW SUBSECTION. 5. An adoption information form  
6 completed by the petitioner".

The motion prevailed and the House concurred in the Senate amendment H—4040.

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. 196)

The ayes were, 92:

Adams	Arnould	Avenson, Spkr.	Banks
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Carpenter	Chapman	Clark	Connors
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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Buhr
			Presiding

The nays were, none.

Absent or not voting, 8:

Beaman	Brand	Cohoon	Connolly
Corbett	Koenigs	Muhlbauer	Wise

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

May of Worth called up for consideration **House File 533**, a bill for an act relating to the regulation of grain management, by providing for licensing and regulation of grain dealers and warehouse operators and the administration of licensing and regulation within the department of agriculture and land stewardship and by the Iowa grain indemnity board, amended by the Senate, and moved that the House concur in the following Senate amendment H—3976:

H—3976

- 1 Amend House File 533 as follows:
- 2 1. Page 1, line 10, by striking the words "one
- 3 hundred" and inserting the following: "seventy-five".
- 4 2. Page 1, line 15, by striking the words "fifty
- 5 thousand" and inserting the following: "thirty-seven

- 6 thousand five hundred".
- 7 3. Page 1, line 20, by striking the words "fifty  
8 thousand" and inserting the following: "thirty-seven  
9 thousand five hundred".
- 10 4. Page 1, line 25, by striking the words  
11 "twenty-five thousand" and inserting the following:  
12 "seventeen thousand five hundred".
- 13 5. By striking page 12, line 33, through page 13,  
14 line 3, and inserting the following: "However, if the  
15 grain dealer provides documentation regarding the  
16 transaction satisfactory to the department, the  
17 following transactions shall be excluded from the fee:  
18 a. Grain purchased from the United States  
19 government or any of its subdivisions or agencies.  
20 b. Grain purchased from a person licensed as a  
21 grain dealer in any jurisdiction.  
22 c. Grain purchased under a credit sale contract  
23 entered into on or before the date of delivery.  
24 PARAGRAPH DIVIDED. The grain dealer or warehouse  
25 operator shall".
- 26 6. Page 13, line 6, by striking the word  
27 "license" and inserting the following: "licensee".
- 28 7. Page 17, line 19, by striking the words  
29 "transfer of title" and inserting the following:  
30 "incurrence date".

The motion prevailed and the House concurred in the Senate amendment H—3976.

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. 533)

The ayes were, 90:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Carpenter	Chapman
Clark	Connors	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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Neuhauser

Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Schneklath	Schrader	Shearer
Shoning	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Buhr		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Cphoon	Connolly	Corbett	Fey
Koenigs	Muhlbauer	Renken	Sherzan
Shoultz	Wise		

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

Brown of Lucas called up for consideration **House File 146**, a bill for an act relating to the county commission of veteran affairs, amended by the Senate amendment H—4020 as follows:

H—4020

- 1 Amend House File 146, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking line 11, and inserting the
- 4 following: "board of supervisors, shall have power to
- 5 employ an".

Halvorson of Webster offered the following amendment H—4103, to the Senate amendment H—4020, filed by him:

H—4103

- 1 Amend the Senate amendment, H—4020, to House File
- 2 146, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 5 the
- 5 following:
- 6 "          . Page 1, by striking lines 16 and 17 and
- 7 inserting the following: "director shall be an
- 8 honorably discharged person who served in the military
- 9 or naval forces of the United States. However,
- 10 this".

Poncy of Wapello rose on a point of order that amendment H—4103 was not germane.

The Speaker ruled the point well taken and amendment H—4103 not germane.

Halvorson of Webster asked for unanimous consent to consider amendment H—4103.

Objection was raised.

Halvorson of Webster moved that the rules be suspended to consider amendment H—4103.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 48, nays 45.

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

Arnould of Scott asked and received unanimous consent that House File 146 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—4020 pending.)

#### 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 ways and means and committee on appropriations, upon recess.

#### IMMEDIATE MESSAGE

(House File 757)

Arnould of Scott asked and received unanimous consent that House File 757 be immediately messaged to the Senate.

#### SENATE MESSAGE CONSIDERED

**Senate File 361**, by Hutchins, a bill for an act relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions.

Read first time and **passed on file**.

#### PRESENTATION OF VISITORS

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

Seventeen seniors from Urbana High School, Urbana, accompanied by Sharyl Stulken and Harlan Bell. By Brand of Benton.

Fifty fourth grade students from Van Allen Elementary School, Chariton, accompanied by Mrs. Hamilton. By Brown of Lucas.

Forty-five fifth grade students from Hannawalt Elementary School, Des Moines, accompanied by Sue Renaud and Diane Cronin. By Carpenter of Polk.

Sixty-five fifth and sixth grade students from Harris Lake Park Elementary School, Harris, accompanied by John Nelson, Diane Iburg, Steve and Chris Andrews, Judy Brueggeman and Art Schumacher. By De Groot of Lyon and Gruhn of Dickinson.

Twenty-five students from Eldora New Providence High School, Eldora, accompanied by Glenn Hindens, Kay Roelfema and Gary Garris. By Fuller of Hardin.

Forty-six seventh and eighth grade students from Wall Lake Elementary School, Wall Lake, accompanied by Verla Schroeber, Mr. Faust and Mr. Trost. By Maulsby of Calhoun.

Twenty-two senior students from Twin Rivers High School, Bode accompanied by Garvin Larson. By Mertz of Kossuth.

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 521**

Appropriations: Buhr, Chair; Carpenter and Hammond.

##### **Senate File 532**

Appropriations: Jochum, Chair; Halvorson of Webster and Halvorson of Clayton.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### **House Study Bill 374**

Ways and Means: Chapman, Chair; Doderer and Schneklath.

##### **House Study Bill 375**

Ways and Means: Wise, Chair; Brand and Schneklath.

#### COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

**Senate File 153**, a bill for an act relating to the department of inspections and appeals by providing for income tax refund and rebate setoff procedures by the investigations division, and exempting certain nonprofit intermediate care facilities from the sales, service, and use tax.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—4153** April 21, 1989.

**Senate File 215**, a bill for an act relating to the sales and use tax and providing an exemption from tax for certain irrigation equipment.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 1989.

**Senate File 515**, a bill for an act relating to the assessment and valuation of special purpose tooling property.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 1989.

**Committee Bill** (Formerly House File 154), relating to the length of occupancy of the homestead for purposes of the homestead credit and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 21, 1989.

**Committee Bill** (Formerly House File 206), relating to the operation and dissolution of a benefited fire district including a city, and authorizing the levy of a property tax.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 1989.

## AMENDMENTS FILED

H—4150	H.F.	373	Haverland of Polk
H—4151	H.F.	760	Hester of Pottawattamie
H—4152	S.F.	531	Connolly of Dubuque
H—4153	S.F.	153	Committee on Ways and Means

On motion by Connors of Polk, the House adjourned at 11:49 a.m., until 10:00 a.m., Monday, April 24, 1989.

# JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day — Sixty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 24, 1989

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

Prayer was offered by the Honorable Greg Spenner, state representative from Henry County.

The Journal of Friday, April 21, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware on request of Renken of Grundy; Shearer of Louisa on request of Lykam of Scott; McKean of Jones on request of Osterberg of Linn, all until their arrival; Neuhauser of Johnson on request of Dvorsky of Johnson.

## INTRODUCTION OF BILLS

**House File 774**, by committee on appropriations, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, and providing effective dates.

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

**House File 775**, by committee on appropriations, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 71, a bill for an act establishing pilot projects for a peer review court as a diversion program for offenders ten through seventeen years of age.

Also: That the Senate has on April 21, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 255, a bill for an act relating to forms for the registration of voters.

Also: That the Senate has on April 21, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 313, a bill for an act relating to the common boundary for a voluntary annexation.

Also: That the Senate has on April 20, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 674, a bill for an act relating to victim counseling and services.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 272**, a bill for an act relating to insurance by providing for notice and review of contracts between insurers and managing general agents and providing for regulation of third-party administrators, previously deferred and placed on the unfinished business calendar.

Schnekloth of Scott offered the following amendment H-4052 filed by him and moved its adoption:

H-4052

- 1 Amend Senate File 272, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "insurer," the following: "except a county mutual
- 5 association that operates only within a given county
- 6 and counties contiguous to that county,".

Amendment H-4052 was adopted.

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

On the question "Shall the bill pass?" (S.F. 272)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Hansen, S. D.	Harbor	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Hanson, D. R.	Harper	McKean	Neuhauser
Shearer			

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

### Appropriations Calendar

**House File 766**, a bill for an act relating to claims against the state regarding certain forfeitable real property, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 766)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Buhr
Carpenter	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer

Lageschulte	Lundby	Lykam	Maulsby
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 2:

Brammer                      Sherzan

Absent or not voting, 7:

Brown	Chapman	Connolly	Hanson, D. R.
Harbor	McKean	Neuhauser	

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

**House File 767**, a bill for an act restructuring the board of parole and providing an effective date, was taken up for consideration.

Halvorson of Clayton offered the following amendment H—4101 filed by him and moved its adoption:

H—4101

- 1 Amend House File 767 as follows:
- 2 1. Page 1, line 23, by inserting after the word
- 3 "senate." the following: "The chairperson shall serve
- 4 at the pleasure of the governor."

Amendment H—4101 was adopted.

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

On the question "Shall the bill pass?" (H.F. 767)

The ayes were, 70:

Arnould	Banks	Beaman	Bennett
Black	Branstad	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer

Lageschulte	Lundby	Lykam	Maulsby
May	McKinney	Metcalf	Miller
Muhlbauer	Ollie	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 26:

Adams	Beatty	Bisignano	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Fey	Fuller
Halvorson, R. N.	Hammond	Hibbard	Holveck
Mertz	Nielsen	Osterberg	Peters
Poncy	Renaud	Shoultz	Svoboda
Swartz	Teaford		

Absent or not voting, 4:

Connolly	Hanson, D. R.	McKean	Neuhauser
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE AMENDMENTS CONSIDERED

Fey of Scott called up for consideration **House File 723**, a bill for an act relating to the implementation of a program for integrated roadside vegetation management and weed control, including the crediting of moneys to the living roadway trust fund, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-4072:

H-4072

- 1 Amend House File 723, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 12, line 25, by inserting after the word
- 4 "~~control.~~" the following: "Spraying for control of
- 5 weeds shall be limited to those circumstances when it
- 6 is not practical to mow or otherwise control the
- 7 weeds."
- 8 2. Page 12, by striking lines 32 through 33 and
- 9 inserting the following: "weeds growing on primary
- 10 roads on the roads under their".
- 11 3. Page 12, line 34, by striking the words
- 12 "Nothing herein" and inserting the following:
- 13 "Spraying for control of noxious weeds shall be
- 14 limited to those circumstances when it is not

15 practical to mow or otherwise control the noxious  
16 weeds.

17 PARAGRAPH DIVIDED. Nothing herein under this  
18 chapter”.

19 4. Page 13, line 15, by inserting after the word  
20 “chapter.” the following: “The program for weed  
21 control ordered or adopted by the county board of  
22 supervisors shall provide that spraying for control of  
23 weeds shall be limited to those circumstances when it  
24 is not practical to mow or otherwise control the  
25 weeds.”

26 5. Page 13, line 34, by inserting after the word  
27 “plan.” the following: “The order shall provide that  
28 spraying for control of noxious weeds shall be limited  
29 to those circumstances when it is not practical to mow  
30 or otherwise control the weeds.”

31 6. Page 14, line 9, by inserting after the word  
32 “plan.” the following: “The moneys appropriated shall  
33 not be spent on spraying for control of weeds except  
34 in those circumstances when it is not practical to mow  
35 or otherwise control the weeds.”

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

The motion prevailed and the House concurred in the Senate amendment H—4072.

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

On the question “Shall the bill pass?” (H.F. 723)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellet

Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 1:

Petersen, D. F.

Absent or not voting, 3:

Hanson, D. R.      McKean      Neuhauser

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

Chapman of Linn called up for consideration **House File 20**, a bill for an act relating to dissolution of marriage and related proceedings by providing for a pilot program of mandatory mediation of contested issues of child custody and visitation, amended by the Senate, and moved that the House concur in the following Senate amendment H—4009:

H—4009

- 1 Amend House File 20 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 31, by striking the words "there
- 4 is at issue".
- 5 2. Page 2, line 32, by inserting after the word
- 6 "child" the following: "is contested".
- 7 3. Page 5, line 16, by inserting after the word
- 8 "parties" the following: "unless one or both of the
- 9 parties are indigent".

The motion prevailed and the House concurred in the Senate amendment H—4009.

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

On the question "Shall the bill pass?" (H.F. 20)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Connolly	Gruhn	Hanson, D. R.	McKean
Neuhauser			

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

Lykam of Scott called up for consideration **House File 272**, a bill for an act relating to the Iowa logo program by providing for the use of a label or trademark to identify Iowa products and services, authorizing the establishment of guidelines, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—4041:

H—4041

- 1 Amend House File 272 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking line 4 and inserting the
- 4 following: "manufacturing in Iowa products and
- 5 services. The department".

The motion prevailed and the House concurred in the Senate amendment H—4041.

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

On the question "Shall the bill pass?" (H.F. 272)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Connors	Hanson, D. R.	Hibbard	McKean
Neuhauser	Ollie	Osterberg	Wise

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

### Ways and Means Calendar

The House resumed consideration of **House File 762**, a bill for an act relating to the designation, inventory, sale, taxation, and protection of protected wetlands, and providing a civil penalty for violations, and amendment H—4085 found on pages 1789 and 1790 of the House Journal, previously deferred.

Groninga of Cerro Gordo in the chair at 11:36 a.m.

Bennett of Ida asked for unanimous consent to refer House File 762 to the committee on appropriations.

Objection was raised.

Bennett of Ida moved to refer House File 762 to the committee on appropriations.

A non-record roll call was requested.

The ayes were 26, nays 54.

The motion to refer lost.

Division of amendment H—4085 was requested as follows:

H—4085A — lines 2 through 12, and lines 16 through 19.

H—4085B — lines 13 through 15.

H—4085C — line 20.

Fogarty of Palo Alto moved the adoption of amendment H—4085A.

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

Rule 75 was invoked.

On the question “Shall amendment H—4085A be adopted?”  
(H.F. 762)

The ayes were, 43:

Banks	Beaman	Bennett	Blanshan
Brand	Branstad	Clark	Corbett
Daggett	De Groot	Eddie	Fogarty
Fuller	Garman	Halvorson, R. A.	Harbor
Hermann	Hester	Hibbard	Jay
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Renken
Royer	Schnekloth	Shoning	Spenner
Stromer	Trent	Van Maanen	

The nays were, 50:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Brammer	Brown
Buhr	Carpenter	Chapman	Cohoon
Connolly	Diemer	Doderer	Dvorsky
Fey	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jesse	Jochum	Johnson

Knapp	Lykam	May	Nielsen
Ollie	Osterberg	Pavich	Plasier
Poney	Renaud	Rosenberg	Schrader
Shearer	Shoultz	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Wise	Groninga		
	Presiding		

Absent or not voting, 7:

Connors	Hanson, D. R.	McKean	Neuhauser
Sherzan	Siegrist	Tyrrell	

Amendment H—4085A lost.

On motion by Fogarty of Palo Alto, amendment H—4085B was adopted.

Koenigs of Mitchell offered the following amendment H—4082 filed by him and moved its adoption:

H—4082

- 1 Amend House File 762 as follows:
- 2 1. By striking page 2, line 21, through page 3,
- 3 line 1.
- 4 2. By renumbering sections.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 37, nays 53.

Amendment H—4082 lost.

The House resumed consideration of amendment H—4085C.

On motion by Fogarty of Palo Alto, amendment H—4085C lost.

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

On the question "Shall the bill pass?" (H.F. 762)

The ayes were, 55:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Diemer
Doderer	Dvorsky	Fey	Gruhn
Halvorson, R. N.	Hammond	Harper	Hatch
Haverland	Holveck	Jesse	Jochum

Johnson	Knapp	Lykam	May
Metcalf	Miller	Nielsen	Ollie
Osterberg	Pavich	Pellett	Poncy
Renaud	Rosenberg	Schrader	Shearer
Shoning	Shoultz	Spear	Stueland
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Groninga	
		Presiding	

The nays were, 38:

Banks	Beaman	Bennett	Brand
Branstad	Corbett	Daggett	De Groot
Eddie	Fogarty	Fuller	Garman
Halvorson, R. A.	Hansen, S. D.	Harbor	Hermann
Hibbard	Jay	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
McKinney	Mertz	Muhlbauer	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Renken
Royer	Schnekloth	Spenner	Stromer
Svoboda	Van Maanen		

Absent or not voting, 7:

Connors	Hanson, D. R.	Hester	McKean
Neuhauser	Sherzan	Siegrist	

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

### IMMEDIATE MESSAGE (House File 762)

Arnould of Scott asked and received unanimous consent that House File 762 be immediately messaged to the Senate.

### RULE 57 SUSPENDED

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

Objection was raised.

Arnould of Scott moved to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on small business and commerce upon recess.

A non-record roll call was requested.

The ayes were 56, nays 30.

The motion prevailed and Rule 57 was suspended.

On motion by Arnould of Scott, the House was recessed at 1:12 p.m., until 3:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### INTRODUCTION OF BILLS

**House File 776**, by committee on ways and means, a bill for an act relating to the operation and dissolution of a benefited fire district including a city, and authorizing the levy of a property tax.

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

**House File 777**, by committee on ways and means, a bill for an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing an effective date.

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

**House File 778**, by committee on appropriations, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 46, a bill for an act relating to the employment of inmates and prisoners.

Also: That the Senate has on April 24, 1989, 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 223, a bill for an act relating to early childhood programs.

Also: That the Senate has on April 20, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 426, a bill for an act relating to sexual abuse, including sexual abuse in the third degree and sexual abuse which constitutes a forcible felony, to release on appeal from a conviction of sexual abuse in the third degree, to evidence admissible in an action for damages arising from an injury resulting from an act of sexual abuse, and providing penalties.

Also: That the Senate has on April 24, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 519, a bill for an act relating to the chairperson of the board of parole and the board of parole.

Also: That the Senate has on April 24, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 522, a bill for an act relating to radon testing and abatement, and making a penalty applicable.

Also: That the Senate has on April 24, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 24, a concurrent resolution to petition the United States government to require that meat products produced outside the United States be labeled as foreign produced.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 71**, a bill for an act authorizing a special land use district to designate an area for preservation as an area of historical significance, previously deferred and placed on the unfinished business calendar.

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. 71)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Carpenter	Chapman	Clark
Cohoon	Connors	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	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer

Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Buhr	Connolly	Neuhauser	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.

### Ways and Means Calendar

**Senate File 213**, a bill for an act exempting from the sales, services, and use tax the sale of certain films, tapes, discs, and records to a person engaged in the business of leasing, renting, or selling these items and providing effective and retroactive effective dates, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 213)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist

Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Connolly	Neuhauser	Shultz
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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 consideration of House File 772.

### SENATE AMENDMENTS CONSIDERED

Mertz of Kossuth called up for consideration **House File 522**, a bill for an act relating to the filling of a vacancy on the county board of supervisors, amended by the Senate amendment H—4046 as follows:

H—4046

- 1 Amend House File 522, 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 43.78, subsection 4, Code
- 6 1989, is amended to read as follows:
- 7 4. Political party candidates for a vacant seat in
- 8 the United States house of representatives, the board
- 9 of supervisors, the elected county offices, or the
- 10 general assembly which is to be filled at a special
- 11 election called pursuant to section 69.14 or 69.14A
- 12 shall be nominated in the manner provided by
- 13 subsection 1 of this section for filling a vacancy on
- 14 the general election ballot for the same office. The
- 15 name of any candidate so nominated shall be submitted
- 16 in writing to the state commissioner, as required by
- 17 section 43.88, at the earliest practicable time.
- 18 Sec. 2. Section 69.8, subsection 3, Code 1989, is
- 19 amended to read as follows:
- 20 3. County offices. In county offices, by the
- 21 board of supervisors, unless an election is called as
- 22 provided in section 69.14A.
- 23 Sec. 3. Section 69.8, subsection 4, Code 1989, is
- 24 amended to read as follows:

25 4. Board of supervisors. In the membership of the  
 26 board of supervisors, by the treasurer, auditor, and  
 27 recorder, or as provided in section 69.14A. In the  
 28 event that if any of these offices have been abolished  
 29 through consolidation, the county attorney shall serve  
 30 on this committee.

31 Sec. 4. NEW SECTION. 69.14A SPECIAL ELECTION FOR  
 32 SUPERVISOR VACANCY.

33 The committee of county officers designated to fill  
 34 a vacancy on the board of supervisors or the board of  
 35 supervisors to fill a vacancy in an elected county  
 36 office may call for a special election to fill the  
 37 vacancy in lieu of appointment if section 69.13,  
 38 subsection 2, does not apply. The committee or the  
 39 board shall order the special election not later than  
 40 ten days from the date that the vacancy exists and  
 41 give at least thirty days' notice of the election. A  
 42 special election called under this section shall be  
 43 held on a Tuesday and shall not be held on the same  
 44 day as a school election within the county.

45 Sec. 5. Section 331.322, subsection 3, Code 1989,  
 46 is amended to read as follows:

47 3. Fill vacancies in county offices in accordance  
 48 with sections 69.8 to ~~69.13~~ 69.14A, and make  
 49 appointments in accordance with section 69.16 unless a  
 50 special election is called pursuant to section

**Page 2**

1 69.14A."

2 2. Title page, line 2, by inserting after the  
 3 word "supervisors" the following: "or in the elected  
 4 county offices".

Connors of Polk offered the following amendment H—4116, to the Senate amendment H—4046, filed by him and Mertz of Kossuth and moved its adoption:

H—4116

1 Amend the Senate amendment, H—4046, to House File  
 2 522, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 1, by striking lines 31 through 44, and  
 5 inserting the following:

6 "Sec. 4. NEW SECTION. 69.14A FILLING VACANCY OF  
 7 ELECTED COUNTY OFFICER.

8 1. When a vacancy exists on the board of  
 9 supervisors, the committee of county officers  
 10 designated to fill the vacancy shall publish notice as  
 11 provided in section 331.305 indicating the method,  
 12 appointment or special election, by which the  
 13 committee intends to fill the vacancy. If appointment

14 is selected by the committee, the appointment may be  
15 made before publication of the notice, but the  
16 appointment shall be made within forty days after the  
17 vacancy occurs. However, if within fourteen days  
18 after the date of the notice or within fourteen days  
19 after the appointment is made, whichever date is  
20 later, a petition requesting a special election to  
21 fill the vacancy is filed with the county auditor, the  
22 appointment is temporary and a special election shall  
23 be called as provided in subsection 3. The petition  
24 shall meet the requirements of section 331.306.

25 2. When a vacancy exists in an elected county  
26 office, the board of supervisors shall publish notice  
27 as provided in section 331.305 indicating the method,  
28 appointment or special election, by which the board  
29 intends to fill the vacancy. If appointment is  
30 selected by the board, the appointment may be made  
31 before publication of the notice, but the appointment  
32 shall be made within forty days after the vacancy  
33 occurs. However, if within fourteen days after the  
34 date of the notice or within fourteen days after the  
35 appointment is made, whichever date is later, a  
36 petition requesting a special election to fill the  
37 vacancy is filed with the county auditor, the  
38 appointment is temporary and a special election shall  
39 be called as provided in subsection 3. The petition  
40 shall meet the requirements of section 331.306.

41 3. The committee of county officers or board of  
42 supervisors as applicable may, on its own motion, or  
43 shall, upon receipt of a petition as provided in this  
44 section, call for a special election to fill the  
45 vacancy in lieu of appointment if section 69.13,  
46 subsection 2, does not apply. The committee or board  
47 shall order the special election at the earliest  
48 practicable date, but giving at least thirty days'  
49 notice of the election. A special election called  
50 under this section shall be held on a Tuesday and

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1 shall not be held on the same day as a school election  
2 within the county."

Amendment H—4116 was adopted.

On motion by Mertz of Kossuth, the House concurred in the Senate amendment H—4046, as amended.

Mertz of Kossuth 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. 522)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Brand	Branstad	Brown
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	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	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 2:

Black Buhr

Absent or not voting, 3:

Knapp Neuhauser Petersen, D. F.

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

Haverland of Polk called up for consideration **House File 343**, a bill for an act relating to the labeling, advertising, adulteration, misbranding, and dispensing of drugs, devices, and cosmetics, providing penalties, and providing properly related matters, amended by the Senate, and moved that the House concur in the following Senate amendment H—4051:

H—4051

- 1 Amend House File 343, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, lines 6 and 7, by striking the words
- 4 "or animal".

- 5 2. Page 2, line 9, by striking the words "or  
6 animal".
- 7 3. Page 2, line 11, by striking the words "or  
8 animal".
- 9 4. Page 2, lines 21 and 22, by striking the words  
10 "or animal".
- 11 5. Page 2, line 24, by striking the words "or  
12 animal".
- 13 6. Page 3, by striking lines 6 through 8.
- 14 7. Page 3, line 10, by striking the words "except  
15 a new animal drug,".
- 16 8. Page 3, line 20, by striking the words "except  
17 a new animal drug,".
- 18 9. Page 4, line 4, by striking the words "or  
19 animal".
- 20 10. Page 17, by striking line 7 and inserting the  
21 following: "drug,".
- 22 11. Page 21, line 13, by striking the words  
23 "serial number and".
- 24 12. Page 21, by inserting after line 34 the  
25 following:  
26 "e. Prescription drug samples dispensed by a  
27 practitioner licensed by law to administer such drugs  
28 are exempt from section 203B.10."
- 29 13. Page 22, line 11, by striking the words "or  
30 animals".
- 31 14. Page 22, line 12, by striking the words "or  
32 new animal drug".
- 33 15. Page 22, by striking lines 26 through 34.
- 34 16. Page 28, by inserting after line 2 the  
35 following:  
36 "(4) Duly employed sales representatives of  
37 pharmaceutical companies acting in the normal and  
38 customary performance of their duties."
- 39 17. Page 28, line 3, by striking the figure "(4)"  
40 and inserting the following: "(5)".
- 41 18. Page 29, by inserting after line 31 the  
42 following:  
43 "Sec. \_\_\_\_\_. NEW SECTION. 203B.20 CHAPTER NOT  
44 APPLICABLE TO COMMERCIAL FEED.  
45 This chapter does not apply to the Iowa Commercial  
46 Feed Law of 1974 under chapter 198 or to  
47 administrative rules adopted pursuant to chapter 198."  
48 Sec. \_\_\_\_\_. NEW SECTION. 203B.21 CHAPTER NOT  
49 APPLICABLE TO ANIMAL DRUGS.  
50 This chapter does not apply to drugs intended for

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- 1 use for animals and not for humans."  
2 19. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4051.

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

On the question "Shall the bill pass?" (H.F. 343)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Neuhauser

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

Haverland of Polk called up for consideration **House File 373**, a bill for an act relating to the registration, regulation, and inspection of swimming pools and spas, and providing penalties, amended by the Senate amendment H-4131 as follows:

H-4131

- 1 Amend House File 373, as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. Page 1, by striking line 26 and inserting the  
4 following: "to chapter 28E with a local board of  
5 health or multiple boards of health representing  
6 contiguous areas to provide for".

7 2. Page 2, by striking lines 11 through 15 and  
8 inserting the following:

9 "4. Collect fees as established pursuant to the  
10 following schedule:

11 a. A fee of three hundred fifty dollars for the  
12 inspection, regulation, and registration of a class  
13 "A" pool. As used in this paragraph, "class "A" pool"  
14 means a pool which is larger than fifteen hundred  
15 square feet.

16 b. A fee of two hundred fifty dollars for the  
17 inspection, regulation, and registration of a class  
18 "B" pool. As used in this paragraph "class "B" pool"  
19 means a pool which is fifteen hundred square feet or  
20 smaller.

21 c. A fee of one hundred dollars for the  
22 inspection, regulation, and registration of a special  
23 category of areas including but not limited to wading  
24 pools and spas which are inspected, regulated, and  
25 registered pursuant to this chapter.

26 d. Notwithstanding the fee under paragraph "c", a  
27 fee of seventy-five dollars for the inspection,  
28 regulation, and registration of a specialty category  
29 area including but not limited to wading pools and  
30 spas, if a class "A" or class "B" pool is located in  
31 the same facility and is being inspected  
32 simultaneously.

33 Notwithstanding the fee schedule established in  
34 this subsection, if a local board of health or  
35 multiple boards of health in a contiguous area enter  
36 into an agreement pursuant to chapter 28E to provide  
37 for inspection and enforcement in accordance with this  
38 chapter, the local board or boards may establish a fee  
39 schedule and collect fees in accordance with that  
40 schedule. However, the fees established shall not  
41 exceed those fees established in paragraphs "a"  
42 through "e".

43 3. Page 2, line 18, by inserting after the word  
44 "fees" the following: "in accordance with the  
45 schedule prescribed in subsection 4".

46 4. Page 2, by striking lines 22 through 30 and  
47 inserting the following:

48 "6. Enter into agreements with a local board of  
49 health or local boards of health in a contiguous area  
50 to implement the inspection and enforcement provisions

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1 of this chapter. The agreements shall provide that  
2 the fees established by the local board or boards of

- 3 health for inspection and enforcement shall be  
 4 retained by the local board or boards. A local board  
 5 of health or boards of health in a contiguous area may  
 6 enter into such an agreement with the department.  
 7 However, inspection fees shall not be charged by".  
 8 5. Page 3, line 6, by inserting after the word  
 9 "board" the following: "or boards".  
 10 6. Page 3, line 10, by inserting after the word  
 11 "board" the following: "or boards".  
 12 7. Page 3, line 18, by inserting after the word  
 13 "board" the following: "or boards".  
 14 8. By renumbering as necessary.

Haverland of Polk offered the following amendment H—4150, to the Senate amendment H—4131, filed by him and moved its adoption:

H—4150

- 1 Amend the Senate amendment, H—4131, to House File  
 2 373, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by striking lines 7 through 45.  
 5 2. By renumbering as necessary.

Amendment H—4150 was adopted.

On motion by Haverland of Polk, the House concurred in the Senate amendment H—4131, 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. 373)

The ayes were, 78:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Plasier	Renaud

Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 21:

Banks	Beaman	Bennett	Branstad
Daggett	De Groot	Eddie	Garman
Hanson, D. R.	Hermann	Kremer	Maulsby
Metcalf	Pellett	Petersen, D. F.	Poney
Renken	Royer	Schnekloth	Stueland
Van Maanen			

Absent or not voting, 1:

Neuhauser

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

### Appropriations Calendar

**House File 764**, a bill for an act relating to the establishment of real estate education programs and making an appropriation, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 764)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg

Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Neuhauser

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 502**, a bill for an act relating to business corporations, and related matters including the elimination of filing of corporate documents with the county recorder for all forms of corporate entities, and providing a special effective date, previously deferred and placed on the unfinished business calendar.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—3960 filed by him on April 11, 1989.

Peterson of Carroll offered the following amendment H—3883 filed by the committee on judiciary and law enforcement:

H—3883

1 Amend Senate File 502, as passed by the Senate, as  
 2 follows:  
 3 1. Page 29, by inserting after line 33, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 493B.624A POISON PILL  
 6 DEFENSE AUTHORIZED.  
 7 The terms and conditions of stock rights or options  
 8 issued by the corporation may include, without  
 9 limitation, restrictions, or conditions that preclude  
 10 or limit the exercise, transfer, or receipt of such  
 11 rights or options by a person, or group of persons,  
 12 owning or offering to acquire a specified number or  
 13 percentage of the outstanding common shares or other  
 14 securities of the corporation, or a transferee of the  
 15 offeror, or that invalidate or void such stock rights  
 16 or options held by an offeror or a transferee of the  
 17 offeror."

18 2. Page 84, by inserting after line 33, the  
19 following:

20 "Sec. \_\_\_\_\_. NEW SECTION. 493B.1108 CONSIDERATION  
21 OF COMMUNITY INTERESTS IN CONSIDERATION OF ACQUISITION  
22 PROPOSALS.

23 1. A director, in determining what is in the best  
24 interest of the corporation when considering a tender  
25 offer or proposal of acquisition, merger,  
26 consolidation, or similar proposal, may consider any  
27 or all of the following community interest factors, in  
28 addition to consideration of the effects of any action  
29 on shareholders:

30 a. The effects of the action on the corporation's  
31 employees, suppliers, creditors, and customers.

32 b. The effects of the action on the communities in  
33 which the corporation operates.

34 c. The long-term as well as short-term interests  
35 of the corporation and its shareholders, including the  
36 possibility that these interests may be best served by  
37 the continued independence of the corporation.

38 2. If on the basis of the community interest  
39 factors described in paragraph 1, the board of  
40 directors determines that a proposal or offer to  
41 acquire or merge the corporation is not in the best  
42 interests of the corporation, it may reject the  
43 proposal or offer. If the board of directors  
44 determines to reject any such proposal or offer, the  
45 board of directors has no obligation to facilitate, to  
46 remove any barriers to, or to refrain from impeding,  
47 the proposal or offer. Consideration of any or all of  
48 the community interest factors is not a violation of  
49 the business judgment rule or of any duty of the  
50 director to the shareholders, or a group of

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1 shareholders, even if the director reasonably  
2 determines that a community interest factor or factors  
3 outweigh the financial or other benefits to the  
4 corporation or a shareholder or group of  
5 shareholders."

6 3. Page 129, line 7, by striking the figure  
7 "1989" and inserting the following: "1990".

8 4. Page 130, by inserting after line 15, the  
9 following:

10 "Sec. \_\_\_\_\_. NEW SECTION. 491.101A POISON PILL  
11 DEFENSE AUTHORIZED.

12 The terms and conditions of stock rights or options  
13 issued by the corporation may include, without  
14 limitation, restrictions, or conditions that preclude  
15 or limit the exercise, transfer, or receipt of such  
16 rights or options by a person, or group of persons,

17 owning or offering to acquire a specified number or  
18 percentage of the outstanding common shares or other  
19 securities of the corporation, or a transferee of the  
20 offeror, or that invalidate or void such stock rights  
21 or options held by an offeror or a transferee of the  
22 offeror.

23 Sec. \_\_\_\_\_. NEW SECTION. 491.101B CONSIDERATION OF  
24 COMMUNITY INTERESTS IN CONSIDERATION OF ACQUISITION  
25 PROPOSALS.

26 1. A director, in determining what is in the best  
27 interest of the corporation when considering a tender  
28 offer or proposal of acquisition, merger,  
29 consolidation, or similar proposal, may consider any  
30 or all of the following community interest factors, in  
31 addition to consideration of the effects of any action  
32 on shareholders:

33 a. The effects of the action on the corporation's  
34 employees, suppliers, creditors, and customers.

35 b. The effects of the action on the communities in  
36 which the corporation operates.

37 c. The long-term as well as short-term interests  
38 of the corporation and its shareholders, including the  
39 possibility that these interests may be best served by  
40 the continued independence of the corporation.

41 2. If on the basis of the community interest  
42 factors described in paragraph 1, the board of  
43 directors determines that a proposal or offer to  
44 acquire or merge the corporation is not in the best  
45 interests of the corporation, it may reject the  
46 proposal or offer. If the board of directors  
47 determines to reject any such proposal or offer, the  
48 board of directors has no obligation to facilitate, to  
49 remove any barriers to, or to refrain from impeding,  
50 the proposal or offer. Consideration of any or all of

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1 the community interest factors is not a violation of  
2 the business judgment rule or of any duty of the  
3 director to the shareholders, or a group of  
4 shareholders, even if the director reasonably  
5 determines that a community interest factor or factors  
6 outweigh the financial or other benefits to the  
7 corporation or a shareholder or group of  
8 shareholders."

9 5. Page 130, line 18, by striking the figure  
10 "1989" and inserting the following: "1990".

11 6. Page 130, line 23, by striking the figure  
12 "1989" and inserting the following: "1990".

13 7. Page 130, line 28, by striking the figure  
14 "1989" and inserting the following: "1990".

15 8. Page 130, line 33, by striking the figure

- 16 "1989" and inserting the following: "1990".  
 17 9. Page 131, line 3, by striking the figure  
 18 "1989" and inserting the following: "1990".  
 19 10. Page 131, line 8, by striking the figure  
 20 "1989" and inserting the following: "1990".  
 21 11. Page 131, line 13, by striking the figure  
 22 "1989" and inserting the following: "1990".  
 23 12. Page 131, line 18, by striking the figure  
 24 "1989" and inserting the following: "1990".  
 25 13. Page 137, line 12, by striking the figure  
 26 "1989" and inserting the following: "1990".  
 27 14. By renumbering as necessary.

Jay of Appanoose offered the following amendment H--4017, to the committee amendment H--3883, filed by Jay, et al., and moved its adoption:

H--4017

- 1 Amend amendment, H--3883, to Senate File 502, as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, by inserting after line 2, the  
 4 following:  
 5 "\_\_\_\_\_. Page 8, by inserting after line 6, the  
 6 following:  
 7 "Sec. \_\_\_\_\_. NEW SECTION. 493B.130 RECORDING OF  
 8 DOCUMENTS WITH COUNTY RECORDER.  
 9 A domestic corporation shall provide the secretary  
 10 of state with a copy of each document, except an  
 11 annual report which does not change the registered  
 12 office or registered agent of the corporation,  
 13 delivered by the corporation for filing with the  
 14 secretary of state. A registered agent who delivers  
 15 to the secretary of state for filing a statement  
 16 pursuant to section 493B.502, subsection 2, or files a  
 17 statement pursuant to section 493B.502, subsection 3,  
 18 shall provide a copy of the statement to the secretary  
 19 of state. A registered agent who delivers to the  
 20 secretary of state for filing a statement pursuant to  
 21 section 493B.503, subsection 1, shall provide an  
 22 additional copy pursuant to this section. If a  
 23 registered agent delivers for filing with the  
 24 secretary of state a statement changing the  
 25 operation's business address from one county to  
 26 another county or the corporation delivers for filing  
 27 with the secretary of state a statement changing its  
 28 registered office from one county to another county,  
 29 two copies of the statement shall be provided to the  
 30 secretary of state. The secretary of state shall  
 31 stamp the copy or copies provided by the corporation  
 32 or registered agent indicating receipt by the  
 33 secretary of state and shall send the copy or copies

34 to the county recorder. Upon receipt of the copy and  
 35 upon receipt of the recording fees due the county  
 36 recorder, the county recorder shall record and index  
 37 the copy and return the copy to the corporation or  
 38 registered agent who provided the copy.  
 39 Notwithstanding section 331.602, subsection 1,  
 40 original signatures and typed or printed names of  
 41 signatories are not required on the copy to be  
 42 recorded pursuant to this section. For purposes of  
 43 this section, "county recorder" means the county  
 44 recorder of the county in which the registered office  
 45 of the corporation is located as shown on the records  
 46 of the secretary of state, except that with respect to  
 47 a change of registered office changing the location of  
 48 the registered office from one county to another,  
 49 "county recorder" means the county recorder for the  
 50 county in which the registered office is located

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- 1 before the change and the county recorder for the
- 2 county in which the registered office is located after
- 3 the change." "
- 4 2. Page 2, by inserting after line 5 the
- 5 following:
- 6 "\_\_\_\_\_. Page 127, line 27, by inserting after the
- 7 word "corporation" the following: "was
- 8 incorporated"."
- 9 3. Page 2, by striking lines 6 and 7.
- 10 4. Page 3, by striking lines 9 through 26, and
- 11 inserting the following:
- 12 "\_\_\_\_\_. Page 130, by striking lines 16 through 35.
- 13 \_\_\_\_\_. Page 131, by striking lines 1 through 20.
- 14 \_\_\_\_\_. Page 134, by striking lines 24 through 28.
- 15 \_\_\_\_\_. Page 137, by striking lines 6 through 10."
- 16 5. By renumbering as necessary.

Amendment H—4017 was adopted.

On motion by Peterson of Carroll, the committee amendment H—3883, as amended, was adopted.

Brammer of Linn offered the following amendment H—3982 filed by him and moved its adoption:

H—3982

- 1 Amend Senate File 502, as passed by the Senate, as
- 2 follows:
- 3 1. Page 24, line 7, by inserting after the word
- 4 "issue." the following: "For a mutual insurance
- 5 company, in which shares are policies, the articles of
- 6 incorporation do not need to prescribe the classes of

- 7 shares or policies and the number of authorized  
 8 shares.”  
 9 2. Page 125, lines 21 and 22, by striking the  
 10 words “or a corporation organized on the mutual plan  
 11 under chapter 491”.  
 12 3. Page 134, line 35, by striking the word and  
 13 figure “491.33 or” and inserting the following:  
 14 “491.33”.  
 15 4. Page 135, line 30, by striking the word and  
 16 figures “491, chapter 493B,” and inserting the  
 17 following: “491 493B”.  
 18 5. Page 136, line 4, by striking the word and  
 19 figure “491.33 or”.

Amendment H—3982 lost.

Kremer of Buchanan asked and received unanimous consent to withdraw amendments H—3940 and H—3972 filed by him on April 10 and April 12, 1989 respectively.

Kremer of Buchanan offered the following amendment H—4047 filed by him and moved its adoption:

H—4047

- 1 Amend Senate File 502, as passed by the Senate, as  
 2 follows:  
 3 1. Page 125, line 22, by inserting after the  
 4 figure “491,” the following: “or a telephone company  
 5 organized as a corporation under chapter 491  
 6 qualifying pursuant to an internal revenue service  
 7 letter ruling under I.R.C. § 501(c)(12) as a nonprofit  
 8 corporation entitled to distribute profits in a manner  
 9 similar to a chapter 499 corporation,”.

Amendment H—4047 was adopted.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—4048 filed by him on April 14, 1989.

Kremer of Buchanan offered the following amendment H—4097 filed by him:

H—4097

- 1 Amend Senate File 502, as passed by the Senate, as  
 2 follows:  
 3 1. Page 130, by inserting after line 25 the  
 4 following:  
 5 “Sec. \_\_\_\_\_. Section 497.33, Code 1989, is amended  
 6 to read as follows:  
 7 497.33 PERSONAL LIABILITY.  
 8 Except as otherwise provided in this chapter, a

9 director, officer, employee, or member stockholder of  
10 the corporation is not liable on the corporation's  
11 debts or obligations and a director, officer, member  
12 employee, stockholder, or other volunteer is not  
13 personally liable in that capacity, for a claim based  
14 upon an act or omission of the person performed in the  
15 discharge of the person's duties, except for a breach  
16 of the duty of loyalty to the corporation, for acts or  
17 omissions not in good faith or which involve  
18 intentional misconduct or knowing violation of the  
19 law, or for a transaction from which the person  
20 derives an improper personal benefit.

21 Sec. \_\_\_\_\_. Section 497.34, Code 1989, is amended to  
22 read as follows:

23 497.34 INDEMNIFICATION.

24 A cooperative association operating under this  
25 chapter may indemnify any present or former director,  
26 officer, employee, member stockholder, or volunteer in  
27 the manner and in the instances authorized in section  
28 496A.4A, provided that where section 496A.4A provides  
29 for action by shareholders the section is applicable  
30 to action by voting members stockholders of the  
31 cooperative association, and where section 496A.4A  
32 refers to the corporation organized under chapter 496A  
33 the section is applicable to the cooperative  
34 association organized under this chapter, and where  
35 section 496A.4A refers to the director the section is  
36 applicable to a director, officer, employee, member  
37 stockholder, or volunteer of the cooperative  
38 association organized under this chapter.

39 Sec. \_\_\_\_\_. NEW SECTION. 497.34A LIABILITY OF  
40 ASSOCIATION LIMITED.

41 Except as otherwise provided in this chapter, an  
42 association is not liable to any person, whether a  
43 stockholder of the association or another person, for  
44 a claim based upon an act or omission of the  
45 association, or a director, officer, employee,  
46 stockholder, or volunteer of the association in  
47 providing advisory services to or on behalf of a  
48 stockholder of the association, other than advice  
49 directly related to goods sold to the stockholder by  
50 the association, to the extent provided in a written

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1 agreement entered into between the stockholder and the  
2 association for the performance of those services  
3 where the agreement eliminates or limits such  
4 liability, except that liability for acts or omissions  
5 not in good faith or which involve intentional mis-  
6 conduct or knowing violation of the law, or for a  
7 transaction from which the person derives an improper

8 personal benefit, shall not be eliminated or limited.”

9 2. Page 130, by inserting after line 30 the  
10 following:

11 “Sec. \_\_\_\_\_. Section 498.35, Code 1989, is amended  
12 to read as follows:

13 498.35 PERSONAL LIABILITY.

14 Except as otherwise provided in this chapter, a  
15 director, officer, employee, or member of the  
16 association is not liable on the association's debts  
17 or obligations and a director, officer, member,  
18 employee, or other volunteer is not personally liable  
19 in that capacity, for a claim based upon an act or  
20 omission of the person performed in the discharge of  
21 the person's duties, except for a breach of the duty  
22 of loyalty to the association, for acts or omissions  
23 not in good faith or which involve intentional  
24 misconduct or knowing violation of the law, or for a  
25 transaction from which the person derives an improper  
26 personal benefit.

27 Sec. \_\_\_\_\_. NEW SECTION. 498.36A LIABILITY OF  
28 CORPORATION LIMITED.

29 Except as otherwise provided in this chapter, an  
30 association is not liable to any person, whether a  
31 member of the association or another person, for a  
32 claim based upon an act or omission of the  
33 association, or a director, officer, employee, member,  
34 or volunteer of the association in providing advisory  
35 services to or on behalf of a member of the  
36 association, other than advice directly related to  
37 goods sold to the member by the association, to the  
38 extent provided in a written agreement entered into  
39 between the member and the association for the  
40 performance of those services where the agreement  
41 eliminates or limits such liability, except that  
42 liability for acts or omissions not in good faith or  
43 which involve intentional misconduct or knowing  
44 violation of the law, or for a transaction from which  
45 the person derives an improper personal benefit shall  
46 not be eliminated or limited.”

47 3. Page 131, by inserting before line 1 the fol-  
48 lowing:

49 “Sec. \_\_\_\_\_. Section 499.59, Code 1989, is amended  
50 to read as follows:

**Page 3**

1 499.59 PERSONAL LIABILITY.

2 Except as otherwise provided in this chapter, a  
3 director, officer, employee, or member of the  
4 association is not liable on the association's debts  
5 or obligations, and a director, officer, member,  
6 employee, or other volunteer is not personally liable

7 in that capacity, for a claim based upon an act or  
8 omission of the person performed in the discharge of  
9 the person's duties, except for a breach of the duty  
10 of loyalty to the association, for acts or omissions  
11 not in good faith or which involve intentional  
12 misconduct or knowing violation of the law, or for a  
13 transaction from which the person derives an improper  
14 personal benefit.

15 Sec. \_\_\_\_\_. NEW SECTION. 499.59B LIABILITY OF  
16 COOPERATIVE ASSOCIATION LIMITED.

17 Except as otherwise provided in this chapter, a  
18 cooperative association is not liable to any person,  
19 whether a member of the association or any other  
20 person, for a claim based upon an act or omission of  
21 the cooperative association, or a director, officer,  
22 employee, member, or volunteer of the association in  
23 providing advisory services to or on behalf of a  
24 member of the cooperative association, other than  
25 advice directly related to goods sold to the member by  
26 the cooperative association, to the extent provided in  
27 a written agreement entered into between the member  
28 and the cooperative association for the performance of  
29 those services which eliminates or limits such  
30 liability, except that liability for acts or omissions  
31 not in good faith or which involve intentional  
32 misconduct or knowing violation of the law, or for a  
33 transaction which the person derives an improper  
34 personal benefit, shall be eliminated or limited."

35 4. Page 134, by inserting after line 28 the  
36 following:

37 "Sec. \_\_\_\_\_. NEW SECTION. 504A.103 LIABILITY OF  
38 CORPORATION LIMITED.

39 Except as otherwise provided in this chapter, an  
40 agricultural trade association or any employee of the  
41 agricultural trade association is not liable to any  
42 person, whether a member of the agricultural trade  
43 association or any other person, for a claim based  
44 upon an act or omission of the agricultural trade  
45 association, or of any director, officer, employee,  
46 agent, member, or volunteer of the agricultural trade  
47 association, in providing advisory services to or on  
48 behalf of a member of the agricultural trade  
49 association to the extent provided in a written  
50 agreement entered into between the member and the

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1 agricultural trade association for the performance of  
2 those services where the agreement eliminates or  
3 limits such liability, except that liability for acts  
4 or omissions not in good faith or which involve  
5 intentional misconduct or knowing violation of the

6 law, or for a transaction from which the person  
7 derives an improper personal benefit, shall not be  
8 eliminated or limited. For purposes of this section  
9 an "agricultural trade association" means a  
10 corporation organized under this chapter for the  
11 purpose of promoting or serving the business or  
12 profession of one or more classes of its members who  
13 are agricultural businesses. For purposes of this  
14 section, an agricultural business means a business  
15 formed to produce, grade, blend, preserve, process,  
16 store, warehouse, market, sell, or handle an  
17 agricultural product or a byproduct of an agricultural  
18 product; to purchase, sell, or supply machinery,  
19 petroleum products, equipment, fertilizer, supplies,  
20 business services, or educational service to or for  
21 those engaged as bona fide producers of agricultural  
22 products; to furnish electric energy, water, or  
23 provide telecommunications service to persons in rural  
24 areas; or to finance such activities or any activity  
25 connected with or for any number of these purposes.  
26 For purposes of this section, agricultural product  
27 includes horticultural, viticultural, forestry, dairy,  
28 livestock, poultry, fish, shellfish, bee, and other  
29 farm products. For purposes of this section, an  
30 agricultural trade association also includes a  
31 cooperative association organized under chapter 497,  
32 498, or 499, or a domestic or foreign organization  
33 which is an organization described in section 1381(a)  
34 of the Internal Revenue Code as defined in section  
35 422.3, an organization operating on a cooperative  
36 basis which is engaged in furnishing electric energy,  
37 or providing telephone service, to persons in rural  
38 areas, or an organization which is a cooperative  
39 association as defined in the federal Agricultural  
40 Marketing Act, 12 U.S.C. § 1141j(a)."  
41 5. By renumbering relettering, redesignating, and  
42 correcting internal references as required.

Peterson of Carroll rose on a point of order that amendment H-4097 was not germane.

The Speaker ruled the point well taken and amendment H-4097 not germane.

Schneklath of Scott asked and received unanimous consent to withdraw amendment H-3887 filed by him on April 6, 1989.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H-3945 filed by him on April 10, 1989.

The following amendment H-4172 filed by Peterson of Carroll from the floor was adopted by unanimous consent:

H-4172

- 1 Amend Senate File 502, as passed by the Senate as
- 2 follows:
- 3 1. Title page, by striking lines 2 and 3 and insert-
- 4 ing the following: "including the filing of corporate
- 5 documents with county recorders".

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. 502)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spanner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 2:

Hanson, D. R.      Renken

Absent or not voting, 2:

Neuhauser      Peters

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

Schrader of Marion called up for consideration **House File 477**, a bill for an act relating to certain motor vehicles, by providing for the ownership, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, the operation of certain motor vehicles, subjecting violators to penalties, and providing effective dates, amended by the Senate amendment H—4038 as follows:

H—4038

- 1 Amend House File 477 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by inserting after line 15 the
- 4 following:
- 5 "NEW SUBSECTION. 19. "Commission" means the
- 6 natural resource commission of the department.
- 7 2. Page 2, by striking lines 29 through 31 and
- 8 inserting the following:
- 9 "5. Establishment of a course of instruction for
- 10 the safe use and operation of a snowmobile Establish a
- 11 program of grants, subgrants, and contracts to be
- 12 administered by the department for the development and
- 13 delivery of certified courses of instruction for the
- 14 safe use and operation of all-terrain vehicles and
- 15 snowmobiles by political subdivisions and incorporated
- 16 private organizations.
- 17 3. Page 3, lines 18 and 19, by striking the words
- 18 "— COMPETITION REGISTRATION" and inserting the
- 19 following: "— COMPETITION REGISTRATION".
- 20 4. Page 4, by striking lines 3 through 11 and
- 21 inserting the following:
- 22 "Upon proper application and payment of the
- 23 registration fee provided in section 321G.6, the
- 24 commission shall issue a competition registration for
- 25 a snowmobile. A competition registration authorizes
- 26 the operation of the snowmobile only in special events
- 27 in which the commission has authorized their
- 28 operation. The fees collected for the competition
- 29 registration shall be deposited in the special
- 30 conservation fund."
- 31 5. By striking page 8, line 18 through page 9,
- 32 line 1 and inserting the following:
- 33 "The commission department shall remit the fees to
- 34 the treasurer of state, who shall place the money in a
- 35 special conservation fund. The money is appropriated
- 36 to the commission department for the all-terrain
- 37 vehicle and snowmobile program of the state programs.
- 38 All-terrain vehicle fees shall be used only for all-
- 39 terrain vehicle programs and snowmobile fees shall be
- 40 used only for snowmobile programs. Joint programs
- 41 shall be supported from both types of fees on a usage

42 basis. The snowmobile program shall include cost-  
 43 sharing of snowmobile facilities and programs with  
 44 political subdivisions or incorporated private  
 45 organizations or both in accordance with rules adopted  
 46 by the commission. The all-terrain vehicle program  
 47 shall consist only of grants, subgrants, and contracts  
 48 with political subdivisions or incorporated private  
 49 organizations for all-terrain vehicle facilities and  
 50 programs, including safety programs. All grantees,

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1 subgrantees, or contractors of the all-terrain vehicle  
 2 program must establish and implement a safety  
 3 instruction program either singly or in cooperation  
 4 with other grantees, subgrantees, or contractors. At  
 5 least fifty percent of the special fund shall be  
 6 available for the political subdivisions or  
 7 incorporated private organizations or both. Money  
 8 from the special fund not utilized by the political  
 9 subdivisions or incorporated private organizations, or  
 10 both shall be utilized remain in the all-terrain  
 11 vehicle or snowmobile program of the state accounts.  
 12 The department may utilize funds from these accounts  
 13 for the administration of the all-terrain vehicle and  
 14 snowmobile programs."

15 6. Page 9, by striking lines 2 through 8.

16 7. Page 13, line 21, by striking the word  
 17 "department" and inserting the following:  
 18 "commission".

19 8. By renumbering, relettering, or redesignating  
 20 and correcting internal references as necessary.

Schrader of Marion offered the following amendment H—4065, to the Senate amendment H—4038, filed by him and moved its adoption:

H—4065

1 Amend the amendment, H—4038, to House File 477, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. By striking page 1, line 31, through page 2,  
 5 line 14, and inserting the following:  
 6 " \_\_\_\_\_. By striking page 8, line 6, through page 9,  
 7 line 1, and inserting the following:

8 "Sec. 12. Section 321G.7, Code 1989, is amended by  
 9 striking the section and inserting in lieu thereof the  
 10 following:

11 321G.7 FEES REMITTED TO COMMISSION — APPRO-  
 12 PRIATION.

13 Within ten days after the end of each month, each  
 14 county recorder shall remit to the commission the all-  
 15 terrain vehicle and snowmobile fees collected by the

16 recorder during the previous month. Before January 10  
 17 of odd-numbered years, each recorder shall remit  
 18 unused license forms from the previous biennium to the  
 19 commission. Before January 10 of each year, each  
 20 recorder shall summarize the transactions of the  
 21 registration fees and penalties collected during the  
 22 previous year.

23 The department shall remit the fees to the  
 24 treasurer of state, who shall place the money in a  
 25 special conservation fund. The money is appropriated  
 26 to the department for the all-terrain vehicle and  
 27 snowmobile programs of the state. All-terrain vehicle  
 28 fees shall be used only for all-terrain vehicle  
 29 programs and snowmobile fees shall be used only for  
 30 snowmobile programs. Joint programs shall be  
 31 supported from both types of fees on a usage basis.  
 32 The all-terrain vehicle and snowmobile programs shall  
 33 include grants, subgrants, contracts, or cost-sharing  
 34 of all-terrain vehicle and snowmobile programs with  
 35 political subdivisions or incorporated private  
 36 organizations or both in accordance with rules adopted  
 37 by the commission. All all-terrain vehicle programs  
 38 using cost-sharing, grants, subgrants, or contracts  
 39 shall establish and implement a safety instruction  
 40 program either singly or in cooperation with other  
 41 all-terrain vehicle programs. At least fifty percent  
 42 of the special fund shall be available for political  
 43 subdivisions or incorporated private organizations or  
 44 both. Moneys from the special fund not used by the  
 45 political subdivisions or incorporated private  
 46 organizations or both shall remain in the all-terrain  
 47 vehicle or snowmobile accounts. The department may  
 48 use funds from these accounts for the administration  
 49 of the all-terrain vehicle and snowmobile programs.””

Amendment H—4065 was adopted.

On motion by Schrader of Marion the House concurred in the Senate amendment H—4038, 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. 477)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schneklloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 4:

Maulsby	Renken	Royer	Van Maanen
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Absent or not voting, 1:

Neuhauser

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 692**, a bill for an act requiring the department of inspections and appeals to develop a special classification of residential care facilities, amended by the Senate, and moved that the House concur in the following Senate amendment H—4039:

H—4039

- 1 Amend House File 692, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 18 and 19 and
- 4 inserting the following: "special classification.
- 5 However, a".
- 6 2. Page 2, by striking lines 24 and 25 and
- 7 inserting the following:
- 8 "g. The facilities licensed under this subsection
- 9 shall be eligible for funding utilized by other
- 10 licensed residential care".

The motion prevailed and the House concurred in the Senate amendment H—4039.

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. 692)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Hatch                      Neuhauser

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

Muhlbauer of Crawford called up for consideration **House File 59**, a bill for an act relating to the purchase and sale of grain by providing for the offering of a special quality grains electronic bulletin board service through the department of agriculture and land stewardship

and providing for an advisory committee study of grain marketing to draft proposed legislation to develop the market for special quality grains, amended by the Senate, and moved that the House concur in the following Senate amendment H—4073:

H—4073

- 1 Amend House File 59, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 4 and 5, and
- 4 inserting the following: "appoint two
- 5 representatives, the minority leader of the house
- 6 shall appoint one representative, the majority leader
- 7 of the senate shall appoint two senators, and the
- 8 minority leader of the senate shall appoint one
- 9 senator to the advisory committee."
- 10 2. Page 3, by striking lines 7 through 10 and in-
- 11 serting the following: "same political party. The
- 12 legislative service bureau shall provide staff and
- 13 other support for the advisory committee. The
- 14 secretary of agriculture shall appoint as".
- 15 3. By renumbering, relettering, or redesignating
- 16 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4073.

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. 59)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie

Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 5:

Carpenter	Eddie	Pellett	Stueland
Trent			

Absent or not voting, 2:

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

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 178, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters.

JOHN F. DWYER, Secretary

**Appropriations Calendar**

**House File 772**, a bill for an act relating to and making appropriations to the justice system, was taken up for consideration.

Peterson of Carroll offered the following amendment H-4158 filed by him from the floor and moved its adoption:

H-4158

- 1 Amend House File 772 as follows:
- 2 1. Page 1, by inserting after line 16, the
- 3 following:
- 4 "\_\_\_\_\_. Preparation of a new domestic abuse manual
- 5 and updating of the desk manual for prosecutors:
- 6 .....\$ 15,000".
- 7 2. By renumbering as necessary.

Amendment H-4158 was adopted.

Sherzan of Polk offered the following amendment H—4170 filed by him from the floor:

H—4170

- 1 Amend House File 772 as follows:
- 2 1. Page 12, by inserting before line 2, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. There is appropriated from the general
- 5 fund of the state to the department of corrections for
- 6 the fiscal year beginning July 1, 1989, and ending
- 7 June 30, 1990, the following amount, or so much
- 8 thereof as is necessary, to begin the financing of
- 9 forty-four additional residential community correction
- 10 beds in the first judicial district:
- 11 .....\$ 200,000".
- 12 2. By renumbering as necessary.

Spenner of Henry asked and received unanimous consent to defer action on amendment H—4170.

Garman of Story offered the following amendment H—4160 filed by her and Banks of Plymouth from the floor:

H—4160

- 1 Amend House File 772 as follows:
- 2 1. Page 14, by inserting after line 30, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 728.16 MATERIAL HARMFUL
- 5 TO INMATES.
- 6 1. As used in this section, "material harmful to
- 7 inmates" means any material that meets all of the
- 8 following:
- 9 a. Taken as a whole, the average person, applying
- 10 contemporary community standards, would find the
- 11 material to have a tendency to excite lustful or
- 12 erotic thoughts in inmates or appeal to the prurient
- 13 interest in sex of inmates.
- 14 b. (1) Depicts a sex act, excretory functions,
- 15 sadomasochistic abuse, or exhibition of the genitals,
- 16 buttocks, or female breast.
- 17 (2) The depiction is in a way that is patently
- 18 offensive to prevailing standards in the community
- 19 with respect to what is suitable for inmates.
- 20 c. Taken as a whole, the material lacks serious
- 21 literary, artistic, political, or scientific value.
- 22 2. It is the belief of the general assembly that
- 23 the availability or possession of material harmful to
- 24 inmates represents a potential danger to the community
- 25 and to personnel of the Iowa department of
- 26 corrections. Material harmful to an inmate shall not
- 27 be available or disseminated to an inmate. The Iowa
- 28 department of corrections shall not provide a room or
- 29 facility for the viewing of material which could be

30 considered harmful to inmates."

31 2. By renumbering as necessary.

Knapp of Dubuque rose on a point of order that amendment H—4160 was not germane.

The Speaker ruled the point well taken and amendment H—4160 not germane.

Garman of Story moved that the rules be suspended to consider amendment H—4160.

Roll call was requested by Stromer of Hancock and Garman of Story.

On the question "Shall the rules be suspended to consider amendment H—4160?" (H.F. 772)

The ayes were, 37:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lundby
Maulsby	McKean	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Shoning	Siegrist	Spenner
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 50:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Haverland	Hibbard	Holveck	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Nielsen	Osterberg
Pavich	Peterson, M. K.	Poncy	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 13:

Halvorson, R. N.	Hatch	Jay	Jesse
Lageschulte	Mertz	Metcalf	Muhlbauer
Neuhauser	Ollie	Peters	Renaud
Swartz			

The motion to suspend the rules lost.

Peterson of Carroll offered the following amendment H—4163 filed by him and Clark of Cerro Gordo from the floor and moved its adoption:

H—4163

- 1 Amend House File 772 as follows:
- 2 1. Page 15, by inserting after line 3 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 602.1505, as amended by 1989
- 5 Iowa Acts, Senate File 397, takes effect January 1,
- 6 1990.
- 7 Funds appropriated pursuant to section 7,
- 8 subsection 1, of this Act, shall be used for any
- 9 increase in the salaries of the clerks of the district
- 10 court as a result of the enactment of 1989 Iowa Acts,
- 11 Senate File 397."
- 12 2. Renumber as necessary.

Amendment H—4163 was adopted.

The House resumed consideration of amendment H—4170, previously deferred.

The House stood at ease at 5:45 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—4170 to House File 772 at 5:48 p.m., Speaker Avenson in the chair.

Branstad of Winnebago rose on a point of order that amendment H—4170 was not germane.

The Speaker ruled the point not well taken and amendment H—4170 germane.

Sherzan of Polk moved the adoption of amendment H—4170.

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

Rule 75 was invoked.

On the question "Shall amendment H—4170 be adopted?" (H.F. 772)

The ayes were, 51:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Chapman	Cohoon	Connolly	Connors
Diemer	Doderer	Fey	Fogarty
Fuller	Groninga	Halvorson, R. N.	Hansen, S. D.
Harper	Haverland	Hibbard	Jay

Jesse	Jochum	Knapp	Koenigs
Kremer	Lykam	May	McKinney
Mertz	Muhlbauer	Nielsen	Ollie
Osterberg	Peters	Poncy	Renaud
Schrader	Shearer	Sherzan	Shultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 48:

Banks	Beaman	Beatty	Bennett
Branstad	Buhr	Carpenter	Clark
Corbett	Daggett	De Groot	Dvorsky
Eddie	Garman	Gruhn	Halvorson, R. A.
Hammond	Hanson, D. R.	Harbor	Hatch
Hermann	Hester	Holveck	Johnson
Kistler	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pavich
Pellet	Petersen, D. F.	Peterson, M. K.	Plasier
Renken	Rosenberg	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

Absent or not voting, 1:

Neuhauser

Amendment H—4170 was adopted.

The House stood at ease at 6:13 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 772 at 7:03 p.m., Speaker Avenson in the chair.

Sherzan of Polk asked and received unanimous consent to reconsider the vote by which amendment H—4170 was adopted by the House on April 24, 1989.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—4170, found on page 1839 of the House Journal.

Hanson of Delaware offered the following amendment H—4175 filed by him from the floor:

H—4175

- 1 Amend House File 772 as follows:
- 2 1. Page 14, by inserting after line 30, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 905.5, subsection 2, Code 1989,
- 5 is amended to read as follows:
- 6 2. For all administrative purposes, all employees
- 7 of each district department shall be considered
- 8 employees of the ~~district department~~ state."
- 9 2. Renumber as necessary.

Knapp of Dubuque rose on a point of order that amendment H—4175 was not germane.

The Speaker ruled the point well taken and amendment H—4175 not germane.

Stromer of Hancock moved that the rules be suspended to consider amendment H—4175.

Rule 75 was invoked.

A non-record roll call was requested.

Under the provisions of Rule 76, Sherzan of Polk refrained from voting.

The ayes were 39, nays 55.

The motion to suspend the rules lost.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKinney of Dallas, for the remainder of the day, on request of Brand of Benton.

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. 772)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hibbard	Holveck	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schnekloth	Schrader	Shearer	Sherzan

Shoning	Shultz	Siegrist	Spear
Spanner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

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

### INTRODUCTION OF BILL

**House File 779**, by committee on appropriations, a bill for an act relating to and making appropriations to regulatory bodies of state government including the auditor of state, the campaign finance disclosure commission, the department of employment services, including labor services, industrial services, and job service divisions, the office of the state public defender, the department of inspections and appeals, including the employment appeal board and the foster care review board, and legal services corporation, the public employment relations board, the department of commerce, including the professional licensing and regulation, alcoholic beverages, banking, credit union, savings and loan, insurance, and utilities divisions, and the racing commission, requiring the utilities board to conduct a cooperative energy efficiency study, describing ownership and rights in county property in use by the offices of the state public defender, imposing conditions on the hiring practices of state commissions, boards, and agencies, requiring the commissioner of insurance to adopt rules to require gender neutral insurance policies for accident, health, disability, or skilled nursing care, and imposing penalties upon insurance companies for failure to file required quarterly reports and other required financial statements with the division of insurance.

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

### SENATE MESSAGES CONSIDERED

**Senate File 519**, by Hutchins and Hultman, a bill for an act relating to the chairperson of the board of parole and the board of parole.

Read first time and **passed on file**.

**Senate File 522**, by Hutchins and Hultman, a bill for an act relating to radon testing and abatement, and making a penalty applicable.

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

**MOTION TO RECONSIDER  
(House File 767)**

I move to reconsider the vote by which House File 767 passed the House on April 24, 1989.

HALVORSON of Clayton

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Friday, April 21, 1989. Had I been present, I would have voted "aye" on House Files 196, 533, 765 and Senate File 141.

COHOON of Des Moines

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24th day of April, 1989: House Files 13, 201, 270, 319, 399, 420, 552, 575, 631, 693, 698, 699 and 717.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

**PRESENTATION OF VISITORS**

Daggett of Adams presented to the House, Pages Cindy Cox, Bedford; Brenda Graham, Ruthven and Jeffrey Grundmeyer, Masonville. They have been selected to the Des Moines Register All State Academic Honor Roll.

Carpenter of Polk presented to the House Maureen and John Jeffrey from Newcastle, England.

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

Thirty-eight fourth grade students from Sacred Heart School, West Des Moines, accompanied by Sherry McShane, Cecilia Benetti and Sue Bata. By Carpenter of Polk.

Twenty-eight fifth grade students from Cody Elementary School, LeClaire, accompanied by Harold Hubbard. By Schnekloth of Scott.

## 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

- |         |  |
|---------|--|
| 1989-62 | Future Farmers of America Freshman Team, Sibley-Ocheyedan High School — For receiving a gold award in the "Conduct of Meetings" contest. |
| 1989-63 | Tim Kruger, Sibley — For being named the Iowa Future Farmers of America Championship Chapter Reporter for 1989.                          |
| 1989-64 | Chief Richard G. Mobley and the Osage Police Department — For their R.U.O.K. program for senior citizens.                                |

### SUBCOMMITTEE ASSIGNMENTS

#### House File 773

Small Business and Commerce: Brammer, Chair; Bisignano, Hansen of Woodbury, Shoning and Trent.

#### Senate File 517

Appropriations: Renaud, Chair; Adams, Fuller, Kremer, McKean, McKinney and Tyrrell.

#### Senate File 520

Appropriations: Poncy, Chair; Branstad, Corbett, Harbor, Jesse, Shearer and Swartz.

#### Senate File 531

Appropriations: Koenigs, Chair; Beaman, Cohoon, Hermann, Pavich, Shoning and Svoboda.

## COMMITTEE RECOMMENDATIONS

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

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

### COMMITTEE ON APPROPRIATIONS

**Senate File 532**, a bill for an act relating to the compensation and benefits for legislators, and other public officials and employees by specifying salary levels, by providing adjustments for salaries, by specifying properly related matters, by making appropriations, and by specifying effective dates for certain provisions.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—4173** April 24, 1989.

**Committee Bill**, 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 20, 1989.

**Committee Bill**, relating to and making appropriations to regulatory bodies of state government.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 21, 1989.

**Committee Bill**, relating to and making appropriations to the department of agriculture and land stewardship, and the department of natural resources, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 21, 1989.

**Committee Bill**, relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the department of public health.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 21, 1989.

**Committee Bill**, relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 24, 1989.

### RESOLUTION FILED

**SCR 24**, by committee on agriculture, a concurrent resolution to petition the United States government to require that meat products produced outside the United States be labeled as foreign produced.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—4154	H.F.	674	Senate Amendment
H—4155	H.F.	71	Senate Amendment
H—4156	H.F.	313	Senate Amendment
H—4157	H.F.	680	Harper of Black Hawk Hammond of Story
H—4159	H.F.	680	Stromer of Hancock
H—4161	S.F.	186	Tabor of Jackson

H—4162	H.F.	754	Hatch of Polk
H—4164	H.F.	680	Haverland of Polk
H—4165	S.F.	223	Senate Amendment
H—4166	S.F.	186	Van Maanen of Mahaska
H—4167	S.F.	531	Harbor of Mills Pavich of Pottawattamie
H—4168	S.F.	532	Halvorson of Clayton Harbor of Mills
H—4169	S.F.	524	Connolly of Dubuque
H—4171	H.F.	769	Groninga of Cerro Gordo
H—4173	S.F.	532	Committee on Appropriations
H—4174	H.F.	178	Senate Amendment
H—4176	H.F.	71	Hansen of Woodbury

On motion by Arnould of Scott, the House adjourned at 7:22 p.m., until 9:00 a.m., Tuesday, April 25, 1989.

# JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day — Sixty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 25, 1989

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

Prayer was offered by the Honorable Bill Royer, state representative from Page County.

The Journal of Monday, April 24, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Doderer of Johnson from thirty-two residents.

By Plasier of Sioux from forty-eight constituents of District 6.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper, until his arrival, on request of Brown of Lucas.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 523, a bill for an act relating to political campaigns, providing for a political contribution tax credit on the personal income tax under certain circumstances, providing for a political candidates fund to be used for partial public financing of certain political campaigns, revising provisions relating to the campaign finance income tax checkoff, restricting the use of campaign funds and disposition of campaign property, prohibiting false representations concerning a candidate, providing limitations on certain contributions, amending provisions relating to treasurers of committees, providing additional requirements with respect to disclosures, providing that the lieutenant governor is not considered a separate candidate for campaign finance purposes, appropriating funds, providing penalties, providing other properly related matters, and providing effective and applicability dates.

Also: That the Senate has on April 21, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 525, a bill for an act relating to excursion gambling boats, by providing licensing requirements, by providing for the allocation of revenue, by providing for the accounting of receipts, by providing restrictions on the operation of gambling games, and providing a penalty.

JOHN F. DWYER, Secretary

### IMMEDIATE MESSAGE

(House File 764)

Arnould of Scott asked and received unanimous consent that House File 764 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the consideration of House Files 774 and 775.

### CONSIDERATION OF BILLS

Ways and Means Calendar

**Senate File 167**, a bill for an act specifying that under certain circumstances a city is not contiguous to another for purposes of a local option sales and services tax, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent to temporarily defer action on Senate File 167.

**House File 759**, a bill for an act relating to refunds from excise taxes on egg sales, was taken up for consideration.

### SENATE FILE 386 SUBSTITUTED FOR HOUSE FILE 759

Svoboda of Tama asked and received unanimous consent to substitute Senate File 386 for House File 759.

**Senate File 386**, a bill for an act relating to refunds from excise taxes on egg sales, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 386)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors

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
Hibbard	Holveck	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Jay	Jesse	Ollie	Petersen, D. F.
Tabor			

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

Chapman of Linn in the chair at 9:40 a.m.

The House resumed consideration of **Senate File 167**, a bill for an act specifying that under certain circumstances a city is not contiguous to another for purposes of a local option sales and services tax, previously deferred.

Schnekloth of Scott offered the following amendment H—3937 filed by him:

H—3937

- 1 Amend Senate File 167, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 20 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 422B.10, Code 1989, is amended
- 6 by adding the following new subsection:
- 7 **NEW SUBSECTION. 6.** Receipts of a local option
- 8 sales tax received by a local governing body as a
- 9 result of subsection 3, paragraphs "a" and "b", shall
- 10 be used by that governing body for the benefit of the

- 11 area whose population was used to determine that  
 12 share.”  
 13 2. Title page, line 1, by inserting after the  
 14 word “Act” the following: “relating to local option  
 15 sales and services taxes, by”.  
 16 3. Title page, line 3, by inserting after the  
 17 word “tax” the following: “, and by providing for the  
 18 distribution for tax receipts”.

Pavich of Pottawattamie rose on a point of order that amendment H—3937 was not germane.

The Speaker ruled the point well taken and amendment H—3937 not germane.

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

On the question “Shall the bill pass?” (S.F. 167)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Corbett
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	Hibbard	Holveck
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Van Maanen
Wise	Chapman		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Blanshan	Fey	Jay	Jesse
Ollie	Tyrrell		

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

**House File 769**, a bill for an act creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, authorizing a state-sponsored credit card, providing for properly related matters, and subjecting violators to penalties, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—4171 filed by him and moved its adoption:

H—4171

- 1 Amend House File 769 as follows:
- 2 1. Page 3, line 2, by inserting after the word
- 3 "the" the following: "governor, the general assembly,
- 4 and the".
- 5 2. Page 3, lines 18 and 19, by striking the words
- 6 "received from the tax on beverage containers".
- 7 3. Page 3, lines 27 and 28, by striking the words
- 8 "quarterly and".
- 9 4. Page 14, line 23, by striking the words
- 10 "paragraph b".
- 11 5. Page 16, line 9, by striking the words and
- 12 figure "as authorized in section 467F.2".
- 13 6. Page 17, by inserting after line 2, the
- 14 following:
- 15 "Sec. \_\_\_\_\_. This Act, being deemed of immediate
- 16 importance, takes effect upon enactment."
- 17 7. Title page, by striking lines 4 and 5, and
- 18 inserting the following: "providing for properly
- 19 related matters, subjecting violators to penalties,
- 20 and providing an effective date."

Amendment H—4171 was adopted.

The House stood at ease at 10:12 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 769 at 10:57 a.m., Connors of Polk in the chair.

Arnould of Scott asked and received unanimous consent that House File 769 be deferred and that the bill retain its place on the calendar.

## IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 373, 477, 522, 766 and 772 and Senate Files 71, 213, 272 and 502.

On motion by Arnould of Scott, the House was recessed at 10:58 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

## SENATE AMENDMENTS CONSIDERED

Hibbard of Madison called up for consideration **House File 496**, a bill for an act relating to credit services organizations, by requiring their registration, imposing regulation, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—4007:

H—4007

- 1 Amend House File 496, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, lines 26 and 27, by striking the words
- 4 "from a surety company authorized to do business in
- 5 this state".
- 6 2. Page 3, by inserting after line 16, the
- 7 following:
- 8 "\_\_\_\_\_. If a bond is obtained, the bond shall be
- 9 executed by a surety company authorized to do business
- 10 in this state, and the bond shall be continuous in
- 11 nature until cancelled by the surety with not less
- 12 than thirty days' written notice to both the credit
- 13 services organization and to the secretary of state.
- 14 The notice shall indicate the surety's intent to
- 15 cancel the bond effective on a date at least thirty
- 16 days after the date of the notice."
- 17 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4007.

Hibbard of Madison 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. 496)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohon	Connolly
Corbett	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	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Connors Presiding

The nays were, none.

Absent or not voting, 4:

Fey	Hatch	Osterberg	Trent
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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 643**, a bill for an act relating to the filing of a bond by out-of-state contractors, amended by the Senate amendment H—4050 as follows:

H—4050

- 1 Amend House File 643 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 91C.7, Code 1989, is amended
- 5 to read as follows:
- 6 91C.7 STATE CONTRACTS.
- 7 1. A contractor who is not registered with the
- 8 labor commissioner as required by this chapter shall
- 9 not be awarded a contract to perform work for the
- 10 state or an agency of the state.
- 11 2. An out-of-state contractor, before commencing a

12 contract in excess of five thousand dollars in value  
13 in Iowa, shall file a bond with the division of labor  
14 services of the department of employment services,  
15 with sureties to be approved by the division of labor  
16 services. The bond shall be in the sum of the greater  
17 of the following:

18 a. One thousand dollars.

19 b. Five percent of the contract price.

20 Release of the bond shall be conditioned upon the  
21 payment of all taxes, including contributions due  
22 under the unemployment compensation insurance system,  
23 penalties, interest, and related fees, which may  
24 accrue to the state of Iowa or its subdivisions on  
25 account of the execution and performance of the  
26 contract. If at any time during the term of the bond  
27 the department of revenue and finance determines that  
28 the amount of the bond is not sufficient to cover the  
29 tax liabilities accruing to the state of Iowa or its  
30 subdivisions, the department shall require the bond to  
31 be increased by an amount the department deems  
32 sufficient to cover the tax liabilities accrued and to  
33 accrue under the contract. The department shall adopt  
34 rules for the collection of the forfeiture. Notice  
35 shall be provided to the surety and to the contractor.  
36 Notice to the contractor shall be mailed to the  
37 contractor's last known address and to the  
38 contractor's registered agent for service of process,  
39 if any, within the state. The contractor or surety  
40 shall have the opportunity to apply to the director of  
41 revenue and finance for a hearing within thirty days  
42 after the giving of such notice. Upon the failure to  
43 timely request a hearing, the bond shall be forfeited.  
44 If, after the hearing upon timely request, the  
45 department of revenue and finance finds that the  
46 contractor has failed to pay the total of all taxes  
47 payable, the department shall order the bond  
48 forfeited. The amount of the forfeiture shall be the  
49 amount of taxes payable or the amount of the bond.  
50 The surety shall not have standing to contest the

**Page 2**

1 amount of any taxes payable. For purposes of this  
2 section "taxes payable" means all tax, penalties,  
3 interest, and fees that the department of revenue and  
4 finance has previously determined to be due to the  
5 state or a subdivision of the state by assessment or  
6 in an appeal of an assessment, including contributions  
7 to the unemployment compensation insurance system.  
8 If it is determined that this subsection may cause  
9 denial of federal funds which would otherwise be  
10 available, or would otherwise be inconsistent with

11 requirements of federal law, this subsection shall be  
12 suspended, but only to the extent necessary to prevent  
13 denial of the funds or to eliminate the inconsistency  
14 with federal requirements.

15 Sec. 2. Section 91C.8, subsection 2, unnumbered  
16 paragraph 1, Code 1989, is amended to read as follows:

17 If, upon investigation, the labor commissioner or  
18 the commissioner's authorized representative believes  
19 that a contractor has violated either any of the  
20 following, the commissioner shall with reasonable  
21 promptness issue a citation to the contractor:

22 Sec. 3. Section 91C.8, subsection 2, Code 1989, is  
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. c. The requirement that an out-of-  
25 state contractor file a bond with the division of  
26 labor services.

27 Sec. 4. Section 103A.24, Code 1989, is repealed."

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—4104, to the Senate amendment H—4050, filed by him on April 19, 1989.

Tyrrell of Iowa offered the following amendment H—4137, to the Senate amendment H—4050, filed by him and moved its adoption:

H—4137

1 Amend the Senate amendment, H—4050, to House File  
2 643 as follows:

3 1. Page 1, line 14, by striking the words  
4 "employment services," and inserting the following:  
5 "employment services."

6 2. Page 1, by striking lines 15 through 17 and  
7 inserting the following: "The surety bond shall be  
8 executed by a surety company authorized to do business  
9 in this state, and the bond shall be continuous in  
10 nature until canceled by the surety with not less than  
11 thirty days' written notice to the contractor and to  
12 the division of labor services of the department of  
13 employment services indicating the surety's desire to  
14 cancel the bond. The bond shall be in the sum of the  
15 greater of the following:"

16 3. By striking page 1, line 49 through page 2,  
17 line 1, and inserting the following: "amount of taxes  
18 payable or the amount of the bond, whichever is less.  
19 For purposes of this".

Amendment H—4137 was adopted.

On motion by Blanshan of Greene, the House concurred in the Senate amendment H—4050, as amended.

Blanshan of Greene moved that the bill, as amended by the

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

On the question "Shall the bill pass?" (H.F. 643)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Eddie	Hansen, S. D.	Hatch	Osterberg
Trent			

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

Speaker Avenson in the chair at 1:40 p.m.

Brown of Lucas called up for consideration **House File 551**, a bill for an act to modify the requirements for establishing an aviation authority, amended by the Senate, and moved that the House concur in the following Senate amendment H—4006:

H—4006

- 1 Amend House File 551, 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 330.23, Code 1989, is amended  
 6 by adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. Sections 330.17 through  
 8 330.20 do not apply to the abolition of an airport  
 9 commission by a city pursuant to this section for the  
 10 purpose of establishing an administrative agency  
 11 pursuant to chapter 392 to manage and control all or  
 12 part of its airport. The commission shall stand  
 13 abolished sixty days from the date of the city  
 14 council's final approval abolishing the airport  
 15 commission pursuant to this section, unless the  
 16 council designates a different effective date."  
 17 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4006.

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

On the question "Shall the bill pass?" (H.F. 551)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connolly	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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 1:

Corbett

Absent or not voting, 6:

Chapman

Connors

Hatch

Osterberg

Royer

Trent

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

### Ways and Means Calendar

The House resumed consideration of **House File 769**, a bill for an act creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, authorizing a state-sponsored credit card, providing for properly related matters, and subjecting violators to penalties, previously deferred.

Halvorson of Clayton offered the following amendment H—4191 filed by him from the floor:

H—4191

1 Amend House File 769 as follows:  
 2 1. Page 9, by inserting after line 25 the  
 3 following:  
 4 "\_\_\_\_\_. A political subdivision of the state  
 5 acquiring private property under this section shall  
 6 pay the property taxes relating to education funded as  
 7 provided in chapter 442 and fire protection which  
 8 would otherwise be subject to the levy of property  
 9 taxes for those purposes. The assessed value of real  
 10 property acquired by a political subdivision under  
 11 this section shall be that determined as provided in  
 12 section 427.1, subsection 31, and the political  
 13 subdivision may protest the assessed value in the  
 14 manner provided by law for any property owner to  
 15 protest an assessment. For the purposes of chapter  
 16 442, the assessed value of the property acquired by  
 17 the political subdivision shall be included in the  
 18 valuation base of the school district and the payments  
 19 made pursuant to this section shall be considered as  
 20 property tax revenues and not as miscellaneous income.  
 21 The county treasurer shall certify taxes due to the  
 22 department. The taxes shall be paid annually from the  
 23 fund or account from which the property acquisition  
 24 was funded."

Beatty of Warren in the chair at 1:58 p.m.

Black of Jasper rose on a point of order that amendment H—4191 was not germane.

The Speaker ruled the point not well taken and amendment H—4191 germane.

Halvorson of Clayton moved the adoption of amendment H—4191.

Roll call was requested by Halvorson of Clayton and Avenson of Fayette.

On the question "Shall amendment H—4191 be adopted?"  
(H.F. 769)

The ayes were, 34:

Banks	Beaman	Bennett	Branstad
Corbett	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Herrmann	Hester	Kistler
Kremer	Lageschulte	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 65:

Adams	Arnould	Avenson, Spkr.	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lundby	Lykam	May	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Beatty			

Presiding

Absent or not voting, 1:

Fey

Amendment H—4191 lost.

Speaker Avenson in the chair at 2:18 p.m.

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

On the question "Shall the bill pass?" (H.F. 769)

The ayes were, 100:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, none.

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

### IMMEDIATE MESSAGE (House File 769)

Arnould of Scott asked and received unanimous consent that House File 769 be immediately messaged to the Senate.

## SENATE AMENDMENTS CONSIDERED

Gruhn of Dickinson called up for consideration **House File 663**, a bill for an act requiring motorized bicycles to be equipped with bicycle safety flags and making a penalty applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H—4004:

H—4004

- 1 Amend House File 663 as follows:
- 2 1. Page 1, by inserting after line 9 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 805.8, subsection 2, paragraph
- 5 h, Code 1989, is amended to read as follows:
- 6 h. For operating, passing, turning and standing
- 7 violations under sections 321.236, subsections 3, 4, 9
- 8 and 12, 321.275, subsections 1 through 8, 321.295,
- 9 321.297, 321.299, 321.303, 321.304, subsections 1 and
- 10 2, 321.305, 321.306, 321.311, 321.312, 321.314,
- 11 321.315, 321.316, 321.318, 321.323, 321.340, 321.344,
- 12 321.353, 321.354, 321.363, 321.365, 321.366, 321.368,
- 13 321.382 and 321.395, the scheduled fine is fifteen
- 14 dollars.
- 15 Sec. \_\_\_\_\_. Section 805.8, subsection 2, Code 1989,
- 16 is amended by adding the following new paragraph:
- 17 **NEW PARAGRAPH.** u. For failure of having a bicycle
- 18 safety flag on a motorized bicycle in violation of
- 19 section 321.275, subsection 9, the scheduled fine is
- 20 five dollars."
- 21 2. Title page, line 2, by striking the words
- 22 "making a penalty applicable" and inserting the
- 23 following: "providing a penalty".

The motion prevailed and the House concurred in the Senate amendment H—4004.

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. 663)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	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	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Brown	Connolly	Harper	Hatch
Maulsby	Neuhauser	Plasier	

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

Brown of Lucas called up for consideration **House File 570**, a bill for an act relating to the registration of aircraft, amended by the Senate, and moved that the House concur in the following Senate amendment H—4008:

H—4008

- 1 Amend House File 570 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "dollars" the following: "and a fee of fifteen
- 5 dollars".

The motion lost and the House refused to concur in the Senate amendment H—4008.

Gruhn of Dickinson called up for consideration **House File 163**, a bill for an act relating to the duties of the department of inspections and appeals in the appeal and hearing processes of the state department of transportation, amended by the Senate, and moved that the House concur in the following Senate amendment H—4013:

H-4013

- 1 Amend House File 163 as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 18, line 16, by striking the word  
4 "provisions" and inserting the following: "portions".
- 5 2. Page 18, line 17, by striking the words "a  
6 resolution or" and inserting the following: "a  
7 resolution or an".
- 8 3. Page 18, lines 19 and 20, by striking the  
9 words "a resolution or" and inserting the following:  
10 "a resolution or an".
- 11 4. Page 18, line 21, by striking the words "a  
12 resolution or" and inserting the following: "a  
13 resolution or an".
- 14 5. Page 18, line 23, by striking the words  
15 "resolution or" and inserting the following:  
16 "resolution or".
- 17 6. Page 18, by striking line 25, and inserting  
18 the following: "affected by the resolution or  
19 ordinance. The resolution or".
- 20 7. Page 18, line 28, by striking the words  
21 "resolution or" and inserting the following:  
22 "resolution or".
- 23 8. Page 18, line 30, by striking the words  
24 "resolution or" and inserting the following:  
25 "resolution or".
- 26 9. Page 18, line 35, by striking the words  
27 "resolution or" and inserting the following:  
28 "resolution or".
- 29 10. Page 19, line 1, by striking the words "a  
30 resolution or" and inserting the following: "a  
31 resolution or the".
- 32 11. Page 19, line 3, by striking the words  
33 "resolution or" and inserting the following:  
34 "resolution or".
- 35 12. Page 19, line 5, by striking the words  
36 "resolution or" and inserting the following:  
37 "resolution or".
- 38 13. Page 19, by inserting after line 26 the  
39 following:  
40 "A resolution regulating the length of time a  
41 specific crossing may be blocked, which was adopted  
42 before the effective date of Senate File 500 of the  
43 Seventy-third General Assembly, is an ordinance for  
44 the purposes of this section."

The motion prevailed and the House concurred in the Senate amendment H-4013.

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. 163)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
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
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Hatch

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

## IMMEDIATE MESSAGE

(House File 570)

Arnould of Scott asked and received unanimous consent that House File 570 be immediately messaged to the Senate.

The House stood at ease at 2:42 p.m., until the fall of the gavel.

The House resumed session at 4:34 p.m., Fey of Scott in the chair.

## SENATE AMENDMENTS CONSIDERED

Osterberg of Linn called up for consideration **House File 669**, a bill for an act prohibiting the sale or distribution of purple loosestrife (*lythrum salicaria*) and subjecting violators to a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H—3977:

H—3977

1 Amend House File 669, as passed by the House, as  
2 follows:

3 1. Page 1, line 5, by inserting after the word  
4 “biennial,” the following: “the multiflora rose (rosa  
5 multiflora),”.

6 2. Page 1, line 7, by inserting after the word  
7 “state.” the following: “However, the multiflora rose  
8 (rosa multiflora) may be sold, offered for sale, or  
9 distributed when used for understock for either  
10 cultivated roses or ornamental shrubs in gardens.”

11 3. Title page, line 2, by inserting before the  
12 word “and” the following: “and multiflora rose (rosa  
13 multiflora),”.

The motion prevailed and the House concurred in the Senate amendment H—3977.

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. 669)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Harper	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie

Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Fey		
	Presiding		

The nays were, 1:

Neuhauser

Absent or not voting, 5:

Banks	Eddie	Hermann	Petersen, D. F.
Sherzan			

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

Stueland of Clinton called up for consideration **House File 198**, a bill for an act relating to the issuance and possession of commercial fishing operators' licenses, amended by the Senate, and moved that the House concur in the following Senate amendment H—3975:

H—3975

1 Amend House File 198, as amended and passed by the  
2 House, as follows:

3 1. Page 1, line 19, by inserting after the word  
4 "operators." the following: "A designated operator's  
5 license shall be assigned to not more than three  
6 operators during a year and a designated operator's  
7 license shall be valid for use only by an operator who  
8 possesses the license and has signed the license. The  
9 signature of any preceding designated operator who  
10 possessed the license shall be crossed out."

11 2. Page 1, line 21, by inserting after the word  
12 "license" the following: "which is signed by the  
13 operator. A designated operator's license which is  
14 not signed by the operator in possession of the  
15 license is forfeited to the state."

16 3. Page 1, by striking lines 24 through 26 and  
17 inserting the following:

18 "NEW PARAGRAPH. d. An individual possessing a  
19 valid commercial turtle license may have the  
20 assistance of one unlicensed individual in the  
21 commercial taking of turtles."

22 4. Page 1, by striking lines 29 through 31 and  
23 inserting the following:

24 "NEW PARAGRAPH. d. An individual possessing a  
 25 valid commercial mussel license may have the  
 26 assistance of one unlicensed individual in the  
 27 commercial taking of mussels."  
 28 5. By renumbering, relettering, or redesignating  
 29 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3975.

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

On the question "Shall the bill pass?" (H.F. 198)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Fey			
Presiding			

The nays were, none.

Absent or not voting, 3:

Eddie	Petersen, D. F.	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.

### Appropriations Calendar

**House File 775**, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health, was taken up for consideration.

Hammond of Story offered the following amendment H—4182 filed from the floor by Hammond, Peters and Carpenter and moved its adoption:

H—4182

- 1 Amend House File 775 as follows:
- 2 1. Page 2, line 15, by striking the figure
- 3 "209,455" and inserting the following: "329,455".
- 4 2. Page 2, by inserting after line 27, the
- 5 following:
- 6 "Of the funds appropriated under this subsection,
- 7 \$120,000 shall be used to fund the displaced homemaker
- 8 program."

Amendment H—4182 was adopted.

Carpenter of Polk offered the following amendment H—4183 filed by her and Haverland of Polk from the floor and moved its adoption:

H—4183

- 1 Amend House File 775, as follows:
- 2 1. Page 7, line 3, by striking the numerals "15.25"
- 3 and inserting the numerals "13.75".
- 4 2. Page 7, line 5, by striking numerals
- 5 "729,000" and inserting the numerals "780,000".

Amendment H—4183 was adopted.

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

On the question "Shall the bill pass?" (H.F. 775)

The ayes were, 98:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohon	Connolly
Connors	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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Fey		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Eddie Petersen, D. F.

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

#### IMMEDIATE MESSAGE (House File 775)

Arnould of Scott asked and received unanimous consent that House File 775 be immediately messaged to the Senate.

#### SENATE AMENDMENTS CONSIDERED

Teaford of Black Hawk called up for consideration **House File 403**, a bill for an act relating to child support awards by requiring the application of uniform support guidelines by the courts and the department of human services and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-4014:

H-4014

- 1 Amend House File 403 as amended and passed by the
- 2 House as follows:
- 3 1. Page 2, by inserting after line 21 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 252A.3, subsections 1 and 2,
- 6 Code 1989, are amended to read as follows:
- 7 1. A spouse in one state is hereby declared to be
- 8 liable for the support of the spouse and any child or

9 children under eighteen years of age and any other  
 10 dependent residing or found in the same state or in  
 11 another state having substantially similar or  
 12 reciprocal laws, and, if possessed of sufficient means  
 13 or able to earn such means, may be required to pay for  
 14 their support a fair and reasonable sum according to  
 15 the spouse's means, as may be determined by the. The  
 16 court having jurisdiction of the respondent in a  
 17 proceeding instituted under this chapter shall  
 18 establish the respondent's monthly support payment and  
 19 the amount of the support debt accrued and accruing  
 20 pursuant to section 598.21, subsection 4.

21 2. A parent in one state is hereby declared to be  
 22 liable for the support of the parent's child or  
 23 children under eighteen years of age residing or found  
 24 in the same state or in another state having  
 25 substantially similar or reciprocal laws, whenever the  
 26 other parent of such child or children is dead, or  
 27 cannot be found, or is incapable of supporting such  
 28 the child or children, and, if the liable parent is  
 29 possessed of sufficient means or able to earn such the  
 30 means, the liable parent may be required to pay for  
 31 the support of such child or children a fair and  
 32 reasonable sum according to the parent's means, as may  
 33 be determined by the. The court having jurisdiction  
 34 of the respondent in a proceeding instituted under  
 35 this chapter shall establish the respondent's monthly  
 36 support payment and the amount of the support debt  
 37 accrued and accruing pursuant to section 598.21,  
 38 subsection 4.

39 Sec. \_\_\_\_\_. Section 252A.6, subsection 11, Code  
 40 1989, is amended to read as follows:

41 11. If, on the return day of the summons, the  
 42 respondent appears at the time and place specified in  
 43 the summons and fails to answer the petition or admits  
 44 the allegations of the petition, or, if, after a  
 45 hearing has been duly held by the court in the  
 46 responding state in accordance with this section, the  
 47 court has found and determined that the prayer of the  
 48 petitioner, or any part of the prayer, is supported by  
 49 the evidence adduced in the proceeding, and that the  
 50 petitioner is in need of and entitled to support from

**Page 2**

1 the respondent, the court shall make and enter an  
 2 order directing the respondent to furnish support to  
 3 the petitioner and to pay a sum as the court shall  
 4 determine, ~~having due regard to the parties' means and~~  
 5 ~~circumstances determines pursuant to section 598.21,~~  
 6 subsection 4. A certified copy of the order shall be  
 7 transmitted by the court to the court in the

8 initiating state and the copy shall be filed with and  
 9 made a part of the records of the court in the  
 10 proceeding. Upon entry of an order for support or  
 11 upon failure of a person to make payments pursuant to  
 12 an order for support, the court may require the  
 13 respondent to provide security, a bond, or other  
 14 guarantee which the court determines is satisfactory  
 15 to secure the payment of the support. Upon the  
 16 respondent's failure to pay the support under the  
 17 order, the court may declare the security, bond, or  
 18 other guarantee forfeited."

19 2. Page 4, by inserting after line 24 the  
 20 following:

21 "Sec. \_\_\_\_\_. Section 675.25, Code 1989, is amended  
 22 to read as follows:

23 675.25 FORM OF JUDGMENT – CONTENTS OF SUPPORT  
 24 ORDER – COSTS.

25 The judgment shall be for periodic amounts, equal  
 26 or varying, having regard to the obligation of the  
 27 father under section 675.1, as the court directs, Upon  
 28 a finding or verdict of paternity pursuant to section  
 29 675.24, the court shall establish the father's monthly  
 30 support payment and the amount of the support debt  
 31 accrued or accruing pursuant to section 598.21,  
 32 subsection 4, until the child reaches majority or  
 33 until the child finishes high school, if after  
 34 majority. The court may order the father to pay  
 35 amounts the court deems appropriate for past and  
 36 future support and maintenance of the child and for  
 37 the reasonable and necessary expenses incurred by or  
 38 for the mother in connection with prenatal care, the  
 39 birth of the child, and postnatal care of the child  
 40 and the mother. The court may award the prevailing  
 41 party the reasonable costs of suit, including but not  
 42 limited to reasonable attorney fees."

43 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4014.

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. 403)

The ayes were, 98:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand

Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Fey		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Hansen, S. D. Osterberg

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

Speaker Avenson in the chair at 4:56 p.m.

Nielsen of Linn called up for consideration **House File 402**, a bill for an act relating to foster care by establishing certain provisions regarding voluntary foster care placements, amended by the Senate, and moved that the House concur in the following Senate amendment H—4012:

H—4012

- 1 Amend House File 402, as passed by the House, as
- 2 follows:
- 3 1. Page 3, by striking lines 19 through 21 and
- 4 inserting the following: "care placement is in the
- 5 child's best interests. The court shall determine
- 6 that voluntary foster care".
- 7 2. Page 4, by striking lines 9 through 11 and
- 8 inserting the following:
- 9 "3. A dispositional hearing is open to the public
- 10 unless the court, on the motion of any of the parties

11 or upon the court's own motion, excludes the public.  
 12 The court shall exclude the public from a hearing if  
 13 the court determines that the possibility of damage or  
 14 harm to the child outweighs the public's interest in  
 15 having an open hearing. Upon closing the hearing to  
 16 the public, the court may admit those persons who have  
 17 direct interest in the case or in the work of the  
 18 court."

The motion prevailed and the House concurred in the Senate amendment H—4012.

Nielsen 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. 402)

The ayes were, 100:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, none.

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

Jesse of Jasper called up for consideration **House File 273**, a bill for an act relating to economic development corporations in Iowa, amended by the Senate, and moved that the House concur in the following Senate amendment H—4042:

H—4042

- 1 Amend House File 273 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 28.149 MULTIPLE
- 5 CORPORATIONS.
- 6 The public directors, by a majority vote, may
- 7 create more than one corporation. Each additional
- 8 corporation shall be governed by this chapter. An
- 9 additional corporation may act as a general partner in
- 10 a limited partnership under chapter 545."
- 11 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4042.

Jesse 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. 273)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning

Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Hibbard

Absent or not voting, none.

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

### Appropriations Calendar

**House File 774**, 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 effective dates, was taken up for consideration.

Hatch of Polk offered the following amendment H—4185 filed by him from the floor and moved its adoption:

H—4185

- 1 Amend House File 774 as follows:
- 2 1. Page 2, line 27, by striking the word
- 3 "establish" and inserting the following: "the
- 4 establishment of".
- 5 2. Page 4, line 7, by inserting after the word
- 6 "division" the following: "shall".
- 7 3. Page 4, by inserting after line 30 the
- 8 following:
- 9 "Sec. 100. Notwithstanding section 8.33, if moneys
- 10 are appropriated by the general assembly from the
- 11 general fund of the state, for the fiscal year
- 12 beginning July 1, 1988, and ending June 30, 1989, to
- 13 the department of cultural affairs for the replacement
- 14 of the public broadcasting division's channel 12
- 15 transmitter, unobligated and unencumbered funds from
- 16 that appropriation remaining on June 30, 1989, shall
- 17 not revert to the general fund of the state but shall
- 18 remain available for expenditure during the fiscal
- 19 year beginning July 1, 1989, for the same purpose."
- 20 4. Page 11, line 12, by striking the words "this
- 21 subsection" and inserting the following: "section 26
- 22 of this Act".
- 23 5. Page 13, line 25, by striking the word
- 24 "grants" and inserting the following: "projects".

- 25 6. Page 14, line 11, by inserting after the word  
 26 "department" the following: "under this paragraph".  
 27 7. Page 14, line 34, by striking the word  
 28 "conduct" and inserting the following: "conducting".  
 29 8. Page 17, by striking lines 8 through 23, and  
 30 inserting the following: "amount of \$71,695,728 to be  
 31 allocated as follows:
- |                              |    |             |
|------------------------------|----|-------------|
| 32 a. Merged Area I .....    | \$ | 3,282,803   |
| 33 b. Merged Area II .....   | \$ | 4,158,725   |
| 34 c. Merged Area III .....  | \$ | 3,886,681   |
| 35 d. Merged Area IV .....   | \$ | 1,951,546   |
| 36 e. Merged Area V .....    | \$ | 4,147,889   |
| 37 f. Merged Area VI .....   | \$ | 4,233,481   |
| 38 g. Merged Area VII .....  | \$ | 5,779,023   |
| 39 h. Merged Area IX .....   | \$ | 5,855,658   |
| 40 i. Merged Area X .....    | \$ | 9,337,877   |
| 41 j. Merged Area XI .....   | \$ | 9,468,405   |
| 42 k. Merged Area XII .....  | \$ | 4,342,035   |
| 43 l. Merged Area XIII ..... | \$ | 4,344,526   |
| 44 m. Merged Area XIV .....  | \$ | 1,878,402   |
| 45 n. Merged Area XV .....   | \$ | 5,681,797   |
| 46 o. Merged Area XVI .....  | \$ | 3,346,880". |
- 47 9. Page 18, line 14, by striking the figure  
 48 "25,579,598" and inserting the following:  
 49 "13,579,598".  
 50 10. Page 18, by striking lines 18 through 32 and

**Page 2**

- 1 inserting the following:
- |                              |    |           |
|------------------------------|----|-----------|
| 2 "a. Merged Area I .....    | \$ | 611,887   |
| 3 b. Merged Area II .....    | \$ | 795,008   |
| 4 c. Merged Area III .....   | \$ | 739,949   |
| 5 d. Merged Area IV .....    | \$ | 377,297   |
| 6 e. Merged Area V .....     | \$ | 745,291   |
| 7 f. Merged Area VI .....    | \$ | 782,118   |
| 8 g. Merged Area VII .....   | \$ | 1,105,991 |
| 9 h. Merged Area IX .....    | \$ | 1,099,495 |
| 10 i. Merged Area X .....    | \$ | 1,744,567 |
| 11 j. Merged Area XI .....   | \$ | 1,875,037 |
| 12 k. Merged Area XII .....  | \$ | 835,261   |
| 13 l. Merged Area XIII ..... | \$ | 797,531   |
| 14 m. Merged Area XIV .....  | \$ | 353,975   |
| 15 n. Merged Area XV .....   | \$ | 1,097,051 |
| 16 o. Merged Area XVI .....  | \$ | 619,140". |
- 17 11. Page 22, line 28, by striking the word "study"  
 18 and inserting the following: "study".  
 19 12. Page 27, line 5, by striking the word "management"  
 20 and inserting the following: "revenue and finance".  
 21 13. Page 32, line 15, by striking the word "program."  
 22 and inserting the following: "program".  
 23 14. Page 37, by inserting after line 16 the following:

24 "Sec. \_\_\_\_\_. Section 261.17, subsection 3, Code 1989,  
25 is amended to read as follows:

26 3. The amount of a vocational-technical tuition  
27 grant shall not exceed the lesser of ~~four~~ five hundred  
28 ~~fty~~ dollars per year or the amount of the student's  
29 established financial need."

30 15. Page 49, line 31, by striking the word and  
31 figure "and 47" and inserting the following: "47, and  
32 100".

33 16. By renumbering as necessary.

Amendment H—4185 was adopted.

Halvorson of Clayton offered the following amendment H—4192  
filed by him from the floor and moved its adoption:

H—4192

1 Amend House File 774 as follows:

2 1. Page 2, by striking lines 24 and 25, and  
3 inserting the following: "shall expend \$55,000 for a  
4 Norwegian cultural center located in northeast Iowa  
5 and for remedial".

A non-record roll call was requested.

The ayes were 32, nays 47.

Amendment H—4192 lost.

De Groot of Lyon asked and received unanimous consent to defer  
action on amendment H—4189.

Brown of Lucas in the chair at 5:47 p.m.

Lageschulte of Bremer offered the following amendment H—4209  
filed by him from the floor and moved its adoption:

H—4209

1 Amend House File 774 as follows:

2 1. Page 6, by inserting after line 24 the  
3 following:

4 "As a condition, limitation, and qualification of  
5 the appropriation in this subsection, \$100,000 is  
6 allocated for the education savings program; \$100,000  
7 is allocated for the work for college program; \$75,000  
8 is allocated for the teacher loan payment program;  
9 \$20,000 is allocated for the occupational therapists  
10 loan program; \$250,000 is allocated for the nursing  
11 loan program; and \$155,000 is allocated for the  
12 national guard loan program."

13 2. Page 6, line 32, by striking the figure  
14 "155,000" and inserting the following: "250,000".

15 3. Page 6, line 35, by striking the figure  
16 "250,000" and inserting the following: "155,000".

A non-record roll call was requested.

The ayes were 40, nays 52.

Amendment H—4209 lost.

Stromer of Hancock offered the following amendment H—4221 filed by him from the floor and moved its adoption:

H—4221

- 1 Amend House File 774 as follows:
- 2 1. Page 6, by striking lines 14 through 17 and
- 3 inserting the following:
- 4 "For payments for the".
- 5 2. Page 6, by striking line 24 and inserting the
- 6 following:
- 7 ".....\$ 500,800"
- 8 3. Page 6, by striking lines 26 through 31 and
- 9 inserting the following: "for the purposes
- 10 designated, if the nursing loan program".
- 11 4. Page 9, by inserting after line 23 the
- 12 following:
- 13 "As a condition, limitation, and qualification of
- 14 the appropriation in this subsection, \$200,000 shall
- 15 be expended for drug abuse education in the elementary
- 16 and secondary schools."

A non-record roll call was requested.

The ayes were 37, nays 49.

Amendment H—4221 lost.

Banks of Plymouth offered the following amendment H—4187 filed by him and Tyrrell of Iowa from the floor and moved its adoption:

H—4187

- 1 Amend House File 774 as follows:
- 2 1. Page 7, by striking lines 1 through 5 and
- 3 inserting the following: "appropriated in this
- 4 subsection."
- 5 2. Page 39, line 23, by striking the word "six"
- 6 and inserting the following: "seven".
- 7 3. Page 39, by striking lines 31 and 32 and
- 8 inserting the following: "nine hundred seventy-two
- 9 twenty-three thousand four six hundred seventy-two
- 10 forty-four dollars for vocational-technical tuition
- 11 grants."

Amendment H—4187 lost.

Shoultz of Black Hawk offered the following amendment H—4188 filed by him and Hatch of Polk from the floor and moved its adoption:

H—4188

1 Amend House File 774 as follows:

2 1. Page 11, by striking lines 14 through 29 and  
3 inserting the following:

4 "As a condition, limitation, and qualification of  
5 the appropriation in this subsection, the department  
6 of education shall create an evaluation system  
7 reporting on educational excellence program phase III  
8 activities under chapter 294A. Issues to be addressed  
9 in the system shall include, but are not limited to,  
10 an analysis of the expenditures of phase III funds  
11 including the types of activities and specific  
12 additional work assignments for which teachers are  
13 receiving supplemental pay, information about the  
14 subject areas and educational levels involved in the  
15 phase III activities, a description of types of  
16 significant staff development efforts being conducted  
17 under phase III and the providers of the staff  
18 development, a description of the different types of  
19 approved performance-based pay plans, descriptive  
20 information on teachers receiving phase III funds, and  
21 other information the department deems pertinent. A  
22 report on the evaluation system and the results of the  
23 evaluation of phase III programs for the fiscal year  
24 beginning July 1, 1989, shall be submitted to the  
25 general assembly by January 1, 1991. The department  
26 of education shall disseminate information to all  
27 school districts and area education agencies relating  
28 to innovative phase III programs. The information  
29 shall be provided at no cost to the school districts  
30 and the area education agencies."

31 2. Page 20, by inserting after line 19 the  
32 following:

33 "Sec. \_\_\_\_\_. Notwithstanding the allocation of phase  
34 III moneys under section 294A.14, for the fiscal year  
35 beginning July 1, 1989, prior to the allocation to  
36 school districts and area education agencies, \$50,000  
37 of the moneys appropriated for phase III shall be  
38 retained by the department of education to be used to  
39 develop the phase III evaluation and reporting system  
40 required under section 9, subsection 1, of this Act."

Amendment H—4188 was adopted.

Siegrist of Pottawattamie offered the following amendment H—4204 filed from the floor by Siegrist, Pavich, Ollie, Hester and Harbor and moved its adoption:

H-4204

- 1 Amend House File 774 as follows:
- 2 1. Page 12, line 5 by inserting after the word
- 3 "administrator." the following: "An area education
- 4 agency which has an administrative structure in place
- 5 on or before July 1, 1989, which does not conform with
- 6 this section, may be granted an exemption by the
- 7 department of education."

A non-record roll call was requested.

The ayes were 46, nays 13.

Amendment H-4204 was adopted.

Maulsby of Calhoun offered the following amendment H-4206 filed by him from the floor and moved its adoption:

H-4206

- 1 Amend House File 774 as follows:
- 2 1. Page 14, by inserting after line 23, the
- 3 following:
- 4 "e. For administrative staff developmental
- 5 programs:
- 6 .....\$ 51,600".

A non-record roll call was requested.

The ayes were 31, nays 44.

Amendment H-4206 lost.

Arnould of Scott asked and received unanimous consent to defer action on amendment H-4211.

Speaker Avenson in the chair at 7:00 p.m.

Shultz of Black Hawk offered amendment H-4210 filed by him from the floor and requested division as follows:

H-4210

- 1 Amend House File 774 as follows:

H-4210A

- 2 1. Page 16, line 4, by striking the figure
- 3 "50,000" and inserting the following: "60,000".

H-4210B

- 4 2. Page 16, line 6, by striking the word "ten"
- 5 and inserting the following: "fifteen".
- 6 3. Page 16, line 8, by inserting after the word
- 7 "purposes" the following: "or for publication of the
- 8 Iowa academy of science journal".

Shoultz of Black Hawk asked and received unanimous consent to defer action on amendment H—4210A.

Shoultz of Black Hawk moved the adoption of amendment H—4210B.

A non-record roll call was requested.

The ayes were 36, nays 21.

Amendment H—4210B was adopted.

Adams of Hamilton offered the following amendment H—4226 filed by her and Ollie of Clinton from the floor and moved its adoption:

H—4226

- 1 Amend House File 774 as follows:
- 2 1. Page 16, by inserting after line 24 the
- 3 following:
- 4 "\_\_\_\_\_. LITERACY STUDY. The department of education
- 5 shall solicit gifts and grants from the federal
- 6 government and private nonprofit foundations to award
- 7 a contract for a study of the literacy of young adults
- 8 in Iowa to an independent testing corporation located
- 9 in this state. The specifications for the study shall
- 10 be substantially similar to the specifications used
- 11 for the national assessment of education progress
- 12 study of the literacy of young adults in the United
- 13 States conducted by the educational testing service."
- 14 2. By renumbering as necessary.

Amendment H—4226 was adopted.

Garman of Story offered the following amendment H—4200 filed by her from the floor and moved its adoption:

H—4200

- 1 Amend House File 774 as follows:
- 2 1. Page 18, by inserting after line 7, the
- 3 following:
- 4 "13. CAREER INFORMATION SYSTEM OF IOWA
- 5 For the purpose of providing educational
- 6 information to students in public and nonpublic
- 7 schools:
- 8 .....\$ 84,814".

Amendment H—4200 lost.

Jochum of Dubuque asked and received unanimous consent to defer action on amendment H—4214.

Hatch of Polk offered the following amendment H—4203 filed by him and Maulsby of Calhoun from the floor and moved its adoption:

H—4203

- 1 Amend House File 774 as follows:
- 2 1. Page 24, line 17, by striking the figure
- 3 "750,000" and inserting the following: "550,000".
- 4 2. Page 24, by striking lines 20 through 22 and
- 5 inserting the following:
- 6 "Of the \$550,000 available for teaching excellence
- 7 awards, \$50,000 shall be awarded to faculty members
- 8 and teaching assistants who have been recognized for
- 9 exceptional teaching. An exceptional teaching
- 10 recognition award is for a one-year period".
- 11 3. Page 29, line 4, by striking the figure
- 12 "750,000" and inserting the following: "550,000".
- 13 4. Page 29, by striking lines 7 through 9 and
- 14 inserting the following:
- 15 "Of the \$550,000 available for teaching excellence
- 16 awards, \$50,000 shall be awarded to faculty members
- 17 and teaching assistants who have been recognized for
- 18 exceptional teaching. An exceptional teaching
- 19 recognition award is for a one-year period".

Amendment H—4203 was adopted.

Maulsby of Calhoun offered the following amendment H—4194 filed from the floor by Maulsby, Tyrrell and Halvorson of Clayton and moved its adoption:

H—4194

- 1 Amend House File 774 as follows:
- 2 1. Page 26, line 5, by striking the figure
- 3 "26,648,221" and inserting the following:
- 4 "26,827,221".

Amendment H—4194 lost.

Maulsby of Calhoun offered the following amendment H—4195 filed by him from the floor and moved its adoption:

H—4195

- 1 Amend House File 774 as follows:
- 2 1. Page 30, line 18, by striking the word "For"
- 3 and inserting the following:
- 4 "(1) For".
- 5 2. Page 30, by striking lines 23 through 25 and
- 6 inserting the following:
- 7 "(2) For agricultural research."
- 8 3. By striking page 45, line 29, through page 48,
- 9 line 7.
- 10 4. By renumbering as necessary.

Amendment H—4195 lost.

Siegrist of Pottawattamie offered the following amendment H—4181 filed from the floor by Siegrist, Jochum, Hester, Pavich and Harbor and moved its adoption:

H—4181

- 1 Amend House File 774 as follows:
- 2 1. Page 32, by inserting after line 35 the
- 3 following:
- 4 "As a condition, qualification, and limitation of
- 5 the appropriation in this subsection, the state school
- 6 for the deaf shall conduct a planning study for con-
- 7 struction of a new recreation facility for the state
- 8 school for the deaf. The recreation facility shall be
- 9 located in Council Bluffs."

Amendment H—4181 was adopted.

Stromer of Hancock offered the following amendment H—4218 filed by him from the floor and moved its adoption:

H—4218

- 1 Amend House File 774 as follows:
- 2 1. Page 35, by striking lines 19 through 32.
- 3 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 35, nays 46.

Amendment H—4218 lost.

Lageschulte of Bremer offered the following amendment H—4180 filed by him from the floor and moved its adoption:

H—4180

- 1 Amend House File 774 as follows:
- 2 1. Page 39, by striking lines 23 and 24 and
- 3 inserting the following: "~~twenty-eight~~ thirty million
- 4 ~~eight seven hundred ninety-four~~ twelve thousand ~~seven~~
- 5 five hundred sixty-five dollars for".

Roll call was requested by Lageschulte of Bremer and Banks of Plymouth.

On the question "Shall amendment H—4180 be adopted?"  
(H.F. 774)

The ayes were, 38:

Banks	Beaman	Beatty	Bennett
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Siegrist
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 55:

Adams	Arnould	Blanshan	Brammer
Brand	Brown	Buhr	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	McKinney
Metcalf	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 7:

Bisignano	Black	Chapman	Groninga
May	Miller	Shoning	

Amendment H—4180 lost.

Stromer of Hancock asked and received unanimous consent to defer action on amendment H—4216.

Holveck of Polk in the chair at 7:56 p.m.

Blanshan of Greene offered the following amendment H—4186 filed by him and Tabor of Jackson from the floor and moved its adoption:

H—4186

- 1 Amend House File 774 as follows:
- 2 1. By striking page 47, line 15, through page 48,
- 3 line 7.
- 4 2. By renumbering as necessary.

Amendment H—4186 was adopted.

Clark of Cerro Gordo offered the following amendment H—4223 filed by her and Garman of Story from the floor and moved its adoption:

H—4223

- 1 Amend House File 774 as follows:
- 2 1. Page 2, by striking lines 24 and 25 and
- 3 inserting the following: "shall expend moneys for
- 4 remedial".

A non-record roll call was requested.

The ayes were 38, nays 46.

Amendment H—4223 lost.

De Groot of Lyon asked and received unanimous consent to withdraw amendment H—4189, previously deferred, filed by him from the floor.

De Groot of Lyon offered the following amendment H—4222 filed by him from the floor and moved its adoption:

H—4222

- 1 Amend House File 774 as follows:
- 2 1. Page 4, by inserting after line 30 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Notwithstanding 1986 Iowa Acts, chapter
- 5 1246, section 2, section 102, and section 103, as
- 6 amended by 1987 Iowa Acts, chapter 228, section 7,
- 7 moneys appropriated in those sections that remain
- 8 unobligated and unencumbered on June 30, 1989, shall
- 9 not revert to the general fund, but shall remain
- 10 available for expenditure for the purposes specified
- 11 until June 30, 1991."
- 12 2. By renumbering as necessary.

Amendment H—4222 was adopted.

Nielsen of Linn offered the following amendment H—4211, previously deferred, filed from the floor by Nielsen, Harper and Teaford:

H—4211

- 1 Amend House File 774 as follows:
- 2 1. Page 15, by inserting after line 30, the
- 3 following:
- 4 "The appropriation in this subsection is contingent
- 5 upon the enactment of section 1001 of this Act."

6 2. Page 36, by inserting after line 11, the  
 7 following:  
 8 "Sec. 1001. Section 256.11, unnumbered paragraph  
 9 1, Code 1989, is amended to read as follows:  
 10 The state board shall adopt rules under chapter 17A  
 11 and a procedure for accrediting all public and  
 12 nonpublic schools in Iowa offering instruction at any  
 13 or all levels from the prekindergarten level through  
 14 grade twelve. The rules of the state board shall  
 15 require that a multicultural, nonsexist approach is  
 16 used by school districts. The rules of the state  
 17 board shall also require that a multicultural,  
 18 nonsexist approach is used by nonpublic schools unless  
 19 such an approach would conflict with a bona fide  
 20 religious belief or purposes of a bona fide religious  
 21 institution. The educational program shall be taught  
 22 from a multicultural, nonsexist approach. Global  
 23 perspectives shall be incorporated into all levels of  
 24 the educational program."  
 25 3. Renumber as necessary.

Corbett of Linn rose on a point of order that amendment H—4211 was not germane.

The Speaker ruled the point well taken and amendment H—4211 not germane.

The House resumed consideration of amendment H—4210A, previously deferred.

Shultz of Black Hawk asked and received unanimous consent to withdraw amendment H—4210A, found on page 1882 of the House Journal.

Stromer of Hancock offered the following amendment H—4214, previously deferred, filed by him from the floor and moved its adoption:

H—4214

1 Amend House File 774 as follows:  
 2 1. Page 21, line 14, by striking the figure  
 3 "1,050,546" and inserting the following: "1,134,882".  
 4 2. Page 21, line 15, by striking the figure  
 5 "19.63" and inserting the following: "21.63".  
 6 3. Page 21, by inserting after line 15, the  
 7 following:  
 8 "As a condition, limitation, and qualification of  
 9 funds appropriated in this paragraph, the state board  
 10 of regents shall reestablish the position of associate  
 11 director for academic affairs and research."

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—4214 be adopted?" (H.F. 774)

The ayes were, 40:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Doderer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 56:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brand
Brown	Buhr	Cphoon	Connolly
Connors	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Jay	Jesse	Jochum
Johnson	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Holveck Presiding

Absent or not voting, 4:

Black	Chapman	Hibbard	Knapp
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Amendment H—4214 lost.

Stromer of Hancock offered the following amendment H—4216, previously deferred, filed by him from the floor and moved its adoption:

H—4216

- 1 Amend House File 774 as follows:
- 2 1. Page 43, line 16, by striking the words
- 3 "~~hundred fifty thousand~~" and inserting the following:
- 4 "four hundred fifty thousand".

A non-record roll call was requested.

The ayes were 39, nays 46.

Amendment H—4216 lost.

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. 774)

The ayes were, 99:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cohon	Connolly	Connors
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
Hibbard	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Holveck	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Chapman

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

Speaker Avenson in the chair at 8:30 p.m.

#### SENATE AMENDMENTS CONSIDERED

Bisignano of Polk called up for consideration **House File 722**, a bill for an act relating to infectious waste management, amended by the Senate amendment H—4000 as follows:

H-4000

1 Amend House File 722, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 1 through 23, and  
4 inserting the following:

5 "2. The department shall institute an infectious  
6 waste management program in consultation with the Iowa  
7 department of public health. The program shall  
8 include all of the following elements:

9 a. Recommendations to the commission for revision  
10 of the rules which refer to infectious waste as  
11 hazardous or toxic waste.

12 b. Initiation, in cooperation with associations of  
13 health care providers of an information and education  
14 effort regarding the current requirements for special  
15 waste authorizations prior to the disposal of  
16 infectious wastes in a landfill. The effort shall  
17 include an attempt to compile an inventory of the  
18 number of generators and the volumes generated. The  
19 inventory shall be completed and a report regarding  
20 the results of the inventory submitted to the general  
21 assembly by no later than January 15, 1991.

22 c. Upon completion of the compilation of the  
23 inventory, the department shall recommend, for  
24 adoption by the commission, standards for on-site and  
25 off-site treatment of infectious waste. In developing  
26 standards, the department shall consider factors  
27 affecting the feasibility of alternative methods of  
28 treatment and disposal, including but not limited to  
29 the volume of infectious waste generated, the  
30 availability of treatment facilities within geographic  
31 areas, and the costs of transporting infectious wastes  
32 to treatment facilities. The standards shall include  
33 monitoring requirements for treatment facilities, and  
34 training requirements for operators of facilities.  
35 The standards may include requirements for management  
36 plans dealing with the plans for management of  
37 infectious wastes in compliance with adopted  
38 standards. In cases in which an individual generator  
39 of infectious waste is served by a person treating or  
40 disposing of the infectious waste, the person treating  
41 or disposing of the waste may prepare the plan for all  
42 generators served.

43 d. The department shall undertake a public  
44 information program, in conjunction with the Iowa  
45 department of public health and health care providers,  
46 to promote public understanding of the scope and  
47 features of state and private efforts to manage  
48 infectious wastes."

Bisignano of Polk offered the following amendment H—4117, to the Senate amendment H—4000, filed by him and moved its adoption:

H—4117

- 1 Amend the Senate amendment, H—4000, to House File
- 2 722, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 6, by striking the word
- 5 "consultation" and inserting the following:
- 6 "cooperation".

Amendment H—4117 was adopted.

On motion by Bisignano of Polk, the House concurred in the Senate amendment H—4000, as amended.

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

On the question "Shall the bill pass?" (H.F. 722)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Banks Chapman Doderer Osterberg

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 344**, a bill for an act relating to the substance abuse law, amended by the Senate, and moved that the House concur in the following Senate amendment H--4011:

H-4011

- 1 Amend House File 344 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "organizations" the following: "the commission on
- 4 accreditation of rehabilitation facilities, the
- 5 American Osteopathic Association,".

The motion prevailed and the House concurred in the Senate amendment H-4011.

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. 344)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning

Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Chapman

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

Connors of Polk in the chair at 8:44 p.m.

Jesse of Jasper called up for consideration **House File 234**, a bill for an act relating to entities and subject matter regulated by the department of commerce, division of banking, including banks, regulated loans, and industrial loan companies, amended by the Senate, and moved that the House concur in the following Senate amendment H—3980:

H—3980

- 1 Amend House File 234, 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 523A.2, subsection 1, paragraph
- 6 a, Code 1989, is amended to read as follows:
- 7 a. All funds held in trust under section 523A.1
- 8 shall be deposited in a state or federally insured
- 9 bank, savings and loan association, or credit union
- 10 authorized to conduct business in this state, or trust
- 11 department thereof, or in a trust company authorized
- 12 to conduct business in this state, within thirty days
- 13 after the receipt of the funds and shall be held in a
- 14 separate account or in one common trust fund under a
- 15 trust agreement in the name of the depositor in trust
- 16 for the designated beneficiary until released pursuant
- 17 to section 523A.1."
- 18 2. Page 1, by inserting after line 7, the
- 19 following:
- 20 "Sec. \_\_\_\_\_. Section 524.103, Code 1989, is amended
- 21 by adding the following new subsection:
- 22 **NEW SUBSECTION. 28.** "Trust company" means a
- 23 business organization which is authorized to engage in a
- 24 trust business pursuant to section 524.1005. A bank
- 25 lawfully granted trust powers under the laws of this
- 26 state or of the United States is not a trust company
- 27 by reason of having authority to engage in trust

28 business in addition to its general business.”

29 3. Page 1, by striking line 28, and inserting the  
30 following:

31 “Sec. \_\_\_\_\_. Section 524.217, subsections 1, 2, 4,  
32 5, and 7, Code 1989, are”.

33 4. Page 1, by inserting after line 29, the  
34 following:

35 “1. The superintendent shall have power to make or  
36 cause to be made an examination of every state bank  
37 and trust company whenever in the superintendent’s  
38 judgment such examination is necessary or advisable,  
39 but in no event less frequently than once during each  
40 eighteen-month period. During the course of each  
41 examination of a state bank or trust company, inquiry  
42 shall be made as to its financial condition, the  
43 security afforded to those to whom it is obligated,  
44 the policies of its management, whether the  
45 requirements of law have been complied with in the  
46 administration of its affairs, and such other matters  
47 as the superintendent may prescribe. The  
48 superintendent shall also have power to make or cause  
49 to be made such limited examinations at such times and  
50 with such frequency as the superintendent may deem

## Page 2

1 necessary and advisable to determine the condition of  
2 any state bank or trust company and whether any person  
3 has violated any of the provisions of this chapter.

4 2. The superintendent shall have power to make or  
5 cause to be made an examination of any corporation in  
6 which the state bank or trust company owns shares  
7 except corporations described in paragraphs “a” and  
8 “b” of subsection 3 of section 524.901. The  
9 superintendent shall also have power, upon application  
10 to and order of the district court of Polk county, to  
11 make or cause to be made an examination of any person  
12 having business transactions or a relationship with  
13 any state bank or trust company when such an  
14 examination is deemed necessary and advisable in order  
15 to determine whether the capital of the state bank or  
16 trust company is impaired or whether the safety of its  
17 deposits has been imperiled. The fee for any such  
18 examination shall be paid by the state bank or trust  
19 company.”

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

22 “5. A copy of the report of each examination of a  
23 state bank or trust company shall be transmitted by  
24 the superintendent to the board of directors of the  
25 state bank or trust company except to the extent that  
26 the report of any such examination may be confidential

27 to the superintendent, and each member of the board of  
 28 directors shall furnish to the superintendent, on  
 29 forms to be supplied by the superintendent, a  
 30 statement that the member has read the report of  
 31 examination.

32 7. The report of examination of any affiliate or  
 33 of any person examined as provided for in subsection 2  
 34 of this section shall not be transmitted by the  
 35 superintendent to any such affiliate or person or to  
 36 any state bank or trust company or to the board of  
 37 directors of any state bank or trust company unless  
 38 authorized or requested by such affiliate or person."

39 6. Page 5, by inserting after line 4, the  
 40 following:

41 "Sec. \_\_\_\_\_. Section 524.1005, Code 1989, is amended  
 42 to read as follows:

43 524.1005 TRUST COMPANIES OPERATING ON JANUARY 1,  
 44 1970.

45 1. A trust company existing and operating on  
 46 January 1, 1970 and which was authorized to act only  
 47 as a trust company may continue to act only in a  
 48 fiduciary capacity according to the terms of its  
 49 articles of incorporation. The articles of  
 50 incorporation of the trust company may be renewed in

**Page 3**

1 perpetuity. When applicable, this chapter applies to  
 2 the operations of the trust company. Section 524.107,  
 3 subsection 2, regarding the use of the word "trust"  
 4 does not apply to a trust company subject to this  
 5 section.

6 2. Notwithstanding subsection 1, a trust company  
 7 shall have the power to do all of the following:

8 a. Acquire and hold, or lease as lessee, such  
 9 personal property as is used, or is to be used, in its  
 10 operations.

11 b. Subject to the prior approval of the  
 12 superintendent, acquire and hold, or lease as lessee,  
 13 only such real property as is used, or is to be used,  
 14 wholly or substantially, in its operations or acquired  
 15 for future use.

16 c. Subject to the prior approval of the  
 17 superintendent, acquire and hold shares of a  
 18 corporation engaged solely in holding and operating  
 19 real property used wholly or substantially by the  
 20 trust company in its operation or acquired for its  
 21 future use.

22 d. Subject to the prior approval of the  
 23 superintendent, acquire and hold shares of a  
 24 corporation organized to perform, or performing,  
 25 functions or activities that may be performed by a

26 trust company, including activities of a fiduciary,  
 27 agency, or custodial nature, in the manner authorized  
 28 by federal or state law, as long as the corporation is  
 29 not a bank and does not make loans and investments or  
 30 accept deposits other than the following permitted  
 31 deposits:

32 (1) Deposits that are generated from trust funds  
 33 not currently invested and that are properly secured  
 34 to the extent required by law.

35 (2) Deposits representing funds received for a  
 36 special use in the capacity of managing agent or  
 37 custodian for an owner of, or investor in, real  
 38 property, securities, or other personal property; or  
 39 for such owner or investor as agent or custodian of  
 40 funds held for investment or as escrow agent; or for  
 41 an issuer of, or broker or dealer in securities, in a  
 42 capacity such as a paying agent, dividend disbursing  
 43 agent, or securities clearing agent. However, such  
 44 deposits shall not be employed by or for the account  
 45 of the customer in the manner of a general purpose  
 46 checking account or interest-bearing account.

47 (3) Making call loans to securities dealers or  
 48 purchasing money market instruments such as  
 49 certificates of deposit, commercial paper, government  
 50 or municipal securities, and bankers acceptances.

**Page 4**

1 Such authorized loans and investments, however, shall  
 2 not be used as a method of channeling funds to  
 3 nontrust company affiliates of the trust company.

4 e. Subject to the prior approval of the  
 5 superintendent, acquire and hold shares of a  
 6 corporation organized to perform, or performing, the  
 7 collection of charges and premiums from, or adjusting  
 8 and settling claims on, residents of this state and  
 9 any other state where authorized or qualified to  
 10 conduct such activity, in connection with life or  
 11 health insurance coverage or annuities."

12 7. Page 10, by inserting after line 6, the  
 13 following:

14 "Sec. \_\_\_\_\_. Section 633.63, subsection 2, Code  
 15 1989, is amended to read as follows:

16 2. Banks and trust companies organized under the  
 17 laws of the United States or state banks, when  
 18 approved by the superintendent of banking under  
 19 section 524.1001, and trust companies authorized to  
 20 engage in trust business pursuant to section 524.1005,  
 21 are authorized to act in a fiduciary capacity in  
 22 Iowa."

23 8. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3980.

Jesse 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. 234)

The ayes were, 92:

Arnould	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Corbett	Daggett
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
Hibbard	Holveck	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Miller	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Pony	Renaud	Renken	Rosenberg
Royer	Schneklath	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 8:

Adams	Black	De Groot	Halvorson, R. N.
Johnson	Maulsby	Muhlbauer	Schrader

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 25, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 585, a bill for an act relating to guardians and conservators, by providing for notice to proposed wards, formation of state and local emergency medical boards, immunity from liability, waiver of filing fees and costs, training of guardians and conservators, and implementation of a representative payee project.

Also: That the Senate has on April 25, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 660, a bill for an act requiring the performance of monthly fuel surveys by the department of natural resources.

Also: That the Senate has on April 25, 1989, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 199, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes.

Also: That the Senate has on April 25, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 266, a bill for an act requiring electric utilities to have in effect a comprehensive energy management program before increased rates, charges, schedules, and regulations may be approved by the utilities board.

Also: That the Senate has on April 25, 1989, 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 363, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date.

Also: That the Senate has on April 25, 1989, 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 419, a bill for an act relating to energy efficiency and providing effective dates.

Also: That the Senate has on April 25, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 529, a bill for an act creating the Iowa highway research board and providing for the board's compensation and expenses.

Also: That the Senate has on April 25, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 534, a bill for an act relating to the adoption of rules by the department of inspections and appeals for intermediate care facilities for the mentally retarded and providing an effective date.

JOHN F. DWYER, Secretary

## INTRODUCTION OF BILLS

**House File 780**, by committee on appropriations, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date.

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

**House File 781**, by committee on appropriations, a bill for an act relating to research, review, and evaluation with respect to certain health-related legislative proposals, providing for contracting arrangements and a structure for organization and coordination, imposing fees, providing for the appropriation of funds, and providing other properly related matters.

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

## SENATE MESSAGE CONSIDERED

**Senate File 523**, by committee on ways and means, a bill for an act relating to political campaigns, providing for a political contribution tax credit on the personal income tax under certain circumstances, providing for a political candidates fund to be used for partial public financing of certain political campaigns, revising provisions relating to the campaign finance income tax checkoff, restricting the use of campaign funds and disposition of campaign property, prohibiting false representations concerning a candidate, providing limitations on certain contributions, amending provisions relating to treasurers of committees, providing additional requirements with respect to disclosures, providing that the lieutenant governor is not considered a separate candidate for campaign finance purposes, appropriating funds, providing penalties, providing other properly related matters, and providing effective and applicability dates.

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

The House stood at ease at 8:49 p.m., until the fall of the gavel.

The House resumed session at 9:11 p.m., Speaker Avenson in the chair.

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 535)

Ollie of Clinton called up for consideration the report of the conference committee on House File 535 as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 535

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 535, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H—3842.

2. That House File 535, 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. NEW SECTION. 257.1 STATE SCHOOL FOUNDATION PROGRAM  
— STATE AID.

1. PROGRAM ESTABLISHED. A state school foundation program is established for the school year commencing July 1, 1991, and succeeding school years.

2. STATE SCHOOL FOUNDATION AID — FOUNDATION BASE. For a budget year, each school district in the state is entitled to receive foundation aid, in an amount per pupil equal to the difference between the amount per pupil of foundation property tax in the district, and the combined foundation base per pupil or the combined district cost per pupil, whichever is less. However, if the amount of foundation aid received by a school district under this chapter is less than three hundred dollars per pupil, the district is entitled to receive three hundred dollars per pupil unless the receipt of three hundred dollars per pupil plus the per pupil amount raised by the foundation property tax exceeds the combined district cost per pupil of the district for the budget year. In that case, the district is entitled to receive an amount per pupil equal to the difference between the per pupil amount raised by the foundation property tax for the budget year and the combined district cost per pupil for the budget year.

For the budget year commencing July 1, 1991, the regular program foundation base per pupil is eighty-three and five-tenths percent of the regular program state cost per pupil. For each succeeding budget year, the regular program foundation base shall increase twenty-five hundredths percent per year until the regular program foundation base reaches eighty-five percent of the regular program state cost per pupil. For the budget year commencing July 1, 1991, the special education support services foundation base is eighty-three and five-tenths percent of the special education support services state cost per pupil. It shall increase at the same rate as the regular program foundation base. The combined foundation base is the sum of the regular program foundation base and the special education support services foundation base.

3. COMPUTATIONS ROUNDED. In making computations and payments under this chapter, except in the case of computations relating to funding of special education support services, media services, and educational services provided through the area education agencies, the department of management shall round amounts to the nearest whole dollar.

Sec. 2. NEW SECTION. 257.2 DEFINITIONS.

As used in this chapter:

1. "Allowable growth" means the amount by which state cost per pupil and district cost per pupil will increase from one budget year to the next.

2. "Base year" means the school year ending during the calendar year in which a budget is certified.

3. "Budget adjustment" is an adjustment to the regular program budget of a school district for school districts in which the regular program budget for a year would be less than its regular program budget for the previous year.

4. "Budget year" means the school year beginning during the calendar year in which a budget is certified.

5. "Combined district cost per pupil" is an amount determined by adding together the regular program district cost per pupil for a year and the special education support services district cost per pupil for that year as calculated under section 257.10.

6. "Combined state cost per pupil" is a per pupil amount determined by adding together the regular program state cost per pupil for a year and the special education support services state cost per pupil for that year as calculated under section 257.9.

7. "Committee" means the school budget review committee.

8. "Expenditures" means the total amounts paid from the general fund of a school district.

9. "Miscellaneous income" means the receipts deposited to the general fund of the school district but not including any of the following:

a. Foundation aid.

b. Revenue obtained from the foundation property tax.

c. Revenue obtained from the additional property tax under section 257.4.

10. "Property tax adjustment" means state aid distributed to those school districts in which the property tax revenues generated under this chapter would be higher than the revenues generated under chapter 442, Code 1991.

11. "School district" means a school corporation organized under chapter 274.

12. "Special needs adjustment" means a state aid payment made by the school budget review committee to school districts who have demonstrated that they have special needs for additional moneys.

13. "State percent of growth" means a percent of economic growth determined under this chapter which is based upon an averaging of state and federal growth indicators, and which is used in determining the allowable growth.

Sec. 3. NEW SECTION. 257.3 FOUNDATION PROPERTY TAX.

1. AMOUNT OF TAX. Except as provided in subsection 2, a school district shall cause to be levied each year, for the school general fund, a foundation property tax equal to five dollars and forty cents per thousand dollars of assessed valuation on all taxable property in the district. The county auditor shall spread the foundation levy over all taxable property in the district.

2. AMOUNT FOR REORGANIZED AND DISSOLVED DISTRICTS. Reorganized school districts that met the requirements of section 442.2, subsection 1, Code 1989, prior to July 1, 1989, and had reduced property tax rates shall continue to have the reduced levies that they would have had under section 442.2, subsection 1, Code 1989, and those levies shall continue to increase twenty cents per year as provided in that subsection.

3. RAILWAY CORPORATIONS. For purposes of section 257.1, the "amount per pupil of foundation property tax" does not include the tax levied under subsection 1 or 2 on the property of a railway corporation, or on its trustee if the corporation has been declared bankrupt or is in bankruptcy proceedings.

Sec. 4. NEW SECTION. 257.4 ADDITIONAL PROPERTY TAX.

1. COMPUTATION OF TAX. A school district shall cause an additional property tax to be levied each year. The rate of the additional property tax levy in a school district shall be determined by the department of management and shall be calculated to raise the difference between the combined district cost for the budget year and the sum of the products of the regular program foundation base per pupil times the weighted enrollment in the district and the special education support services foundation base per pupil times the special education support services weighted enrollment in the district.

2. APPLICATION OF TAX. No later than May 1 of each year, the department of management shall notify the county auditor of each county the amount, in dollars and cents per thousand dollars of assessed value, of the additional property tax levy in each school district in the county. A county auditor shall spread the additional property tax levy for each school district in the county over all taxable property in the district.

Sec. 5. NEW SECTION. 257.5 CONTINUATION OF SUPPLEMENTAL AID.

For purposes of this section, a reorganized school district is one in which reorganization was approved in an election pursuant to sections 275.18 and 275.20 before July 1, 1989.

A reorganized school district receiving supplemental aid prior to July 1, 1991, under section 442.9A, shall continue to receive supplemental aid in the amount provided under that section for the five-year period specified in that section.

There is appropriated from the general fund of the state to the department of management for each fiscal year an amount sufficient to pay the supplemental aid to school districts under this section. Supplemental aid shall be paid in the manner provided in section 257.16.

For the purpose of the department of management's determination of the portion of a school district's budget that was property tax and the portion that was state aid under section 257.36, supplemental aid shall be considered property tax.

Sec. 6. NEW SECTION. 257.6 ENROLLMENT.

1. ACTUAL ENROLLMENT. Actual enrollment is determined on the third Friday of September in each year and includes all of the following:

a. Resident pupils who were enrolled in public schools within the district in grades kindergarten through twelve and including prekindergarten pupils enrolled in special education programs.

b. Full-time equivalent resident pupils of high school age for which the district pays tuition to attend an Iowa area school.

c. Shared-time and part-time pupils of school age enrolled in public schools within the district, irrespective of the districts in which the pupils reside, in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time pupils carrying a normal course schedule, at the same grade level, in the same school district, for the same school year, are enrolled and receive instruction. Tuition charges to the parent or guardian of a shared-time or part-time nonresident pupil shall be reduced by the amount of any increased state aid received by the district by the counting of the pupil.

d. Eleventh and twelfth grade nonresident pupils who were residents of the district during the preceding school year and are enrolled in the district until the pupils graduate. Tuition for those pupils shall not be charged by the district in which the pupils are enrolled and the requirements of section 282.18 do not apply.

Pupils attending a university laboratory school are not counted in the actual enrollment of a school district, but the laboratory school shall report their enrollment directly to the department of education.

A school district shall certify its actual 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. The department of management shall determine whether a district is entitled to an advance for increasing enrollment on the basis of its actual enrollment.

2. **BASIC ENROLLMENT.** Basic enrollment for a budget year is a district's actual enrollment for the base year. Basic enrollment for the base year is a district's actual enrollment for the year preceding the base year.

3. **ADDITIONAL ENROLLMENT BECAUSE OF SPECIAL EDUCATION.** A school district shall determine its additional enrollment because of special education, as defined in this section, on December 1 of each year and 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 total number of children in all categories.

4. **BUDGET ENROLLMENT.** Budget enrollment for the budget year shall be calculated for each school district by the department of management in the manner provided in this subsection. If the basic enrollment of a school district has declined from one year to the next during any of the five years prior to the base year, the district may be eligible for an enrollment adjustment based upon the percent of the enrollment decline and the number of years that have elapsed since the decline occurred. The budget enrollment for the budget year shall be calculated by adding together the following percents of enrollment decline in the district's basic enrollment from one base year to the preceding base year for each of the five preceding base years, commencing with the percent of change between the basic enrollment for the budget year and the basic enrollment for the base year, adding the sum of the percents to one hundred and multiplying the total by the basic enrollment for the budget year:

<u>Percent of Decline</u>	<u>Years between the Base Year and the Year of Decline</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Less than 1	0	0	0	0	0
1.0 through 2.9	2	2	1	1	0
3.0 through 4.9	4	3	2	2	1
5.0 through 6.9	6	5	4	3	2
7.0 and over	8	7	5	4	3

However, if a district's actual enrollment for a budget year is greater than its budget enrollment, the district is eligible for an advance for increasing enrollment as provided in section 257.13.

5. **WEIGHTED ENROLLMENT.** Weighted enrollment is the budget enrollment plus the district's additional enrollment because of special education calculated on December 1 of the base year plus additional pupils added due to the application of the supplementary weighting.

Weighted enrollment for special education support services costs is equal to the weighted enrollment minus the additional pupils added due to the application of the supplementary weighting.

**Sec. 7. NEW SECTION. 257.7 AUTHORIZED EXPENDITURES.**

1. **BUDGETS.** School districts are subject to chapter 24. The authorized expenditures of a school district during a base year shall not exceed the lesser of the budget for that year certified under section 24.17 plus any allowable amendments permitted in this section, or the authorized budget, which is the sum of the district cost for that year, the actual miscellaneous income received for that year, and the actual unspent balance from the preceding year.

2. **BUDGET AMENDMENTS.** If actual miscellaneous income for a budget year exceeds the anticipated miscellaneous income in the certified budget for that year, or if an unspent balance has not been previously certified, a school district may amend its certified budget.

**Sec. 8. NEW SECTION. 257.8 STATE PERCENT OF GROWTH — ALLOWABLE GROWTH.**

1. **CALCULATION BY DEPARTMENT OF MANAGEMENT.** On or before September 15, 1990, the department of management shall compute a state percent of growth for the budget year beginning July 1, 1991, and a state percent of growth for the year next following the budget year.

On or before each September 15 thereafter, the department of management shall compute a state percent of growth for the budget year next following the budget year. The state percents of growth shall be forwarded to the director of the department of education.

2. **BUDGET YEAR CALCULATION.** For the budget year commencing July 1, 1991, the state percent of growth is an average of the following four percents of growth in paragraphs "a" and "b" except as otherwise provided in subsection 4:

a. The difference in the percents of change in receipts of state general fund revenues, computed or estimated by the state revenue estimating conference created in section 8.22A as follows:

(1) The percent of change between the revenues received during the second year preceding the base year and the revenues received during the year preceding the base year.

(2) The percent of change between the revenues received during the year preceding the base year and the revenues received during the base year.

For the purpose of this lettered paragraph, receipts of state general fund revenues do not include one-time nonrecurring receipts or receipts that are accounting transactions made to meet the requirements of 1986 Iowa Acts, chapter 1238, section 59.

b. The difference in the gross national product implicit price deflators, based to the extent possible on the latest available values for these deflators, published by the bureau of economic analysis, United States department of commerce, computed or estimated as a percent of change as follows:

(1) From the value for the year ending December 31 eighteen months before the beginning of the base year to the value for the year ending December 31 six months before the beginning of the base year.

(2) From the value for the year ending December 31 six months before the beginning of the base year to the value for the year ending December 31 in the base year.

3. CALCULATION FOR YEAR FOLLOWING BUDGET YEAR. For the year following the budget year, the state percent of growth is an average of the following four percents of growth in paragraphs "a" and "b", except as provided in subsection 4:

a. The difference in the percents of change in receipts of state general fund revenues computed or estimated by the state revenue estimating conference created in section 8.22A as follows:

(1) The percent of change between the revenues received during the year preceding the base year and the revenues received during the base year.

(2) The percent of change between the revenues received during the base year and the revenues received during the budget year.

For the purpose of this lettered paragraph, receipts of state general fund revenues do not include one-time nonrecurring receipts or receipts that are accounting transactions made to meet the requirements of 1986 Iowa Acts, chapter 1238, section 59.

b. The difference in the gross national product implicit price deflators, based to the extent possible on the latest available values for those deflators published by the bureau of economic analysis, United States department of commerce, computed or estimated as a percent of change as follows:

(1) From the value for the year ending December 31 six months before the beginning of the base year to the value for the year ending December 31 six months before the beginning of the budget year.

(2) From the value for the year ending December 31 six months before the beginning of the budget year to the value for the year ending December 31 during the budget year.

4. EXCEPTION. If the average of the percents computed or estimated under paragraph "b" of subsection 2 or 3 exceeds the average of the percents computed or estimated under paragraph "a" of the applicable subsection, the state percent of growth for that budget year shall be the average of the two percents of growth computed or estimated under paragraph "a" of the applicable subsection.

5. **NEGATIVE PERCENT.** If the state percent of growth computed for a budget year is negative, that percent shall not be used and the state percent of growth shall be zero.

6. **RECOMPUTATION.** On or before September 15 of the base year the department of management shall recompute the state percent of growth for the previous year using adjusted estimates and the actual figures available. The difference between the recomputed state percent of growth for the previous year and the original computation shall be added to or subtracted from the state percent of growth for the budget year next following the budget year, as applicable. However, on or before September 15, 1990, the department of management shall recompute the state percent of growth for the previous year in the manner provided in section 442.7, Code 1989.

With regard to values of gross national product implicit price deflators, the recomputation of the state percent of growth for the previous year shall be made only with respect to the value of the deflator for the year which occurred subsequent to the calculation of the state percent of growth for the previous year. If subsection 4 is used in the calculation of the state percent of growth for the previous year, the calculation made in subsection 3, paragraph "b", shall not be used in the recomputation of the state percent of growth for the previous year.

7. **ALLOWABLE GROWTH CALCULATION.** The department of management shall calculate the regular program allowable growth for a budget year by multiplying the state percent of growth for the budget year by the regular program state cost per pupil for the base year and shall calculate the special education support services allowable growth for the budget year by multiplying the state percent of growth for the budget year by the special education support services state cost per pupil for the base year.

8. **COMBINED ALLOWABLE GROWTH.** The combined allowable growth per pupil for each school district is the sum of the regular program allowable growth per pupil and the special education support services allowable growth per pupil for the budget year, which may be modified as follows:

- a. By the school budget review committee under section 257.31.
- b. By the department of management under section 257.36.

Sec. 9. NEW SECTION. 257.9 STATE COST PER PUPIL.

1. **REGULAR PROGRAM STATE COST PER PUPIL FOR 1991-1992.** For the budget year beginning July 1, 1991, for the regular program state cost per pupil, the department of management shall add together the state total of the district costs of all school districts for the base year, as district cost is defined in section 442.9, Code 1989, plus the total of the amounts added to the district cost of school districts pursuant to section 442.21, Code 1989, plus the amount included in the districts' budgets in the state for the fiscal year beginning July 1, 1986, for the additional portion of the livestock tax credit pursuant to section 442.2, subsection 2, as it appeared in the 1987 Code and plus the difference between the following amounts:

- a. The general allocation of the school district as determined under section 405A.2, Code 1989.

- b. The foundation property tax rate multiplied by the total actual value of all personal property assessed for valuation in the school district as of January 1, 1973, excluding livestock.

The total calculated under this subsection shall be divided by the total of the budget enrollments of all school districts for the budget year beginning July 1, 1990, calculated under section 257.6, subsection 4, of this Act if section 257.6, subsection 4, of this Act had been in effect for that budget year. The regular program state cost per pupil for the budget year beginning July 1, 1991, is the amount calculated by the department of management under this subsection plus an allowable growth amount that is equal to the state percent of growth for the budget year multiplied by the amount calculated by the department of management under this subsection.

2. **REGULAR PROGRAM STATE COST PER PUPIL FOR 1992-1993 AND SUCCEEDING YEARS.** For the budget year beginning July 1, 1992, and succeeding budget years, the regular program state cost per pupil for a budget year is the regular program state cost per pupil for the base year plus the regular program allowable growth for the budget year.

3. **SPECIAL EDUCATION SUPPORT SERVICES STATE COST PER PUPIL FOR 1991-1992.** For the budget year beginning July 1, 1991, for the special education support services state cost per pupil, the department of management shall divide the total of the approved budgets of the area education agencies for special education support services for that year approved by the state board of education under section 273.3, subsection 12, by the total of the weighted enrollment for special education support services in the state for the budget year. The special education support services state cost per pupil for the budget year is the amount calculated by the department of management under this subsection.

4. **SPECIAL EDUCATION SUPPORT SERVICES STATE COST PER PUPIL FOR 1992-1993 AND SUCCEEDING YEARS.** For the budget year beginning July 1, 1992, and succeeding budget years, the special education support services state cost per pupil for the budget year is the special education support services state cost per pupil for the base year plus the special education support services allowable growth for the budget year.

5. **COMBINED STATE COST PER PUPIL.** The combined state cost per pupil is the sum of the regular program state cost per pupil and the special education support services state cost per pupil.

Sec. 10. **NEW SECTION. 257.10 DISTRICT COST PER PUPIL – DISTRICT COST.**

1. **REGULAR PROGRAM DISTRICT COST PER PUPIL FOR 1991-1992.** For the budget year beginning July 1, 1991, in order to determine the regular program district cost per pupil, the department of management shall divide the regular program district cost for the base year, as defined in section 442.9, Code 1989, plus the amount added to district cost pursuant to section 442.21, Code 1989, for each school district, by the budget enrollment of the school district for the budget year beginning July 1, 1990, calculated under section 257.6, subsection 4, of this Act as if section 257.6, subsection 4, of this Act had been in effect for that budget year. The regular program district cost per pupil for the budget year beginning July 1, 1991, is the amount calculated by the department of management under this subsection plus the allowable growth amount calculated for regular program state cost per pupil, except that if the regular program district cost per pupil for the budget year calculated under this subsection in any school district exceeds one hundred ten percent of the regular program state cost per pupil for the budget year, the department of management shall reduce the regular program district cost per pupil of that district to an amount equal to one hundred

ten percent of the state cost per pupil, and if the regular program district cost per pupil for the budget year calculated under this subsection is less than the regular program state cost per pupil, the regular program district cost per pupil shall be increased to the regular program state cost per pupil.

**2. REGULAR PROGRAM DISTRICT COST PER PUPIL FOR 1992-1993 AND SUCCEEDING YEARS.**

a. For the budget year beginning July 1, 1992, and succeeding budget years, the regular program district cost per pupil for each school district for a budget year is the regular program district cost per pupil for the base year plus the regular program allowable growth for the budget year except as otherwise provided in this subsection.

b. If the regular program district cost per pupil of a school district for the budget year under paragraph "a" exceeds one hundred five percent of the regular program state cost per pupil for the budget year and the state percent of growth for the budget year is greater than two percent, the regular program district cost per pupil for the budget year for that district shall be reduced to one hundred five percent of the regular program state cost per pupil for the budget year. However, if the difference between the regular program district cost per pupil for the budget year and the regular program state cost per pupil for the budget year is greater than an amount equal to two percent multiplied by the regular program state cost per pupil for the base year, the regular program district cost per pupil for the budget year shall be reduced by the amount equal to two percent multiplied by the regular program state cost per pupil for the base year.

**3. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT COST PER PUPIL FOR 1991-1992.** For the budget year beginning July 1, 1991, for the special education support services district cost per pupil, the department of management shall divide the approved budget of each area education agency for special education support services for that year approved by the state board of education, under section 273.3, subsection 12, by the total of the weighted enrollment for special education support services in the area for that budget year.

The special education support services district cost per pupil for each school district in an area for the budget year is the amount calculated by the department of management under this subsection.

**4. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT COST PER PUPIL FOR 1992-1993 AND SUCCEEDING YEARS.** For the budget year beginning July 1, 1992, and succeeding budget years, 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 the special education support services allowable growth for the budget year.

**5. COMBINED DISTRICT COST PER PUPIL.** The combined district cost per pupil for a school district is the sum of the regular program district cost per pupil and the special education support services district cost per pupil. Combined district cost per pupil does not include additional allowable growth added for school districts that have a negative balance of funds raised for special education instruction programs, additional allowable growth granted by the school budget review committee for a single school year, or additional allowable growth added for programs for dropout prevention and for programs for gifted and talented children.

6. **REGULAR PROGRAM DISTRICT COST.** Regular program district cost for a school district for a budget year is equal to the regular program district cost per pupil for the budget year multiplied by the weighted enrollment for the budget year.

7. **SPECIAL EDUCATION SUPPORT SERVICES DISTRICT COST.** Special education support services district cost for a school district for a budget year is equal to the special education support services district cost per pupil for the budget year multiplied by the special education support services weighted enrollment for the district for the budget year. If the special education support services district cost for a school district for a budget year is less than the special education support services district cost for that district for the base year, the department of management shall adjust the special education support services district cost for that district for the budget year to equal the special education support services district cost for the base year.

8. **COMBINED DISTRICT COST.** Combined district cost is the sum of the regular program district cost and the special education support services district cost, plus the additional district cost allocated to the district to fund media services and educational services provided through the area education agency.

A school district may increase its district cost for the budget year to the extent that an excess tax levy is authorized by the school budget review committee.

Sec. 11. NEW SECTION. 257.11 **SUPPLEMENTARY WEIGHTING PLAN.**

In order to provide additional funds for school districts which send their resident pupils to another school district or to an area school for classes, which jointly employ and share the services of teachers under section 280.15, which use the services of a teacher employed by another school district, or which jointly employ and share the services of a school superintendent under section 280.15 or 273.7A, a supplementary weighting plan for determining enrollment is adopted as follows:

1. **REGULAR CURRICULUM.** Pupils in a regular curriculum attending all their classes in the district in which they reside, taught by teachers employed by that district, and having administrators employed by that district, are assigned a weighting of one.

2. **SHARED CLASSES OR TEACHERS.** If the school budget review committee certifies to the department of management that the shared classes or teachers would otherwise not be implemented without the assignment of additional weighting, pupils attending classes in another school district or an area school, attending classes taught by a teacher who is employed jointly under section 280.15, or attending classes taught by a teacher who is employed by another school district, are assigned a weighting of one plus an additional portion equal to one times the percent of the pupil's school day during which the pupil attends classes in another district or area school, attends classes taught by a teacher who is jointly employed under section 280.15, or attends classes taught by a teacher who is employed by another school district.

3. **WHOLE GRADE SHARING.** For the budget years beginning July 1, 1991, and July 1, 1992, in districts that have executed whole grade sharing agreements under sections 282.10 through 282.12, the school budget review committee shall assign an additional weighting equal to one plus an additional portion of one times the percent of the pupil's school day in which a pupil attends classes in another district or an area school, attends classes taught by a teacher who is employed jointly under section 280.15, or attends classes taught by a teacher who is employed by another district. The assignment of additional weighting to a school district shall continue for a period of five years.

If the school district reorganizes during that five-year period, the assignment of the additional weighting shall be transferred to the reorganized district until the expiration of the five-year period. If a school district was receiving additional weighting for whole grade sharing under section 442.39, subsection 2, Code 1989, the district shall continue to be assigned additional weighting for whole grade sharing by the school budget review committee under this subsection so that the district is assigned the additional weighting for whole grade sharing for a total period of five years.

4. PUPILS INELIGIBLE. A pupil eligible for the weighting plan provided in section 281.9 is not eligible for the weighting plan provided in this section.

5. SHARED SUPERINTENDENTS. For the budget years beginning July 1, 1991, and July 1, 1992, pupils enrolled in a school district in which the superintendent is employed jointly under section 280.15 or under section 273.7A, are assigned a weighting of one plus an additional portion of one for the superintendent who is jointly employed times the percent of the superintendent's time in which the superintendent is employed in the school district. However, the total additional weighting assigned under this subsection for a budget year for a school district shall not exceed seven and one-half and the total additional weighting added cumulatively to the enrollment of school districts sharing a superintendent shall not exceed twelve and one-half. The assignment of additional weighting to a school district shall continue for a period of five years. If the school district reorganizes during that five-year period, the assignment of the additional weighting shall be transferred to the reorganized district until the expiration of the five-year period.

If a district was receiving additional weighting for superintendent sharing or administrator sharing under section 442.39, subsection 4, Code 1989, the district shall continue to be assigned additional weighting for superintendent sharing or administrator sharing by the school budget review committee under this subsection so that the district is assigned the additional weighting for sharing for a total period of five years.

6. SHARED MATHEMATICS, SCIENCE, AND LANGUAGE COURSES. For the budget years beginning July 1, 1991, and July 1, 1992, a school district receiving additional funds under subsection 2 or 3 for its pupils at the ninth grade level and above that are enrolled in sequential mathematics courses at the advanced algebra level and above; chemistry, advanced chemistry, physics or advanced physics courses; or foreign language courses at the second year level and above shall have an additional weighting of one pupil added to its total.

7. CALCULATION OF WEIGHTS. The school budget review committee shall calculate the weights to be used under subsections 2 and 3 to the nearest one-hundredth of one and under subsection 5 to the next highest one-thousandth of one. To the extent possible, the moneys generated by the weighting shall be equivalent to the moneys generated by the one-tenth, five-tenths, and twenty-five thousandths weighting provided in section 442.39, Code 1989.

Sec. 12. NEW SECTION. 257.12 SUPPLEMENTARY WEIGHTING AND SCHOOL REORGANIZATION.

A reorganized school district in which additional pupils were added under section 442.39A, Code 1989, shall continue to have additional pupils added, subject to changes in weighting made under section 257.11, until the expiration of the five-year period provided in section 442.39A, Code 1989.

Sec. 13. NEW SECTION. 257.13 ADVANCE FOR INCREASING ENROLLMENT.

If a district's actual enrollment for the budget year, determined under section 257.6, is greater than its budget enrollment for the budget year, the district is granted an advance from the state of an amount equal to its regular program district cost per pupil for the budget year multiplied by the difference between the actual enrollment for the budget year and the budget enrollment for the budget year. The advance is miscellaneous income.

If a district receives an advance under this section for a budget year, the department of management shall determine the amount of the advance which would have been generated by local property tax revenues if the actual enrollment for the budget year had been used in determining district cost for that budget year, shall reduce the district's total state school aids otherwise available under this chapter for the next following budget year by the amount so determined, and shall increase the district's additional property tax levy for the next following budget year by the amount necessary to compensate for the reduction in state aid, so that the local property tax for the next following year will be increased only by the amount which it would have been increased in the budget year if the enrollment calculated in this section could have been used to establish the levy.

There is appropriated each fiscal year from the general fund of the state to the department of education the amount required to pay advances authorized under this section, which shall be paid to school districts in the same manner as other state aids are paid under section 257.16.

Sec. 14. NEW SECTION. 257.14 BUDGET ADJUSTMENT.

For the budget years commencing July 1, 1991, and July 1, 1992, if the department of management determines that the regular program district cost of a school district for a budget year is less than the total of the regular program district cost plus any adjustment added under this section for the base year for that school district, the department of management shall provide a budget adjustment for that district for that budget year that is equal to the difference.

For the budget year beginning July 1, 1991, the department of management shall use the regular program district cost for that budget year of a school district calculated pursuant to chapter 442, Code 1989, plus the amount added to district cost pursuant to section 442.21, Code 1989, as the district's base year regular program district cost.

Sec. 15. NEW SECTION. 257.15 PROPERTY TAX ADJUSTMENT.

1. PROPERTY TAX ADJUSTMENT FOR 1991-1992. For the budget year beginning July 1, 1991, the department of management shall calculate for each district the difference between the sum of the revenues generated by the foundation property tax and the additional property tax in the district calculated under this chapter and the revenues that would have been generated by the foundation property tax and the additional property tax in that district for that budget year calculated under chapter 442, Code 1989, if chapter 442 were in effect, except that the revenues that would have been generated by the additional property tax levy under chapter 442 shall not include revenues generated for the school improvement program. If the property tax revenues for a district calculated under this chapter exceed the property tax revenues for that district calculated under chapter 442, Code 1989, the department of management shall reduce the revenues raised by the additional property tax levy in that district under

this chapter by that difference and the department of education shall pay property tax adjustment aid to the district equal to that difference from moneys appropriated for property tax adjustment aid.

2. **PROPERTY TAX ADJUSTMENT AID FOR 1992-1993 AND SUCCEEDING YEARS.** For the budget year beginning July 1, 1992, and succeeding budget years, the department of education shall pay property tax adjustment aid to a school district equal to the amount paid to the district for the base year less an amount equal to the product of the percent by which the taxable valuation in the district increased, if the taxable valuation increased, from January 1 of the year prior to the base year to January 1 of the base year and the property tax adjustment aid. The department of management shall adjust the rate of the additional property tax accordingly and notify the department of education of the amount of aid to be paid to each district from moneys appropriated for property tax adjustment aid.

3. **PROPERTY TAX ADJUSTMENT AID APPROPRIATION.** There is appropriated from the general fund of the state to the department of education, for each fiscal year, an amount necessary to pay property tax adjustment aid to school districts under this section. Property tax adjustment aid shall be paid to school districts in the manner provided in section 257.16.

Sec. 16. NEW SECTION. 257.16 APPROPRIATIONS.

There is appropriated each year from the general fund of the state an amount necessary to pay the foundation aid.

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 aid paid to school districts under section 257.13 shall be paid in monthly installments beginning on December 15 and ending on June 15 of a budget year.

All moneys received by a school district from the state under this chapter shall be deposited in the general fund of the school district, and may be used for any school general fund purpose.

Sec. 17. NEW SECTION. 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. However, this section does not apply to a school district that has received approval from the director of the department of education under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in section 279.10, subsection 1.

Sec. 18. NEW SECTION. 257.18 INSTRUCTIONAL SUPPORT PROGRAM.

1. An instructional support program that provides additional funding for school districts is established. A board of directors that wishes to consider participating in the instructional support program shall hold a public hearing on the question of participation. The board shall set forth its proposal including the method that will be used

to fund the program, in a resolution and shall publish the notice of the time and place of a public hearing on the resolution. Notice of the time and place of the public hearing shall be published in one or more newspapers not less than ten nor more than twenty days before the public hearing. For the purpose of establishing and giving assured circulation to the proceedings, only a newspaper which is a newspaper of general circulation issued at a regular frequency, distributed in the school district's area, and regularly delivered or mailed through the post office during the preceding two years may be used for the publication. In addition, the newspaper must have a list of subscribers who have paid, or promised to pay, at more than a nominal rate, for copies to be received during a stated period. At the hearing, the board shall announce a date certain, no later than thirty days after the date of the hearing, that it will take action to adopt a resolution to participate in the instructional support program for a period not exceeding five years or to direct the county commissioner of elections to call an election to submit the question of participation in the program for a period not exceeding ten years to the qualified electors of the school district at the next following regular school election in the base year or a special election held not later than December 1 of the base year. If the board calls an election on the question of participation, if a majority of those voting on the question favors participation in the program, the board shall adopt a resolution to participate and certify the results of the election to the department of management.

2. If the board does not provide for an election and adopts a resolution to participate in the instructional support program, the district shall participate in the instructional support program unless within twenty-eight days following the action of the board, the secretary of the board receives a petition containing the required number of signatures, asking that an election be called to approve or disapprove the action of the board in adopting the instructional support program. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding regular school election, whichever is greater. The board shall either rescind its action or direct the county commissioner of elections to submit the question to the qualified electors of the school district at the next following regular school election or a special election held not later than December 1 of the base year. If a majority of those voting on the question at the election favors disapproval of the action of the board, the district shall not participate in the instructional support program. If a majority of those voting on the question favors approval of the action, the board shall certify the results of the election to the department of management and the district shall participate in the program.

At the expiration of the twenty-eight day period, if no petition is filed, the board shall certify its action to the department of management and the district shall participate in the program.

#### Sec. 19. NEW SECTION. 257.19 INSTRUCTIONAL SUPPORT FUNDING.

The additional funding for the instructional support program for a budget year is limited to an amount not exceeding ten percent of the total of regular program district cost for the budget year and moneys received under section 257.14 as a budget adjustment for the budget year. Moneys received by a district for the instructional support program are miscellaneous income and may be used for any general fund purpose.

Certification of a board's intent to participate for a budget year, the method of funding, and the amount to be raised shall be made to the department of management

not later than March 15 of the base year. Funding for the instructional support program shall be obtained from instructional support state aid and from local funding using either an instructional support property tax or a combination of an instructional support property tax and an instructional support income surtax.

The board of directors shall determine whether the instructional support property tax or the combination of the instructional support property tax and instructional support income surtax shall be used for the local funding. Subject to the limitation specified in section 298.14, if the board elects to use the combination of the instructional support property tax and instructional support income surtax, for each budget year the board shall determine the percent of income surtax that will be imposed, expressed as full percentage points, not to exceed twenty percent.

**Sec. 20. NEW SECTION. 257.20 INSTRUCTIONAL SUPPORT STATE AID APPROPRIATION.**

In order to determine the amount of instructional support state aid and the amount of local funding for the instructional support program for a district, the department of management shall divide the total assessed valuation in the state by the total budget enrollment for the budget year in the state to determine a state assessed valuation per pupil and shall divide the assessed valuation in each district by the district's budget enrollment for the budget year to determine the district assessed valuation per pupil. The department of management shall multiply the ratio of the state's valuation per pupil to the district's valuation per pupil by twenty-five hundredths and subtract that result from one to determine the portion of the instructional support program budget that is local funding. The remaining portion of the budget shall be funded by instructional support state aid.

There is appropriated for each fiscal year from the general fund of the state to the department of education, an amount necessary to pay instructional support state aid as provided in this section. Instructional support state aid shall be paid at the same time and in the same manner as foundation aid is paid under section 257.16.

**Sec. 21. NEW SECTION. 257.21 COMPUTATION OF INSTRUCTIONAL SUPPORT AMOUNT.**

The department of management shall establish the amount of instructional support property tax to be levied and the amount of instructional support income surtax to be imposed by a district in accordance with the decision of the board under section 257.19 for each school year for which the instructional support program is authorized. The department of management shall determine these amounts based upon the most recent figures available for the district's valuation of taxable property, individual state income tax paid, and budget enrollment in the district, and shall certify to the district's county auditor the amount of instructional support property tax, and to the director of revenue and finance the amount of instructional support income surtax to be imposed if an instructional support income surtax is to be imposed.

The instructional support income surtax shall be imposed on the state individual income tax for the calendar year during which the school's budget year begins, or for a taxpayer's fiscal year ending during the second half of that calendar year and after the date the board adopts a resolution to participate in the program or the first half of the succeeding calendar year, and shall be imposed on all individuals residing in the school district on the last day of the applicable tax year. As used in this section, "state individual income tax" means the tax computed under section 422.5, less the deductions allowed in sections 422.10 through 422.12.

Sec. 22. NEW SECTION. 257.22 STATUTES APPLICABLE.

The director of revenue and finance shall administer the instructional support income surtax imposed under this chapter, and sections 422.20, 422.22 to 422.31, 422.68, and 422.72 to 422.75 shall apply with respect to administration of the instructional support income surtax.

Sec. 23. NEW SECTION. 257.23 FORM AND TIME OF RETURN.

The instructional support income surtax shall be made a part of the Iowa individual income tax return subject to the conditions and restrictions set forth in section 422.21.

Sec. 24. NEW SECTION. 257.24 DEPOSIT OF INSTRUCTIONAL SUPPORT INCOME SURTAX.

The director of revenue and finance shall deposit all moneys received as instructional support income surtax to the credit of each district from which the moneys are received, in the school district income surtax fund which is established in section 298.14.

The director of revenue and finance shall deposit instructional support income surtax moneys received on or before November 1 of the year following the close of the school budget year for which the surtax is imposed to the credit of each district from which the moneys are received in the school district income surtax fund.

Instructional support income surtax moneys received or refunded after November 1 of the year following the close of the school budget year for which the surtax is imposed shall be deposited in or withdrawn from the general fund of the state and shall be considered part of the cost of administering the instructional support income surtax.

Sec. 25. NEW SECTION. 257.25 INSTRUCTIONAL SUPPORT INCOME SURTAX CERTIFICATION.

On or before October 20 each year, the director of revenue and finance shall make an accounting of the instructional support income surtax collected under this chapter applicable to tax returns for the last preceding calendar year, or for a taxpayers fiscal year ending during the second half of that calendar year and after the date the board adopts a resolution to participate in the program, or the first half of the succeeding calendar year, from taxpayers in each school district in the state which has approved the instructional support program, and shall certify to the department of management and the department of education the amount of total instructional support income surtax credited from the taxpayers of each school district.

Sec. 26. NEW SECTION. 257.26 INSTRUCTIONAL SUPPORT INCOME SURTAX DISTRIBUTION.

The director of revenue and finance shall draw warrants in payment of the amount of instructional support surtax in the manner provided in section 298.14.

Sec. 27. NEW SECTION. 257.27 CONTINUATION OF INSTRUCTIONAL SUPPORT PROGRAM.

At the expiration of the period for which the instructional support program was adopted, the program may be extended for a period of not exceeding five or ten years in the manner provided in section 257.18.

If the voters do not approve adoption of the instructional support program, the board shall wait at least one hundred twenty days following the election before taking action to adopt the program or resubmit the proposition.

Sec. 28. NEW SECTION. 257.28 ENRICHMENT LEVY.

If a school district has approved the use of the instructional support program for a budget year, the district shall not also collect moneys under the additional enrichment amount approved by the voters under chapter 442, for that budget year.

Sec. 29. NEW SECTION. 257.29 EDUCATIONAL IMPROVEMENT PROGRAM.

An educational improvement program is established to provide additional funding for school districts in which the district cost per pupil for a budget year is one hundred ten percent of the state cost per pupil for the budget year and which have approved the use of the instructional support program established in section 257.18. A board of directors that wishes to consider participating in the educational improvement program shall hold a hearing on the question of participation and the maximum percent of the district cost of the district that will be used. The hearing shall be held in the manner provided in section 257.18 for the instructional support program. Following the hearing, the board may direct the county commissioner of elections to submit the question to the qualified electors of the school district at the next following regular school election or a special election held not later than the following February 1. If a majority of those voting on the question favors participation in the program, the board shall adopt a resolution to participate and shall certify the results of the election to the department of management and the district shall participate in the program. If a majority of those voting on the question does not favor participation, the district shall not participate in the program.

The educational improvement program shall provide additional revenues each fiscal year equal to a specified percent of the district cost of the district, as determined by the board. Certification of a district's participation for a budget year, the method of funding, and the amount to be raised shall be made to the department of management not later than March 15 of the base year.

The educational improvement program shall be funded by either an educational improvement property tax or by a combination of an educational improvement property tax and an educational improvement income surtax. The method of raising the educational improvement moneys shall be determined by the board. Subject to the limitation in section 298.14, if the board uses a combination of an educational improvement property tax and an educational improvement income surtax, the board shall determine the percent of income surtax to be imposed, expressed as full percentage points, not to exceed twenty percent.

The department of management shall establish the amount of the educational improvement property tax to be levied or the amount of the combination of the educational improvement property tax to be levied and the amount of the school district income surtax to be imposed for each school year that the educational improvement amount is authorized. The educational improvement property tax and income surtax, if an income surtax is imposed, shall be levied and imposed, collected, and paid to the school district in the manner provided for the instructional support program in sections 257.21 through 275.26. Moneys received by a school district under the educational improvement program are miscellaneous income.

Once approved at an election, the authority of the board to use the educational improvement program shall continue until the board votes to rescind the educational improvement program or the voters of the school district by majority vote order the discontinuance of the program. The board shall call an election to vote on the proposition whether to discontinue the program upon the receipt of a petition signed by not less than one hundred eligible electors or thirty percent of the number of electors voting at the last preceding school election, whichever is greater.

**Sec. 30. NEW SECTION. 257.30 SCHOOL BUDGET REVIEW COMMITTEE.**

A school budget review committee is established in the department of education and consists of the director of the department of education, the director of the department of management, and three members who are knowledgeable in the areas of Iowa school finance or public finance issues appointed by the governor to represent the public. At least one of the public members shall possess a master's or doctoral degree in which areas of school finance, economics, or statistics are an integral component, or shall have equivalent experience in an executive administrative or senior research position in the education or public administration field. The members appointed by the governor shall serve staggered three-year terms beginning and ending as provided in section 69.19 and are subject to senate confirmation as provided in section 2.32. The committee shall meet and hold hearings each year and shall continue in session until it has reviewed budgets of school districts, as provided in section 257.31. It may call in school board members and employees as necessary for the hearings. Legislators shall be notified of hearings concerning school districts in their constituencies.

The committee shall adopt its own rules of procedure under chapter 17A. The director of the department of education shall serve as chairperson, and the director of the department of management shall serve as secretary. The committee members representing the public are entitled to receive their necessary expenses while engaged in their official duties. Members shall be paid a per diem at the rate specified in section 7E.6. Per diem and expense payments shall be made from appropriations to the department of education.

The department of education shall employ a staff member to assist the school budget review committee.

**Sec. 31. NEW SECTION. 257.31 DUTIES OF THE COMMITTEE.**

1. The school budget review committee may recommend the revision of any rules, regulations, directives, or forms relating to school district budgeting and accounting, confer with local school boards or their representatives and make recommendations relating to any budgeting or accounting matters, and direct the director of the department of education or the director of the department of management to make studies and investigations of school costs in any school district.

2. The committee shall report to each session of the general assembly, which report shall include any recommended changes in laws relating to school districts, and shall specify the number of hearings held annually, the reasons for the committee's recommendations, information about the amounts of property tax levied by school districts for a cash reserve, and other information the committee deems advisable.

3. The committee shall review the proposed budget and certified budget of each school district, and may make recommendations. The committee may make decisions affecting budgets to the extent provided in this chapter. The costs and computations referred to in this section relate to the budget year unless otherwise expressly stated.

4. Not later than January 1, 1992, the committee shall adopt recommendations relating to the implementation by school districts and area education agencies of procedures pertaining to the preparation of financial reports in conformity with generally accepted accounting principles and submit those recommendations to the state board of education. The state board shall consider the recommendations and adopt rules under section 256.7 specifying procedures and requiring the school districts and area education agencies to conform to generally accepted accounting principles commencing with the school year beginning July 1, 1996.

5. If a district has unusual circumstances, creating an unusual need for additional funds, including but not limited to the following circumstances, the committee may grant supplemental aid to the district from any funds appropriated to the department of education for the use of the school budget review committee for the purposes of this subsection, and such aid shall be miscellaneous income and shall not be included in district cost, or may establish a modified allowable growth for the district by increasing its allowable growth; or both:

- a. Any unusual increase or decrease in enrollment.
- b. Unusual natural disasters.
- c. Unusual initial staffing problems.
- d. The closing of a nonpublic school, wholly or in part.
- e. Substantial reduction in miscellaneous income due to circumstances beyond the control of the district.
- f. Unusual necessity for additional funds to permit continuance of a course or program which provides substantial benefit to pupils.
- g. Unusual need for a new course or program which will provide substantial benefit to pupils, if the district establishes the need and the amount of necessary increased cost.
- h. Unusual need for additional funds for special education or compensatory education programs.
- i. Year-round or substantially year-round attendance programs which apply toward graduation requirements, including but not limited to trimester or four-quarter programs. Enrollment in such programs shall be adjusted to reflect equivalency to normal school year attendance.
- j. Unusual need to continue providing a program or other special assistance to non-English speaking pupils after the expiration of the three-year period specified in section 280.4.
- k. Circumstances caused by unusual demographic characteristics.
- l. Any unique problems of school districts.

6. The committee may grant transportation assistance aid to a school district from funds appropriated in this subsection for the purpose of providing additional funds for a budget year to school districts that have costs for mandatory school transportation based upon the cost per pupil transported that exceed one hundred ten percent of the state average cost of mandatory school transportation based upon the cost per pupil transported. School districts shall submit to the department of education the cost of providing mandatory school transportation in their transportation report filed

by July 15 after each school year. The committee shall prioritize the requests of school districts ranking the districts by their mandatory transportation costs based upon the costs per pupil transported with consideration given to the geographic size of the district. Within the limits of the funds appropriated in this subsection, the committee shall pay transportation assistance to those districts ranked in the highest priority based upon the criteria listed in this subsection. The committee shall adopt rules under chapter 17A establishing a procedure for prioritizing requests. Transportation assistance payments are equal to the amount that each district's cost of mandatory transportation based upon the cost per pupil transported exceeds one hundred ten percent of the state average cost of transportation based upon the cost per pupil transported multiplied by the number of pupils transported. Payment for a school year shall be made by September 1 after each school year.

School districts shall also submit in their transportation report long-term plans to reduce their transportation costs. The long-term plans may include, but are not limited to, more efficient use of transportation resources, consolidation of transportation systems, or contracting with regional municipal or private transit systems. The school budget review committee shall review the long-range plans and make recommendations concerning reducing transportation costs to the school districts.

There is appropriated from the general fund of the state to the department of education for the use of the school budget review committee, for each fiscal year, the amount of three million five hundred thousand dollars, or as much thereof as may be necessary, to pay the transportation assistance to school districts ranked in the highest priority under this subsection.

7. The committee shall establish a modified allowable growth for a district by increasing its allowable growth when the district submits evidence that it requires additional funding for removal, management, or abatement of environmental hazards due to a state or federal requirement. Environmental hazards shall include but are not limited to the presence of asbestos, radon, or the presence of any other hazardous material dangerous to health and safety.

The district shall include a budget for the actual cost of the project that may include the costs of inspection, reinspection, sampling, analysis, assessment, response actions, operations and maintenance, training, periodic surveillance, developing of management plans, recordkeeping requirements, and encapsulation or removal of the hazardous material.

8. The committee may authorize a district to spend a reasonable and specified amount from its unexpended cash balance for either of the following purposes:

a. Furnishing, equipping, and contributing to the construction of a new building or structure for which the voters of the district have approved a bond issue as provided by law or the tax levy provided in section 298.2.

b. The costs associated with the demolition of an unused school building, or the conversion of an unused school building for community use, in a school district involved in a dissolution or reorganization under chapter 275, if the costs are incurred within three years of the dissolution or reorganization.

Other expenditures, including but not limited to expenditures for salaries or recurring costs, are not authorized under this subsection. Expenditures authorized under this subsection shall not be included in allowable growth or district cost, and the portion of the unexpended cash balance which is authorized to be spent shall be regarded as if it were miscellaneous income. Any part of the amount not actually spent for the authorized purpose shall revert to its former status as part of the unexpended cash balance.

9. The committee may approve or modify the initial base year district cost of any district which changes accounting procedures.

10. When the committee makes a decision under subsections 3 through 9, it shall make all necessary changes in the district cost, budget, and tax levy. It shall give written notice of its decision, including all such changes, to the school board through the department of education.

11. A special needs adjustment program is established to be administered by the committee. A school district or area education agency is eligible to request additional funding for a budget year from moneys appropriated in this subsection if it submits evidence to the committee not later than December 15 of the base year that it has special needs that cannot be met through other funding sources available to it. A school district is eligible only if it meets the requirements specified in paragraphs "a" and "b". An area education agency is eligible only if it meets the requirements specified in paragraph "c".

a. A school district must meet the following requirements:

(1) If the request for additional funding relates to approved expenditures from the general operating fund, the district must have approved the instructional support program for the maximum amount.

(2) If the request for additional funding relates to expenditures from the school-house fund, the district must have approved the use of the voter-approved physical plant and equipment levy for the maximum amount.

(3) If the request for additional funding relates to a need included in subsection 5, the district must have been denied additional funding under subsection 5 or received inadequate additional funding under subsection 5.

(4) Notwithstanding subparagraph 1, if the request for additional funding relates to expenditures for programs for gifted and talented children, the committee must have approved the maximum amount of additional allowable growth for programs for gifted and talented children.

(5) Notwithstanding subparagraph 1, if the request for additional funding relates to expenditures for programs for dropout prevention, the committee must have approved the maximum amount of additional allowable growth for programs for dropout prevention.

(6) If the expenditures of the school district for executive administration as a percent of the district's operating fund for the base year are equal to or less than one hundred ten percent of the average for the base year expenditures for executive administration of all school districts in the state as a percent of their operating funds.

b. A school district must meet at least one of the following criteria:

(1) The district is experiencing significant difficulty in meeting minimum state educational standards.

(2) The district is greater in area than one hundred fifty square miles.

(3) The district is experiencing extraordinary problems demonstrably linked to the demographic characteristics of that district.

(4) The average elementary or secondary pupil-teacher ratio of that district is greater than one hundred fifty percent of the state average pupil-teacher ratio.

c. An area education agency must meet the requirements that there are fewer than three and one-half public school pupils per square mile in the area education agency and the ratio of public school pupils to each professional staff member is substantially fewer than that ratio in other area education agencies. If the request for additional funding relates to a need included in section 257.32, the area education agency must have been denied additional funding under section 257.32 or received inadequate additional funding under section 257.32. Approved payments to area education agencies shall be paid before payments are made to school districts.

d. There is appropriated from the general fund of the state to the department of education for the use of the committee for each fiscal year the sum of five million dollars, or so much thereof as may be necessary, to be used for distribution to area education agencies and school districts under this subsection. Not more than three hundred thousand dollars of the moneys appropriated in this paragraph shall be distributed to area education agencies.

If the moneys appropriated in this paragraph are reduced by the general assembly, the three hundred thousand dollar allocation for area education agencies shall be proportionally reduced.

12. All decisions by the committee under this chapter shall be made in accordance with reasonable and uniform policies which shall be consistent with this chapter. All such policies of general application shall be stated in rules adopted in accordance with chapter 17A. The committee shall take into account the intent of this chapter to equalize educational opportunity, to provide a good education for all the children of Iowa, to provide property tax relief, to decrease the percentage of school costs paid from property taxes, and to provide reasonable control of school costs. The committee shall also take into account the amount of funds available.

13. Failure by any school district to provide information or appear before the committee as requested for the accomplishment of review or hearing is justification for the committee to instruct the director of the department of management to withhold any state aid to that district until the committee's inquiries are satisfied completely.

14. The committee shall review the recommendations of the director of the department of education relating to the special education weighting plan, and shall establish a weighting plan for each school year pursuant to section 281.9, and report the plan to the director of the department of education.

15. The committee may recommend that two or more school districts jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment, and facilities as specified in section 280.15.

16. As soon as possible following June 30 of the base year, the school budget review committee shall determine for each school district the balance of funds, whether positive or negative, raised for special education instruction programs under the special education weighting plan established in section 281.9. The committee shall certify the balance of funds for each school district to the director of the department of management.

In determining the balance of funds of a school district under this subsection, the committee shall subtract the amount of any reduction in state aid that occurred as a result of a reduction in allotments made by the governor under section 8.31.

a. If the amount certified for a school district to the director of the department of management under this subsection for the base year is positive, the director of the department of management shall subtract the amount of the positive balance from the amount of state aid remaining to be paid to the district during the budget year. If the positive amount exceeds the amount of state aid that remains to be paid to the district, the school district shall pay the excess on a quarterly basis prior to June 30 of the budget year to the director of the department of management from other funds received by the district. The director of the department of management shall determine the amount of the positive balance that came from local property tax revenues and shall increase the district's total state school aids available under this chapter for the next following budget year by the amount so determined and shall reduce the district's tax levy computed under section 257.4 for the next following budget year by the amount necessary to compensate for the increased state aid.

b. If the amount certified for a school district to the director of the department of management under this subsection for the base year is negative, the director of the department of management shall determine the amount of the deficit that would have been state aid and the amount that would have been property taxes for each eligible school district.

There is appropriated from the general fund of the state to the school budget review committee for each fiscal year an amount equal to the state aid portion of five percent of the receipts for special education instruction programs in all districts that has a positive balance determined under paragraph "a" for the base year, or the state aid portion of all of the positive balances determined under paragraph "a" for the base year, whichever is less, to be used for supplemental aid payments to school districts. Except as otherwise provided in this lettered paragraph, supplemental aid paid to a district is equal to the state aid portion of the district's negative balance. The school budget review committee shall direct the director of the department of management to make the payments to school districts under this lettered paragraph.

A school district is only eligible to receive supplemental aid payments during the budget year if the school district certifies to the school budget review committee that for the year following the budget year it will notify the school budget review committee to instruct the director of the department of management to increase the district's allowable growth and will fund the allowable growth increase either by using moneys from its unexpended cash balance to reduce the district's property tax levy or by using cash reserve moneys to equal the amount of the deficit that would have been property taxes and any part of the state aid portion of the deficit not received as supplemental aid under this subsection. The director of the department of management shall make the necessary adjustments to the school district's budget to provide the additional allowable growth and shall make the supplemental aid payments.

If the amount appropriated under this lettered paragraph is insufficient to make the supplemental aid payments under this subsection, the director of the department of management shall prorate the payments on the basis of the amount appropriated.

17. Annually the school budget review committee shall review the amount of property tax levied by each school district for the cash reserve authorized in section 298.10. If in the committee's judgment, the amount of a district's cash reserve levy is unreasonably high, the committee shall instruct the director of the department of management to reduce that district's tax levy computed under section 257.4 for the following budget year by the amount the cash reserve levy is deemed excessive. A reduction in a district's property tax levy for a budget year under this subsection does not affect the district's authorized budget.

18. The committee shall perform the duties assigned to it under chapter 286A and section 257.32.

Sec. 32. NEW SECTION. 257.32 AREA EDUCATION BUDGET REVIEW.

1. An area education agency budget review procedure is established for the school budget review committee created in section 257.30. The school budget review committee, in addition to its duties under section 257.31, shall meet and hold hearings each year to review unusual circumstances of area education agencies, either upon the committee's motion or upon the request of an area education agency. The committee may grant supplemental aid to the area education agency from funds appropriated to the department of education for area education agency budget review purposes, or an amount may be added to the area education agency special education support services allowable growth for districts in an area or an additional amount may be added to district cost for media services or educational services for all districts in an area for the budget year either on a temporary or permanent basis, or both.

Unusual circumstances shall include but are not limited to the following:

a. An unusual increase or decrease in enrollment of children requiring special education or unusual need for additional moneys for special education support services.

b. Unusual need for additional moneys for media services.

c. Unusual need for additional moneys for educational services.

d. Unusual costs for building repair, building maintenance, or removal of environmental hazards.

e. Participation by the area education agency in telecommunications, electronic, and technological development with school districts, and related staff development programs.

2. When the school budget review committee makes a decision under subsection 1, it shall provide written notice of its decision, including all changes, to the board of directors of the area education agency, and to the department of management and the department of education.

3. All decisions by the school budget review committee under this section shall be made in accordance with reasonable and uniform policies which shall be consistent with this chapter.

4. Failure by an area education agency to provide information or appear before the school budget review committee as requested for the accomplishment of review or hearing constitutes justification for the committee to instruct the department of revenue and finance to withhold payments for the area education agency until the committee's inquiries are satisfied completely.

Sec. 33. NEW SECTION. 257.33 PRIOR ENRICHMENT APPROVAL.

If the electors of a school district approved the use of the additional enrichment amount prior to July 1, 1991, under chapter 442, or section 279.43, the approval for use of the enrichment amount shall continue in effect until the expiration of the period for which it was approved and districts may use the additional enrichment amount during that period. However, section 257.28 applies to the use of the additional enrichment amount.

Sec. 34. NEW SECTION. 257.34 CASH RESERVE INFORMATION.

If a school district receives less state school foundation aid under section 257.1 than is due under that section for a base year and the school district uses funds from its cash reserve during the base year to make up for the amount of state aid not paid, the board of directors of the school district shall include in its general fund budget document information about the amount of the cash reserve used to replace state school foundation aid not paid.

Sec. 35. NEW SECTION. 257.35 AREA EDUCATION AGENCY PAYMENTS.

The department of management shall deduct the amounts calculated for special education support services, media services, and educational services for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a monthly basis from September 15 through June 15 during each school year. The department of management shall notify each school district of the amount of state aid deducted for these purposes and the balance of state aid shall be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due to the area education agency as calculated by the department of management, the school district shall pay the deficiency to the area education agency from other moneys received by the district, on a quarterly basis during each school year.

Sec. 36. NEW SECTION. 257.36 SPECIAL EDUCATION SUPPORT SERVICES BALANCES.

Notwithstanding chapters 273 and 281 and sections of this chapter relating to the moneys available to area education agencies for special education support services, for each school year, the department of education may direct the department of management to deduct amounts from the portions of school district budgets that fund special education support services in an area education agency. The total amount deducted in an area shall be based upon excess special education support services unreserved and undesignated fund balances in that area education agency for a school year as determined by the department of education. The department of management shall determine the amount deducted from each school district in an area education agency on a proportional basis. The department of management shall determine from the amounts deducted from the portions of school district budgets that fund area education agency special education support services the amount that would have been local property taxes and the amount that would have been state aid and for the next following budget year shall increase the district's total state school aid available under this chapter for area education agency special education support services and reduce the district's property tax levy for area education agency special education support services by the amount necessary for the property tax portion of the deductions made under this section during the budget year.

The amount deducted from a school district's budget shall not affect the calculation of the state cost per pupil or its district cost per pupil in that school year or a subsequent year.

Sec. 37. NEW SECTION. 257.37 FUNDING MEDIA AND EDUCATIONAL SERVICES.

Media services and educational services provided through the area education agencies shall be funded, to the extent provided, by an addition to the district cost of each school district, determined as follows:

1. The total amount funded in each area for media services in the budget year is equal to nine-tenths of one percent of the state cost per pupil for the budget year multiplied by the enrollment served in the area for the budget year. Thirty percent of the budget of an area for media services shall be expended for media resource material which shall only be used for the purchase or replacement of material required in section 273.6, subsection 1, paragraphs "a", "b", and "c". Funds shall be paid to area education agencies as provided in section 257.35. The costs shall be allocated to school districts in the area based upon the proportion of the enrollment served that resides in the district.

2. The total amount funded in each area for educational services in the budget year is equal to one percent of the state cost per pupil for the budget year multiplied by the enrollment served in the area for the budget year. Funds shall be paid to area education agencies as provided in section 257.35. The costs shall be allocated to school districts in the area based upon the proportion of the enrollment served that resides in the district.

3. "Enrollment served" means the basic enrollment plus the number of nonpublic school pupils served with media services or educational services, as applicable, except that if a nonpublic school pupil receives services through an area other than the area of the pupil's residence, the pupil shall be deemed to be served by the area of the pupil's residence, which shall by contractual arrangement reimburse the area through which the pupil actually receives services. Each school district shall include in the third Friday in September enrollment report the number of nonpublic school pupils within each school district for media and educational services served by the area.

4. If an area education agency does not serve nonpublic school pupils in a manner comparable to services provided public school pupils for media and educational services, as determined by the state board of education, the state board shall instruct the department of management to reduce the funds for media services and educational services one time by an amount to compensate for such reduced services. The media services budget shall be reduced by an amount equal to the product of the cost per pupil in basic enrollment for the budget year for media services times the difference between the enrollment served and the basic enrollment recorded for the area. The educational services budget shall be reduced by an amount equal to the product of the cost per pupil in basic enrollment for the budget year for educational services times the difference between the enrollment served and the basic enrollment recorded for the area.

This subsection applies only to media and educational services which cannot be diverted for religious purposes.

Notwithstanding this subsection, an area education agency shall distribute to nonpublic schools media materials purchased wholly or partially with federal funds in a manner comparable to the distribution of such media materials to public schools as determined by the director of the department of education.

#### Sec. 38. NEW SECTION. 257.38 PROGRAMS FOR RETURNING DROPOUTS AND DROPOUT PREVENTION.

Boards of school districts, individually or jointly with boards of other school districts, requesting to use additional allowable growth for programs for returning dropouts and dropout prevention, shall annually submit comprehensive program plans for the programs and budget costs, including requests for additional allowable growth for funding the programs, to the department of education as provided in this chapter. The program plans shall include:

1. Program goals, objectives, and activities to meet the needs of children who may drop out of school.
2. Student identification criteria and procedures.
3. Staff in-service education design.
4. Staff utilization plans.
5. Evaluation criteria and procedures and performance measures.
6. Program budget.
7. Qualifications required of personnel administering the program.
8. A provision for dropout prevention and integration of dropouts into the educational program of the district.
9. A provision for identifying dropouts.
10. A program for returning dropouts.
11. Other factors the department requires.

Program plans shall identify the parts of the plan that will be implemented first upon approval of the application. If a district is requesting to use additional allowable growth to finance the program, it shall not identify more than five percent of its budget enrollment for the budget year as returning dropouts and potential dropouts.

Sec. 39. NEW SECTION. 257.39 DEFINITIONS.

As used in this chapter:

1. "Returning dropouts" are resident pupils who have been enrolled in a public or nonpublic school in any of grades seven through twelve who withdrew from school for a reason other than transfer to another school or school district and who subsequently enrolled in a public school in the district.
2. "Potential dropouts" are resident pupils who are enrolled in a public or nonpublic school who demonstrate poor school adjustment as indicated by two or more of the following:
  - a. High rate of absenteeism, truancy, or frequent tardiness.
  - b. Limited or no extracurricular participation or lack of identification with school, including but not limited to, expressed feelings of not belonging.
  - c. Poor grades, including but not limited to, failing in one or more school subjects or grade levels.
  - d. Low achievement scores in reading or mathematics which reflect achievement at two years or more below grade level.
  - e. Children in grades kindergarten through three who meet the definition of at-risk children adopted by the department of education.

Sec. 40. NEW SECTION. 257.40 PLANS FOR RETURNING DROPOUTS AND DROPOUT PREVENTION.

The board of directors of a school district requesting to use additional allowable growth for programs for returning dropouts and dropout prevention shall submit appli-

cations for approval for the programs to the department not later than November 1 preceding the budget year during which the program will be offered. The department shall review the program plans and shall prior to January 15 either grant approval for the program or return the request for approval with comments of the department included. An unapproved request for a program may be resubmitted with modifications to the department not later than February 1. Not later than February 15, the department shall notify the department of management and the school budget review committee of the names of the school districts for which programs using additional allowable growth for funding have been approved and the approved budget of each program listed separately for each school district having an approved program.

**Sec. 41. NEW SECTION. 257.41 FUNDING FOR PROGRAMS FOR RETURNING DROPOUTS AND DROPOUT PREVENTION.**

The budget of an approved program for returning dropouts and dropout prevention 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 257.8. 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 program for returning dropouts and dropout prevention 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. 42. NEW SECTION. 257.42 GIFTED AND TALENTED CHILDREN.**

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.

The parent or guardian of a pupil may request that a gifted and talented children program be established for pupils who qualify as gifted and talented children under section 257.44, including demonstrated achievement or potential ability in a single subject area.

The department shall employ a consultant for gifted and talented children programs.

The department of education shall adopt rules under chapter 17A relating to the administration of sections 257.42 through 257.49. The rules shall prescribe the format of program plans submitted under section 257.43 and shall require that programs fulfill specified objectives. The department shall encourage and assist school districts to provide programs for gifted and talented children whether or not additional allowable growth is requested under this chapter.

**Sec. 43. NEW SECTION. 257.43 PROGRAM PLANS.**

The program plans submitted by school districts shall include all of the following:

1. Program goals, objectives, and activities to meet the needs of gifted and talented children.

2. Student identification criteria and procedures.
3. Staff in-service education design.
4. Staff utilization plans.
5. Evaluation criteria and procedures and performance measures.
6. Program budget.
7. Qualifications required of personnel administering the program.
8. Other factors the department requires.

Sec. 44. NEW SECTION. 257.44 GIFTED AND TALENTED CHILDREN DEFINED.

"Gifted and talented children" are those identified as possessing outstanding abilities who are capable of high performance. Gifted and talented children are children who require appropriate instruction and educational services commensurate with their abilities and needs beyond those provided by the regular school program.

Gifted and talented children include those children with demonstrated achievement or potential ability, or both, in any of the following areas or in combination:

1. General intellectual ability.
2. Creative thinking.
3. Leadership ability.
4. Visual and performing arts ability.
5. Specific ability aptitude.

Sec. 45. NEW SECTION. 257.45 SUBMISSION OF PROGRAM PLANS.

The board of directors of a school district requesting to use additional allowable growth for gifted and talented children programs shall submit applications for approval for the programs to the department not later than November 1 preceding the fiscal year during which the program will be offered. The board shall also submit a copy of the program plans to the gifted and talented children advisory council, if an advisory council has been established. The department shall review the program plans and shall prior to January 15 either grant approval for the program or return the request for approval with comments of the department included. Any unapproved request for a program may be resubmitted with modifications to the department not later than February 1. Not later than February 15 the department shall notify the department of management and the school budget review committee of the names of the school districts for which gifted and talented children programs using additional allowable growth for funding have been approved and the approved budget of each program listed separately for each school district having an approved program.

Sec. 46. NEW SECTION. 257.46 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 257.8. 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. 47. NEW SECTION. 257.47 COOPERATION BY AREA EDUCATION AGENCIES.

The area education agencies in which the school districts having approved gifted and talented children programs are located shall cooperate with the school district in the identification and placement of gifted and talented children and may assist school districts in the establishment of such programs.

Sec. 48. NEW SECTION. 257.48 ADVISORY COUNCIL.

At the written request of one or more boards of school districts, in an area education agency, the area education agency board shall establish one or more gifted and talented children advisory councils and shall appoint members for four-year staggered terms. The terms of office of advisory council members shall commence on July 1 of each year. An advisory council shall consist of seven members including teachers, parents, school administrators, and other persons interested in education in the area. Except as otherwise provided in this section, members shall be eligible electors residing in the merged area. Members shall serve without compensation but shall be reimbursed for actual and necessary expenses and mileage incurred in the performance of their duties from funds available to the area education agency.

If an area education agency has a weighted enrollment of more than thirty-five thousand, the board may appoint additional advisory councils for each thirty-five thousand weighted enrollment or fraction of thirty-five thousand. If more than one advisory council is appointed by the board, the board shall divide the merged area along school district boundary lines for jurisdiction of the advisory councils, and membership of these advisory councils shall be appointed from the designated portion of the merged area.

Sec. 49. NEW SECTION. 257.49 DUTIES OF ADVISORY COUNCIL.

The gifted and talented children advisory council shall:

1. Elect a chairperson and vice chairperson from the membership of the advisory council.
2. Meet as often as deemed necessary by the advisory council.
3. Advise and assist a local board of directors in the establishment of gifted and talented children programs, when requested by the local board.
4. Review program plans and proposed budgets for a gifted and talented children program, in consultation with a gifted and talented children consultant employed by the area education agency, when requested by a local board.
5. When requested by a local board, evaluate the results of a gifted and talented children program and file a written report together with recommendations for improvement or change with the board of directors of the applicable school district, the area education agency and the department of education. The evaluation shall be conducted by three or more members of the advisory council.

Sec. 50. SPECIAL EDUCATION WEIGHTS. For the budget year beginning July 1, 1991, in making recommendations to the school budget review committee under section 281.9, subsection 4, the director of the department of education shall consider the changes in the value of the state cost per pupil determined under section 257.9 from the value of the state cost per pupil for the base year determined under section 442.8, Code 1989, and changes in the value of the district cost per pupil for school districts determined under section 257.10 from the value of the district cost per pupil for school districts determined under section 442.9, Code 1989. Notwithstanding section 281.9, subsection 4, for the budget year commencing July 1, 1991, the increase or decrease in the weighting assigned to each category of children requiring special education is not limited to two-tenths of the weighting assigned to pupils in a regular curriculum.

Sec. 51. Section 96.31, Code 1989, is amended to read as follows:

#### 96.31 TAX FOR BENEFITS.

Political subdivisions may levy a tax outside their general fund levy limits to pay the cost of unemployment benefits. For school districts the cost of unemployment benefits shall be included in the district management levy pursuant to section 298.4.

Sec. 52. Section 111E.4, Code 1989, is amended to read as follows:

#### 111E.4 PAYMENT IN LIEU OF PROPERTY TAXES.

As a part of the budget proposal submitted to the general assembly under section 455A.4, subsection 1, paragraph "c", the director of the department of natural resources shall submit a budget request to pay the property taxes for the next fiscal year on open space property acquired by the department which would otherwise be subject to the levy of property taxes. The assessed value of open space property acquired by the department shall be that determined under section 427.1, subsection 31, and the director may protest the assessed value in the manner provided by law for any property owner to protest an assessment. For the purposes of chapter ~~442~~ 257, the assessed value of the open space property acquired by the department shall be included in the valuation base of the school district and the payments made pursuant to this section shall be considered as property tax revenues and not as miscellaneous income. The county treasurer shall certify taxes due to the department. The taxes shall be paid annually from the departmental fund or account from which the open space property acquisition was funded. If the departmental fund or account has no moneys or no longer exists, the taxes shall be paid from funds as otherwise provided by the general assembly. If the total amount of taxes due certified to the department exceeds the amount appropriated, the taxes due shall be reduced proportionately so that the total amount equals the amount appropriated. This section applies to open space property acquired by the department on or after January 1, 1987.

Sec. 53. Section 256.21, unnumbered paragraphs 1, 4, and 7, Code 1989, are amended to read as follows:

If the general assembly appropriates money for grants to provide sabbaticals for teachers, a sabbatical program shall be established as provided in this section. ~~For the school years commencing July 1, 1988, July 1, 1989, and July 1, 1990, any A~~ teacher with at least seven years of teaching experience in this state may submit an application for a sabbatical to the department of education not later than November 1 of the preceding school year.

A sabbatical grant to a teacher shall be equal to the costs to the school district of the teacher's regular compensation as defined in section 294A.2 plus the cost to the

district of the fringe benefits of the teacher. The grant shall be paid to the school district, and the district shall continue to pay the teacher's regular compensation as well as the cost to the district of the substitute teacher. Teachers and boards of school districts are encouraged to seek funding from other sources to pay the costs of sabbaticals for teachers. Grant moneys are miscellaneous income for purposes of chapter ~~442 257~~.

Notwithstanding section 8.33, if moneys are appropriated by the general assembly for the sabbatical program for either the a fiscal year beginning July 1, 1988 or July 1, 1989, the moneys shall not revert at the end of that fiscal year but shall carry over and may be expended during the next fiscal year.

Sec. 54. Section 256A.3, subsection 5, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Program grants funded under this subsection may integrate children not meeting at-risk criteria into the program and shall establish a fee for participation in the program in the manner provided in section 279.49, but grant funds shall not be used to pay the costs for those children.

Sec. 55. Section 256A.3, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 9. Subject to a decision by the council to initiate the programs, develop criteria for and award grants under section 279.51, subsection 2.

NEW SUBSECTION. 10. Encourage the establishment of programs that will enhance the skills of parents in parenting and in providing for the learning and development of their children.

Sec. 56. Section 265.6, Code 1989, is amended to read as follows:

#### 265.6 STATE AID APPLICABLE.

If the state board of regents has established a laboratory school, it shall receive state aid pursuant to chapters ~~257 and 281 and 442~~ for each pupil enrolled in the laboratory school in the same amount as the public school district in which the pupil resides would receive aid for that pupil and shall transmit the amount received to the institution of higher education at which the laboratory school has been established. If the board of a school district terminates a contract with the state board of regents for attendance of pupils in a laboratory school, the school district shall inform the ~~state comptroller department of management~~ of the number of these pupils who are enrolled in the district on the ~~second~~ third Friday of the following September. The ~~state comptroller department of management~~ shall pay to the school district, from funds appropriated in section ~~442.26 257.16~~, an amount equal to the amount of state aid paid for each pupil in that school district for that school year in payments made as provided in section ~~442.26 257.16~~. However, payments shall not be made for pupils for which an advance is received by the district under section ~~442.28 257.13~~.

Sec. 57. Section 273.2, unnumbered paragraph 5, Code 1989, is amended to read as follows:

The area education agency board may provide for the following programs and services to local school districts, and at the request of local school districts to providers of child development services who have received grants under chapter 256A from the child development coordinating council, within the limits of funds available:

Sec. 58. Section 273.3, subsections 2 and 12, Code 1989, is amended to read as follows:

2. Be authorized to receive and expend money for providing programs and services as provided in sections 273.1 to 273.9, and chapters 257 and 281 and 442. All costs incurred in providing the programs and services, including administrative costs, shall be paid from funds received pursuant to sections 273.1 to 273.9 and chapters 257 and 281 and 442.

12. Prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1 to 273.9 and chapter 281 within the limits of funds provided under section 281.9 and chapter 442 257. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county in the territory of the area education agency in which the principal place of business of a school district that is a part of the area education agency is located. The notice shall specify the date, which shall be not later than ~~November 10~~ February 1 of each year, the time, and the location of the public hearing. The proposed budget as approved by the board shall then be submitted to the state board of education, on forms provided by the department, no later than ~~December 1~~ February 15 preceding the next fiscal year for approval. The state board shall review the proposed budget of each area education agency and shall ~~prior to January 1~~ before March 1, either grant approval or return the budget without approval with comments of the state board included. ~~Any~~ An unapproved budget shall be resubmitted to the state board for final approval.

Sec. 59. Section 273.5, subsection 6, Code 1989, is amended to read as follows:

6. Submit to the department of education special education instructional and support program plans and applications, subject to criteria listed in chapter 281 and this chapter, for approval by ~~November 1~~ February 15 of each year for the school year commencing the following July 1.

Sec. 60. Section 273.9, Code 1989, is amended to read as follows:

#### 273.9 FUNDING.

1. ~~For the school year beginning July 1, 1975, and each succeeding school year, school~~ School districts shall pay for the programs and services provided through the area education agency and shall include expenditures for the programs and services in their budgets, in accordance with the ~~provisions~~ of this section.

2. School districts shall pay the costs of special education instructional programs with the moneys available to the districts for each child requiring special education, by application of the special education weighting plan in section 281.9. Special education instructional programs shall be provided at the local level if practicable, or otherwise by contractual arrangements with the area education agency board as provided in section 273.3, subsection 5, but in each case the total money available through section 281.9 and chapter 442 257 because of weighted enrollment for each child requiring special education instruction shall be made available to the district or agency which provides the special education instructional program to the child, subject to adjustments for transportation or other costs which may be paid by the school district in which the child is enrolled. Each district shall co-operate with its area education agency to provide an appropriate special education instructional program for each child who requires special education instruction, as identified and counted within the certification by the area director of special education or as identified by the area director of

special education subsequent to the certification, and shall not provide a special education instructional program to a child who has not been so identified and counted within the certification or identified subsequent to the certification.

3. The costs of special education support services provided through the area education agency shall be funded by an increase in the allowable growth of each school district, determined as provided in ~~section 442.7~~ chapter 257. Special education support services shall not be funded until the program plans submitted by the special education directors of each area education agency as required by section 273.5 are modified as necessary and approved by the director of the department of education according to the criteria and limitations of ~~chapter chapters 257 and 281 and section 442.7~~.

4. The costs of media services provided through the area education agency shall be funded as provided in ~~section 442.27~~ 257.37. Media services shall not be funded until the program plans submitted by the administrators of each area education agency as required by section 273.4 are modified as necessary and approved by the director of the department of education according to the criteria and limitations of ~~section sections 257.37 and 273.6 and of section 442.27~~.

5. The costs of educational services provided through the area education agency shall be funded within the limitations in ~~section 442.27~~ 257.37.

The state board of education shall adopt rules under chapter 17A relating to the approval of program plans under this section.

Sec. 61. Section 273.12, Code 1989, is amended to read as follows:

#### 273.12 FUNDS – USE RESTRICTED.

Funds generated for educational services under ~~the provisions of section 442.27~~ 257.37 and subject to approval under ~~the provisions of section 273.9, subsection 5~~, shall not be expended by an area education agency for the purpose of assisting either a public employer or employee organization in collective bargaining negotiations under chapter 20 if the public employer is a school district, or the employee organization consists of employees of a school district, located within the boundaries of the area education agency.

Sec. 62. Section 273.13, Code 1989, is amended to read as follows:

#### 273.13 ADMINISTRATIVE EXPENDITURES.

During the budget year beginning July 1, 1989, and the three succeeding budget years, the board of directors of an area education agency in which the administrative expenditures as a percent of the area education agency's operating fund for a base year exceed five percent shall reduce its administrative expenditures to five percent of the area education agency's operating fund. During each of the four years, the board of directors shall reduce administrative expenditures by twenty-five percent of the reduction in administrative expenditure required by this section. Thereafter, the administrative expenditures shall not exceed five percent of the operating fund. Annually, the board of directors shall certify to the department of education the amounts of the area education agency's expenditures and its operating fund. For the purposes of this section, "base year" and "budget year" mean the same as defined in section 442.6, Code 1989, and section 257.2, and "administrative expenditures" means expenditures for executive administration.

Sec. 63. Section 274.37, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The boards in the respective districts, the boundaries of which have been changed under this section, complete in all respects, except for the passage of time prior to the effective date of the change, and when ~~all the~~ right of appeal of the change has expired, may enter into joint contracts for the construction of buildings for the benefit of the corporations whose boundaries have been changed, using funds accumulated under ~~section 278.1, subsection 7~~ the physical plant and equipment levy in section 298.2. The district in which the building is to be located may use any funds authorized in accordance with chapter 75. ~~Nothing in this section shall be construed to~~ This section does not permit the changed districts to expend any funds jointly which they are not entitled to expend acting individually.

Sec. 64. Section 275.12, subsection 5, Code 1989, is amended to read as follows:

5. The petition may also include a provision that the ~~schoolhouse tax~~ voter-approved physical plant and equipment levy provided in section ~~278.1, subsection 7~~ 298.2, will be voted upon at the election conducted under section 275.18.

Sec. 65. Section 275.14, Code 1989, is amended to read as follows:

**275.14 OBJECTION — TIME OF FILING — NOTICE.**

Within ten days after the petition is filed, the area education agency administrator shall fix a final date for filing objections to the petition which shall be not more than sixty days after the petition is filed and shall fix the date for a hearing on the objections to the petition. Objections shall be filed in the office of the administrator who shall give notice at least ten days prior to the final day for filing objections, by one publication in a newspaper published within the territory described in the petition, or if none is published ~~therein in the territory~~, in a newspaper published in the county where the petition is filed, and of general circulation in the territory described. The notice shall also list the date, time, and location for the hearing on the petition as provided in section 275.15. The cost of publication shall be assessed to each district whose territory is involved in the ratio that the number of pupils in basic enrollment ~~for the budget year~~, as defined in section ~~442.4~~ 257.6 in each district bears to the total number of pupils in basic enrollment ~~for the budget year~~ in the total area involved. Objections shall be in writing in the form of an affidavit and may be made by any person residing or owning land within the territory described in the petition, or who would be injuriously affected by the change petitioned for and shall be on file not later than twelve o'clock noon of the final day fixed for filing objections.

Objection forms shall be prescribed by the department of education and may be obtained from the area education agency administrator. Objection forms that request that property be removed from a proposed district shall include the correct legal description of the property to be removed.

Sec. 66. Section 275.20, Code 1989, is amended to read as follows:

**275.20 SEPARATE VOTE IN EXISTING DISTRICTS.**

The voters shall vote separately in each existing school district affected and voters residing in the entire existing district are eligible to vote ~~both~~ upon the proposition to create a new school corporation and the proposition to levy the ~~schoolhouse tax~~ under section 278.1, subsection 7 voter-approved physical plant and equipment levy

under section 298.2, if the petition included a provision for a vote to authorize the levy the schoolhouse tax. If a proposition receives a majority of the votes cast in each of at least seventy-five percent of the districts, and also a majority of the total number of votes cast in all of the districts, the proposition is carried.

Sec. 67. Section 275.31, unnumbered paragraph 1, Code 1989, is amended to read as follows:

If necessary to equalize the division and distribution, the board or boards may provide for the levy of additional taxes, which shall be sufficient to satisfy the mandatory levy required in section 76.2 or other liabilities of the districts, upon the property of a corporation or part of a corporation and for the distribution of the tax revenues so as to effect equalization. When the board or boards are considering the equalization levy, the division and distribution shall not impair the security for outstanding obligations of each affected corporation. Any owner of bonds of an affected corporation may bring suit in equity for adjustment of the division and distribution in compliance with this section. If the property tax levy for the amount estimated and certified to apply on principal and interest on lawful bonded indebtedness for a newly formed community school district is greater than the property tax levy for the amount estimated and certified to apply on principal and interest in the year preceding the reorganization or dissolution for a school district that is a party to the reorganization or dissolution, and that had a certified enrollment of less than six hundred for the year prior to the reorganization or dissolution, and that approved the reorganization or dissolution prior to July 1, 1989, the board of the newly formed district shall inform the department of management. The department of management shall pay debt service aid to the newly formed district in an amount that will reducee reduces the rate of the property tax levy for lawful bonded indebtedness in the portion of the newly formed district where the new rate is higher, to the rate that was levied in that portion of the district during the year preceding the reorganization or dissolution.

Sec. 68. Section 275.33, subsection 2, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The collective bargaining agreement of the district with the largest basic enrollment for the year prior to the reorganization, as defined in section 442.4 257.6, in the new district shall serve as the base agreement and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the districts which are party to the reorganization, then that agreement shall serve as the base agreement, and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the public employment relations board. The board of the newly formed district, using the base agreement as its existing contract, shall bargain with the combined employees of the existing districts for the school year beginning with the effective date of the reorganization. The bargaining shall be completed by March 15 prior to the school year in which the reorganization becomes effective or within one hundred eighty days after the organization of the new board, whichever is later. If a bargaining agreement was already concluded by the board and

employees of the existing district with the contract serving as the base agreement for the school year beginning with the effective date of the reorganization, that agreement shall be void. However, if the base agreement contains multiyear provisions affecting school years subsequent to the effective date of the reorganization, the base agreement shall remain in effect as specified in the agreement.

Sec. 69. Section 275.55, unnumbered paragraph 4, Code 1989, is amended to read as follows:

The attachment is effective July 1 following its approval. If the dissolution proposal is for the dissolution of a school district with a certified enrollment of fewer than six hundred, the territory located in the school district that dissolved is eligible, if approved by the director of the department of education, for a reduction in the uniform foundation property tax levy under section ~~442.2~~ 257.3, subsection 1. If the director approves a reduction in the uniform foundation property tax levy as provided in this section, the director shall notify the director of the department of management of the reduction.

Sec. 70. Section 277.2, Code 1989, is amended to read as follows:

#### 277.2 SPECIAL ELECTION.

The board of directors in ~~any~~ a school corporation may call a special election at which ~~election~~ the voters shall have the powers exercised at the regular election with reference to the sale of school property and the application to be made of the proceeds, the authorization of seven members on the board of directors, the authorization to establish or change the boundaries of director districts, and the authorization of a schoolhouse tax voter-approved physical plant and equipment levy or indebtedness, as provided by law.

Sec. 71. Section 278.1, subsection 7, Code 1989, is amended by striking the subsection.

Sec. 72. Section 278.1, unnumbered paragraph 4, Code 1989, is amended by striking the unnumbered paragraph.

Sec. 73. Section 279.26, Code 1989, is amended to read as follows:

#### 279.26 LEASE ARRANGEMENTS.

The board of directors of a local school district for which a schoolhouse tax voter-approved physical plant and equipment levy has been voted pursuant to section ~~278.1~~, subsection 7 ~~298.2~~, may enter into a rental or lease arrangement, consistent with the purposes for which the schoolhouse tax voter-approved physical plant and equipment levy has been voted, for a period not exceeding ten years and not exceeding the period for which the schoolhouse tax voter-approved physical plant and equipment levy has been authorized by the voters.

Sec. 74. Section 279.45, Code 1989, is amended to read as follows:

#### 279.45 ADMINISTRATIVE EXPENDITURES.

For the budget year beginning July 1, 1989, and each of the following three budget years, the board of directors of a school district in which the administrative expenditures as a percent of the school district's operating fund for a base year exceed five percent, shall reduce its administrative expenditures so that they are one-half percent less as a percent of the school district's operating fund than they were for the

base year. However, a school district is not required to reduce its administrative expenditures below five percent of its operating fund. Thereafter, a school district shall not increase the percent of its administrative expenditures compared to its operating fund. Annually, the board of directors shall certify to the department of education the amounts of the school district's administrative expenditures and its operating fund. For the purposes of this section, "base year" and "budget year" mean the same as defined in section 442.6, Code 1989, and section 257.2, and "administrative expenditures" means expenditures for executive administration.

Sec. 75. Section 279.46, Code 1989, is amended to read as follows:

#### 279.46 RETIREMENT INCENTIVES — TAX.

The board of directors of a school district may adopt a program for payment of a monetary bonus, continuation of health or medical insurance coverage, or other incentives for encouraging its employees to retire before the normal retirement date as defined in chapter 97B. The program is available only to employees between fifty-nine and sixty-five years of age who notify the board of directors prior to March 1 of the fiscal year that they intend to retire not later than the next following June 30. An employee retiring under this section shall apply for a retirement allowance under chapter 97B or chapter 294. If the total estimated accumulated cost to a school district of the bonus or other incentives for employees who retire under this section does not exceed the estimated savings in salaries and benefits for employees who replace the employees who retire under the program, the board may certify for include in the district management levy a tax on all taxable property in the school district an amount to pay the costs of the program provided in this section. The levy certified under this section is in addition to any other levy authorized for that school district by law and is not subject to budget limitations otherwise provided by law. A board may amend its certified budget during a fiscal year to provide for payments required under this section. Moneys received from the levy imposed under this section are miscellaneous income for purposes of chapter 442.

#### Sec. 76. NEW SECTION. 279.51 PROGRAMS FOR AT-RISK CHILDREN.

1. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1990, the sum of eight million seven hundred thousand dollars. For the fiscal year beginning July 1, 1991, and each succeeding fiscal year, there is appropriated the sum of eleven million two hundred thousand dollars plus an additional amount equal to the state percent of growth as calculated in section 257.8 multiplied by the amount appropriated the previous fiscal year.

The moneys shall be allocated as follows:

a. Two hundred seventy-five thousand dollars of the funds appropriated shall be allocated to the area education agencies to assist school districts in developing program plans and budgets under this section and to assist school districts in meeting other responsibilities in early childhood education.

b. For the fiscal year beginning July 1, 1990, four million six hundred twenty-five thousand dollars, and for each fiscal year thereafter, six million one hundred twenty-five thousand dollars of the funds appropriated shall be allocated to the child development coordinating council established in chapter 256A for the purposes set out in subsection 2 of this section and section 256A.3.

c. For each of the fiscal years during the fiscal period beginning July 1, 1990, and ending June 30, 1994, eight hundred thousand dollars of the funds appropriated shall

be allocated for the school-based youth services education program established in subsection 3. Subject to the approval of the state board of education, the allocation made in this paragraph may be renewed for additional four-year periods of time.

d. For the fiscal year beginning July 1, 1990, three million dollars, and for each fiscal year thereafter, four million dollars of the funds appropriated shall be allocated as grants to school districts that have elementary schools that demonstrate the greatest need for programs for at-risk students with preference given to innovative programs for the early elementary school years.

e. Additional funds available under this subsection as a result of additional growth provided to the appropriation in subsection 1 shall be distributed equally between paragraphs "b" and "d".

f. Not later than January 15, 1991, the department of education shall submit a report to the general assembly listing the moneys allocated under each of the paragraphs of this section and anticipated funding needed for the remainder of the fiscal year for each of those paragraphs. If the moneys appropriated under this section are insufficient to fund the grants under paragraphs "b" and "d", the department of education shall certify that information in the report and it is the intent of the general assembly that moneys shall be appropriated for the fiscal year beginning July 1, 1990, to supplement the appropriation in this section in an amount sufficient to fund grants under paragraphs "b" and "d", but not greater than two million five hundred thousand dollars.

2. Funds allocated under subsection 1, paragraph "b", shall be used by the child development coordinating council for the following:

a. To continue funding for programs previously funded by grants awarded under section 256A.3 and to provide additional grants under section 256A.3. The council shall seek to provide grants on the basis of the location within the state of children meeting at-risk definitions.

b. At the discretion of the child development coordinating council, award grants for the following:

(1) To school districts to establish programs for three-year, four-year, and five-year old at-risk children which is a combination of preschool and full-day kindergarten.

(2) To provide grants to provide educational support services to parents of at-risk children age birth through three years.

3. A school-based youth services education program is established. The department of education, in consultation with the department of human services, the department of employment services, the Iowa department of public health, and the division of job training and entrepreneurship assistance of the department of economic development, shall develop a four-year demonstration grant program that commences in the fiscal year beginning July 1, 1990. The department shall provide grants to individual middle schools or high schools to establish school-based youth services programs based upon program plans filed by the board of directors of the school district. Priority shall be given to schools with student populations characterized by high rates of a number of the following: school dropout and absenteeism; teenage pregnancy; juvenile court involvement; unemployment; teenage suicide; and teenage mental health, substance abuse, and other health problems. The department shall evaluate proposed programs based upon the department's analysis of effectiveness in reducing these rates within the schools.

Additional objectives of the programs shall be: to increase the ability of existing agencies within the community to address the multiple problems of teenagers and to coordinate their activities, to provide an accessible and attractive center for teenagers in or near school that they are most likely to use, and to facilitate joint planning to make the most economic and innovative use of community resources. Programs shall at a minimum provide job training and employment services, mental health and family counseling services, and primary health care services that include but are not limited to physical examinations, immunizations, hearing and vision screening, and preventive and primary health care services, in the context of the educational needs of the students. Programs shall not include abortion counseling or the dispensing of contraceptives. The department shall give additional consideration to program proposals that provide access to the center after school, in the evening and on weekends, and during the summer; that provide a twenty-four hour telephone hotline or similar service; and that provide access to day care or on-site day care.

The plan shall include the appointment by the board of a local advisory board for each proposed program, which at a minimum shall include a representative of the private industry council serving the area, parents of children enrolled in the school, a teacher recommended by the local teachers association, a representative from the health and mental health community in the area, teenagers enrolled in the school and recommended by the school student government, a representative from the nonprofit provider community, and a representative from the juvenile court system serving the area. Management of the program shall be by the school or by a nonprofit youth service organization. As used in this subsection, "youth service" means recreational services, employment services, civic services, or juvenile treatment services.

Program proposals shall include a written commitment from the school principal and the board of directors that the school will work to coordinate and integrate existing school services and activities with the center and shall include letters of support for the proposal from the local teachers association; parent-teacher organizations; community organizations; nonprofit agencies providing social services, health, or employment services in the area; and the area private industry council.

Grants for the program shall not be used to construct a new facility, but up to ten percent of the grant may be used to renovate an existing structure. In addition, up to ten percent of the grant funds may be used to provide each of the following service categories: day care, transportation, and recreation.

Program proposals shall include a contribution of at least twenty percent of the total costs of the program, which can include "in-kind" services. Partnerships between the public and private sectors to provide employment and training opportunities for youth served by the program are particularly encouraged. The budget for a proposed program shall not exceed two hundred thousand dollars per year.

4. The department shall seek assistance from the first in the nation in education foundation established in chapter 257A and other foundations and public and private agencies in the evaluation of the programs funded under this section, and in the provision of support to school districts in developing and implementing the programs funded under this section.

5. The state board of education shall adopt rules under chapter 17A for the administration of this section.

**Sec. 77. NEW SECTION. 279.52 OPTIONAL FUNDING OF ASBESTOS PROJECTS.**

The board of directors may pay the actual cost of an asbestos project from any funds in the general fund of the district, funds received from the physical plant and equipment levy, funds received from the additional enrichment amount for an asbestos project in section 279.53, or moneys obtained through a federal asbestos loan program, to be repaid from any of the funds specified in this subsection over a three-year period.

For the purpose of this section, "cost of an asbestos project" includes the costs of inspection and reinspection, sampling, analysis, assessment, response actions, operations and maintenance, training, periodic surveillance, developing of management plans and recordkeeping requirements relating to the presence of asbestos in school buildings of the district and its removal or encapsulation.

**Sec. 78. NEW SECTION. 279.53 ADDITIONAL ENRICHMENT AMOUNT FOR ASBESTOS PROJECTS.**

1. A school board may raise an additional enrichment amount for purposes of funding an asbestos project under section 279.52 as provided in this section.

2. The board shall determine the additional enrichment amount needed for an asbestos project, within the limits of this section, and shall direct the county commissioner of elections to submit the question of whether to raise that amount under this section and section 279.54 for a period not exceeding five years, to the qualified electors of the school district at a regular school election held during September of the base year or at a special election held not later than February 15 of the base year or February 15, 1995, whichever is earlier. Only one election on the question shall be held during a twelve-month period. If a majority of those voting on the question favors raising the additional enrichment amount for an asbestos project, the board may include the approved amount in its certified budget.

3. The additional enrichment amount needed for an asbestos project shall be raised within the limits provided in this section by an enrichment property tax or by a combination of an enrichment property tax and a school district income surtax. The method of raising the additional enrichment amount shall be determined by the board. Subject to the limitation in section 298.14, if the board uses a combination of an enrichment property tax and a school district income surtax, for each fiscal year the board shall determine the percent of income surtax to be expressed as full percentage points, not to exceed twenty percent.

**Sec. 79. NEW SECTION. 279.54 SCHOOL DISTRICT INCOME SURTAX.**

If a majority of those voting in an election approves raising the additional enrichment amount for an asbestos project under section 279.53 and this section, not later than March 15 of the previous school year the board shall certify to the department of management that the required procedures have been carried out, the method of funding the amount to be raised, and the department of management shall establish the amount of additional enrichment property tax to be levied or the amount of the combination of the enrichment property tax and the amount of enrichment income surtax to be imposed for each school year for which the additional enrichment amount for an asbestos project is authorized. The enrichment property tax and income surtax, if an income surtax is imposed, shall be levied and imposed, collected, and paid to the school district in the manner provided for the instructional support program in sections 257.21 through 257.26.

Moneys received are miscellaneous income for purposes of chapter 257.

Sec. 80. Section 280.4, subsection 4, Code 1989, is amended to read as follows:

4. In order to provide funds for the excess costs of instruction of non-English-speaking students above the costs of instruction of pupils in a regular curriculum, students identified as non-English-speaking are assigned an additional weighting of ~~two-tenths~~ and that weighting shall be included in the weighted enrollment of the school district of residence for a period not exceeding three years. However, the school budget review committee may grant supplemental aid or modified allowable growth, to a school district to continue funding a program for students after the expiration of the three-year period. The school budget review committee shall calculate the additional amount for the weighting to the nearest one-hundredth of one so that, to the extent possible, the moneys generated by the weighting will be equivalent to the moneys generated by the two-tenths weighting provided prior to July 1, 1991.

Sec. 81. Section 280.13A, unnumbered paragraph 3, Code 1989, is amended to read as follows:

It is not necessary that school districts that are parties to an agreement under this section must be engaged in sharing academic programming and receiving supplementary weighting under section ~~442.39~~ 257.11.

Sec. 82. Section 281.2, subsection 4, Code 1989, is amended to read as follows:

4. ~~Any funds~~ Moneys received by the school district of the child's residence for the child's education, derived from ~~funds~~ moneys received through chapter ~~442~~ 257, this chapter, and section 273.9 shall be paid by the school district of the child's residence to the appropriate education agency, private agency, or other school district providing special education for the child pursuant to contractual arrangements as provided in section 273.3, subsections 5 and 7.

Sec. 83. Section 281.8, unnumbered paragraph 1, Code 1989, is amended to read as follows:

~~It shall not be is not~~ incumbent upon the school districts to keep a child requiring special education in regular instruction when the child cannot sufficiently profit from the work of the regular classroom, nor to keep ~~such~~ a child requiring special education in the special class or instruction for children requiring special education when it is determined by the director of special education of an area education agency that the child can no longer benefit from the instruction or needs more specialized instruction available in special schools. However, the school district shall count the child requiring special education in the enrollment as provided in sections ~~257.6, 273.9, and 281.9 and 442.4~~ and shall ~~insure~~ ensure that appropriate educational provisions are made for the child requiring special education within the limits of ~~funds~~ moneys available under the ~~provisions~~ of this chapter and chapters ~~257 and 273 and 442~~.

Sec. 84. Section 281.9, subsections 2, 4, and 9, Code 1989, are amended to read as follows:

2. The weighting for each category of child multiplied by the number of children in each category in the enrollment of a school district, as identified and certified by the director of special education for the area, determines the weighted enrollment to be used in that district for purposes of computations required under the state school foundation plan in chapter ~~442~~ 257.

4. On December 1, 1987, and no later than December 1 every two years thereafter, for the school year commencing the following July 1, the director of the department of education shall report to the school budget review committee the average costs of providing instruction for children requiring special education in the categories of the weighting plan established under this section, and the director of the department of education shall make recommendations to the school budget review committee for needed alterations to make the weighting plan suitable for subsequent school years. The school budget review committee shall establish the weighting plan for each school year after the school year commencing July 1, 1987, and shall report the plan to the director of the department of education. Commencing December 1, 1990, the school budget review committee may establish weights to the nearest hundredth. The school budget review committee shall not alter the weighting assigned to pupils in a regular curriculum, but it may increase or decrease the weighting assigned to each category of children requiring special education by not more than two-tenths of the weighting assigned to pupils in a regular curriculum. The state board of education shall adopt rules under chapter 17A, to implement the weighting plan for each year and to assist in identification and proper indexing of each child in the state who requires special education.

9. Commencing with the school year beginning July 1, 1975, funds generated for special education instructional programs under this chapter and chapter 442 257 shall not be expended for modifications of school buildings to make them accessible to children requiring special education. Unenumerated funds generated for special education instructional programs for the school years beginning July 1, 1975 and July 1, 1976, shall not be expended for such purpose unless approved by the department of public instruction based upon applications received by the department prior to January 1, 1978 and approved prior to April 1, 1978.

Sec. 85. Section 282.3, subsection 1, Code 1989, is amended to read as follows:

1. The board may exclude from school children under the age of six years when in its judgment such children are not sufficiently mature to be benefited by regular instruction, or any incorrigible child or any child who in its judgment is so abnormal that regular instruction would be of no substantial benefit, or any child whose presence in school may be injurious to the health or morals of other pupils or to the welfare of such school. However, the board shall provide special education programs and services under the provisions of chapters 257, 273, and 281, and 442 for all children requiring special education.

Sec. 86. Section 282.7, subsection 3, Code 1989, is amended to read as follows:

3. Notwithstanding sections 28E.9 and 282.8 and section 28E.9, a school district may negotiate an agreement under subsection 1 for attendance of its pupils in a school district located in a contiguous state subject to a reciprocal agreement by the two state boards in the manner provided in this subsection. Prior to negotiating an agreement with the school district in the contiguous state, the board of directors shall file a written request with the state board of education for a determination whether the school district in the contiguous state meets requirements substantially similar to those required for accredited or approved school districts in this state and the school district receives or has available services equivalent to those that would be provided in this state by an area education agency. The school district shall also obtain approval by the department of education of the sharing proposal, before the agreement becomes effective. Six months prior to before making the request for approval, the district shall request a feasibility study from the department of education. If the state board of this

state and the corresponding state board in the contiguous state agree that the school districts of their respective states meet substantially similar requirements and have substantially similar services available to the school district, and if the Iowa department of education approves the proposed contract, the two state boards may sign a reciprocal agreement for attendance of their pupils in the school district of the other state, subject to the agreement signed between the boards of directors of the two districts. A school district that negotiates an agreement with a school district in a contiguous state under this subsection is not eligible for supplementary weighting under section ~~442.39~~ 257.11 as a result of that agreement.

Sec. 87. Section 282.24, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

~~There is established a~~ The maximum tuition fee that may be charged for elementary and high school students residing within another school district or corporation except students attending school in another district under section 282.7, subsection 1, or subsections 1 and 3, ~~That fee is the district cost per pupil of the receiving district as computed in section 442.9, subsection 1, paragraph "a"~~ 257.10.

Sec. 88. Section 282.28, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The area education agency shall submit a claim to the department of education by August 1 following the school year for the actual costs of the special education programs and services provided at the training school and juvenile home. The department shall review and approve or modify the claims by September 1 and shall notify the department of revenue and finance of the approved claim amount. The total amount of the approved claim shall be paid by the department of revenue and finance to the area education agency by October 1. The total amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under section ~~442.26~~ 257.16 during the remainder of that fiscal year to all school districts in the state. The portion of the total amount of the approved claim that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year. The department of revenue and finance shall transfer the total amount of the approved claim from the moneys appropriated under section ~~442.26~~ 257.16 for payment to the area education agency.

Sec. 89. Section 282.31, subsection 1, paragraph a, Code 1989, is amended to read as follows:

a. A child who lives in a facility pursuant to section 282.30, subsection 1, paragraph "a", and who is not enrolled in the educational program of the district of residence of the child, shall receive appropriate educational services. The area education agency shall submit a proposed program and budget to the department of education by January 1 for the next succeeding school year. The department of education shall review and approve or modify the program and proposed budget and shall notify the area education agency by February 1. The area education agency shall submit a claim to the department of education by August 1 following the school year for the actual cost of the program. The department shall review and approve or modify all expenditures incurred in compliance with the guidelines pursuant to section 256.7, subsection 12, and shall notify the department of revenue and finance of the approved claim amount by September 1. The total amount of the approved claim shall be paid by the department of revenue and finance to the area education agency by October 1. The total

amount paid by the department of revenue and finance shall be deducted monthly from the state school foundation aid paid under section ~~442.26~~ 257.16 during the remainder of that fiscal year to all school districts in the state. The portion of the total amount of the approved claims that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year. The department of revenue and finance shall transfer the total amount of the approved claims from the moneys appropriated under section ~~442.26~~ 257.16 for payment to the area education agencies.

Sec. 90. Section 282.31, subsection 3, Code 1989, is amended to read as follows:

3. The actual special education instructional costs, including transportation, for a child who requires special education shall be paid by the department of revenue and finance to the school district in which the facility or home is located, only when a district of residence cannot be determined, and the child was not included in the weighted enrollment of any district pursuant to section 281.9, and the payment pursuant to subsection 2, paragraph "a", was not made by any district. The district shall submit a proposed program and budget to the department of education by January 1 for the next succeeding school year. The department of education shall review and approve or modify the program and proposed budget and shall notify the district by February 1. The district shall submit a claim by August 1 following the school year for the actual cost of the program. The department shall review and approve or modify the claim and shall notify the department of revenue and finance of the approved claim amount by September 1. The total amount of the approved claim shall be paid by the department of revenue and finance to the school district by October 1. The total amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under section ~~442.26~~ 257.16 during the remainder of that fiscal year to all school districts in the state. The portion of the total amount of the approved claims that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for the budget year. The department of revenue and finance shall transfer the total amount of the approved claims from moneys appropriated under section ~~442.26~~ 257.16 for payment to the school district.

Sec. 91. Section 283A.9, Code 1989, is amended to read as follows:

#### 283A.9 BUILDING FOR SCHOOL LUNCH FACILITY.

School districts are authorized to may purchase, erect, or otherwise acquire a building for use as a school lunch facility, and to equip such a building for such that use, and pay for same the acquisition or equipping from unencumbered funds on hand in the schoolhouse fund derived from taxes voted under authority of section 278.1, subsection 7, or 275.32, subject to the terms of this section, or may pay for same the facility or equipment from the proceeds of the sale of school property sold under section 297.22, or from surplus remaining in the schoolhouse fund after retirement of a bond issue, or from a tax voted for said purposes.

Sec. 92. Section 285.2, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The costs of providing transportation to nonpublic school pupils as provided in section 285.1 shall not be included in the computation of district cost under chapter 442 257, but shall be shown in the budget as an expense from miscellaneous income.

Any transportation reimbursements received by a local school district for transporting nonpublic school pupils shall not affect district cost limitations of chapter 442.257. The reimbursements provided in this section are miscellaneous income as defined in section ~~442.5~~ 257.2.

Sec. 93. Section 286A.2, subsections 3, 4, and 5, Code 1989, are amended to read as follows:

3. "Base year" means base year as defined in section ~~442.6~~ 257.2.
4. "Budget year" means budget year as defined in section ~~442.6~~ 257.2.
5. "State percent of growth" is the state percent of growth calculated under section ~~442.7~~ 257.8.

Sec. 94. Section 286A.14, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

1. An area school budget review procedure is established for the school budget review committee created in section ~~442.12~~ 257.30. The school budget review committee, in addition to its duties under chapter ~~442~~ 257, shall meet and hold hearings each year under this chapter to review unusual circumstances of area schools, either upon the committee's motion or upon the request of an area school. The committee may grant supplemental aid to the area school from funds appropriated to the department of education for area school budget review purposes, or an amount may be added to the area school allowable growth for all cost centers and area school allowable growth for noninstructional functions for the budget year either on a temporary or permanent basis, or the committee may allow both.

Sec. 95. Section 291.13, Code 1989, is amended to read as follows:

#### 291.13 GENERAL AND SCHOOLHOUSE FUNDS.

The money collected by a tax authorized by the electors the regular and voter-approved physical plant and equipment levies or the proceeds of the sale of bonds authorized by law or the proceeds of a tax estimated and certified by the board for the purpose of paying interest and principal on lawful bonded indebtedness ~~or for the purchase of sites as authorized by law~~, shall be ~~called deposited~~ deposited in the schoolhouse fund and, except when authorized by the electors, may be used only for the purpose for which originally authorized or certified. The money collected by the district management levy shall be deposited in a subfund of the general fund of the school district. All other moneys received for any other purpose shall be ~~called deposited in the general fund of the school district.~~ The treasurer shall keep a separate account with for each fund, ~~paying no and shall not pay an order that fails to state the fund upon which it is drawn and the specific use to which it is to be applied.~~

Sec. 96. Section 294A.2, subsections 1 and 2, Code 1989, are amended to read as follows:

1. "Certified enrollment in a school district" for the school years beginning July 1, 1987, July 1, 1988, and July 1, 1989, means that district's basic enrollment for the budget year beginning July 1, 1987 as defined in section 442.4, Code 1989. For each school year thereafter, certified enrollment in a school district means that district's basic enrollment for the budget year as defined in section 442.4, Code 1989, or section 257.2.

2. "Enrollment served" for the fiscal years beginning July 1, 1987, July 1, 1988, and July 1, 1989, means that area education agency's enrollment served for the budget year beginning July 1, 1987. For each school year thereafter, enrollment served means that area education agency's enrollment served for the budget year. Enrollment served shall be determined under section 442.27, subsection 12 257.27.

Sec. 97. Section 294A.9, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Phase II is established to improve the salaries of teachers. For each fiscal year through the fiscal year beginning July 1, 1990, the department of education shall allocate to each school district for the purpose of implementing phase II an a per pupil amount equal to seventy-five dollars and ninety-three cents multiplied by the district's certified enrollment and to each area education agency for the purpose of implementing phase II an a per pupil amount equal to three dollars and fifty-five cents multiplied by the enrollment served in the area education agency, if the general assembly has appropriated sufficient moneys to the fund so that pursuant to section 294A.3, thirty-eight million five hundred thousand dollars will be allocated by the department to school districts and area education agencies for phase II. If, because of the amount of the appropriation made by the general assembly to the fund, less than thirty-eight million five hundred thousand dollars is allocated for phase II, the department of education shall adjust the amount for each student in certified enrollment and each student in enrollment served based upon the amount allocated for phase II. Notwithstanding the per pupil amount of the payments specified in this section, for the fiscal year beginning July 1, 1991, and each succeeding fiscal year, the per pupil amounts upon which the phase II moneys are based shall be increased by an amount equal to the product of the state percent of growth calculated under section 257.8 and the per pupil amount for the previous fiscal year.

Sec. 98. Section 294A.14, Code 1989, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the amount per pupil of the payments specified in this section, for the fiscal year beginning July 1, 1991, and each succeeding fiscal year, if a school district's or area education agency's approved phase III plan for a fiscal year contains a component that includes a performance-based pay plan, the per pupil amount upon which the phase III moneys are based shall be increased by an amount equal to the product of the state percent of growth calculated under section 257.8 and the per pupil amount for the previous fiscal year.

Sec. 99. Section 294A.14, unnumbered paragraph 4, Code 1989, is amended to read as follows:

For the purpose of this section, a performance-based pay plan shall provide for salary increases for teachers who demonstrate superior performance in completing assigned duties take action to achieve superior performance through participation in additional course work, in-service programs, comprehensive school transformation programs, activities for students, comprehensive goal-oriented compensation mechanisms, or innovative education programs. The plan shall include the method used to determine superior performance of a teacher. For school districts, the plan may include assessments of specific teaching behavior, assessments of student performance, assessments of other characteristics associated with effective teaching, or a combination of these criteria.

Sec. 100. Section 294A.22, Code 1989, is amended to read as follows:

**294A.22 PAYMENTS.**

Payments for each phase of the educational excellence program shall be made by the department of revenue and finance on a quarterly basis, and the payments shall be separate from state aid payments made pursuant to sections 442.26 257.16 and 442.26 257.35. For the school year beginning July 1, 1987, the first quarterly payment shall be made not later than October 15, 1987 taking into consideration the relative budget and cash position of the state resources. The payments to a school district or area education agency may be combined and a separate accounting of the amount paid for each program shall be included.

Any payments made to school districts or area education agencies under this chapter are miscellaneous income for purposes of chapter 442 257.

Sec. 101. Section 294A.25, subsection 1, Code 1989, is amended to read as follows:

1. For each fiscal year commencing with the fiscal year beginning July 1, 1987 1990, there is appropriated from the general fund of the state to the department of education the amount of ninety-two million one hundred thousand eighty-five (92,100,085) dollars to be used to improve teacher salaries. For each fiscal year thereafter, there is appropriated an amount equal to the amount appropriated for the fiscal year beginning July 1, 1990, plus an amount sufficient to pay the costs of the additional funding provided for school districts and area education agencies under sections 294A.9 and 294A.14. The moneys shall be distributed as provided in this section.

Sec. 102. Section 294A.25, subsection 5, Code 1989, is amended to read as follows:

5. For each the fiscal year beginning July 1, 1990, and succeeding fiscal years, the remainder of moneys appropriated in subsection 1 to the department of education shall be deposited in the educational excellence fund to be allocated in an amount to meet the minimum salary requirements of this chapter for phase I, in an amount of thirty-eight million five hundred thousand dollars to meet the requirements for phase II, and the remainder of the appropriation for phase III.

Sec. 103. Section 296.7, Code 1989, is amended to read as follows:

**296.7 INDEBTEDNESS FOR INSURANCE AUTHORIZED — TAX LEVY.**

A school district or merged area school corporation is authorized to may contract indebtedness and to issue general obligation bonds or enter into insurance agreements obligating the school district or corporation to make payments beyond its current budget year to procure or provide for a policy of insurance, a self-insurance program, or establish and maintain a local government risk pool to protect the school district or corporation from tort liability, loss of property, environmental hazards, or any other risk associated with the operation of the school district or corporation. Taxes for the payment of the principal, premium, or interest on such a bond the bonds, the payment of such an the premium on the insurance policy, the payment of the costs of such a self-insurance program, the payment of the costs of such a local government risk pool, and the payment of any amounts payable under any such an insurance agreement authorized in this section may be levied in excess of any tax limitation imposed by statute. However, for a school district, a tax levied under this section shall be included in the district management levy under section 298.4. Such a self-insurance program or local government risk pool is not insurance and is not subject to regulation under chapters

505 through 523C. However, those self-insurance plans regulated pursuant to section 509A.14 shall remain subject to the requirements of section 509A.14 and rules adopted pursuant to that section.

If the board by resolution restricts the use of money in a fund as a reserve for uninsured liability or a self-insurance program, the use shall be restricted and unavailable for any other purpose until the board removes the restriction. The removal is not effective until all obligations of the restricted fund have been satisfied, or the next fiscal year, whichever occurs later.

Sec. 104. NEW SECTION. 297.35 CONTINUATION OF LOAN AGREEMENT.

A loan agreement between a school district and a bank, investment banker, trust company, insurance company, or insurance group that was made under section 297.36, Code 1989, prior to July 1, 1991, in order to make immediately available proceeds of the schoolhouse tax approved by the voters prior to July 1, 1991, and the levy of taxes to pay principal and interest thereafter shall continue in effect for the duration of the loan agreement.

Sec. 105. Section 297.36, Code 1989, is amended to read as follows:

297.36 LOAN AGREEMENTS.

In order to make immediately available proceeds of the schoolhouse tax voter-approved physical plant and equipment levy which has been approved by the voters as provided in section 278.1, subsection 7 298.2, the board of directors may, with or without notice, borrow money and enter into loan agreements in anticipation of the collection of the tax with a bank, investment banker, trust company, insurance company, or insurance group.

By resolution, the board shall provide for an annual levy which is within the limits of the tax approved by the voters voter-approved physical plant and equipment levy to pay for the amount of the principal and interest due each year until maturity. The board shall file a certified copy of the resolution with the auditor of each county in which the district is located. The filing of the resolution with the auditor shall make makes it the duty of the auditor to annually levy the amount certified for collection until funds are realized to repay the loan and interest on the loan in full.

The loan must mature within the period of time authorized by the voters and shall bear interest at a rate which does not exceed the limits provided under chapter 74A. A loan agreement entered into pursuant to this section shall be in a form as the board of directors shall by resolution provide and the loan shall be payable as to both principal and interest from the proceeds of the annual levy of the voted tax pursuant to section 278.1, subsection 7 voter-approved physical plant and equipment levy, or so much thereof as will be sufficient to pay the loan and interest on the loan.

The proceeds of a loan must be deposited in a fund which is separate from other district funds. Warrants paid from this fund must be for purposes authorized by the voters as provided in section 278.1, subsection 7 for the voter-approved physical plant and equipment levy.

This section does not limit the authority of the board of directors to levy the full amount of the voted tax voter-approved physical plant and equipment levy, but if and to whatever extent the tax is levied in any year in excess of the amount of principal and interest falling due in that year under a loan agreement, the first available proceeds, to an amount sufficient to meet maturing installments of principal and interest

under the loan agreement, shall be paid into the sinking fund for the loan before the taxes are otherwise made available to the school corporation for other school purposes, and the amount required to be annually set aside to pay principal of and interest on the money borrowed under the loan agreement ~~shall constitute~~ constitutes a first charge upon the proceeds of the special voted tax voter-approved physical plant and equipment levy, which tax shall be pledged to pay the loan and the interest on the loan.

This section is supplemental and in addition to existing statutory authority to finance the purposes specified in section 278.1, ~~subsection 7~~ 298.2 for the physical plant and equipment levy, and for the borrowing of money and execution of loan agreements in connection with that section ~~and subsection~~, and is not subject to any other law. The fact that a school corporation may have previously borrowed money and entered into loan agreements under authority of this section does not prevent the school corporation from borrowing additional money and entering into further loan agreements if the aggregate of the amount payable under all of the loan agreements does not exceed the proceeds of the ~~voted tax~~ voter-approved physical plant and equipment levy.

Sec. 106. Section 298.1, Code 1989, is amended to read as follows:

#### 298.1 SCHOOL TAXES.

The board of each school district shall estimate the amount of the proposed expenditures and proposed receipts for the general school purposes at a time and in a manner to effectuate the provisions of chapter 442 257 and sections 281.9 and 281.11. Compliance with chapter 24 shall be observed.

#### Sec. 107. NEW SECTION. 298.2 IMPOSITION OF PHYSICAL PLANT AND EQUIPMENT LEVY.

1. A physical plant and equipment levy of not exceeding one dollar per thousand dollars of assessed valuation in the district is established except as otherwise provided in this subsection. The physical plant and equipment levy consists of the regular physical plant and equipment levy of not exceeding thirty-three cents per thousand dollars of assessed valuation in the district and a voter-approved physical plant and equipment levy of not exceeding sixty-seven cents per thousand dollars of assessed valuation in the district. However, the voter-approved physical plant and equipment levy may consist of a combination of a physical plant and equipment property tax levy and a physical plant and equipment income surtax as provided in subsection 3 with the maximum amount levied and imposed limited to an amount that could be raised by a sixty-seven cent property tax levy. The levy limitations of this subsection are subject to subsection 5.

2. The board of directors of a school district may certify for levy by March 15 of a school year a tax on all taxable property in the school district for the regular physical plant and equipment levy.

3. The board may, and upon the written request of not less than one hundred eligible electors or thirty percent of the number of eligible electors voting at the last regular school election, whichever is greater, shall, direct the county commissioner of elections to provide for submitting the proposition of levying the voter-approved physical plant and equipment levy for a period of time authorized by the voters in the notice of election, not to exceed ten years, in the notice of the regular school election. The proposition is adopted if a majority of those voting on the proposition at the election approves it. The voter-approved physical plant and equipment levy shall be funded either by a physical plant and equipment property tax or by a combination

of a physical plant and equipment property tax and a physical plant and equipment income surtax, as determined by the board. However, if the board intends to enter into a rental or lease arrangement under section 279.26, or intends to enter into a loan agreement under section 297.36, only a property tax shall be levied for those purposes. Subject to the limitations of section 298.14, if the board uses a combination of a physical plant and equipment property tax and a physical plant and equipment surtax, for each fiscal year the board shall determine the percent of income surtax to be imposed expressed as full percentage points, not to exceed twenty percent.

If a combination of a property tax and income surtax is used, by March 15 of the previous school year, the board shall certify the percent of the income surtax to be imposed and the amount to be raised to the department of management and the department of management shall establish the rate of the property tax and income surtax for the school year. The physical plant and equipment property tax and income surtax shall be levied or imposed, collected, and paid to the school district in the manner provided for the instructional support program in sections 257.21 through 257.26.

4. The proposition to levy the voter-approved physical plant and equipment levy is not affected by a change in the boundaries of the school district, except as otherwise provided in this section. If each school district involved in a school reorganization under chapter 275 has adopted the voter-approved physical plant and equipment levy and if the voters have not voted upon the proposition to levy the voter-approved physical plant and equipment levy in the reorganized district, the existing voter-approved physical plant and equipment levy is in effect for the reorganized district for the least amount and the shortest time for which it is in effect in any of the districts.

Authorized levies for the period of time approved are not affected as a result of a failure of a proposition proposed to expand the purposes for which the funds may be expended.

5. If the board of directors of a school district in which the voters have authorized the schoolhouse tax prior to July 1, 1991, has entered into a rental or lease arrangement under section 279.26, Code 1989, or has entered into a loan agreement under section 297.36, Code 1989, the levy shall continue for the period authorized and the maximum levy that can be authorized under the voter-approved physical plant and equipment levy is reduced by the rate of the schoolhouse tax.

#### Sec. 108. NEW SECTION. 298.3 REVENUES FROM THE LEVIES.

The revenue from the regular and voter-approved physical plant and equipment levies shall be placed in the schoolhouse fund and expended only for the following purposes:

1. The purchase and improvement of grounds. For the purpose of this subsection:
  - a. "Purchase of grounds" includes the legal costs relating to the property acquisition, costs of surveys of the property, costs of relocation assistance under state and federal law, and other costs incidental to the property acquisition.
  - b. "Improvement of grounds" includes grading, landscaping, paving, seeding, and planting of shrubs and trees; constructing sidewalks, roadways, retaining walls, sewers and storm drains, and installing hydrants; surfacing and soil treatment of athletic fields and tennis courts; furnishing and installing flagpoles, gateways, fences, and underground storage tanks which are not parts of building service systems; demolition work; and special assessments against the school district for public improvements, as defined in section 384.37.

2. The construction of schoolhouses or buildings and opening roads to schoolhouses or buildings.

3. The purchase of buildings and the purchase of a single unit of equipment exceeding five thousand dollars in value.

4. The payment of debts contracted for the erection or construction of schoolhouses or buildings, not including interest on bonds.

5. Procuring or acquisition of libraries.

6. Repairing, remodeling, reconstructing, improving, or expanding the schoolhouses or buildings and additions to existing schoolhouses.

For the purpose of this subsection, "repairing" means restoring an existing structure or thing to its original condition, as near as may be, after decay, waste, injury, or partial destruction; but does not include maintenance; and "reconstructing" means rebuilding or restoring as an entity a thing which was lost or destroyed.

7. Expenditures for energy conservation.

8. The rental of facilities under chapter 28E.

9. Purchase of transportation equipment for transporting students.

10. Lease-purchase option agreements for school buildings.

11. Equipment purchases for recreational purposes.

Interest earned on money in the schoolhouse fund may be expended for a purpose listed in this section.

#### Sec. 109. NEW SECTION. 298.4 DISTRICT MANAGEMENT LEVY.

The board of directors of a school district may certify for levy by March 15 of a school year, a tax on all taxable property in the school for a district management levy. The revenue from the tax levied in this section shall be placed in the district management subfund of the general fund of the school district. The district management levy shall be expended only for the following purposes:

1. To pay the cost of unemployment benefits as provided in section 96.31.

2. To pay the costs of liability insurance and the costs of a judgment or settlement relating to liability together with interest accruing on the judgment or settlement to the expected date of payment.

3. To pay the costs of insurance agreements under section 296.7.

4. To pay the costs of a judgment under section 298.16.

5. To pay the cost of early retirement benefits to employees under section 279.46.

Sec. 110. Section 298.9, Code 1989, is amended to read as follows:

#### 298.9 SPECIAL LEVIES.

If a schoolhouse tax the voter-approved physical plant and equipment levy, consisting solely of a physical plant and equipment property tax levy, is voted at a special election and certified to said the board after the regular levy is made, it the board

shall at its next regular meeting levy such the tax and cause the same it to be forthwith entered upon the tax list to be collected as other school taxes. If the certification is so filed prior to April 1, said the annual levy shall begin with the tax levy of the year of filing. If the certification is filed after April 1 in any a year, such the levy shall begin with the levy of the fiscal year succeeding the year of the filing of such the certification.

Sec. 111. Section 298.10, Code 1989, is amended to read as follows:

**298.10 LEVY FOR CASH RESERVE.**

The board of directors of a school district may certify for levy by March 15 of a school year, a tax on all taxable property in the school district in order to raise an amount for a necessary cash reserve for a school district's general fund. The amount raised for a necessary cash reserve does not increase a school district's authorized expenditures as defined in section 442.5, subsection 2 257.7.

Sec. 112. NEW SECTION. 298.14 SCHOOL DISTRICT INCOME SURTAXES.

For each fiscal year, the cumulative total of the percents of surtax approved by the board of directors of a school district and collected by the department of revenue and finance under sections 257.21, 257.29, 279.54, and 298.2, and the enrichment surtax under section 442.15, Code 1989, shall not exceed twenty percent.

A school district income surtax fund is created in the office of treasurer of state. Income surtaxes collected by the department of revenue and finance under sections 257.21, 257.29, 279.54, and 298.2 and section 442.15, Code 1989, shall be deposited in the school district income surtax fund to the credit of each school district. A separate accounting of each surtax, by school district, shall be maintained.

The director of revenue and finance shall draw warrants in payment of the surtaxes collected in each school district. Warrants shall be payable in two installments to be paid on approximately the first day of December and the first day of February following collection of the taxes and shall be delivered to the respective school districts.

Sec. 113. Section 298.16, Code 1989, is amended to read as follows:

**298.16 JUDGMENT TAX.**

If the proper fund is not sufficient, then, unless its board has provided by the issuance of bonds for raising the amount necessary to pay such a judgment, the voters thereof shall at their regular election vote a sufficient tax for the purpose cost of the judgment shall be included in the district management levy.

Sec. 114. Section 301.30, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The costs of providing textbook services to nonpublic school pupils as provided in section 301.1 shall not be included in the computation of district cost under chapter 442 257, but shall be shown in the budget as an expense from miscellaneous income. Any textbook reimbursements received by a local school district for serving nonpublic school pupils shall not affect district cost limitations of chapter 442 257. The reimbursements provided in this section are miscellaneous income as defined in section 442.5 257.2.

Sec. 115. Section 331.512, subsection 12, Code 1989, is amended to read as follows:

12. Carry out duties relating to levy of school taxes as provided in chapter 442.257.

Sec. 116. Section 422.9, subsection 6, unnumbered paragraph 3, Code 1989, is amended to read as follows:

~~The provisions of this~~ This subsection shall does not affect the amount of the taxpayer's checkoff to the Iowa election campaign fund under section 56.18, the checkoff for the fish and game protection fund in section 107.16, the credits from tax provided in sections 422.10, 422.11A, and through 422.12 and the allocation of these credits between spouses if the taxpayers filed separate returns or separately on combined returns, or the amount of the taxpayer's school district income surtax liability under sections 257.21, 257.29, 279.54, and 298.2, and section 442.15, Code 1989, as these items were properly computed or claimed on taxpayers' returns.

Sec. 117. Section 442.2, subsection 1, unnumbered paragraph 3, Code 1989, is amended to read as follows:

For purposes of this section, a reorganized school district is one which absorbed at least thirty percent of the enrollment of the school district affected by a reorganization or dissolved during a dissolution and in which reorganization or dissolution was approved in an election pursuant to sections 275.18 and 275.20 or section 275.55 prior to July 1, 1989, and the reorganization or dissolution takes effect on or after July 1, 1988.

Sec. 118. Section 442.2, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The reduced property tax rates of those reorganized districts that met the requirements of this section prior to July 1, 1989, shall continue to increase as provided in this section until they reach five dollars and forty cents.

Sec. 119. Section 442.9A, unnumbered paragraph 4, Code 1989, is amended to read as follows:

For purposes of this section, a reorganized school district is one in which reorganization was approved in an election pursuant to sections 275.18 and 275.20 prior to July 1, 1989, and will take effect on or after July 1, 1986.

Sec. 120. Section 442.13, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

#### 442.13 SCHOOL BUDGET REVIEW COMMITTEE.

A school budget review committee is established in the department of education and consists of the director of the department of education, the director of the department of management, and three members who are knowledgeable in the areas of Iowa school finance or public finance issues appointed by the governor to represent the public. At least one of the public members shall possess a master's or doctoral degree in which areas of school finance, economics, or statistics are an integral component, or shall have equivalent experience in an executive administrative or senior research position in the education or public administration field. The members appointed by the governor shall serve staggered three-year terms beginning and ending as provided in section 69.19 and are subject to senate confirmation as provided in section 2.32. The committee shall meet and hold hearings each year and shall continue in session until it has reviewed budgets of school districts, as provided in section 257.31. It may call in school board members and employees as necessary for the hearings. Legislators shall be notified of hearings concerning school districts in their constituencies.

The committee shall adopt its own rules of procedure under chapter 17A. The director of the department of education shall serve as chairperson, and the director of the department of management shall serve as secretary. The committee members representing the public are entitled to receive their necessary expenses while engaged in their official duties. Members shall be paid a per diem at the rate specified in section 7E.6. Per diem and expense payments shall be made from appropriations to the department of education.

The department of education shall employ a staff member to assist the school budget review committee.

Sec. 121. Section 442.39, unnumbered paragraph 1, and subsections 2 and 4, Code 1989, are amended to read as follows:

In order to provide additional funds for school districts which send their resident pupils to another school district or to an area school for classes, which jointly employ and share the services of teachers under section 280.15, or which use the services of a teacher employed by another school district, or which jointly employ and share the services of school administrators superintendents under section 280.15 or 273.7A, a supplementary weighting plan for determining enrollment is adopted as follows:

2. Pupils attending classes in another school district or an area school, attending classes taught by a teacher who is employed jointly under section 280.15, or attending classes taught by a teacher who is employed by another school district, are assigned a weighting of one plus five-tenths, times the percent of the pupil's school day during which the pupil attends classes in another district or area school, attends classes taught by a teacher who is jointly employed under section 280.15, or attends classes taught by a teacher who is employed by another school district if the school budget review committee certifies to the department of management that the shared classes or teachers would otherwise not be implemented without the assignment of additional weighting. However, in lieu of the additional weighting of five-tenths, the school budget review committee shall assign an additional weighting of one-tenth times the percent of the pupil's school day in which a pupil attends classes in another district or an area school, attends classes taught by a teacher who is employed jointly under section 280.15, or attends classes taught by a teacher who is employed by another district, in districts that have a substantial number of students in any of grades seven through twelve sharing more than one class or teacher under a whole grade sharing agreement. The additional weighting of one-tenth may shall be assigned by the school budget review committee to a district for a maximum of five years, and thereafter, the additional weighting shall not be assigned to the same district under this section, but may be assigned under section 442.39A. If the school district reorganizes during that five-year period, the assignment of the additional weighting shall be transferred to the reorganized district until the expiration of the five-year period.

4. Pupils enrolled in a school district in which has approved a contract on or after October 1, 1989, for which one or more administrators are the superintendent is employed jointly under section 280.15, or in which one or more administrators are employed under section 273.7A, are assigned a weighting of one plus five-hundredths twenty-five thousandths for each administrator superintendent who is jointly employed times the percent of the administrator's superintendent's time in which the administrator superintendent is employed in the school district. However, the total additional weighting assigned under this subsection for a budget year for a school district is fifteen seven and one-half and the total additional weighting that may be added cumulatively to the enrollment of school districts sharing an administrator superintendent is twenty-five twelve and one-half.

For the purposes of this section, "administrators" includes the following:

a. Executive administrators, which includes the superintendent and such assistants as deputy, associate, and assistant superintendents who perform activities in the general direction and management of the affairs of the local school districts.

b. School administrators, which includes assistant principals, and other assistants in general supervision of the operations of the school. School administrators does not include principals.

c. Business administrators, which includes personnel associated with activities concerned with purchasing, paying for, transporting, exchanging, and maintaining goods and services for the school district.

Effective July 1, 1988, the additional weighting assigned under this subsection may shall be assigned to a district for a maximum of five years and, thereafter, the additional weighting shall not be assigned to the same district under this section, but may be assigned under section 442.39A. Additional weighting assigned under this subsection for contracts approved by a board of directors between July 1, 1988, and September 30, 1989, shall be continued under this subsection for a maximum of five years.

If the school district reorganizes during the five-year period for which weighting is assigned, the assignment of the additional weighting shall be transferred to the reorganized district until the expiration of the five-year period.

Sec. 122. Section 442.39A, Code 1989, is amended to read as follows:

#### 442.39A SUPPLEMENTARY WEIGHTING AND SCHOOL REORGANIZATION.

For the school year beginning July 1, 1986 and succeeding school years, in In determining weighted enrollment under section 442.4, a if the board of directors of a school district has approved a contract for sharing under section 442.39, subsection 2 or 4, and the school district has approved a reorganization prior to July 1, 1989, the reorganized school district shall include, for a period of five years following the effective date of the reorganization, additional pupils added by the application of the supplementary weighting plan; as determined under section 442.39, equal to the pupils added by the application of the supplementary weighting plan in the year preceding the reorganization. However, the weighting shall be reduced by the supplementary weighting added for a pupil whose residency is not within the reorganized district. For purposes of this section, a reorganized district is one in which the reorganization was approved in an election pursuant to sections 275.18 and 275.20 and takes effect on or after July 1, 1986.

Sec. 123. Section 613A.7, Code 1989, is amended to read as follows:

#### 613A.7 INSURANCE.

The governing body of any a municipality may purchase a policy of liability insurance insuring against all or any part of liability which might be incurred by such the municipality or its officers, employees, and agents under the provisions of section 613A.2 and section 613A.8 and may similarly purchase insurance covering torts specified in section 613A.4. The governing body of any a municipality may adopt a self-insurance program, including but not limited to the investigation and defense of claims, the establishment of a reserve fund for claims, the payment of claims, and the administration and management of the self-insurance program, to cover all or any part of the liability. The governing body of any a municipality may join and pay funds into a local government risk pool to protect itself against any or all liability. The governing body of any a municipality may enter into insurance agreements obligating the municipality to make

payments beyond its current budget year to provide or procure such policies of insurance, self-insurance program, or local government risk pool. The premium costs of such the insurance, the costs of such a self-insurance program, the costs of a local government risk pool, and the amounts payable under any such insurance agreements may be paid out of the general fund or any available funds or may be levied in excess of any tax limitation imposed by statute. However, for school districts, the costs shall be included in the district management levy as provided in section 296.7. Any independent or autonomous board or commission in the municipality having authority to disburse funds for a particular municipal function without approval of the governing body may similarly enter into insurance agreements, procure liability insurance, adopt a self-insurance program, or join a local government risk pool within the field of its operation. The procurement of such insurance constitutes a waiver of the defense of governmental immunity as to those exceptions listed in section 613A.4 to the extent stated in such the policy but shall have no further effect on the liability of the municipality beyond the scope of this chapter, but if a municipality adopts a self-insurance program or joins and pays funds into a local government risk pool such action does not constitute a waiver of the defense of governmental immunity as to the exceptions listed in section 613A.4. The existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, or lack of any such insurance, shall not be material in the trial of any action brought against the governing body of any a municipality, or its officers, employees, or agents and any reference to such insurance, or lack of same insurance, shall be is grounds for a mistrial. A self-insurance program or local government risk pool is not insurance and is not subject to regulation under chapters 505 through 523C.

Sec. 124. Section 613A.10, Code 1989, is amended to read as follows:

#### 613A.10 TAX TO PAY JUDGMENT OR SETTLEMENT.

When a final judgment is entered against or a settlement is made by a municipality for a claim within the scope of section 613A.2 or 613A.8, payment shall be made and the same remedies shall apply in the case of nonpayment as in the case of other judgments against the municipality. If said a judgment or settlement is unpaid at the time of the adoption of the annual budget, if the municipality shall budget an amount sufficient to pay the judgment or settlement together with interest accruing thereon on it to the expected date of payment. Such A tax may be levied in excess of any limitation imposed by statute. However, for school districts the costs of a judgment or settlement under this section shall be included in the district management levy pursuant to section 298.4.

Sec. 125. If the electors of a school district have approved, prior to March 15, 1991, the schoolhouse tax levy to provide for the lease-purchase of school buildings or other authorized school district tax levy, the tax levy so approved shall continue in effect until the expiration of the period for which it was approved.

Sec. 126. Notwithstanding the effective date of 1989 Iowa Acts, Senate File 38, section 6, that section which amends section 294A.16, unnumbered paragraph 4, Code 1989, takes effect upon the enactment of this Act and applies to moneys received by a school district or area education agency for an approved phase III plan for the school year beginning July 1, 1988.

Sec. 127. Notwithstanding the election requirements of section 442.14, subsection 2, if the board of directors of a school district held an election prior to February 15, 1989, for approval to raise an additional enrichment amount for the school year beginning July 1, 1990, and the proposition failed, the board may resubmit the proposition at an election held not later than July 1, 1989.

Sec. 128. INCOME WEALTH DATA. The department of revenue and finance is directed to collect data on the income wealth and other nonproperty wealth of Iowa taxpayers by school district. The information shall include income wealth per student by school district and shall compile the information on a statewide basis. The department of revenue and finance shall report the results of its data collection to the general assembly meeting in 1991.

Sec. 129. The legislative council shall establish an interim study committee to review the property taxes paid in this state and to recommend a proposal that will reduce property taxes commencing July 1, 1991, by approximately thirty million dollars on a statewide basis. The study committee shall present its recommendations to the legislative council not later than December 1, 1989.

Sec. 130. The department of education is directed to conduct a survey of school districts to determine the academic, cocurricular, and extracurricular fees charged to students as a requirement for enrollment in the schools, or participation in an activity, of the school district. Both districtwide and building fees shall be included in the survey. The survey shall include the procedures used by the district for payment of fees for low-income pupils. The survey shall provide information listing the total of fees collected and of fees waived. The department of education shall report the results of the survey to the chairpersons and members of the house and senate committees on education by January 15, 1990.

Sec. 131. The department of education is directed to compile information to determine the age and condition of buildings and transportation equipment in use in the school corporation. The department shall report the results of its survey to the chairpersons and members of the house and senate committees on education by January 15, 1991.

Sec. 132. The insurance division of the department of commerce is directed to conduct a study of the health care and other risk pools that school districts are using and analyze them for their actuarial soundness and for the potential liability of the school district. The study shall include a listing of the names and addresses of persons providing self-insurance plans to school districts and an analysis of their operations.

Sec. 133. Notwithstanding section 442.12, Code 1989, the terms of office of members of the school budget review committee, appointed prior to May 1, 1990, pursuant to section 442.12, shall expire April 30, 1990.

Sec. 134. Chapter 260A, Code 1989, is repealed effective July 1, 1991.

Sec. 135. Chapter 257, Code 2001, is repealed effective July 1, 2001.

Sec. 136. Sections 279.43, 294A.11, 294A.24, 297.5, and 298.17, Code 1989, are repealed effective July 1, 1991.

Sec. 137. Sections 117 through 119, 121, 122, 126, 127, and 129 through 133 of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 138. Sections 57 and 128 of this Act take effect July 1, 1989.

Sec. 139. Sections 120 and 133 of this Act take effect May 1, 1990.

Sec. 140. Sections 54, 55, and 76 of this Act take effect July 1, 1990.

Sec. 141. Sections 1 through 51, 58 through 62, 64, 66, 70, 73 through 75, 77 through 80, 84, 93, 94, 96, 98, 99, 103, 105 through 115, and 123 through 125 of this Act take effect July 1, 1990, for the purpose of computations required for payment of state aid to and levying of property taxes by school districts for the budget year beginning July 1, 1991.

Sec. 142. Sections 52, 53, 56, 63, 65, 67 through 69, 71, 72, 81 through 83, 85 through 92, 95, 97, 100 through 102, 104, and 116 of this Act take effect July 1, 1991."

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

C. ARTHUR OLLIE, Chair  
KAY CHAPMAN  
DELWYN STROMER  
PHILIP L. WISE

LARRY MURPHY, Chair  
JOY CORNING  
WILLIAM W. DIELEMAN  
WALLY E. HORN

On motion by Ollie of Clinton, the conference committee report and the amendments contained therein was adopted.

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

On the question "Shall the bill pass?" (H.F. 535)

The ayes were, 76:

Adams	Arnould	Beaman	Beatty
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poney
Rosenberg	Schneklath	Schrader	Shearer
Shoning	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Trent	Wise	Mr. Speaker Avenson

The nays were, 24:

Banks	Bennett	Bisignano	Brand
Branstad	Brown	Daggett	De Groot
Eddie	Halvorson, R. A.	Harbor	Harper
Maulsby	McKean	Mertz	Plasier

Renaud  
Shoultz

Renken  
Teaford

Royer  
Tyrrell

Sherzan  
Van Maanen

Absent or not voting, none.

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

**IMMEDIATE MESSAGE**  
(House File 535)

Arnould of Scott asked and received unanimous consent that House File 535 be immediately messaged to the Senate.

**CONFERENCE COMMITTEE REPORT FILED**

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

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

House File 199, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating inclusion of minimum mammography examination coverage under certain conditions.

**ON THE PART OF THE HOUSE:**

JACK HOLVECK, Chair  
TONY BISIGNANO  
MINNETTE DODERER  
JOSEPH M. KREMER  
DON SHONING

**ON THE PART OF THE SENATE:**

BERL E. PRIEBE, Chair  
BEVERLY A. HANNON  
JEAN LLOYD-JONES  
MAGGIE TINSMAN

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 25, 1989, he approved and transmitted to the Secretary of State the following bills:

House File 13, an act relating to conduct which endangers the physical health or safety of a student and which is a condition of association with a student group or organization, and providing penalties.

House File 631, an act to legalize proceedings of the City Council of the City of Bellevue relating to the letting of a construction contract.

House File 717, an act relating to requirements for a license to practice podiatry by requiring successful completion of a residency or preceptorship for applicants graduating from podiatric college in 1995 or thereafter.

Senate File 83, an act relating to the prohibition of plastic beverage cans, and providing a penalty.

Senate File 317, an act relating to the sale of milk products, by providing for the issuance of permits.

Senate File 339, an act providing for delivering a deceased inmate's property to a designated person by the department of corrections.

Senate File 360, an act prohibiting the theft of a veteran's grave marker, and providing a penalty.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 24, 1989. Had I been present, I would have voted "aye" on Senate File 71.

BUHR of Polk

I was necessarily absent from the House chamber on Monday, April 24, 1989. Had I been present, I would have voted "aye" on House File 772.

McKINNEY of Dallas

I was necessarily absent from the House chamber on Tuesday, April 25, 1989. Had I been present, I would have voted "aye" on House Files 496, 551 and 643.

TRENT of Muscatine

### COMMUNICATION RECEIVED

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

#### DEPARTMENT OF EMPLOYMENT SERVICES

The 1988 Annual Status Report of the Unemployment Compensation Trust Fund, pursuant to Chapter 96.35, Code of Iowa.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

#### **H.S.B. 376 Ways and Means**

Relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing an effective date.

#### SUBCOMMITTEE ASSIGNMENT

##### **Senate File 522**

Energy and Environmental Protection: Osterberg, Chair; McKean and Schrader.

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

#### COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House File 536), 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.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 1989.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 423**, a bill for an act exempting from state taxes certain bonds and notes issued by the agricultural development authority.

Fiscal Note is required.

Recommended **Do Pass** April 25, 1989.

#### RESOLUTION FILED

**HCR 12**, by Hammond, Teaford, Haverland, Carpenter, Hatch, Clark, Bisignano, Fey, Nielsen, Harper, Plasier, Rosenberg, Buhr, Hester, Spenner, Gruhn, and Royer, a concurrent resolution requiring an interim study of the cost, affordability and availability of child day care in the state of Iowa.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-4177	S.F.	531	Fuller of Hardin
H-4184	S.F.	532	Hanson of Delaware
			Peterson of Carroll
			Hermann of Scott
H-4190	H.F.	779	Spear of Lee
H-4193	S.F.	532	Jochum of Dubuque
H-4197	H.F.	779	Spear of Lee
H-4198	H.F.	779	Spear of Lee
H-4199	H.F.	767	Halvorson of Clayton
H-4201	S.F.	517	Kremer of Buchanan
H-4205	S.F.	524	Schrader of Marion
			Jay of Appanoose
			Daggett of Adams

H-4207	S.F.	153	Chapman of Linn
H-4208	H.F.	779	Jay of Appanoose Doderer of Johnson
H-4212	H.F.	779	Kremer of Buchanan
H-4213	H.F.	779	Halvorson of Clayton
H-4215	H.F.	680	Shoultz of Black Hawk Haverland of Polk
H-4217	H.F.	779	Swartz of Marshall
H-4219	S.F.	519	Halvorson of Clayton
H-4220	H.F.	779	Spear of Lee
H-4224	S.F.	531	Connolly of Dubuque
H-4225	S.F.	419	Senate Amendment
H-4227	H.F.	585	Senate Amendment
H-4228	H.F.	776	Haverland of Polk
H-4229	H.F.	779	Hanson of Delaware
H-4230	S.F.	532	Carpenter of Polk Neuhauser of Johnson
H-4231	S.F.	532	Carpenter of Polk Metcalf of Polk
H-4232	H.F.	778	Stueland of Clinton Van Maanen of Mahaska
H-4233	S.F.	363	Senate Amendment
H-4234	H.F.	447	Halvorson of Webster Lageschulte of Bremer Svoboda of Tama Osterberg of Linn Groninga of Cerro Gordo Garman of Story Connolly of Dubuque Maulsby of Calhoun Carpenter of Polk Diemer of Black Hawk Gruhn of Dickinson Eddie of Buena Vista Fey of Scott May of Worth Muhlbauer of Crawford Shearer of Louisa Brammer of Linn Beatty of Warren
H-4235	S.F.	531	Black of Jasper Diemer of Black Hawk
H-4236	H.F.	447	Connolly of Dubuque Hatch of Polk Trent of Muscatine
H-4237	S.F.	524	Osterberg of Linn Shearer of Louisa

H-4238	S.F.	524	Shearer of Louisa Brown of Lucas Mertz of Kossuth Brand of Benton Hibbard of Madison
H-4239	S.F.	524	Shearer of Louisa Hibbard of Madison Brand of Benton Mertz of Kossuth Brown of Lucas
H-4240	S.F.	524	Shearer of Louisa Brown of Lucas Mertz of Kossuth Brand of Benton Hibbard of Madison
H-4241	S.F.	524	Shearer of Louisa Mertz of Kossuth Brand of Benton Hibbard of Madison Brown of Lucas
H-4242	S.F.	524	Shearer of Louisa Mertz of Kossuth Brand of Benton Hibbard of Madison Brown of Lucas
H-4243	H.F.	779	Halvorson of Webster

On motion by Arnould of Scott, the House adjourned at 9:43 p.m., until 9:00 a.m., Wednesday, April 26, 1989.

# JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day — Seventieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 26, 1989

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

Prayer was offered by the Honorable Teresa Garman, state representative from Story County.

The Journal of Tuesday, April 25, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Beaman of Clarke, from twenty-six residents of District 91.

By Daggett of Adams from four hundred fifty-six constituents of District 92.

The following petition was received and placed on file:

By Daggett of Adams from sixty-three citizens of Decatur County favoring legislation to require bottle and can distributors to pay redemption centers the sum of \$.02 per container at the time of their pick-up.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk and Hermann of Scott, until their arrival, on request of Hammond of Story.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 498, a bill for an act relating to the appointment, terms, retention, and qualifications of magistrates, and providing an effective date.

JOHN F. DWYER, Secretary

## REFERRED TO COMMITTEE

Arnould of Scott asked and received unanimous consent to remove the following bills from the regular calendar and that the bills be referred to the committees as listed:

House File 763 — Ways and Means  
 Senate File 255 — Small Business and Commerce  
 Senate File 323 — Education

IMMEDIATE MESSAGE  
 (House File 774)

Arnould of Scott asked and received unanimous consent that House File 774 be immediately messaged to the Senate.

MOTION TO RECONSIDER PREVAILED  
 (House File 767)

Halvorson of Clayton called up for consideration the motion to reconsider House File 767, filed on April 24, 1989, and moved to reconsider the vote by which House File 767, a bill for an act restructuring the board of parole and providing an effective date, passed the House and was placed on its last reading on April 24, 1989.

A non-record roll call was requested.

The ayes were 68, nays none.

The motion prevailed and House File 767 was reconsidered.

Halvorson of Clayton offered the following amendment H—4199 filed by him and moved its adoption:

H—4199

1 Amend House File 767 as follows:

2 1. By striking page 1, line 4, through page 4,  
 3 line 34, and inserting the following:

4 "The board of parole is created to consist of five  
 5 members, three members who shall devote their full  
 6 time to the parole and work release system and two  
 7 members who shall be part-time. Each member shall  
 8 serve a term of four years beginning and ending as  
 9 provided by section 69.19, except appointments to fill  
 10 vacancies who shall serve for the balance of the  
 11 unexpired term. ~~The chairperson of the board shall be~~  
 12 ~~elected by the members of the board to a term of one~~  
 13 ~~year and may serve more than one term consecutively.~~  
 14 A majority of the members of the board constitutes a  
 15 quorum to transact business.

16 Sec. \_\_\_\_\_. Section 904A.4, Code 1989, is amended by  
 17 adding the following new subsection:

18 NEW SUBSECTION. 10. The board shall provide data  
 19 and other appropriate information to the executive  
 20 branch regarding executive branch proposals relating  
 21 to utilization of prison space and capital projects  
 22 concerning prisons.

23 Sec. \_\_\_\_\_. NEW SECTION. 904A.5A CHAIRPERSON —  
 24 DESIGNATION, DUTIES, AND POWERS.

25 1. The governor shall designate one of the full-  
 26 time members of the board of parole as the  
 27 chairperson. The chairperson shall serve at the  
 28 pleasure of the governor. The chairperson shall be  
 29 the administrator of the board of parole.

30 2. The chairperson shall:

31 a. Act as the board of parole's liaison with the  
 32 governor regarding executive clemency, parole, work  
 33 release of inmates, prison bed expansion, and  
 34 utilization of prison space.

35 b. Direct, supervise, evaluate, and assign the  
 36 day-to-day administration of the board of parole.

37 c. Supervise and monitor parole revocations and  
 38 appeals.

39 d. Supervise final work release revocation case  
 40 reviews.

41 e. Supervise the development of rules, policies,  
 42 and procedures relating to the board of parole's  
 43 statutory authority, subject to the approval of the  
 44 board of parole."

45 2. Title page, by striking lines 1 and 2 and  
 46 inserting the following: "An Act relating to the  
 47 chairperson of the board of parole and the board of  
 48 parole."

49 3. By renumbering as necessary.

Amendment H—4199 was adopted.

SENATE FILE 519 SUBSTITUTED FOR HOUSE FILE 767

Halvorson of Clayton asked and received unanimous consent to substitute Senate File 519 for House File 767.

**Senate File 519**, a bill for an act relating to the chairperson of the board of parole and the board of parole, was taken up for consideration.

Halvorson of Clayton offered the following amendment H—4219 filed by him and moved its adoption:

H—4219

1 Amend Senate File 519, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 4, through page 2,  
 4 line 2, and inserting the following:

5 "The board of parole is created to consist of five  
 6 members; ~~three members who shall devote their full~~  
 7 ~~time to the parole and work release system and two~~  
 8 ~~members who shall be part-time. Each member shall be~~  
 9 ~~compensated on a day-to-day basis. Each member shall~~  
 10 ~~serve a term of four five years beginning and ending~~

11 as provided by section 69.19 July 1, except  
 12 appointments for members appointed to fill vacancies  
 13 who shall serve for the balance of the unexpired term.  
 14 The terms shall be staggered. The chairperson of the  
 15 board shall be elected by the members of the board to  
 16 a term of one year and may serve more than one term  
 17 consecutively devote at least fifty percent of the  
 18 chairperson's time to board duties and business. A  
 19 majority of the members of the board constitutes a  
 20 quorum to transact business.

21 Sec. \_\_\_\_\_. Section 904A.3, Code 1989, is amended to  
 22 read as follows:

23 904A.3 APPOINTMENT TO BOARD OF PAROLE.

24 The governor shall appoint the chairperson and  
 25 other members of the board of parole, subject to  
 26 confirmation by the senate. The chairperson shall  
 27 serve at the pleasure of the governor. Vacancies  
 28 shall be filled in the same manner as regular  
 29 appointments are made.

30 Sec. \_\_\_\_\_. Section 904A.4, Code 1989, is amended by  
 31 striking the section and inserting in lieu thereof the  
 32 following:

33 904A.4 DUTIES OF THE BOARD OF PAROLE.

34 1. The board of parole shall interview and  
 35 consider inmates for parole and work release and a  
 36 majority vote of the members is required to grant a  
 37 parole or work release.

38 2. The board of parole shall interview inmates  
 39 according to administrative rules adopted by the  
 40 board.

41 3. The board of parole shall gather and review  
 42 information regarding new parole and work release  
 43 programs being instituted or considered nationwide and  
 44 determine which programs may be useful for this state.  
 45 The board shall review the current parole and work  
 46 release programs and procedures used in this state on  
 47 an annual basis.

48 4. The board of parole shall increase utilization  
 49 of data processing and computerization to assist in  
 50 the orderly conduct of the parole and work release

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1 system.

2 5. The board of parole shall conduct such studies  
 3 of the parole and work release system as are requested  
 4 by the governor and the general assembly.

5 6. The board of parole shall provide technical  
 6 assistance and counseling related to the board's  
 7 purposes to public and private entities.

8 7. The board of parole shall review and make  
 9 recommendations to the governor regarding all

10 applications for reprieves, pardons, commutation of  
11 sentences, remission of fines or forfeitures, or  
12 restoration of citizenship rights as required by  
13 chapter 248A.

14 8. The board of parole shall implement a risk  
15 assessment program which shall provide risk assessment  
16 analysis for the board.

17 Sec. \_\_\_\_\_. NEW SECTION. 904A.4A CHAIRPERSON OF  
18 THE BOARD OF PAROLE – DUTIES.

19 The chairperson of the board of parole shall do all  
20 of the following:

21 1. Act as the board's liaison with the governor  
22 regarding executive clemency, parole, and work release  
23 matters.

24 2. Direct, supervise, evaluate, and assign the  
25 day-to-day administration of the board of parole.

26 3. Supervise and monitor parole revocations and  
27 appeals.

28 4. Supervise final work release revocation case  
29 reviews.

30 5. Supervise the development of rules, policies,  
31 and procedures, subject to the approval of the board,  
32 in cooperation with the department of corrections,  
33 pertaining to the supervision of executive clemency,  
34 parole, and work release.

35 6. Supervise the development of long-range parole  
36 and work release planning.

37 Sec. \_\_\_\_\_. NEW SECTION. 904A.4B EXECUTIVE  
38 DIRECTOR OF THE BOARD OF PAROLE – DUTIES.

39 The chief administrative officer of the board of  
40 parole shall be the executive director. The executive  
41 director shall be appointed by the chairperson,  
42 subject to the approval of the board and shall serve  
43 at the pleasure of the board. The executive director  
44 shall do all of the following:

45 1. Advise the board on matters relating to parole,  
46 work release, and executive clemency, and advise the  
47 board on matters involving automation and word  
48 processing.

49 2. Carry out all directives of the board.

50 3. Hire and supervise all of the board's staff

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1 pursuant to the provisions of chapter 19A.

2 4. Act as the board's liaison with the general  
3 assembly.

4 5. Prepare a budget for the board, subject to the  
5 approval of the board, and prepare all other reports  
6 required by law.

7 6. Develop long-range parole and work release  
8 planning, in cooperation with the department of

9 corrections.

10 Sec. \_\_\_\_\_. Section 904A.5, Code 1989, is amended to  
11 read as follows:

12 904A.5 ADMINISTRATION OF BOARD OF PAROLE.

13 The chairperson of the board of parole is  
14 responsible directly to the governor. The board of  
15 parole is attached to the department of corrections  
16 for routine administrative and support services only.  
17 ~~The board of parole shall appoint an executive~~  
18 ~~secretary and employ a clerical staff sufficient to~~  
19 ~~carry on the necessary duties of the board. The board~~  
20 ~~shall also employ personnel to serve as liaisons~~  
21 ~~between the board, inmates, and staff at the state's~~  
22 ~~penal and correctional facilities and to perform other~~  
23 ~~duties designated by the board. The board shall~~  
24 ~~submit to the director of the department of management~~  
25 ~~an estimate of the funds needed for salaries,~~  
26 ~~maintenance, and supplies as provided in section 8.23.~~

27 Sec. \_\_\_\_\_. Section 904A.6, Code 1989, is amended to  
28 read as follows:

29 904A.6 SALARIES AND EXPENSES.

30 Each member of the board shall be paid a salary per  
31 diem as determined by the general assembly. Each  
32 member of the board, the executive secretary, and all  
33 employees are entitled to receive, in addition to  
34 their per diem or salary, their necessary maintenance  
35 and travel expenses while engaged in official  
36 business.

37 Sec. \_\_\_\_\_. Section 908.4, unnumbered paragraph 1,  
38 Code 1989, is amended to read as follows:

39 The parole revocation hearing shall be conducted by  
40 a parole revocation officer who is an attorney  
41 appointed pursuant to section 904A.5. The revocation  
42 hearing shall determine the following:

43 Sec. 100. TRANSITION — TERMS OF BOARD MEMBERS.

44 The terms of all persons serving on the board of  
45 parole on June 30, 1989, expire on that date.  
46 Notwithstanding the five-year term specified in  
47 section 904A.1, appointments of the new members of the  
48 board of parole shall be as follows:

49 1. One member to serve from July 1, 1989, to June  
50 30, 1990.

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1 2. One member to serve from July 1, 1989, to June  
2 30, 1991.

3 3. One member to serve from July 1, 1989, to June  
4 30, 1992.

5 4. One member to serve from July 1, 1989, to June  
6 30, 1993.

7 5. One member to serve from July 1, 1989, to June

8 30, 1994.

9 Thereafter, all appointments shall be for five-year  
10 terms.

11 Sec. \_\_\_\_\_. Section 904A.7, Code 1989, is repealed.

12 Sec. \_\_\_\_\_. Section 100 of this Act takes effect  
13 June 30, 1989."

14 2. Title page, by striking lines 1 and 2 and  
15 inserting the following: "An Act restructuring the  
16 board of parole and providing an effective date."

17 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 46, nays 10.

Amendment H—4219 was adopted.

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

On the question "Shall the bill pass?" (S.F. 519)

The ayes were, 84:

Arnould	Banks	Beaman	Beatty
Bennett	Black	Blanshan	Brand
Branstad	Buhr	Chapman	Clark
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hester	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 11:

Adams	Bisignano	Brammer	Brown
Carpenter	Connors	Fuller	Halvorson, R. N.
Hanson, D. R.	Metcalf	Teaford	

Absent or not voting, 5:

Hermann	Hibbard	Holveck	Ollie
Shoultz			

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

**House File 770**, a bill for an act relating to the sales and use tax and providing an exemption from taxation for consumer rental purchases, 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. 770)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
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
Haverland	Hester	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Neuhausser
Nielsen	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Hatch	Hermann	Hibbard	Holveck
Jesse	Muhlbauer	Ollie	Shoultz

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

Koenigs of Mitchell in the chair at 9:41 a.m.

**House File 578**, a bill for an act excluding from income for purposes of state and local government benefit or entitlement programs and the state individual income tax proceeds received for damages resulting from exposure to certain herbicides and providing a retroactive applicability date, was taken up for consideration.

Schnekloth of Scott offered the following amendment H—3566 filed by him and moved its adoption:

H—3566

- 1 Amend House File 578 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "liens" the following: ", except liens for child
- 4 support,".

Amendment H—3566 was adopted.

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

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

The ayes were, 92:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spanner	Stromer	Stueland

Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Koenigs
			Presiding

The nays were, none.

Absent or not voting, 8:

Brand	Hermann	Hibbard	Ollie
Plasier	Renaud	Shoultz	Teaford

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

**Senate File 186**, a bill for an act relating to the updating of the reference to the Internal Revenue Code, and providing refund provisions for certain income and inheritance tax payments, and providing applicability and effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Tabor of Jackson offered the following amendment H—3742 filed by the committee on ways and means and moved its adoption:

H—3742

1 Amend Senate File 186 as passed by the Senate as  
 2 follows:  
 3 1. Page 1, by inserting after line 7, the  
 4 following:  
 5 "Sec. 100. NEW SECTION. 422.11B MINIMUM TAX  
 6 CREDIT.  
 7 1. There is allowed as a credit against the tax  
 8 determined in section 422.5, subsection 1, paragraphs  
 9 "a" through "j" for a tax year an amount equal to the  
 10 minimum tax credit for that tax year.  
 11 The minimum tax credit for a tax year is the  
 12 excess, if any, of the adjusted net minimum tax  
 13 imposed for all prior tax years beginning on or after  
 14 January 1, 1987, over the amount allowable as a credit  
 15 under this section for those prior tax years.  
 16 2. The allowable credit under subsection 1 for a  
 17 tax year shall not exceed the excess, if any, of the  
 18 tax determined in section 422.5, subsection 1,  
 19 paragraphs "a" through "j" over the state alternative  
 20 minimum tax as determined in section 422.5, subsection  
 21 1, paragraph "k".  
 22 The net minimum tax for a tax year is the excess,  
 23 if any, of the tax determined in section 422.5,  
 24 subsection 1, paragraph "k" for the tax year over the  
 25 tax determined in section 422.5, subsection 1,  
 26 paragraphs "a" through "j" for the tax year.  
 27 The adjusted net minimum tax for a tax year is the  
 28 net minimum tax for the tax year reduced by the amount

29 which would be the net minimum tax if the only item of  
30 tax preference taken into account was that described  
31 in paragraph (6) of section 57(a) of the Internal  
32 Revenue Code.

33 Sec. 101. Section 422.33, Code 1989, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. 9. a. There is allowed as a  
36 credit against the tax determined in subsection 1 for  
37 a tax year an amount equal to the minimum tax credit  
38 for that tax year.

39 The minimum tax credit for a tax year is the  
40 excess, if any, of the adjusted net minimum tax  
41 imposed for all prior tax years beginning on or after  
42 January 1, 1987, over the amount allowable as a credit  
43 under this subsection for those prior tax years.

44 b. The allowable credit under paragraph "a" for a  
45 tax year shall not exceed the excess, if any, of the  
46 tax determined in subsection 1 over the state  
47 alternative minimum tax as determined in subsection 4.

48 The net minimum tax for a tax year is the excess,  
49 if any, of the tax determined in subsection 4 for the  
50 tax year over the tax determined in subsection 1 for

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1 the tax year.

2 The adjusted net minimum tax for a tax year is the  
3 net minimum tax for the tax year reduced by the amount  
4 which would be the net minimum tax if the only item of  
5 tax preference taken into account was that described  
6 in paragraph (6) of section 57(a) of the Internal  
7 Revenue Code.

8 Sec. 102. Section 422.60, Code 1989, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 3. a. There is allowed as a  
11 credit against the tax determined in section 422.63  
12 for a tax year an amount equal to the minimum tax  
13 credit for that tax year.

14 The minimum tax credit for a tax year is the  
15 excess, if any, of the adjusted net minimum tax  
16 imposed for all prior tax years beginning on or after  
17 January 1, 1987, over the amount allowable as a credit  
18 under this subsection for those prior tax years.

19 b. The allowable credit under paragraph "a" for a  
20 tax year shall not exceed the excess, if any, of the  
21 tax determined in section 422.63 over the state  
22 alternative minimum tax as determined in subsection 2.

23 The net minimum tax for a tax year is the excess,  
24 if any, of the tax determined in subsection 2 for the  
25 tax year over the tax determined in section 422.63 for  
26 the tax year.

27 The adjusted net minimum tax for a tax year is the

28 net minimum tax for the tax year reduced by the amount  
 29 which would be the net minimum tax if the only item of  
 30 tax preference taken into account was that described  
 31 in paragraph (6) of section 57(a) of the Internal  
 32 Revenue Code."

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

35 "Sec. \_\_\_\_\_. Sections 100, 101, and 102 of this Act  
 36 apply retroactively to January 1, 1987, for tax years  
 37 beginning on or after that date."

38 3. Title page, line 2, by inserting after the  
 39 word "Code," the following: "providing minimum tax  
 40 credits,".

The committee amendment H—3742 was adopted.

Doderer of Johnson offered the following amendment H—3733  
 filed by her and Tabor of Jackson:

H—3733

1 Amend Senate File 186, 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. 217.38 RESTITUTION TO  
 6 INDIVIDUALS OF JAPANESE ANCESTRY.

7 Notwithstanding any other law of this state,  
 8 payments paid to an eligible individual of Japanese  
 9 ancestry under section 105 of the Civil Liberties Act  
 10 of 1988, Pub. L. 100-383, Title I, shall not be  
 11 considered as income or an asset for determining the  
 12 eligibility for state or local government benefit or  
 13 entitlement programs. The proceeds are not subject to  
 14 recoupment for the receipt of governmental benefits or  
 15 entitlements and liens are not enforceable against  
 16 these sums for any reason."

17 2. Page 1, by inserting after line 7 the  
 18 following:

19 "Sec. 10. Section 422.7, Code 1989, is amended by  
 20 adding the following new subsection:

21 NEW SUBSECTION. 19. Subtract, to the extent  
 22 included, the amounts paid to an eligible individual  
 23 under section 105 of the Civil Liberties Act of 1988,  
 24 Pub. L. 100-383, Title I, as satisfaction for a claim  
 25 against the United States arising out of the  
 26 confinement, holding in custody, relocation, or other  
 27 deprivation of liberty or property of an individual of  
 28 Japanese ancestry."

29 3. Page 2, line 6, by striking the words and  
 30 figure "Section 1 of this Act is" and inserting the  
 31 following: "Sections 1 and 10 of this Act are".

32 4. Title page, line 2, by inserting after the  
33 word "Code" the following: "and treatment of payments  
34 to individuals of Japanese ancestry".

Schnekloth of Scott offered the following amendment H—3751,  
to amendment H—3733, filed by him and moved its adoption:

H—3751

1 Amend amendment, H—3733, to Senate File 186, as  
2 passed by the Senate, as follows:  
3 1. Page 1, line 15, by inserting after the word  
4 "liens" the following: ", except liens for child  
5 support,".

Amendment H—3751 was adopted.

Tyrrell of Iowa rose on a point of order that amendment H—3733  
was not germane.

The Speaker ruled the point well taken and amendment H—3733  
not germane.

Tabor of Jackson moved that the rules be suspended to consider  
amendment H—3733.

A non-record roll call was requested.

The ayes were 55, nays 13.

The motion prevailed and the rules were suspended to consider  
amendment H—3733, as amended.

Speaker Avenson in the chair at 10:11 a.m.

On motion by Doderer of Johnson, amendment H—3733, as  
amended, was adopted.

Halvorson of Clayton offered the following amendment H—4133  
filed by him and Harbor of Mills:

H—4133

1 Amend Senate File 186, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 8 the  
4 following:  
5 "Sec. 100. Section 422.4, subsection 17, Code  
6 1989, is amended by striking the subsection and  
7 inserting in lieu thereof the following:  
8 17. a. "Inflation factor for a calendar year"  
9 means one hundred percent plus the percent, determined  
10 by the department by December 15 of the calendar year  
11 preceding the calendar year for which the factor is

12 determined, equal to the percentage, if any, by which  
 13 the consumer price index for the calendar year  
 14 preceding the calendar year for which the factor is  
 15 determined exceeds the consumer price index for the  
 16 1987 calendar year. The inflation factor for a  
 17 calendar year applies to tax years beginning in the  
 18 calendar year for which it was determined.

19 b. "Consumer price index for a calendar year"  
 20 means the average of the consumer price index for all-  
 21 urban consumers published by the United States  
 22 department of labor, as of the close of the twelve-  
 23 month period ending on August 31 of that calendar  
 24 year.

25 Sec. 101. Section 422.5, subsection 7, Code 1989,  
 26 is amended to read as follows:

27 7. Upon determination of the latest cumulative  
 28 inflation factor for a calendar year, the director  
 29 shall multiply each dollar amount set forth in  
 30 subsection 1, paragraphs "a" and through "i" of this  
 31 section, and, each dollar amount set forth in  
 32 subsection 1, paragraph "k", subparagraph (2), each  
 33 dollar amount specified in this section as the minimum  
 34 below which tax is not imposed, each dollar amount  
 35 specified in this section as the maximum amount of  
 36 annuities received which may be excluded in  
 37 determining final taxable income, the dollar amount of  
 38 the standard deduction under section 422.9, subsection  
 39 1, and the personal exemption amounts set out in  
 40 section 422.12, subsection 1, by this cumulative  
 41 inflation factor, shall round off the resulting  
 42 product to the nearest one dollar, and shall  
 43 incorporate the result into the income tax forms and  
 44 instructions for each the tax year.

45 Sec. 102. Section 422.21, unnumbered paragraph 4,  
 46 Code 1989, is amended to read as follows:

47 The director shall determine for the 1989 and each  
 48 subsequent calendar year the annual and cumulative  
 49 inflation factors factor for each calendar year to be  
 50 applied to tax years beginning on or after January 1

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1 of in that calendar year. The director shall compute  
 2 the new dollar amounts as specified to be adjusted in  
 3 section sections 422.5 and 422.33 by the latest  
 4 cumulative inflation factor and round off the result  
 5 to the nearest one dollar. The annual and cumulative  
 6 inflation factors determined by the director are not  
 7 rules as defined in section 17A.2, subsection 7.

8 Sec. 103. Section 422.33, subsection 1, Code 1989,  
 9 is amended by adding the following new unnumbered  
 10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. Upon determination of  
 12 the inflation factor for a calendar year, the director  
 13 shall multiply each dollar amount set forth in this  
 14 subsection by this inflation factor, shall round off  
 15 the resulting product to the nearest one dollar, and  
 16 shall incorporate the result into the income tax forms  
 17 and instructions for the tax year."

18 2. Page 2, by inserting after line 7, the  
 19 following:

20 "Sec. \_\_\_\_\_. Sections 100 through 103 of this Act  
 21 apply retroactively to January 1, 1989, for tax years  
 22 beginning on or after that date."

23 3. Title page, line 1, by inserting after the  
 24 word "Act" the following: "relating to indexing for  
 25 state individual and corporate income tax purposes,".

26 4. By renumbering as necessary.

Tabor of Jackson rose on a point of order that amendment  
 H-4133 was not germane.

The Speaker ruled the point well taken and amendment H-4133  
 not germane.

Tabor of Jackson offered the following amendment H-4161 filed  
 by him and moved its adoption:

H-4161

1 Amend Senate File 186, as passed by the Senate, as  
 2 follows:

3 1. Page 1, by inserting after line 7 the  
 4 following:

5 "Sec. \_\_\_\_\_. Section 422.61, subsection 1, Code  
 6 1989, is amended to read as follows:

7 1. "Financial institution" means a state bank as  
 8 defined in section 524.103, subsection 19, a state  
 9 bank chartered under the laws of any other state, a  
 10 national banking association having its principal  
 11 office within this state, a trust company, a federally  
 12 chartered savings and loan association, an out-of-  
 13 state state chartered savings bank, a financial  
 14 institution chartered by the federal home loan bank  
 15 board, a non-Iowa chartered savings and loan  
 16 association, an association incorporated or authorized  
 17 to do business under chapter 534, or a production  
 18 credit association."

19 2. Title page, line 2, by inserting after the  
 20 word "Code," the following: "relating to the  
 21 franchise tax and".

Amendment H-4161 was adopted.

Van Maanen of Mahaska offered the following amendment  
 H-4166 filed by him:

H-4166

1 Amend Senate File 186, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 8 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 422.45, subsection 7,  
6 unnumbered paragraph 1, Code 1989, is amended to read  
7 as follows:  
8 A private nonprofit educational institution in this  
9 state or a tax-certifying or tax-levying body or  
10 governmental subdivision of the state, including the  
11 state board of regents, state department of human  
12 services, state department of transportation, a  
13 municipally owned solid waste facility which sells all  
14 or part of its processed waste as fuel to a  
15 municipally owned public utility, a historical society  
16 of the state, a county, or a city, or any combination  
17 of these, and all divisions, boards, commissions,  
18 agencies or instrumentalities of state, federal,  
19 county or municipal government which do not have  
20 earnings going to the benefit of an equity investor or  
21 stockholder may make application to the department for  
22 the refund of the sales, services, or use tax upon the  
23 gross receipts of all sales of goods, wares or  
24 merchandise, or from services rendered, furnished, or  
25 performed, to a contractor, used in the fulfillment of  
26 a written contract with the state of Iowa, any  
27 political subdivision of the state, or a division,  
28 board, commission, agency or instrumentality of the  
29 state or a political subdivision, or a private  
30 nonprofit educational institution in this state, or a  
31 historical society of the state, a county, or a city,  
32 or any combination of these, if the property becomes  
33 an integral part of the project under contract and at  
34 the completion of the project becomes public property,  
35 or is devoted to historical or educational uses;  
36 except goods, wares or merchandise or services  
37 rendered, furnished, or performed used in the  
38 performance of any contract in connection with the  
39 operation of any municipal utility engaged in selling  
40 gas, electricity, or heat to the general public; and  
41 except goods, wares, and merchandise used in the  
42 performance of a contract for a "project" under  
43 chapter 419 as defined in that chapter other than  
44 goods, wares or merchandise used in the performance of  
45 a contract for a "project" under chapter 419 for which  
46 a bond issue was or will have been approved by a  
47 municipality prior to July 1, 1968, or for which the  
48 goods, wares, or merchandise becomes an integral part  
49 of the project under contract and at the completion of  
50 the project becomes public property or is devoted to

## Page 2

- 1 historical or educational uses."
- 2 2. Title page, line 2, by inserting after the
- 3 word "Code," the following: "providing sales tax
- 4 exemptions in connection with certain historical
- 5 societies,".
- 6 3. By numbering and renumbering as necessary.

Chapman of Linn rose on a point of order that amendment H—4166 was not germane.

The Speaker ruled the point well taken and amendment H—4166 not germane.

Halvorson of Clayton moved that the rules be suspended to consider amendment H—4133, previously ruled not germane.

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

On the question "Shall the rules be suspended to consider amendment H—4133?" (S.F. 186)

The ayes were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brown	Buhr
Chapman	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 7:

Blanshan	Brand	Daggett	Hermann
Hibbard	Ollie	Plasier	

The motion to suspend the rules lost.

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

On the question "Shall the bill pass?" (S.F. 186)

The ayes were, 86:

Adams	Arnould	Bennett	Bisignano
Black	Brammer	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Mr. Speaker		
	Avenson		

The nays were, 2:

Harbor	Renken
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Absent or not voting, 12:

Banks	Beaman	Beatty	Blanshan
Brand	Branstad	Fey	Garman
Hermann	Hibbard	Ollie	Wise

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

**Senate File 153**, a bill for an act relating to the department of inspections and appeals by providing for income tax refund and rebate setoff procedures by the investigations division, and exempting certain nonprofit intermediate care facilities from the sales, service, and use tax, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn asked and received unanimous consent to withdraw amendment H—4153 filed by the committee on ways and means on April 21, 1989.

Chapman of Linn offered the following amendment H—4207 filed by her and moved its adoption:

H—4207

- 1 Amend Senate File 153, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 3, by striking the words
- 4 "INVESTIGATIONS DIVISION, DEPARTMENT OF" and inserting
- 5 the following: "INVESTIGATIONS DEBT SET OFF".
- 6 2. Page 1, by striking line 4.
- 7 3. Page 1, line 6, by inserting after the word
- 8 "appeals" the following: "and the department of human
- 9 services".
- 10 4. Page 1, line 16, by inserting after the figure
- 11 "21" the following: "in regard to money owed to the
- 12 state for public assistance overpayments. The
- 13 department of human services shall adopt rules under
- 14 chapter 17A necessary to assist the department of
- 15 revenue and finance in the implementation of the
- 16 setoff under section 421.17, subsection 21, in regard
- 17 to collections by the child support recovery unit and
- 18 the foster care recovery unit".
- 19 5. Page 5, by striking lines 26 through 31.
- 20 6. Title page, by striking lines 3 through 5, and
- 21 inserting the following: "by the investigations
- 22 division, and use tax."

Amendment H—4207 was adopted.

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

On the question "Shall the bill pass?" (S.F. 153)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brown	Buhr	Carpenter

Chapman	Clark	Cohoon	Connolly
Connors	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	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Spvoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Bennett	Brand	Branstad	Hermann
Hibbard	Mertz	Tabor	

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

### Regular Calendar

**House File 756**, a bill for an act relating to weights and measures and other technical standards by permitting pitless electronic scales to be installed in certain circumstances and by providing for reference to the most current standards as adopted by the United States national institute of standards and technology, formerly the national bureau of standards, and by revising references to the national bureau of standards to reflect its change of name, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 756)

The ayes were, 92:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Brown	Buhr
Chapman	Clark	Cohoon	Connolly
Connors	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	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Arnould	Brand	Carpenter	Hermann
Hibbard	Kremer	Lageschulte	Shultz

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

### SENATE AMENDMENT CONSIDERED

Hatch of Polk called up for consideration **House File 447**, a bill for an act relating to petroleum underground storage tanks, by creating a state fund and an administrative board and procedures for the fund, authorizing the fund to expend moneys for remedial action, tank improvement loan guarantees, and the offering of insurance to satisfy federal proof of financial responsibility requirements, imposing an environmental protection charge on petroleum diminution and providing for the collection of the charge, increasing the storage tank management fee, authorizing revenue bond issues and the creation of capital reserve funds to assure and facilitate timely payment of revenue bond obligations, authorizing a local option remedial action property tax credit, providing civil and criminal penalties, providing future automatic repeals, and providing effective dates, amended by the Senate amendment H-3498 as follows:

H-3498

1 Amend House File 447, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 33, the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 101.12 ABOVEGROUND  
6 PETROLEUM TANKS AUTHORIZED.

7 Rules of the state fire marshal shall permit  
8 installation of aboveground petroleum storage tanks  
9 for retail motor vehicle fuel outlets in cities of one  
10 thousand or less population."

11 2. Page 6, by inserting after line 33, the  
12 following:

13 "Sec. \_\_\_\_\_. NEW SECTION. 101.101 DEFINITIONS.

14 As used in this part unless the context otherwise  
15 requires:

16 1. "Nonoperational aboveground tank" means an  
17 aboveground storage tank in which regulated substances  
18 are not deposited or from which regulated substances  
19 are not dispensed after July 1, 1989.

20 2. "Operator" means a person in control of, or  
21 having responsibility for, the daily operation of the  
22 aboveground storage tank.

23 3. "Owner" means:

24 a. In the case of an aboveground storage tank in  
25 use on or after July 1, 1989, a person who owns the  
26 aboveground storage tank used for the storage, use, or  
27 dispensing of regulated substances.

28 b. In the case of an aboveground storage tank in  
29 use before July 1, 1989, but no longer in use on that  
30 date, a person who owned the tank immediately before  
31 the discontinuation of its use.

32 4. "Regulated substance" means regulated substance  
33 as defined in section 455B.471.

34 5. "Release" means spilling, leaking, emitting,  
35 discharging, escaping, leaching, or disposing from an  
36 aboveground storage tank into groundwater, surface  
37 water, or subsurface soils.

38 6. "Aboveground storage tank" means one or a  
39 combination of tanks, including connecting pipes  
40 connected to the tanks which are used to contain an  
41 accumulation of regulated substances and the volume of  
42 which, including the volume of the underground pipes,  
43 is more than ninety percent above the surface of the  
44 ground. Aboveground storage tank does not include any  
45 of the following:

46 a. Aboveground tanks of one thousand one hundred  
47 gallons or less capacity used for storing motor fuel  
48 for noncommercial purposes.

49 b. Tanks used for storing heating oil for  
50 consumptive use on the premises where stored.

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1 c. Underground storage tanks as defined by section  
2 455B.471.

3 d. A flow-through process tank, or a tank  
4 containing a regulated substance, other than motor  
5 vehicle fuel used for transportation purposes, for use  
6 as part of a manufacturing process, system, or  
7 facility, if that tank is located within a fully  
8 enclosed building.

9 7. "Tank site" means a tank or grouping of tanks  
10 within close proximity of each other located on the  
11 facility for the purpose of storing regulated  
12 substances.

13 8. "State fire marshal" means the state fire  
14 marshal, or the state fire marshal's designee.

15 Sec. \_\_\_\_\_. NEW SECTION. 101.102 REPORT OF  
16 EXISTING AND NEW TANKS - FEE.

17 1. Except as provided in subsection 2, the owner  
18 or operator of an aboveground storage tank existing on  
19 or before July 1, 1989, shall notify the state fire  
20 marshal in writing by May 1, 1990, of the existence of  
21 each tank and specify the age, size, type, location,  
22 and uses of the tank.

23 2. The owner of an aboveground storage tank taken  
24 out of operation between January 1, 1979 and July 1,  
25 1989, shall notify the state fire marshal in writing  
26 by July 1, 1990, of the existence of the tank unless  
27 the owner knows the tank has been removed. The notice  
28 shall specify to the extent known to the owner, the  
29 date the tank was taken out of operation, the age of  
30 the tank on the date taken out of operation, the size,  
31 type, and location of the tank, and the type and  
32 quantity of substances left stored in the tank on the  
33 date that it was taken out of operation.

34 3. An owner or operator which brings into use an  
35 aboveground storage tank after July 1, 1989, shall  
36 notify the state fire marshal in writing within thirty  
37 days of the existence of the tank and specify the age,  
38 size, type, location, and uses of the tank.

39 4. The registration notice of the owner or  
40 operator to the state fire marshal under subsections 1  
41 through 3 shall be accompanied by a fee of ten dollars  
42 for each tank included in the notice. All moneys  
43 collected shall be deposited in the general fund.

44 5. A person who deposits a regulated substance in  
45 an aboveground storage tank shall notify the owner or  
46 operator in writing of the notification requirements  
47 of this section.

48 6. A person who sells or constructs a tank  
49 intended to be used as an aboveground storage tank  
50 shall notify the purchaser of the tank in writing of

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1 the notification requirements of this section  
2 applicable to the purchaser.  
3 7. It shall be unlawful to deposit a regulated  
4 substance in an aboveground storage tank which has not  
5 been registered pursuant to subsections 1 through 5.

6 The state fire marshal shall furnish the owner or  
7 operator of an aboveground storage tank with a  
8 registration tag for each aboveground storage tank  
9 registered with the state fire marshal. The owner or  
10 operator shall affix the tag to the fill pipe of each  
11 registered aboveground storage tank. A person who  
12 conveys or deposits a regulated substance shall  
13 inspect the aboveground storage tank to determine the  
14 existence or absence of the registration tag. If a  
15 registration tag is not affixed to the aboveground  
16 storage tank fill pipe, the person conveying or  
17 depositing the regulated substance may deposit the  
18 regulated substance in the unregistered tank provided  
19 that the deposit is allowed only in the single  
20 instance, that the person provides the owner or  
21 operator with another notice as required by subsection  
22 5, and that the person provides the owner or operator  
23 with an aboveground storage tank registration form.  
24 It is the owner or operator's duty to comply with  
25 registration requirements. A late registration  
26 penalty of twenty-five dollars is imposed in addition  
27 to the registration fee for a tank registered after  
28 the required date.

29 Sec. \_\_\_\_\_. **NEW SECTION. 101.103 STATE FIRE**  
30 **MARSHAL REPORTING RULES.**

31 The state fire marshal shall adopt rules pursuant  
32 to chapter 17A relating to reporting requirements  
33 necessary to enable the state fire marshal to maintain  
34 an accurate inventory of aboveground storage tanks.

35 Sec. \_\_\_\_\_. **NEW SECTION. 101.104 DUTIES AND POWERS**  
36 **OF THE STATE FIRE MARSHAL.**

37 The state fire marshal shall:

38 1. Inspect and investigate the facilities and  
39 records of owners and operators of aboveground storage  
40 tanks as may be necessary to determine compliance with  
41 this part and the rules adopted pursuant to this part.  
42 An inspection or investigation shall be conducted  
43 subject to subsection 4. For purposes of developing a  
44 rule, maintaining an accurate inventory or enforcing  
45 this part, the department may:

46 a. Enter at reasonable times any establishment or  
47 other place where an aboveground storage tank is  
48 located.

49 b. Inspect and obtain samples from any person of a  
50 regulated substance and conduct monitoring or testing

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1 of the tanks, associated equipment, contents or  
2 surrounding soils, air, surface water and groundwater.  
3 Each inspection shall be commenced and completed with  
4 reasonable promptness.

5 (1) If the state fire marshal obtains a sample,  
6 prior to leaving the premises, the fire marshal shall  
7 give the owner, operator, or agent in charge a receipt  
8 describing the sample obtained and if requested a  
9 portion of each sample equal in volume or weight to  
10 the portion retained. If the sample is analyzed, a  
11 copy of the results of the analysis shall be furnished  
12 promptly to the owner, operator, or agent in charge.

13 (2) Documents or information obtained from a  
14 person under this subsection shall be available to the  
15 public except as provided in this subparagraph. Upon  
16 a showing satisfactory to the state fire marshal by a  
17 person that public disclosure of documents or  
18 information, or a particular part of the documents or  
19 information to which the state fire marshal has access  
20 under this subsection would divulge commercial or  
21 financial information entitled to protection as a  
22 trade secret, the state fire marshal shall consider  
23 the documents or information or the particular portion  
24 of the documents or information confidential.  
25 However, the document or information may be disclosed  
26 to officers, employees, or authorized representatives  
27 of the United States charged with implementing the  
28 federal Solid Waste Disposal Act, to employees of the  
29 state of Iowa or of other states when the document or  
30 information is relevant to the discharge of their  
31 official duties, and when relevant in any proceeding  
32 under the federal Solid Waste Disposal Act or this  
33 part.

34 2. Maintain an accurate inventory of aboveground  
35 storage tanks.

36 3. Take any action allowed by law which, in the  
37 state fire marshal's judgment, is necessary to enforce  
38 or secure compliance with this division or any rule  
39 adopted pursuant to this division.

40 4. Conduct investigations of complaints received  
41 directly, referred by other agencies, or other  
42 investigations deemed necessary. While conducting an  
43 investigation, the state fire marshal may enter at any  
44 reasonable time in and upon any private or public  
45 property to investigate any actual or possible  
46 violation of this division or the rules or standards  
47 adopted under this division. However, the owner or  
48 person in charge shall be notified.

49 a. If the owner or operator of any property  
50 refuses admittance, or if prior to such refusal the

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1 state fire marshal demonstrates the necessity for a  
2 warrant, the state fire marshal may make application  
3 under oath or affirmation to the district court of the  
4 county in which the property is located for the  
5 issuance of a search warrant.

6 b. In the application the state fire marshal shall  
7 state that an inspection of the premises is mandated  
8 by the laws of this state or that a search of certain  
9 premises, areas, or things designated in the  
10 application may result in evidence tending to reveal  
11 the existence of violations of public health, safety,  
12 or welfare requirements imposed by statutes, rules, or  
13 ordinances established by the state or a political  
14 subdivision of the state. The application shall  
15 describe the area, premises, or thing to be searched,  
16 give the date of the last inspection if known, give  
17 the date and time of the proposed inspection, declare  
18 the need for such inspection, recite that notice of  
19 the desire to make an inspection has been given to  
20 affected persons and that admission was refused if  
21 that be the fact, and state that the inspection has no  
22 purpose other than to carry out the purpose of the  
23 statute, rule, or ordinance pursuant to which  
24 inspection is to be made. If an item of property is  
25 sought by the state fire marshal it shall be  
26 identified in the application.

27 c. If the court is satisfied from the examination  
28 of the applicant, and of other witnesses, if any, and  
29 of the allegations of the application of the existence  
30 of the grounds of the application, or that there is  
31 probable cause to believe in their existence, the  
32 court may issue a search warrant.

33 d. In making inspections and searches pursuant to  
34 the authority of this division, the state fire marshal  
35 must execute the warrant as follows:

- 36 (1) Within ten days after its date.
- 37 (2) In a reasonable manner, and any property  
38 seized shall be treated in accordance with the  
39 provisions of chapters 808 and 809.
- 40 (3) Subject to any restrictions imposed by the  
41 statute, rule or ordinance pursuant to which  
42 inspection is made.

43 Sec. \_\_\_\_\_. NEW SECTION. 101.105 VIOLATIONS –  
44 ORDERS.

45 1. If substantial evidence exists that a person  
46 has violated or is violating a provision of this  
47 division or a rule adopted under this division the  
48 state fire marshal may issue an order directing the  
49 person to desist in the practice which constitutes the  
50 violation, and to take corrective action as necessary

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1 to ensure that the violation will cease, and may  
2 impose appropriate administrative penalties pursuant  
3 to section 101.106. The person to whom the order is  
4 issued may appeal the order as provided in chapter  
5 17A. On appeal, the administrative law judge may  
6 affirm, modify, or vacate the order of the state fire  
7 marshal.

8 2. However, if it is determined by the state fire  
9 marshal that an emergency exists respecting any matter  
10 affecting or likely to affect the public health, the  
11 fire marshal may issue any order necessary to  
12 terminate the emergency without notice and without  
13 hearing. The order is binding and effective  
14 immediately and until the order is modified or vacated  
15 at an administrative hearing or by a district court.

16 3. The state fire marshal may request the attorney  
17 general to institute legal proceedings pursuant to  
18 section 101.106.

19 Sec. \_\_\_\_\_. NEW SECTION. 101.106 PENALTIES —  
20 BURDEN OF PROOF.

21 1. A person who violates this division or a rule  
22 or order adoption issued pursuant to this division is  
23 subject to a civil penalty not to exceed one hundred  
24 dollars for each day during which the violation  
25 continues, up to a maximum of one thousand dollars;  
26 however, if the tank is registered within thirty days  
27 after the state fire marshal issues a cease and desist  
28 order pursuant to section 101.105, subsection 1, the  
29 civil penalty under this section shall not accrue.  
30 The civil penalty is an alternative to a criminal  
31 penalty provided under this division.

32 2. A person who knowingly fails to notify or makes  
33 a false statement, representation, or certification in  
34 a record, report, or other document filed or required  
35 to be maintained under this division, or violates an  
36 order issued under this division, is guilty of an  
37 aggravated misdemeanor.

38 3. The attorney general, at the request of the  
39 state fire marshal, shall institute any legal  
40 proceedings, including an action for an injunction,  
41 necessary to enforce the penalty provisions of this  
42 division or to obtain compliance with the provisions  
43 of this division or rules adopted or order pursuant to  
44 this division. In any action, previous findings of  
45 fact of the state fire marshal after notice and  
46 hearing are conclusive if supported by substantial  
47 evidence in the record when the record is viewed as a  
48 whole.

49 4. In all proceedings with respect to an alleged  
50 violation of this division or a rule adopted or order

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1 issued by the state fire marshal pursuant to this  
2 division, the burden of proof is upon the state fire  
3 marshal.

4 5. If the attorney general has instituted legal  
5 proceedings in accordance with this section, all  
6 related issues which could otherwise be raised by the  
7 alleged violator in a proceeding for judicial review  
8 under section 101.107 shall be raised in the legal  
9 proceedings instituted in accordance with this  
10 section.

11 Sec. \_\_\_\_\_. NEW SECTION. 101.107 JUDICIAL REVIEW.

12 Except as provided in section 101.106, subsection  
13 5, judicial review of an order or other action of the  
14 state fire marshal may be sought in accordance with  
15 chapter 17A. Notwithstanding chapter 17A, the Iowa  
16 administrative procedure Act, petitions for judicial  
17 review may be filed in the district court of the  
18 county in which the alleged offense was committed or  
19 the final order was entered.

20 Sec. \_\_\_\_\_. NEW SECTION. 101.108 FEES FOR  
21 CERTIFICATION INSPECTIONS OF UNDERGROUND STORAGE  
22 TANKS.

23 The state fire marshal, the state fire marshal's  
24 designee, or a local fire marshal, authorized to  
25 conduct underground storage tank certification  
26 inspections under section 455G.11, subsection 7, shall  
27 charge the person requesting a certification  
28 inspection a fee to recover the costs of authorized  
29 training, inspection, and inspection program  
30 administration subject to rules adopted by the state  
31 fire marshal."

32 3. Page 7, by striking lines 2 and 3, and  
33 inserting the following:

34 "The authority shall assist the Iowa comprehensive  
35 petroleum underground storage tank fund as provided in  
36 chapter 455G and the authority shall have all of the  
37 powers that the Iowa comprehensive petroleum  
38 underground storage tank fund board possesses and  
39 which that board delegates to the authority in a  
40 chapter 28E agreement or a contract between the  
41 authority and the Iowa comprehensive petroleum  
42 underground storage tank fund board with respect to  
43 the issuance and securing of bonds and carrying out  
44 the purposes of chapter 455G."

45 4. Page 7, line 17, by striking the word "may"  
46 and inserting the following: "shall".

47 5. Page 7, by inserting after line 18, the  
48 following:

49 "4. The board shall retain rulemaking authority,  
50 but may contract with the department for assistance in

**Page 8**

1 drafting rules. The board shall retain contested case  
2 jurisdiction over any challenge to the diminution rate  
3 or cost factor. The department shall conduct all  
4 other contested cases and be responsible for other  
5 agency action in connection with the environmental  
6 protection charge imposed under this chapter."

7 6. Page 8, line 16, by inserting after the figure  
8 "1." the following: "An environmental protection  
9 charge is imposed upon diminution."

10 7. Page 8, line 18, by inserting after the word  
11 "section" the following: "on diminution".

12 8. Page 8, by striking line 31, and inserting the  
13 following: "maintain the financial soundness of the  
14 fund, but not to exceed an amount reasonably necessary  
15 to assure financial soundness, in light of".

16 9. Page 9, by striking lines 28 through 31.

17 10. Page 10, line 12, by striking the word  
18 "director" and inserting the following: "board".

19 11. Page 10, line 15, by striking the word  
20 "director" and inserting the following: "board".

21 12. Page 10, line 23, by inserting after the word  
22 "tax" the following: "or charge".

23 13. Page 10, line 24, by inserting after the word  
24 "tax" the following: "or charge".

25 14. Page 10, line 27, by inserting after the word  
26 "tax" the following: "or charge".

27 15. Page 10, line 34, by inserting after the word  
28 "department" the following: ", or rule or order of  
29 the board pursuant to this chapter,".

30 16. Page 13, by striking lines 15 and 16, and  
31 inserting the following: "return shall show  
32 information relating to the".

33 17. Page 13, by striking lines 18 and 19, and  
34 inserting the following: "charge, and any claimed  
35 exemptions or exclusions from the charge, a  
36 calculation of charges".

37 18. Page 13, by inserting after line 33, the  
38 following:

39 "4. Upon receipt of a payment pursuant to this  
40 chapter, the department shall deposit the moneys into  
41 the fund created in section 455G.3, and the moneys so  
42 deposited are a continuing appropriation for  
43 expenditure under chapter 455G, and moneys so  
44 appropriated shall not be used for other purposes  
45 unless the appropriation is changed by the first  
46 session of a biennial general assembly."

47 19. Page 16, by inserting after line 21, the  
48 following:

49 "If a depositor's, receiver's, or other person's  
50 challenge relates to the diminution rate, the burden

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1 of proof upon the challenger shall only be satisfied  
2 by clear and convincing evidence.

3 3. If the amount paid is greater than the correct  
4 charge, penalty, and interest due, the department  
5 shall refund the excess, with interest after sixty  
6 days from the date of payment at the rate in effect  
7 under section 421.7, pursuant to rules prescribed by  
8 the director. However, the director shall not allow a  
9 claim for refund that has not been filed with the  
10 department within five years after the charge payment  
11 upon which a refund is claimed became due, or one year  
12 after the charge payment was made, whichever time is  
13 later. A determination by the department of the  
14 amount of charge, penalty, and interest due, or the  
15 amount of refund for any excess amount paid, is final  
16 unless the person aggrieved by the determination  
17 appeals to the director for a revision of the  
18 determination within thirty days from the postmark  
19 date of the notice of determination of charge,  
20 penalty, and interest due or refund owing. The  
21 director shall grant a hearing, and upon hearing the  
22 director shall determine the correct charge, penalty,  
23 and interest due or refund owing, and notify the  
24 appellant of the decision by mail. The decision of  
25 the director is final unless the appellant seeks  
26 judicial review of the director's decision under  
27 section 424.13."

28 20. Page 17, line 8, by striking the word  
29 "director" and inserting the following: "board".

30 21. Page 19, by striking lines 10 through 17, and  
31 inserting the following:

32 "Sec. \_\_\_\_\_. NEW SECTION. 424.13 JUDICIAL REVIEW.

33 1. Judicial review of contested cases under this  
34 chapter may be sought in accordance with chapter 17A."

35 22. By striking page 19, line 27, through page  
36 20, line 16.

37 23. Page 20, by striking lines 22 through 24, and  
38 inserting the following: "be refunded to such person  
39 by".

40 24. Page 20, line 25, by striking the words "or  
41 credit".

42 25. Page 20, line 27, by striking the words "or  
43 credit".

44 26. Page 20, line 28, by striking the words "five  
45 years" and inserting the following: "one year".

46 27. Page 20, by inserting after line 30, the  
47 following:

48 "Refunds may be made only from the unallocated or  
49 uncommitted moneys in the fund created in section  
50 455G.3, and are limited by the total amount budgeted

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1 by the fund's board for charge refunds."

2 28. Page 20, line 34, by inserting after the word  
3 "return" the following: ", and to any other person  
4 known to the board who will owe the charge at any  
5 address obtainable for that person,".

6 29. Page 21, line 2, by striking the words  
7 "diminution rate" and inserting the following: "cost  
8 factor, pursuant to section 424.3, subsection 5,".

9 30. Page 21, line 23, by inserting after the word  
10 "notice." the following: "Neither mailed notice or  
11 notice by publication is required for the initial  
12 determination and imposition of the charge. The board  
13 shall undertake to provide reasonable notice of the  
14 environmental protection charge and procedures, as in  
15 the board's sole discretion it deems appropriate,  
16 provided that the actual charge and procedures are  
17 published in the Iowa administrative bulletin prior to  
18 the effective date of the charge."

19 31. Page 22, by striking lines 15 and 16, and  
20 inserting the following: "to the department and  
21 disposed of in the same manner as the charge imposed  
22 under this chapter. Unpaid penalties and interest".

23 32. Page 22, by inserting after line 35, the  
24 following:

25 "Sec.\_\_\_\_\_. **NEW SECTION. 424.18 EFFECTIVE DATE.**

26 The environmental protection charge is imposed  
27 beginning July 1, 1989. For all deposits subject to  
28 the charge made on or after July 1, 1989, the  
29 depositor and receiver are obligated to pay the charge  
30 as provided in this chapter. The amount of the  
31 initial environmental protection charge as calculated  
32 after determination of the cost factor by the board  
33 and the required forms and procedures shall be  
34 published in the Iowa administrative bulletin prior to  
35 July 1, 1989."

36 33. Page 23, by striking line 5, and inserting  
37 the following: "property not within the corporate  
38 limits of a city, may provide by".

39 34. Page 24, by inserting after line 3, the  
40 following:

41 "5. A property tax credit provided under this  
42 section shall be paid for out of any available funds  
43 budgeted for that purpose by the council or board.  
44 Cities may certify a tax for the general fund levy and  
45 a county may certify a tax for the rural county  
46 service fund levy, for the property tax credit  
47 authorized by this section. A city council shall  
48 grant a credit only against city taxes and a county  
49 board of supervisors shall only grant a credit against  
50 county taxes."

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1 35. Page 25, by inserting after line 34, the  
2 following:

3 "NEW SUBSECTION. 11. "Petroleum" means petroleum,  
4 including crude oil or any fraction of crude oil which  
5 is liquid at standard conditions of temperature and  
6 pressure (sixty degrees Fahrenheit and fourteen and  
7 seven-tenths pounds per square inch absolute)."

8 36. Page 25, by inserting before line 35, the  
9 following:

10 "Sec. \_\_\_\_\_. Section 455B.474, subsection 1, Code  
11 1989, is amended by adding the following new  
12 paragraph:

13 NEW PARAGRAPH. f. Assessment plans for taking  
14 required release corrective action. The department  
15 shall mail a copy of the approved release assessment  
16 plan to the owner or operator of an underground  
17 storage tank, the copy mailed to the owner or operator  
18 shall be in addition to any copies provided to a  
19 contractor or agent of the owner or operator."

20 37. Page 25, by inserting before line 35 the fol-  
21 lowing:

22 "Sec. \_\_\_\_\_. Section 455B.474, subsection 2,  
23 paragraph a, Code 1989, is amended by adding the  
24 following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. A person who establishes  
26 financial responsibility by self-insurance shall not  
27 require or shall not enforce an indemnification  
28 agreement with an operator or owner of the tank  
29 covered by the self-insurance obligation, unless the  
30 owner or operator has committed a substantial breach  
31 of a contract between the self-insurer and the owner  
32 or operator, and that substantial breach relates  
33 directly to the operation of the tank in an  
34 environmentally sound manner. This paragraph applies  
35 to all contracts between a self-insurer and an owner  
36 or operator entered into on or after the effective  
37 date of this Act."

38 38. Page 26, line 13, by striking the word  
39 "subsections" and inserting the following:  
40 "subsection".

41 39. Page 26, line 14, by inserting after the word  
42 "penalties" the following: "or other damages or  
43 moneys".

44 40. Page 26, line 19, by inserting after the word  
45 "budget." the following: "Any federal moneys,  
46 including but not limited to federal underground  
47 storage tank trust fund moneys, received by the state  
48 or the department of natural resources in connection  
49 with a release occurring on or after the effective  
50 date of this Act or received generally for underground

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1 storage tank programs on or after the effective date  
2 of this Act, shall be credited to the fund created in  
3 section 455G.3 and allocated between fund accounts  
4 according to the fund budget, unless such use would be  
5 contrary to federal law. The department shall  
6 cooperate with the board of the Iowa comprehensive  
7 petroleum underground storage tank fund to maximize  
8 the state's eligibility for and receipt of federal  
9 funds for underground storage tank related purposes."

10 41. Page 26, by striking lines 20 through 24.

11 42. Page 26, line 27, by striking the words "one  
12 facility" and inserting the following: "at least two  
13 facilities".

14 43. Page 26, line 29, by striking the word "The"  
15 and inserting the following: "A designated".

16 44. Page 26, line 34, by striking the word "the"  
17 and inserting the following: "a".

18 45. Page 27, line 4, by striking the words "the  
19 designated tank disposal facility" and inserting the  
20 following: "a designated facility".

21 46. Page 27, line 8, by striking the word "The"  
22 and inserting the following: "A designated".

23 47. Page 27, line 12, by striking the word "the"  
24 and inserting the following: "a".

25 48. Page 27, line 19, by inserting after the word  
26 "account" the following: ", except those moneys  
27 deposited into the Iowa comprehensive petroleum  
28 underground storage tank fund pursuant to section  
29 455B.479".

30 49. Page 27, by striking lines 24 through 26, and  
31 inserting the following:

32 "(2) Seventy Twenty-three percent of the moneys  
33 proceeds of the fees imposed pursuant to section  
34 455B.473, subsection 5, and section 455B.479 shall be  
35 deposited in the account annually, up to a maximum of  
36 three hundred fifty thousand dollars. If twenty-three  
37 percent of the proceeds exceeds three hundred fifty  
38 thousand dollars, the excess shall be deposited into  
39 the fund created in section 455G.3. Three hundred and  
40 fifty thousand dollars, are appropriated from the  
41 storage tank management account to the department of".

42 50. Page 30, by striking lines 28 and 29, and  
43 inserting the following:

44 "3. "Bond" means a bond, note, or other obligation  
45 issued by the authority for the fund and the purposes  
46 of this chapter."

47 51. Page 31, line 4, by inserting after the word  
48 "liability." the following: "Corrective action  
49 includes the expenses incurred to prepare an  
50 assessment plan for approval by the department of

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1 natural resources detailing the planned response to a  
2 release or suspected release, but not necessarily all  
3 actions proposed to be taken by an assessment plan.”

4 52. Page 32, by striking line 20, and inserting  
5 the following: “deposited in the fund. The fund  
6 shall include moneys credited to the fund under  
7 sections 424.7, 455G.3, 455G.8, 455G.9, 455G.10,  
8 455G.11, and 455G.12, and other funds which by law may  
9 be credited to the fund. The moneys in the fund are  
10 appropriated to and for the purposes of the board as  
11 provided in this chapter. Amounts in the fund shall  
12 not be subject to appropriation for any other purpose  
13 by the general assembly, but shall be used only for  
14 the purposes set forth in this chapter. The treasurer  
15 of state shall act as custodian of the fund and  
16 disburse amounts contained in it as directed by the  
17 board including automatic disbursements of funds as  
18 received pursuant to the terms of bond indentures and  
19 documents and security provisions to trustees and  
20 custodians. The treasurer of state is authorized to  
21 invest the funds deposited in the fund at the  
22 direction of the board and subject to any limitations  
23 contained in any applicable bond proceedings. The  
24 income from such investment shall be credited to and  
25 deposited in the fund. The fund shall be administered  
26 by the board which shall make expenditures from the  
27 fund consistent with the purposes of the programs set  
28 out in this chapter without further appropriation.  
29 The fund may be divided into different accounts with  
30 different depositories as determined by the board and  
31 to fulfill the purposes of this chapter.”

32 53. Page 32, line 30, by striking the word “A”  
33 and inserting the following: “To establish a”.

34 54. Page 32, line 32, by striking the word “A”  
35 and inserting the following: “To establish a”.

36 55. Page 32, line 34, by striking the word “An”  
37 and inserting the following: “To establish an”.

38 56. By striking page 33, line 30 through page 34,  
39 line 6, and inserting the following: “four years. A  
40 public member shall have experience, knowledge, and  
41 expertise of the subject matter embraced within this  
42 chapter, including, but not limited to, one or more of  
43 the following fields:

44 (1) Financial markets or insurance.

45 (2) Environmental or safety engineering.”

46 57. Page 36, by striking line 20, and inserting  
47 the following:

48 “5. Provide that the interest on bonds may vary  
49 in”.

50 58. Page 36, by striking lines 26 and 27, and

**Page 14**

1 inserting the following:

2 "7. The board may contract with the authority for  
3 the authority to issue bonds and do all things  
4 necessary with respect to the purposes of the fund, as  
5 set out in the contract between the board and the  
6 authority. The board may delegate to the authority  
7 and the authority shall then have all of the powers of  
8 the board which are necessary to issue and secure  
9 bonds and carry out the purposes of the fund, to the  
10 extent provided in the contract between the board and  
11 the authority. The authority may".

12 59. Page 37, by striking line 5, and inserting  
13 the following: "of which may be deposited with  
14 trustees or depositories in accordance with bond or  
15 security documents and pledged by the board to the  
16 payment thereof,".

17 60. Page 37, by striking line 14, and inserting  
18 the following: "required for immediate disbursement  
19 may be deposited with a trustee or depository as  
20 provided in the bond documents and invested in any".

21 61. Page 38, line 25, by striking the word  
22 "trust" and inserting the following: "inheritance".

23 62. Page 38, by striking line 26, and inserting  
24 the following:

25 "15. Subject to the terms of any bond documents,  
26 moneys in the fund or fund accounts may be expended".

27 63. Page 41, by striking line 24, and inserting  
28 the following: "the following, which shall be  
29 deposited with the board or its designee as provided  
30 by any bond or security documents and".

31 64. Page 42, by striking line 4, and inserting  
32 the following: "storage tank management fee proceeds  
33 which are deposited into the fund, pursuant to section  
34 455B.479."

35 65. Page 42, by striking line 20, and inserting  
36 the following:

37 "a. (1) Corrective action for an eligible release  
38 reported to the department of natural resources on or  
39 after April 1, 1988, but prior to the effective date  
40 of this Act. Third-party liability is specifically  
41 excluded from remedial account coverage. For a claim  
42 for a release under this subparagraph, the remedial  
43 program shall pay no more than the lesser of twenty-  
44 five thousand dollars or one-third of the total costs  
45 of corrective action for that release, subsection 4  
46 notwithstanding. For a release to be eligible for  
47 coverage under this subparagraph the following  
48 conditions must be satisfied:

49 (a) The owner or operator applying for coverage  
50 must be currently engaged in the business for which

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1 the tank connected with the release was used prior to  
2 the report of the release.

3 (b) The owner or operator applying for coverage  
4 shall not be a person who is maintaining, or has  
5 maintained, proof of financial responsibility for  
6 federal regulations through self-insurance.

7 (c) The owner or operator applying for coverage  
8 shall not have claimed bankruptcy any time on or after  
9 April 1, 1988.

10 (d) The claim for coverage pursuant to this  
11 subparagraph must have been filed with the board prior  
12 to January 31, 1990.

13 Total payments for claims pursuant to this  
14 subparagraph are limited to no more than six million  
15 dollars. Claims for eligible releases shall have  
16 priority according to their date of filing with the  
17 board, with the first claim having first priority. If  
18 claims remain unpaid after the total payments equal  
19 six million dollars, all remaining claims are void,  
20 and no entitlement exists for further payment.

21 (2) Corrective action for a release reported to  
22 the".

23 66. Page 45, by inserting after line 3, the  
24 following:

25 "7. RECURRING RELEASES TREATED AS A NEWLY REPORTED  
26 RELEASE. A release shall be treated as a release  
27 reported on or after the effective date of this Act if  
28 prior to the effective date of this Act a release was  
29 reported to the department, corrective action was  
30 taken pursuant to an assessment plan approved by the  
31 department, and the work performed was accepted by the  
32 department. For purposes of this subsection, work  
33 performed is accepted by the department if the  
34 department did not order further action within ninety  
35 days of the date on which the department had notice  
36 that the work was completed, unless the department  
37 clearly indicated in writing to the owner, operator,  
38 contractor, or other agent that additional work would  
39 be required beyond that specified in the assessment  
40 plan or in addition to the work actually performed."

41 67. Page 45, line 6, by striking the word "tank"  
42 and inserting the following: "the following purposes:

43 a. All or a portion of the expenses incurred by  
44 the applicant small business for its share of  
45 corrective action.

46 b. Tank".

47 68. Page 45, by striking line 8, and inserting  
48 the following: "standards to become insurable.

49 Moneys from the".

50 69. Page 45, by striking lines 23 through 33, and

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1 inserting the following:

2 "3. The board shall administer the loan guarantee  
3 account. The board may delegate administration of the  
4 account, provided that the administrator is subject to  
5 the board's direct supervision and direction. The  
6 board shall adopt rules regarding the provision of  
7 loan guarantees to financially qualified small  
8 businesses for the purposes permitted by subsection 1.  
9 The board may impose such".

10 70. Page 46, by striking lines 8 through 10, and  
11 inserting the following: "institutions. However, if  
12 no such financial".

13 71. Page 46, line 11, by striking the word "and"  
14 and inserting the following: "or".

15 72. Page 46, by striking line 18, and inserting  
16 the following:

17 "5. The maturity for each financial assistance  
18 package made by the board".

19 73. Page 46, by inserting after line 33, the  
20 following:

21 "7. A loan loss reserve account shall be  
22 established within the loan guarantee account. A  
23 default on a loan guaranteed under this section shall  
24 be paid from such reserve account. In administering  
25 the program the board shall not guarantee loan values  
26 in excess of the amount credited to the reserve  
27 account and only moneys set aside in the reserve  
28 account may be used for the payment of a default. A  
29 default is not eligible for payment until the lender  
30 has satisfied all administrative and legal remedies  
31 for settlement of the loan and the loan has been  
32 reduced to judgment by the lender. After the default  
33 has been reduced to judgment and the guarantee paid  
34 from the reserve account, the board is entitled to an  
35 assignment of the judgment. The board shall take all  
36 appropriate action to enforce the judgment or may  
37 enter into an agreement with the lender to provide for  
38 enforcement. Upon collection of the amount  
39 guaranteed, any excess collected shall be deposited  
40 into the fund. The general assembly is not obligated  
41 to appropriate any moneys to pay for any defaults or  
42 to appropriate any moneys to be credited to the  
43 reserve account. The loan guarantee program does not  
44 obligate the state or the board except to the extent  
45 provided in this section, and the board in  
46 administering the program shall not give or lend the  
47 credit of the state of Iowa."

48 74. Page 48, by striking lines 4 through 8 and  
49 inserting the following: "account in establishing  
50 premiums. It is the intent of the general assembly

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1 that an".

2 75. Page 48, by striking lines 28 through 34.

3 76. Page 50, by striking lines 3 and 4, and

4 inserting the following: "independent licensed

5 engineer, fire marshal, or other person or class of

6 persons qualified and authorized by the board to

7 perform the required inspection and that the".

8 77. Page 51, line 7, by striking the word

9 "authority" and inserting the following: "board".

10 78. Page 52, line 33, by striking the word

11 "authority" and inserting the following: "board".

12 79. Page 55, by inserting after line 26, the

13 following:

14 " \_\_\_\_\_. The department of natural resources shall

15 adopt approved curricula for training persons to

16 conduct corrective actions consistent with the

17 requirements of the department of natural resources."

18 80. Page 57, by inserting after line 3, the

19 following:

20 "Sec. \_\_\_\_\_. The Code editor shall codify sections

21 101.101 through 101.108 as a new division II of

22 chapter 101."

23 81. Page 57, line 5, by inserting after the

24 figure "2004" the following: ", subject to the

25 qualifications of section 455G.11, subsection 6".

26 82. Page 57, line 7, by inserting after the

27 figure "1999" the following: ", except such repeal

28 shall not effect any outstanding contractual rights".

29 83. Page 57, line 9, by inserting after the

30 figure "2009" the following: ", except as such

31 sections apply with respect to any outstanding bonds

32 issued thereunder, or refinancing of such outstanding

33 bonds".

34 84. Page 57, by inserting after line 9, the

35 following:

36 "Sec. \_\_\_\_\_. Section 214A.18, Code 1989, is

37 repealed."

38 85. By renumbering, relettering, or redesignating

39 and correcting internal references as necessary.

Hatch of Polk offered the following amendment H—4236, to the Senate amendment H—3498, filed by Hatch, et al., and moved its adoption:

**H—4236**

1 Amend the amendment, H—3498, to House File 447, as

2 amended, passed, and reprinted by the House, as

3 follows:

- 4 1. Page 1, by striking lines 47 and 48, and  
5 inserting the following: "gallons or less capacity."
- 6 2. Page 2, by striking lines 7 and 8, and  
7 inserting the following: "facility."
- 8 3. Page 7, by inserting after line 44, the  
9 following:  
10 "The board shall reimburse the department of  
11 revenue and finance by contract for the reasonable  
12 cost of administration of the environmental protection  
13 charge imposed under this chapter and for other duties  
14 delegated to the department or to the director by the  
15 board."
- 16 4. Page 10, by striking lines 36 through 50, and  
17 inserting the following:  
18 "\_\_\_\_\_. By striking page 23, line 2 through page  
19 25, line 2, and inserting the following:  
20 "Sec. \_\_\_\_\_. NEW SECTION. 427B.18 LOCAL OPTION  
21 REMEDIAL ACTION PROPERTY TAX CREDIT -- PUBLIC HEARING.  
22 1. In order to further the public interests of  
23 protecting the drinking water supply, preserving  
24 business and industry within a community, preserving  
25 convenient access to gas stations within a community,  
26 or other public purposes, a city council or county  
27 board of supervisors may provide by ordinance for  
28 partial or total property tax credits to owners of  
29 small businesses that own or operate an underground  
30 storage tank to reduce the amount of property taxes  
31 paid over the permitted period in amounts not to  
32 exceed the actual portion of costs paid by the  
33 business owner in connection with a remedial action  
34 for which the Iowa comprehensive petroleum underground  
35 storage tank fund shares in the cost of corrective  
36 action, and for which the small business owner was not  
37 reimbursed from any other source. A county board of  
38 supervisors may grant credits only for property  
39 located outside of the corporate limits of a city, and  
40 a city council may grant credits only for property  
41 located within the corporate limits of the city. The  
42 credit shall be taken on the property where the  
43 underground storage tank is situated. The credit  
44 granted by the council or board shall not exceed the  
45 amount of taxes generated by the property for the  
46 respective city or county. The credit shall apply to  
47 property taxes payable in the fiscal year following  
48 the calendar year in which a cost of remedial action  
49 was paid by the small business owner.  
50 As used in this division, "actual portion of the

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1 costs paid by the owner or operator of an underground  
2 storage tank in connection with a remedial action for  
3 which the Iowa comprehensive petroleum underground  
4 storage tank fund shares in the cost of corrective  
5 action" means the amount determined by the fund's  
6 board, or the board's designee, as the administrator  
7 of the Iowa comprehensive petroleum underground  
8 storage tank fund, and for which the owner or operator  
9 was not reimbursed from any other source.

10 As used in this division, "small business" means a  
11 business with gross receipts of less than five hundred  
12 thousand dollars per year.

13 2. The ordinance may be enacted not less than  
14 thirty days after a public hearing is held in  
15 accordance with section 358A.6 in the case of a  
16 county, or section 362.3 in the case of a city. The  
17 ordinance shall designate the length of time the  
18 partial or total credit shall be available, and shall  
19 include a credit schedule and description of the terms  
20 and conditions of the credit.

21 3. A property tax credit provided under this  
22 section shall be paid for out of any available funds  
23 budgeted for that purpose by the city council or  
24 county board of supervisors. A city council may  
25 certify a tax for the general fund levy and a county  
26 board of supervisors may certify a tax for the rural  
27 county service fund levy for property tax credits  
28 authorized by this section.

29 4. The maximum permitted period of a tax credit  
30 granted under this section is ten years.

31 Sec. \_\_\_\_\_. NEW SECTION. 427B.19 APPLICATION FOR  
32 CREDIT BY UNDERGROUND STORAGE TANK OWNER OR OPERATOR  
33 – APPROVAL BY COUNTY BOARD OF SUPERVISORS OR CITY  
34 COUNCIL.

35 An application shall be filed by an owner of a  
36 small business that owns or operates an underground  
37 storage tank for each property for which a credit is  
38 sought. Applications shall be filed with the  
39 respective county board of supervisors or the city  
40 council by September 30 of the year following the  
41 calendar year in which a cost of remedial action was  
42 paid by the owner or operator. Small business owners  
43 receiving credits shall file applications for renewal  
44 of the credit by September 30 of each year. A credit  
45 may be renewed only if title to the credited property  
46 remains in the name of the person or entity originally  
47 receiving the credit.

48 In reviewing the applications, the board of  
49 supervisors or city council shall consider whether  
50 granting the credit would serve a public purpose.

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1 Upon approval of the application by the board of  
 2 supervisors, and after the applicant has paid any  
 3 property taxes due, the board shall direct the county  
 4 treasurer to issue a warrant to the small business  
 5 owner in the amount of the credit granted. Upon  
 6 approval of the application by the city council, and  
 7 after the applicant has paid any property taxes due,  
 8 the council shall direct the city clerk to issue a  
 9 warrant to the small business owner in the amount of  
 10 the credit granted.

11 Applications for credit shall be made on forms  
 12 prescribed by the director of revenue and finance and  
 13 shall contain information pertaining to the nature of  
 14 the release, the total cost of corrective action, the  
 15 actual portion of the costs paid by the small business  
 16 owner and for which the owner was not reimbursed from  
 17 any other source, the small business owner's income  
 18 tax form from the most recent tax year, and other  
 19 information deemed necessary by the director.

20 Sec. \_\_\_\_\_. NEW SECTION. 427B.20 CREDIT MAY BE  
 21 REPEALED.

22 If in the opinion of the city council or the county  
 23 board of supervisors continuation of the credit  
 24 granted pursuant under an ordinance adopted pursuant  
 25 to this division ceases to be of benefit to the city  
 26 or county, the city council or the county board of  
 27 supervisors may repeal the ordinance authorized by  
 28 section 427B.18, but all existing credits shall  
 29 continue until their expiration." "

30 5. Page 12, by striking lines 11 through 24, and  
 31 inserting the following:

32 "\_\_\_\_\_. By striking page 26, line 25, through page  
 33 27, line 13, and inserting the following:

34 "Sec. \_\_\_\_\_. NEW SECTION. 455B.490 USED STORAGE  
 35 TANK DISPOSAL.

36 The waste management authority shall designate at  
 37 least two facilities, but as many qualified facilities  
 38 as apply or contract with the authority and the board,  
 39 within the state for the acceptance of used  
 40 underground storage tanks for final disposal. A  
 41 designated facility shall accept any underground  
 42 storage tank originally sited within the state,  
 43 provided that the facility may require as a condition  
 44 of acceptance, reasonable preparation, procedures, and  
 45 information regarding the tank to facilitate safe  
 46 processing and disposal. A sanitary landfill, other  
 47 than a designated facility which is a sanitary  
 48 landfill, shall not accept underground storage tanks  
 49 for disposal after the date on which at least two  
 50 facilities have been designated by the waste

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1 management authority pursuant to this section. A  
2 commercial scrap metal dealer or recycler may accept a  
3 tank for processing. The Iowa comprehensive petroleum  
4 underground storage tank fund may compensate a  
5 designated facility for all or a portion of the costs  
6 associated with processing or disposal of a tank  
7 delivered to the facility for final disposal pursuant  
8 to this section, if the department of natural  
9 resources determines that alternative satisfactory  
10 disposal options for used storage tanks do not then  
11 exist. A commercial scrap metal dealer or recycler  
12 may be a designated facility. A designated facility  
13 shall not charge a fee to an owner or operator of the  
14 underground storage tank as a condition of acceptance.  
15 The waste management authority shall adopt rules as  
16 necessary to govern the processing and disposal of  
17 underground storage tanks by a designated facility.” ”

18 6. Page 13, by striking lines 38 and 39, and  
19 inserting the following:

20 “ \_\_\_\_\_. Page 33, by striking lines 30 through 34,  
21 and inserting the following: “four years. A”.”

22 7. Page 13, by striking lines 42 through 45, and  
23 inserting the following: “chapter. Two public  
24 members shall be appointed with experience in either,  
25 or both, financial markets or insurance.”

26 8. Page 13, by inserting after line 45, the  
27 following:

28 “ \_\_\_\_\_. Page 34, line 2, by striking the words  
29 “past or present” and inserting the following:  
30 “within the twelve months before the member’s  
31 appointment”.”

32 9. Page 14, by inserting after line 34, the  
33 following:

34 “ \_\_\_\_\_. Page 42, line 10, by inserting after the  
35 word “board.” the following: “When federal cleanup  
36 funds are recovered, the funds are to be deposited to  
37 the remedial account of the fund and used solely for  
38 the purpose of future cleanup activities.” ”

39 10. Page 14, line 39, by striking the word and  
40 figures “April 1, 1988” and inserting the following:  
41 “July 1, 1987”.

42 11. Page 15, by inserting after line 12, the  
43 following:

44 “(e) The owner or operator at the time the release  
45 was reported to the department of natural resources  
46 must have been in compliance with then current  
47 monitoring requirements, if any, or must have been in  
48 the process of compliance efforts with anticipated  
49 requirements, including installation of monitoring  
50 devices, a new tank, tank improvements or retrofit, or

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1 any combination."

2 12. Page 15, by striking lines 15 through 19, and  
3 inserting the following: "dollars. Claims for  
4 eligible releases shall be prorated if claims filed  
5 exceed six million dollars. If claims remain  
6 partially or totally unpaid after total payments equal  
7 six million dollars, all remaining claims are void,".

8 13. Page 15, by inserting after line 22, the  
9 following:

10 "\_\_\_\_\_. Page 45, line 3, by inserting after the  
11 word "benefits." the following: "When federal cleanup  
12 funds are recovered, the funds are to be deposited to  
13 the remedial account of the fund and used solely for  
14 the purpose of future cleanup activities." "

15 14. Page 16, by striking lines 10 through 12, and  
16 inserting the following:

17 "\_\_\_\_\_. Page 46, line 8, by striking the word  
18 "shall" and inserting the word "may"."

19 15. Page 16, by inserting after line 47 the  
20 following:

21 "\_\_\_\_\_. Page 47, by striking lines 19 and 20, and  
22 inserting the following: "satisfies one of the  
23 following conditions:

24 a. Satisfies performance standards for new  
25 underground storage tank systems as specified by the  
26 federal environmental protection agency in 40 C.F.R. §  
27 280.20, as amended through January 1, 1989.

28 b. Has satisfied on or before the date of the  
29 application standards for upgraded underground storage  
30 tank systems as specified by the federal environmental  
31 protection agency in 40 C.F.R. § 280.21, as amended  
32 through January 1, 1989.

33 c. The applicant certifies in writing to the board  
34 that the tank to be insured will be brought into  
35 compliance with either paragraph "a" or "b", on or  
36 before October 26, 1991, provided that prior to the  
37 provision of insurance account coverage, the tank site  
38 tests release free. For a tank qualifying for  
39 insurance coverage pursuant to this paragraph at the  
40 time of application or renewal, the owner or operator  
41 shall pay a per tank premium equal to two times the  
42 normally scheduled premium for a tank satisfying  
43 paragraph "a" or "b". An owner or operator who fails  
44 to comply as certified to the board on or before  
45 October 26, 1991, shall not insure that tank through  
46 the insurance account unless and until the tank  
47 satisfies the requirements of paragraph "a" or "b". "

48 16. Page 17, by inserting after line 2, the  
49 following:

50 "\_\_\_\_\_. By striking page 49, line 35 through page

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1 50, line 1, and inserting the following: "owner or  
2 operator or an installer. The board shall set in the  
3 rule the effective date for the certification  
4 requirement. Certification rules shall at minimum".

5 17. Page 17, lines 5 and 6, by striking the words  
6 ", or other person or class of persons" and inserting  
7 the following: "or state fire marshal's designee".

8 18. Page 17, by inserting after line 7, the  
9 following:

10 "\_\_\_\_\_. Page 50, line 7, by inserting after the  
11 word "conditions." the following: "An inspector shall  
12 not be an owner or operator of a tank, or an employee  
13 of an owner, operator, or installer." "

14 19. Page 17, by inserting after line 9, the  
15 following:

16 "\_\_\_\_\_. Page 51, by inserting after line 10, the  
17 following:

18 "Sec. \_\_\_\_\_. NEW SECTION. 455G.11A BOARD AUTHORITY  
19 FOR PRIORITIZATION.

20 If the board determines that, within the realm of  
21 sound business judgment and practice, prioritization  
22 of assistance is necessary in light of funds available  
23 for loan guarantees or insurance coverage, the board  
24 may develop rules for assistance or coverage  
25 prioritization based upon adherence or planned  
26 adherence of the owner or operator to higher than  
27 minimum environmental protection and safety compliance  
28 considerations.

29 Prior to the adoption of prioritization rules, the  
30 board shall at minimum review the following issues:

31 1. The positive environmental impact of assistance  
32 prioritization.

33 2. The economic feasibility, including the  
34 availability of private financing, for an owner or  
35 operator to obtain priority status.

36 3. Any negative impact on Iowa's rural petroleum  
37 distribution network which could result from  
38 prioritization.

39 4. Any similar prioritization systems in use by  
40 the private financing or insurance markets in this  
41 state, including terms, conditions, or exclusions.

42 5. The intent of this Act that the board shall  
43 maximize the availability of reasonably priced,  
44 financially sound insurance coverage or loan guarantee  
45 assistance." "

46 20. Page 17, by inserting after line 9, the  
47 following:

48 "\_\_\_\_\_. Page 51, line 18, by inserting after the  
49 word "release." the following: "When federal cleanup  
50 funds are recovered, the funds are to be deposited to

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- 1 the remedial account of the fund and used solely for
- 2 the purpose of future cleanup activities.” ”
- 3 21. By renumbering as necessary.

Amendment H—4236 was adopted.

Pellett of Cass asked and received unanimous consent to withdraw amendment H—3583, to the Senate amendment H—3498 filed by him on March 23, 1989.

Halvorson of Webster offered the following amendment H—4234, to the Senate amendment H—3498, filed by Halvorson, et al., and moved its adoption:

H—4234

- 1 Amend amendment, H—3498, to House File 447, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 17, by striking lines 34 through 37.

A non-record roll call was requested.

The ayes were 44, nays 50.

Amendment H—4234 lost.

On motion by Hatch of Polk, the House concurred in the Senate amendment H—3498, 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. 447)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer

Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

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

### HOUSE REFUSED TO CONCUR

Peterson of Carroll called up for consideration **Senate File 363**, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, 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—4233 to the House amendment:

H—4233

- 1 Amend the House amendment, S—3854, to Senate File
- 2 363, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, by striking lines 33 through 43.
- 5 2. Page 4, line 15, by striking the word "For"
- 6 and inserting the following: "To employ an
- 7 educational administrator and for".
- 8 3. Page 4, by inserting after line 19, the
- 9 following:

10 "As a condition, limitation, and qualification of  
11 the appropriation made under this subsection, the  
12 administrator shall determine which computer training  
13 system meets the needs of the correctional program  
14 clients to the greatest extent, and shall use such  
15 system in the pilot project.

16 Upon request by the educational administrator, the  
17 department of general services shall provide technical  
18 assistance related to the evaluation, selection, and  
19 use of computer hardware to be used in the pilot  
20 project.

21 Upon request by the educational administrator, the  
22 department of education shall provide technical  
23 assistance related to the evaluation, selection, and  
24 use of computer software and other educational  
25 material to be used in the pilot project.

26 Funds appropriated under this subsection are not  
27 subject to reversion under section 8.33."

28 4. Page 4, line 20, by inserting after the word  
29 "training" the following: "and development".

30 5. Page 4, by striking lines 21 and 22 and  
31 inserting the following: "under contract to nonprofit  
32 organizations for community-based correctional  
33 clients:".

34 6. Page 4, by inserting after line 23, the  
35 following:

36 "As a condition, limitation, and qualification of  
37 the appropriation under this subsection, \$200,000  
38 shall be used for a client development and job  
39 training pilot project, \$120,000 shall be used for  
40 contracting for services in the eighth judicial  
41 district, and \$80,000 shall be used for contracting  
42 for services in the seventh judicial district."

43 7. By striking page 4, line 41 through page 5,  
44 line 26.

45 8. Page 5, line 27, by striking the word  
46 "appropriated."

47 9. Page 5, lines 38 and 39, by striking the word  
48 and figures "June 30, 1989" and inserting the  
49 following: "March 30, 1990".

50 10. Page 5, by inserting after line 43, the

## Page 2

1 following:

2 "\_\_\_\_\_. Page 11, by inserting after line 18 the

3 following:

4 "Sec. \_\_\_\_\_. Notwithstanding any other provision of  
5 law, the department of inspections and appeals shall  
6 pay any claims for indigent defense and juvenile  
7 defense remaining unpaid at the close of fiscal year  
8 1989 from funds appropriated to the department for  
9 fiscal year 1990."

- 10 11. Page 6, line 9, by striking the figure  
 11 "500,000" " and inserting the following: "500,000  
 12 Notwithstanding section 8.39, funds appropriated  
 13 under this section shall only be used for the purposes  
 14 designated and are not subject to transfer." "
- 15 12. Page 6, by inserting after line 9, the  
 16 following:  
 17 "Notwithstanding section 8.33, unobligated and  
 18 unencumbered funds from moneys appropriated in this  
 19 section remaining on June 30, 1989, shall not revert  
 20 to the general fund of the state but shall remain  
 21 available for expenditure during the fiscal year  
 22 beginning July 1, 1989, for the same purpose."
- 23 13. Page 6, by inserting after line 13, the  
 24 following:  
 25 "\_\_\_\_\_. Page 16, by inserting after line 10 the  
 26 following:  
 27 "Sec. \_\_\_\_\_. Notwithstanding section 8.33,  
 28 unencumbered and unobligated funds remaining from the  
 29 appropriations made in sections 15 through 21 of this  
 30 Act shall not revert to the general fund of the state  
 31 until September 30, 1989." "
- 32 14. Page 6, by striking lines 28 through 31.
- 33 15. Page 6, by striking lines 39 through 49 and  
 34 inserting the following:  
 35 "\_\_\_\_\_. Page 18, line 22, by inserting after the  
 36 word "purposes" the following: ", not to include  
 37 office space for legislators,".
- 38 16. Page 7, by inserting after line 14 the  
 39 following:  
 40 "Notwithstanding section 8.39, funds appropriated  
 41 under this section shall only be used for the purposes  
 42 designated and are not subject to transfer."
- 43 17. By renumbering, relettering, or redesignating  
 44 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4233, to the House amendment.

### IMMEDIATE MESSAGE (Senate File 363)

Arnould of Scott asked and received unanimous consent that Senate File 363 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 26, 1989, adopted the conference committee report and passed House File 535, a bill for an act relating to the financing of education programs of school districts

and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates.

Also: That the Senate has on April 26, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 539, 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 a retroactive applicability date.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 11:28 a.m., until 1:15 p.m.

### AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sherzan of Polk, until his return, on request of Poncy of Wapello.

### RULES SUSPENDED

Buhr of Polk asked and received unanimous consent to suspend the rules for the consideration of House File 778.

### SENATE AMENDMENTS CONSIDERED

Blanshan of Greene called up for consideration **House File 735**, a bill for an act relating to enhanced 911 emergency telephone communications systems, and providing for the Act's applicability, amended by the Senate, and moved that the House concur in the following Senate amendment H—4001:

H—4001

- 1 Amend House File 735, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 29 through 32, and
- 4 inserting the following: "permit inclusion. The
- 5 question may be included in the next election in which
- 6 all of the voters in the proposed E911 service area
- 7 will be eligible to vote on the same day, such as a
- 8 primary, general, or school board election. The
- 9 county".
- 10 2. Page 4, by inserting after line 32, the
- 11 following:
- 12 "Sec. \_\_\_\_\_. Section 477B.7, subsection 1, paragraph

13 a, subparagraph (1), Code 1989, is amended to read as  
14 follows:

15 (1) The administrator shall notify a provider  
16 scheduled to provide exchange access line service to  
17 an E911 service area, that implementation of an  
18 approved E911 service plan has been approved by the  
19 joint 911 service board and by the service area  
20 referendum, and that collection of the surcharge is to  
21 begin within one hundred days."

22 3. Page 4, by inserting before line 33, the  
23 following:

24 "Sec. \_\_\_\_\_. Section 477B.7, subsection 1, Code  
25 1989, is amended by adding the following new  
26 paragraph:

27 NEW PARAGRAPH. c. The surcharge shall terminate  
28 at the end of twenty-four months if the joint E911  
29 service plan has not been approved by the  
30 administrator within eighteen months of the original  
31 notice to the provider to impose the surcharge, and  
32 shall not be reimposed until a service plan is  
33 approved by the administrator and the administrator  
34 gives providers notice as required by paragraph "a",  
35 subparagraphs (1) and (2)."

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

38 "Sec. \_\_\_\_\_. This Act, being deemed of immediate  
39 importance, is effective upon enactment."

40 5. Title page, line 3, by inserting after the  
41 word "applicability" the following: ", and providing  
42 a special effective date".

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

The motion prevailed and the House concurred in the Senate amendment H—4001.

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. 735)

The ayes were, 92:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	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	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Royer	Schnekloth	Schrader
Shearer	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors Presiding

The nays were, none.

Absent or not voting, 8:

Bisignano	Brown	Harper	Hibbard
Jesse	Rosenberg	Sherzan	Shoultz

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

Banks of Plymouth called up for consideration **House File 572**, a bill for an act relating to the payment for uniform citation and complaint forms, amended by the Senate, and moved that the House concur in the following Senate amendment H—4044:

H—4044

- 1 Amend House File 572, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking line 8 and inserting the
- 4 following: "~~concerned receiving the fine resulting~~
- 5 from use of the citation and complaint".

The motion prevailed and the House concurred in the Senate amendment H—4044.

Banks of Plymouth 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. 572)

The ayes were, 88:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano

Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, 1:

Renken

Absent or not voting, 11:

Branstad	Gruhn	Halvorson, R. N.	Hatch
Hibbard	Neuhauser	Petersen, D. F.	Plasier
Sherzan	Shoultz	Tabor	

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

Peters of Woodbury called up for consideration **House File 313**, a bill for an act relating to the common boundary for a voluntary annexation, amended by the Senate, and moved that the House concur in the following Senate amendment H—4156:

H—4156

- 1 Amend House File 313, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 5 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 368.7, unnumbered paragraphs 2
- 6 and 3, Code 1989, are amended to read as follows:
- 7 An application for annexation of territory not
- 8 within the urbanized area of a city other than the
- 9 city to which the annexation is directed must be
- 10 approved by resolution of the council which receives
- 11 the application. In the discretion of a city council,

12 the resolution may include a provision for a  
13 transition for the imposition of taxes as provided in  
14 section 368.11, subsection 13. Upon receiving  
15 approval of the council, the city clerk shall file a  
16 copy of the resolution, map, and legal description of  
17 the territory involved with the state department of  
18 transportation. The city clerk shall also file a copy  
19 of the map and resolution with the county recorder and  
20 secretary of state. The annexation is completed upon  
21 acknowledgment by the secretary of state that the  
22 secretary of state has received the map and  
23 resolution.

24 An application for annexation of territory within  
25 the urbanized area of a city other than the city to  
26 which the annexation is directed must be approved both  
27 by resolution of the council which receives the  
28 application and by the board. In the discretion of a  
29 city council, the resolution may include a provision  
30 for a transition for the imposition of taxes as  
31 provided in section 368.11, subsection 13. The  
32 annexation is completed when the board has filed  
33 copies of applicable portions of the proceedings as  
34 required by section 368.20, subsection 2.

35 Sec. \_\_\_\_\_. Section 368.11, Code 1989, is amended by  
36 adding the following new subsection:

37 NEW SUBSECTION. 13. In the discretion of a city  
38 council, a provision for a transition for the  
39 imposition of city taxes against property within an  
40 annexation area. The provision shall not allow a  
41 greater exemption from taxation than the tax exemption  
42 formula schedule provided under section 427B.3,  
43 paragraphs "a" through "e", and shall be applied in  
44 the levy and collection of taxes. The provision may  
45 also allow for the partial provision of city services  
46 during the time in which the exemption from taxation  
47 is in effect.

48 Sec. \_\_\_\_\_. Section 403.17, subsection 20, Code  
49 1989, is amended to read as follows:

50 20. "Economic development area" means an area of a

## Page 2

1 municipality designated by the local governing body as  
2 appropriate for commercial and industrial enterprises.  
3 Such designated area shall not include land which is  
4 part of a century farm.

5 Sec. \_\_\_\_\_. This Act, being deemed of immediate  
6 importance, takes effect upon enactment."

7 2. Title page, by striking lines 1 and 2 and  
8 inserting the following: "An Act relating to  
9 voluntary annexation by authorizing a city to provide  
10 for a transition for imposition of city taxes within

- 11 an annexed area and by reducing the common boundary of  
 12 an adjoining property and certain designated municipal  
 13 property, and providing an effective date.”  
 14 3. By renumbering sections as required.

The motion prevailed and the House concurred in the Senate amendment H—4156.

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

On the question “Shall the bill pass?” (H.F. 313)

The ayes were, 88:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	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
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poney	Renaud	Rosenberg	Royer
Schrader	Shearer	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Connors
			Presiding

The nays were, 7:

Black	De Groot	Garman	Maulsby
Renken	Schnekloth	Van Maanen	

Absent or not voting, 5:

Harper	Hibbard	Plasier	Sherzan
Shoultz			

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

Appropriations Calendar

House File 778, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates, was taken up for consideration.

Stueland of Clinton offered the following amendment H—4248 filed from the floor by Stueland, Van Maanen, Johnson and Jochum:

H—4248

1 Amend House File 778 as follows:

2 1. Page 2, by inserting after line 20 the  
3 following:

4 "\_\_\_\_\_. An amount of not more than \$50,000 that was  
5 appropriated by 1988 Iowa Acts, chapter 1272, section  
6 1, to the farm commodity division for the year  
7 beginning July 1, 1988, and ending June 30, 1989,  
8 shall not revert to the general fund pursuant to  
9 section 8.33, but shall be available for expenditure  
10 in the fiscal year beginning July 1, 1989, and ending  
11 June 30, 1990. The amount shall be used to supplement  
12 moneys appropriated under subsection 4 of this section  
13 to reimburse expenses incurred by the veterinary  
14 diagnostic laboratory."

15 2. Page 3, by inserting after line 9 the  
16 following:

17 "\_\_\_\_\_. From the general fund to reimburse expenses  
18 incurred by the veterinary diagnostic laboratory,  
19 college of veterinary medicine at Iowa state  
20 university of science and technology, for performing  
21 services related to the pseudorabies control program,  
22 as provided in Senate File 474:

23 .....\$ 25,000

24 Remaining moneys shall be used by the division to  
25 carry out the provisions of Senate File 474. This  
26 paragraph is effective only upon the enactment of  
27 Senate File 474 during the 1989 Session by the  
28 Seventy-third General Assembly."

29 3. Page 6, line 20, by striking the figure "1."

30 4. Page 6, line 25, by striking the figure  
31 "62,400" and inserting the following: "37,400".

32 5. Page 6, by striking lines 26 and 27 and  
33 inserting the following:

34 "The amount appropriated under this section shall  
35 be used by the department of plant".

36 6. By striking page 6, line 30 through page 7,  
37 line 35.

Shearer of Louisa offered the following amendment H—4255, to amendment H—4248, filed by him from the floor and moved its adoption:

H—4255

- 1 Amend the amendment, H—4248, to House File 778, as
- 2 follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 "\_\_\_\_\_. Page 1, line 11, by striking the figure
- 6 "1,113,777" and inserting the following: "1,151,177".
- 7 \_\_\_\_\_. Page 2, by inserting after line 8 the
- 8 following:
- 9 "i. Of the amount appropriated from the general
- 10 fund under paragraph "a" of this subsection, \$37,400
- 11 shall be allocated to the statistics bureau for the
- 12 salary and support of an information specialist III
- 13 position." "
- 14 2. Page 1, by striking lines 29 through 37 and
- 15 inserting the following:
- 16 "\_\_\_\_\_. By striking page 6, line 19 through page 7,
- 17 line 35."
- 18 3. Page 1, by inserting after line 37 the
- 19 following:
- 20 "\_\_\_\_\_. Title page, lines 4 and 5, by striking the
- 21 words "and the control of certain vegetation,"."

A non-record roll call was requested.

The ayes were 29, nays 33.

Amendment H—4255 lost.

On motion by Stueland of Clinton, amendment H—4248 was adopted.

The House stood at ease at 1:59 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 778 at 2:42 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that House File 778 be deferred and that the bill retain its place on the calendar.

**IMMEDIATE MESSAGE**  
(House File 447)

Arnould of Scott asked and received unanimous consent that House File 447 be immediately messaged to the Senate.

## INTRODUCTION OF BILLS

**House File 782**, by Arnould and Stromer, a bill for an act relating to the revocation of a motor vehicle license or nonresident operating privilege as the result of a conviction for certain vehicular homicide offenses.

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

**House File 783**, by Arnould and Stromer, a bill for an act relating to contracts and other agreements of telegraph and telephone companies and terms and conditions of service applicable to telegraph and telephone company customers, including those relating to liability, and providing an effective date.

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

## SENATE MESSAGES CONSIDERED

**Senate File 529**, by Hutchins and Hultman, a bill for an act creating the Iowa highway research board and providing for the board's compensation and expenses.

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

**Senate File 534**, by committee on appropriations, a bill for an act relating to the adoption of rules by the department of inspections and appeals for intermediate care facilities for the mentally retarded and providing an effective date.

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

The House resumed consideration of **House File 778**, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates, temporarily deferred.

Stromer of Hancock offered the following amendment H-4257 filed by him from the floor and moved its adoption:

H-4257

- 1 Amend House File 778 as follows:
- 2 1. Page 5, by inserting after line 32 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. There is appropriated from the general

5 fund of the state to the department of agriculture and  
 6 land stewardship, for the fiscal year beginning July  
 7 1, 1989, and ending June 30, 1990, the following  
 8 amount, or so much thereof as is necessary, to be used  
 9 for reconstruction of the grandstand on the Franklin  
 10 county fairgrounds:

11 .....\$ 50,000

12 However, as a condition of the appropriation, the  
 13 Franklin county fair board must certify to the  
 14 department of management that each dollar appropriated  
 15 under this section is matched by private  
 16 contributions.”

17 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 20, nays 44.

Amendment H—4257 lost.

Stueland of Clinton offered the following amendment H—4232  
 filed by him and Van Maanen of Mahaska and moved its adoption:

H—4232

1 Amend House File 778 as follows:

2 1. Page 6, by inserting after line 18 the  
 3 following:

4 “Sec. \_\_\_\_\_. There is appropriated from the general  
 5 fund of the state for the fiscal year beginning July  
 6 1, 1989, and ending June 30, 1990, the following  
 7 amount, or so much thereof as is necessary, to  
 8 societies as provided in chapter 174 to be used for  
 9 conducting county fairs:

10 .....\$ 150,000

11 Each society shall be allocated \$1,500.”

12 2. Title page, line 3, by inserting after the  
 13 word “resources,” the following: “to support county  
 14 fairs,”.

15 3. By renumbering as necessary.

Roll call was requested by Stromer of Hancock and Harbor of  
 Mills.

Rule 75 was invoked.

On the question “Shall amendment H—4232 be adopted?”  
 (H.F. 778)

The ayes were, 41:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman

Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
Metcalf	Miller	Neuhauser	Pellett
Petersen, D. F.	Renken	Royer	Schnekloth
Shearer	Shoning	Siegrist	Spenner
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	Mertz	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 2:

Plasier	Sherzan
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Amendment H—4232 lost.

Maulsby of Calhoun offered the following amendment H—4272 filed by him from the floor and moved its adoption:

H—4272

- 1 Amend House File 778 as follows:
- 2 1. Page 9, by inserting after line 23, the
- 3 following:
- 4 "\_\_\_\_\_. To contract for a study relating to the
- 5 value and uses of South Twin Lake in Calhoun county,
- 6 and to purchase the lake according to the findings and
- 7 recommendations contained in the study:
- 8 .....\$ 50,000
- 9 The department shall report the findings and
- 10 recommendations of the study and information relating
- 11 to the purchase or negotiations to purchase the lake
- 12 to the governor and general assembly not later than
- 13 February 1, 1990."
- 14 2. By renumbering as necessary.

Amendment H—4272 lost.

Hanson of Delaware offered the following amendment H-4259 filed by him from the floor and moved its adoption:

H-4259

- 1 Amend House File 778 as follows:
- 2 1. Page 9, by inserting before line 34, the
- 3 following:
- 4 "\_\_\_\_\_. To contract for a study to investigate the
- 5 feasibility of dredging Backbone Lake in Delaware
- 6 county:
- 7 .....\$ 50,000
- 8 The department shall report the findings and
- 9 recommendations of the study to the governor and
- 10 general assembly not later than February 1, 1990."
- 11 2. By renumbering as necessary.

Roll call was requested by Hanson of Delaware and Halvorson of Clayton.

Rule 75 was invoked.

On the question "Shall amendment H-4259 be adopted?" (H.F. 778)

The ayes were, 41:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Osterberg	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spenner
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Hammond	Hansen, S. D.	Harper	Haverland
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 4:

Gruhn

Hatch

Hibbard

Mertz

Amendment H—4259 lost.

Black of Jasper offered the following amendment H—4268 filed by him from the floor and moved its adoption:

H—4268

- 1 Amend House File 778 as follows:
- 2 1. Page 10, line 14, by inserting after the word
- 3 "shall" and inserting the following: "contract with
- 4 an Iowa-based consulting firm to conduct the study and
- 5 shall".

Amendment H—4268 was adopted.

Tyrrell of Iowa offered the following amendment H—4250 filed by him from the floor and moved its adoption:

H—4250

- 1 Amend House File 778 as follows:
- 2 1. Page 10, by striking lines 5 through 16.
- 3 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 28, nays 51.

Amendment H—4250 lost.

Johnson of Winneshiek offered the following amendment H—4244 filed by him from the floor and moved its adoption:

H—4244

- 1 Amend House File 778 as follows:
- 2 1. Page 10, line 20, by inserting after the word
- 3 "that" the following: "until July 1, 1993,".

Amendment H—4244 was adopted.

Lundby of Linn offered the following amendment H—4277 filed by her from the floor and moved its adoption:

H—4277

- 1 Amend House File 778 as follows:
- 2 1. Page 10, by striking lines 17 through 22.
- 3 2. Title page, line 4, by striking the words
- 4 "environmental protection, and".

Amendment H—4277 lost.

Pellett of Cass offered the following amendment H—4279 filed by him from the floor and moved its adoption:

H—4279

1 Amend House File 778 as follows:

- 2 1. Page 12, line 15, by striking the figure
- 3 "1990" and inserting the following: "1989".
- 4 2. Page 12, line 15, by striking the figure
- 5 "2000" and inserting the following: "1999".

Roll call was requested by Pellett of Cass and Stromer of Hancock.

On the question "Shall amendment H—4279 be adopted?"  
(H.F. 778)

The ayes were, 39:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 58:

Adams	Arnould	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connolly	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 3:

Beatty	Bisignano	Black
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Amendment H—4279 lost.

Lundby of Linn offered the following amendment H—4278 filed by her from the floor:

H-4278

1 Amend House File 778 as follows:

2 1. Page 12, line 17, by striking the figure  
3 "20,000,000" and inserting the following:  
4 "5,000,000".

5 2. Page 12, by inserting after line 18 the  
6 following:  
7 "For each fiscal year of the fiscal period  
8 beginning July 1, 1989, and ending June 30, 1999,  
9 there is appropriated from the general fund, to the  
10 Iowa resources enhancement and protection fund, the  
11 amount collected and paid to the department of revenue  
12 and finance pursuant to section 98.6, subsection 2,  
13 from the tax based on one and one-half mills on each  
14 cigarette used or otherwise disposed of in this state  
15 for any purpose. However, the amount appropriated  
16 under this paragraph shall not exceed \$7,000,000 for  
17 each fiscal year."

18 3. Page 14, by inserting after line 28 the  
19 following:  
20 "Sec. \_\_\_\_\_. Section 98.6, subsection 2, Code 1989,  
21 is amended to read as follows:

22 2. Notwithstanding subsection 1, there is imposed  
23 and shall be collected and paid to the department a  
24 tax on all cigarettes used or otherwise disposed of in  
25 this state for any purpose at the rate of seventeen  
26 mills on each cigarette ~~for the period beginning March~~  
27 ~~1, 1988, and ending June 30, 1989, and at the rate of~~  
28 ~~fifteen and one-half mills on each cigarette beginning~~  
29 July 1, 1989. There is appropriated for each fiscal  
30 year of the fiscal period beginning July 1, 1989, and  
31 ending June 30, 1999, to the Iowa resources  
32 enhancement and protection fund, an amount from the  
33 tax based on one and one-half mills on each cigarette.  
34 However, the amount shall not exceed seven million  
35 dollars for each fiscal year."

Groninga of Cerro Gordo rose on a point of order that amendment H-4278 was not germane.

The Speaker ruled the point well taken and amendment H-4278 not germane.

Black of Jasper offered the following amendment H-4282 filed by him from the floor and moved its adoption:

H-4282

1 Amend House File 778 as follows:

2 1. Page 8, line 34, by inserting after the word  
3 "program" the following: "and other responsibilities  
4 as determined by the director".

Amendment H—4282 was adopted.

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

On the question "Shall the bill pass?" (H.F. 778)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 9:

Banks	Branstad	Carpenter	Garman
Maulsby	Metcalf	Petersen, D. F.	Renken
Van Maanen			

Absent or not voting, none.

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

### IMMEDIATE MESSAGE (House File 778)

Arnould of Scott asked and received unanimous consent that House File 778 be immediately messaged to the Senate.

## SENATE AMENDMENTS CONSIDERED

Fogarty of Palo Alto called up for consideration **House File 141**, a bill for an act relating to the approval of the natural resource commission of county conservation board acquisitions or developments, amended by the Senate, and moved that the House concur in the following Senate amendment H—3408:

H—3408

- 1 Amend House File 141, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 34 through page 2,
- 4 line 1, and inserting the following: "~~proposals for~~
- 5 ~~acquisition or exchange acquisitions or exchanges of~~
- 6 ~~land; and all general development plans before any~~
- 7 ~~such program is executed within one year. Approval of~~
- 8 ~~the~~".

The motion prevailed and the House concurred in the Senate amendment H—3408.

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

On the question "Shall the bill pass?" (H.F. 141)

The ayes were, 100:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	McMalsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan

Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, none.

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

Hansen of Woodbury called up for consideration **House File 71**, a bill for an act establishing pilot projects for a peer review court as a diversion program for offenders ten through seventeen years of age, amended by the Senate amendment H—4155 as follows:

H—4155

- 1 Amend House File 71, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 and 2, and
- 4 inserting the following:
- 5 "Section 1. NEW SECTION. 602.6110 PEER REVIEW
- 6 COURT — PILOT PROJECTS.
- 7 1. A peer review court is established as a pilot
- 8 program to".
- 9 2. By striking page 1, line 24, through page 2,
- 10 line 1, and inserting the following:
- 11 "3. Subject to the agreement of the chief judge of
- 12 the judicial district, the supreme court shall
- 13 designate two judicial districts in which to locate a
- 14 peer review court pilot project. Expenses of the
- 15 projects shall be paid from funds specifically
- 16 appropriated to the judicial department for this
- 17 program. The chief judge of the district shall
- 18 appoint a peer review court advisory board. The
- 19 advisory".

Hansen of Woodbury offered the following amendment H—4176, to the Senate amendment H—4155, filed by him and moved its adoption:

H—4176

- 1 Amend the Senate amendment, H—4155, to House File
- 2 71, as passed by the House, as follows:
- 3 1. Page 1, by striking lines 14 through 17 and
- 4 inserting the following: "peer review court pilot
- 5 project. The chief judge of the district shall".

Amendment H—4176 was adopted.

On motion by Hansen of Woodbury, the House concurred in the Senate amendment H—4155, as amended.

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

On the question "Shall the bill pass?" (H.F. 71)

The ayes were, 100:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, none.

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

Jay of Appanoose called up for consideration **Senate File 508**, a bill for an act relating to common liens on real or personal property and providing a remedy, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4146 to the House amendment:

H—4146

- 1 Amend the House amendment, S—3707, to Senate File
- 2 508, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 32 through 35 and
- 4 inserting the following: "and maliciously proceeded,
- 5 a judgment may be entered against the person claiming
- 6 the lien in favor of any resisting party for
- 7 reasonable damages, including actual damages, costs,
- 8 and reasonable".

The motion prevailed and the House concurred in the Senate amendment H—4146 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. 508)

The ayes were, 100:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, none.

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

## 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 26, 1989, 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 447, a bill for an act relating to petroleum underground storage tanks, by creating a state fund and an administrative board and procedures for the fund, authorizing the fund to expend moneys for remedial action, tank improvement loan guarantees, and the offering of insurance to satisfy federal proof of financial responsibility requirements, imposing an environmental protection charge on petroleum diminution and providing for the collection of the charge, increasing the storage tank management fee, authorizing revenue bond issues and the creation of capital reserve funds to assure and facilitate timely payment of revenue bond obligations, authorizing a local option remedial action property tax credit, providing civil and criminal penalties, providing future automatic repeals, and providing effective dates.

Also: That the Senate has, on April 26, 1989, insisted on its amendment to Senate File 363, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date, and the members of the conference committee, on the part of the Senate are: The Senator from Dubuque, Senator Welsh, Chair; the Senator from Pottawattamie, Senator Gronstal; the Senator from Decatur, Senator Boswell; the Senator from Clayton, Senator Tieden; and the Senator from Bremer, Senator Jensen.

JOHN F. DWYER, Secretary

### CONFERENCE COMMITTEE APPOINTED (Senate File 363)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 363: Jochum of Dubuque, Chair; Lageschulte of Bremer, Peterson of Carroll, Sherzan of Polk and Van Maanen of Mahaska.

### Appropriations Calendar

**House File 779**, a bill for an act relating to and making appropriations to regulatory bodies of state government including the auditor of state, the campaign finance disclosure commission, the department of employment services, including labor services, industrial services, and job service divisions, the office of the state public defender, the department of inspections and appeals, including the

employment appeal board and the foster care review board, and legal services corporation, the public employment relations board, the department of commerce, including the professional licensing and regulation, alcoholic beverages, banking, credit union, savings and loan, insurance, and utilities divisions, and the racing commission, requiring the utilities board to conduct a cooperative energy efficiency study, describing ownership and rights in county property in use by the offices of the state public defender, imposing conditions on the hiring practices of state commissions, boards, and agencies, requiring the commissioner of insurance to adopt rules to require gender neutral insurance policies for accident, health, disability, or skilled nursing care, and imposing penalties upon insurance companies for failure to file required quarterly reports and other required financial statements with the division of insurance, was taken up for consideration.

Spear of Lee offered the following amendment H—4220 filed by him and moved its adoption:

H—4220

- 1 Amend House File 779 as follows:
- 2 1. Page 6, line 13, by striking the word
- 3 "colocation" and inserting the following:
- 4 "collocation".
- 5 2. Page 7, line 7, by striking the word
- 6 "colocation" and inserting the following:
- 7 "collocation".

Amendment H—4220 was adopted.

Hanson of Delaware offered the following amendment H—4229 filed by him and moved its adoption:

H—4229

- 1 Amend House File 779 as follows:
- 2 1. Page 7, line 31, by striking the figure
- 3 "4,194,600" and inserting the following: "4,256,458".
- 4 2. Page 7, line 32, by striking the figure
- 5 "252.50" and inserting the following: "254.50".
- 6 3. Page 7, by inserting after line 32, the
- 7 following:
- 8 "Of the amount appropriated, or so much thereof as
- 9 is necessary, \$61,858 shall be expended for two FTEs
- 10 and other necessary expenses in connection with the
- 11 food and sanitation inspection program."

A non-record roll call was requested.

The ayes were 18, nays 31.

Amendment H—4229 lost.

Hester of Pottawattamie offered the following amendment H—4247 filed by her from the floor and moved its adoption:

H—4247

- 1 Amend House File 779 as follows:
- 2 1. Page 7, line 31, by striking the figure
- 3 "4,194,600" and inserting the following: "4,260,731".
- 4 2. Page 7, line 32, by striking the figure
- 5 "252.50" and inserting the following: "255.50".
- 6 3. Page 7, by inserting after line 32, the
- 7 following:
- 8 "Of the amount appropriated, or so much thereof as
- 9 is necessary, \$25,362 shall be expended for two FTEs
- 10 and other necessary expenses in connection with the
- 11 investigation of complaints of suspected dependent
- 12 adult abuse in health care facilities.
- 13 Of the amount appropriated, or so much thereof as
- 14 is necessary, \$40,769, shall be expended for one
- 15 additional FTE and other necessary expenses in
- 16 connection with the inspection of residential care
- 17 facilities and the investigation of complaints of
- 18 suspected dependent adult abuse in residential care
- 19 facilities."

Roll call was requested by Hester of Pottawattamie and Bennett of Ida.

On the question "Shall amendment H—4247 be adopted?"  
(H.F. 779)

The ayes were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lageschulte	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Spenner
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 51:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Fey	Fogarty
Fuller	Groninga	Gruhn	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jochum	Johnson

Knapp	Koenigs	Lykam	May
McKinney	Mertz	Neuhauser	Nielsen
Ollie	Pavich	Peters	Peterson, M. K.
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 13:

Black	Dvorsky	Hammond	Jesse
Lundby	Osterberg	Poncy	Schneklath
Shoning	Siegrist	Stromer	Tabor
Teaford			

Amendment H—4247 lost.

Jochum of Dubuque offered the following amendment H—4251 filed by him from the floor and moved its adoption:

H—4251

- 1 Amend House File 779 as follows:
- 2 1. Page 7, line 31, by striking the figure
- 3 "4,194,600" and inserting the following: "4,233,300".
- 4 2. Page 7, line 32, by striking the figure
- 5 "252.50" and inserting the following: "253.50".
- 6 3. Page 7, by inserting after line 32, the
- 7 following:
- 8 "Of the amount appropriated, \$38,700, or so much
- 9 thereof as is necessary, shall be expended for one FTE
- 10 and necessary expenses in connection with the
- 11 administration of payment claims to court-appointed
- 12 counsel for adult and juvenile indigent defense
- 13 costs."
- 14 4. Page 8, line 25, by striking the figure
- 15 "3,722,700" and inserting the following: "3,684,000".
- 16 5. Page 8, line 26, by striking the figure
- 17 "90.53" and inserting the following: "89.53".
- 18 6. Page 8, by striking lines 27 through 31.

Amendment H—4251 was adopted.

Spear of Lee offered the following amendment H—4197 filed by him and moved its adoption:

H—4197

- 1 Amend House File 779 as follows:
- 2 1. Page 8, line 9, by striking the figure "6.50"
- 3 and inserting the following: "8.50".

A non-record roll call was requested.

The ayes were 44, nays 25.

Amendment H—4197 was adopted.

Kremer of Buchanan in the chair at 5:44 p.m.

Harbor of Mills offered the following amendment H—4280 filed by him from the floor and moved its adoption:

H—4280

- 1 Amend House File 779 as follows:
- 2 1. Page 8, by striking lines 14 through 16.

Amendment H—4280 lost.

Speaker Avenson in the chair at 5:54 p.m.

Halvorson of Webster offered the following amendment H—4243 filed by him:

H—4243

- 1 Amend House File 779 as follows:
- 2 1. Page 11, line 30, by striking the figure
- 3 "4,664,000" and inserting the following: "4,991,510".
- 4 2. Page 11, line 31, by striking the figure
- 5 "83.86" and inserting the following: "93.86".
- 6 3. Page 22, by inserting after line 32 the fol-
- 7 lowing:
- 8 "Sec. \_\_\_\_\_. Section 123.3, subsection 26, Code
- 9 1989, is amended to read as follows:
- 10 26. "Wholesaler" means ~~any~~ a person, other than a
- 11 vintner, brewer or bottler of beer or wine, who shall
- 12 ~~sell, barter, exchange, offer sells, barters,~~
- 13 ~~exchanges, offers for sale, have has in possession~~
- 14 ~~with intent to sell, deal deals or traffic traffics in~~
- 15 alcoholic liquor, wine, or beer. A wholesaler shall
- 16 not sell for consumption upon the premises.
- 17 Sec. \_\_\_\_\_. Section 123.16, subsection 2, paragraphs
- 18 a and c, Code 1989, are amended to read as follows:
- 19 a. Purchases of alcoholic liquor and wine for
- 20 resale by the division.
- 21 c. The establishment of wholesale prices of
- 22 alcoholic liquor and wine.
- 23 Sec. \_\_\_\_\_. Section 123.20, subsections 1 and 7,
- 24 Code 1989, are amended to read as follows:
- 25 1. To receive alcoholic liquors and wines on a
- 26 bailment system for resale by the division in the
- 27 manner set forth in this chapter.
- 28 7. To accept intoxicating liquors and wines
- 29 ordered delivered to the alcoholic beverages division
- 30 pursuant to chapter 809, and offer for sale and
- 31 deliver the intoxicating liquors and wines to class
- 32 "E" liquor control licensees, unless the administrator
- 33 determines that the intoxicating liquors or wines may
- 34 be adulterated or contaminated. If the administrator

35 determines that the intoxicating liquors or wines may  
36 be adulterated or contaminated, the administrator  
37 shall order their destruction.

38 Sec. \_\_\_\_\_. Section 123.21, subsections 2, 3, 6, 7,  
39 8, 9, and 10, Code 1989, are amended to read as  
40 follows:

41 2. Regulating the management, equipment, and  
42 merchandise of state warehouses in and from which  
43 alcoholic liquors and wines are transported, kept, or  
44 sold and prescribing the books and records to be kept  
45 ~~therein in the warehouses.~~

46 3. Regulating the purchase of alcoholic liquor and  
47 wine generally and the furnishing of the liquor and  
48 wine to class "E" liquor control licensees under this  
49 chapter, and determining the classes, varieties, and  
50 brands of alcoholic liquors and wines to be kept in

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1 state warehouses.

2 6. Providing for the issuance and distribution of  
3 price lists which show the price to be paid by class  
4 "E" liquor control licensees for each brand, class, or  
5 variety of liquor and wine kept for sale by the  
6 division, providing for the filing or posting of  
7 prices charged in sales between class "A" beer and  
8 class "A" wine permit holders and retailers, as  
9 provided in this chapter, and establishing or  
10 controlling the prices based on minimum standards of  
11 fill, quantity, or alcoholic content for each  
12 individual sale of intoxicating liquor, wine, or beer  
13 as deemed necessary for retail or consumer protection.  
14 However, the division shall not regulate markups,  
15 prices, discounts, allowances, or other terms of sale  
16 at which alcoholic liquor and wine may be purchased by  
17 the retail public, or by liquor control licensees or  
18 class "B" wine permittees from class "E" liquor  
19 control licensees or at which wine may be purchased  
20 and sold by class "A" and "B" retail wine permittees,  
21 or change, nullify, or vary the terms of an agreement  
22 between a holder of a vintner certificate of  
23 compliance and a class "A" wine permittee the  
24 division.

25 7. Prescribing the official seals, labels, or  
26 other markings which shall be attached to or stamped  
27 on packages of alcoholic liquor and wine sold under  
28 this chapter.

29 8. Prescribing, subject to this chapter, the days  
30 and hours during which state warehouses shall be kept  
31 open for the purpose of the sale and delivery of  
32 alcoholic liquors and wines.

33 9. Prescribing the place and the manner in which  
34 alcoholic liquor and wine may be lawfully kept or  
35 stored by the licensed manufacturer under this  
36 chapter.

37 10. Prescribing the time, manner, means, and  
38 method by which distillers, vendors, or others  
39 authorized under this chapter may deliver or transport  
40 alcoholic liquors and wines and prescribing the time,  
41 manner, means, and methods by which alcoholic liquor  
42 and wines may be lawfully conveyed, carried, or  
43 transported.

44 Sec. \_\_\_\_\_. Section 123.22, Code 1989, is amended to  
45 read as follows:

46 123.22 STATE MONOPOLY.

47 The division has the exclusive right of importation  
48 into the state of all forms of alcoholic liquor and and  
49 wine, except as otherwise provided in this chapter,  
50 and a person shall not import alcoholic liquor or or

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1 wine, except that an individual of legal age may  
2 import and have in the individual's possession an  
3 amount of alcoholic liquor or wine not exceeding one  
4 quart or, in the case of alcoholic liquor or wine  
5 personally obtained outside the United States, one  
6 gallon for personal consumption only in a private home  
7 or other private accommodation. A distillery or  
8 vintner shall not sell alcoholic liquor or wine within  
9 the state to any person but only to the division,  
10 except as otherwise provided in this chapter. This  
11 section vests in the division exclusive control within  
12 the state as purchaser of all alcoholic liquor and  
13 wine sold by distilleries and vintners within the  
14 state or imported, except beer and wine, and except as  
15 otherwise provided in this chapter. The division  
16 shall receive alcoholic liquor and wine on a bailment  
17 system for resale by the division in the manner set  
18 forth in this chapter. The division shall act as the  
19 sole wholesaler of alcoholic liquor and wine to class  
20 "E" liquor control licensees.

21 No A person, acting individually or through another  
22 acting for the person, shall not directly or  
23 indirectly, or upon any pretense, or by any device,  
24 manufacture, sell, exchange, barter, dispense, give in  
25 consideration of the purchase of any property or of  
26 any services or in evasion of this chapter, or keep  
27 for sale, or have possession of any intoxicating  
28 liquor or wine, except as provided in this chapter; or  
29 own, keep, or be in any way concerned, engaged, or  
30 employed in owning or keeping, any intoxicating liquor  
31 or wine with intent to violate any provision of this

32 chapter, or authorize or permit the same to be done;  
33 or manufacture, own, sell, or have possession of any  
34 manufactured or compounded article, mixture, or  
35 substance, not in a liquid form, and containing  
36 alcohol which may be converted into a beverage by a  
37 process of pressing or straining the alcohol  
38 therefrom, or any instrument intended for use and  
39 capable of being used in the manufacture of  
40 intoxicating liquor or wine; or own or have possession  
41 of any material used exclusively in the manufacture of  
42 intoxicating liquor or wine; or use or have possession  
43 of any material with intent to use it in the  
44 manufacture of intoxicating liquors or wines; however,  
45 alcohol may be manufactured for industrial and  
46 nonbeverage purposes by persons who have qualified for  
47 that purpose as provided by the laws of the United  
48 States and the laws of this state. Such alcohol, so  
49 manufactured, may be denatured, transported, used,  
50 possessed, sold, and bartered, and dispensed, subject

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1 to the limitations, prohibitions, and restrictions  
2 imposed by the laws of the United States and this  
3 state. Any person may manufacture, sell, or transport  
4 ingredients and devices other than alcohol for the  
5 making of home-made wine.

6 Sec. \_\_\_\_\_. Section 123.24, Code 1989, is amended to  
7 read as follows:

8 123.24 ALCOHOLIC LIQUOR AND WINE SALES BY THE  
9 DIVISION – DISHONORED CHECKS – LIQUOR PRICES.

10 1. The division shall sell alcoholic liquor and  
11 wine at wholesale only. The division shall sell  
12 alcoholic liquor and wine to class "E" liquor control  
13 licensees only. The division shall offer the same  
14 price on alcoholic liquor and wine to all class "E"  
15 liquor control licensees without regard for the  
16 quantity of purchase or the distance for delivery.  
17 However, the division may assess a split-case charge  
18 when liquor or wine is sold in quantities which  
19 require a case to be split.

20 2. a. The division may accept from a class "E"  
21 liquor control licensee a cashier's check which shows  
22 the licensee is the remitter or a check issued by the  
23 licensee in payment of alcoholic liquor or wine. If a  
24 check is subsequently dishonored, the division shall  
25 cause a notice of nonpayment and penalty to be served  
26 upon the class "E" liquor control licensee or upon any  
27 person in charge of the licensed premises. The notice  
28 shall state that if payment or satisfaction for the  
29 dishonored check is not made within ten days of the  
30 service of notice, the licensee's liquor control

31 license shall be suspended under section 123.39. The  
32 notice of nonpayment and penalty shall be in a form  
33 prescribed by the administrator, and shall be sent by  
34 certified mail.

35 b. If upon notice and hearing under section 123.39  
36 and pursuant to ~~the provisions~~ of chapter 17A  
37 concerning a contested case hearing, the administrator  
38 determines that the class "E" liquor control licensee  
39 failed to satisfy the obligation for which the check  
40 was issued within ten days after the notice of  
41 nonpayment and penalty was served on the licensee as  
42 provided in paragraph "a" of this subsection, the  
43 administrator shall suspend the licensee's class "E"  
44 liquor control license for not less than three days  
45 but not more than thirty days.

46 c. Paragraphs "a" and "b" do not apply if a class  
47 "E" liquor control licensee tenders the division three  
48 or more checks during a twelve-month period which are  
49 dishonored. Following notification to the division of  
50 dishonor of a check after the second check so

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1 dishonored from the same licensee, the administrator  
2 shall suspend a licensee's class "E" liquor control  
3 license for not less than three nor more than thirty  
4 days, after notice and an opportunity for hearing.  
5 Payment of a check whose dishonor subjects the  
6 licensee to suspension does not affect the liability  
7 of the licensee to suspension.

8 3. The administrator may refuse to sell alcoholic  
9 liquor and wine to a class "E" liquor control licensee  
10 who tenders a check or electronic funds transfer which  
11 is subsequently dishonored until the outstanding  
12 obligation is satisfied.

13 4. The price of alcoholic liquor and wine sold by  
14 the division shall include a markup of up to fifty  
15 percent of the wholesale price paid by the division  
16 for the alcoholic liquor and wine. The markup shall  
17 apply to all alcoholic liquor and wine sold by the  
18 division; however, the division may increase the  
19 markup on selected kinds of alcoholic liquor and wine  
20 sold by the division if the average return to the  
21 division on all sales of alcoholic liquor and wine  
22 does not exceed the wholesale price paid by the  
23 division and the fifty percent markup.

24 Sec. \_\_\_\_\_. Section 123.25, Code 1989, is amended to  
25 read as follows:

26 123.25 CONSUMPTION ON PREMISES.

27 An officer, clerk, agent, or employee of the  
28 division employed in a state-owned warehouse shall not  
29 allow any alcoholic liquor or wine to be consumed on

30 the premises, nor shall a person consume any liquor or  
31 wine on the premises except for testing or sampling  
32 purposes only.

33 Sec. \_\_\_\_\_. Section 123.26, Code 1989, is amended to  
34 read as follows:

35 123.26 RESTRICTIONS ON SALES — SEALS — LABELING.

36 Alcoholic liquor and wine shall not be sold by a  
37 class "E" liquor control licensee except in a sealed  
38 container with identifying markers as prescribed by  
39 the administrator and affixed in the manner prescribed  
40 by the administrator, and no such container shall be  
41 opened upon the premises of a state warehouse. The  
42 division shall cooperate with the department of  
43 natural resources so that only one identifying marker  
44 or mark is needed to satisfy the requirements of this  
45 section and section 455C.5, subsection 1. Possession  
46 of alcoholic liquors or wines which do not carry the  
47 prescribed identifying markers is a violation of this  
48 chapter except as provided in section 123.22.

49 Sec. \_\_\_\_\_. Section 123.27, unnumbered paragraph 1,  
50 Code 1989, is amended to read as follows:

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1 It is unlawful to transact the sale or delivery of  
2 alcoholic liquor or wine in, on, or from the premises  
3 of a state warehouse:

4 Sec. \_\_\_\_\_. Section 123.28, unnumbered paragraph 1,  
5 Code 1989, is amended to read as follows:

6 It is lawful to transport, carry, or convey  
7 alcoholic liquors or wines from the place of purchase  
8 by the division to a state warehouse or depot  
9 established by the division or from one such place to  
10 another and, when so permitted by this chapter, it is  
11 lawful for the division, a common carrier, or other  
12 person to transport, carry, or convey alcoholic liquor  
13 or wine sold from a state warehouse, depot, or point  
14 of purchase by the state to any place to which the  
15 liquor or wine may be lawfully delivered under this  
16 chapter. The division shall deliver alcoholic liquor  
17 or wine purchased by class "E" liquor control  
18 licensees. Class "E" liquor control licensees may  
19 deliver alcoholic liquor and wine purchased by class  
20 "A", "B", or "C" liquor control licensees and class  
21 "B" retail wine permittees, and class "A", "B", or "C"  
22 liquor control licensees and class "B" retail wine  
23 permittees may transport alcoholic liquor and wine  
24 purchased from class "E" liquor control licensees. A  
25 common carrier or other person shall not break or open  
26 or allow to be broken or opened a container or package  
27 containing alcoholic liquor or wine or use or drink or  
28 allow to be used or drunk any alcoholic liquor or wine

29 while it is being transported or conveyed, but this  
30 section does not prohibit a private person from  
31 transporting individual bottles or containers of  
32 alcoholic liquor or wine exempted pursuant to section  
33 123.22 and individual bottles or containers bearing  
34 the identifying mark prescribed in section 123.26  
35 which have been opened previous to the commencement of  
36 the transportation. This section does not affect the  
37 right of a special permit or liquor control license  
38 holder to purchase, possess, or transport alcoholic  
39 liquors or wines subject to this chapter.

40 Sec. \_\_\_\_\_. Section 123.29, unnumbered paragraph 1,  
41 Code 1989, is amended to read as follows:

42 A special permit for the purchase, possession, or  
43 transportation of alcoholic liquors or wines for the  
44 purposes specified in those permits the permit may be  
45 issued by the administrator upon application being  
46 made to the division in the form and manner prescribed  
47 by the administrator, accompanied by payment of the  
48 prescribed fee, and upon the administrator being  
49 satisfied that the applicant has complied with  
50 divisional rules established for the issuance of such

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1 a special permit. Such special Special permits may be  
2 issued to the following persons and for the following  
3 purposes:

4 Sec. \_\_\_\_\_. Section 123.29, subsection 4, unnumbered  
5 paragraphs 3, 4, and 5, Code 1989, are amended to read  
6 as follows:

7 Such A special permit shall entitle entitles the  
8 holder to import into the state, or purchase from  
9 licensed distillers or vintners within the state or  
10 from the division, alcoholic liquors or wines for use  
11 in manufacture in accordance with the terms of said  
12 the permit, and to sell the product of such the  
13 manufacture.

14 It shall be the duty of every A manufacturer  
15 holding a special permit under the provisions of this  
16 subsection, whenever such when the manufacturer  
17 purchases alcoholic liquor or wine from any source  
18 other than the division, to shall immediately file  
19 with the division a report of the receipt of such  
20 liquor or wine in accordance with rules adopted by the  
21 administrator.

22 Sec. \_\_\_\_\_. Section 123.29, unnumbered paragraphs 2  
23 and 3, Code 1989, are amended to read as follows:

24 Every A person holding a special liquor permit  
25 under this chapter shall fill out in duplicate, on  
26 forms furnished by the division, the amount and kinds  
27 of liquors or wines purchased, and shall retain one

28 copy in the person's establishment for a period of two  
 29 years. The class "E" liquor control licensee from  
 30 whom the purchase was made shall monthly forward the  
 31 other copy to the division.

32 ~~Nothing in this~~ This section shall does not  
 33 prohibit the legitimate sale of patent and proprietary  
 34 medicines, tinctures, food products, extracts, toilet  
 35 articles and perfumes, and like commodities, none of  
 36 which are susceptible of use as a beverage but which  
 37 contain alcoholic liquor or wine as one of their  
 38 ingredients, through the ordinary retail or wholesale  
 39 channels.

40 Sec. \_\_\_\_\_. Section 123.30, subsection 1, unnumbered  
 41 paragraph 1, Code 1989, is amended to read as follows:

42 A liquor control license may be issued to any  
 43 person who, or whose officers in the case of a club or  
 44 corporation, or whose partners in the case of a  
 45 partnership, are of good moral character as defined by  
 46 this chapter.

47 PARAGRAPH DIVIDED. As a condition for issuance of  
 48 a liquor control license or wine or beer permit, the  
 49 applicant must give consent to members of the fire,  
 50 police, and health departments and the building

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1 inspector of cities, the county sheriff, deputy  
 2 sheriff, members of the department of public safety,  
 3 representatives of the department of inspections and  
 4 appeals, certified police officers, and any official  
 5 county health officer to enter upon areas of the  
 6 premises where alcoholic beverages are stored, served,  
 7 or sold, without a warrant during business hours of  
 8 the licensee or permittee to inspect for violations of  
 9 this chapter or ordinances and regulations that cities  
 10 and boards of supervisors may adopt. However, a  
 11 subpoena issued under section 421.17 or a warrant is  
 12 required for inspection of private records, a private  
 13 business office, or attached living quarters. Persons  
 14 who are not certified peace officers shall limit the  
 15 scope of their inspections of licensed premises to the  
 16 regulatory authority under which the inspection is  
 17 conducted. All persons who enter upon a licensed  
 18 premise to conduct an inspection shall present  
 19 appropriate identification to the owner of the  
 20 establishment or the person who appears to be in  
 21 charge of the establishment prior to commencing an  
 22 inspection; however, this provision does not apply to  
 23 undercover criminal investigations conducted by peace  
 24 officers.

25 PARAGRAPH DIVIDED. As a further condition for the  
 26 issuance of a class "E" liquor control license, the

27 applicant shall post a bond in a sum of not less than  
28 five thousand nor more than fifteen thousand dollars  
29 as determined on a sliding scale established by the  
30 division; however, a bond shall not be required if all  
31 purchases of alcoholic liquor or wine from the  
32 division by the licensee are made by cash payment or  
33 by means that ensure that the division will receive  
34 full payment in advance of delivery of the alcoholic  
35 liquor or wine.

36 Sec. \_\_\_\_\_. Section 123.30, subsection 3, paragraphs  
37 a, b, and c, Code 1989, are amended to read as  
38 follows:

39 a. Class "A". A class "A" liquor control license  
40 may be issued to a club and shall authorize the holder  
41 to purchase alcoholic liquors and wines from class "E"  
42 liquor control licensees only, ~~wine from class "A"~~  
43 ~~wine permittees only~~, and native wines from native  
44 wine manufacturers, and to sell liquors, wine, and  
45 beer, to bona fide members and their guests by the  
46 individual drink for consumption on the premises only.

47 b. Class "B". A class "B" liquor control license  
48 may be issued to a hotel or motel and shall authorize  
49 the holder to purchase alcoholic liquors and wines  
50 from class "E" liquor control licensees only, ~~wine~~

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1 from class "A" ~~wine permittees only~~, and native wines  
2 from native wine manufacturers, and to sell liquors,  
3 wine, and beer, to patrons by the individual drink for  
4 consumption on the premises only. However, beer may  
5 also be sold for consumption off the premises. Each  
6 license shall be effective throughout the premises  
7 described in the application.

8 c. Class "C". A class "C" liquor control license  
9 may be issued to a commercial establishment but must  
10 be issued in the name of the individuals who actually  
11 own the entire business and shall authorize the holder  
12 to purchase alcoholic liquors and wines from class "E"  
13 liquor control licensees only, ~~wine from class "A"~~  
14 ~~wine permittees only~~, and native wines from native  
15 wine manufacturers, and to sell liquors, wine, and  
16 beer, to patrons by the individual drink for  
17 consumption on the premises only. However, beer may  
18 also be sold for consumption off the premises.

19 A special class "C" liquor control license may be  
20 issued and shall authorize the holder to purchase wine  
21 from class "A" ~~wine permittees~~ "E" liquor control  
22 licensees only, and to sell wine and beer to patrons  
23 by the individual drink for consumption on the  
24 premises only. However, beer may also be sold for  
25 consumption off the premises. The license issued to

26 holders of a special class "C" license shall clearly  
27 state on its face that the license is limited.

28 Sec. \_\_\_\_\_. Section 123.30, subsection 3, paragraph  
29 e, unnumbered paragraph 1, Code 1989, is amended to  
30 read as follows:

31 CLASS "E". A class "E" liquor control license may  
32 be issued and shall authorize the holder to purchase  
33 alcoholic liquor and wine from the division only and  
34 to sell the alcoholic liquor and wine to patrons for  
35 consumption off the licensed premises and to other  
36 liquor control licensees. A class "E" license shall  
37 not be issued to premises at which gasoline is sold.  
38 A holder of a class "E" liquor control license may  
39 hold other retail liquor control licenses or retail  
40 wine or beer permits, but the premises licensed under  
41 a class "E" liquor control license shall be separate  
42 from other licensed premises, though the separate  
43 premises may have a common entrance. However, the  
44 holder of a class "E" liquor control license may also  
45 hold a class "B" wine or class "C" beer permit or both  
46 for the premises licensed under a class "E" liquor  
47 control license.

48 Sec. \_\_\_\_\_. Section 123.32, subsection 1, Code 1989,  
49 is amended to read as follows:

50 1. FILING OF APPLICATION. An application for a

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1 class "A", class "B", class "C", or class "E" liquor  
2 control license, for a retail beer permit as provided  
3 in sections 123.128 and 123.129, or for a class "B"  
4 retail wine permit as provided in section 123.176,  
5 accompanied by the necessary fee and bond, if  
6 required, shall be filed with the appropriate city  
7 council if the premises for which the license or  
8 permit is sought are located within the corporate  
9 limits of a city, or with the board of supervisors if  
10 the premises for which the license or permit is sought  
11 are located outside the corporate limits of a city.  
12 An application for a class "D" liquor control license  
13 and for a class "A" beer ~~or class "A" wine~~ permit,  
14 accompanied by the necessary fee and bond, if  
15 required, shall be filed with the division, which  
16 shall proceed in the same manner as in the case of an  
17 application approved by local authorities.

18 Sec. \_\_\_\_\_. Section 123.36, subsection 5, paragraph  
19 c, Code 1989, is amended to read as follows:

20 c. For air common carriers, each company shall pay  
21 a base annual fee of five hundred dollars and, in  
22 addition, shall quarterly remit to the division an  
23 amount equal to seven dollars for each gallon of  
24 alcoholic liquor or wine sold, given away, or

25 dispensed in or over this state during the preceding  
26 calendar quarter. The class "D" license fee and tax  
27 for air common carriers is in lieu of any other fee or  
28 tax collected from the carriers in this state for the  
29 possession and sale of alcoholic liquor, wine, and  
30 beer.

31 Sec. \_\_\_\_\_. Section 123.36, subsection 9, Code 1989,  
32 is amended to read as follows:

33 9. Class "E" liquor control license, a sum of not  
34 less than seven hundred and fifty dollars, and not  
35 more than seven thousand five hundred dollars as  
36 determined on a sliding scale as established by the  
37 division taking into account the factors of square  
38 footage of the licensed premises, the location of the  
39 licensed premises, and the population of the area of  
40 the location of the licensed premises.

41 Notwithstanding subsection 6, the holder of a class  
42 "E" liquor control license may sell alcoholic liquor  
43 and wine for consumption off the licensed premises on  
44 Sunday subject to section 123.49, subsection 2,  
45 paragraph "b".

46 Sec. \_\_\_\_\_. Section 123.41, subsection 1, Code 1989,  
47 is amended to read as follows:

48 1. Upon application in the prescribed form and  
49 accompanied by a fee of three hundred fifty dollars,  
50 the administrator may in accordance with this chapter

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1 grant and issue a license, valid for a one-year period  
2 after date of issuance, to a manufacturer which shall  
3 allow the manufacture, storage, and wholesale  
4 disposition and sale of alcoholic liquors and wines to  
5 the division and to customers outside of the state.

6 Sec. \_\_\_\_\_. Section 123.42, Code 1989, is amended to  
7 read as follows:

#### 8 123.42 WHOLESALER'S LICENSE.

9 Upon application in the prescribed form and  
10 accompanied by a fee of two hundred fifty dollars and  
11 subject to the provisions of this chapter, the  
12 administrator may grant a license, valid for a one-  
13 year period after date of issuance, to a wholesaler  
14 which shall allow the wholesaler to purchase alcoholic  
15 liquor and wine from manufacturers and vintners either  
16 within or without the state for the purpose of selling  
17 to the division and customers of such the wholesaler  
18 engaged in the sale of alcoholic liquor and wine at  
19 retail outside of the state.

20 Sec. \_\_\_\_\_. Section 123.43, Code 1989, is amended to  
21 read as follows:

#### 22 123.43 CONDITIONS - BOND.

23 As a condition precedent to the approval and

24 granting of any a license to a manufacturer or  
 25 wholesaler, there shall be filed with the division a  
 26 statement under oath that the applicant is a bona fide  
 27 manufacturer or wholesaler of alcoholic liquors or  
 28 wines, and that the applicant will faithfully observe  
 29 and comply with all rules and regulations of the  
 30 division and that the applicant will in all respects  
 31 comply with the provisions of this chapter, together  
 32 with a bond in the penal sum of five thousand dollars  
 33 for a manufacturer and one thousand dollars for a  
 34 wholesaler with a surety to be approved by the  
 35 administrator; ~~said~~ the bond to be in favor of the  
 36 state of Iowa for the benefit of the state in case of  
 37 any a violation of this chapter.

38 Sec. \_\_\_\_\_. Section 123.44, Code 1989, is amended to  
 39 read as follows:

40 123.44 GIFT OF LIQUORS PROHIBITED.

41 A manufacturer or wholesaler shall not give away  
 42 any alcoholic liquor or wine of any kind or  
 43 description at any time in connection with the  
 44 manufacturer's or wholesaler's business except for  
 45 testing or sampling purposes only. A manufacturer,  
 46 vintner, wholesaler, or importer, organized as a  
 47 corporation pursuant to the laws of this state or any  
 48 other state, who deals in alcoholic liquor, wine, or  
 49 beer subject to this chapter shall not offer or give  
 50 anything of value to any a commission member, official

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1 or employee of the division, or directly or indirectly  
 2 contribute in any manner any money or thing of value  
 3 to any a person seeking a public or appointive office  
 4 or any a recognized political party or a group of  
 5 persons seeking to become a recognized political  
 6 party.

7 Sec. \_\_\_\_\_. Section 123.49, subsection 2, paragraphs  
 8 d and g, Code 1989, are amended to read as follows:

9 d. Keep on premises covered by a liquor control  
 10 license any alcoholic liquor or wine in any container  
 11 except the original package purchased from the  
 12 division, and except mixed drinks or cocktails mixed  
 13 on the premises for immediate consumption. This  
 14 prohibition does not apply to common carriers holding  
 15 a class "D" liquor control license.

16 g. Allow any a person other than the licensee,  
 17 permittee, or employees of the licensee or permittee,  
 18 to use or keep on the licensed premises any alcoholic  
 19 liquor or wine in any a bottle or other container  
 20 which is designed for the transporting of such  
 21 beverages, except as permitted in section 123.95.  
 22 This paragraph does not apply to the lodging quarters

23 of a class "B" liquor control licensee or wine or beer  
 24 permittee, or to common carriers holding a class "D"  
 25 liquor control license.

26 Sec. \_\_\_\_\_. Section 123.52, Code 1989, is amended to  
 27 read as follows:

28 123.52 PROHIBITED SALE.

29 No A person not expressly authorized by this  
 30 chapter to deal in alcoholic liquors or wines shall  
 31 not within the state keep for sale or offer for sale  
 32 anything which is capable of being mistaken for a  
 33 package containing alcoholic liquor or wine and is  
 34 either labeled or branded with the name of any kind of  
 35 alcoholic liquor or wine, whether the same item  
 36 contains any alcoholic liquor or wine or does not.

37 Sec. \_\_\_\_\_. Section 123.53, subsections 1 and 2,  
 38 Code 1989, are amended to read as follows:

39 1. There shall be established within the office of  
 40 the treasurer of state a fund to be known as the The  
 41 beer and liquor control fund is established in the  
 42 office of the treasurer of state. The fund shall  
 43 consist consists of any moneys appropriated by the  
 44 general assembly for deposit in the fund and moneys  
 45 received from the sale of alcoholic liquors and wines  
 46 by the division, from the issuance of permits and  
 47 licenses, and of moneys and receipts received by the  
 48 division from any other source.

49 2. The director of revenue and finance shall  
 50 periodically transfer from the beer and liquor control

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1 fund to the general fund of the state those revenues  
 2 of the division which are not necessary for the  
 3 purchase of liquor and wine for resale by the  
 4 division, or for remittances to local authorities or  
 5 other sources as required by this chapter, or for  
 6 other obligations and expenses of the division which  
 7 are paid from such the fund.

8 All moneys received by the division from the  
 9 issuance of vintner's certificates of compliance and  
 10 wine permits shall be transferred by the director of  
 11 revenue and finance to the general fund of the state.

12 Sec. \_\_\_\_\_. Section 123.55, subsections 4 and 5,  
 13 Code 1989, are amended to read as follows:

14 4. The total quantity and particular kind of  
 15 alcoholic liquor and wine sold.

16 5. The increase or decrease of liquor and wine  
 17 sales from the previous reporting period.

18 Sec. \_\_\_\_\_. Section 123.56, subsections 1, 3, and 4,  
 19 Code 1989, are amended to read as follows:

20 123.56 NATIVE WINES.

21 1. Subject to rules of the division, manufacturers

22 of native wines from grapes, cherries, other fruits or  
 23 other fruit juices, vegetables, vegetable juices,  
 24 dandelions, clover, honey, or any combination of these  
 25 ingredients, holding a class "A" "B" wine permit or  
 26 vintner's certificate of compliance as required by  
 27 this chapter, may sell, keep, or offer for sale and  
 28 deliver the wine. Sales may be made at retail for  
 29 off-premises consumption when sold on the premises of  
 30 the manufacturer, or in a retail establishment  
 31 operated by the manufacturer which is no closer than  
 32 five miles from an existing native winery. Sales may  
 33 also be made to class "A" "B" wine permittees, or  
 34 class "E" liquor control licensees, or retail wine  
 35 permittees or liquor control licensees as authorized  
 36 by the class "A" wine permit.

37 3. A manufacturer of native wines holding a class  
 38 "B" wine permit or a vintner's certificate of  
 39 compliance may ship wine in closed containers to  
 40 individual purchasers inside and outside this state.  
 41 The manufacturer shall label the package containing  
 42 the wine with the words "deliver to adults only".

43 4. Notwithstanding section 123.179, subsection 1,  
 44 a class "A" "B" wine permit for a native wine  
 45 manufacturer shall be issued and renewed annually upon  
 46 payment of a fee of twenty-five dollars which shall be  
 47 in lieu of any other license fee required by this  
 48 chapter. The class "A" "B" permit shall only allow  
 49 the native wine manufacturer to sell, keep, or offer  
 50 for sale and deliver the manufacturer's native wines

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1 as provided under this section.

2 Sec. \_\_\_\_\_. Section 123.98, Code 1989, is amended to  
 3 read as follows:

4 123.98 LABELING SHIPMENTS.

5 It shall be is unlawful for any a common carrier or  
 6 for any person to transport or convey by any means,  
 7 whether for compensation or not, within this state,  
 8 any intoxicating liquors or wines, unless the vessel  
 9 or other package containing such the liquors shall be  
 10 or wines is plainly and correctly identified, showing  
 11 the quantity and kind of liquors or wines contained  
 12 therein in the package, the name of the party to whom  
 13 they are to be delivered, and the name of the shipper,  
 14 or unless such information is shown on a bill of  
 15 lading or other document accompanying the shipment.  
 16 ~~No A person shall not be authorized to receive or keep~~  
 17 ~~such intoxicating liquors or wines unless the same be~~  
 18 ~~they are~~ marked or labeled as required by this  
 19 section. The violation of any a provision of this  
 20 section by any a common carrier, or any an agent or

21 employee of any a carrier, or by any person, shall be  
22 punished under the provisions of this chapter.

23 Liquors and wines conveyed, carried, transported,  
24 or delivered in violation of this section, whether in  
25 the hands of the carrier or someone to whom they shall  
26 have been delivered, ~~shall be~~ are subject to seizure  
27 and condemnation, as liquors and wines kept for  
28 illegal sale.

29 Sec. \_\_\_\_\_. Section 123.99, Code 1989, is amended to  
30 read as follows:

31 123.99 FALSE STATEMENTS.

32 If any a person, for the purpose of procuring the  
33 shipment, transportation, or conveyance of any  
34 intoxicating liquors or wines within this state, shall  
35 make makes to any other person, company, corporation,  
36 or common carrier, or to any agent thereof, any false  
37 statements as to the character or contents of any a  
38 box, barrel, or other vessel or package containing  
39 such intoxicating liquors or wines; or shall refuse  
40 refuses to give correct and truthful information as to  
41 the contents of any such a box, barrel, or other  
42 vessel or package so sought to be transported or  
43 conveyed; or shall falsely mark, brand, or label such  
44 marks, brands, or labels a box, barrel, or other  
45 vessel or package in order to conceal the fact that  
46 the same it contains intoxicating liquors or wines; or  
47 shall by any device or concealment procure or attempt  
48 procures or attempts to procure the conveyance or  
49 transportation of such liquors or wines as herein  
50 prohibited in this chapter, the person shall be is

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1 guilty of a simple misdemeanor.

2 Sec. \_\_\_\_\_. Section 123.100, Code 1989, is amended  
3 to read as follows:

4 123.100 PACKAGES IN TRANSIT.

5 Any peace officer of the county under process or  
6 warrant directed to the peace officer directed shall  
7 have the right to may open any box, barrel, or other  
8 vessel or package for examination, if the peace  
9 officer has reasonable ground grounds for believing  
10 that it contains intoxicating liquors or wines, either  
11 before or while the same it is being so transported or  
12 conveyed.

13 Sec. \_\_\_\_\_. Section 123.101, Code 1989, is amended  
14 to read as follows:

15 123.101 RECORD OF SHIPMENTS.

16 It shall be the duty of all A common carriers  
17 carrier, or corporations, or persons other person who  
18 shall for hire carry carries any intoxicating liquors  
19 or wines into the state, or from one point to another  
20 within the state, for the purpose of delivery, and who

21 ~~shall deliver such~~ delivers the intoxicating liquor or  
 22 wine to any person, ~~company, or corporation, to shall~~  
 23 ~~keep,~~ at each station or office where it employs an  
 24 agent or other person to make delivery of freight and  
 25 keep records relative ~~thereto to the~~ delivery, a  
 26 record book, ~~wherein such where the carrier or other~~  
 27 person shall, promptly upon receipt and prior to  
 28 delivery, enter in ink, in legible writing, in full,  
 29 the name of the consignor of each shipment of  
 30 intoxicating liquor or wine to be delivered from or  
 31 through ~~such the station or office,~~ from where  
 32 shipped, the date of arrival, the quantity and kind of  
 33 liquor or wine, so far as disclosed by lettering on  
 34 the package or by the carrier's records, and to whom  
 35 and where consigned, and the date delivered.

36 Sec. \_\_\_\_\_. Section 123.103, Code 1989, is amended  
 37 to read as follows:

38 123.103 RECORD RECEIPT UPON DELIVERY.

39 No A shipment billed in whole or in part as  
 40 intoxicating liquor or wine shall not be delivered to  
 41 the consignee until ~~such the~~ consignee upon ~~such the~~  
 42 record book enters in ink, in legible writing, the  
 43 consignee's full name and residence or place of  
 44 business, giving the name of the city, and the street  
 45 name and number if any, and certifies that ~~such the~~  
 46 liquor or wine is for the consignee's own lawful  
 47 purposes.

48 Sec. \_\_\_\_\_. Section 123.104, subsections 1 through  
 49 3, Code 1989, are amended to read as follows:

50 1. To deliver any intoxicating liquors or wines to

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1 any person other than to the consignee.

2 2. To deliver any intoxicating liquors or wines  
 3 without having ~~the same them~~ received for as provided  
 4 in section 123.103.

5 3. To deliver any intoxicating liquors or wines  
 6 where there is reasonable ~~ground~~ grounds to believe  
 7 that ~~such the~~ liquor or wine is intended for unlawful  
 8 use.

9 Sec. \_\_\_\_\_. Section 123.106, Code 1989, is amended  
 10 to read as follows:

11 123.106 FEDERAL STATUTES.

12 The requirements of this chapter relative to the  
 13 shipment and delivery of intoxicating liquors and  
 14 wines and the records to be kept ~~thereof~~ shall be  
 15 construed in harmony with federal statutes relating to  
 16 interstate commerce in ~~such~~ intoxicating liquors and  
 17 wines.

18 Sec. \_\_\_\_\_. Section 123.107, subsection 1, Code  
 19 1989, is amended to read as follows:

20 1. To set out exactly the kind or quantity of  
21 intoxicating liquors or wines manufactured, sold,  
22 given in evasion of the statute, or kept for sale.  
23 Sec. \_\_\_\_\_. Section 123.111, Code 1989, is amended  
24 to read as follows:

25 123.111 PURCHASER AS WITNESS.

26 The person purchasing any intoxicating liquor or  
27 wine sold in violation of this chapter shall in all  
28 cases be is a competent witness to prove sueh the  
29 sale.

30 Sec. \_\_\_\_\_. Section 123.115, Code 1989, is amended  
31 to read as follows:

32 123.115 DEFENSE.

33 In any a prosecution under this chapter for the  
34 unlawful transportation of intoxicating liquors or  
35 wines it shall be is a defense that the character and  
36 contents of the shipment or thing transported were not  
37 known to the accused or to the accused's agent or  
38 employee.

39 Sec. \_\_\_\_\_. Section 123.116, Code 1989, is amended  
40 to read as follows:

41 123.116 RIGHT TO RECEIVE LIQUORS.

42 The consignee of intoxicating liquors or wines  
43 shall, on demand of the carrier transporting sueh the  
44 liquors or wines, furnish the carrier, at the place of  
45 delivery, with legal proof of the consignee's legal  
46 right to receive sueh the liquors or wines at the time  
47 of delivery, and until sueh proof is furnished the  
48 carrier shall be is under no legal obligation to make  
49 delivery nor be and is not liable for failure to  
50 deliver.

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1 Sec. \_\_\_\_\_. Section 123.117, Code 1989, is amended  
2 to read as follows:

3 123.117 DELIVERY TO SHERIFF.

4 If sueh proof as required under section 123.116 is  
5 not furnished to the carrier within ten days after  
6 demand, the carrier may deliver sueh the liquors or  
7 wine to the sheriff of the county embracing of the  
8 place of delivery, and sueh the delivery shall absolve  
9 absolves the carrier from all liability pertaining to  
10 sueh the liquors or wines.

11 Sec. \_\_\_\_\_. Section 123.118, Code 1989, is amended  
12 to read as follows:

13 123.118 DESTRUCTION.

14 The sheriff shall, on receipt of such liquors or  
15 wines from the carrier as provided in section 123.117,  
16 report the receipt to the district court of the  
17 sheriff's county, and the court shall proceed to  
18 summarily enter an order for the destruction or

19 forfeiture to the state of ~~sueh~~ the liquors or wines.

20 Sec. \_\_\_\_\_. Section 123.119, Code 1989, is amended  
21 to read as follows:

22 123.119 EVIDENCE.

23 In all actions, civil or criminal, under ~~the~~  
24 ~~provisions~~ of this chapter, the finding of  
25 intoxicating liquors or wines or of instruments or  
26 utensils used in the manufacture of intoxicating  
27 liquors or wines, or materials which are being used,  
28 or are intended to be used in the manufacture of  
29 intoxicating liquors or wines, in the possession of or  
30 under the control of any person, under and by  
31 authority of a search warrant or other process of law,  
32 and which ~~shall~~ have been finally adjudicated and  
33 declared forfeited by the court, ~~shall be~~ is competent  
34 evidence of maintaining a nuisance or bootlegging, or  
35 of illegal transportation of intoxicating liquors or  
36 wines, as the case may be, by ~~sueh~~ that person.

37 Sec. \_\_\_\_\_. Section 123.120, Code 1989, is amended  
38 to read as follows:

39 123.120 ATTEMPT TO DESTROY.

40 The destruction of or attempt to destroy any liquid  
41 by any person while in the presence of a peace  
42 ~~officers~~ officer or while a property is being searched  
43 by a peace officer, ~~shall be~~ is competent evidence  
44 that ~~sueh~~ the liquid is intoxicating liquor or wine  
45 and intended for unlawful purposes.

46 Sec. \_\_\_\_\_. Section 123.121, unnumbered paragraph 2,  
47 Code 1989, is amended to read as follows:

48 In ~~any~~ a prosecution under this chapter for the  
49 unlawful transportation of intoxicating liquor or  
50 wine, the offense shall be held to have been committed

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1 in any county in which ~~sueh~~ the liquor or wine is  
2 received for transportation, through which it is  
3 transported, or in which it is delivered.

4 Sec. \_\_\_\_\_. Section 123.173, Code 1989, is amended  
5 by striking the section and inserting in lieu thereof  
6 the following:

7 123.173 RETAIL WINE PERMITS.

8 Permits for the sale or manufacture and sale of  
9 wine are known as class "B" wine permits. A class "B"  
10 wine permit allows the holder to sell wine at retail  
11 for consumption off the premises.

12 Sec. \_\_\_\_\_. Section 123.174, Code 1989, is amended  
13 to read as follows:

14 123.174 ISSUANCE OF WINE PERMITS.

15 The administrator shall issue class "A" and "B"  
16 wine permits as provided in this chapter, and may  
17 suspend or revoke a wine permit for cause as provided

18 in this chapter.

19 Sec. \_\_\_\_\_. Section 123.178, subsection 3, Code  
20 1989, is amended to read as follows:

21 3. A person holding a class "B" wine permit may  
22 purchase wine for resale only from a ~~person holding a~~  
23 ~~class "A" wine permit class "E" liquor control~~  
24 ~~licensees.~~

25 Sec. \_\_\_\_\_. Section 123.179, Code 1989, is amended  
26 to read as follows:

27 123.179 PERMIT FEES ~~FEE~~.

28 1. The annual permit fee for a class "A" wine  
29 permit is seven hundred fifty dollars.

30 2. The annual permit fee for a class "B" wine  
31 permit is five hundred dollars.

32 Sec. \_\_\_\_\_. Section 123.180, subsections 1, 3, and  
33 6, Code 1989, are amended to read as follows:

34 1. A manufacturer, vintner, bottler, importer, or  
35 vendor of wine or an agent thereof desiring to ship,  
36 sell, or have wine brought into this state for resale  
37 by the division ~~or for sale at wholesale by a class~~  
38 ~~"A" permittee or by a class "E" liquor control~~  
39 ~~licensee~~ shall first make application for and shall be  
40 issued a vintner's certificate of compliance by the  
41 administrator for that purpose. The vintner's  
42 certificate of compliance shall expire at the end of  
43 one year from the date of issuance and shall be  
44 renewed for a like period upon application to the  
45 administrator unless otherwise revoked for cause.  
46 ~~Each~~ An application for a vintner's certificate of  
47 compliance or renewal of a certificate shall be  
48 accompanied by a fee of one hundred dollars payable to  
49 the division. ~~Each~~ A holder of a vintner's  
50 certificate of compliance shall furnish the

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1 information required by the administrator in the form  
2 the administrator requires. A vintner or wine bottler  
3 whose plant is located in Iowa and who otherwise holds  
4 a class "A" "B" wine permit to sell wine at ~~wholesale~~  
5 ~~retail~~ is exempt from the fee, but not the other terms  
6 and conditions. The holder of a vintner's certificate  
7 of compliance may also hold a class "A" "B" wine  
8 permit.

9 3. ~~All class "A" wine permit holders~~ The division  
10 shall sell only those brands of wine which are  
11 manufactured, bottled, fermented, shipped, or imported  
12 by a person holding a current vintner's certificate of  
13 compliance. An employee or agent working for or  
14 representing the holder of a vintner's certificate of  
15 compliance within this state shall register the  
16 employee's or agent's name and address with the

17 division. These names and addresses shall be filed  
 18 with the division's copy of the certificate of  
 19 compliance issued except that this provision does not  
 20 require the listing of those persons who are employed  
 21 on the premises of a bottling plant, or winery where  
 22 wine is manufactured, fermented, or bottled in Iowa or  
 23 the listing of those persons who are thereafter  
 24 engaged in the transporting of the wine.

25 6. Regardless of any other penalties provided by  
 26 this chapter, any a holder of a certificate of  
 27 compliance relating to wine, class "A" or a class "B"  
 28 retail wine permittee or a retail liquor licensee, who  
 29 violates any of the provisions of this section is  
 30 subject to a civil fine not to exceed one thousand  
 31 dollars or subject to suspension of the certificate of  
 32 compliance, license, or permit for a period not to  
 33 exceed thirty days or to both civil fine and  
 34 suspension.

35 Sec. \_\_\_\_\_. Section 123.180, subsections 2 and 5,  
 36 Code 1989, are amended by striking the subsections.

37 Sec. \_\_\_\_\_. Section 123.180, subsection 4, Code  
 38 1989, is amended to read as follows:

39 4. It is unlawful for a holder of a vintner's  
 40 certificate of compliance or the holder's agent, or  
 41 any class "A" wine permittee or the permittee's agent,  
 42 to discriminate between class "B" wine permittees  
 43 authorized to sell wine at retail.

44 Sec. \_\_\_\_\_. Section 123.181, subsections 1 and 3,  
 45 Code 1989, are amended to read as follows:

46 1. A holder of any a class "B" wine permit shall  
 47 not sell wine except wine which is purchased from a  
 48 person holding a class "A" wine permit and on which  
 49 the tax imposed by section 123.183 has been paid class  
 50 "E" liquor control license or wine purchased from a

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1 manufacturer of native wines.

2 3. A holder of a vintner's certificate of  
 3 compliance or class "A" wine permit shall not offer to  
 4 any purchaser of wine at retail any rebate or coupon  
 5 as an incentive to purchase wine.

6 Sec. \_\_\_\_\_. Section 123.181, subsection 2, Code  
 7 1989, is amended by striking the subsection.

8 Sec. \_\_\_\_\_. Section 123.185, Code 1989, is amended  
 9 to read as follows:

### 10 123.185 RECORDS REQUIRED.

11 Each class "A" wine permittee shall keep books of  
 12 account and records showing each sale of wine, which  
 13 shall be at all times open to inspection by the  
 14 administrator and pursuant to section 123.30,  
 15 subsection 1. Each class "B" wine permittee shall

- 16 keep proper books of account and records showing each
- 17 purchase of wine and the date and the amount of each
- 18 purchase and the name of the person from whom each
- 19 purchase was made, which shall be open to inspection
- 20 pursuant to section 123.30, subsection 1, during
- 21 normal business hours of the permittee.
- 22 Sec. \_\_\_\_\_. Sections 123.175, 123.177, 123.183, and
- 23 123.184, Code 1989, are repealed."
- 24 4. By renumbering as necessary.

Wise of Lee rose on a point of order that amendment H—4243 was not germane.

The Speaker ruled the point well taken and amendment H—4243 not germane.

Halvorson of Webster moved that the rules be suspended to consider amendment H—4243.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 43, nays 54.

The motion to suspend the rules lost.

Kremer of Buchanan offered the following amendment H—4212 filed by him and moved its adoption:

H—4212

- 1 Amend House File 779 as follows:
- 2 1. Page 16, by striking line 27 and inserting the
- 3 following: "which rules prohibit the offer for
- 4 issuance or".

Amendment H—4212 was adopted.

Spear of Lee offered the following amendment H—4190 filed by him and moved its adoption:

H—4190

- 1 Amend House File 779 as follows:
- 2 1. Page 16, line 29, by striking the word
- 3 "accident," and inserting the following: "accident
- 4 and".

Amendment H—4190 was adopted.

Halvorson of Clayton offered the following amendment H—4213 filed by him and moved its adoption:

H—4213

- 1 Amend House File 779 as follows:
- 2 1. Page 16, line 33, by inserting after the word
- 3 "origin." the following: "However, the prohibition
- 4 shall not apply, with respect to sex or marital
- 5 status, if clear and convincing actuarial evidence
- 6 supports the use of sex or marital status as a rating
- 7 factor because of demonstrated increased or decreased
- 8 risk associated with the insured's sex, marital
- 9 status, or both."

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

On the question "Shall amendment H—4213 be adopted?" (H.F. 779)

The ayes were, 33:

Banks	Beaman	Bennett	Carpenter
Corbett	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Kistler
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Schneklath	Siegrist
Spenner	Stromer	Stueland	Tyrrell
Van Maanen			

The nays were, 60:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Koenigs	Lykam	May
McKinney	Mertz	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

Absent or not voting, 7:

Branstad	Hatch	Knapp	Kremer
Muhlbauer	Royer	Trent	

Amendment H—4213 lost.

Jay of Appanoose offered the following amendment H—4208 filed by him and Doderer of Johnson:

H—4208

- 1 Amend House File 779 as follows:
- 2 1. Page 24, by inserting after line 33, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. The legislative council shall create an
- 5 interim committee to study the issues involved with
- 6 respect to medical malpractice insurance and the rates
- 7 charged for such insurance. The study shall include a
- 8 review of data relating to all claims closed since
- 9 January 1, 1980, and shall attempt to determine
- 10 whether or not the rates for medical malpractice
- 11 insurance are affected by the severity and frequency
- 12 of claims. The interim committee shall be composed of
- 13 the chairperson, vice chairperson, and ranking members
- 14 of the senate judiciary and commerce committees and
- 15 the house judiciary and law enforcement and small
- 16 business and commerce committees. The interim
- 17 committee, in consultation with the insurance
- 18 commissioner, is authorized to employ an independent
- 19 consultant. For purposes of this section, the study
- 20 shall be treated as a rate adjustment review pursuant
- 21 to section 507D.5 and the cost incurred for the
- 22 consultant's services shall be assessed by the
- 23 commissioner against all insurers providing medical
- 24 malpractice insurance in the state of Iowa in
- 25 proportion to their respective shares of total medical
- 26 malpractice insurance premiums received in Iowa during
- 27 the second preceding calendar year. The interim
- 28 committee shall report its findings to the legislative
- 29 council by January 30, 1990."
- 30 2. Renumber as necessary.

Tyrrell of Iowa offered the following amendment H—4256, to amendment H—4208, filed by him from the floor and moved its adoption:

H—4256

- 1 Amend the amendment, H—4208, to House File 779 as
- 2 follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "claims." the following: "The study shall also

5 include a report of attorney fees as a proportion of  
 6 all insurance compensation for bodily injury and  
 7 medical malpractice claims, and the proportion of  
 8 malpractice rates attributable to attorney fees. The  
 9 cost of the consultants' services shall be assessed by  
 10 the commissioner against all attorneys and insurers  
 11 involved with medical malpractice claims in proportion  
 12 to their respective shares of the costs added to total  
 13 malpractice premiums."

A non-record roll call was requested.

The ayes were 19, nays 45.

Amendment H—4256 lost.

Bennett of Ida rose on a point of order that amendment H—4208 was not germane.

The Speaker ruled the point well taken and amendment H—4208 not germane.

Buhr of Polk moved that the rules be suspended to consider amendment H—4208.

A non-record roll call was requested.

The ayes were 54, nays 20.

The motion prevailed and the rules were suspended to consider amendment H—4208.

Jay of Appanoose moved the adoption of amendment H—4208.

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

On the question "Shall amendment H—4208 be adopted?" (H.F. 779)

The ayes were, 54:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Gruhn	Hammond	Hansen, S. D.
Harper	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader

Shearer	Sherzan	Shoultz	Spear
Stromer	Svoboda	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 39:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

Absent or not voting, 7:

Chapman	Groninga	Halvorson, R. N.	Hatch
Hibbard	Jesse	Swartz	

Amendment H—4208 was adopted.

Swartz of Marshall offered the following amendment H—4217 filed by him and moved its adoption:

H—4217

- 1 Amend House File 779 as follows:
- 2 1. Page 24, by inserting after line 33, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 514E.5, subsection 2, Code
- 5 1989, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. However, the association
- 8 policy shall pay benefits as a primary payer in any
- 9 case where benefit coverage provided under the laws of
- 10 the United States, including Medicare and Medicaid, or
- 11 under the laws of this state is, by rule or statute,
- 12 secondary to all other coverages."
- 13 2. By renumbering as necessary.

Amendment H—4217 was adopted.

Spear of Lee offered the following amendment H—4198 filed by him and moved its adoption:

H—4198

- 1 Amend House File 779 as follows:
- 2 1. Title page, by striking lines 1 through 22,
- 3 and inserting the following: "An Act relating to and
- 4 making appropriations, subject to certain conditions,

5 to regulatory bodies of state government, including  
 6 the auditor of state, the campaign finance disclosure  
 7 commission, the department of employment services, the  
 8 office of the state public defender, the department of  
 9 inspections and appeals, the department of commerce,  
 10 and the racing commission, among others, and effecting  
 11 the laws enforced by and procedures utilized by such  
 12 regulatory bodies, determining the ownership and  
 13 control of certain property in the possession of the  
 14 office of the state public defender, and imposing  
 15 penalties."

Amendment H—4198 was adopted.

Stromer of Hancock called up for consideration the motion to reconsider amendment H—4208 filed by him from the floor and moved to reconsider the vote by which amendment H—4208, found on page 2058 of the House Journal, was adopted by the House on April 26, 1989.

A non-record roll call was requested.

The ayes were 39, nays 49.

The motion to reconsider lost.

The House stood at ease at 6:48 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 779 at 7:18 p.m., Connors of Polk in the chair.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 779)

The ayes were, 53:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Doderer
Dvorsky	Fey	Fuller	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Tabor	Teaford	Wise
Connors			
Presiding			

The nays were, 42:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Mertz	Metcalf	Miller
Pellet	Petersen, D. F.	Plasier	Renken
Royer	Schneklloth	Shoning	Siegrist
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

Absent or not voting, 5:

Avenson, Spkr.	Connolly	Groninga	Rosenberg
Swartz			

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 1989, 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 477, a bill for an act relating to certain motor vehicles, by providing for the ownership, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, the operation of certain motor vehicles, subjecting violators to penalties, and providing effective dates.

Also: That the Senate has on April 26, 1989, 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 522, a bill for an act relating to the filling of a vacancy on the county board of supervisors or in the elected county offices.

Also: That the Senate has on April 26, 1989, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 56, a bill for an act establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons and certain owner-occupied housing.

Also: That the Senate has on April 26, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 537, a bill for an act relating to the standard deduction for state individual income tax purposes, limiting the deduction for net capital gain to the transfer of certain capital assets, providing an earned income tax credit, and providing retroactive applicability and effective dates.

Also: That the Senate has on April 26, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 16, a concurrent resolution to urge and petition the United States Department of Defense to establish an all-services museum located at Fort Des Moines, Iowa.

Also: That the Senate has on April 26, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters.

JOHN F. DWYER, Secretary

### SENATE MESSAGE CONSIDERED

**Senate File 539**, by committee on ways and means, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing a retroactive applicability date.

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

### MOTIONS TO RECONSIDER

(House File 313)

I move to reconsider the vote by which House File 313 passed the House on April 26, 1989.

PETERS of Woodbury

(House File 313)

I move to reconsider the vote by which House File 313 passed the House on April 26, 1989.

HANSON of Delaware

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, April 24, 1989. Had I been present, I would have voted "aye" on House

Files 20, 272, 723, 762, 766 and Senate File 272; and "nay" on House File 767.

HANSON of Delaware

I was necessarily absent from the House chamber on April 25, 1989. Had I been present, I would have voted "aye" on Senate Files 386 and 167.

OLLIE of Clinton

#### PRESENTATION OF VISITORS

Trent of Muscatine presented to the House, the Honorable Donald Platt, former member of the House representing Muscatine County.

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

Thirty-four fifth grade students from Atkins Elementary School, Atkins, accompanied by Terry Gross and Dawn Anderson. By Brand of Benton.

Thirty-three senior students from North Kossuth High School, Swea City, accompanied by John Larson. By Branstad of Winnebago.

Forty-eight sixth grade students from Van Allen School, Chariton, accompanied by Marcia Fenton and Jerry Smith. By Brown of Lucas.

Eighty second and third grade students from Lamoni Elementary School, Lamoni, accompanied by Mrs. Boswell. By Daggett of Adams.

Twenty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Sherry Murphy. By Jay of Appanoose.

Forty eleventh grade students from Notre Dame High School, Cresco, accompanied by Jim Zajacek. By Koenigs of Mitchell.

Thirty twelfth grade students from Aurelia High School, Aurelia, accompanied by Garry DeWall and Jack Johnson. By Miller of Cherokee.

Forty-five fourth grade students from Roosevelt Elementary School, Ames, accompanied by Marie Sunderman and Esther Hollenbach. By Rosenberg of Story.

Twenty-two government students from Clarinda High School, Clarinda, accompanied by Pat Cassat. By Royer of Page.

Six 4-H members from Burlington accompanied by Evelyn Miller Swearingen. By Cohoon of Des Moines, Shearer of Louisa and Spenner of Henry.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

#### **H.S.B. 375.1 (Revision of H.S.B. 375) Ways and Means**

Relating to state individual income tax by giving capital gain deduction treatment to limited amounts of capital gain, and providing a retroactive applicability date.

#### SUBCOMMITTEE ASSIGNMENT

##### **Senate File 523**

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

### 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 517**, a bill for an act relating to and making appropriations to various state agencies including certain state 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, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—4270** April 26, 1989.

**Senate File 520**, a bill for an act relating to and making appropriations to the department of economic development.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—4274** April 26, 1989.

**Senate File 521**, 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—4273 April 26, 1989.

**Senate File 531**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—4246 April 25, 1989.

### RESOLUTION FILED

**SCR 16**, by Kinley, a concurrent resolution to urge and petition the United States Department of Defense to establish an all-services museum located at Fort Des Moines, Iowa.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—4245	H.F.	781	Hammond of Story Beatty of Warren
H—4246	S.F.	531	Committee on Appropriations
H—4252	S.F.	532	Lageschulte of Bremer
H—4253	S.F.	517	Van Maanen of Mahaska
H—4254	S.F.	524	Maulsby of Calhoun
H—4258	S.F.	517	Kremer of Buchanan
H—4261	S.F.	532	Halvorson of Clayton
H—4266	S.F.	150	Neuhauser of Johnson
H—4267	S.F.	532	Hammond of Story
H—4269	S.F.	532	Spear of Lee
H—4270	S.F.	517	Committee on Appropriations
H—4271	S.F.	150	Neuhauser of Johnson
H—4273	S.F.	521	Committee on Appropriations
H—4274	S.F.	520	Committee on Appropriations
H—4275	S.F.	520	Van Maanen of Mahaska
H—4276	H.F.	780	Halvorson of Clayton Van Maanen of Mahaska Carpenter of Polk Harbor of Mills

H-4281	S.F.	532	Bisignano of Polk
H-4283	S.F.	470	Swartz of Marshall
H-4284	S.F.	532	Bisignano of Polk
H-4285	S.F.	150	Neuhauser of Johnson
H-4286	S.F.	150	Neuhauser of Johnson
H-4287	S.F.	517	McKean of Jones
H-4288	S.F.	531	Connolly of Dubuque
			Schneklath of Scott
			Halvorson of Webster
			Wise of Lee
H-4289	S.F.	517	Brammer of Linn
Doderer of Johnson			Bisignano of Polk
Shoning of Woodbury			Trent of Muscatine
Jochum of Dubuque			Renaud of Polk
H-4290	H.F.	780	Carpenter of Polk
			Harbor of Mills
			Halvorson of Clayton
			Van Maanen of Mahaska
H-4291	S.F.	521	Van Maanen of Mahaska
H-4293	S.F.	517	Hatch of Polk
H-4294	S.F.	520	Brammer of Linn
Doderer of Johnson			Bisignano of Polk
Hansen of Woodbury			Trent of Muscatine
Shoning of Woodbury			Jochum of Dubuque
			Poncy of Wapello

On motion by Arnould of Scott, the House adjourned at 7:48 p.m., until 9:00 a.m., Thursday, April 27, 1989.

# JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day — Seventy-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 27, 1989

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

Prayer was offered by the Honorable Dennis May, state representative from Worth County.

The Journal of Wednesday, April 26, 1989 was approved.

## INTRODUCTION OF BILL

**House File 784**, by Arnould and Stromer, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates.

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

## SENATE MESSAGES CONSIDERED

**Senate File 537**, by committee on ways and means, a bill for an act relating to the standard deduction for state individual income tax purposes, limiting the deduction for net capital gain to the transfer of certain capital assets, providing an earned income tax credit, and providing retroactive applicability and effective dates.

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

**Senate File 538**, by committee on appropriations, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters.

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 27, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 713, a bill for an act relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee.

Also: That the Senate has on April 25, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 371, a bill for an act relating to elections and election procedures.

Also: That the Senate has on April 26, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 541, a bill for an act relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicability, and providing an effective date.

JOHN F. DWYER, Secretary

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 199)

Holveck of Polk called up for consideration the report of the conference committee on House File 199 and moved the adoption of the conference committee report and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 199

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 199, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating inclusion of minimum mammography examination coverage under certain conditions, respectfully make the following report:

1. That the Senate recedes from its amendment, H-3267.
2. That House File 199, as passed by the House, is amended as follows:

1. Page 1, line 26, by striking the words "two years" and inserting the following: "year".

2. Page 1, by striking lines 31 through 35.

3. By renumbering as necessary.

ON THE PART OF THE HOUSE:

JACK HOLVECK, Chair  
 TONY BISIGNANO  
 MINNETTE DODERER  
 JOSEPH M. KREMER  
 DON SHONING

ON THE PART OF THE SENATE:

BERL E. PRIEBE, Chair  
 BEVERLY A. HANNON  
 JEAN LLOYD-JONES  
 MAGGIE TINSMAN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 199)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 2:

Garman Tyrrell

Absent or not voting, none.

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

## HOUSE RECEDED

Teaford of Black Hawk called up for consideration **Senate File 199**, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes, and moved that the House recede from its amendment.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 47.

The motion prevailed and the House receded from its amendment.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 199)

The ayes were, 54:

Adams	Arnould	Bisignano	Blanshan
Brammer	Brand	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Hammond
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lykam	May	McKinney
Muhlbauer	Neuhauser	Nielsen	Ollie
Pavich	Peters	Peterson, M. K.	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Svoboda	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 45:

Banks	Beaman	Beatty	Bennett
Black	Branstad	Brown	Buhr
Corbett	Daggett	De Groot	Eddie
Garman	Gruhn	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Kistler
Kremer	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Osterberg
Pellett	Petersen, D. F.	Plasier	Poncy
Renken	Royer	Schneklloth	Shoning
Siegrist	Spear	Spenner	Stromer
Stueland	Swartz	Trent	Tyrrell
Van Maanen			

Absent or not voting, 1:

Halvorson, R. N.

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 771**, a bill for an act relating to eligibility for reimbursement for rent constituting property tax paid and providing for a retroactive applicability date, 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. 771)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cohoon
Connolly	Connors	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	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 1:

Chapman

Absent or not voting, 5:

Bennett	Hibbard	Lundby	Shoultz
Swartz			

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 INSISTS  
(Senate File 199)**

Carpenter of Polk called up for consideration the motion to reconsider Senate File 199, filed by her from the floor, and moved to reconsider the vote by which Senate File 199, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes, passed the House and was placed on its last reading on April 27, 1989.

A non-record roll call was requested.

The ayes were 66, nays 20.

The motion prevailed and the House reconsidered Senate File 199.

Teaford of Black Hawk asked and received unanimous consent to reconsider the vote by which the House receded from its amendment.

Teaford of Black Hawk moved that the House recede from its amendment.

The motion lost and the House insists on its amendment to Senate File 199.

**CONFERENCE COMMITTEE APPOINTED  
(Senate File 199)**

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 199: Teaford of Black Hawk, Chair; Hammond of Story, Buhr of Polk, Carpenter of Polk and Kistler of Jefferson.

Ollie of Clinton in the chair at 10:36 a.m.

**Ways and Means Calendar**

**Senate File 86**, a bill for an act relating to the authority of a city to levy a tax for the support of municipal bands and other musical groups and support of certain tax exempt artistic and cultural organizations, with report of committee recommending passage 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?" (S.F. 86)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Ollie Presiding

The nays were, none.

Absent or not voting, 4:

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

## IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 199 and 771 and Senate File 199.

## SENATE AMENDMENT CONSIDERED

Connors of Polk called up for consideration **House File 5**, a bill for an act allowing employees to choose the care given under workers' compensation medical benefits, amended by the Senate amendment H-3604 as follows:

H-3604

1 Amend House File 5, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking everything after the  
4 enacting clause and inserting the following:  
5 "Section 1. Section 85.27, unnumbered paragraph 4,  
6 Code 1989, is amended to read as follows:

7 For purposes of this section, the employer is  
8 obliged to furnish reasonable services and supplies to  
9 treat an injured employee, and during the first ten  
10 days of the need for medical care has the right to  
11 choose the care. The treatment must be offered  
12 promptly and be reasonably suited to treat the injury  
13 without undue inconvenience to the employee. After  
14 ten days have elapsed since the need for medical care  
15 arose, if the employee is dissatisfied with the care  
16 offered by the employer, the employee may choose  
17 alternate care.

18 Upon the employee's initial visit with the  
19 employer's physician, written notification of the  
20 employee's option to choose alternate care shall be  
21 given to the employee and verified by the employee's  
22 signature. Notification of the employee's options in  
23 the treatment of work-related injuries shall also be  
24 provided at the time of the employee's hiring.  
25 Written notification shall be printed in legible type  
26 of a size no less than twelve point.

27 The employee shall notify the employer of the name  
28 of the employee's physician and the change in care.  
29 If the employer has reason to be dissatisfied  
30 with the care offered given, the employer should  
31 employer shall communicate in writing the basis of  
32 such the dissatisfaction to the employer, in writing  
33 if requested employee, following which the employer  
34 and the employee may agree to alternate care  
35 reasonably suited to treat the injury. If the  
36 employer and employee cannot agree on such alternate  
37 care, the industrial commissioner may, upon  
38 application and reasonable proofs of the necessity  
39 therefor for other care, allow and order other care.  
40 In an emergency, the employee may choose the  
41 employee's care at the employer's expense, provided  
42 the employer or the employer's agent cannot be reached  
43 immediately. In an emergency, the employee shall be  
44 transported to the nearest medical facility if the  
45 employee is unable to choose the care at the time of  
46 the injury. If the employee is transported to a  
47 medical facility other than a facility chosen by the  
48 employee, the employee's physician of choice must be  
49 notified as soon as possible.

50 After commencement of a contested case, this

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- 1 section shall not authorize ex parte communication
- 2 between a health care provider of the employee and the
- 3 employer or insurance carrier."

Sherzan of Polk offered the following amendment H—3646, to the Senate amendment H—3604, filed by him and Connors of Polk and moved its adoption:

H—3646

- 1 Amend the Senate amendment, H—3604, to House File
- 2 5, as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 24, by inserting after the word
- 5 "provided" the following: "to the employee".
- 6 2. By striking page 1, line 50 through page 2,
- 7 line 3.

Amendment H—3646 was adopted.

Tyrrell of Iowa offered the following amendment H—3704, to the Senate amendment H—3604, filed by him and moved its adoption:

H—3704

- 1 Amend the Senate amendment, H—3604, to House File 5
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 27, by inserting after the word
- 5 "name" the following: "and address".

Amendment H—3704 was adopted.

On motion by Connors of Polk, the House concurred in the Senate amendment H—3604, as amended.

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

On the question "Shall the bill pass?" (H.F. 5)

The ayes were, 60:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Clark	Cohon	Connolly	Connors
Doderer	Dvorsky	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond

Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	McKinney	Mertz	Muhlbauer
Neuhauser	Nielsen	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Ollie Presiding

The nays were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Kistler
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

Absent or not voting, 2:

Diemer                      Fey

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

### IMMEDIATE MESSAGE (House File 5)

Arnould of Scott asked and received unanimous consent that House File 5 be immediately messaged to the Senate.

Speaker Avenson in the chair at 11:12 a.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, until his return, on request of Tyrrell of Iowa.

### PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Schrader of Marion escorted to the front of the Speaker's station and presented to the House Sophie Falcon, Queen of the 1989 Pella Tulip Festival.

Queen Sophie, wearing the Sunday costume typical of Staphorst, a religiously conservative village in the province of Overijssel,

presented her attendants Julie Vander Ploeg, Heather Wegter, Angie Dieleman, and Tricia Steehoek, accompanied by their parents.

Those present from Pella were dressed in native Dutch costume and distributed the famous Pella Dutch cookies. The Pella Tulip Time will be held May 11, 12 and 13.

On motion by Groninga of Cerro Gordo, the House was recessed at 11:22 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 27, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 686, a bill for an act establishing a science and technology foundation and providing an effective date.

Also: That the Senate has on April 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 540, a bill for an act relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties.

JOHN F. DWYER, Secretary

### SENATE MESSAGE CONSIDERED

**Senate File 541**, by committee on appropriations, a bill for an act relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicability, and providing an effective date.

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

### SENATE AMENDMENTS CONSIDERED

Eddie of Buena Vista called up for consideration **House File 573**, a bill for an act relating to civil service medical examinations and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-4005:

H-4005

- 1 Amend House File 573, 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 341A.5, unnumbered paragraph  
 6 1, Code 1989, is amended to read as follows:  
 7 The commission shall hold an organizational meeting  
 8 immediately after its establishment and shall elect  
 9 one of its members as chairperson. The commission  
 10 shall hold regular meetings at least once every three  
 11 months annually, and may hold such additional meetings  
 12 as may be required in the fulfillment of its  
 13 responsibilities. All commission meetings shall be  
 14 public meetings."  
 15 2. Title page, by striking line 1 and inserting  
 16 the following: "An Act relating to city and county  
 17 civil service, by providing for meetings of civil  
 18 service commissions, by providing for civil service  
 19 medical examinations, and by".  
 20 3. By renumbering sections.

The motion prevailed and the House concurred in the Senate amendment H—4005.

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

On the question "Shall the bill pass?" (H.F. 573)

The ayes were, 92:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spanner	Stromer	Stueland

Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Beaman	Brammer	Connors	Daggett
Jesse	Maulsby	Miller	Svoboda

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

Buhr of Polk called up for consideration **House File 674**, a bill for an act relating to victim counseling and services, amended by the Senate, and moved that the House concur in the following Senate amendment H—4154:

H—4154

1 Amend House File 674, as passed by the House, as  
 2 follows:  
 3 1. Page 2, by striking lines 21 through 33 and  
 4 inserting the following:  
 5 "g d. "Confidential communication" means  
 6 ~~information transmitted between a victim of sexual~~  
 7 ~~assault or domestic violence and a victim counselor in~~  
 8 ~~the course of the counseling relationship and in~~  
 9 ~~confidence by a means which, so far as the victim is~~  
 10 ~~aware, does not disclose the information to a third~~  
 11 ~~person other than any who is present to further the~~  
 12 ~~interests of the victim in the consultation or to whom~~  
 13 ~~disclosure is reasonably necessary for the~~  
 14 ~~transmission of the information or for accomplishment~~  
 15 ~~of the purposes for which the counselor is consulted,~~  
 16 ~~and includes all information received and any advice,~~  
 17 ~~report, or working paper given or prepared by the~~  
 18 ~~counselor in the course of the relationship with the~~  
 19 ~~victim; information shared between a crime victim and~~  
 20 ~~a victim counselor within the counseling relationship,~~  
 21 ~~and includes all information received by the counselor~~  
 22 ~~and any advice, report, or working paper given to or~~  
 23 ~~prepared by the counselor in the course of the~~  
 24 ~~counseling relationship with the victim.~~  
 25 Confidential information is confidential  
 26 information which, so far as the victim is aware, is  
 27 not disclosed to a third party with the exception of a  
 28 person present in the consultation for the purpose of  
 29 furthering the interest of the victim, a person to  
 30 whom disclosure is reasonably necessary for the  
 31 transmission of the information, or a person with whom  
 32 disclosure is necessary for accomplishment of the

33 purpose for which the counselor is consulted by the  
34 victim."

The motion prevailed and the House concurred in the Senate amendment H—4154.

Buhr 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. 674)

The ayes were, 94:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	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	Hibbard	Holveck	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Beaman	Brammer	Connors	Jesse
Miller	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 for the immediate consideration of House File 780.

Appropriations Calendar

House File 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date, was taken up for consideration.

Buhr of Polk in the chair at 1:33 p.m.

Carpenter of Polk offered the following amendment H — 4290 filed by Carpenter, et al.:

H—4290

1 Amend House File 780 as follows:

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

4 "Section 1. Notwithstanding any other provisions  
5 of law, the treasurer of state before making  
6 allotments of the moneys within the Iowa plan fund  
7 pursuant to section 99E.32, subsection 1, for the  
8 fiscal year beginning July 1, 1989, shall transfer to  
9 the Iowa law enforcement academy the following amount,  
10 to be used for the purposes designated:

11 For the administration of a drug enforcement  
12 training program for law enforcement officers, as  
13 defined in section 80B.3, subsection 3, including, but  
14 not limited to, training for the detection of gang and  
15 juvenile activity and the apprehension of gang members  
16 and juvenile delinquents, subject to the limitation  
17 that the academy shall not pay for more than fifty  
18 percent of the cost of training of any officer,  
19 including salary and other benefits, with the  
20 remaining fifty percent to be paid by the law  
21 enforcement officer's local jurisdiction:

22 .....\$ 300,000

23 As a condition, limitation, and qualification of  
24 this appropriation, the law enforcement officers to be  
25 trained under this program shall be selected by the  
26 Iowa narcotics enforcement advisory council in closed  
27 session. The record of the closed session is exempt  
28 from chapter 22. When the council has reached a  
29 decision, it shall convene in open meeting and  
30 announce such decision. No more than four law  
31 enforcement officers participating in this training  
32 shall be employed by law enforcement agencies located  
33 in the same county. The training program shall be for

34 a period of one year and an officer participating in  
 35 this program shall perform, after receiving initial  
 36 instruction and training at the law enforcement  
 37 academy, duties as directed by the department of  
 38 public safety within the division of criminal  
 39 investigation and bureau of identification, relating  
 40 to the department's responsibility for the enforcement  
 41 of all laws and rules relating to any controlled  
 42 substance or counterfeit substance as provided in  
 43 sections 80.27 through 80.34.

44 Sec. 2. There is appropriated from the general  
 45 fund of the state to the office of the attorney  
 46 general for the office of the prosecuting attorneys  
 47 training coordinator for the fiscal year beginning  
 48 July 1, 1989, and ending June 30, 1990, the following  
 49 amount, or so much thereof as is necessary, to be used  
 50 for the purposes designated:

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1 For the development and administration of a drug  
 2 enforcement and prosecution training program for  
 3 prosecuting attorneys as defined in section 13A.1,  
 4 subsection 4, and for not more than the following  
 5 full-time equivalent positions:

6 .....	\$	100,000
7 .....	FTEs	1.0

8 Sec. 3. There is appropriated from the general  
 9 fund of the state to the department of public safety  
 10 for the fiscal year beginning July 1, 1989, and ending  
 11 June 30, 1990, the following amount, or so much  
 12 thereof as is necessary, to be used for the purposes  
 13 designated:

14 1. For the division of narcotics for the salaries  
 15 and support of the following additional full-time  
 16 equivalent positions:

17 .....	\$	839,680
18 .....	FTEs	14.0

19 As a condition, limitation, and qualification of  
 20 this appropriation, the division shall employ an  
 21 additional ten full-time special agents and an  
 22 additional four full-time support/clerical staff.

23 2. For the division of criminal investigation and  
 24 bureau of identification for equipment and salaries  
 25 and support for the following additional full-time  
 26 equivalent positions:

27 .....	\$	153,288
28 .....	FTEs	4.0

29 As a condition, limitation, and qualification of  
 30 this appropriation, the division shall employ an  
 31 additional four full-time lab technicians for the  
 32 criminalistic laboratory.

33 Sec. 4. There is appropriated from the general  
 34 fund of the state to the department of corrections for  
 35 the fiscal year beginning July 1, 1989, and ending  
 36 June 30, 1990, the following amount, or so much  
 37 thereof as is necessary, to be used for the purposes  
 38 designated:

39 For substance abuse treatment programs within the  
 40 correctional institutions and the community-based  
 41 correctional programs:

42 ..... \$ 1,000,000

43 Sec. 5. Section 204.401, subsections 1 and 2, Code  
 44 1989, are amended by striking the subsections and  
 45 inserting in lieu thereof the following:

46 1. Except as authorized by this chapter, it is  
 47 unlawful for any person to manufacture, deliver, sell  
 48 or offer for sale, or possess with the intent to  
 49 manufacture or deliver, sell or offer for sale, a  
 50 controlled substance, a counterfeit substance, or a

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1 simulated controlled substance, or to act with, enter  
 2 into a common scheme or design with, or conspire with  
 3 one or more other persons to manufacture, deliver,  
 4 sell or offer for sale, or possess with the intent to  
 5 manufacture or deliver, sell or offer for sale, a  
 6 controlled substance, a counterfeit substance, or a  
 7 simulated controlled substance.

8 a. Violation of this subsection, with respect to  
 9 the following controlled substances, counterfeit  
 10 substances, or simulated controlled substances is a  
 11 class "B" felony, and notwithstanding section 902.9,  
 12 subsection 1, shall be punished by confinement for no  
 13 more than fifty years and a fine of not more than one  
 14 million dollars:

15 (1) More than one kilogram of a mixture or  
 16 substance containing a detectable amount of heroin.

17 (2) More than five kilograms of a mixture or  
 18 substance containing a detectable amount of any of the  
 19 following:

20 (a) Coca leaves, except coca leaves and extracts  
 21 of coca leaves from which cocaine, ecgonine, and  
 22 derivatives of ecgonine or their salts have been  
 23 removed.

24 (b) Cocaine, its salts, optical and geometric  
 25 isomers, and salts of isomers.

26 (c) Ecgonine, its derivatives, their salts,  
 27 isomers, and salts of isomers.

28 (d) Any compound, mixture, or preparation which  
 29 contains any quantity of any of the substances  
 30 referred to in subparagraph subdivisions (a) through  
 31 (c).

32 (3) More than fifty grams of a mixture or  
33 substance described in subparagraph 2 which contains  
34 cocaine base.

35 (4) More than one hundred grams of phencyclidine  
36 (PCP) or one kilogram or more of a mixture or  
37 substance containing a detectable amount of  
38 phencyclidine (PCP).

39 (5) More than ten grams of a mixture or substance  
40 containing a detectable amount of lysergic acid  
41 diethylamide (LSD).

42 (6) More than one thousand kilograms of a mixture  
43 or substance containing a detectable amount of  
44 marijuana.

45 b. Violation of this subsection with respect to  
46 the following controlled substances, counterfeit  
47 substances, or simulated controlled substances is a  
48 class "B" felony, and in addition to the provisions of  
49 section 902.9, subsection 1, shall be punished by a  
50 fine of not less than five thousand dollars nor more

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1 than one hundred thousand dollars:

2 (1) More than one hundred grams but not more than  
3 one kilogram of a mixture or substance containing a  
4 detectable amount of heroin.

5 (2) More than five hundred grams but not more than  
6 five kilograms of any of the following:

7 (a) Coca leaves, except coca leaves and extracts  
8 of coca leaves from which cocaine, ecgonine, and  
9 derivatives of ecgonine or their salts have been  
10 removed.

11 (b) Cocaine, its salts, optical and geometric  
12 isomers, and salts of isomers.

13 (c) Ecgonine, its derivatives, their salts,  
14 isomers, and salts of isomers.

15 (d) Any compound, mixture, or preparation which  
16 contains any quantity of any of the substances  
17 referred to in subparagraph subdivisions (a) through  
18 (c).

19 (3) More than five grams but not more than fifty  
20 grams of a mixture or substance described in  
21 subparagraph (2) which contains cocaine base.

22 (4) More than ten grams but not more than one  
23 hundred grams of phencyclidine (PCP) or more than one  
24 hundred grams but not more than one kilogram of a  
25 mixture or substance containing a detectable amount of  
26 phencyclidine (PCP).

27 (5) Not more than ten grams of lysergic acid  
28 diethylamide (LSD).

29 (6) More than one hundred kilograms but not more  
30 than one thousand kilograms of marijuana.

31 c. Violation of this subsection with respect to  
32 the following controlled substances, counterfeit  
33 substances, or simulated controlled substances is a  
34 class "C" felony, and in addition to the provisions of  
35 section 902.9, subsection 3, shall be punished by a  
36 fine of not less than one thousand dollars nor more  
37 than fifty thousand dollars:

38 (1) One hundred grams or less of a mixture or  
39 substance containing a detectable amount of heroin.

40 (2) Five hundred grams or less of any of the  
41 following:

42 (a) Coca leaves, except coca leaves and extracts  
43 of coca leaves from which cocaine, ecgonine, and  
44 derivatives of ecgonine or their salts have been  
45 removed.

46 (b) Cocaine, its salts, optical and geometric  
47 isomers, and salts of isomers.

48 (c) Ecgonine, its derivatives, their salts,  
49 isomers, and salts of isomers.

50 (d) Any compound, mixture, or preparation which

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1 contains any quantity of any of the substances  
2 referred to in subparagraph subdivisions (a) through  
3 (c).

4 (3) Five grams or less of a mixture or substance  
5 described in subparagraph (2) which contains cocaine  
6 base.

7 (4) Ten grams or less of phencyclidine (PCP) or  
8 one hundred grams or less of a mixture or substance  
9 containing a detectable amount of phencyclidine (PCP).

10 (5) More than fifty kilograms but not more than  
11 one hundred kilograms of marijuana.

12 (6) Any other controlled substance classified in  
13 schedule I, II, or III.

14 d. Violations of this subsection, with respect to  
15 any other controlled substances, counterfeit  
16 substances, or simulated controlled substances  
17 classified in schedule IV or V, or less than fifty  
18 kilograms of marijuana, or any other amount of such  
19 substances, is a class "D" felony, and in addition to  
20 the provisions of section 902.9, subsection 4, shall  
21 be punished by a fine of not less than one thousand  
22 dollars nor more than five thousand dollars.

23 e. A person in the immediate possession or control  
24 of a firearm while participating in a violation of  
25 this subsection shall be sentenced to two times the  
26 term otherwise imposed by law, and no such judgment,  
27 sentence, or part thereof shall be deferred or  
28 suspended.

29 f. A person in the immediate possession or control

30 of an offensive weapon, as defined in section 724.1,  
 31 while participating in a violation of this subsection,  
 32 shall be sentenced to three times the term otherwise  
 33 imposed by law, and no such judgment, sentence, or  
 34 part thereof shall be deferred or suspended.

35 2. If the same person commits two or more acts  
 36 which are in violation of subsection 1 and the acts  
 37 occur in approximately the same location or time  
 38 period so that the acts can be attributed to a single  
 39 scheme, plan, or conspiracy, the acts may be  
 40 considered a single violation and the weight of the  
 41 controlled substances, counterfeit substances, or  
 42 simulated controlled substances involved may be  
 43 combined for purposes of charging the offender.

44 Sec. 6. Section 204.406, Code 1989, is amended by  
 45 striking the section and inserting in lieu thereof the  
 46 following:

47 204.406 DISTRIBUTION TO PERSON UNDER AGE EIGHTEEN.

48 1. A person who is eighteen years of age or older  
 49 who:

50 a. Unlawfully distributes a substance listed in

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1 schedule I or II, which is a narcotic or cocaine, to a  
 2 person under eighteen years of age commits a class "B"  
 3 felony and shall serve a minimum term of confinement  
 4 of five years. However, if the substance was  
 5 distributed in or on, or within one thousand feet of,  
 6 the real property comprising a public or private  
 7 elementary or secondary school, the person shall serve  
 8 a minimum term of confinement of ten years.

9 b. Unlawfully distributes a controlled substance  
 10 other than a narcotic or cocaine listed in schedule I,  
 11 II, or III to a person under eighteen years of age who  
 12 is at least three years younger than the violator  
 13 commits a class "C" felony.

14 c. Unlawfully distributes a controlled substance  
 15 listed in schedule IV or V to a person under eighteen  
 16 years of age who is at least three years younger than  
 17 the violator commits an aggravated misdemeanor.

18 2. A person who is eighteen years of age or older  
 19 who:

20 a. Unlawfully distributes a counterfeit substance  
 21 listed in schedule I or II which is a narcotic or  
 22 cocaine, or a simulated controlled substance  
 23 represented to be a narcotic or cocaine classified in  
 24 schedule I or II, to a person under eighteen years of  
 25 age commits a class "B" felony. However, if the  
 26 substance was distributed in or on, or within one  
 27 thousand feet of, the real property comprising a  
 28 public or private elementary or secondary school, the

29 person shall serve a minimum term of confinement of  
30 ten years.

31 b. Unlawfully distributes a counterfeit substance  
32 other than a narcotic or cocaine listed in schedule I,  
33 II, or III, or a simulated controlled substance  
34 represented to be any substance listed in schedule I,  
35 II, or III, to a person under eighteen years of age  
36 who is at least three years younger than the violator  
37 commits a class "C" felony.

38 c. Unlawfully distributes a counterfeit substance  
39 listed in schedule IV or V, or a simulated controlled  
40 substance represented to be a substance listed in  
41 schedule IV or V, to a person under eighteen years of  
42 age who is at least three years younger than the  
43 violator commits an aggravated misdemeanor.

44 3. It is unlawful for a person to deliver a  
45 controlled substance to another person in order to act  
46 with, enter into a common scheme or design with,  
47 conspire with, or recruit the other person for the  
48 purpose of delivering a controlled substance to one or  
49 more persons under eighteen years of age. A person  
50 who violates this subsection with respect to a

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1 controlled substance classified in schedule I, II,  
2 III, IV, or V is guilty of a class "D" felony.

3 Sec. 7. Section 204.410, Code 1989, is amended to  
4 read as follows:

5 204.410 ACCOMMODATION OFFENSE.

6 In a prosecution for unlawful delivery or  
7 possession with intent to deliver marijuana, if the  
8 prosecution proves that the defendant violated the  
9 provisions of section 204.401, subsection 1, by  
10 proving that the defendant delivered or possessed with  
11 intent to deliver one ounce or less of marijuana, the  
12 defendant is guilty of an accommodation offense and  
13 rather than being sentenced as if convicted for a  
14 violation of section 204.401, subsection 1, paragraph  
15 "b" "d", shall be sentenced as if convicted of a  
16 violation of section 204.401, subsection 3. An  
17 accommodation offense may be proved as an included  
18 offense under a charge of delivering or possessing  
19 with the intent to deliver marijuana in violation of  
20 section 204.401, subsection 1. This section does not  
21 apply to hashish, hashish oil, or other derivatives of  
22 marijuana as defined in section 204.101, subsection  
23 17.

24 Sec. 8. Section 246.513, subsection 1, unnumbered  
25 paragraph 1, Code 1989, is amended to read as follows:

26 The department of corrections in cooperation with  
27 judicial district departments of correctional services

28 shall establish in each judicial district bed space  
29 for the confinement and treatment of offenders  
30 convicted of violating chapter 321J who are sentenced  
31 to the custody of the director. The department of  
32 corrections shall develop standardized assessment  
33 criteria for the assignment of offenders to a facility  
34 established pursuant to this section. The offender  
35 shall be assigned by the director to a facility  
36 pursuant to section 321J.2, subsection 2, paragraph  
37 "c". The offenders shall first be assigned to the  
38 Iowa medical classification facility at Oakdale for  
39 classification and after classification may be  
40 assigned to if the offender fails to satisfactorily  
41 perform in a treatment program conducted in a  
42 residential facility operated by any a judicial  
43 district department of correctional services. The  
44 offender shall be assigned to an institution following  
45 classification. The facilities established shall meet  
46 all the following requirements:  
47     Sec. 9. Section 321J.2, subsection 2, paragraph c,  
48 Code 1989, is amended to read as follows:  
49     c. A class "D" felony for a third offense and each  
50 subsequent offense and shall be imprisoned in the

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1 county jail for a determinate sentence of not more  
2 than one year but not less than thirty days, or  
3 committed to the custody of the director of the  
4 department of corrections, and assessed a fine of not  
5 less than seven hundred fifty dollars. The minimum  
6 jail term of thirty days cannot be suspended  
7 notwithstanding section 901.5, subsection 3, and  
8 section 907.3, subsection 3, however, the person  
9 sentenced shall receive credit for any time the person  
10 was confined in a jail or detention facility following  
11 arrest. If a person is committed to the custody of  
12 the director of the department of corrections pursuant  
13 to this paragraph and the sentence is suspended, the  
14 sentencing court shall order that the offender serve  
15 the thirty-day minimum term in the county jail. If  
16 the sentence which commits the person to the custody  
17 of the director of the department of corrections is  
18 later imposed by the court, all time served in a  
19 county jail toward the thirty-day minimum term shall  
20 count as time served toward the sentence which  
21 committed the person to the custody of the director of  
22 the department of corrections. A person convicted of  
23 a second or subsequent offense shall be ordered to  
24 undergo a substance abuse evaluation prior to  
25 sentencing. If a person is convicted of a third or  
26 subsequent offense or if the evaluation recommends

27 treatment, the offender may be committed to the  
28 custody of the director of the department of  
29 corrections, who, if the sentence is not suspended,  
30 shall assign the person to a facility pursuant to  
31 section 246.513 or the offender may be committed to  
32 treatment in the community under the provisions of  
33 section 907.6. If the person cannot be assigned to a  
34 facility pursuant to section 246.513 due to  
35 insufficient bed space, the person shall be released  
36 from custody upon the person's own recognizance, bond,  
37 or supervision by the judicial district department of  
38 correctional services until space is available.

39 Sec. 10. Section 356.15, Code 1989, is amended to  
40 read as follows:

41 356.15 EXPENSES.

42 All charges and expenses for the safekeeping and  
43 maintenance of prisoners shall be allowed by the board  
44 of supervisors, except those committed or detained by  
45 the authority of the courts of the United States, in  
46 which cases the United States must pay such expenses  
47 to the county, and those committed for violation of a  
48 city ordinance, in which case the city shall pay  
49 expenses to the county. If a parole or probation  
50 violator is committed to a county jail pursuant to

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1 section 908.9 or 908.11, the county shall be  
2 reimbursed by the department of corrections in  
3 accordance with section 906.18. If the violator is  
4 granted work release from the county jail, the  
5 violator is liable to the county for the cost of the  
6 violator's board as provided in section 356.30.  
7 However, the state shall reimburse the county for the  
8 balance of the cost of confining the violator.

9 Sec. 11. NEW SECTION. 808B.1 DEFINITIONS.

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

12 1. "Aggrieved person" means a person who was a  
13 party to an intercepted wire communication or oral  
14 communication or a person against whom the  
15 interception was directed.

16 2. "Contents", when used with respect to a wire  
17 communication or oral communication, includes any  
18 information concerning the identity of the parties to  
19 the communication or the existence, substance,  
20 purpose, or meaning of that communication.

21 3. "Court" means a district court in this state.

22 4. "Electronic, mechanical, or other device" means  
23 a device or apparatus which can be used to intercept a  
24 wire communication or oral communication other than

25 either of the following:

26 a. A telephone or telegraph instrument, equipment,  
27 or facility, or any component of it which is either of  
28 the following:

29 (1) Furnished to the subscriber or user by a  
30 communications common carrier in the ordinary course  
31 of its business and being used by the subscriber or  
32 user in the ordinary course of the subscriber's or  
33 user's business.

34 (2) Being used by a communications common carrier  
35 in the ordinary course of its business, or by an  
36 investigative or law enforcement officer in the  
37 ordinary course of the officer's duties.

38 b. A hearing aid or similar device being used to  
39 correct subnormal hearing to not better than normal  
40 hearing.

41 5. "Intercept" or "interception" means the aural  
42 acquisition of the contents of a wire communication or  
43 oral communication through the use of an electronic,  
44 mechanical, or other device.

45 6. "Investigative or law enforcement officer"  
46 means a peace officer of this state or one of its  
47 political subdivisions or of the United States who is  
48 empowered by law to conduct investigations of or to  
49 make arrests for criminal offenses, the attorney  
50 general, or a county attorney authorized by law to

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1 prosecute or participate in the prosecution of  
2 criminal offenses.

3 7. "Oral communication" means an oral  
4 communication uttered by a person exhibiting an  
5 expectation that the communication is not subject to  
6 interception, under circumstances justifying that  
7 expectation.

8 8. "Special state agent" means a sworn peace  
9 officer member of the department of public safety.

10 9. "Wire communication" means a communication made  
11 in whole or in part through the use of facilities for  
12 the transmission of communications by the aid of wire,  
13 cable, or other like connection between the point of  
14 origin and the point of reception, furnished or  
15 operated by a person engaged as a common carrier in  
16 providing or operating the facilities for the  
17 transmission of communications.

18 Sec. 12. NEW SECTION. 808B.2 UNLAWFUL ACTS —  
19 PENALTY.

20 1. Except as otherwise specifically provided in  
21 this chapter, a person who does any of the following  
22 commits a class "D" felony:

23 a. Willfully intercepts, endeavors to intercept,

24 or procures any other person to intercept or endeavor  
25 to intercept, a wire communication or oral  
26 communication.

27 b. Willfully uses, endeavors to use, or procures  
28 any other person to use or endeavor to use an  
29 electronic, mechanical, or other device to intercept  
30 any oral communication when either of the following  
31 applies:

32 (1) The device is affixed to, or otherwise  
33 transmits a signal through, a wire, cable, or other  
34 like connection used in wire communication.

35 (2) The device transmits communications by radio,  
36 or interferes with the transmission of radio  
37 communications.

38 c. Willfully discloses, or endeavors to disclose,  
39 to any other person the contents of a wire  
40 communication or oral communication, knowing or having  
41 reason to know that the information was obtained  
42 through the interception of a wire communication or  
43 oral communication in violation of this subsection.

44 d. Willfully uses, or endeavors to use, the  
45 contents of a wire communication or oral  
46 communication, knowing or having reason to know that  
47 the information was obtained through the interception  
48 of a wire communication or oral communication in  
49 violation of this subsection.

50 2. a. It is not unlawful under this chapter for

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1 an operator of a switchboard, or an officer, employee,  
2 or agent of a communications common carrier, whose  
3 facilities are used in the transmission of a wire  
4 communication, to intercept, disclose, or use that  
5 communication in the normal course of employment while  
6 engaged in an activity which is a necessary incident  
7 to the rendition of service or to the protection of  
8 the rights or property of the carrier of the  
9 communication. However, communications common  
10 carriers shall not use service observing or random  
11 monitoring except for mechanical or service quality  
12 control checks.

13 b. It is not unlawful under this chapter for a  
14 person acting under color of law to intercept a wire  
15 communication or oral communication, if the person is  
16 a party to the communication or one of the parties to  
17 the communication has given prior consent to the  
18 interception.

19 c. It is not unlawful under this chapter for a  
20 person not acting under color of law to intercept a  
21 wire communication or oral communication if the person  
22 is a party to the communication or if one of the

23 parties to the communication has given prior consent  
24 to the interception, unless the communication is  
25 intercepted for the purpose of committing a criminal  
26 or tortious act in violation of the Constitution or  
27 laws of the United States or of any state or for the  
28 purpose of committing any other injurious act.

29 Sec. 13. NEW SECTION. 808B.3 COURT ORDER FOR  
30 INTERCEPTION BY SPECIAL AGENTS.

31 The attorney general or a county attorney may apply  
32 to any district court of this state for an order  
33 authorizing the interception of wire communications or  
34 oral communications, and the court may grant, subject  
35 to this chapter, an order authorizing the interception  
36 of wire communications or oral communications by  
37 special state agents having responsibility for the  
38 investigation of the offense as to which application  
39 is made, when the interception may provide or has  
40 provided evidence of the commission of felony offenses  
41 involving dealing in controlled substances, as defined  
42 in section 204.101, subsection 6.

43 Sec. 14. NEW SECTION. 808B.4 PERMISSIBLE  
44 DISCLOSURE AND USE.

45 1. A special state agent who, by any means  
46 authorized by this chapter, has obtained knowledge of  
47 the contents of a wire communication or oral  
48 communication, or has obtained evidence derived from a  
49 wire communication or oral communication, may disclose  
50 the contents to another investigative or law en-

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1 enforcement officer to the extent that the disclosure is  
2 appropriate to the proper performance of the official  
3 duties of the officer making or receiving the  
4 disclosure.

5 2. An investigative or law enforcement officer  
6 who, by any means authorized by this chapter, has  
7 obtained knowledge of the contents of a wire  
8 communication or oral communication or has obtained  
9 evidence derived from a wire communication or oral  
10 communication may use the contents to the extent the  
11 use is appropriate to the proper performance of the  
12 officer's official duties.

13 3. A person who has received, by any means  
14 authorized by this chapter, any information concerning  
15 a wire communication or oral communication, or  
16 evidence derived from a wire communication or oral  
17 communication intercepted in accordance with this  
18 chapter may disclose the contents of that  
19 communication or derivative evidence while giving  
20 testimony under oath or affirmation in a criminal  
21 proceeding in any court of the United States or of

22 this state or in any federal or state grand jury  
23 proceeding.

24 4. An otherwise privileged wire communication or  
25 oral communication intercepted in accordance with, or  
26 in violation of, the provisions of this chapter does  
27 not lose its privileged character.

28 5. If a special state agent, while engaged in  
29 intercepting a wire communication or oral  
30 communication in the manner authorized, intercepts a  
31 communication relating to an offense other than those  
32 specified in the order of authorization, the contents  
33 of the communication, and the evidence derived from  
34 the communication, may be disclosed or used as  
35 provided in subsections 1 and 2. The contents of and  
36 the evidence derived from the communication may be  
37 used under subsection 3 when authorized by a court if  
38 the court finds on subsequent petition that the  
39 contents were otherwise intercepted in accordance with  
40 this chapter. The petition shall be made as soon as  
41 practicable.

42 Sec. 15. NEW SECTION. 808B.5 APPLICATION AND  
43 ORDER.

44 1. An application for an order authorizing or  
45 approving the interception of a wire communication or  
46 oral communication shall be made in writing upon oath  
47 or affirmation to a court and shall state the  
48 applicant's authority to make the application. An  
49 application shall include the following information:

50 a. The identity of the special state agent

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1 requesting the application, the supervisory officer  
2 reviewing and approving the request, and the approval  
3 of the administrator of a division of the department  
4 of public safety under whose command the special state  
5 agent making the application is operating or the  
6 administrator's designee.

7 b. A full and complete statement of the facts and  
8 circumstances relied upon by the applicant to justify  
9 the belief that an order should be issued, including  
10 details as to the particular offense that has been, is  
11 being, or is about to be committed, a particular  
12 description of the nature and location of the  
13 facilities from which or the place where the  
14 communication is to be intercepted, a particular  
15 description of the type of communications sought to be  
16 intercepted, and the identity of the person, if known,  
17 committing the offense and whose communications are to  
18 be intercepted.

19 c. A full and complete statement as to whether  
20 other investigative procedures have been tried and

21 failed or why they reasonably appear to be unlikely to  
22 succeed if tried or to be too dangerous.

23 d. A statement of the period of time for which the  
24 interception is required to be maintained. If the  
25 nature of the investigation is such that the  
26 authorization for interception should not  
27 automatically terminate when the described type of  
28 communication has been first obtained, a particular  
29 description of facts establishing probable cause to  
30 believe that additional communications of the same  
31 type will subsequently occur.

32 e. A full and complete statement of the facts  
33 concerning all previous applications known to the  
34 individuals authorizing and making the application,  
35 made to any court for authorization to intercept, or  
36 for approval of interceptions of, wire communications  
37 or oral communications involving any of the same  
38 persons, facilities or places specified in the  
39 application, and the action taken by the court on  
40 those applications.

41 f. If the application is for the extension of an  
42 order, a statement setting forth the results thus far  
43 obtained from the interception, or a reasonable  
44 explanation of the failure to obtain results.

45 2. The court may require the applicant to furnish  
46 additional testimony or documentary evidence in  
47 support of the application.

48 3. Upon application the court may enter an ex  
49 parte order, as requested or as modified, authorizing  
50 interception of wire communications or oral

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1 communications within the territorial jurisdiction of  
2 the court, if the court finds on the basis of the  
3 facts submitted by the applicant all of the following:

4 a. There is probable cause for belief that an  
5 individual is committing, has committed, or is about  
6 to commit a felony offense involving dealing in  
7 controlled substances, as defined in section 204.101,  
8 subsection 6.

9 b. There is probable cause for belief that  
10 particular communications concerning the offense will  
11 be obtained through the interception.

12 c. Normal investigative procedures have been tried  
13 and have failed or reasonably appear to be unlikely to  
14 succeed if tried or to be too dangerous.

15 d. There is probable cause for belief that the  
16 facilities from which, or the place where, the wire  
17 communications or oral communications are to be  
18 intercepted are being used, or are about to be used,  
19 in connection with the commission of the offense, or

20 are leased to, listed in the name of, or commonly used  
21 by the person whose communications are to be  
22 intercepted.

23 4. Each order authorizing the interception of a  
24 wire communication or oral communication shall specify  
25 all of the following:

26 a. The identity of the person, if known, whose  
27 communications are to be intercepted.

28 b. The nature and location of the communications  
29 facilities as to which, or the place where, authority  
30 to intercept is granted.

31 c. A particular description of the type of  
32 communication sought to be intercepted, and a  
33 statement of the particular offense to which the  
34 communication relates.

35 d. The identity of the agency authorized to  
36 intercept the communications, and of the person  
37 requesting the application.

38 e. The period of time during which interception is  
39 authorized, including a statement as to whether the  
40 interception shall automatically terminate when the  
41 described communication has been first obtained.

42 5. Each order authorizing the interception of a  
43 wire communication or oral communication shall, upon  
44 request of the applicant, direct that a communications  
45 common carrier, landlord, custodian, or other person  
46 shall furnish to the applicant all information,  
47 facilities, and technical assistance necessary to  
48 accomplish the interception inconspicuously and with a  
49 minimum of interference with the services that the  
50 carrier, landlord, custodian, or person is giving to

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1 the person whose communications are to be intercepted.  
2 Any communications common carrier, landlord,  
3 custodian, or other person furnishing facilities or  
4 technical assistance shall be compensated by the  
5 applicant at the prevailing rates.

6 6. An order entered under this section shall not  
7 authorize the interception of a wire communication or  
8 oral communication for a period longer than is  
9 necessary to achieve the objective of the authorized  
10 interception, or in any event longer than thirty days.  
11 The thirty-day period shall commence on the date  
12 specified in the order upon which the commencement of  
13 the interception is authorized or ten days after the  
14 order is entered, whichever is earlier. An extension  
15 of an order may be granted, but only upon application  
16 for an extension made in accordance with subsection 1  
17 and the court making the findings required by  
18 subsection 3. The period of extension shall be no

19 longer than the authorizing court deems necessary to  
20 achieve the purposes for which it was granted and in  
21 no event longer than thirty days. Every order and its  
22 extension shall contain a provision that the  
23 authorization to intercept shall be executed as soon  
24 as practicable, shall be conducted in such a way as to  
25 minimize the interception of communications not  
26 otherwise subject to interception under this section  
27 and sections 808B.1 through 808B.4, 808B.6, and  
28 808B.7, and shall terminate upon attainment of the  
29 authorized objective, or in any event in thirty days.

30 7. If an order authorizing interception is entered  
31 pursuant to this chapter, the order may require  
32 reports to be made to the court which issued the order  
33 showing what progress has been made toward achievement  
34 of the authorized objective and the need for continued  
35 interception. The reports shall be made at intervals  
36 as the court requires.

37 8. The contents of a wire communication or oral  
38 communication intercepted by a means authorized by  
39 this chapter shall, if possible, be recorded on tape  
40 or wire or other comparable device. The recording of  
41 the contents of a wire communication or oral  
42 communication under this subsection shall be done in a  
43 way which will protect the recording from editing or  
44 other alterations. Immediately upon the expiration of  
45 the period of the order, or extensions of it, the  
46 recordings shall be made available to the court  
47 issuing the order and shall be sealed under the  
48 court's directions. Custody of the recordings shall  
49 be in accordance with the court order. Recordings  
50 shall be kept for ten years and thereafter shall not

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1 be destroyed except upon an order of the court.  
2 Duplicate recordings may be made for disclosure or use  
3 pursuant to section 808B.4, subsections 1 and 2. The  
4 presence of a seal, or a satisfactory explanation for  
5 its absence, is a prerequisite for the disclosure or  
6 use of the contents of a wire communication or oral  
7 communication or evidence derived from a communication  
8 under section 808B.4, subsection 3.

9 Applications made and orders granted under this  
10 chapter shall be sealed by the court. Custody of the  
11 applications and orders shall be in accordance with  
12 the directives of the court. The applications and  
13 orders shall be disclosed only upon a showing of good  
14 cause before a court and shall be kept for ten years  
15 and thereafter shall not be destroyed except on order  
16 of the court.

17 A violation of this subsection may be punished as

18 contempt of court.

19 9. Within a reasonable time, but not longer than  
20 ninety days, after the termination of the period of an  
21 order or its extensions, the court shall cause a  
22 notice to be served on all persons named in the order  
23 or the application which includes the following:

24 a. The names of other parties to intercepted  
25 communications if the court determines disclosure of  
26 the names to be in the interest of justice.

27 b. An inventory which shall include all of the  
28 following:

29 (1) The date of the application.

30 (2) The date of the entry of the court order and  
31 the period of authorized, approved, or disapproved  
32 interception, or the denial of the application.

33 (3) Whether, during the period, wire or oral  
34 communications were or were not intercepted.

35 The court, upon the filing of a motion by a person  
36 whose communications were intercepted, shall make  
37 available to the person or the person's attorney for  
38 inspection the intercepted communications,  
39 applications, and orders. On an ex parte showing of  
40 good cause to a court, the service of the inventory  
41 required by this subsection may be postponed.

42 10. The contents of an intercepted wire  
43 communication or oral communication or evidence  
44 derived from the wire communication or oral  
45 communication shall not be received in evidence or  
46 otherwise disclosed in a trial, hearing, or other  
47 proceeding in a federal or state court unless each  
48 party, not less than ten days before the trial,  
49 hearing, or proceeding, has been furnished with a copy  
50 of the court order, and accompanying application,

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1 under which the interception was authorized. This  
2 ten-day period may be waived by the court if it finds  
3 that it was not possible to furnish the party with the  
4 above information ten days before the trial, hearing,  
5 or proceeding and that the party will not be  
6 prejudiced by the delay in receiving the information.

7 11. An aggrieved person in a trial, hearing, or  
8 proceeding in or before any court, department,  
9 officer, agency, regulatory body, or other authority  
10 of this state, may move to suppress the contents of an  
11 intercepted wire communication or oral communication,  
12 or evidence derived from the wire communication or  
13 oral communication, on the grounds that the  
14 communication was unlawfully intercepted, the order of  
15 authorization under which it was intercepted was  
16 insufficient on its face, or the interception was not

17 made in conformity with the order of authorization.  
18 The motion shall be made before the trial, hearing, or  
19 proceeding unless there was no opportunity to make the  
20 motion or the person was not aware of the grounds of  
21 the motion. If the motion is granted, the contents of  
22 the intercepted wire communication or oral  
23 communication, or evidence derived from the wire  
24 communication or oral communication, shall be treated  
25 as having been obtained in violation of this chapter.  
26 The court, upon the filing of the motion, may make  
27 available to the aggrieved person or the person's  
28 attorney for inspection portions of the intercepted  
29 communication or evidence derived from the  
30 communication as the court determines to be in the  
31 interests of justice.

32 12. In addition to any other right to appeal, the  
33 attorney general or any county attorney may appeal  
34 from an order granting a motion to suppress made under  
35 subsection 11 or the denial of an application for an  
36 order of approval, if the attorney general or county  
37 attorney certifies to the court granting the motion or  
38 denying the application that the appeal is not taken  
39 for purposes of delay. The appeal shall be made  
40 within thirty days after the date the order was  
41 entered or application was denied and shall be  
42 diligently prosecuted.

43 Sec. 16. NEW SECTION. 808B.6 REPORTS TO STATE  
44 COURT ADMINISTRATOR.

45 1. Within thirty days after the denial of an  
46 application or after the expiration of an order  
47 granting an application, or after an extension of an  
48 order, the court shall report to the state court  
49 administrator all of the following:

50 a. The fact that an order or extension was applied

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- 1 for.
- 2 b. The kind of order or extension applied for.
- 3 c. The fact that the order or extension was  
4 granted as applied for, was granted as modified, or  
5 that an application was denied.
- 6 d. The period of interceptions authorized by the  
7 order, and the number and duration of any extensions  
8 of the order.
- 9 e. The offense specified in the order or  
10 application, or extension of an order.
- 11 f. The identity of the prosecutor making the  
12 application and the court reviewing and approving the  
13 request.
- 14 g. The nature of the facilities from which or the  
15 place where communications were to be intercepted.

- 16 2. In January of each year, the attorney general  
17 and the county attorneys of this state shall report to  
18 the state court administrator and to the  
19 administrative offices of the United States district  
20 courts all of the following:
- 21 a. The fact that an order or extension was applied  
22 for.
  - 23 b. The kind of order or extension applied for.
  - 24 c. The fact that the order or extension was  
25 granted as applied for, was granted as modified, or  
26 that an application was denied.
  - 27 d. The period of interceptions authorized by the  
28 order, and the number and duration of any extensions  
29 of the order.
  - 30 e. The offense specified in the order or  
31 application, or extension of an order.
  - 32 f. The nature of the facilities from which or the  
33 place where communications were to be intercepted.
  - 34 g. A general description of the interceptions made  
35 under such order or extension, including:
    - 36 (1) The approximate nature and frequency of  
37 incriminating communications intercepted.
    - 38 (2) The approximate nature and frequency of other  
39 communications intercepted.
    - 40 (3) The approximate number of persons whose  
41 communications were intercepted.
    - 42 (4) The approximate nature, amount, and cost of  
43 personnel and other resources used in the  
44 interceptions.
  - 45 h. The number of arrests resulting from  
46 interceptions made under such order or extension, and  
47 the offenses for which arrests were made.
  - 48 i. The number of trials resulting from such  
49 interceptions.
  - 50 j. The number of motions to suppress made with

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- 1 respect to such interceptions, and the number granted  
2 or denied.
- 3 k. The number of convictions resulting from such  
4 interceptions and the offenses for which the  
5 convictions were obtained and a general assessment of  
6 the importance of the interceptions.
  - 7 l. The information required by paragraphs "b"  
8 through "f" with respect to orders or extensions  
9 obtained in a preceding calendar year and not yet  
10 reported.
  - 11 m. Other information required by the rules of the  
12 administrative offices of the United States district  
13 courts.
- 14 3. In March of each year the state court

15 administrator shall transmit to the general assembly a  
 16 full and complete report concerning the number of  
 17 applications for orders authorizing the interception  
 18 of wire communications or oral communications and the  
 19 number of applications, orders, and extensions granted  
 20 or denied during the preceding calendar year. The  
 21 report shall include a summary and analysis of the  
 22 data required to be filed with the state court  
 23 administrator by the attorney general, county  
 24 attorneys, and the courts.

25 Sec. 17. NEW SECTION. 808B.7 CONTENTS OF  
 26 INTERCEPTED WIRE OR ORAL COMMUNICATION AS EVIDENCE.

27 The contents or any part of the contents of an  
 28 intercepted wire communication or oral communication  
 29 and any evidence derived from the wire communication  
 30 or oral communication shall not be received in  
 31 evidence in a trial, hearing, or other proceeding in  
 32 or before a court, grand jury, department, officer,  
 33 agency, regulatory body, legislative committee, or  
 34 other authority of the United States, a state, or  
 35 political subdivision of a state if the disclosure of  
 36 that information would be in violation of this  
 37 chapter.

38 Sec. 18. NEW SECTION. 808B.8 CIVIL DAMAGES  
 39 AUTHORIZED — CIVIL AND CRIMINAL IMMUNITY.

40 1. A person whose wire communication or oral  
 41 communication is intercepted, disclosed, or used in  
 42 violation of this chapter shall:

43 a. Have a civil cause of action against any person  
 44 who intercepts, discloses, or uses or procures any  
 45 other person to intercept, disclose, or use such  
 46 communications.

47 b. Be entitled to recover from any such person all  
 48 of the following:

49 (1) Actual damages, but not less than liquidated  
 50 damages computed at the rate of one hundred dollars a

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1 day for each day of violation, or one thousand  
 2 dollars, whichever is higher.

3 (2) Punitive damages upon a finding of a willful,  
 4 malicious, or reckless violation of this chapter.

5 (3) A reasonable attorney's fee and other  
 6 litigation costs reasonably incurred.

7 2. A good faith reliance on a court order shall  
 8 constitute a complete defense to any civil or criminal  
 9 action brought under this chapter.

10 Sec. 19. NEW SECTION. 808B.9 REPEAL.

11 This chapter is repealed effective July 1, 1994.

12 Sec. 20. Section 901.3, Code 1989, is amended by  
 13 adding the following new subsection:

14 NEW SUBSECTION. 7. The defendant's potential as a  
 15 candidate for assignment to a treatment facility  
 16 pursuant to section 246.513 based upon the  
 17 standardized assessment criteria developed by the  
 18 department of corrections. The presentence  
 19 investigation report shall contain the assessment  
 20 criteria commencing January 1, 1990.

21 Sec. 21. Section 905.1, subsection 2, Code 1989,  
 22 is amended to read as follows:

23 2. "Community-based correctional program" means  
 24 correctional programs and services designed to  
 25 supervise and assist individuals who are charged with  
 26 or have been convicted of a felony, an aggravated  
 27 misdemeanor or a serious misdemeanor, or who are on  
 28 probation or parole in lieu of or as a result of a  
 29 sentence of incarceration imposed upon conviction of  
 30 any of these offenses, or who have been confined in a  
 31 county jail as a result of revocation of probation or  
 32 parole for conviction and sentence of a class "C" or  
 33 "D" felony or aggravated misdemeanor, or who are  
 34 contracted to the district department for supervision  
 35 and housing while on work release.

36 Sec. 22. NEW SECTION. 906.18 CONFINEMENT OF  
 37 PAROLE AND PROBATION VIOLATORS BY COUNTIES -  
 38 REIMBURSEMENT.

39 1. A county may enter into a chapter 28E agreement  
 40 with the department of corrections for the confinement  
 41 of parole and probation violators pursuant to section  
 42 908.9 or 908.11, and the agreement may contain  
 43 provisions relating to reimbursement to the county for  
 44 confining the violators, and any other terms the  
 45 contracting parties deem appropriate.

46 2. The department of corrections and counties may  
 47 commence negotiation and execution of the chapter 28E  
 48 agreements provided in subsection 1 on or after July  
 49 1, 1989.

50 3. Parole and probation violators may be confined

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1 in county jails pursuant to sections 908.9 and 908.11  
 2 commencing January 1, 1990.

3 Sec. 23. Section 907.3, unnumbered paragraph 1,  
 4 Code 1989, is amended to read as follows:

5 Pursuant to section 901.5, the trial court may,  
 6 upon a plea of guilty, a verdict of guilty, or a  
 7 special verdict upon which a judgment of conviction  
 8 may be rendered, exercise any of the options contained  
 9 in subsections 1 and 2 of this section. However, this  
 10 section shall not apply to a forcible felony or  
 11 violations of section 204.401, subsection 1.

12 Sec. 24. Section 908.9, Code 1989, is amended to

13 read as follows:

14 908.9 DISPOSITION OF VIOLATOR.

15 1. If the parole of a parole violator is revoked,  
16 the violator shall remain in the custody of the Iowa  
17 department of corrections under the terms of the  
18 parolee's original commitment.

19 2. Notwithstanding subsection 1, if the parole of  
20 a parole violator, originally committed to the  
21 department for conviction of a class "C" or "D"  
22 felony, or aggravated misdemeanor, is revoked, the  
23 parole revocation officer or board panel shall  
24 determine whether the violator is to remain in the  
25 custody of the director of the department of  
26 corrections under the terms of the parolee's original  
27 commitment, or is to be confined in a county jail, for  
28 a maximum period of one year, as part of the  
29 violator's subsequent plan of parole or work release.  
30 A violator shall be confined in a county jail only if  
31 the violator is placed on work release, educational  
32 work release, or in a community-based correctional  
33 program and the county and the department of  
34 corrections have entered into a chapter 28E agreement  
35 pursuant to section 906.18. A violator assigned to  
36 county jail confinement pursuant to this subsection  
37 shall be transported directly to the assigned county  
38 jail, and shall remain under the jurisdiction of the  
39 board of parole and under the supervision and  
40 direction of the judicial district department of  
41 correctional services. For purposes of this  
42 subsection, a violator, who has been committed to the  
43 custody of the director of the department of  
44 corrections upon the imposition of consecutive  
45 sentences for serious misdemeanor violations and the  
46 consecutive sentences exceed a total of one year,  
47 shall be considered to have been convicted of an  
48 aggravated misdemeanor.

49 3. If the parole of a parole violator is not  
50 revoked, the parole revocation officer or board panel

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1 shall order the person's release subject to the terms  
2 of the person's parole with any modifications that the  
3 parole revocation officer or board panel determines  
4 proper.

5 Sec. 25. NEW SECTION. 908.9A CUSTODY OF PAROLE  
6 OR PROBATION VIOLATOR.

7 A parole or probation violator confined to a county  
8 jail pursuant to section 908.9 or 908.11 shall remain  
9 committed to the custody of the director of the  
10 department of corrections.

11 Sec. 26. Section 908.11, Code 1989, is amended to

12 read as follows:

13 908.11 VIOLATION OF PROBATION.

14 A probation officer or the judicial district  
15 department of correctional services having probable  
16 cause to believe that any person released on probation  
17 has violated the conditions of probation shall proceed  
18 by arrest or summons as in the case of a parole  
19 violation. The functions of the liaison officer and  
20 the board of parole shall be performed by the judge or  
21 magistrate who placed the alleged violator on  
22 probation if that judge or magistrate is available,  
23 otherwise by another judge or magistrate who would  
24 have had jurisdiction to try the original offense. If  
25 the probation officer proceeds by arrest, any  
26 magistrate may receive the complaint, issue an arrest  
27 warrant, or conduct the initial appearance and  
28 probable cause hearing if it is not convenient for the  
29 judge who placed the alleged violator on probation to  
30 do so. The initial appearance, probable cause  
31 hearing, and probation revocation hearing, or any of  
32 them, may at the discretion of the court be merged  
33 into a single hearing when it appears that the alleged  
34 violator will not be prejudiced thereby. If the  
35 violation is established, the court may continue the  
36 probation with or without an alteration of the  
37 conditions of probation. If the defendant is an adult  
38 the court may hold the defendant in contempt of court  
39 and sentence the defendant to a jail term while  
40 continuing the probation, or may revoke the probation  
41 and require the defendant to serve the sentence  
42 imposed or any lesser sentence, and, if imposition of  
43 sentence was deferred, may impose any sentence which  
44 might originally have been imposed. If the defendant  
45 was originally committed to the custody of the  
46 department of corrections, the defendant's sentence  
47 was suspended or deferred, and the defendant has been  
48 placed on probation for violation of a class "C" or  
49 "D" felony or an aggravated misdemeanor, and a  
50 violation of probation has been established, the court

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1 may revoke probation and, as an alternative to serving  
2 the sentence originally imposed, require the defendant  
3 to serve a maximum term of imprisonment of one year in  
4 a county jail if the defendant is eligible for work  
5 release, educational work release, or a community-  
6 based correctional program and the county and the  
7 department of corrections have entered into a chapter  
8 28E agreement pursuant to section 906.18. A probation  
9 violator confined in a county jail pursuant to this

10 section shall remain under the supervision and  
11 direction of the violator's probation officer. For  
12 purposes of this section, a person who receives  
13 consecutive sentences for serious misdemeanor  
14 violations, which sentences are not suspended and  
15 exceed a total of one year, shall be considered to  
16 have committed an aggravated misdemeanor.

17 Sec. 27. The department of education shall develop  
18 programs for juveniles designed to provide alternative  
19 activities for juveniles in an effort to reduce the  
20 participation of the target population in gang  
21 activities and other delinquent acts.

22 Sec. 28. The legislative council shall consider  
23 establishing a commission to study illegal drug  
24 activities in the state of Iowa and efforts to combat  
25 this growing problem. If established, the commission  
26 shall study the appropriate aid to be provided to  
27 state and local law enforcement agencies for the  
28 apprehension of persons engaged in unlawful activities  
29 relating to drugs, the proper role for state  
30 government in coordinating these enforcement  
31 activities, the treatment of substance abusers, the  
32 relationship between the use of illegal drugs and the  
33 commission of criminal offenses not related to illegal  
34 drugs in Iowa, and other related matters. The  
35 commission should report its findings and  
36 recommendations to the legislative council and the  
37 general assembly by January 15, 1990.

38 Sec. 29. Section 204.414, Code 1989, is repealed."

39 2. Title page, line 2, by striking the words "and  
40 creating a new department of drug control".

The House stood at ease at 1:35 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—4290 to House File 780 at 3:10 p.m., Connors of Polk in the chair.

Carpenter of Polk asked and received unanimous consent to defer action on amendment H—4290.

Halvorson of Clayton asked and received unanimous consent to defer action on amendment H—4276.

Trent of Muscatine offered amendment H—4308 filed by him and Beaman of Clarke from the floor and requested division as follows:

H—4308

1 Amend House File 780 as follows:

H-4308A

2 1. By striking page 1, line 1, through page 6,  
3 line 5, and inserting the following:  
4 "Section 1. NEW SECTION. 7E.8 SPECIAL ASSISTANT.  
5 The governor shall appoint a special assistant to  
6 help coordinate all statewide narcotics enforcement  
7 efforts, coordinate all state and federal substance  
8 abuse treatment grants and programs, coordinate all  
9 statewide substance abuse prevention and education  
10 programs in communities and schools, and engage in  
11 such other related activities as required by law. The  
12 special assistant shall work in coordinating the  
13 efforts of the department of corrections, the  
14 department of education, the Iowa department of public  
15 health, the department of public safety, and the  
16 department of human services. The special assistant  
17 shall assist in the development and implementation of  
18 local and community strategies to fight substance  
19 abuse, including local law enforcement, education, and  
20 treatment activities. An annual report shall be  
21 submitted to the governor and the general assembly  
22 concerning the activities and programs of the special  
23 assistant.  
24 The report shall include an assessment of needs  
25 with respect to programs related to substance  
26 treatment and narcotics enforcement."

H-4308B

27 2. Page 7, by striking lines 26 and 27 and  
28 inserting the following:  
29 " ..... \$ 1,118,752  
30 ..... FTEs 18.0".  
31 3. Page 7, line 29, by striking the word "ten"  
32 and inserting the following: "fourteen".  
33 4. By striking page 7, line 35, through page 8,  
34 line 1, and inserting the following:  
35 " ..... \$ 204,932  
36 ..... FTEs 6.0".  
37 5. Page 8, line 3, by striking the word "four"  
38 and inserting the following: "six".

H-4308C

39 6. Page 8, by striking lines 21 through 23 and  
40 inserting the following:  
41 "Sec. \_\_\_\_\_. Section 204.401, Code 1989, is amended  
42 by striking the section and inserting in lieu thereof  
43 the following:  
44 204.401 PROHIBITED ACTS - CONTROLLED SUBSTANCES -  
45 PENALTIES."

H-4308C

46 7. Page 12, by striking line 3 and inserting the  
47 following:  
48 "2. It is unlawful for any person knowingly or  
49 intentionally to possess a controlled substance,  
50 counterfeit substance, or simulated controlled

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1 substance unless such substance was obtained directly  
2 from or pursuant to a valid prescription or order of a  
3 practitioner while acting in the course of the  
4 practitioner's professional practice, or except as  
5 otherwise authorized by this chapter. A person who  
6 violates this subsection with respect to possession of  
7 the following substances is guilty of the following:  
8 a. Marijuana in an amount less than one ounce, is  
9 guilty of a serious misdemeanor. Punishment shall be  
10 imprisonment in the county jail for not more than six  
11 months or a fine of not less than one hundred dollars  
12 nor more than one thousand dollars, or by both such  
13 imprisonment and fine.  
14 b. Marijuana in an amount of one ounce or more, or  
15 any amount of any other controlled substance  
16 classified in schedule I, II, III, IV, or V is guilty  
17 of an aggravated misdemeanor.  
18 c. Any of the following controlled substances,  
19 counterfeit substances, or simulated controlled  
20 substances in the following amounts is guilty of a  
21 class "D" felony:  
22 (1) One hundred grams or more of a mixture or  
23 substance containing a detectable amount of heroin.  
24 (2) Five hundred grams or more of any of the  
25 following:  
26 (a) Coca leaves, except coca leaves and extracts  
27 of coca leaves from which cocaine, ecgonine, and  
28 derivatives of ecgonine or their salts have been  
29 removed.  
30 (b) Cocaine, its salts, optical and geometric  
31 isomers, and salts of isomers.  
32 (c) Ecgonine, its derivatives, their salts,  
33 isomers, and salts of isomers.  
34 (d) Any compound, mixture, or preparation which  
35 contains any quantity of any of the substances  
36 referred to in subparagraph subdivisions (a) through  
37 (c).  
38 (3) Five grams or more of a mixture or substance  
39 described in subparagraph (2) which contains cocaine  
40 base.  
41 (4) Ten grams or more of phencyclidine (PCP) or  
42 more than one hundred kilograms of a mixture or  
43 substance containing a detectable amount of  
44 phencyclidine (PCP).

H-4308C

45 (5) Ten grams or more of lysergic acid  
46 diethylamide (LSD).  
47 d. Marijuana in an amount of one ounce or more, or  
48 any amount of any other controlled substance  
49 classified in schedule I, II, III, IV, or V, if the  
50 person violating this subsection has previously been

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1 convicted of a violation of the laws of this or any  
2 other jurisdiction proscribing delivery, sale,  
3 manufacturing, or possession with the intent to  
4 deliver or manufacture any controlled substance,  
5 counterfeit substance, or simulated controlled  
6 substance, is guilty of a class "D" felony.

7 3. If the same person commits two or more acts  
8 which are".

9 8. Page 13, by inserting after line 25, the  
10 following:

11 "Sec. \_\_\_\_\_. Section 204.409, subsection 1, Code  
12 1989, is amended to read as follows:

13 1. Whenever a person who has not previously been  
14 convicted of an offense under this chapter or an  
15 offense under a state or federal statute relating to  
16 narcotic drugs or cocaine, marijuana, or stimulant,  
17 depressant, or hallucinogenic drugs, pleads guilty to  
18 or is found guilty of possession of a controlled  
19 substance under section 204.401, subsection 3 2, or is  
20 sentenced pursuant to section 204.410, the court,  
21 without entering a judgment of guilt and with the  
22 consent of the accused, may defer further proceedings  
23 and place the accused on probation upon terms and  
24 conditions as it requires. When a person is placed on  
25 probation under this subsection, the person's  
26 appearance bond may be discharged at the discretion of  
27 the court. Upon violation of a term or condition, the  
28 court may enter an adjudication of guilt and proceed  
29 as otherwise provided. Upon fulfillment of the terms  
30 and conditions, the court shall discharge the person  
31 and dismiss the proceedings against the person.  
32 Discharge and dismissal under this section shall be  
33 without court adjudication of guilt and is not a  
34 conviction for purposes of this section or for  
35 purposes of disqualifications or disabilities imposed  
36 by law upon conviction of a crime, including the  
37 additional penalties imposed for second or subsequent  
38 convictions under section 204.410. Discharge and  
39 dismissal under this section may occur only once with  
40 respect to any person."

41 9. Page 14, by inserting after line 8, the  
42 following:

H—4308C

43 "Sec. \_\_\_\_\_. Section 204.411, subsection 3, Code  
44 1989, is amended to read as follows:

45 3. This section does not apply to offenses under  
46 section 204.401, subsection 3 2.

47 Sec. \_\_\_\_\_. Section 204.413, unnumbered paragraph 1,  
48 Code 1989, is amended to read as follows:

49 A person sentenced pursuant to section 204.401,  
50 subsection 1, paragraph "a" or "b" shall is not be

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1 eligible for parole until the person has served a  
2 minimum period of confinement of one-third of the  
3 maximum indeterminate sentence prescribed by law  
4 imposed by the court.

5 A person sentenced pursuant to section 204.401,  
6 subsection 1, paragraph "e" or "f", is not eligible  
7 for parole until the person has served a minimum  
8 period of confinement of one-third of each term  
9 imposed."

10 10. Page 27, by inserting after line 35, the  
11 following:

12 "Sec. \_\_\_\_\_. Section 907.3, unnumbered paragraph 1,  
13 Code 1989, is amended to read as follows:

14 Pursuant to section 901.5, the trial court may,  
15 upon a plea of guilty, a verdict of guilty, or a  
16 special verdict upon which a judgment of conviction  
17 may be rendered, exercise any of the options contained  
18 in subsections 1 and 2 of this section. However, this  
19 section shall not apply to a forcible felony or  
20 violations of section 204.401, subsection 1."

21 11. Title page, line 2, by striking the words  
22 "and creating a new department of drug control".

Speaker Avenson in the chair at 4:08 p.m.

Trent of Muscatine moved the adoption of amendment H—4308A.

Roll call was requested by Stromer of Hancock and McKinney of Dallas.

Rule 75 was invoked.

On the question "Shall amendment H—4308A be adopted?"  
(H.F. 780)

The ayes were, 45:

Banks	Beaman	Bennett	Black
Branstad	Brown	Carpenter	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.

Hammond	Hanson, D. R.	Harbor	Haverland
Hermann	Hester	Jesse	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklloth	Shoning	Siegrist	Spencer
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Buhr
Chapman	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hansen, S. D.
Harper	Hatch	Hibbard	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, none.

Amendment H—4308A lost.

Jay of Appanoose offered the following amendment H—4311 filed by him from the floor and moved its adoption:

H—4311

- 1 Amend House File 780 as follows:
- 2 1. Page 3, by inserting after line 20, the
- 3 following:
- 4 "\_\_\_\_\_. Records of the substance abuse treatment
- 5 division, and the records of patients of the
- 6 facilities and program regulated by the division, are
- 7 confidential and shall not be disclosed or made
- 8 available to any person other than employees of the
- 9 division in the discharge of their official duties.
- 10 Violation of this subsection is a serious
- 11 misdemeanor."
- 12 2. By renumbering as necessary.

Amendment H—4311 was adopted.

Halvorson of Clayton offered the following amendment H—4300 filed by him from the floor and moved its adoption:

H—4300

- 1 Amend House File 780, as follows:
- 2 1. Page 7, by striking lines 1 and 2 and
- 3 inserting the following: "department of public safety
- 4 within the narcotics enforcement division relating to
- 5 the".

Amendment H—4300 was adopted.

The House resumed consideration of amendment H—4308B.

Trent of Muscatine moved the adoption of amendment H—4308B.

Roll call was requested by Stromer of Hancock and Trent of Muscatine.

On the question "Shall amendment H—4308B be adopted?"  
(H.F. 780)

The ayes were, 44:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Hermann	Hester	Jay
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Peters	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shearer
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brown
Buhr	Chapman	Cohoon	Connolly
Doderer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Hammond	Harper
Hatch	Haverland	Hibbard	Holveck
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Neuhausser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 4:

Brand	Connors	Fuller	Shoultz
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Amendment H—4308B lost.

Dvorsky of Johnson offered the following amendment H—4298 filed from the floor by Dvorsky, McKinney and Knapp and moved its adoption:

H—4298

1 Amend House File 780 as follows:  
 2 1. Page 8, by inserting after line 13, the  
 3 following:  
 4 "As a condition, limitation, and qualification of  
 5 this appropriation, \$200,000 shall be used for the  
 6 licensed substance abuse programs at the correctional  
 7 facilities at Newton, Clarinda, and Mt. Pleasant, for  
 8 expanding the program at Mitchellville in order to  
 9 permit the program to be licensed, and for employment  
 10 of an additional five full-time counselors and one  
 11 half-time counselor for the correctional facilities at  
 12 Clarinda, Newton, Mt. Pleasant, and Luster Heights;  
 13 \$424,000 shall be used to provide twenty-five  
 14 additional beds at the correctional facility at Newton  
 15 for an intensive thirty-day substance abuse treatment  
 16 program for parole and work release violators who have  
 17 identified substance abuse problems, and for  
 18 employment of six additional correctional officers,  
 19 five additional counselors, and a half-time nurse; and  
 20 \$376,000 shall be used for the expansion of the  
 21 treatment alternatives to street crime program  
 22 currently existing in the first, fifth, and sixth  
 23 judicial district departments of correctional services  
 24 and for developing this program in the remaining  
 25 judicial district departments of correctional  
 26 services."

Amendment H—4298 was adopted.

The House resumed consideration of amendment H—4308C.

Trent of Muscatine moved the adoption of amendment H—4308C.

Roll call was requested by Stromer of Hancock and Trent of Muscatine.

Rule 75 was invoked.

On the question "Shall amendment H—4308C be adopted?"  
 (H.F. 780)

The ayes were, 44:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett

De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Hermann	Hester	Jesse
Kistler	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shearer
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Hammond	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lykam
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 1:

Fuller

Amendment H—4308C lost.

McKinney of Dallas offered the following amendment H—4303 filed by him from the floor and moved its adoption:

H—4303

- 1 Amend House File 780 as follows:
- 2 1. Page 8, lines 25 and 26, by striking the words
- 3 "sell or offer for sale,".
- 4 2. Page 8, line 27, by striking the words "sell
- 5 or offer for sale,".
- 6 3. Page 8, lines 30 and 31, by striking the words
- 7 "sell or offer for sale,".
- 8 4. Page 8, line 32, by striking the words ", sell
- 9 or offer for sale,".
- 10 5. Page 11, line 17, by inserting after the word
- 11 "substance" the following: ", counterfeit substance,
- 12 or simulated controlled substance".
- 13 6. Page 14, by inserting after line 8, the
- 14 following:
- 15 "Sec. \_\_\_\_\_. Section 204.413, unnumbered paragraph

16 1, Code 1989, is amended to read as follows:  
 17 A person sentenced pursuant to section 204.401,  
 18 subsection 1, paragraph "a", or "b", "c", "e", or "f",  
 19 shall not be eligible for parole until the person has  
 20 served a minimum period of confinement of one-third of  
 21 the maximum indeterminate sentence prescribed by law  
 22 imposed by the court."  
 23 7. By renumbering as necessary.

Amendment H—4303 was adopted.

McKinney of Dallas offered the following amendment H—4301  
 filed by him from the floor and moved its adoption:

H—4301

1 Amend House File 780 as follows:  
 2 1. Page 11, by striking lines 22 and 23 and  
 3 inserting the following: "V is an aggravated  
 4 misdemeanor. However, violations of this subsection  
 5 involving less than fifty kilograms of marijuana, is a  
 6 class "D" felony, and in".

Amendment H—4301 was adopted.

Rosenberg of Story offered the following amendment H—4305  
 filed by him from the floor and moved its adoption:

H—4305

1 Amend House File 780 as follows:  
 2 1. Page 17, by inserting before line 9 the  
 3 following:  
 4 "3. An operator of a switchboard, or an officer,  
 5 employee, or agent of a communications common carrier,  
 6 whose facilities are used in the transmission or  
 7 interception of a wire or oral communication shall not  
 8 disclose the existence of any transmission or  
 9 interception or the device used to accomplish the  
 10 transmission or interception with respect to a court  
 11 order under this chapter, except as may otherwise be  
 12 required by legal process or court order. Violation  
 13 of this subsection is a class "D" felony."  
 14 2. Page 22, line 28, by striking the word "ten"  
 15 and inserting the following: "five".  
 16 3. Page 22, by striking line 29 and inserting the  
 17 following: "shall then be destroyed unless it is  
 18 necessary to keep the recordings due to a continued  
 19 legal process or court order, but the recordings shall  
 20 not be kept for longer than ten years."  
 21 4. Page 22, line 30, by striking the word  
 22 "court."  
 23 5. Page 23, by striking lines 6 and 7 and

24 inserting the following: "for five years and shall  
25 then be destroyed unless it is necessary to keep the  
26 applications or orders due to a continued legal  
27 process or court order, but the applications and  
28 orders shall not be kept for longer than ten years."

29 6. Page 27, line 15, by striking the word  
30 "IMMUNITY" and inserting the following: "IMMUNITY –  
31 INJUNCTIVE RELIEF".

32 7. Page 27, by inserting before line 34 the  
33 following:

34 "3. A person whose wire communication or oral  
35 communication is intercepted, disclosed, or used in  
36 violation of this chapter may seek an injunction,  
37 either temporary or permanent, against any person who  
38 violates this chapter."

39 8. By renumbering as necessary.

Amendment H—4305 was adopted.

Jay of Appanoose offered the following amendment H—4309 filed  
by him from the floor and moved its adoption:

H—4309

1 Amend House File 780 as follows:

2 1. Page 17, line 11, by striking the words "or a  
3 county attorney" and inserting the following: "shall  
4 authorize and prepare any application for an order  
5 authorizing the interception of wire communications or  
6 oral communications. The attorney general".

7 2. Page 17, line 12, by inserting after the word  
8 "state" the following: ", or request that the county  
9 attorney in the district where application is to be  
10 made deliver the application of the attorney  
11 general,".

12 3. Page 24, line 8, by inserting after the word  
13 "information." the following: "If the ten-day period  
14 is waived by the court, the court may grant a  
15 continuance, or enter such other order as it deems  
16 just under the circumstances."

17 4. By striking page 24, line 25, through page 25,  
18 line 4, and inserting the following: "obtained in  
19 violation of this chapter.

20 12. An appeal by the attorney general from an  
21 order granting a motion to suppress or from the denial  
22 of an application for an order of approval shall be  
23 pursuant to section 814.5, subsection 2."

Amendment H—4309 was adopted.

Halvorson of Clayton offered the following amendment H—4306  
filed by him from the floor and moved its adoption:

H—4306

- 1 Amend House File 780 as follows:
- 2 1. Page 28, by striking line 1.
- 3 2. Renumber as necessary.

Roll call was requested by Halvorson of Clayton and Harbor of Mills.

On the question "Shall amendment H—4306 be adopted?"  
(H.F. 780)

The ayes were, 43:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hermann	Hester
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Poney
Renken	Royer	Schneklath	Shoning
Siegrist	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Cohoon	Connolly	Doderer
Dvorsky	Fey	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Wise
Mr. Speaker Avenson			

Absent or not voting, 4:

Chapman	Connors	Osterberg	Teaford
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Amendment H—4306 lost.

The House resumed consideration of amendment H—4290, previously deferred, found on pages 2083 through 2106 of the House Journal.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—4290.

Halvorson of Clayton offered the following amendment H—4276, previously deferred, filed by Halvorson, et al., and moved its adoption:

H—4276

- 1 Amend House File 780 as follows:
- 2 1. By striking page 1, line 1, through page 6,
- 3 line 5.
- 4 2. Page 6, by striking lines 23 through 29 and
- 5 inserting the following: "No more than four law".
- 6 3. By striking page 27, line 34, through page 28,
- 7 line 3.
- 8 4. Title page, line 2, by striking the words "and
- 9 creating a new department of drug control".

A non-record roll call was requested.

The ayes were 34, nays 51.

Amendment H—4276 lost.

Shultz of Black Hawk in the chair at 5:27 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Svoboda of Tama, for the remainder of the day, on request of Adams of Hamilton.

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

On the question "Shall the bill pass?" (H.F. 780)

The ayes were, 87:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Chapman	Cohoon	Connolly	Connors
Corbett	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	Hibbard	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller

Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Shoultz	
		Presiding	

The nays were, 12:

Beatty	Brown	Buhr	Carpenter
Clark	Hammond	Hanson, D. R.	Holveck
Jesse	Plasier	Renken	Rosenberg

Absent or not voting, 1:

Svoboda

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

Speaker Avenson in the chair at 5:40 p.m.

### IMMEDIATE MESSAGE (House File 780)

Arnould of Scott asked and received unanimous consent that House File 780 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 27, 1989, 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 5, a bill for an act allowing employees to choose the care given under workers' compensation medical benefits.

Also: That the Senate has on April 27, 1989, adopted the conference committee report and passed House File 199, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating inclusion of minimum mammography examination coverage under certain conditions.

Also: That the Senate has on April 27, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 529, a bill for an act relating to the exemption from civil and criminal liability arising from the donation of food.

Also: That the Senate has on April 27, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 662, a bill for an act relating to court proceedings involving child support orders where the dependent child resides in another state.

Also: That the Senate has on April 27, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 755, a bill for an act relating to mobile home taxes and providing an effective date.

Also: That the members of the conference committee, on the part of the Senate, appointed April 27, 1989, to Senate File 199, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes, are: The Senator from Johnson, Senator Lloyd-Jones, Chair; the Senator from Jones, Senator Hannon; the Senator from Fayette, Senator Murphy; the Senator from Black Hawk, Senator Lind; and the Senator from Scott, Senator Tinsman.

Also: That the Senate has on April 27, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 224, a bill for an act relating to student exercise of free expression in the public schools.

Also: That the Senate has on April 27, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 449, a bill for an act relating to vocational education and requesting a study.

JOHN F. DWYER, Secretary

### Ways and Means Calendar

**Senate File 524**, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions, with report of committee recommending amendment and passage was taken up for consideration.

Connolly of Dubuque offered the following amendment H-4111 filed by the committee on ways and means:

H-4111

- 1 Amend Senate File 524, 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 306.4, Code 1989, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 2A. a. Commencing July 1, 1990,
- 8 the jurisdiction and control over an extension of the
- 9 trunk or trunk collector system within a city with a
- 10 total population of less than five hundred persons
- 11 vests in the county board of supervisors.
- 12 b. Commencing July 1, 1990, the jurisdiction and
- 13 control over an extension of the trunk or trunk

14 collector system within a city with a total population  
15 of at least five hundred persons but less than one  
16 thousand persons vests in the county board of  
17 supervisors unless the city certifies by January 1,  
18 1990, to the department that the city by ordinance or  
19 resolution has elected to exercise its option of  
20 having the jurisdiction and control over the extension  
21 vest with the city.

22 If after July 1, 1990, a city wishes to exercise  
23 its option of having the jurisdiction and control over  
24 the extension vest with the city, or wishes to rescind  
25 its election of having jurisdiction and control over  
26 the extension vest with the city, it shall certify  
27 that the city has by ordinance or resolution so  
28 elected or rescinded, and the effective date of the  
29 election or rescission shall be July 1 following a  
30 five-year period from the date of the certification of  
31 the election or rescission with the department.  
32 However, the jurisdictional and control change shall  
33 be effective at an earlier date if the city and all  
34 affected counties agree to an earlier transition date.

35 c. The population of a city for purposes of this  
36 subsection, shall be the total population of the city  
37 and shall be determined in the same manner as provided  
38 in section 312.3, subsections 2 through 5. If  
39 application of paragraph "a" or "b" changes for a city  
40 due to a new federal census, a boundary annexation, or  
41 a consolidation, the effective date of the changed  
42 application of paragraphs "a" and "b" shall commence  
43 July 1 following the five-year period from the date of  
44 the taking of the new federal census or the date of  
45 the annexation or consolidation. However, the  
46 jurisdictional and control change shall be effective  
47 at an earlier date if the city and all affected  
48 counties agree to an earlier transition date. If the  
49 change in application is such that the exercise of  
50 jurisdiction and control is at the option of the city,

**Page 2**

1 the jurisdiction and control of the extension shall  
2 vest with the county board of supervisors unless the  
3 city elects to have the jurisdiction and control vest  
4 with the city as provided in paragraph "b".

5 If the jurisdiction and control of an extension  
6 vests in the county board of supervisors under this  
7 subsection and the city extends into more than one  
8 county, each county board of supervisors shall  
9 exercise jurisdiction and control of the extension  
10 within its own county.

11 Sec. 2. Section 310.10, Code 1989, is amended to  
12 read as follows:

## 13 310.10 FARM-TO-MARKET ROAD SYSTEM DEFINED.

14 The farm-to-market road system shall embrace those  
 15 roads as defined in section 306.3, subsection 5.  
 16 However, a road which is classified as being part of  
 17 the arterial or arterial connector system under  
 18 chapter 306 but whose jurisdiction still vests in the  
 19 county in which it is located, shall be deemed to be  
 20 part of the farm-to-market road system until the time  
 21 the jurisdiction of the road is transferred to the  
 22 department.

23 Sec. 3. Section 312.1, unnumbered paragraph 2,  
 24 Code 1989, is amended to read as follows:

25 Notwithstanding section 453.7, subsection 2,  
 26 interest or earnings on investments or time deposits  
 27 of the moneys in the road use tax fund and the funds  
 28 to which moneys from the road use tax fund are  
 29 credited shall be credited to the respective funds  
 30 which generated the interest or earnings primary road  
 31 fund.

32 Sec. 4. Section 312.2, subsections 1 through 4,  
 33 Code 1989, are amended to read as follows:

34 1. To the primary road fund, forty-five forty-  
 35 eight percent.

36 2. To the secondary road fund of the counties,  
 37 twenty-eight twenty-four percent.

38 3. To the farm-to-market road fund, nine eight  
 39 percent.

40 4. To the street construction fund of the cities,  
 41 eighteen twenty percent.

42 Sec. 5. Section 312.2, subsection 14, Code 1989,  
 43 is amended to read as follows:

44 14. The treasurer of state, before making the  
 45 allotments provided for in this section, shall credit  
 46 monthly from the road use tax fund to the revitalize  
 47 Iowa's sound economy fund, created under section  
 48 315.2, the revenue accruing to the road use tax fund  
 49 in the amount equal to two thirds of the revenues  
 50 collected under each of the following:

**Page 3**

1 a. From the excise tax on motor fuel and special  
 2 fuel imposed under the tax rate of section 324.3  
 3 except aviation gasoline:

4 (1) For the period July 1, 1985, through December  
 5 31, 1985, the amount of excise tax collected from two  
 6 cents per gallon.

7 (2) From and after January 1, 1986, the amount of  
 8 excise tax collected from three one and one-half cents  
 9 per gallon.

10 b. From the excise tax on special fuel for diesel  
 11 engines:

12 (1) For the period July 1, 1985, through December  
13 31, 1985, the amount of excise tax collected from one  
14 cent per gallon.

15 (2) For the period January 1, 1986, through  
16 December 31, 1986, the amount of excise tax collected  
17 from two cents per gallon.

18 (3) From and after January 1, 1987, the amount of  
19 excise tax collected from three one and one-half cents  
20 per gallon.

21 Sec. 6. Section 312.2, Code 1989, is amended by  
22 adding the following new subsection:

23 NEW SUBSECTION. 14A. The treasurer of state,  
24 before making the allotments provided for in this  
25 section, shall credit monthly from the road use tax  
26 fund to the secondary road fund the revenue accruing  
27 to the road use tax fund in the amount equal to the  
28 revenues collected under each of the following:

29 a. From the excise tax on motor fuel and special  
30 fuel imposed under the tax rate of section 324.3,  
31 except aviation gasoline, the amount of excise tax  
32 collected from one-half cent per gallon.

33 b. From the excise tax on special fuel for diesel  
34 engines, the amount of excise tax collected from one-  
35 half cent per gallon.

36 Sec. 7. Section 312.2, Code 1989, is amended by  
37 adding the following new subsection:

38 NEW SUBSECTION. 19. a. The treasurer of state,  
39 before making the allotments provided in this section,  
40 shall annually credit to the secondary road fund an  
41 amount to hold harmless the secondary road fund from  
42 changes in the allocation formula incorporated in this  
43 Act. The amount credited under this paragraph shall  
44 equal the amount, if any, by which the base year  
45 amount exceeds the amount of moneys credited to the  
46 secondary road fund under subsection 2. For purposes  
47 of this paragraph, the "base year amount" is one  
48 hundred thirty-nine million eight hundred thousand  
49 dollars.

50 b. The treasurer of state, before making the

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1 allotments provided in this section, shall annually  
2 credit to the farm-to-market road fund an amount to  
3 hold harmless the farm-to-market road fund from  
4 changes in the allocation formula incorporated in this  
5 Act. The amount credited under this paragraph shall  
6 equal the amount, if any, by which the base year  
7 amount exceeds the amount of moneys credited to the  
8 farm-to-market road fund under subsections 3 and 11.  
9 For purposes of this paragraph, the "base year amount"  
10 is forty-six million dollars.

11 c. This subsection is repealed effective July 1,  
12 1991.

13 Sec. 8. Section 312.3, subsection 1, Code 1989, is  
14 amended by striking the subsection and inserting in  
15 lieu thereof the following:

16 1. Apportion among the counties the need allotment  
17 of secondary road funds and the area allotment of  
18 secondary road funds from road use tax funds credited  
19 to the secondary road fund.

20 For the purposes of this subsection:

21 a. "Need allotment of secondary road funds" means  
22 the moneys credited to the secondary road fund of the  
23 counties to be distributed in accordance with needs.  
24 These moneys shall be apportioned among the counties  
25 in the ratio that the needs of the secondary roads of  
26 each county bear to the total needs of the secondary  
27 roads of the state for each fiscal year based upon the  
28 total needs of secondary roads of the state as shown  
29 in the latest quadrennial need study report developed  
30 by the department and which is on record at the  
31 department. The need allotment of secondary road  
32 funds for the fiscal year beginning July 1, 1990, is  
33 eighty percent, and for the fiscal year beginning July  
34 1, 1991, and all succeeding fiscal years is one  
35 hundred percent, of moneys credited from the road use  
36 tax fund to the secondary road fund of the counties.

37 b. "Area allotment of secondary road funds" means  
38 the moneys credited to the secondary road fund of the  
39 counties to be distributed in accordance with area.  
40 These moneys shall be apportioned among the counties  
41 in the ratio that the area of each county bears to the  
42 total area of the state. The area allotment of  
43 secondary road funds for the fiscal year beginning  
44 July 1, 1990, is twenty percent of moneys credited  
45 from the road use tax fund to the secondary road fund  
46 of the counties.

47 Sec. 9. Section 312.3, subsection 2, Code 1989, is  
48 amended to read as follows:

49 2. Apportion among the cities of the state, in the  
50 ratio which the population of each city, as shown by

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1 the latest available federal census, bears to the  
2 total population of all such cities in the state, the  
3 percentage of the road use tax funds which is credited  
4 to the street fund of the cities, and shall remit to  
5 the city clerk of each such city the amount so  
6 apportioned to such the city.

7 However, if a city has an extension of the trunk or  
8 trunk collector system within the boundaries of the  
9 city and the jurisdiction and control over the

10 extension vests with a county board of supervisors  
11 under section 306.4, subsection 2A, a portion of the  
12 moneys otherwise allocated to a city under this  
13 section shall be allocated to the county or counties.  
14 The allocation to the county or counties shall be in  
15 the amount of all moneys otherwise allocated to a city  
16 under this section times the ratio that the vehicle  
17 miles traveled on the extension or extensions bear to  
18 the total vehicle miles traveled on the roads within  
19 the city, but in no case shall the allocation to the  
20 county or counties exceed fifty percent of all moneys  
21 otherwise allocated to a city under this section. If  
22 the extension lies within two or more counties, moneys  
23 allocated to the counties shall be apportioned among  
24 the counties in the ratio which the length of the  
25 extension or extensions within a county bears to the  
26 total length of all such extensions within the city.  
27 The state department of transportation shall assist  
28 the treasurer of state in determining the allocation  
29 of moneys under this paragraph.

30 PARAGRAPH DIVIDED. A city may have one special  
31 federal census taken each decade, and the population  
32 figure thus obtained shall be used in apportioning  
33 amounts under this subsection beginning the calendar  
34 year following the year in which the special census is  
35 certified by the secretary of state.

36 Sec. 10. NEW SECTION. 312.3A STREET RESEARCH  
37 FUND.

38 Prior to the allocation to the cities under section  
39 312.3, subsection 2, the department is authorized to  
40 set aside each year not to exceed one-half percent of  
41 the receipts of the street construction fund of the  
42 cities in a fund to be known as the street research  
43 fund. The street research fund shall be used by the  
44 department solely for the purpose of financing  
45 engineering studies and research projects which have  
46 as their objective the more efficient use of funds and  
47 materials that are available for the construction and  
48 maintenance of city streets, including city street  
49 bridges and culverts. The research projects and  
50 engineering studies authorized shall be conducted in

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1 cooperation with the city engineers. On or before  
2 January 31 each year the department shall file a  
3 report with the governor, state transportation  
4 commission, city engineers, chief clerk of the house  
5 of representatives, and secretary of the senate  
6 showing the work accomplished and projects undertaken  
7 under this section.

8 Sec. 11. Section 312.5, Code 1989, is amended to

9 read as follows:

10 312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.

11 The road use tax funds credited to the farm-to-  
12 market road fund by the treasurer of state are hereby  
13 divided as follows, and are to be known respectively  
14 as:

15 1. Need allotment farm-to-market road funds, sixty  
16 percent; and

17 2. Area allotment farm-to-market road funds, forty  
18 percent.

19 All farm-to-market road funds, except funds which  
20 under section 310.20 come from any county's allotment  
21 of the road use tax funds, shall be allotted among the  
22 counties by the department. Area allotment farm-to-  
23 market road funds and federal aid secondary road funds  
24 received by the state, shall be allotted among all the  
25 counties of the state in the ratio that the area of  
26 each county bears to the total area of the whole  
27 state.

28 Need allotment farm-to-market road funds shall be  
29 allotted among the counties in the ratio that the  
30 needs of the farm-to-market roads in each county bear  
31 to the total needs of the farm-to-market roads in the  
32 state for each fiscal year based upon the total needs  
33 of the farm-to-market roads in the state as shown in  
34 the latest quadrennial need study report developed by  
35 the state department of transportation, and which is  
36 on record at the department.

37 The need allotment farm-to-market road funds for  
38 the fiscal year beginning July 1, 1990, is eighty  
39 percent and for the fiscal year beginning July 1,  
40 1991, and all succeeding fiscal years is one hundred  
41 percent, of money credited from the road use tax fund  
42 to the farm-to-market road fund.

43 The area allotment farm-to-market road funds for  
44 the fiscal year beginning July 1, 1990, is twenty  
45 percent of moneys credited from the road use tax fund  
46 to the farm-to-market road fund.

47 Sec. 12. Section 312.16, Code 1989, is amended to  
48 read as follows:

49 312.16 DEFINITION DEFINITIONS.

50 As used in this chapter, unless the context

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1 otherwise requires, "~~department~~":

2 1. "Department" means the state department of  
3 transportation.

4 2. "Fiscal year" means the period of twelve months  
5 beginning on July 1 and ending on June 30.

6 Sec. 13. Section 315.3, subsection 2, Code 1989,  
7 is amended to read as follows:

8 2. The fund is also appropriated and shall be used  
 9 for the reimbursement or payment to cities ~~or counties~~  
 10 of all or part of the interest and principal on  
 11 general obligation bonds issued by cities ~~or counties~~  
 12 for the purpose of financing approved road and street  
 13 projects meeting the requirements of subsection 1.

14 Sec. 14. Section 315.4, Code 1989, is amended to  
 15 read as follows:

16 315.4 ALLOCATION OF FUND.

17 Moneys credited to the RISE fund shall be allocated  
 18 as follows:

19 1. ~~Fifty percent~~ Two-thirds for the use of the  
 20 department on primary road projects exclusively for  
 21 highways which are identified under section 307A.2 as  
 22 being part of the network of commercial and industrial  
 23 highways.

24 2. ~~Twenty five percent~~ for the use of counties on  
 25 ~~secondary road projects.~~

26 3. ~~Twenty five percent~~ One-third for the use  
 27 of cities on city street projects.

28 Sec. 15. Section 315.5, Code 1989, is amended to  
 29 read as follows:

30 315.5 ADMINISTRATION OF FUND.

31 Qualifying road and street projects shall be  
 32 selected by the state transportation commission for  
 33 full or partial financing from the fund after  
 34 consultation with organizations representing interests  
 35 of counties and cities. ~~Counties and cities~~ Cities  
 36 may make application for qualifying road and street  
 37 projects with the department. In ranking applications  
 38 for funds, the department shall, in addition to  
 39 effects listed in section 315.3, subsection 1,  
 40 consider the proportion of political subdivision  
 41 matching funds to be provided, if any, the proportion  
 42 of private contributions to be provided, if any, the  
 43 total number of jobs to be created, the level of need,  
 44 the impact of the proposed project on the economy of  
 45 the area affected, and the factors and requirements in  
 46 section 315.11. The proportion of funding shall be  
 47 determined by the department or, in the case of  
 48 cooperative projects, by agreement between the  
 49 department and the city councils of participating  
 50 cities, or boards of supervisors of participating

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1 counties, or other participating public agencies or  
 2 private parties.

3 Sec. 16. Section 315.6, Code 1989, is amended to  
 4 read as follows:

5 315.6 FUNDING OF PROJECTS.

6 Qualifying projects may be funded as follows:

7 1. Primary road and state park road projects may  
 8 be financed entirely by the fund, or by combining  
 9 money from the fund with money from the primary road  
 10 fund, federal aid primary funds received by the state,  
 11 money from cities or counties raised through the sale  
 12 of general obligation bonds of the cities or counties,  
 13 other city or county revenues, or money from  
 14 participating private parties.

15 2. Secondary road, state park road, and county  
 16 conservation parkway projects may be funded entirely  
 17 by the fund or by combining money from the fund with  
 18 money from the county's portion of road use tax funds,  
 19 federal aid secondary funds, other county revenues,  
 20 money raised through the sale of general obligation  
 21 bonds of the county, or money from participating  
 22 private parties.

23 3. City street and state park road projects may  
 24 be funded entirely by the fund, or by combining money  
 25 from the fund with money from the city's portion of  
 26 road use tax funds, federal aid urban system funds,  
 27 other municipal revenues, money raised through the  
 28 sale of general obligation bonds of the city, or money  
 29 from participating private parties.

30 A county or city may, at its option, apply moneys  
 31 allocated for use on secondary road or city street  
 32 projects under section 315.4, subsection 2 or 3,  
 33 toward qualifying primary road, and state park road,  
 34 and county conservation parkway projects.

35 Sec. 17. Section 315.8, Code 1989, is amended to  
 36 read as follows:

37 315.8 ACCOUNTS AND RECORDS REQUIRED.

38 The department shall keep accounts in relation to  
 39 the allocation of moneys to the fund including all  
 40 amounts credited to the fund and all amounts of duly  
 41 and finally approved vouchers for claims chargeable to  
 42 the fund. The department shall also keep accounts in  
 43 relation to agreements with counties and cities for  
 44 the reimbursement of interest and principal costs for  
 45 general obligation bonds of counties or cities issued  
 46 for the purpose of financing road or street projects  
 47 under this chapter.

48 Sec. 18. All unencumbered and unobligated moneys  
 49 in the RISE fund on July 1, 1989, which are allocated  
 50 under section 315.4 for the use of counties on

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1 secondary road projects shall be credited to the  
 2 secondary road fund.

3 Sec. 19. The state department of transportation  
 4 shall have appointed to the Iowa highway research  
 5 board, at a minimum, four city engineers or engineers

6 employed by a city. Efforts shall be made for the  
7 appointments to provide statewide geographical  
8 representation and representation among the city  
9 population groups.

10 Sec. 20. The counties shall by January 1, 1990,  
11 make a recommendation for the allocation of secondary  
12 road fund moneys and farm-to-market road fund moneys  
13 among the counties to the governor and the general  
14 assembly. Sections 8 and 11 of this Act take effect  
15 July 1, 1990, unless contrary provisions providing for  
16 the allocation of such moneys are enacted.

17 Sec. 21. Section 13, and sections 15 through 17 of  
18 this Act do not apply to road projects which have been  
19 selected by the state transportation commission under  
20 section 315.5 prior to July 1, 1989.

21 Sec. 22. 1988 Iowa Acts, chapter 1019, sections  
22 21, 23, and 24, are repealed."

23 2. Title page, line 2, by inserting after the  
24 word "jurisdictions" the following: "and providing  
25 effective dates".

Schrader of Marion offered the following amendment H—4205, to the committee amendment H—4111, filed by Schrader, et al., and moved its adoption:

H—4205

1 Amend amendment, H—4111, to Senate File 524, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 1, line 7 through page 2,  
5 line 10, and inserting the following:

6 "NEW SUBSECTION. 2A. a. Commencing July 1, 1990,  
7 the jurisdiction and control over an extension of the  
8 trunk or trunk collector system within a city with a  
9 total population of less than one thousand persons  
10 vests in the county board of supervisors unless the  
11 city certifies by January 1, 1990, to the department  
12 that the city by ordinance or resolution has elected  
13 to exercise its option of having the jurisdiction and  
14 control over the extension vest with the city.

15 If after July 1, 1990, a city wishes to exercise  
16 its option of having the jurisdiction and control over  
17 the extension vest with the city, or wishes to rescind  
18 its election of having jurisdiction and control over  
19 the extension vest with the city, it shall certify  
20 that the city has by ordinance or resolution so  
21 elected or rescinded, and the effective date of the  
22 election or rescission shall be July 1 following a  
23 five-year period from the date of the certification of  
24 the election or rescission with the department.  
25 However, the jurisdictional and control change shall

26 be effective at an earlier date if the city and all  
 27 affected counties agree to an earlier transition date.  
 28 b. The population of a city for purposes of this  
 29 subsection, shall be the total population of the city  
 30 and shall be determined in the same manner as provided  
 31 in section 312.3, subsections 2 through 5. If  
 32 application of paragraph "a" changes for a city due to  
 33 a new federal census, a boundary annexation, or a  
 34 consolidation, the effective date of the changed  
 35 application of paragraph "a" shall commence July 1  
 36 following the five-year period from the date of the  
 37 taking of the new federal census or the date of the  
 38 annexation or consolidation. However, the  
 39 jurisdictional and control change shall be effective  
 40 at an earlier date if the city and all affected  
 41 counties agree to an earlier transition date. If the  
 42 change in application is such that the exercise of  
 43 jurisdiction and control is at the option of the city,  
 44 the jurisdiction and control of the extension shall  
 45 vest with the county board of supervisors unless the  
 46 city elects to have the jurisdiction and control vest  
 47 with the city as provided in paragraph "a".  
 48 If the jurisdiction and control of an extension  
 49 vests in the county board of supervisors under this  
 50 subsection and the city extends into more than one

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1 county, each county board of supervisors shall  
 2 exercise jurisdiction and control of the extension  
 3 within their own county."

Amendment H—4205 was adopted.

Shearer of Louisa offered the following amendment H—4238, to the committee amendment H—4111, filed by Shearer, et al., and moved its adoption:

H—4238

1 Amend the amendment, H—4111, to Senate File 524, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. By striking page 1, line 5 through page 2,  
 5 line 10.  
 6 2. By striking page 4, line 47 through page 5,  
 7 line 35.

A non-record roll call was requested.

The ayes were 35, nays 45.

Amendment H—4238 lost.

Koenigs of Mitchell offered the following amendment H—4140, to the committee amendment H—4111, filed by him and Connolly of Dubuque and moved its adoption:

H—4140

1 Amend amendment, H—4111, to Senate File 524, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by inserting before line 11 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 309.10, unnumbered paragraph 2,  
7 Code 1989, is amended to read as follows:

8 A county shall not use farm-to-market road funds as  
9 described in this section unless the total funds that  
10 the county transferred or provided during the prior  
11 fiscal year pursuant to section 331.429, subsection 1,  
12 paragraphs "a", "b", "d", and "e", are at least  
13 ~~seventy-five~~ ninety percent of the maximum funds the  
14 county could have transferred in the prior fiscal year  
15 pursuant to section 331.429, subsection 1, paragraphs  
16 "a" and "b".

17 2. Page 2, by inserting after line 41 the  
18 following:

19 "Sec. \_\_\_\_\_. Section 312.2, subsection 8, Code 1989,  
20 is amended to read as follows:

21 8. The treasurer of state, before making any  
22 allotments to counties under this section, shall  
23 reduce the allotment to a county for the secondary  
24 road fund by the amount by which the total funds that  
25 the county transferred or provided during the prior  
26 fiscal year under section 331.429, subsection 1,  
27 paragraphs "a", "b", "d", and "e", are less than  
28 ~~seventy-five~~ ninety percent of the maximum funds that  
29 the county could have transferred in the prior fiscal  
30 year under section 331.429, subsection 1, paragraphs  
31 "a" and "b". Funds remaining in the secondary road  
32 fund of the counties due to a reduction of allocations  
33 to counties for failure to maintain a minimum local  
34 tax effort shall be ~~reallocated~~ credited to the  
35 special bridge fund, which is hereby created, for use  
36 of counties that are not reduced under this subsection  
37 pursuant to the allocation provisions of section  
38 312.3, subsection 1, based upon the needs and area of  
39 the county transferred or provided during the prior  
40 fiscal year under section 331.429, subsection 1,  
41 paragraphs "a", "b", "d", and "e", not less than  
42 ninety-six percent of the maximum funds that the  
43 county could have transferred in the prior fiscal year  
44 under section 331.429, subsection 1, paragraphs "a"  
45 and "b". Moneys credited to the special bridge fund  
46 shall be distributed to qualifying counties for bridge

47 projects in accordance with rules adopted by the state  
 48 department of transportation which shall require  
 49 matching funds to be provided by the county toward  
 50 approved bridge projects.

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1 PARAGRAPH DIVIDED. Information necessary to make  
 2 allocations under this subsection shall be provided by  
 3 the state department of transportation or the director  
 4 of the department of management upon request by the  
 5 treasurer of state."

Amendment H—4140 was adopted.

Connolly of Dubuque offered the following amendment H—4169, to the committee amendment H—4111, filed by him and moved its adoption:

H—4169

1 Amend amendment, H—4111, to Senate File 524, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, line 30, by striking the words  
 5 "primary road" and inserting the following: "road use  
 6 tax".  
 7 2. Page 2, lines 34 and 35, by striking the word  
 8 "forty-eight" and inserting the following: "forty-  
 9 nine".  
 10 3. Page 2, line 37, by striking the word "twenty-  
 11 four" and inserting the following: "twenty-three".

Amendment H—4169 was adopted, placing out of order amendment H—4242 filed by Shearer of Louisa on April 25, 1989.

Shearer of Louisa offered the following amendment H—4239, to the committee amendment H—4111, filed by Shearer, et al., and moved its adoption:

H—4239

1 Amend the amendment, H—4111, to Senate File 524, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, by striking lines 29 through 30 and  
 5 inserting the following: "credited shall be credited  
 6 to the respective funds which generated the interest  
 7 or earnings, and credit to the primary road fund any  
 8 interest not otherwise credited."

Amendment H—4239 lost.

Brown of Lucas asked and received unanimous consent to withdraw amendment H—4144, to the committee amendment H—4111, filed by Brown, et al., on April 20, 1989.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—4241, to the committee amendment H—4111, filed by Shearer, et al., on April 25, 1989.

Shearer of Louisa offered the following amendment H—4237, to the committee amendment H—4111, filed by him and moved its adoption:

H—4237

- 1 Amend amendment, H—4111, to Senate File 524, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, by striking lines 16 through 21 and
- 5 inserting the following: "under this section times
- 6 the ratio of the trunk or trunk collector to the total
- 7 needs of the city. If".

Amendment H—4237 lost.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—4240, to the committee amendment H—4111, filed by him on April 25, 1989.

Fuller of Hardin asked and received unanimous consent to withdraw amendment H—4145, to the committee amendment H—4111, filed by Fuller, et al., on April 20, 1989.

Maulsby of Calhoun offered the following amendment H—4254, to the committee amendment H—4111, filed by him and moved its adoption:

H—4254

- 1 Amend the amendment, H—4111, to Senate File 524, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 8, by inserting after line 47 the
- 5 following:
- 6 "Sec. \_\_\_\_\_. Section 331.423, subsection 2, Code
- 7 1989, is amended to read as follows:
- 8 2. For rural county services, ~~three dollars and~~
- 9 ~~ninety-five seventy-five~~ cents per thousand dollars of
- 10 the assessed value of taxable property in the county
- 11 outside of incorporated city areas."

A non-record roll call was requested.

The ayes were 25, nays 46.

Amendment H—4254 lost.

De Groot of Lyon offered the following amendment H—4130, to the committee amendment H—4111, filed by him and Connolly of Dubuque and moved its adoption:

H—4130

1 Amend the amendment, H—4111, to Senate File 524, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 9, by inserting before line 21 the fol-  
5 lowing:

6 "Sec. \_\_\_\_\_. There is appropriated from the road use  
7 tax fund to the state department of transportation the  
8 sum of \$15,000 or so much thereof as is necessary, for  
9 the purpose of conducting a study, in consultation  
10 with the department of natural resources and  
11 representatives of cities and counties, to analyze and  
12 report on the impact of waterway opening and  
13 floodplain requirements existing in federal or state  
14 law, regulations, administrative rules or design  
15 guides, on current and future road and bridge  
16 requirements, costs, and needs. The analysis shall  
17 consider what economies the various road programs  
18 might achieve by modifying these requirements,  
19 including reducing or eliminating the liability a road  
20 jurisdiction might have with current or alternative  
21 future requirements for road and bridge features for  
22 waterways and floodplains, including analyzing the  
23 risk to and benefits for roads and bridges and the  
24 risks and costs to land, improvements, and human  
25 activity. The study shall recommend methods for  
26 reducing the future highway program costs for  
27 providing bridges in Iowa. The study shall be  
28 submitted to the governor, the chief clerk of the  
29 house, and the secretary of the senate not later than  
30 January 31, 1990."

31 2. By renumbering as necessary.

Amendment H—4130 was adopted.

The House stood at ease at 6:20 p.m., until the fall of the gavel.

The House resumed and consideration of the committee amendment H—4111, as amended, to Senate File 524 at 6:43 p.m., Speaker Avenson in the chair.

Connolly of Dubuque moved the adoption of the committee amendment H—4111, as amended.

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall the committee amendment H—4111, as amended, be adopted?" (S.F. 524)

The ayes were, 59:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Corbett	Diemer	Doderer
Dvorsky	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hermann	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lundby	Lykam	May
McKinney	Metcalf	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Peters
Poncy	Renaud	Rosenberg	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Spear	Swartz	Tabor	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

The nays were, 39:

Banks	Beaman	Bennett	Black
Branstad	Brown	Clark	Daggett
De Groot	Eddie	Fogarty	Fuller
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Hibbard	Kistler	Kremer
Lageschulte	Maulsby	McKean	Mertz
Miller	Osterberg	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Renken	Royer
Schrader	Shearer	Spenner	Stromer
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 2:

Fey	Svoboda
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The committee amendment H—4111, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 524)

The ayes were, 64:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand

Buhr	Carpenter	Chapman	Cohoon
Connolly	Connors	Corbett	Diemer
Doderer	Dvorsky	Fey	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lundby	Lykam	May	McKinney
Metcalf	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Poncy	Renaud	Rosenberg	Schneklloth
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker Avenson

The nays were, 35:

Banks	Beaman	Bennett	Branstad
Brown	Clark	Daggett	De Groot
Eddie	Fogarty	Fuller	Garman
Halvorson, R. A.	Harbor	Hester	Hibbard
Kistler	Kremer	Lageschulte	Maulsby
McKean	Mertz	Miller	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Renken
Royer	Schrader	Spenner	Stromer
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 1:

Svoboda

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 27, 1989, 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 157, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license.

Also: That the Senate has on April 27, 1989, 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 450, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes.

Also: That the Senate has on April 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 514, a bill for an act providing a state sales and use tax exemption for certain facilities.

Also: That the Senate has on April 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 527, a bill for an act authorizing the imposition of an additional county hospital levy consisting of a combination individual income surtax and property tax levy and providing an effective date.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 26, 1989. Had I been present, I would have voted "aye" on House File 779.

GRONINGA of Cerro Gordo

I was necessarily absent from the House chamber on April 26, 1989. Had I been present, I would have voted "aye" on House Files 578 and 770, and Senate Files 186 and 519.

OLLIE of Clinton

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 27th day of April, 1989: House Files 254, 256, 329, 367, 372, 647 and 665.

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 26, 1989, he approved and transmitted to the Secretary of State the following bills:

House File 201, an act relating to the regulation of lotteries, lottery tickets, and other games of chance, or contest, by amending provisions relating to advertising, and providing an effective date.

House File 270, an act relating to the membership of the long-term care coordinating unit within the department of elder affairs.

House File 319, an act relating to the establishment of benefited recreational lake districts and providing an effective date.

House File 399, an act relating to restrictions on the power of the division of deaf services of the department of human rights to obtain office space for utilization in carrying out service projects for deaf persons, and providing an effective date.

House File 420, an act authorizing the board of supervisors to review and remand a decision of the board of adjustment.

House File 575, an act relating to the investment authority of state banks.

House File 693, an act relating to notaries public and other notarial officers and notarial acts, and providing an applicability date and an effective date.

House File 698, an act relating to the accountancy examining board, including its membership, the use of the accountancy practitioner advisory council, and requirements for licensure as an accounting practitioner.

House File 699, an act relating to the state public defender and the appointment of a state appellate defender.

Senate File 169, an act relating to the rate filing requirements of common carriers.

Senate File 225, an act allowing the utilities board to reject an application for new or changed rates, charges, schedules, or regulations by a public utility without a hearing in certain circumstances.

Senate File 229, an act allowing a complainant or public utility to petition the utilities board to initiate a formal proceeding.

Senate File 444, an act relating to the industrial services division of the department of employment services, revising provisions governing deputy industrial commissioners, expanding provisions governing settlements in workers' compensation cases, and providing properly related matters.

Senate File 482, an act relating to the appeal process for bidders aggrieved by awards of the purchasing division of the department of general services, and providing properly related matters.

Also, on April 27, 1989, he approved and transmitted to the Secretary of State the following bills:

House File 552, an act relating to the consumer credit code, by providing for certain charges, amending the definition of debt collectors, requiring notification and the imposition of certain fees, appropriating funds collected, and providing an applicability date.

Senate File 52, an act to prohibit the use of corporal punishment in accredited schools.

Senate File 76, an act providing for jailer training programs to be administered by the Iowa law enforcement academy.

Senate File 90, an act relating to the regulation of the practice of dentistry by providing that students of dental hygiene are not engaged in the practice of dentistry.

Senate File 110, an act relating to foster care review by establishing certain reporting requirements.

Senate File 124, an act relating to gambling and the regulation of gambling devices and systems, by authorizing limited gambling on excursion boats, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing fees on admissions, by allocating revenue, by requiring licenses and imposing fees, by making corresponding amendments to the Code, and by providing penalties for violations.

Senate File 129, an act relating to the release of child abuse information to certain individuals.

Senate File 176, an act relating to service of notice of expiration of the right of redemption from tax sales.

Senate File 410, an act relating to the conducting of an epidemiological blinded study to determine the prevalence of the human immunodeficiency virus infection and providing an effective date.

Senate File 442, an act relating to rules adopted under section 321.450 as they relate to physical and medical qualifications of drivers of commercial vehicles engaged in intrastate commerce and to retail dealers and their employees delivering fertilizers, petroleum products, and pesticides to farm customers and providing an effective date.

## PRESENTATION OF VISITORS

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

Sixteen sixth grade students from St. Thomas Aquinas School, Webster City, accompanied by Mary March. By Adams of Hamilton.

Twenty-five fifth through eighth grade students from All Saints School, Des Moines, accompanied by Becky Post. By Buhr of Polk and Sherzan of Polk.

Sixth grade students from Mitchellville Elementary School, Mitchellville. By Jesse of Jasper.

Five students from Lyons Middle School, Clinton, accompanied by Mrs. Ollie. By Ollie of Clinton and Stueland of Clinton.

Seventy-five fifth grade students from Fairview Elementary School, Carroll, accompanied by Sue Becker. By Peterson of Carroll.

Thirty students from Belmond High School, Belmond. By Stromer of Hancock.

Fifty fourth grade students from Grinnell-Newburg School, Grinnell, accompanied by Ken Conner. By Tyrrell of Iowa.

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 537**

Ways and Means: Wise, Chair; Brand and Schnekloth.

##### **Senate File 538**

Appropriations: Hammond, Chair; Buhr, Carpenter, Corbett and Jochum.

##### **Senate File 539**

Ways and Means: Tabor, Chair; Doderer and Schnekloth.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### **House Study Bill 376**

Ways and Means: Tabor, Chair; Doderer and Schnekloth.

#### COMMITTEE RECOMMENDATIONS

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

**JOSEPH O'HERN**

Chief Clerk of the House

#### COMMITTEE ON APPROPRIATIONS

**Committee Bill**, relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 27, 1989.

**Committee Bill**, relating to the purchase of products from prison industries by a department or agency of state government and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 27, 1989.

#### COMMITTEE ON EDUCATION

**Committee Resolution** (Formerly House Study Bill 373), a joint resolution to nullify administrative rules of the Iowa department of public health relating to the educational qualifications of nursing educators and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 27, 1989.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 742), relating to environmental protection including provisions regarding pesticides, fertilizers, and animal waste systems; establishing fees; providing penalties; making appropriations; and providing for other properly related matters.

Fiscal Note is not required.

Recommended Amend and Do Pass April 27, 1989.

## AMENDMENTS FILED

H-4295	S.F.	531	Spenner of Henry
H-4296	H.F.	98	Groninga of Cerro Gordo
H-4297	H.F.	713	Senate Amendment
H-4302	S.F.	520	Corbett of Linn
			Swartz of Marshall
H-4304	S.F.	531	Renaud of Polk
			Beaman of Clarke
			Brammer of Linn
			Trent of Muscatine
			Halvorson of Clayton
H-4310	H.F.	686	Senate Amendment
H-4312	H.F.	529	Senate Amendment
H-4313	S.F.	532	Hammond of Story
H-4314	H.F.	490	Chapman of Linn
H-4315	H.F.	662	Senate Amendment
H-4316	S.F.	517	Metcalf of Polk
			Hibbard of Madison
H-4317	H.F.	490	Stromer of Hancock
H-4318	S.F.	517	Brammer of Linn
H-4319	S.F.	157	Senate Amendment
H-4320	S.F.	450	Senate Amendment
H-4321	H.F.	178	Fey of Scott

On motion by Arnould of Scott, the House adjourned at 6:50 p.m., until 9:00 a.m., Friday, April 28, 1989.

# JOURNAL OF THE HOUSE

One Hundred Tenth Calendar Day — Seventy-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 28, 1989

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

Prayer was offered by the Honorable Robert Fuller, state representative from Hardin County.

The Journal of Thursday, April 27, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Koenigs of Mitchell, from fifty-five constituents opposing any increase in beer, wine, or soft drink taxing measures.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tyrrell of Iowa on request of Kremer of Buchanan and Daggett of Adams on Maulsby of Calhoun, until their arrival.

## INTRODUCTION OF BILLS

**House Joint Resolution 13**, by committee on education, a joint resolution to nullify administrative rules of the Iowa department of public health relating to the educational qualifications of nursing educators and providing an effective date.

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

**House File 785**, by committee on appropriations, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date.

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

**House File 786**, by committee on appropriations, a bill for an act relating to the purchase of products from prison industries by a department or agency of state government.

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

**SENATE MESSAGES CONSIDERED**

**Senate File 514**, by committee on ways and means, a bill for an act providing a state sales and use tax exemption for certain facilities.

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

**Senate File 527**, by committee on ways and means, a bill for an act authorizing the imposition of an additional county hospital levy consisting of a combination individual income surtax and property tax levy and providing an effective date.

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

**Senate File 540**, by committee on appropriations, a bill for an act relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties.

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

**MOTIONS TO RECONSIDER WITHDRAWN**

(House File 313)

Hanson of Delaware and Peters of Woodbury asked and received unanimous consent to withdraw their motions to reconsider House File 313, a bill for an act relating to the common boundary for a voluntary annexation, filed by them on April 26, 1989.

**IMMEDIATE MESSAGE**

(Senate File 524)

Arnould of Scott asked and received unanimous consent that Senate File 524 be immediately messaged to the Senate.

**SENATE AMENDMENTS CONSIDERED**

Groninga of Cerro Gordo called up for consideration **House File 98**, a bill for an act relating to the establishment of bank offices within a municipal corporation or urban complex in which the principal place of business of the bank is located, amended by the Senate amendment H-4141 as follows:

H-4141

1 Amend House File 98, as passed by the House, as  
2 follows:

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

5 "Sec. \_\_\_\_\_. Section 524.1202, subsection 2,  
6 paragraph a, subparagraphs (1) through (3), Code 1989,  
7 are amended to read as follows:

8 (1) If the municipal corporation or urban complex  
9 has a population of one hundred thousand or less  
10 according to the most recent federal census, the state  
11 bank shall not establish more than ~~three~~ four bank  
12 offices.

13 (2) If the municipal corporation or urban complex  
14 has a population of more than one hundred thousand but  
15 not more than two hundred thousand according to the  
16 most recent federal census, the state bank shall not  
17 establish more than ~~four~~ five bank offices."

18 2. Page 1, by inserting after line 6 the  
19 following:

20 "Sec. \_\_\_\_\_. NEW SECTION. 524.1213 UNITED  
21 COMMUNITY BANK OFFICES.

22 1. A bank may convert to a united community bank  
23 office as provided in this section.

24 2. A united community bank office formed under  
25 this section shall have a united community bank office  
26 board, at least one-half or more of the members of  
27 which shall be residents of the county in which the  
28 united community bank office is located. The  
29 liability of the united community bank office board  
30 shall be limited as provided in section 524.614. The  
31 bank establishing and operating the united community  
32 bank office may indemnify members of the united  
33 community bank office board as agents of the bank in  
34 the manner and in the instances authorized by section  
35 496A.4A.

36 3. Any two or more state banks, national banks, or  
37 state and national banks that are located in this  
38 state, that are affiliates as defined in section  
39 524.1101, and that individually have been in existence  
40 and operated as banks continuously in this state for  
41 at least five years, may be merged or consolidated  
42 into a single state or national bank, and the  
43 resulting entity shall be a "united community bank".  
44 Subject to subsection 9, the resulting united  
45 community bank of the merger or consolidation:

46 a. Shall retain and operate as its principal place  
47 of business one of the principal places of business of  
48 the banks that are the parties to the merger or  
49 consolidation.

50 b. May retain and continue to operate as united

**Page 2**

1 community bank offices of the resulting bank any of  
2 the remaining principal places of business of the  
3 banks that are the parties to the merger or  
4 consolidation.

5 c. May retain and continue to operate as retained  
6 bank offices of the resulting united community bank  
7 any of the bank offices that are being operated as of  
8 the date of the merger or consolidation by any of the  
9 banks that are parties to the merger or consolidation.

10 d. May establish additional bank offices within  
11 the municipal corporation or urban complex in which a  
12 united community bank office referred to in paragraph  
13 "b" is located, provided that the number of bank  
14 offices of the resulting bank within that municipal  
15 corporation or urban complex, including bank offices  
16 retained under paragraph "c" and bank offices  
17 established under the authority of this paragraph, but  
18 excluding the united community bank office, shall not  
19 exceed the maximum number of bank offices permitted by  
20 section 524.1202, subsection 2, paragraph "a", for a  
21 bank located within that municipal corporation or  
22 urban complex.

23 e. May retain and continue to operate and may  
24 establish in conjunction with the resulting bank, or  
25 with any retained united community bank office, or  
26 with any other retained bank office, any facility  
27 authorized by section 524.1202, subsection 2,  
28 paragraph "c" or "d", and in operation at the time of  
29 the merger or consolidation or established after the  
30 merger or consolidation.

31 f. May relocate any principal place of business  
32 and any bank offices operated pursuant to this section  
33 by complying with other provisions of law applicable  
34 to relocation.

35 4. For purposes of subsection 3, the period of  
36 existence and operation of a bank shall be deemed  
37 continuous, notwithstanding any of the following:

38 a. Any direct or indirect change in the name,  
39 ownership, or control of the bank.

40 b. Any rechartering of the bank, or any merger or  
41 consolidation with one or more banks.

42 c. The bank acquired its initial assets and  
43 liabilities from the federal deposit insurance  
44 corporation, or other transferor, pursuant to a  
45 purchase and assumption transaction or any other type  
46 of transaction involving the transfer of ownership of  
47 a failed bank or other bank.

48 5. All united community bank offices and other  
49 bank offices retained by the resulting bank of a  
50 merger or consolidation under the authority of this

**Page 3**

1 section shall be deemed bank offices established under  
2 the authority of section 524.1201 for all intents and  
3 purposes of this chapter, except as is otherwise  
4 expressly provided in this section.

5 6. This section does not alter the limitations  
6 upon bank holding companies contained in section  
7 524.1802.

8 7. This section shall be strictly construed as an  
9 exception to the bank office limitations contained in  
10 section 524.1202. It is the intent of the general  
11 assembly that a court or regulatory agency shall not  
12 deem, construe, or interpret this section to permit  
13 statewide branch banking or to permit the  
14 establishment of a bank office at any location in this  
15 state unless specifically authorized by this section  
16 or section 524.312 or 524.1202.

17 8. This section does not authorize the  
18 establishment of a bank office or an integral facility  
19 at any time by any bank except as a direct and  
20 immediate consequence of a merger or consolidation of  
21 two or more affiliated banks and as expressly  
22 permitted by subsection 3. This section does not  
23 authorize the resulting bank of a merger or  
24 consolidation to establish or retain any united  
25 community bank office, bank office, or integral  
26 facility at any location other than those expressly  
27 permitted by subsection 3, or to preserve any business  
28 location acquired in the merger or consolidation for  
29 subsequent use.

30 9. The resulting bank of a merger or consolidation  
31 shall not retain any united community bank office or  
32 any other bank office within the municipality or urban  
33 complex in which the principal office of the resulting  
34 bank is located if the resulting bank then would have  
35 a greater number of bank offices within that  
36 municipality or urban complex than is expressly  
37 permitted by section 524.1202, subsection 2.

38 10. As used in this section, the term "bank" does  
39 not include any entity unless it is chartered as a  
40 state or national bank and is authorized by its bylaws  
41 to, and actually does, accept deposits, pay checks,  
42 and make commercial loans."

43 3. Title page, line 3, by inserting after the  
44 word "located" the following: "and the formation of  
45 united community bank offices".

Groninga of Cerro Gordo offered the following amendment H—4296, to the Senate amendment H—4141, filed by him:

H—4296

- 1 Amend the Senate amendment, H—4141, to House File
- 2 98, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 4 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 422.63A. UNITED
- 6 COMMUNITY BANK OFFICE FRANCHISE TAX TREATMENT.
- 7 A united community bank established pursuant to
- 8 section 524.1213 shall pay the franchise tax due under
- 9 this division on behalf of itself and its united
- 10 community bank offices in the same manner and on the
- 11 same basis as would have been paid if the merger or
- 12 consolidation authorized by section 524.1213 had not
- 13 occurred. The department may adopt rules to implement
- 14 this section."
- 15 2. By renumbering as necessary.

The following amendment H—4325, to amendment H—4296, to the Senate amendment H—4141, filed by Groninga of Cerro Gordo from the floor was adopted by unanimous consent:

H—4325

- 1 Amend the amendment H—4296, to the Senate
- 2 Amendment H—4141, to House File 98, as passed by
- 3 the House, as follows:
- 4 1. Page 1, line 13, by striking the word "may"
- 5 and inserting the word "shall".

On motion by Groninga of Cerro Gordo, amendment H—4296, as amended, was adopted.

Groninga of Cerro Gordo moved that the House concur in the Senate amendment H—4141, as amended.

A non-record roll call was requested.

The ayes were 48, nays 41.

The motion prevailed and the House concurred in the Senate amendment H—4141, 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. 98)

The ayes were, 58:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Diemer	Fey	Fogarty
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Jesse
Jochum	Knapp	Lundby	Lykam
May	Mertz	Metcalf	Ollie
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Stromer
Stueland	Swartz	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 38:

Banks	Bennett	Brand	Brown
De Groot	Doderer	Dvorsky	Eddie
Fuller	Garman	Gruhn	Hanson, D. R.
Holveck	Jay	Johnson	Kistler
Koenigs	Kremer	Lageschulte	Maulsby
McKean	McKinney	Miller	Neuhauser
Nielsen	Osterberg	Pellett	Petersen, D. F.
Plasier	Renken	Rosenberg	Royer
Shearer	Spear	Spenner	Svoboda
Tabor	Van Maanen		

Absent or not voting, 4:

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

Neuhauser of Johnson called up for consideration **Senate File 223**, a bill for an act relating to early childhood programs, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4165 to the House amendment:

H-4165

- 1 Amend the amendment, S-3661, to Senate File 223, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 8, by striking the words "state.
- 5 A" and inserting the following: "state through a".
- 6 2. Page 1, lines 9 and 10, by striking the words
- 7 "is established to meet this goal".

- 8 3. Page 1, line 11, by striking the word "will"  
 9 and inserting the following: "should".
- 10 4. Page 1, line 13, by striking the word "will".
- 11 5. Page 1, by striking lines 15 through 17 and  
 12 inserting the following: "community, using both local  
 13 and state resources and expertise."
- 14 6. Page 1, line 28, by inserting after the word  
 15 "to" the following: "prekindergarten,".
- 16 7. Page 1, line 41, by striking the words "before  
 17 or after school".
- 18 8. Page 1, line 48, by inserting after the word  
 19 "to" the following: "prekindergarten,".
- 20 9. Page 2, by striking line 7 and inserting the  
 21 following: "from three through eight years of age,  
 22 which shall require knowledge of aspects of child  
 23 development from birth through eight years of age."
- 24 10. Page 2, by striking lines 13 through 19, and  
 25 inserting the following: "the direction of the school  
 26 district. The department also shall indicate  
 27 modifications to such guidelines necessary to address  
 28 the needs of at-risk children."
- 29 11. Page 2, by inserting after line 35, the  
 30 following:  
 31 "e. Assist prekindergarten instructors in the  
 32 development of appropriate curricula and teaching  
 33 practices."
- 34 12. Page 3, line 30, by striking the word "and".
- 35 13. Page 3, by striking lines 31 through 33, and  
 36 inserting the following: ", which demonstrate  
 37 community support, which cooperate with other  
 38 community agencies, which provide appropriate guidance  
 39 counseling services, and which use teachers with an  
 40 early childhood endorsement. Grant programs shall  
 41 contain an evaluation component that measures student  
 42 outcomes."
- 43 14. Page 3, line 43, by inserting after the  
 44 figure "7E.6" the following: ", subsection 1,  
 45 paragraph "a"".
- 46 15. Page 4, by striking lines 35 through 40.
- 47 16. Page 5, line 7, by striking the word "detect"  
 48 and inserting the following: "further".
- 49 17. Page 5, line 20, by inserting after the word  
 50 "children" the following: "and may consider the need

**Page 2**

- 1 for other, school-based prekindergarten programs".
- 2 18. By renumbering, relettering, or redesignating  
 3 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H - 4165.

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. 223)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Corbett	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

The nays were, 8:

Banks	Branstad	De Groot	Garman
Maulsby	Renken	Schnekloth	Van Maanen

Absent or not voting, 7:

Clark	Daggett	Eddie	Jochum
Muhlbauer	Plasier	Tyrrell	

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 490**, a bill for an act relating to the department of inspections and appeals, revising provisions governing the structure and allocation of duties within the department, changing the structure for racing and gaming regulation, providing changes in certain statutory requirements relating to bingo and other games and raffles, revising the responsibilities of the department, and providing other properly related matters, amended by the Senate amendment H-4045 as follows:

H-4045

1 Amend House File 490, as passed by the House, as  
2 follows:

3 1. Page 1, by striking lines 9 through 16 and  
4 inserting the following:

5 "2. Employ Appoint the administrators of the  
6 divisions within the department and all additional  
7 other personnel deemed necessary for the  
8 administration of this chapter, except the state  
9 public defender, and assistant state public defender,  
10 deemed necessary for the administration of this  
11 chapter in accordance with chapter 19A defenders,  
12 administrator of the racing commission, members of the  
13 employment appeal board, and administrator of the  
14 state foster care review board. The administrators of  
15 the divisions are not exempt from the merit system.  
16 All persons appointed and employed in the department  
17 are covered by the provisions of chapter 19A, but  
18 persons not appointed by the director are exempt from  
19 the merit system provisions of chapter 19A."

20 2. Page 1, by inserting after line 28 the  
21 following:

22 "Sec. \_\_\_\_\_. Section 10A.202, subsection 1,  
23 paragraph g, Code 1989, is amended to read as follows:

24 g. Hearings and appeals relative to the licensure  
25 or certification of hospitals, hospices, and health  
26 care facilities administration of the department of  
27 inspections and appeals. Decisions of the division in  
28 this area are subject to review by the department of  
29 inspections and appeals."

30 3. Page 1, by striking lines 31 through 34 and  
31 inserting the following:

32 "NEW PARAGRAPH. m. Hearings and appeals relative  
33 to the administration of the department of revenue and  
34 finance. Decisions of the division in this area are  
35 subject to review by the department of revenue and  
36 finance."

37 4. Page 4, by inserting after line 24 the  
38 following:

39 "Sec. \_\_\_\_\_. Section 99B.7, subsection 1, paragraph  
40 c, unnumbered paragraph 1, Code 1989, is amended to  
41 read as follows:

42 Cash or merchandise prizes may be awarded in the  
43 game of bingo and, except as otherwise provided in  
44 this paragraph, shall not exceed one hundred dollars.  
45 Merchandise prizes may be awarded in the game of  
46 bingo, however, but the actual retail value of the  
47 prize, or if the prize consists of more than one item,  
48 unit or part, the aggregate retail value of all items,  
49 units or parts, shall not exceed one hundred dollars  
50 the maximum provided by this paragraph. A jackpot

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1 bingo game may be conducted once during any twenty-  
2 four hour period in which the prize may begin at not  
3 more than three hundred dollars in cash or actual  
4 retail value of merchandise prizes and may be  
5 increased by not more than one hundred dollars after  
6 each day's game bingo occasion. However, the cost of  
7 play in a jackpot bingo game shall not be increased  
8 and the jackpot shall not amount to more than seven  
9 eight hundred fifty dollars in cash or actual retail  
10 value of merchandise prizes. A jackpot bingo game is  
11 not prohibited by paragraph "h". A bingo occasion  
12 shall not last for longer than four consecutive hours.  
13 A qualified organization shall not hold more than  
14 fourteen bingo occasions per month. Bingo occasions  
15 held under a limited license shall not be counted in  
16 determining whether a qualified organization has  
17 conducted more than fourteen bingo occasions per  
18 month, nor shall bingo occasions held under a limited  
19 license be limited to four consecutive hours. With  
20 the exception of a limited license bingo, no more than  
21 three bingo occasions per week shall be held within a  
22 structure or building and only one person licensed to  
23 conduct games under this section may hold bingo  
24 occasions within a structure or building."

25 5. Page 8, by striking lines 25 through 30 and  
26 inserting the following: "in pursuant to this  
27 chapter, commits a misdemeanor. ~~This section shall~~  
28 ~~not prohibit the payment by check of~~ However, a  
29 participant in a bingo occasion or in a contest lawful  
30 under section 99B.11 may make payment by personal  
31 check for any entry or participation fee assessed by  
32 the sponsor of a the bingo occasion or contest lawful  
33 under section 99B.11."

34 6. Page 10, by inserting after line 23 the  
35 following:

36 "Sec. \_\_\_\_\_. Section 99D.7, subsection 8, Code 1989,  
37 is amended to read as follows:

38 8. To investigate alleged violations of this  
39 chapter or the commission rules, orders, or final  
40 decisions and to take appropriate disciplinary action  
41 against a licensee or a holder of an occupational  
42 license for the violation, or institute appropriate  
43 legal action for enforcement, or both. Decisions by  
44 the commission are final agency actions pursuant to  
45 chapter 17A."

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

Chapman of Linn offered the following amendment H-4314, to the Senate amendment H-4045, filed by her:

H-4314

1 Amend Senate amendment, H-4045, to House File 490,  
2 as passed by the House, as follows:

3 1. Page 1, by inserting after line 19, the  
4 following:

5 "\_\_\_\_\_. Page 1, by inserting after line 20, the  
6 following:

7 "Sec. \_\_\_\_\_. Section 10A.104, Code 1989, is amended  
8 by adding the following new subsection:

9 NEW SUBSECTION. 10. Enter into and implement  
10 agreements or compacts between the state of Iowa and  
11 Indian tribes located in the state which are entered  
12 into under the authority of the Indian Gaming  
13 Regulatory Act (25 U.S.C. § 2701 et seq.). The  
14 agreements or compacts shall contain provisions  
15 intended to implement the policies and objectives of  
16 the Indian Gaming Regulatory Act. Legislative intent  
17 is that agreements or compacts not allow high stakes  
18 gambling in excess of that authorized by state law.

19 Sec. \_\_\_\_\_. Section 10A.105, Code 1989, is amended  
20 by striking the section and inserting in lieu thereof  
21 the following:

22 10A.105 CONFIDENTIALITY.

23 1. For the purposes of this section, "governmental  
24 entity" includes an administrative division within the  
25 department.

26 2. The confidentiality of all information in the  
27 department produced or collected during or as a result  
28 of a hearing, appeal, investigation, inspection,  
29 audit, or other function performed by the department  
30 on behalf of another governmental entity is governed  
31 by the law applicable to the records of that  
32 governmental entity. The department may provide  
33 information to a governmental entity for which it is  
34 conducting a hearing, appeal, inspection, audit,  
35 investigation, or other function.

36 3. The state shall maintain records and materials  
37 related to an agreement or compact entered into  
38 pursuant to the Indian Gaming Regulatory Act (25  
39 U.S.C. § 2701 et seq.), as confidential records if  
40 confidentiality is required by the terms of the  
41 agreement or compact.

42 4. The lawful custodian of all records produced or  
43 collected during or as a result of any function  
44 performed by the department on behalf of another  
45 governmental entity is that governmental entity for  
46 the purpose of examination and copying pursuant to  
47 chapter 22.

48 5. If information in the possession of the  
49 department indicates that a criminal offense may have  
50 been committed, the information may be reported to the

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1 appropriate criminal justice or regulatory agency.  
2 6. However, this section does not prohibit the  
3 department from releasing the minimal amount of  
4 information necessary in its judgment to conduct  
5 audits, inspections, investigations, appeals, and  
6 hearings, and does not prohibit the introduction of  
7 the information as evidence at any hearing conducted  
8 by the department.

9 7. The director, administrators, and their  
10 designees shall have access to all records deemed by  
11 the department to be pertinent to a hearing, appeal,  
12 audit, investigation, inspection, or other related  
13 function assigned under this chapter." "

14 2. Page 2, by inserting after line 45 the  
15 following:

16 "\_\_\_\_\_. Page 10, by inserting after line 23, the  
17 following:

18 "Sec. \_\_\_\_\_. Section 99F.6, subsection 8, as enacted  
19 by 1989 Iowa Acts, Senate File 124, section 6, is  
20 amended by striking the subsection and inserting in  
21 lieu thereof the following:

22 8. a. The licensee or a holder of an occupational  
23 license shall consent to the search, without a  
24 warrant, by agents of the division of criminal  
25 investigation of the department of public safety or  
26 commission employees designated by the secretary of  
27 the commission, of the licensee's or holder's person,  
28 personal property, and effects, and premises which are  
29 located on the excursion gambling boat or adjacent  
30 facilities under control of the licensee, in order to  
31 inspect or investigate for violations of this chapter  
32 or rules adopted by the commission pursuant to this  
33 chapter. The department or commission may also obtain  
34 administrative search warrants under section 808.14.

35 b. However, this subsection shall not be construed  
36 to permit a warrantless inspection of living quarters  
37 or sleeping rooms on the riverboat if all of the  
38 following are true:

39 (1) The licensee has specifically identified those  
40 areas which are to be used as living quarters or  
41 sleeping rooms in writing to the commission.

42 (2) Gaming is not permitted in the living quarters  
43 or sleeping rooms, and devices, records, or other  
44 items relating to the licensee's gaming operations are  
45 not stored, kept, or maintained in the living quarters  
46 or sleeping rooms.

47 (3) Alcoholic beverages are not stored, kept, or  
48 maintained in the living quarters or sleeping rooms  
49 except those legally possessed by the individual  
50 occupying the quarters or room.

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1 c. The commission shall adopt rules to enforce  
2 this subsection.

3 Sec. \_\_\_\_\_. Section 99F.7, subsection 10, as enacted  
4 by 1989 Iowa Acts, Senate File 124, section 7, and as  
5 amended by 1989 Iowa Acts, Senate File 525, section 5,  
6 takes effect May 15, 1989.

7 Sec. \_\_\_\_\_. Section 537A.4, unnumbered paragraph 2,  
8 Code 1989, is amended to read as follows:

9 This section does not apply to a contract for the  
10 operation of or for the sale or rental of equipment  
11 for games of skill or games of chance, if both the  
12 contract and the games are in compliance with chapter  
13 99B. This section does not apply to wagering under  
14 the pari-mutuel method of wagering authorized by  
15 chapter 99D. This section does not apply to the sale,  
16 purchase or redemption of a ticket or share in the  
17 state lottery in compliance with chapter 99E. This  
18 section does not apply to the sale, purchase, or  
19 redemption of any ticket or similar gambling device  
20 legally purchased in Indian country within this  
21 state."

22 3. Page 2, by inserting after line 47, the  
23 following:

24 "\_\_\_\_\_. Title page, line 6, by inserting after the  
25 word "raffles," the following: "authorizing the  
26 enforcement of agreements or compacts entered into  
27 between the state and Indian tribes under the Indian  
28 Gaming Regulatory Act, authorizing warrantless  
29 searches of excursion gambling boats under certain  
30 conditions,""

31 4. By renumbering and relettering as necessary.

Schrader of Marion in the chair at 10:12 a.m.

Stromer of Hancock offered the following amendment H—4317,  
to amendment H—4314, to the Senate amendment H—4045, filed by  
him and moved its adoption:

H—4317

1 Amend the amendment, H—4314, to Senate amendment,  
2 H—4045, to House File 490, as passed by the House, as  
3 follows:

4 1. Page 1, line 18, by inserting after the word  
5 "law." the following: "Any agreement or compact will  
6 go into effect upon agreement by the director of the  
7 department of inspections and appeals and the Indian  
8 tribe, but the agreement or compact shall be ratified  
9 by the general assembly. The director and the Indian  
10 tribe may enter into interim agreements subject to  
11 ratification by the general assembly."

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

On the question "Shall amendment H—4317, to amendment H—4314, to the Senate amendment H—4045, be adopted?" (H.F. 490)

The ayes were, 42:

Banks	Beaman	Bennett	Black
Brand	Branstad	Carpenter	Clark
Corbett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Hermann
Hester	Hibbard	Holveck	Kistler
Knapp	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	Mertz
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Schneklloth	Shoning
Siegrist	Spenner	Stromer	Stueland
Trent	Van Maanen		

The nays were, 51:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Jay	Jesse	Jochum	Johnson
Koenigs	Lykam	McKinney	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Schrader	
		Presiding	

Absent or not voting, 7:

Connolly	Daggett	Fogarty	Harbor
Muhlbauer	Royer	Tyrrell	

Amendment H—4317 lost.

Speaker Avenson in the chair at 10:18 a.m.

Arnould of Scott asked and received unanimous consent that House File 490 be deferred and that the bill retain its place on the calendar.

(Amendment H—4314, to the Senate amendment H—4045, pending.)

## Unfinished Business Calendar

The House resumed consideration of **Senate File 375**, a bill for an act relating to the creation of an artificial lake or impoundment by the department of natural resources, previously deferred and placed on the unfinished business calendar.

Petersen of Muscatine offered the following amendment H—3920 filed by him:

H—3920

- 1 Amend Senate File 375, 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 427.2, Code 1989, is amended by
- 6 adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. However, property which
- 8 the state acquires after the effective date of this
- 9 Act for a public use or public purpose is subject to
- 10 taxation and special assessments. Property which the
- 11 county acquires after the effective date of this Act
- 12 for a public use or public purpose is subject to all
- 13 school taxes. The tax liability is the amount of the
- 14 tax due from the previous owner for the most recent
- 15 year before the property is acquired by the state or
- 16 county and an annual increase or decrease of the tax
- 17 by the same percentage as the property tax of similar
- 18 class property in the same taxing district is
- 19 increased or decreased."
- 20 2. Title page, line 2, by inserting after the
- 21 word "resources" the following: "and the taxation of
- 22 certain state and county property".

Schrader of Marion rose on a point of order that amendment H—3920 was not germane.

The Speaker ruled the point well taken and amendment H—3920 not germane.

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.

Under the provisions of Rule 76, limitation on right to vote, Schneklath of Scott refrained from voting.

On the question "Shall the bill pass?" (S.F. 375)

The ayes were, 38:

Banks	Beaman	Beatty	Bennett
Blanshan	Branstad	Carpenter	Clark
Connolly	Connors	De Groot	Doderer
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hanson, D. R.
Harbor	Holveck	Lageschulte	Lundby
May	McKean	Mertz	Osterberg
Pellett	Petersen, D. F.	Peterson, M. K.	Renken
Rosenberg	Shearer	Shoning	Shultz
Stueland	Van Maanen		

The nays were, 56:

Adams	Arnould	Bisignano	Black
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Corbett	Diemer
Dvorsky	Eddie	Fey	Halvorson, R. N.
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Koenigs	Kremer	Lykam	McKinney
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Peters
Plasier	Poncy	Renaud	Royer
Schrader	Sherzan	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz
Teaford	Trent	Wise	Mr. Speaker
			Avenson

Absent or not voting, 6:

Daggett	Knapp	Maulsby	Schnekloth
Tabor	Tyrrell		

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 517.

**Senate File 517**, a bill for an act relating to and making appropriations to various state agencies including certain state 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, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring

moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Renaud of Polk offered the following amendment H—4270 filed by the committee on appropriations and moved its adoption:

H—4270

1 Amend Senate File 517, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 5, line 4, by striking the figure  
4 "80,468" and inserting the following: "85,468".

5 2. Page 5, line 10, by striking the figure  
6 "3,596,630" and inserting the following: "3,711,052".

7 3. Page 10, by inserting after line 27 the fol-  
8 lowing:

9 "Sec. \_\_\_\_\_. The Iowa public employees' retirement  
10 system shall conduct a study of the public retirement  
11 systems established in this state and shall provide a  
12 preliminary report to the general assembly, which  
13 report shall be transmitted to the chief clerk of the  
14 house of representatives and the secretary of the  
15 senate no later than February 1990. The study shall  
16 include the judicial retirement system; the Iowa  
17 department of public safety peace officers'  
18 retirement, accident, and disability system; and  
19 retirement systems for local police officers and fire  
20 fighters established under chapter 411. The report to  
21 the general assembly shall include an analysis of the  
22 findings of the Iowa public employees' retirement  
23 system concerning the financial status of the existing  
24 systems and shall also include recommendations  
25 concerning the findings of the study.

26 There is appropriated from the Iowa public  
27 employees' retirement system fund an amount sufficient  
28 to pay the costs of the study. The Iowa public  
29 employees' retirement system shall determine the  
30 portion of the cost of the study to be allocated to  
31 each public retirement system and shall notify the  
32 governing board of each such system. Each governing  
33 board shall reimburse the Iowa public employees'  
34 retirement system fund for its share of the cost from  
35 moneys available to the governing board. The  
36 governing boards of all public retirement systems in  
37 this state shall cooperate with the Iowa public  
38 employees' retirement system in providing information  
39 concerning their systems. As used in this paragraph,  
40 "governing board" means the body or officer  
41 responsible for administration of the public

42 retirement system.”

43 4. Page 18, by inserting after line 14 the

44 following:

45 “Sec. 100. 1988 Iowa Acts, chapter 1275, section  
46 14, is amended by adding the following new unnumbered  
47 paragraph:

48 NEW UNNUMBERED PARAGRAPH. Of the total amount  
49 appropriated by this section, \$135,000, or so much  
50 thereof as is necessary, is allocated for the purpose

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1 of analyzing the Iowa public employees' retirement  
2 system data processing system and formulating plans  
3 for future development. Notwithstanding section 8.33,  
4 funds allocated under this paragraph which are not  
5 obligated or expended on June 30, 1989, shall not  
6 revert to the Iowa public employees' retirement system  
7 fund but shall remain available for the designated  
8 purposes during the fiscal year beginning on July 1,  
9 1989, and ending on June 30, 1990.”

10 5. Page 18, line 20, by striking the word and  
11 figure “Section 9” and inserting the following:  
12 “Sections 9 and 100”.

13 6. By numbering and renumbering as necessary.

The committee amendment H—4270 was adopted.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—4258 filed by him on April 26, 1989.

Metcalf of Polk offered the following amendment H—4316 filed by her and Hibbard of Madison and moved its adoption:

H—4316

1 Amend Senate File 517, as amended, passed, and  
2 reprinted by the Senate, as follows:

- 3 1. Page 1, by striking lines 11 through 24.
- 4 2. Page 18, by striking lines 9 through 14.
- 5 3. By renumbering as necessary.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question “Shall amendment H—4316 be adopted?”  
(S.F. 517)

The ayes were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	De Groot
Diemer	Eddie	Halvorson, R. A.	Hanson, D. R.
Harbor	Haverland	Hermann	Hester
Hibbard	Kistler	Lageschulte	Lundby

Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Trent	Van Maanen

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker Avenson		

Absent or not voting, 6:

Chapman	Daggett	Garman	Kremer
Spenner	Tyrrell		

Amendment H—4316 lost.

McKean of Jones offered the following amendment H—4287 filed by him and moved its adoption:

H—4287

- 1 Amend Senate File 517, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 25 through 28.

A non-record roll call was requested.

The ayes were 28, nays 49.

Amendment H—4287 lost.

Brammer of Linn offered the following amendment H—4289 filed by Brammer, et al.:

H—4289

- 1 Amend Senate File 517, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, by inserting after line 30 the
- 4 following:

5 "As a condition, limitation, and qualification of  
 6 this appropriation, the department of management shall  
 7 cause the targeted small business program to operate  
 8 in its normal manner. It is the intent of the general  
 9 assembly that as a condition, limitation, and  
 10 qualification of this appropriation, the department of  
 11 management shall compile the necessary data so that  
 12 the Iowa targeted small business program will continue  
 13 in compliance with the conditions of the United States  
 14 supreme court decision in City of Richmond v. J.A.  
 15 Croson Co."

Brammer of Linn offered the following amendment H—4318, to amendment H—4289, filed by him and moved its adoption:

H—4318

1 Amend amendment, H—4289, to Senate File 517, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by striking line 15 and inserting the  
 5 following: "Croson Co. It is the intent of the  
 6 general assembly that the department of management  
 7 have authority to develop guidelines for state  
 8 agencies to operate the targeted small business  
 9 program to best achieve its goals in conformity with  
 10 City of Richmond v. J. A. Croson Co., pending  
 11 completion of a study and further legislative action.  
 12 The department may, if necessary, suspend the  
 13 operation of a particular preference until April 1,  
 14 1990, if it concludes that the suspension is mandated  
 15 by federal law."

Amendment H—4318 was adopted.

Hermann of Scott rose on a point of order that amendment H—4289 was not germane.

The Speaker ruled the point well taken and amendment H—4289 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—4289.

A non-record roll call was requested.

The ayes were 53, nays 28.

The motion prevailed and the rules were suspended.

On motion by Brammer of Linn, amendment H—4289, as amended, was adopted.

Fuller of Hardin in the chair at 12:09 p.m.

Kremer of Buchanan offered the following amendment H—4201 filed by him:

H—4201

- 1 Amend Senate File 517, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by inserting after line 4 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. There is appropriated from the general
- 6 fund of the state to the information services division
- 7 of the department of general services for the fiscal
- 8 year beginning July 1, 1989, and ending June 30, 1990,
- 9 the following amount, or so much thereof as is
- 10 necessary, to be used for the purpose designated:
- 11 For the lease-purchase of a central computer to
- 12 provide increased centralized computer mainframe
- 13 capacity and software:
- 14 ..... 1,105,343".
- 15 2. By numbering and renumbering as necessary.

Speaker Avenson in the chair at 12:46 p.m.

Kremer of Buchanan moved the adoption of amendment H—4201.

Roll call was requested by Jochum of Dubuque and Peterson of Carroll.

Rule 75 was invoked.

On the question "Shall amendment H—4201 be adopted?" (S.F. 517)

The ayes were, 26:

Banks	Bennett	Carpenter	Clark
Corbett	De Groot	Diemer	Garman
Hanson, D. R.	Harbor	Hermann	Hester
Kistler	Kremer	Lundby	Maulsby
Metcalf	Miller	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Siegrist
Stromer	Van Maanen		

The nays were, 69:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Cohoon	Connolly	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch

Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lykam	May
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 5:

Chapman	Daggett	Eddie	McKean
Tyrrell			

Amendment H—4201 lost.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—4253 filed by him on April 26, 1989.

Hatch of Polk asked and received unanimous consent to withdraw amendment H—4293 filed by him on April 26, 1989.

Swartz of Marshall offered the following amendment H—4328 filed by him from the floor:

H—4328

- 1 Amend Senate File 517, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 18, by inserting after line 19 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. REPEAL. 1986 Iowa Acts, chapter 1096,
- 6 section 12, is repealed."
- 7 2. By numbering and renumbering as necessary.

Metcalf of Polk rose on a point of order that amendment H—4328 was not germane.

The Speaker ruled the point well taken and amendment H—4328 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—4328.

A non-record roll call was requested.

The ayes were 51, nays 20.

The motion prevailed and the rules were suspended.

On motion by Swartz of Marshall amendment H—4328 was adopted.

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

On the question "Shall the bill pass?" (S.F. 517)

The ayes were, 84:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Clark	Cohoon
Connolly	Connors	Corbett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Svoboda	Swartz	Tabor	Teaford
Trent	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 11:

Branstad	De Groot	Hanson, D. R.	Hermann
Maulsby	Metcalf	Miller	Plasier
Renken	Schnekloth	Svoboda	

Absent or not voting, 5:

Chapman	Daggett	Eddie	Gruhn
Tyrrell			

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

### IMMEDIATE MESSAGE (Senate File 517)

Arnould of Scott asked and received unanimous consent that Senate File 517 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for a meeting of the committee on appropriations upon recess.

On motion by Arnould of Scott, the House was recessed at 1:05 p.m., until 1:35 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux on request of Kistler of Jefferson; Stueland of Clinton on request of Eddie of Buena Vista, both for the remainder of the day.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 775, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

Also: That the Senate has on April 28, 1989, adopted the conference committee report and passed Senate File 363, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date.

JOHN F. DWYER, Secretary

### SENATE AMENDMENTS CONSIDERED

Buhr of Polk called up for consideration **Senate File 119**, a bill for an act relating to state financial management by revising provisions governing the reversion of appropriations, the prescribing of uniform accounting systems and forms, account coding to identify authorizing statutes, and authorization for the prepayment of claims, and providing properly related matters, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4071 to the House amendment:

H—4071

- 1 Amend the House amendment, S—3302, to Senate File
- 2 119 as amended, passed, and reprinted by the Senate as
- 3 follows:

- 4 1. Page 1, by striking line 3, through page 2, line  
 5 2.  
 6 2. Page 2, by striking lines 38 through 46.

The motion prevailed and the House concurred in the Senate amendment H—4071.

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

On the question "Shall the bill pass?" (S.F. 119)

The ayes were, 77:

Adams	Arnould	Banks	Beaman
Beatty	Black	Brammer	Brand
Brown	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
Mr. Speaker Avenson			

The nays were, 16:

Bennett	Branstad	Carpenter	De Groot
Eddie	Halvorson, R. A.	Hermann	Kremer
Maulsby	Metcalf	Pellett	Renken
Royer	Schneklath	Stromer	Van Maanen

Absent or not voting, 7:

Bisignano	Blanshan	Daggett	Mertz
Plasier	Stueland	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

Fogarty of Palo Alto called up for consideration **Senate File 157**, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4319 to the House amendment:

H—4319

- 1 Amend the House amendment, S—3791, to Senate File
- 2 157, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 7 and 8 and
- 5 inserting the following:
- 6 “\_\_\_\_\_ Page 1, line 24, by striking the figure
- 7 “11:30” and inserting the following: “11:00”.”
- 8 2. Page 1, by striking lines 13 through 24.

A non-record roll call was requested.

The ayes were 28, nays 50.

The motion lost and the House refused to concur in the Senate amendment H—4319.

## Ways and Means Calendar

**House File 776**, a bill for an act relating to the operation and dissolution of a benefited fire district including a city, and authorizing the levy of a property tax, was taken up for consideration.

Haverland of Polk offered the following amendment H—4228 filed by him and moved its adoption:

H—4228

- 1 Amend House File 776 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 “contract” the following: “, direct levy, or
- 4 combination of both,”.
- 5 2. Page 1, by striking line 20 and inserting the
- 6 following: “payments by contract or levy for the fire
- 7 protection comprise seventy-five percent or”.
- 8 3. Page 2, lines 8 and 9, by striking the words
- 9 “which shall be renewed annually” and inserting the
- 10 following: “or direct levy by the district”.
- 11 4. Page 2, line 23, by inserting after the figure
- 12 “384.1.” the following: “If the district levies

13 directly against property within a city to provide  
 14 fire protection for that city, the city shall not be  
 15 responsible for providing fire protection as provided  
 16 in section 364.16, and shall have no liability for the  
 17 method, manner, or means in which the district  
 18 provides the fire protection."

Amendment H—4228 was adopted.

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

On the question "Shall the bill pass?" (H.F. 776)

The ayes were, 86:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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
Hibbard	Holveck	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stromer
Swartz	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 5:

Branstad	Hanson, D. R.	Maulsby	Renken
Van Maanen			

Absent or not voting, 9:

Daggett	Hermann	Jesse	Lageschulte
Plasier	Shoultz	Stueland	Svoboda
Tabor			

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

**Senate File 515**, a bill for an act relating to the assessment and valuation of special purpose tooling property, with report of committee recommending passage 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?" (S.F. 515)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	

The nays were, none.

Absent or not voting, 5:

Daggett	Plasier	Shoultz	Stueland
Avenson, Spkr.			

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

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent to immediately message the following bills to the Senate: House Files 98 and 776 and Senate File 157.

## SENATE AMENDMENT CONSIDERED

Brammer of Linn called up for consideration **House File 662**, a bill for an act relating to court proceedings involving child support orders where the dependent child resides in another state, amended by the Senate, and moved that the House concur in the following Senate amendment H—4315:

H—4315

- 1 Amend House File 662 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 21, by inserting after the word
- 4 "and" the following: "the administrator's order shall
- 5 be presented, ex parte, to the district court for
- 6 review and approval, and unless defects appear on the
- 7 face of the order or on the attachments, the district
- 8 court shall approve the order, and".

The motion prevailed and the House concurred in the Senate amendment H—4315.

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

On the question "Shall the bill pass?" (H.F. 662)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stromer

Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Daggett	Hatch	Hermann	Lundby
Plasier	Shoultz	Stueland	

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

### HOUSE RECEDED

Peterson of Carroll called up for consideration **Senate File 56**, a bill for an act establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons and certain owner-occupied housing, and moved that the House recede from its amendment, which motion prevailed.

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

On the question "Shall the bill pass?" (S.F. 56)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Corbett
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	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Swartz	Tabor	Teaford

Trent  
Mr. Speaker  
Avenson

Tyrrell

Van Maanen

Wise

The nays were, 1:

Halvorson, R. N.

Absent or not voting, 6:

Chapman  
Stueland

Daggett  
Svoboda

Plasier

Shoultz

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

### Unfinished Business Calendar

The House resumed consideration of **Senate File 132**, a bill for an act relating to the fee retained by county treasurers for use tax collection on vehicles, previously deferred and placed on the unfinished business calendar.

Arnould of Scott asked and received unanimous consent that Senate File 132 be deferred and that the bill retain its place on the calendar.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 363)

Peterson of Carroll called up for consideration the report of the conference committee on Senate File 363 as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 363

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

We, the undersigned members of the conference committee appointed to resolve the difference between the Senate and the House of Representatives on Senate File 363, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date, respectfully make the following report:

1. That the Senate recede from its amendment, H—4233.
2. That the House recede from its amendment, S—3854.

3. That Senate File 363, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 3, line 5, by striking the figure "2,600,000" and inserting the following: "2,200,000".

2. Page 3, line 9, by striking the figure "300,000" and inserting the following: "600,000".

3. Page 3, line 17, by striking the figure "1,000,000" and inserting the following: "1,200,000".

4. Page 8, line 15, by striking the word "April" and inserting the following: "March".

5. Page 8, line 18, by striking the word "April" and inserting the following: "March".

6. Page 8, by inserting after line 18 the following:

"Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1276, section 1, subsection 1, is amended to read as follows:

1. For aid to families with dependent children:
..... \$ 48,328,449
47,328,449

Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1276, section 11, is amended to read as follows:

SEC. 11. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the department of human services for the state mental health institutes, the following amount, or so much thereof as is necessary, to be used for salaries and support for not more than one thousand one hundred ninety-one point sixteen full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 38,153,000
38,353,000

The state mental health institutes may exceed the specified number of full-time equivalent positions if the additional positions are specifically related to licensing, certification, or accreditation standards, or citations. The department shall notify the legislative fiscal bureau if the specified number is exceeded. The notification shall include an estimate of the number of full-time equivalent positions added and the fiscal effect of the addition.

Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1276, section 17, unnumbered paragraph 1, is amended to read as follows:

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the department of human services the following amount, or so much thereof as is necessary, to be used for supplemental payments of child care costs:

..... \$ 3,500,000
2,100,000

Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1276, section 21, unnumbered paragraph 1, is amended to read as follows:



b. Notwithstanding section 8.39, funds appropriated in this subsection shall be used for the salaries of those correctional officers employed pursuant to paragraph "a" and the funds are not subject to transfer between correctional facilities.

2. For support and miscellaneous purposes of the correctional facilities:  
..... \$ 673,102

Sec. \_\_\_\_\_. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be allocated as follows:

1. For the second judicial district department of correctional services, the following amount, or so much thereof as is necessary, to be used for the OWI program:  
..... \$ 14,888

2. For the third judicial district department of correctional services, the following amount, or so much thereof as is necessary, to be used for the OWI program:  
..... \$ 7,000

3. For the sixth judicial district department of correctional services, the following amount, or so much thereof as is necessary, to be used for the OWI program:  
..... \$15,280"

11. Page 11, line 10, by inserting after the word "in" the following: "subsection 3 of".

12. Page 11, line 15, by striking the word "April" and inserting the following: "March".

13. Page 11, line 18, by striking the word "April" and inserting the following: "March".

14. Page 11, by inserting after line 18 the following:

"Sec. \_\_\_\_\_. There is appropriated from the general fund of the state to the judicial department for the fiscal period beginning July 1, 1988, and ending March 30, 1990, the following amounts, or so much thereof as is necessary for the purposes designated:

For the development of a computer system for the state's judicial system:  
..... \$ 3,400,000

The provisions of section 8.33 do not apply to the funds appropriated in this section. The unobligated and unencumbered funds remaining on March 30, 1990, from the funds appropriated in this section shall revert to the general fund of the state on March 30, 1990.

Sec. \_\_\_\_\_. Notwithstanding any other provision of law, the department of inspections and appeals shall pay any claims for indigent defense and juvenile defense remaining unpaid at the close of fiscal year 1989 from funds appropriated to the department for fiscal year 1990."

15. Page 11, by striking lines 31 and 32.

16. Page 12, line 18, by striking the word "April" and inserting the following: "March".

17. Page 12, line 21, by striking the word "April" and inserting the following: "March".

18. Page 13, by inserting after line 31 the following:

"Sec. \_\_\_\_\_. 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 amount, or so much thereof as is necessary, to be used for the purposes designated:

For the replacement of the old IPBN channel 12 transmitter:
..... \$ 500,000

Notwithstanding section 8.39, funds appropriated under this section shall only be used for the purposes designated and are not subject to transfer.

Notwithstanding section 8.33, unobligated and unencumbered funds from moneys appropriated in this section remaining on June 30, 1989, shall not revert to the general fund of the state but shall remain available for expenditure during the fiscal year beginning July 1, 1989, for the same purpose."

19. Page 14, line 10, by striking the word "April" and inserting the following: "March".

20. Page 14, line 12, by striking the word "April" and inserting the following: "March".

21. Page 16, by inserting after line 10 the following:

"Sec. \_\_\_\_\_. Notwithstanding section 8.33, unencumbered and unobligated funds remaining from the appropriations made in sections 15 through 21 of this Act shall not revert to the general fund of the state until September 30, 1989."

22. Page 16, by inserting after line 31 the following:

"Sec. \_\_\_\_\_. There is appropriated from the general fund of the state to the Iowa resources enhancement and protection fund for fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount to be used for the purposes of the fund, if the fund is created by enactment of the Seventy-third General Assembly:
..... \$ 5,000,000"

23. Page 17, line 19, by striking the word "April" and inserting the following: "March".

24. Page 17, line 22, by striking the word "April" and inserting the following: "March".

25. Page 17, line 33, by striking the word "Priority".

26. By striking page 17, line 34 through page 18, line 7 and inserting the following: "The state department of transportation shall provide funding for as many essential air service communities as possible based on merit and need. Priority shall be given to those airports with projects closest to completion."

27. Page 18, by inserting after line 13, the following:

"Notwithstanding section 8.33, unobligated and unencumbered funds remaining on November 30, 1989, from the funds appropriated in this section for the fiscal year beginning July 1, 1988, shall revert to the general fund of the state on November 30, 1989."

28. Page 18, line 22, by inserting after the word "purposes" the following: ", not to include office space for legislators outside of the capitol building,".

29. Page 19, line 5, by inserting after the word "restoration." the following: "Of the amount of the appropriation used for capitol restoration, the department may use up to \$750,000 to replace transformers in the capitol building."

30. Page 19, by inserting after line 14 the following:

"Sec. \_\_\_\_\_. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For utility and maintenance costs: ..... \$ 200,000

Notwithstanding section 8.39, funds appropriated under this section shall only be used for the purposes designated and are not subject to transfer.

DEPARTMENT OF PERSONNEL

Sec. \_\_\_\_\_. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For site purchase, planning, design, and site preparation to establish a child care center at the capitol complex: ..... \$300,000

1. The department of personnel shall survey the state employees located at the capitol complex to determine interest in on-site child day care services. The survey shall include but is not limited to an assessment of all of the following items:

- a. The number and ages of children of employees who express an intent to utilize a child care center established at the capitol complex.
- b. The time of day during which child day care services are desired.
- c. The work location of interested employees.
- d. The potential impact of establishing child day care services at the capitol complex upon private child day care providers.

2. By October 1, 1989, the department shall report the results of the child day care survey to the state employees child care council which is created in the department of personnel. The council shall determine the level of need for a capitol complex child care center and shall monitor the planning to establish a child care center in the capitol complex. The membership of the council shall include representatives of each of the unions representing state employees and the directors of the following departments or the directors' designees: the department of general services, the department of personnel, the department of human services, the state department of transportation, and the Iowa department of public health. The council shall determine its own operating procedures.

3. If the survey of capitol complex employees identifies an intent for twenty or more children to utilize child day care services, the department of personnel shall commence efforts to establish a child care center at the capitol complex, including commencement of the transfer of moneys appropriated in this section to the department of general services in an amount sufficient to purchase and prepare a site, develop a design, and plan for the establishment of a child care center located within the capitol complex with sufficient capacity for the number of children to be provided day care services as determined by the state employees child care council.

4. Unencumbered or unobligated funds remaining from the appropriation made by this section on June 30, 1990, shall revert to the general fund of the state on September 30, 1990.

DEPARTMENT OF HUMAN SERVICES

Sec. \_\_\_\_ . There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For outreach, recruitment, and training of new child day care providers:  
 ..... \$ 200,000

1. Of the funds appropriated in this section up to \$25,000 may be used to develop and distribute start-up kits for establishing child day care services. The use of the remaining funds shall include the recruitment of new child day care providers and the training of family and group day care home providers and of child care center administrators and other staff.

2. Notwithstanding section 8.33, unencumbered or unobligated funds remaining from the appropriation made by this section shall not revert to the general fund until September 30, 1990."

31. Page 19, by inserting after line 27 the following:

"IOWA FINANCE AUTHORITY

Sec. \_\_\_\_ .

1. There is appropriated from the general fund of the state to the housing trust fund created pursuant to section 220.100, subsection 1, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the programs established in section 220.100, subsection 2:  
 ..... \$ 3,000,000

2. As nearly as practicable, of the moneys appropriated in subsection 1, the Iowa finance authority should allocate ten percent for the homeless grant program under section 220.100, subsection 2, paragraph "a"; twenty percent for the home maintenance and repair program under section 220.100, subsection 2, paragraph "b"; thirty-five percent for the rental rehabilitation program under section 220.100, subsection 2, paragraph "c"; and thirty-five percent for the home ownership incentive program under section 220.100, subsection 2, paragraph "d". After February 1, 1990, moneys allocated to a program under section 220.100, subsection 2, may be reallocated by the authority

to another program under that subsection if the other program has more need. In providing funds under the home maintenance and repair program and the home ownership incentive program, the authority shall, to the extent feasible, make funds available under the programs for purposes of pilot projects for sweat-equity housing cooperatives.

3. Of the moneys appropriated in subsection 1 that are allocated to the homeless grant program, up to thirty percent may be used for grants for operating costs of homeless shelters.

4. As nearly as practicable, of the moneys appropriated in subsection 1 that are allocated to the home maintenance and repair program, the rental rehabilitation program, and the home ownership incentive program, twenty-five percent from each program should be used to assist very low-income families and seventy-five percent from each program should be used to assist lower income families.

5. The assistance provided by the authority under the home ownership incentive program shall include, but not be limited to, the following kinds:

- a. Closing costs assistance.
- b. Down payment assistance.
- c. Home maintenance and repair assistance.

d. Loan processing assistance through a loan endorser review contractor who would act on behalf of the authority in assisting lenders in processing loans that will qualify for government insurance or guarantee or for financing under the authority's mortgage revenue bond program.

- e. Mortgage insurance program.

Not more than fifty percent of the assistance provided by the authority under the home ownership incentive program shall be provided under paragraphs "d" and "e".

6. Assistance provided under the home ownership incentive program shall be limited to mortgages under thirty-five thousand dollars, except in those areas of the state where the median price of homes exceeds the state average. In providing the assistance under the home ownership incentive program, the authority shall require substantial seller participation of not less than two percent of the mortgage amount, which participation includes, but is not limited to, home ownership maintenance funding, down payment assistance, payment of closing costs, or rehabilitation costs.

7. The authority, in conjunction with the department of economic development, shall work with the private sector to set up workshops to educate housing sponsors on the housing programs available and to assist housing sponsors in the application process.

Notwithstanding section 8.33, unencumbered or unobligated funds remaining in the housing trust fund on June 30, 1989, shall not revert to the general fund of the state but shall remain in the housing trust fund and be used for the programs as provided in this section.

Sec. \_\_\_\_\_. There is appropriated from the general fund of the state to the revolving fund created pursuant to section 15.287, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes for which moneys in the fund may be used:

..... \$ 5,000,000

The moneys appropriated in this section to the revolving fund, which are allocated under the program to the traditional and new infrastructure categories, shall be used exclusively for assistance to political subdivisions to meet the water needs of those political subdivisions that have suffered as a result of the drought conditions that have existed during the past two years. A political subdivision may apply for assistance under the program on behalf of a benefited water district formed under chapter 357 or on behalf of a rural water district incorporated and organized under chapter 357A. Assistance shall only be available to those political subdivisions which demonstrate a substantial local effort to assist in community development as defined by rules of the department of economic development. Awards of these funds shall be made only to those applicants who include a plan to educate the users on methods to reduce per capita consumption of water by ten percent.

Sec. \_\_\_\_\_. Section 455G.9, subsection 1, paragraph a, subparagraph (1), subparagraph subdivision (c), as enacted by 1989 Iowa Acts, House File 447, is amended to read as follows:

(c) The owner or operator applying for coverage shall not have claimed bankruptcy any time on or after ~~April 1, 1988~~ July 1, 1987."

32. Title page, line 9, by inserting after the word "transportation," the following: "department of personnel, Iowa finance authority,".

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

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

THOMAS J. JOCHUM, Chair  
 RAY LAGESCHULTE  
 MICHAEL PETERSON  
 GARY SHERZAN

JOE J. WELSH, Chair  
 MICHAEL GRONSTAL  
 LEONARD BOSWELL  
 JOHN JENSEN

On motion by Peterson of Carroll, the conference committee report, and the amendments contained therein, was adopted.

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

On the question "Shall the bill pass?" (S.F. 363)

The ayes were, 67:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Cphoon
Connolly	Connors	Corbett	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
Lykam	May	McKean	McKinney

Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Pony	Renaud	Rosenberg
Schrader	Shearer	Shoning	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 25:

Banks	Bennett	Branstad	Carpenter
Clark	De Groot	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Kremer
Maulsby	Metcalf	Miller	Pellett
Petersen, D. F.	Renken	Royer	Schneklath
Siegrist	Stromer	Trent	Tyrrell
Van Maanen			

Absent or not voting, 8:

Chapman	Daggett	Hatch	Kistler
Plasier	Sherzan	Shoultz	Stueland

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 185**, a bill for an act relating to the hotel and motel tax and providing an exemption, with report of committee recommending passage was taken up for consideration.

Tabor of Jackson asked and received unanimous consent to withdraw amendment H—4136 filed by him on April 20, 1989.

Black of Jasper in the chair at 3:03 p.m.

Dvorsky of Johnson offered the following amendment H—3595 filed by him and moved its adoption:

H—3595

- 1 Amend Senate File 185, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 14, by striking the words "and in
- 4 memorial unions" and inserting the following: "and in
- 5 memorial unions".

Amendment H—3595 was adopted.

Corbett of Linn offered the following amendment H—3802 filed by him:

H—3802

- 1 Amend Senate File 185, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 28, the
- 4 following:
- 5 "Sec. 2. The city of Des Moines and the Iowa state
- 6 fair board shall meet and discuss the use of funds
- 7 received under chapter 422A for the benefit of the
- 8 Iowa state fair."

Tabor of Jackson rose on a point of order that amendment H—3802 was not germane.

The Speaker ruled the point well taken and amendment H—3802 not germane.

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

On the question "Shall the bill pass?" (S.F. 185)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohon	Connolly	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhausser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Swartz	Tabor	Teaford
Trent	Tyrell	Van Maanen	Wise
Black			
Presiding			

The nays were, none.

Absent or not voting, 7:

Chapman	Daggett	Kistler	Plasier
Sherzan	Stueland	Svoboda	

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

### IMMEDIATE MESSAGES (Senate Files 185 and 363)

Arnould of Scott asked and received unanimous consent that Senate Files 185 and 363 be immediately messaged to the Senate.

**Senate File 154**, a bill for an act relating to the state's cigarette and tobacco products tax; fuel tax; withholding tax; corporate and personal income tax; sales, services and use tax; franchise tax; hotel and motel tax; property tax exemptions; and inheritance and estate taxes; and providing a penalty, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 154)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Black	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Daggett	Halvorson, R. A.	Hermann	Jesse
Kistler	Plasier	Schrader	Sherzan
Stueland			

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

### Appropriations Calendar

**Senate File 532**, a bill for an act relating to the compensation and benefits for legislators, and other public officials and employees by specifying salary levels, by providing adjustments for salaries, by specifying properly related matters, by making appropriations, and by specifying effective dates for certain provisions, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H—4173 filed by the committee on appropriations and moved its adoption:

H—4173

- 1 Amend Senate File 532, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, line 9, by striking the words "Mobile
- 4 and regional clinics" and inserting the following:
- 5 "Services contracted by the department of public
- 6 health from the university of Iowa hospitals and
- 7 clinics for specialized child health care".

The committee amendment H—4173 was adopted.

Carpenter of Polk offered the following amendment H—4230 filed by her and Neuhauser of Johnson:

H—4230

- 1 Amend Senate File 532, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 17, by inserting after line 8 the fol-
- 4 lowing:
- 5 "Sec. \_\_\_\_\_. Section 2.10, Code 1989, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 8. A member of the general
- 8 assembly shall not accept an honorarium or other fee
- 9 for speaking at or attending a meeting of a person or
- 10 organization who may benefit from legislation enacted
- 11 or actions taken by the general assembly."

Jochum of Dubuque rose on a point of order that amendment H—4230 was not germane.

The Speaker ruled the point well taken and amendment H—4230 not germane.

Hammond of Story asked and received unanimous consent to defer action on amendment H—4267.

Hammond of Story offered the following amendment H—4313 filed by her and moved its adoption:

H—4313

1 Amend Senate File 532 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 17, line 13, by striking the words  
4 “leaders of the senate and house” and inserting the  
5 following: “leaders of the senate and house leader of  
6 each house”.

7 2. Page 17, by striking lines 16 through 20 and  
8 inserting the following: “years while serving as a  
9 member of the general assembly. The majority and  
10 minority floor ~~leaders of the senate and house, except~~  
11 ~~the senate majority leader, leader of each house~~ shall  
12 receive an annual salary of ~~twenty-two~~ twenty-five  
13 thousand nine hundred ~~seventy-five~~ dollars for the  
14 year ~~1989~~ 1991 and subsequent years while serving in  
15 ~~such~~ the capacity.”

16 3. Page 18, by striking lines 12 through 15 and  
17 inserting the following:  
18 “3. The speaker of the house and the senate  
19 ~~majority leader presiding officer of the senate~~ shall  
20 receive an annual salary of ~~twenty-three~~ twenty-eight  
21 thousand nine hundred”.

22 4. Page 18, by striking lines 17 through 21 and  
23 inserting the following: “~~serv~~ing as the speaker of  
24 the house or ~~serv~~ing as the presiding officer of the  
25 senate ~~majority leader~~. Expense and travel allowances  
26 shall be the same for the speaker of the house and the  
27 presiding officer of the senate majority leader as”.

28 5. Page 18, line 22, by inserting after the word  
29 “assembly.” the following: “The members of the senate  
30 shall select the presiding officer of the senate. The  
31 member selected as presiding officer of the senate  
32 shall receive only the annual salary of the presiding  
33 officer of the senate.”

34 6. Page 18, line 27, by striking the words  
35 “leaders of the senate and house” and inserting the  
36 following: “leader of each house”.

Amendment H—4313 was adopted.

Lageschulte of Bremer offered the following amendment H—4252 filed by him and moved its adoption:

H—4252

- 1 Amend Senate File 532, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, lines 21 and 22, by striking the
- 4 words "forty fifty" and inserting the following:
- 5 "forty".
- 6 2. Page 17, line 33, by striking the words
- 7 "twenty five thirty-five" and inserting the following:
- 8 "twenty-five".

Roll call was requested by Lageschulte of Bremer and Pellett of Cass.

On the question "Shall amendment H—4252 be adopted?"  
(S.F. 532)

The ayes were, 21:

Banks	Beaman	Bennett	Clark
De Groot	Eddie	Garman	Hermann
Kistler	Kremer	Lageschulte	Lundby
Maulsby	Pellett	Renken	Royer
Schnekloth	Spenner	Trent	Tyrrell
Van Maanen			

The nays were, 73:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Cohoon
Connolly	Connors	Corbett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Wise
Black			
Presiding			

Absent or not voting, 6:

Avenson, Spkr.	Brown	Daggett	Harbor
Plasier	Stueland		

Amendment H—4252 lost.

Halvorson of Clayton offered the following amendment H—4168 filed by him and Harbor of Mills:

H—4168

- 1 Amend Senate File 532, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, line 28, by striking the word "ten"
- 4 and inserting the following: "ten".
- 5 2. Page 17, line 29, by striking the words "one
- 6 hundred" and inserting the following: "~~one~~ hundred
- 7 ninety".
- 8 3. Page 17, line 30, by striking the word "ten"
- 9 and inserting the following: "ten".
- 10 4. Page 17, line 31, by striking the words "one
- 11 hundred" and inserting the following: "~~one~~ hundred
- 12 ninety".

Halvorson of Clayton offered the following amendment H—4261, to amendment H—4168, filed by him and moved its adoption:

H—4261

- 1 Amend amendment, H—4168, to Senate File 532, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 12 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 17, line 28, by striking the word
- 7 "ten" and inserting the following: "ten".
- 8 \_\_\_\_\_ Page 17, line 30, by striking the word "ten"
- 9 and inserting the following: "ten"."

A non-record roll call was requested.

The ayes were 34, nays 44.

Amendment H—4261 lost.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—4168.

Carpenter of Polk offered the following amendment H—4231 filed by her and Metcalf of Polk and moved its adoption:

H—4231

- 1 Amend Senate File 532, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 17, line 33, by striking the words  
 4 "thirty-five dollars per day" and inserting the  
 5 following: "dollars per day one-half of the per diem  
 6 for expenses of office as authorized for other  
 7 members".

Roll call was requested by Carpenter of Polk and Maulsby of Calhoun.

On the question "Shall amendment H—4231 be adopted?"  
 (S.F. 532)

The ayes were, 32:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	De Groot	Diemer
Eddie	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lageschulte	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schneklath	Spear	Spenner
Stromer	Trent	Tyrrell	Van Maanen

The nays were, 61:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lundby	Lykam
May	McKinney	Mertz	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Svoboda
Swartz	Tabor	Teaford	Wise
Black			
Presiding			

Absent or not voting, 7:

Connolly	Daggett	Garman	Hammond
Muhlbauer	Plasier	Stueland	

Amendment H—4231 lost.

Speaker Avenson in the chair at 3:49 p.m.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—4134 filed by him on April 20, 1989.

Jochum of Dubuque offered the following amendment H—4193 filed by him and moved its adoption:

H-4193

1 Amend Senate File 532, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 19, by inserting after line 16 the  
4 following:

5 "Sec. 100. Section 2.40, Code 1989, is amended to  
6 read as follows:

7 2.40 MEMBERSHIP IN STATE INSURANCE PLANS.

8 1. A member of the general assembly may elect to  
9 become a member of a state group insurance plan for  
10 employees of the state established under chapter 509A  
11 subject to the following conditions:

12 1 a. The member shall be eligible for all state  
13 group insurance plans on the basis of enrollment rules  
14 established for full-time state employees excluded  
15 from collective bargaining as provided in chapter 20.

16 2 b. The member shall pay the premium for the plan  
17 selected on the same basis as a full-time state  
18 employee excluded from collective bargaining as  
19 provided in chapter 20.

20 3 c. The member shall authorize a payroll  
21 deduction of the premium due according to the member's  
22 pay plan selected pursuant to section 2.10, subsection  
23 5.

24 4 d. The premium rate shall be the same as the  
25 premium rate paid by a state employee for the plan  
26 selected.

27 ~~In order to implement this section a~~ A member of  
28 the general assembly may elect to become a member of a  
29 state group insurance plan effective January 1, 1989.  
30 A member of the general assembly may continue  
31 membership in a state group insurance plan without  
32 reapplication during the member's tenure as a member  
33 of consecutive general assemblies. For the purpose of  
34 electing to become a member of the state health or  
35 medical service group insurance plan, a member of the  
36 general assembly has the status of a "new hire", full-  
37 time state employee when the member is initially  
38 eligible or during the first subsequent annual open  
39 enrollment. A member of the general assembly who  
40 elects to become a member of a state health or medical  
41 group insurance plan shall be exempted from  
42 preexisting medical condition waiting periods. A  
43 member of the general assembly may change programs or  
44 coverage under the state health or medical service  
45 group insurance plan during the month of January of  
46 odd-numbered years, but program and coverage change  
47 selections shall be subject to the enrollment rules  
48 established for full-time state employees excluded  
49 from collective bargaining as provided in chapter 20.  
50 A person who has been a member of the general assembly

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1 for two years and who has elected to be a member of a  
2 state health or medical group insurance plan may  
3 continue to be a member of such state health or  
4 medical group insurance plan by requesting  
5 continuation in writing to the finance officer within  
6 thirty-one days after leaving office. The continuing  
7 former member of the general assembly shall pay the  
8 total premium and administrative costs for the state  
9 plan and shall have the same rights to change programs  
10 or coverage as state employees.

11 2. A part-time secretary of a member of the  
12 general assembly may elect to become a member of a  
13 state group insurance plan for employees of the state  
14 established under chapter 509A subject to the  
15 following conditions:

16 a. The part-time secretary shall be eligible for  
17 all state group insurance plans on the basis of  
18 enrollment rules established for full-time state  
19 employees excluded from collective bargaining as  
20 provided in chapter 20 and shall have the same rights  
21 to change programs or coverage as are afforded such  
22 state employees.

23 b. The part-time secretary shall pay the total  
24 premium and administrative costs for the plan selected  
25 through payroll deduction.

26 c. A part-time secretary may continue membership  
27 in a state group insurance plan without reapplication  
28 during the secretary's employment during consecutive  
29 sessions of the general assembly. For the purpose of  
30 electing to become a member of the state health or  
31 medical service group insurance plan, a part-time  
32 secretary of a member of the general assembly has the  
33 status of a "new hire", full-time state employee when  
34 the secretary is initially eligible or during the  
35 first subsequent enrollment change period.

36 d. A part-time secretary of a member of the  
37 general assembly who elects membership in a state  
38 health or medical group insurance plan shall state  
39 each year whether the membership is to extend through  
40 the interim period between consecutive sessions of the  
41 general assembly. If the membership is to extend  
42 through the interim period the part-time secretary  
43 shall authorize a payroll deduction for the period of  
44 session employment in an amount sufficient to cover  
45 the total annual premium and administrative costs for  
46 the plan selected. The part-time secretary shall  
47 notify the finance officer within thirty-one days  
48 after the conclusion of the general assembly whether  
49 the person's decision to extend the membership through  
50 the interim period is confirmed. If the decision is

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- 1 rescinded, appropriate adjustments shall be made for  
 2 amounts withheld in advance to cover premium payments.  
 3 However, adjustments shall not be made for amounts  
 4 withheld to cover administrative costs.  
 5 e. A member of a state health or medical group  
 6 insurance plan pursuant to this subsection shall have  
 7 the same rights upon final termination of employment  
 8 as a part-time secretary as are afforded full-time  
 9 state employees excluded from collective bargaining as  
 10 provided in chapter 20."  
 11 2. Page 20, by inserting after line 26 the fol-  
 12 lowing:  
 13 "Section 100 of this Act takes effect January 1,  
 14 1990."  
 15 3. By numbering and renumbering as necessary.

Amendment H—4193 was adopted.

Spear of Lee offered the following amendment H—4269 filed by him and moved its adoption:

H—4269

- 1 Amend Senate File 532, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 20, by striking lines 9 through 13, and  
 4 inserting the following: "each fiscal year  
 5 thereafter. Any position of membership on the racing  
 6 commission which currently receives a salary shall  
 7 receive that salary during the 1986-1987 fiscal year,  
 8 and a compensation of forty dollars per day and  
 9 expenses in the 1987-1988 fiscal year and each fiscal  
 10 year thereafter."

Amendment H—4269 was adopted.

Hanson of Delaware offered the following amendment H—4184 filed by Hanson, et al.:

H—4184

- 1 Amend Senate File 532, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 20, by inserting after line 13 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 41.3 REDUCTION IN SIZE  
 6 OF GENERAL ASSEMBLY.  
 7 1. Commencing with the seventy-fifth general  
 8 assembly, the number of members in the senate shall be  
 9 forty and the number of members in the house of  
 10 representatives shall be eighty.

11 2. Reapportionment procedures for the  
12 establishment of senatorial and representative  
13 districts following the 1990 census shall be conducted  
14 on the basis of the number of members set forth in  
15 subsection 1."

16 2. Title page, line 3, by inserting after the  
17 word "salaries," the following: "by providing for the  
18 membership of the general assembly,".

Jochum of Dubuque rose on a point of order that amendment H—4184 was not germane.

The Speaker ruled the point well taken and amendment H—4184 not germane.

Bisignano of Polk asked and received unanimous consent to withdraw amendments H—4281 and H—4284 filed by him on April 26, 1989.

Spear of Lee offered the following amendment H—4324 filed from the floor by him and moved its adoption:

H—4324

1 Amend Senate File 532, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 20, by inserting after line 24 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 99D.5, subsection 4, Code 1989,  
6 is amended to read as follows:  
7 4. Commission members are each entitled to receive  
8 an annual salary of six thousand five hundred dollars.  
9 Members shall also be reimbursed for actual expenses  
10 incurred in the performance of their duties to a  
11 maximum of six thousand dollars per year for each  
12 member. Each member shall post a bond in the amount  
13 of ten thousand dollars, with sureties to be approved  
14 by the governor, to guarantee the proper handling and  
15 accounting of moneys and other properties required in  
16 the administration of this chapter. The premiums on  
17 the bonds shall be paid as other expenses of the  
18 commission."

Amendment H—4324 was adopted.

Hammond of Story asked and received unanimous consent to withdraw amendment H—4267, previously deferred, filed by her on April 26, 1989.

Garman of Story asked and received unanimous consent to change her vote from "nay" to "aye" on amendment H—4252, and the vote was so recorded.

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. 532)

The ayes were, 69:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Diemer	Doderer	Dvorsky
Fey	Fogarty	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Stromer	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Wise
Mr. Speaker			
Avenson			

The nays were, 27:

Banks	Beaman	Bennett	Black
Brand	Branstad	Corbett	De Groot
Eddie	Fuller	Garman	Gruhn
Harbor	Hermann	Hester	Kistler
Lageschulte	Maulsby	McKean	Pellett
Petersen, D. F.	Renken	Royer	Schnekloth
Spenner	Trent	Van Maanen	

Absent or not voting, 4:

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

UNANIMOUS CONSENT

Brand of Benton asked and received unanimous consent to change his vote from "aye" to "nay" on Senate File 532, and the vote was so recorded.

IMMEDIATE MESSAGE  
(Senate File 532)

Arnould of Scott asked and received unanimous consent that Senate File 532 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 520.

Senate File 520, a bill for an act relating to and making appropriations to the department of economic development, with report of committee recommending amendment and passage was taken up for consideration.

Poncy of Wapello offered the following amendment H-4274 filed by the committee on appropriations:

H-4274

- 1 Amend Senate File 520, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 17 through 28.
- 4 2. Page 2, by inserting before line 8 the
- 5 following:
- 6 "As a condition, limitation, and qualification of
- 7 this appropriation, the department shall develop and
- 8 initiate a program to provide cassette tape-recorded
- 9 explanations of regional points of interest and
- 10 tourist attractions, to be made available without
- 11 charge at state welcome centers. The department may
- 12 charge a reasonable deposit to ensure that the tape is
- 13 returned to a state welcome center or rest stop, or
- 14 other location as specified by the department."
- 15 3. Page 2, by striking lines 24 through 27.
- 16 4. Page 4, by striking lines 18 through 32 and
- 17 inserting the following:
- 18 "9. For the operation and maintenance of
- 19 international trade offices in Germany, Japan, and
- 20 Hong Kong, including salaries and support for not more
- 21 than the following full-time equivalent positions:
- 22 .....\$ 723,475
- 23 ..... FTEs 5.5".
- 24 5. Page 8, by inserting before line 24, the
- 25 following:

26 "6. Community progress programs  
 27 .....\$ 39,000  
 28 Funds appropriated shall be used for volunteer  
 29 programs to assist Iowa communities in organizing and  
 30 preparing economic development, industrial  
 31 development, commercial or downtown revitalization,  
 32 and tourism development.  
 33 Notwithstanding section 8.39, funds appropriated by  
 34 this subsection shall not be subject to transfer.  
 35 7. For the purchase of POW/MIA flags to be flown  
 36 on all public buildings for public agencies that apply  
 37 for the flags:  
 38 .....\$ 10,000".  
 39 6. By renumbering as necessary.

Corbett of Linn offered the following amendment H—4302, to the committee amendment H—4274, filed by him and Swartz of Marshall and moved its adoption:

H—4302

1 Amend amendment, H—4274, to Senate File 520, as  
 2 amended, passed and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, lines 19 and 20, by striking the words  
 5 "Germany, Japan, and Hong Kong" and inserting the  
 6 following: "Asia, Europe, and Japan".

Amendment H—4302 was adopted.

On motion by Poncy of Wapello, the committee amendment H—4274, as amended, was adopted.

Van Maanen of Mahaska offered the following amendment H—4275 filed by him and moved its adoption:

H—4275

1 Amend Senate File 520, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 4, by striking lines 11 through 17.

Amendment H—4275 lost.

Brammer of Linn asked and received unanimous consent to withdraw amendment H—4294 filed by Brammer, et al., on April 26, 1989.

Van Maanen of Mahaska offered the following amendment H—4333 filed by him from the floor and moved its adoption:

H—4333

1 Amend Senate File 520 as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 23, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. It is the intent of the general  
 6 assembly that for purposes of the traditional and new  
 7 infrastructure categories for which funds may be  
 8 available under the revolving fund created pursuant to  
 9 section 15.287 references to a rural water district  
 10 incorporated and organized under chapter 357A shall  
 11 also include those rural water districts or entities  
 12 incorporated under chapter 504A."

Amendment H—4333 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. 520)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Daggett  
Stueland

Doderer

Hermann

Plasier

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

### IMMEDIATE MESSAGE

(Senate File 520)

Arnould of Scott asked and received unanimous consent that Senate File 520 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 531.

**Senate File 531**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application, with report of committee recommending amendment and passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H-4246 filed by the committee on appropriations:

H-4246

- 1 Amend Senate File 531, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 24, by striking the figure
- 4 "1,353,133" and inserting the following: "1,421,998".
- 5 2. Page 5, line 25, by striking the figure "31.0"
- 6 and inserting the following: "33.0".
- 7 3. Page 5, line 27, by striking the figure
- 8 "1,310,059" and inserting the following: "1,359,924".
- 9 4. Page 5, line 30, by striking the figure
- 10 "184,174" and inserting the following: "203,174".
- 11 5. Page 5, line 34, by inserting after the word
- 12 "condition." the following: "The department of public
- 13 safety shall establish, for accounting purposes, a
- 14 separate organizational unit to provide budget

15 information on funds appropriated for responsibilities  
16 relating to leaking underground storage tanks."

17 6. By striking page 5, line 35 through page 6,  
18 line 28.

19 7. Page 13, by striking line 3.

20 8. Page 13, line 7, by striking the words and  
21 figure "from the salary adjustment fund pursuant to  
22 section 8.43" and inserting the following: "for  
23 salary adjustment".

24 9. Page 13, lines 8 and 9, by striking the words  
25 "the above" and inserting the following: "ninety-  
26 two".

27 10. Page 16, by striking lines 1 through 13.

28 11. Page 16, by inserting after line 24 the  
29 following:

30 "Sec. \_\_\_\_\_. NEW SECTION. 306A.3A FRONTAGE ROADS -  
31 TWO-LANE HIGHWAYS.

32 The state department of transportation shall not  
33 require the construction or use of frontage roads for  
34 access to undivided two-lane highways without  
35 agreement for such limited-access being received from  
36 the affected landowners, unless the state department  
37 of transportation can demonstrate that the existing  
38 access to the highway poses a danger to traffic. If a  
39 frontage road is required for access to an undivided  
40 two-lane highway by the state department of  
41 transportation, the state department of transportation  
42 shall have the duty of maintaining the frontage access  
43 road."

44 12. By striking page 16, line 25 through page 18,  
45 line 11.

46 13. Page 18, by striking lines 12 through 21.

47 14. Page 18, by inserting before line 22 the  
48 following:

49 "Sec. \_\_\_\_\_. Section 314.21, subsection 3, Code  
50 1989, as created under 1989 Iowa Acts, House File 723,

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1 section 5, is amended by striking the subsection and  
2 inserting in lieu thereof the following:

3 3. a. Moneys allocated to the state under  
4 subsection 1 shall be expended as follows:

5 (1) Fifty thousand dollars annually to the  
6 department for the services of the integrated roadside  
7 vegetation management coordinator and support.

8 (2) One hundred thousand dollars annually for  
9 education programs, research and demonstration  
10 projects, and vegetation inventories and strategies,  
11 under section 314.22, subsections 5, 6, and 8.

12 (3) All remaining moneys for the gateways program  
13 under section 314.22, subsection 7.

14 b. Moneys allocated to the counties under  
15 subsection 1 shall be expended as follows:

16 (1) For the fiscal period beginning July 1, 1989,  
17 and ending June 30, 1991, fifty thousand dollars in  
18 each fiscal year to the university of northern Iowa to  
19 maintain the position of the state roadside specialist  
20 and to continue its integrated roadside vegetation  
21 management pilot program providing research,  
22 education, training, and technical assistance.

23 (2) All remaining money for grants or loans under  
24 subsection 2, paragraph "a".

25 c. Moneys allocated to the cities shall be  
26 expended for grants or loans under subsection 2,  
27 paragraph "a".

28 15. Page 18, line 26, by inserting after the word  
29 "space" the following: ", and, if sold by the depart-  
30 ment, the department shall sell the property with the  
31 restricted covenant that the property shall be used  
32 exclusively for green space or else revert to the  
33 department".

34 16. Page 18, by inserting after line 26 the  
35 following:

36 "Sec. \_\_\_\_\_. NEW SECTION. 314.23 ENVIRONMENTAL  
37 PROTECTION.

38 It is declared to be in the general public welfare  
39 of Iowa and a highway purpose that highway  
40 maintenance, construction, reconstruction, and repair  
41 shall protect and preserve, by not causing unnecessary  
42 destruction, the natural or historic heritage of the  
43 state. In order to provide for the protection and  
44 preservation, the following shall be accomplished in  
45 the design, construction, reconstruction, relocation,  
46 repair, or maintenance of roads, streets, and  
47 highways:

48 1. WOODLANDS. Woodland removed shall be replaced  
49 by plantings as close as possible to the initial site,  
50 or by acquisition of an equal amount of woodland in

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1 the general vicinity for public ownership and  
2 preservation, or by other mitigation deemed to be  
3 comparable to the woodland removed, including, but not  
4 limited to, the improvement, development, or  
5 preservation of woodland under public ownership.

6 2. WETLANDS. Wetland removed shall be replaced by  
7 acquisition of wetland, in the same general vicinity  
8 if possible, for public ownership and preservation, or  
9 by other mitigation deemed to be comparable to the  
10 wetland removed, including, but not limited to, the  
11 improvement, development, or preservation of wetland  
12 under public ownership.

13 3. PUBLIC PARKS. Highways, streets, and roads  
14 constructed on or through publicly owned lands  
15 comprising parks, preserves, or recreation areas,  
16 shall be located and designed, in consultation with  
17 the public entity owning the land, so as to blend  
18 aesthetically with the areas and to minimize noise.  
19 When land is taken from the areas for highway  
20 construction and, if, in consultation with the public  
21 entity owning the land, mitigation is deemed  
22 necessary, the land shall be replaced by an equal or  
23 greater amount for public use, or by other mitigation,  
24 undertaken in consultation with the public entity own-  
25 ing the land, and deemed to be appropriate to the  
26 amount of land taken, including, but not limited to,  
27 the improvement, development, or preservation of the  
28 areas.

29 4. PRIME AGRICULTURAL LANDS. Topsoil removed may  
30 be utilized for landscaping and other necessary  
31 construction. Excess topsoil shall be made available  
32 to the former landowner or other landowners whose land  
33 was purchased for the construction or others, and if  
34 not acquired by one of these parties, it may be  
35 disposed of."

36 17. Page 18, by inserting after line 26, the  
37 following:

38 "Sec. \_\_\_\_\_. NEW SECTION. 314.24 NATURAL AND  
39 HISTORIC PRESERVATION.

40 Cities, counties, and the department shall to the  
41 extent practicable preserve and protect the natural  
42 and historic heritage of the state in the design,  
43 construction, reconstruction, relocation, repair, or  
44 maintenance of roads, streets, or highways.  
45 Destruction or damage to natural areas, including but  
46 not limited to prime agricultural land, parks,  
47 preserves, woodlands, wetlands, recreation areas,  
48 greenbelts, historical sites, or archaeological sites  
49 shall be avoided, if reasonable alternatives are  
50 available for the location of roads, streets, or

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1 highways at no significantly greater cost. In  
2 implementing this section, cities, counties, and the  
3 department shall make a diligent effort to identify  
4 and examine the comparative cost of utilizing  
5 alternative locations for roads, streets, or  
6 highways."

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

9 "Sec. \_\_\_\_\_. Section 321.266, subsection 2, Code  
10 1989, is amended to read as follows:

11 2. The driver of a vehicle involved in an accident  
 12 resulting in injury to or death of any person, or  
 13 total property damage to an apparent extent of five  
 14 hundred dollars or more shall also, within seventy-two  
 15 hours after the accident, forward a written report of  
 16 the accident to the department on a carbon copy form.

17 Sec. \_\_\_\_\_. Section 321.271, unnumbered paragraph 1,  
 18 Code 1989, is amended to read as follows:

19 All accident reports filed by a driver of a vehicle  
 20 involved in an accident as required under section  
 21 321.266 shall be in writing on a carbon copy form.  
 22 The report shall be without prejudice to the  
 23 individual so reporting and shall be for the  
 24 confidential use of the department, except that upon  
 25 the request of any person involved in the accident,  
 26 the person's insurance company or its agent, or the  
 27 attorney for such the person, the department shall  
 28 disclose the identity and address of the person  
 29 involved in the accident. The department, upon  
 30 written request of the person who made the report,  
 31 shall provide a copy of the report to that person for  
 32 a fee of two dollars. The written report filed with  
 33 the department shall not be admissible in or used in  
 34 evidence in any civil or criminal case arising out of  
 35 the facts on which the report is based."

36 19. Page 19, by inserting after line 19 the  
 37 following:

38 "Sec. \_\_\_\_\_. Section 321A.3, subsection 1, Code  
 39 1989, is amended to read as follows:

40 1. The director shall upon request furnish any  
 41 person a certified abstract of the operating record of  
 42 a person subject to chapter 321 or this chapter. The  
 43 abstract shall also fully designate the motor  
 44 vehicles, if any, registered in the name of the  
 45 person. If there is no record of a conviction of the  
 46 person having violated any law relating to the  
 47 operation of a motor vehicle or of any injury or  
 48 damage caused by the person, the director shall so  
 49 certify. A fee of five dollars shall be paid for each  
 50 abstract except by state, county, city or court

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1 officials. The director shall transfer the moneys  
 2 collected under this section to the treasurer of state  
 3 who shall credit annually to the abstract fee fund  
 4 created under section 321A.3A the first ~~nine~~ one  
 5 million three hundred fifty thousand dollars collected  
 6 and shall credit to the general fund all additional  
 7 moneys collected.

8 Sec. \_\_\_\_\_. Section 321A.3A, subsection 2, Code  
 9 1989, is amended to read as follows:

10 2. The treasurer of state, after crediting moneys  
 11 appropriated from the abstract fee fund, shall credit  
 12 any moneys remaining in the abstract fee fund on June  
 13 30 of each fiscal year to the road use tax fund to be  
 14 applied toward the repayment of moneys allocated from  
 15 the road use tax fund to the department of public  
 16 safety under 1988 Iowa Acts, chapter 1278, section 9,  
 17 until the moneys have been repaid in full monthly to  
 18 the state department of transportation moneys  
 19 sufficient in amount to pay the costs of purchasing  
 20 motor vehicle licenses, as defined in section 321.1,  
 21 subsection 77."

22 20. Page 20, by striking lines 12 through 25.

23 21. Title page, line 6, by inserting after the  
 24 word "funds," the following: "providing for the  
 25 preservation of natural areas and historic sites in  
 26 road design, construction, and maintenance,".

27 22. Title page, line 6, by inserting after the  
 28 word "funds," the following: "limiting the state  
 29 department of transportation's required use of  
 30 frontage roads,".

31 23. Title page, line 6, by inserting after the  
 32 word "funds," the following: "requiring accident  
 33 reports to be written on a carbon form and requiring  
 34 copies to be provided upon payment of fee,".

35 24. Title page, lines 9 through 11, by striking  
 36 the words "requiring the state and its political  
 37 subdivisions, under certain circumstances, to pay  
 38 compensation to owners of off-premises advertising  
 39 devices,".

40 25. By renumbering sections and correcting  
 41 internal references as necessary.

Connolly of Dubuque offered the following amendment H—4288,  
 to the committee amendment H—4246, filed by Connolly, et al., and  
 moved its adoption:

H—4288

1 Amend amendment, H—4246, to Senate File 531, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by striking lines 28 through 43.

5 2. Page 5, by striking lines 27 through 30.

Amendment H—4288 was adopted.

Renaud of Polk offered the following amendment H—4304, to the  
 committee amendment H—4246, filed by Renaud, et al., and moved  
 its adoption:

H—4304

- 1 Amend amendment, H—4246, to Senate File 531, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 44 and 45.
- 5 2. Page 5, by striking lines 35 through 39.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 48.

Amendment H—4304 lost.

Division of the committee amendment H—4246, as amended, was requested as follows:

H—4246A — Page 1, lines 3 through 26 and lines 28 through 50; all of pages 2, 3, 4 and 5.

H—4246B — Page 1, line 27.

On motion by Koenigs of Mitchell, the committee amendment H—4246A, as amended, was adopted.

On motion by Koenigs of Mitchell, the committee amendment H—4246B, lost.

Hibbard of Madison offered the following amendment H—4337 filed from the floor by Hibbard, Brown, Brand, Nielsen and Mertz and moved its adoption:

H—4337

- 1 Amend Senate File 531, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 21, by striking the figure
- 4 “22,020,979” and inserting the following:
- 5 “17,020,979”.
- 6 2. Page 16, by inserting after line 14 the
- 7 following:
- 8 “Sec. \_\_\_\_\_. NEW SECTION. 80.17A APPROPRIATION —
- 9 DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE.
- 10 There is appropriated from the general fund of the
- 11 state to the department of public safety, division of
- 12 highway safety and uniformed force, the following
- 13 amounts, or so much thereof as is necessary, to be
- 14 used for salaries, support, maintenance, and
- 15 miscellaneous purposes:
- 16 1. For the fiscal year beginning July 1, 1989,
- 17 five million dollars.

- 18 2. For the fiscal year beginning July 1, 1990, ten
- 19 million dollars.
- 20 3. For the fiscal year beginning July 1, 1991,
- 21 fifteen million dollars.
- 22 4. For the fiscal year beginning July 1, 1992,
- 23 twenty million dollars.
- 24 5. For the fiscal year beginning July 1, 1993, and
- 25 each fiscal year thereafter, so much thereof as is
- 26 necessary, not to exceed twenty-five million dollars.”
- 27 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 31, nays 51.

Amendment H—4337 lost.

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H—4152 filed by him on April 21, 1989.

Spenner of Henry offered the following amendment H—4295 filed by him and moved its adoption:

H—4295

- 1 Amend Senate File 531, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, by inserting after line 10 the
- 4 following:
- 5 “\_\_\_\_\_ For the planning, engineering, and
- 6 construction of a pedestrian overpass, wide enough to
- 7 accommodate bicycle traffic, at the intersection of
- 8 Highway 218 and Linden Drive in the City of Mount
- 9 Pleasant:
- 10 ..... \$100,000
- 11 The funds appropriated by this section shall not
- 12 revert until July 1, 1991, but if not sufficient for
- 13 the purposes specified shall be supplemented by funds
- 14 from the City of Mount Pleasant.”

Amendment H—4295 lost.

Trent of Muscatine offered the following amendment H—4322 filed by him from the floor and moved its adoption:

H—4322

- 1 Amend Senate File 531, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 14, line 11, by striking the words “road
- 4 use tax” and inserting the following: “general”.

Amendment H—4322 lost.

Connolly of Dubuque offered the following amendment H—4224 filed by him and moved its adoption:

H—4224

- 1 Amend Senate File 531, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by striking lines 16 through 19 and
- 4 inserting the following:
- 5 "Sec. \_\_\_\_\_. There is appropriated from the state
- 6 aviation fund to the Iowa air link transportation".
- 7 2. Page 15, line 30, by inserting after the word
- 8 "Iowa's" the word "ten".

Amendment H—4224 was adopted.

Stromer of Hancock offered the following amendment H—4338 filed by him from the floor:

H—4338

- 1 Amend Senate File 531, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting after line 14 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 25A.14A LIMITATION ON
- 6 LIABILITY — HIGHWAYS.
- 7 Damages recoverable from the state in a single
- 8 action for a claim based upon or arising out of a
- 9 claim of negligent design or specification, negligent
- 10 adoption of design or specification, or negligent
- 11 construction, reconstruction, or maintenance of a
- 12 highway as defined in section 321.1, subsection 48,
- 13 shall not exceed one million dollars with respect to
- 14 all property damage, three hundred thousand dollars
- 15 with respect to bodily injury or death of one person,
- 16 and, subject to the limit for one person, one million
- 17 dollars with respect to bodily injury to or death of
- 18 two or more persons. This section takes effect on
- 19 July 1, 1989, and applies to all cases tried or
- 20 retried on or after July 1, 1989."
- 21 2. Page 21, by inserting before line 15 the
- 22 following:
- 23 "Sec. \_\_\_\_\_. NEW SECTION. 613A.4A LIMITATION ON
- 24 LIABILITY — HIGHWAYS.
- 25 Damages recoverable from a municipality in a single
- 26 action for a claim based upon or arising out of a
- 27 claim of negligent design or specification, negligent
- 28 adoption of design or specification, or negligent
- 29 construction, reconstruction, or maintenance of a
- 30 highway as defined in section 321.1, subsection 48,
- 31 shall not exceed one million dollars with respect to
- 32 all property damage, three hundred thousand dollars

33 with respect to bodily injury or death of one person,  
 34 and, subject to the limit for one person, one million  
 35 dollars with respect to bodily injury to or death of  
 36 two or more persons. This section takes effect on  
 37 July 1, 1989, and applies to all cases tried or  
 38 retired on or after July 1, 1989.”

39 3. Title page, line 9, by inserting after the  
 40 word “purchases,” the following: “limiting  
 41 liability.”

42 4. By renumbering as necessary.

Pavich of Pottawattamie rose on a point of order that amendment H—4338 was not germane.

The Speaker ruled the point well taken and amendment H—4338 not germane.

Stromer of Hancock asked for unanimous consent to suspend the rules to consider amendment H—4338.

Objection was raised.

Stromer of Hancock moved that the rules be suspended to consider amendment H—4338.

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

On the question “Shall the rules be suspended to consider amendment H—4338?” (S.F. 531)

The ayes were, 33:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	De Groot	Diemer
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Stromer	Trent	Tyrrell
Van Maanen			

The nays were, 58:

Arnould	Bisignano	Black	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connolly	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs

Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 9:

Adams	Beaman	Beatty	Blanshan
Daggett	Eddie	Hermann	Plasier
Stueland			

The motion to suspend the rules lost.

Black of Jasper asked and received unanimous consent to withdraw amendment H—4235 filed by Black, et al., on April 25, 1989.

Black of Jasper offered the following amendment H—4335 filed from the floor by Black, Diemer and Connolly and moved its adoption:

H—4335

1 Amend Senate File 531, as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 18, by inserting before line 22 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 312.2A, subsection 1, Code  
 6 1989, is amended by striking the subsection.  
 7 Sec. \_\_\_\_\_. Section 312.2A, subsection 2, Code 1989,  
 8 is amended to read as follows:  
 9 2. The treasurer of state, before making the  
 10 allotments provided for in section 312.2, shall credit  
 11 for the fiscal year period beginning July 1, 1988, and  
 12 ending June 30, ~~1989~~ 1990, to the state department of  
 13 transportation one hundred thousand dollars from the  
 14 road use tax fund from revenue credited to the road  
 15 use tax fund under section 423.24, subsection 1,  
 16 paragraph "b". The state department of transportation  
 17 shall expend the moneys to carry out the statewide  
 18 trails development plan provided for in section 111F.2  
 19 and to acquire land and other property to complete  
 20 parts of existing recreational trails including, but  
 21 not limited to, the Cedar Valley nature trail, the  
 22 Heritage trail, the Grundy county nature trail, and  
 23 the Comet trail as provided in section 111F.2,  
 24 subsection 3."

Amendment H—4335 was adopted.

Harbor of Mills offered the following amendment H—4167 filed by him and Pavich of Pottawattamie and moved its adoption:

H-4167

1 Amend Senate File 531, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 18, by inserting before line 27, the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 314.23 SALES COMPATIBLE  
6 WITH DEVELOPMENT PLANS.

7 The department shall, prior to the sale of real  
8 property owned by the department, ascertain the  
9 intended use of the property by the prospective  
10 purchaser and the department shall only sell the real  
11 property if the prospective purchaser's intended use  
12 is compatible with political subdivision development  
13 plans for the area."

Amendment H-4167 was adopted.

The Speaker announced that amendment H-4177 filed by Fuller of Hardin on April 25, 1989 was out of order with the previous adoption of the committee amendment H-4246A.

Trent of Muscatine offered amendment H-4323 filed by him from the floor as follows:

H-4323

1 Amend Senate File 531, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 21, by inserting before line 15 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 602.8106, subsection 4, Code  
6 1989, is amended to read as follows:

7 4. The clerk shall remit all other fines and  
8 forfeited bail received from a magistrate to the  
9 treasurer of state to be credited to the general fund  
10 of the state, except fines which are imposed through  
11 vehicle violation citations issued at weigh stations  
12 in the state which shall be credited to the road use  
13 tax fund."

14 2. By renumbering as necessary.

Trent of Muscatine offered the following amendment H-4330, to amendment H-4323, filed by him from the floor and moved its adoption:

H-4330

1 Amend H-4323 to Senate File 531, as amended  
2 passed, and reprinted by the Senate, as follows:

3 1. Page 1, by striking line 11 and inserting in  
4 lieu thereof the following: "vehicle violation  
5 citations issued by motor vehicle division personnel  
6 at portable and fixed weigh stations".

Amendment H-4330 was adopted.

Trent of Muscatine moved the adoption of amendment H—4323, as amended.

Roll call was requested by Stromer of Hancock and Trent of Muscatine.

On the question "Shall amendment H—4323, as amended, be adopted?" (S.F. 531)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	De Groot
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hester	Hibbard	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Mertz	Metcalf	Miller
Pellett	Petersen, D. F.	Renken	Royer
Schnekloth	Shearer	Shoning	Siegrist
Spear	Spenner	Stromer	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Arnould	Beatty	Bisignano	Black
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connolly	Connors
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Shoultz	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

Absent or not voting, 6:

Adams	Blanshan	Daggett	Hermann
Plasier	Stueland		

Amendment H—4323, as amended, lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton, for the remainder of the day, on request of Dvorsky of Johnson.

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. 531)

The ayes were, 94:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Adams	Blanshan	Daggett	Hermann
Plasier	Stueland		

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 531)

Arnould of Scott asked and received unanimous consent that Senate File 531 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 28, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 774, 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 effective dates.

Also: That the Senate has on April 28, 1989, 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 369, a bill for an act making a supplemental appropriation to complete the GAAP implementation schedule for the merged area schools' general operations and to continue the ethanol truck project, and requiring the release and allocation of previously appropriated funds, requiring reimbursement for the auditor of state, and providing an effective date.

JOHN F. DWYER, Secretary

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 521.

**Senate File 521**, 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.

Buhr of Polk offered the following amendment H—4273 filed by the committee on appropriations and moved its adoption:

H—4273

1 Amend Senate File 521 as passed by the Senate, as  
 2 follows:  
 3 1. Page 3, line 33, by striking the figure  
 4 "200,000" and inserting the following: "150,000".  
 5 2. By striking page 5, line 35, through page 6,  
 6 line 1, and inserting the following: "this  
 7 subsection, an amount not exceeding \$90,000 shall be  
 8 used for the monitoring of the fluoridation program  
 9 and for start-up fluoridation grants to public water  
 10 systems."

The committee amendment H—4273 was adopted.

Hammond of Story offered the following amendment H—4334 filed by her from the floor and moved its adoption:

H-4334

1 Amend Senate File 521 as passed by the Senate as  
 2 follows:  
 3 1. Page 1, by striking lines 24 through 28, and  
 4 inserting the following: "this amount, ten percent  
 5 shall be used to provide services and programs for  
 6 severely emotionally disturbed children and  
 7 adolescents, and fifty-five percent shall be used to  
 8 develop and provide community mental health services  
 9 and programs not available on October 1, 1988. New  
 10 services developed between October 1, 1984, and  
 11 October 1, 1988, with alcohol, drug abuse, and mental  
 12 health services block grant funds may be treated as  
 13 new services."

Amendment H-4334 was adopted.

Van Maanen of Mahaska offered the following amendment  
 H-4291 filed by him and moved its adoption:

H-4291

1 Amend Senate File 521, as passed by the Senate, as  
 2 follows:  
 3 1. Page 12, line 28, by striking the figure  
 4 "1,308,788" and inserting the following: "719,375".  
 5 2. Page 12, line 30, by striking the figure  
 6 "10,712,442" and inserting the following:  
 7 "11,304,107".

Roll call was requested by Stromer of Hancock and Van Maanen  
 of Mahaska.

On the question "Shall amendment H-4291 be adopted?"  
 (S.F. 521)

The ayes were, 34:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hester	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Renken	Royer	Schneklath	Shoning
Siegrist	Spenner	Stromer	Trent
Tyrrell	Van Maanen		

The nays were, 59:

Arnould	Beatty	Bisignao	Black
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Cphoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper

Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 7:

Adams	Blanshan	Daggett	Hermann
Muhlbauer	Plasier	Stueland	

Amendment H—4291 lost.

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. 521)

The ayes were, 90:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	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	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Adams	Blanshan	Daggett	Doderer
Haverland	Hermann	Lundby	Plasier
Shoultz	Stueland		

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

**IMMEDIATE MESSAGE**  
(Senate File 521)

Arnould of Scott asked and received unanimous consent that Senate File 521 be immediately messaged to the Senate.

**INTRODUCTION OF BILLS**

**House File 787**, by committee on ways and means, a bill for an act relating to environmental protection including provisions regarding pesticides and fertilizers, establishing fees, providing penalties, making appropriations, and providing for other properly related matters.

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

**House File 788**, by committee on appropriations, a bill for an act relating to and making appropriations for the planning for, expansion of, and construction of correctional facilities, and establishing pilot projects.

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

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Thursday, April 27, 1989. Had I been present, I would have voted "aye" on House Files 573, 674 and 780; and "nay" on Senate File 524.

**SVOBODA of Tama**

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR  
AND SECRETARY OF STATE**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills and resolution 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 28th day of April, 1989: House Files 6, 165, 371, 480, 506, 670 and 684.

Also presented to the Secretary of State on this 28th day of April, 1989: House Joint Resolution 12.

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

Report adopted.

## PRESENTATION OF VISITORS

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

Forty-seven sixth grade students from Boyden Elementary School, Boyden, accompanied by Marcene Cox. By De Groot of Lyon and Plasier of Sioux.

Fifty eighth grade students from St. Edward's School, Waterloo, accompanied by Donald Sullivan and Joan McCann. By Harper, Shoultz and Teaford, all of Black Hawk.

Seventy eighth grade students from Sumner School, Sumner. By Lageschulte of Bremer and Avenson of Fayette.

Thirty-seven fifth grade students from Lincoln Elementary School, Mechanicsville, accompanied by Gladys Rife. By Osterberg of Linn.

Twenty sixth grade students from Floyd Valley Hospers Center, Hospers, accompanied by Mrs. Bohr. By Plasier of Sioux.

Thirty-two sixth grade students from South Page Elementary School, College Springs, accompanied by Pat Athen. By Royer of Page.

Thirteen students from Columbus Community High School, Columbus Junction, accompanied by Bob Martin, Duane Orr and Nancy Carey. By Shearer of Louisa.

## SUBCOMMITTEE ASSIGNMENTS

### House File 782

Judiciary and Law Enforcement: Siegrist, Chair; Jay and Rosenberg.

### Senate File 540

Appropriations: Hammond, Chair; Brown, Hester, Kistler, Nielsen, Peters and Plasier.

### Senate File 541

Appropriations: Hammond, Chair; Brown, Hester, Kistler, Nielsen, Peters and Plasier.

## COMMITTEE RECOMMENDATIONS

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

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

## COMMITTEE ON APPROPRIATIONS

**Committee Resolution**, relating to the State Board of Regents' ten-year building program.

Fiscal Note is not required.

Recommended **Do Pass** April 28, 1989.

**Committee Bill**, relating to and making appropriations for the planning for, expansion of, and construction of correctional facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 28, 1989.

#### COMMITTEE ON HUMAN RESOURCES

**Senate Joint Resolution 10**, a joint resolution to nullify administrative rules of the department of inspections and appeals relating to intermediate care facilities for the mentally retarded and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 28, 1989.

**Senate File 534**, a bill for an act relating to the adoption of rules by the department of inspections and appeals for intermediate care facilities for the mentally retarded and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 28, 1989.

#### RESOLUTION FILED

**HCR 13**, by committee on appropriations, a concurrent resolution relating to the State Board of Regents' ten-year building program.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—4326	H.F.	490	Garman of Story
H—4327	H.F.	490	Black of Jasper
H—4329	H.F.	775	Senate Amendment
H—4331	S.F.	132	Connolly of Dubuque
H—4336	S.F.	361	Metcalf of Polk
			Hibbard of Madison
H—4339	S.F.	369	Senate Amendment
H—4340	H.F.	680	Siegrist of Pottawattamie
			Harper of Black Hawk
H—4341	H.F.	774	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 6:12 p.m., until 10:00 a.m., Monday, May 1, 1989.

# JOURNAL OF THE HOUSE

One Hundred Thirteenth Calendar Day — Seventy-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, May 1, 1989

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

Prayer was offered by the Reverend James Knudson, pastor of the Bethany Lutheran Church, Thompson.

The Journal of Friday, April 28, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koenigs of Mitchell, until his arrival, on request of Royer of Page.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 534 and Senate Joint Resolution 10.

## CONSIDERATION OF BILLS

### Appropriations Calendar

**House File 781**, 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.

Hammond of Story offered the following amendment H—4245 filed by her and Beatty of Warren and moved its adoption:

H—4245

- 1 Amend House File 781 as follows:
- 2 1. Page 7, by inserting after line 2 the fol-
- 3 lowing:
- 4 "7. The commission shall provide for periodic
- 5 studies relating to shortages of health care
- 6 practitioners in various areas of the state,
- 7 particularly rural areas. The studies shall include
- 8 all of the following:
- 9 a. The collection of information from affected
- 10 professional health care organizations and health care

- 11 practitioner training and education institutions  
 12 regarding the current and anticipated distribution and  
 13 supply of health care practitioners.  
 14 b. Review of the need for health care  
 15 practitioners in specific areas of the state, the  
 16 salary ranges for health care practitioners in those  
 17 areas, and the impact of shortages of health care  
 18 practitioners on access to health care in the areas of  
 19 the state where there are shortages.  
 20 c. The development of continuing strategies for  
 21 alleviating shortages of health care practitioners.”  
 22 2. Page 7, line 3, by striking the figure “7” and  
 23 inserting the following: “8”.

Amendment H—4245 was adopted.

Hatch of Polk in the chair at 10:58 a.m.

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. 781)

The ayes were, 76:

Adams	Arnould	Avenson, Spkr.	Beatty
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Corbett	Diemer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Lundby	Lykam
May	McKinney	Mertz	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Svoboda	Swartz	Tabor
Teaford	Trent	Wise	Hatch Presiding

The nays were, 22:

Banks	Beaman	Bennett	Bisignano
Daggett	De Groot	Doderer	Eddie
Garman	Kremer	Lageschulte	Maulsby
McKean	Miller	Pellett	Petersen, D. F.

Renken	Royer	Schnekloth	Stueland
Tyrrell	Van Maanen		

Absent or not voting, 2:

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

**Senate File 534**, a bill for an act relating to the adoption of rules by the department of inspections and appeals for intermediate care facilities for the mentally retarded and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 534)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Haverland	Hermann	Hester	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Hatch
			Presiding

The nays were, none.

Absent or not voting, 4:

Brown                      Hibbard                      Knapp                      Koenigs

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

### Regular Calendar

**Senate Joint Resolution 10**, a joint resolution to nullify administrative rules of the department of inspections and appeals relating to intermediate care facilities for the mentally retarded and providing an effective date, with report of committee recommending passage was taken up for consideration.

Adams of Hamilton moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 10)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	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	Haverland	Hermann	Hester
Holveck	Jay	Johnson	Kistler
Knapp	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Hatch	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Hibbard  
Tabor

Jesse

Jochum

Koenigs

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

### SENATE AMENDMENTS CONSIDERED

Peterson of Carroll called up for consideration **Senate File 369**, a bill for an act making a supplemental appropriation to complete the GAAP implementation schedule for the merged area schools' general operations and to continue the ethanol truck project, and requiring the release and allocation of previously appropriated funds, requiring reimbursement for the auditor of 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-4339 to the House amendment:

H-4339

- 1 Amend the House amendment, S-3849, to Senate File
- 2 369, as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 19 through 43.

The motion prevailed and the House concurred in the Senate amendment H-4339, to the House amendment.

Peterson of Carroll 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. 369)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	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	Haverland	Hermann	Hester
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz

Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Teaford	Trent
Tyrrell	Van Maanen	Wise	Hatch
			Presiding

The nays were, none.

Absent or not voting, 4:

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

McKinney of Dallas called up for consideration **House File 585**, a bill for an act relating to guardians and conservators, by providing for notice to proposed wards, formation of state and local emergency medical boards, immunity from liability, waiver of filing fees and costs, training of guardians and conservators, and implementation of a representative payee project, amended by the Senate, and moved that the House concur in the following Senate amendment H-4227:

H-4227

- 1 Amend House File 585, 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. \_\_\_\_\_. NEW SECTION. 135.39A STATE EMERGENCY
- 6 MEDICAL BOARD.
- 7 A state emergency medical board is established to
- 8 formulate policy and guidelines for the operations of
- 9 local emergency medical boards, and to act if a local
- 10 board does not exist.
- 11 The state board is comprised of medical
- 12 professionals and lay persons appointed by the
- 13 director and the council on human services according
- 14 to rules adopted by the department. The state board
- 15 and its members are not liable, jointly or severally,
- 16 for actions or omissions taken or made in the official
- 17 discharge of their duties, except those acts or
- 18 omissions constituting willful or wanton misconduct."
- 19 2. By striking page 1, line 9, through page 2,
- 20 line 8.
- 21 3. Page 2, by striking lines 9 through 20.
- 22 4. Page 3, by inserting after line 29, the
- 23 following:
- 24 Sec. \_\_\_\_\_. NEW SECTION. 249D.60 REPRESENTATIVE
- 25 PAYEE PROJECT.

26 1. The department of elder affairs shall provide  
27 appropriate public and private organizations with  
28 written notice of the department's intent to serve as  
29 sponsor of the representative payee project in Iowa.  
30 The director shall designate a departmental staff  
31 person to serve as the project staff coordinator.

32 2. The department shall provide logistical support  
33 for the project including office space, telephone  
34 communications, office supplies, and postage.

35 3. The department shall provide for the training  
36 of representative payees.

37 4. The department shall establish and maintain an  
38 advisory council for the project which shall hold  
39 meetings quarterly. The department shall determine  
40 the council's membership by rule.

41 5. The department shall assist representative  
42 payees, and shall negotiate banking services for the  
43 project.

44 6. The department shall designate a volunteer, who  
45 may be a representative payee, as the public liaison  
46 to inform interested agencies and persons about the  
47 project, and to undertake to increase public awareness  
48 and referral of potential clients.

49 7. A person acting as a representative payee shall  
50 be considered acting in a fiduciary capacity, and

**Page 2**

1 shall be liable for acts or omissions of the  
2 representative payee constituting a breach of the  
3 fiduciary duty imposed by chapter 633.

4 8. For purposes of this section, "representative  
5 payee" means a person appointed by the social security  
6 administration to provide financial management  
7 services, without compensation, to individuals  
8 receiving social security administration or other  
9 government benefits, who are medically incapable of  
10 making responsible financial decisions."

11 5. Page 3, by inserting after line 34, the  
12 following:

13 "Sec. \_\_\_\_\_. NEW SECTION. 633.27A DOCKETING  
14 GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS.

15 When a petition is filed for a conservatorship or  
16 guardianship, or a combined petition as provided in  
17 section 633.627, the administration thereof shall be  
18 treated as a separate proceeding, with a separate  
19 docket number, from the date of the filing of the  
20 petition. The clerk shall clearly indicate on the  
21 docket whether the proceedings are voluntary or  
22 involuntary and whether a guardianship, a  
23 conservatorship, or combined."

24 6. Page 4, by inserting after line 11, the  
25 following:

26 "Sec. \_\_\_\_\_. Section 633.557, Code 1989, is amended  
27 to read as follows:

28 633.557 APPOINTMENT OF GUARDIAN ON VOLUNTARY  
29 PETITION.

30 A guardian may also be appointed by the court upon  
31 the verified petition of the proposed ward, without  
32 further notice, if the proposed ward is other than a  
33 minor under the age of fourteen years, provided the  
34 court determines that such an appointment will inure  
35 to the best interest of the applicant. However, if an  
36 involuntary petition is pending, the court shall be  
37 governed by section 633.634. The petition shall  
38 provide the proposed ward notice of a guardian's  
39 powers as provided in section 633.562."

40 7. Page 5, by striking lines 5 through 7, and  
41 inserting the following: "section 633.554."

42 8. Page 5, by inserting before line 8, the  
43 following:

44 "Sec. \_\_\_\_\_. Section 633.572, Code 1989, is amended  
45 to read as follows:

46 633.572 APPOINTMENT OF CONSERVATOR ON VOLUNTARY  
47 PETITION.

48 A conservator may also be appointed by the court  
49 upon the verified petition of the proposed ward,  
50 without further notice, if the proposed ward is other

**Page 3**

1 than a minor under the age of fourteen years, provided  
2 the court determines that such an appointment will  
3 inure to the best interest of the applicant. However,  
4 if an involuntary petition is pending, the court shall  
5 be governed by section 633.634. The petition shall  
6 provide the proposed ward notice of a conservator's  
7 powers as provided in section 633.576."

8 9. Page 6, by striking lines 1 through 15, and  
9 inserting the following: "petition as provided in  
10 section 633.568."

11 10. Page 6, by inserting before line 16 the  
12 following:

13 "Sec. \_\_\_\_\_. Section 633.591, Code 1989, is amended  
14 to read as follows:

15 633.591 VOLUNTARY PETITION FOR APPOINTMENT OF  
16 CONSERVATOR – STANDBY BASIS.

17 Any person of full age and sound mind may execute a  
18 verified petition for the voluntary appointment of a  
19 conservator of the person's property upon the express  
20 condition that such petition shall be acted upon by  
21 the court only upon the occurrence of an event  
22 specified or the existence of a described condition of

23 the mental or physical health of the petitioner, the  
 24 occurrence of which event, or the existence of which  
 25 condition, shall be established in the manner directed  
 26 in said petition. The petition shall advise the  
 27 proposed ward of a conservator's powers as provided in  
 28 section 633.576."

29 11. Page 7, by inserting after line 14, the  
 30 following:

31 "Sec. \_\_\_\_\_. Section 633.679, Code 1989, is amended  
 32 to read as follows:

33 633.679 PETITION TO TERMINATE.

34 At any time, not less than six months after the  
 35 appointment of a guardian or conservator, the person  
 36 under guardianship or conservatorship may apply to the  
 37 court by petition, alleging that the person is no  
 38 longer a proper subject thereof, and asking that the  
 39 guardianship or conservatorship be terminated."

40 12. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H — 4227.

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. 585)

The ayes were, 94:

Arnould	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer

Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Hatch		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Adams	Eddie	Hibbard	Koenigs
Plasier	Sherzan		

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

### SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 146**, a bill for an act relating to the county commission of veteran affairs, and the Senate amendment H—4020, found on page 1793 of the House Journal, previously deferred.

Connors of Polk asked for unanimous consent to suspend the rules to consider amendment H—4103, to the Senate amendment H—4020.

Objection was raised.

Halvorson of Webster moved to suspend the rules to consider amendment H—4103, found on page 1793, previously ruled not germane.

A non-record roll call was requested.

The ayes were 52, nays 42.

The motion prevailed and the rules were suspended and amendment H—4103, to the Senate amendment H—4020, was taken up for consideration.

Halvorson of Webster moved the adoption of amendment H—4103, to the Senate amendment H—4020.

Roll call was requested by Poney of Wapello and Groninga of Cerro Gordo.

Rule 75 was invoked.

On the question "Shall amendment H—4103 be adopted?"  
(H.F. 146)

The ayes were, 47:

Beatty	Blanshan	Brammer	Buhr
Carpenter	Clark	Connors	Doderer

Dvorsky	Eddie	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hanson, D. R.
Harper	Haverland	Hester	Holveck
Jesse	Johnson	Kistler	Lageschulte
Maulsby	May	McKean	Mertz
Metcalf	Neuhauser	Nielsen	Ollie
Osterberg	Pellett	Petersen, D. F.	Plasier
Rosenberg	Schnekloth	Schrader	Shearer
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Teaford	

The nays were, 50:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Brand
Branstad	Brown	Chapman	Cohoon
Connolly	Corbett	Daggett	De Groot
Diemer	Fey	Fogarty	Garman
Halvorson, R. A.	Hansen, S. D.	Harbor	Hermann
Hibbard	Jay	Jochum	Knapp
Kremer	Lundby	Lykam	McKinney
Miller	Muhlbauer	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Renken
Royer	Shoning	Stromer	Stueland
Tabor	Trent	Tyrrell	Van Maanen
Wise	Hatch		
	Presiding		

Absent or not voting, 3:

Avenson, Spkr.    Koenigs                      Sherzan

Amendment H—4103 lost.

On motion by Brown of Lucas, the House concurred in the Senate amendment H—4020.

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

On the question "Shall the bill pass?" (H.F. 146)

The ayes were, 81:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Chapman	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Harbor

Haverland	Hermann	Hester	Hibbard
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shoning	Siegrist	Spear	Spenner
Stromer	Stueland	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Hatch			
Presiding			

The nays were, 17:

Buhr	Carpenter	Clark	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Harper	Holveck	Maulsby	Metcalf
Neuhauser	Shearer	Shoultz	Svoboda
Teaford			

Absent or not voting, 2:

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

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House File 781, Senate Joint Resolution 10, and Senate Files 369 and 534.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1989, 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 643, a bill for an act relating to the filing of a bond by out-of-state contractors.

Also: That the Senate has on May 1, 1989, 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 722, a bill for an act relating to infectious waste management.

Also: That the Senate has on May 1, 1989, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 524, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions.

Also: That the Senate has on May 1, 1989, insisted on its amendment to Senate File 157, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license, and the members of the conference committee, on the part of the Senate are: The Senator from Webster, Senator Coleman, Chair; the Senator from Palo Alto, Senator Kibbie; the Senator from Fayette, Senator Murphy; the Senator from Osceola, Senator Vande Hoef; and the Senator from Boone, Senator Nystrom.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 12:03 p.m., until 2:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### INTRODUCTION OF BILL

**House File 789**, by committee on appropriations, a bill for an act relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation.

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

### SENATE AMENDMENTS CONSIDERED

Fey of Scott called up for consideration **House File 178**, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters, amended by the Senate amendment H—4174 as follows:

H—4174

- 1 Amend House File 178 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "agreements" the following: "and are subject to
- 5 approval by the department of human services".
- 6 2. Page 1, by inserting after line 7 the fol-
- 7 lowing:
- 8 "Sec. \_\_\_\_\_. Section 88.8, subsection 3, Code 1989,
- 9 is amended by adding the following new unnumbered
- 10 paragraph:
- 11 **NEW UNNUMBERED PARAGRAPH.** The commissioner has un-
- 12 reviewable discretion to withdraw a citation charging
- 13 an employer with violating this chapter. If the
- 14 parties enter into a settlement prior to a hearing,

15 the appeal board shall enter an order affirming the  
16 settlement agreement."

17 3. Page 2, lines 10 and 11, by striking the words  
18 "of the said department" and inserting the following:  
19 "of the said department adopted pursuant to this  
20 chapter".

21 4. Page 3, by striking line 1 and inserting the  
22 following: "regulation of the said department rules  
23 adopted pursuant to this chapter".

24 5. Page 4, by striking lines 13 through 18 and  
25 inserting the following:

26 The state Iowa department of public health, with  
27 the advice of the hospital licensing board, shall  
28 adopt ~~and enforce~~ rules ~~and setting out the standards~~  
29 for the different types of hospitals to be licensed  
30 under this chapter, to ~~further the purposes of the~~  
31 ~~chapter. The department of inspections and appeals~~  
32 ~~shall enforce the rules. Rules~~".

33 6. Page 5, lines 15 and 16, by striking the words  
34 "Iowa department of public health" and inserting the  
35 following: "Iowa department of public health and the  
36 department of inspections and appeals".

37 7. Page 5, by striking lines 21 and 22, and  
38 inserting the following: "of health and adoption by  
39 the Iowa department of inspections and appeals public  
40 health."

41 8. Page 6, by inserting after line 26 the  
42 following:

43 "Sec. \_\_\_\_\_. Section 135C.2, subsection 3, Code  
44 1989, is amended to read as follows:

45 3. The Iowa department of public health shall  
46 establish by administrative rule, within the  
47 intermediate care facility category, a special  
48 classification for facilities intended to serve  
49 mentally retarded individuals, and within the  
50 residential care facility category, a special

## Page 2

1 classification for residential facilities intended to  
2 serve mentally ill individuals. The Iowa department  
3 of public health may also establish by administrative  
4 rule other classifications within that category, or  
5 special classifications within the residential care  
6 facility or skilled nursing facility categories, for  
7 facilities intended to serve individuals who have  
8 special health care problems or conditions in common.  
9 Rules establishing a special classification shall  
10 define the problem or condition to which the  
11 classification is relevant and establish requirements  
12 for an approved program of care commensurate with the  
13 problem or condition, and may grant special variances

14 or considerations to facilities licensed within the  
15 classification so established.

16 Sec. \_\_\_\_\_. Section 135C.6, subsection 3, Code 1989,  
17 is amended to read as follows:

18 3. No change in a health care facility, its  
19 operation, program, or services, of a degree or  
20 character affecting continuing licensability shall be  
21 made without prior approval thereof by the department  
22 of inspections and appeals. The Iowa department of  
23 public health may by rule specify the types of changes  
24 which shall not be made without its prior approval.

25 Sec. \_\_\_\_\_. Section 135C.9, subsection 1, paragraph  
26 b, Code 1989, is amended to read as follows:

27 b. The facility has been inspected by the state  
28 fire marshal or a deputy appointed by the fire marshal  
29 for that purpose, who may be a member of a municipal  
30 fire department, and the department has received  
31 either a certificate of compliance or a provisional  
32 certificate of compliance by the facility with the  
33 fire-hazard and fire-safety rules and standards of the  
34 department as promulgated adopted by the fire marshal  
35 and, where applicable, the fire-safety standards  
36 required for participation in programs authorized by  
37 either Title XVIII or Title XIX of the United States  
38 Social Security Act (Title XLII, United States Code,  
39 sections 1395 to 1395 ll and 1396 to 1396 "g"). The  
40 certificate or provisional certificate shall be signed  
41 by the fire marshal or the fire marshal's deputy who  
42 made the inspection."

43 9. Page 6, by inserting after line 34 the  
44 following:

45 "Sec. \_\_\_\_\_. Section 135C.14, unnumbered paragraph  
46 1, Code 1989, is amended to read as follows:

47 The Iowa department shall of public health, in  
48 accordance with chapter 17A and with the approval of  
49 the state board of health, shall adopt and enforce  
50 rules setting minimum standards for health care

### Page 3

1 facilities. In so doing, the Iowa department of  
2 public health, with the approval of the state board of  
3 health, may adopt by reference, with or without  
4 amendment, nationally recognized standards and rules,  
5 which shall be specified by title and edition, date of  
6 publication, or similar information. The department  
7 of inspections and appeals shall enforce the rules and  
8 standards adopted by the Iowa department of public  
9 health, and may adopt procedural rules to implement  
10 the enforcement. The rules and standards required by  
11 this section shall be formulated in consultation with  
12 the director of human services or the director's

13 designee and with affected industry, professional, and  
14 consumer groups affected thereby, and shall be  
15 designed to further the accomplishment of the purposes  
16 of this chapter, and shall relate to:

17 Sec. \_\_\_\_\_. Section 135C.14, subsection 1, Code  
18 1989, is amended to read as follows:

19 1. Location and construction of the facility,  
20 including plumbing, heating, lighting, ventilation,  
21 and other housing conditions, which shall ensure the  
22 health, safety and comfort of residents and protection  
23 from fire hazards. The rules of the Iowa department  
24 of public health relating to protection from fire  
25 hazards and fire safety shall be promulgated adopted  
26 by the state fire marshal, and shall be in keeping  
27 with the latest generally recognized safety criteria  
28 for the facilities covered of which the applicable  
29 criteria recommended and published from time to time  
30 by the national fire protection association are prima-  
31 facie evidence.

32 Sec. \_\_\_\_\_. Section 135C.14, subsection 8,  
33 unnumbered paragraph 1, Code 1989, is amended to read  
34 as follows:

35 Facility policies and procedures regarding the  
36 treatment, care, and rights of residents. The rules  
37 shall apply the federal resident's bill of rights  
38 contained in 42 C.F.R. 442.311, as amended to January  
39 1, 1981, to all health care facilities as defined in  
40 this chapter and shall include procedures for  
41 implementing and enforcing the federal rules. The  
42 Iowa department of public health, with the approval of  
43 the state board of health, shall also adopt rules  
44 relating to the following:"

45 10. Page 7, by inserting after line 17, the  
46 following:

47 "Sec. \_\_\_\_\_. Section 135C.16, subsection 2,  
48 unnumbered paragraph 1, Code 1989, is amended to read  
49 as follows:

50 The Iowa department of public health shall

**Page 4**

1 prescribe by rule that any licensee or applicant for  
2 license desiring to make specific types of physical or  
3 functional alterations or additions to its facility or  
4 to construct new facilities shall, before commencing  
5 the alteration or additions or new construction,  
6 submit plans and specifications to the department of  
7 inspections and appeals for preliminary inspection and  
8 approval or recommendations with respect to compliance  
9 with the department's applicable rules and standards.  
10 When the plans and specifications have been properly  
11 approved by the department of inspections and appeals

12 or other appropriate state agency, the facility or the  
13 portion of the facility constructed or altered in  
14 accord with the plans and specifications shall not for  
15 a period of at least five years from completion of the  
16 construction or alteration be considered deficient or  
17 ineligible for licensing by reason of failure to meet  
18 any rule or standard established subsequent to  
19 approval of the plans and specifications. When  
20 construction or alteration of a facility or portion of  
21 a facility has been completed in accord with plans and  
22 specifications submitted as required by this  
23 subsection and properly approved by the department or  
24 other appropriate state agency, and it is discovered  
25 that the facility or portion of a facility is not in  
26 compliance with a requirement of this chapter or of  
27 the rules or standards adopted pursuant to it and in  
28 effect at the time the plans and specifications were  
29 submitted, and the deficiency was apparent from the  
30 plans and specifications submitted but was not noted  
31 or objected to by the department or other appropriate  
32 state agency, the department or agency responsible for  
33 the oversight shall either waive the requirement or  
34 reimburse the licensee or applicant for any costs  
35 which are necessary to bring the new or reconstructed  
36 facility or portion of a facility into compliance with  
37 the requirement and which the licensee or applicant  
38 would not have incurred if the facility or portion of  
39 the facility had been constructed in compliance with  
40 the requirements of this chapter or of the rules or  
41 standards adopted pursuant to it and in effect at the  
42 time the plans and specifications were submitted. If  
43 within two years from the completion of the  
44 construction or alteration of the facility or portion  
45 thereof, a department or agency of the state orders  
46 that the new or reconstructed facility or portion  
47 thereof be brought into compliance with the  
48 requirements of this chapter or the rules or standards  
49 adopted pursuant to it and in effect at the time the  
50 plans and specifications were submitted, the state

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1 shall have a claim for damages to the extent of any  
2 reimbursement paid to the licensee or applicant  
3 against any person who designed the facility or  
4 portion thereof for negligence in the preparation of  
5 the plans and specifications therefor, subject to all  
6 defenses based upon the negligence of the state in  
7 reviewing and approving those plans and  
8 specifications, but not thereafter.”  
9 11. Page 8, by inserting after line 5, the  
10 following:

11 "Sec. \_\_\_\_\_. Section 135C.20, Code 1989, is amended  
12 to read as follows:

13 135C.20 INFORMATION DISTRIBUTED.

14 The Iowa department of public health, in  
15 cooperation with the department of inspections and  
16 appeals, shall prepare, publish and send to licensed  
17 health care facilities an annual report of its  
18 activities and operations under this chapter and such  
19 other bulletins containing fundamental health  
20 principles and data as may be deemed essential to  
21 assure proper operation of health care facilities, and  
22 publish for public distribution copies of the laws,  
23 standards and rules pertaining to their operation.

24 Sec. \_\_\_\_\_. Section 135C.23, subsection 2,  
25 unnumbered paragraph 2, Code 1989, is amended to read  
26 as follows:

27 This section does not prohibit the admission of a  
28 patient with a history of dangerous or disturbing  
29 behavior to an intermediate care facility, skilled  
30 nursing facility, or county care facility when the  
31 intermediate care facility, skilled nursing facility,  
32 or county care facility has a program which has  
33 received prior approval from the department to  
34 properly care for and manage the patient. An  
35 intermediate care facility, skilled nursing facility,  
36 or county care facility is required to transfer or  
37 discharge a resident with dangerous or disturbing  
38 behavior when the intermediate care facility, skilled  
39 nursing facility, or county care facility cannot  
40 control the resident's dangerous or disturbing  
41 behavior. The Iowa department of public health, in  
42 coordination with the state mental health and mental  
43 retardation commission, shall adopt rules pursuant to  
44 chapter 17A for programs to be required in  
45 intermediate care facilities, skilled nursing  
46 facilities, and county care facilities that admit  
47 patients or have residents with histories of dangerous  
48 or disturbing behavior.

49 Sec. \_\_\_\_\_. Section 135C.36, unnumbered paragraph 1,  
50 Code 1989, is amended to read as follows:

**Page 6**

1 Every violation by a health care facility of any  
2 provision of this chapter or of the rules adopted  
3 pursuant to it shall be classified by the Iowa  
4 department of public health in accordance with this  
5 section. The Iowa department of public health shall  
6 adopt and may from time to time modify, in accordance  
7 with chapter 17A rules setting forth so far as  
8 feasible the specific violations included in each  
9 classification and stating criteria for the

10 classification of any violation not so listed.

11 Sec. \_\_\_\_\_. Section 135C.36, subsections 2 and 3,  
12 Code 1989, are amended to read as follows:

13 2. A Class II violation is one which has a direct  
14 or immediate relationship to the health, safety or  
15 security of residents of a health care facility, but  
16 which presents no imminent danger nor substantial  
17 probability of death or physical harm to them. A  
18 physical condition or one or more practices within a  
19 facility, including either physical abuse of any  
20 resident or failure to treat any resident with  
21 consideration, respect and full recognition of the  
22 resident's dignity and individuality, in violation of  
23 a specific rule adopted by the Iowa department of  
24 public health, may constitute a Class II violation. A  
25 violation of section 135C.14, subsection 8, or section  
26 135C.31 and rules adopted under those sections shall  
27 be at least a Class II violation and may be a Class I  
28 violation. A Class II violation shall be corrected  
29 within a stated period of time determined by the  
30 department of inspections and appeals and specified in  
31 the citation issued under section 135C.40. The stated  
32 period of time specified in the citation may  
33 subsequently be modified by the department for good  
34 cause shown. A licensee is subject to a penalty of  
35 not less than one hundred nor more than five hundred  
36 dollars for each Class II violation for which the  
37 licensee's facility is cited, however the director may  
38 waive the penalty if the violation is corrected within  
39 the time specified in the citation.

40 3. A Class III violation is any violation of this  
41 chapter or of the rules adopted pursuant to it which  
42 violation is not classified in the ~~department's~~ rules  
43 of the Iowa department of public health nor  
44 classifiable under the criteria stated in those rules  
45 as a Class I or a Class II violation. A licensee  
46 shall not be subject to a penalty for a Class III  
47 violation, except as provided by section 135C.40,  
48 subsection 1 for failure to correct the violation  
49 within a reasonable time specified by the department  
50 of inspections and appeals in the notice of the

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1 violation.”

2 12. Page 8, line 35, by striking the word “shall”  
3 and inserting the following: “may”.

4 13. Page 18, by inserting after line 10 the  
5 following:

6 “Sec. \_\_\_\_\_. Section 237A.8, Code 1989, is amended  
7 to read as follows:

## 8 237A.8 SUSPENSION AND REVOCATION.

9 The administrator, after notice and opportunity for  
10 an evidentiary hearing before the department of  
11 inspections and appeals, may suspend or revoke a  
12 license or certificate of registration issued under  
13 this chapter if the person to whom a license or  
14 certificate is issued violates a provision of this  
15 chapter or if the person makes false reports regarding  
16 the operation of the child day care facility to the  
17 administrator or a designee of the administrator. The  
18 administrator shall notify the parent, guardian, or  
19 legal custodian of each child for whom the person  
20 provides child day care, if the license or certificate  
21 of registration is suspended or revoked or if there  
22 has been a substantiated child abuse case against an  
23 employee, owner, or operator of the child day care  
24 facility."

25 14. Page 18, by inserting after line 34 the  
26 following:

27 "Sec. \_\_\_\_\_. Section 239.7, Code 1989, is amended to  
28 read as follows:

## 29 239.7 APPEAL - JUDICIAL REVIEW.

30 If an application is not acted upon within a  
31 reasonable time, if it is denied in whole or in part,  
32 or if any an award of assistance is modified,  
33 suspended, or canceled under any a provision of this  
34 chapter, the applicant or recipient may appeal to the  
35 department of human services which shall request the  
36 department of inspections and appeals to conduct a  
37 hearing. The department shall give the appellant  
38 reasonable notice and opportunity for a fair hearing  
39 before the director or the director's designee. Upon  
40 completion of a hearing, the department of inspections  
41 and appeals shall issue a decision which is subject to  
42 review by the department of human services. Judicial  
43 review of the result of such hearing actions of the  
44 department of human services may be sought in  
45 accordance with the terms of the Iowa administrative  
46 procedure Act chapter 17A. Upon receipt of the a  
47 notice of the filing of a petition for judicial  
48 review, the department of human services shall furnish  
49 the petitioner with a copy of any papers filed in  
50 support of the petitioner's position, a transcript of

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1 any testimony taken, and a copy of the department's  
2 decision.

3 Sec. \_\_\_\_\_. Section 249.5, Code 1989, is amended to  
4 read as follows:

## 5 249.5 JUDICIAL REVIEW.

6 If an application is not acted upon within a  
 7 reasonable time, if it is denied in whole or in part,  
 8 or if any an award of assistance is modified,  
 9 suspended, or canceled under any a provision of this  
 10 chapter, the applicant or recipient may appeal to the  
 11 department of human services, which shall give the  
 12 appellant reasonable notice and opportunity for a fair  
 13 hearing before the director or the director's designee  
 14 request the department of inspections and appeals to  
 15 conduct a hearing. Upon completion of a hearing, the  
 16 department of inspections and appeals shall issue a  
 17 decision which is subject to review by the department  
 18 of human services. Judicial review of the actions of  
 19 the commission department of human services may be  
 20 sought in accordance with the terms of the Iowa  
 21 administrative procedure Act chapter 17A. Upon  
 22 receipt of the petition for judicial review, the  
 23 department of human services shall furnish the  
 24 petitioner with a copy of any papers filed by the  
 25 petitioner in support of the petitioner's position, a  
 26 transcript of any testimony taken, and a copy of the  
 27 department's decision."

28 15. Page 19, line 8, by inserting after the word  
 29 "audits" the following: "to ensure compliance with  
 30 federal and state single state agency requirements".

31 16. Page 19, by inserting after line 8 the  
 32 following:

33 "Sec. \_\_\_\_\_. Section 249A.4, subsection 10, Code  
 34 1989, is amended to read as follows:

35 10. Shall provide for granting an opportunity for  
 36 a fair hearing before the director of human services  
 37 or the director's authorized representative department  
 38 of inspections and appeals to any an individual whose  
 39 claim for medical assistance under this chapter is  
 40 denied or is not acted upon with reasonable  
 41 promptness. Upon completion of a hearing, the  
 42 department of inspections and appeals shall issue a  
 43 decision which is subject to review by the department  
 44 of human services.

45 Judicial review of the actions decisions of the  
 46 director or department of human services may be sought  
 47 in accordance with the terms of the Iowa  
 48 administrative procedure Act chapter 17A. In the  
 49 event If a petition for judicial review is filed, the  
 50 director or the director's authorized representative

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1 department of human services shall furnish the  
 2 petitioner with a copy of the application and all  
 3 supporting papers, a transcript of the testimony taken

4 at the hearing, if any, and a copy of its decision.”

5 17. Page 19, line 17, by inserting after the word

6 “audits” the following: “to ensure compliance with

7 federal and state single state agency requirements”.

8 18. By renumbering, relettering, or redesignating

9 and correcting internal references as necessary.

Fey of Scott offered the following amendment H—4321, to the Senate amendment H—4174, filed by him and moved its adoption:

H—4321

1 Amend the Senate amendment, H—4174, to House File

2 178, as amended, passed and reprinted by the House, as

3 follows:

4 1. By striking page 1, line 17, through page 7,

5 line 1.

6 2. By renumbering as necessary.

Amendment H—4321 was adopted.

On motion by Fey of Scott, the House concurred in the Senate amendment H—4174, 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. 178)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth

Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Connolly                      Schrader

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 529**, a bill for an act relating to the exemption from civil and criminal liability arising from the donation of food, amended by the Senate, and moved that the House concur in the following Senate amendment H—4312:

H—4312

- 1 Amend House File 529, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "restaurant," the following: "food establishment,
- 5 food service establishment,".

The motion prevailed and the House concurred in the Senate amendment H—4312.

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. 529)

The ayes were, 100:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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

Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, none.

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

Holveck of Polk called up for consideration **House File 713**, a bill for an act relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee, amended by the Senate, and moved that the House concur in the following Senate amendment H-4297:

H-4297

- 1 Amend House File 713, 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. \_\_\_\_\_. NEW SECTION. 455G.1 ENVIRONMENTAL
- 6 PROTECTION POLICY.
- 7 Value in the natural environment extends beyond
- 8 immediate economic self-interest. There is inherent
- 9 value in soil, plants, animals, air, and water. The
- 10 state recognizes that these components, which
- 11 collectively make up the land, are the basis from
- 12 which wealth and happiness are derived.
- 13 In order to preserve and enhance the inherent value
- 14 of the land itself, and in order to assure future
- 15 generations of Iowans a healthy environment in which
- 16 to work and live, it is declared to be the policy of
- 17 the state of Iowa to protect living and nonliving
- 18 components of our land to the maximum extent
- 19 practical.
- 20 The office of the environmental advocate is
- 21 established to assist in this effort. The office of

22 the environmental advocate shall speak for the land at  
23 the highest levels of Iowa government."

24 2. Page 1, lines 4 and 5, by striking the words  
25 "attorney general" and inserting the following:  
26 "governor".

27 3. Page 1, line 6, by inserting after the word  
28 "advocate." the following: "The appointment is  
29 subject to senate confirmation, in accordance with  
30 section 2.32."

31 4. Page 1, line 6, by striking the word "six" and  
32 inserting the following: "four".

33 5. Page 1, by striking lines 20 through 25 and  
34 inserting the following:

35 "4. The environmental advocate may be removed from  
36 office as provided pursuant to chapter 68."

37 6. Page 2, by inserting after line 15, the  
38 following:

39 "f. Beginning January 15, 1991, and each January  
40 15 thereafter, submit to the governor and to the  
41 general assembly a state of the environment report."

42 7. Page 2, by inserting after line 29 the  
43 following:

44 "1. The office of the environmental advocate is an  
45 autonomous state agency which is attached to the  
46 department of justice for organizational purposes  
47 only.

48 The office of the environmental advocate shall  
49 determine its own organization, adopt rules under  
50 chapter 17A, and do such other things as may be

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1 necessary in and incidental to the administration of  
2 this chapter.

3 The office of the environmental advocate shall  
4 function at the seat of government, or at such other  
5 place as the environmental advocate might designate."

6 8. By renumbering sections and subsections in the  
7 Act, new section numbers, and internal references as  
8 necessary.

The motion prevailed and the House concurred in the Senate amendment H—4297.

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

On the question "Shall the bill pass?" (H.F. 713)

The ayes were, 70:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lykam
May	McKean	McKinney	Mertz
Muhlbauer	Neuhausner	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 29:

Banks	Beaman	Bennett	Branstad
Corbett	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hermann	Kremer
Lundby	Maulsby	Metcalf	Miller
Pellett	Petersen, D. F.	Renken	Royer
Schneklloth	Stromer	Stueland	Tyrrell
Van Maanen			

Absent or not voting, 1:

Sherzan

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 132**, a bill for an act relating to the fee retained by county treasurers for use tax collection on vehicles, previously deferred.

Connolly of Dubuque offered the following amendment H—4331 filed by him:

H—4331

- 1 Amend Senate File 132, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 7, by striking the words "twenty-

- 4 five cents one dollar" and inserting the following:  
 5 "twenty-five fifty cents".

Osterberg of Linn in the chair at 3:10 p.m.

Connolly of Dubuque moved the adoption of amendment H—4331.

A non-record roll call was requested.

The ayes were 22, nays 58.

Amendment H—4331 lost.

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. 132)

The ayes were, 81:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Clark	Cphoon	Corbett
Daggett	De Groot	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Miller	Muhlbauer	Nielsen	Ollie
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Osterberg			
Presiding			

The nays were, 10:

Black	Chapman	Connolly	Diemer
Halvorson, R. N.	Hermann	Metcalf	Neuhauser
Schneklath	Stueland		

Absent or not voting, 9:

Bisignano	Blanshan	Connors	Doderer
Fey	Poncy	Renaud	Shoultz
Tabor			

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 754**, a bill for an act providing a state sales tax exemption for certain medical equipment, was taken up for consideration.

Hatch of Polk offered the following amendment H—4162 filed by him and moved its adoption:

H—4162

- 1 Amend House File 754 as follows:
- 2 1. Page 1, by inserting after line 5 the fol-
- 3 lowing:
- 4 "Sec. \_\_\_\_\_. This Act applies retroactively to tax
- 5 years beginning on or after January 1, 1982."
- 6 2. Title page, line 2, by inserting after the
- 7 word "equipment" the following: "and providing a
- 8 retroactive applicability date".
- 9 3. Renumber as necessary.

Amendment H—4162 lost.

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. 754)

The ayes were, 90:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Osterberg		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Bisignano	Blanshan	Brammer	Connors
Doderer	Mertz	Poncy	Renaud
Shoultz	Tabor		

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

**Senate File 423**, a bill for an act exempting from state taxes certain bonds and notes issued by the agricultural development authority, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 423)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Osterberg	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Beatty  
Doderer  
Renaud

Bisignano  
Hatch

Blanshan  
Hermann

Connors  
Poncy

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

SENATE AMENDMENTS CONSIDERED  
House Refused to Concur

Hatch of Polk called up for consideration **House File 774**, 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 effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—4341:

H—4341

- 1 Amend House File 774 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 34, and inserting the
- 4 following: "expend \$50,000 to implement a program for
- 5 basic arts education, \$154,000 to".
- 6 2. Page 1, line 35, by inserting after the word
- 7 "program," the following: "\$154,000 to".
- 8 3. Page 2, line 1, by inserting after the word
- 9 "and" the following: "\$45,000 to".
- 10 4. Page 2, line 24, by striking the word "moneys"
- 11 and inserting the following: "\$50,000".
- 12 5. Page 2, line 25, by inserting after the word
- 13 "and" the following: "\$166,672".
- 14 6. Page 2, line 27, by inserting after the word
- 15 "and" the following: "\$40,000 for".
- 16 7. Page 4, by inserting after line 4, the
- 17 following:
- 18 "\_\_\_\_\_ IOWA PEACE INSTITUTE
- 19 For allocation to the Iowa peace institute
- 20 established in chapter 38:
- 21 .....\$ 250,000".
- 22 8. Page 5, by inserting after line 12, the
- 23 following:
- 24 "Sec. 100. Notwithstanding section 8.33, moneys
- 25 appropriated in 1988 Iowa Acts, chapter 1284, section
- 26 1, subsection 8, that remain unobligated and
- 27 unencumbered on June 30, 1989, shall not revert to the
- 28 general fund of the state, but shall remain available
- 29 for expenditure for the purpose specified until June
- 30 30, 1990."
- 31 9. Page 5, by inserting after line 12 the

32 following:

33 "Sec. \_\_\_\_\_. Section 256.11, subsection 1, Code  
34 1989, is amended to read as follows:

35 1. If a school offers a prekindergarten program,  
36 the program shall be designed to help children to work  
37 and play with others, to express themselves, to learn  
38 to use and manage their bodies, and to extend their  
39 interests and understanding of the world about them.  
40 The prekindergarten program shall relate the role of  
41 the family to the child's developing sense of self and  
42 perception of others. Planning and carrying out  
43 prekindergarten activities designed to encourage  
44 cooperative efforts between home and school shall  
45 focus on community resources. A Except as otherwise  
46 provided in this subsection, a prekindergarten teacher  
47 shall hold a certificate certifying that the holder is  
48 qualified to teach in prekindergarten. A nonpublic  
49 school which offers only a prekindergarten may, but is  
50 not required to, seek and obtain accreditation.

**Page 2**

1 Sec. \_\_\_\_\_. Section 256.11, subsection 1, Code 1989,  
2 is amended by adding the following new unnumbered  
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. If the board of  
5 directors of a school district contracts for the  
6 operation of a prekindergarten program, the program  
7 shall be under the oversight of an appropriately  
8 certificated teacher. If the program contracted with  
9 was in existence on the effective date of this Act,  
10 oversight of the program shall be provided by the  
11 district. If the program contracted with was not in  
12 existence on the effective date of this Act, the  
13 director of the program shall be a certificated  
14 teacher and the director shall provide program  
15 oversight. Any director of a program contracted with  
16 by a school district under this section who is not a  
17 certificated teacher is required to register with the  
18 department of education."

19 10. Page 6, by striking lines 33 and 34, and  
20 inserting the following: "assembly, for the".

21 11. Page 7, line 9, by striking the figure  
22 "100,000" and inserting the following: "200,000".

23 12. Page 7, by striking lines 10 through 13 and  
24 inserting the following: "deducted from the moneys  
25 appropriated in this subsection; if the nursing loan  
26 program".

27 13. Page 7, by inserting after line 22, the  
28 following:

29 "As a condition, limitation, and qualification of  
30 the appropriation in this subsection, the college aid

31 commission shall develop plans for administering a  
 32 work for college program if a work for college program  
 33 is enacted by the general assembly. The college aid  
 34 commission shall define a methodology for selecting  
 35 participants, shall identify appropriate employment  
 36 opportunities, and shall report its plans to the  
 37 education appropriations subcommittee not later than  
 38 January 15, 1990."

39 14. Page 9, by striking line 13, and inserting  
 40 the following:  
 41 "..... FTEs 126.85".

42 15. Page 9, line 16, by striking the word  
 43 "moneys" and inserting the following: "70,000".

44 16. Page 9, line 18, by inserting after the words  
 45 "students and" the following: "\$25,000".

46 17. Page 9, line 30, by striking the word  
 47 "moneys" and inserting the following: "\$35,000".

48 18. Page 11, line 15, by striking the word  
 49 "moneys" and inserting the following: "\$50,000".

50 19. Page 12, by striking lines 30 through 33 and

**Page 3**

1 inserting the following: "The media services  
 2 divisions of the".

3 20. Page 13, line 9, by inserting after the word  
 4 "Provide" the following: "a plan for".

5 21. Page 13, by striking lines 20 through 25.

6 22. Page 13, by inserting before line 26, the  
 7 following:

8 "..... Develop and begin implementation of a  
 9 program plan for administrative staff development for  
 10 school corporation administrators. The plan shall  
 11 include program goals, specific activities for meeting  
 12 those goals, and an implementation process and  
 13 delivery system, with consideration given to existing  
 14 staff development efforts by area education agencies,  
 15 school districts, institutions of higher education,  
 16 and any federally funded projects established to  
 17 develop leadership in educational administration.  
 18 Incentives for encouraging administrators to  
 19 participate in the program shall be identified.

20 Program goals for administrative staff development  
 21 shall include but not be limited to training in the  
 22 following areas: Instructional leadership and the  
 23 management of change, assisting teachers with the  
 24 implementation of new teaching models and in-  
 25 structional strategies and the enhancement of the role  
 26 of teachers in the planning and development of those  
 27 models and strategies, encouraging and assisting women  
 28 and minorities to enter educational administration,  
 29 and improving performance evaluation for instructional

30 personnel.

31 Notwithstanding the maximum number of full-time

32 equivalent employees authorized in subsection 1, the

33 department may employ a full-time equivalent

34 individual to assist the employees of the department

35 in fulfilling the requirements of this subparagraph."

36 23. Page 14, line 22, by striking the word

37 "paragraph" and inserting the following:

38 "subparagraph".

39 24. Page 16, line 19, by striking the figure "10"

40 and inserting the following: "20".

41 25. Page 16, by striking line 22 and inserting

42 the following:

43 " ..... \$ 548,413

44 The appropriation in this subsection is contingent

45 upon the enactment of section 1001 of this Act."

46 26. Page 16, by inserting after line 22 the

47 following:

48 "It is the intent of the general assembly that if

49 the moneys appropriated in this subsection are insuf-

50 ficient to make the payments to nonpublic school

**Page 4**

1 pupils under this subsection, for the fiscal year

2 beginning July 1, 1989, the department of education

3 may seek supplemental funding for those payments from

4 the general assembly meeting in 1990."

5 27. Page 16, line 33, by striking the word

6 "fifteen" and inserting the following: "twenty".

7 28. Page 23, by striking lines 17 and 18 and in-

8 serting the following: "shall prepare the regulatory

9 flexibility analysis required in section 17A.31 for

10 rules proposed or adopted under chapter 23A."

11 29. Page 24, by striking lines 11 through 30.

12 30. Page 27, by striking line 15, and inserting

13 the following:

14 " ..... \$ 26,827,131".

15 31. Page 31, by striking line 32, and inserting

16 the following:

17 " ..... \$ 16,073,598".

18 32. Page 32, by striking line 2, and inserting

19 the following:

20 " ..... \$ 600,000".

21 33. Page 37, line 4, by striking the word "The"

22 and inserting the following: "The study shall be

23 conducted by the legislative fiscal committee and the

24 co-chairpersons and ranking members of the joint

25 education appropriations subcommittee.

26 The".

27 34. Page 37, by inserting after line 13 the

28 following:

29 "Sec. 110. Notwithstanding section 442.10, the  
30 amounts deducted from the portions of school district  
31 budgets that fund special education support services  
32 in an area education agency under section 442.10, for  
33 each of the fiscal years beginning July 1, 1988, and  
34 July 1, 1989, in an amount not exceeding \$500,000 for  
35 each fiscal year, shall not be deposited in the  
36 general fund of the state, but shall be paid to area  
37 education agencies that have fewer than three and one-  
38 half public school pupils per square mile, to be  
39 expended for special education support services of the  
40 area education agencies for the fiscal years beginning  
41 July 1, 1989, and July 1, 1990. If the total amount  
42 deducted from the area education agencies under  
43 section 442.10 for the school year beginning July 1,  
44 1988, or July 1, 1989, to be deposited in the general  
45 fund of the state, is less than five hundred thousand  
46 dollars, there is appropriated from the general fund  
47 of the state to the department of education for the  
48 fiscal year beginning July 1, 1989, and for the fiscal  
49 year beginning July 1, 1990, the difference between  
50 the total amount deducted for the previous fiscal year

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1 that would otherwise have been deposited in the  
2 general fund of the state, and five hundred thousand  
3 dollars, to be paid to area education agencies that  
4 have fewer than three and one-half public school  
5 pupils per square mile."

6 35. Page 39, by inserting after line 3 the fol-  
7 lowing:

8 "Sec. \_\_\_\_\_. Section 261.12, subsection 1, paragraph  
9 b, Code 1989, is amended by striking the paragraph and  
10 inserting in lieu thereof the following:

11 b. For the fiscal year beginning July 1, 1989, and  
12 for each following fiscal year, two thousand five  
13 hundred dollars."

14 36. Page 49, by inserting after line 10, the  
15 following:

16 "Sec. \_\_\_\_\_. Section 282.19, Code 1989, is amended  
17 to read as follows:

18 282.19 CHILD LIVING IN FOSTER CARE FACILITY.

19 A child who is living in a licensed child foster  
20 care facility as defined in section 237.1, in this  
21 state or in a facility that provides residential  
22 treatment as "facility" is defined in section 125.2,  
23 which is located in a school district other than the  
24 school district in which the child resided before  
25 receiving foster care may enroll in and attend an  
26 accredited school in the school district in which the  
27 child is living. The instructional costs for students

28 who do not require special education shall be paid as  
29 provided in section 282.31, subsection 1, paragraph  
30 "b" or for students who require special education  
31 shall be paid as provided in section 282.31,  
32 subsections 2 or 3."

33 37. Page 49, by inserting after line 32 the  
34 following:

35 "Sec. 1001. Section 301.1, unnumbered paragraph 2,  
36 Code 1989, is amended to read as follows:

37 Textbooks adopted and purchased by a school  
38 district may, and shall to the extent funds are  
39 appropriated by the general assembly, be made  
40 available to pupils attending nonpublic schools upon  
41 request of the pupil or the pupil's parent under  
42 comparable terms as made available to pupils attending  
43 public schools. However, funds appropriated by the  
44 general assembly under this section shall only be used  
45 for textbooks for a nonpublic school pupil who attends  
46 a nonpublic school that uses a multicultural,  
47 nonsexist approach as that approach is required for  
48 school districts under section 256.11."

49 38. Page 50, line 14, by striking the word "The"  
50 and inserting the following: "The Within fifteen days

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1 following certification by the state university of  
2 Iowa, the".

3 39. Page 50, by inserting after line 17 the  
4 following:

5 "Sec. \_\_\_\_\_. 1989 Iowa Acts, Senate File 59, section  
6 1, unnumbered paragraphs 2, 3, 4, 9, 10, 11, and 12,  
7 are amended to read as follows:

8 By September 15 of the preceding school year the  
9 parent or guardian shall informally notify the  
10 district of residence, and not later than November 1  
11 of the preceding school year, the parent or guardian  
12 shall send notification to the district of residence  
13 and to the department of education on forms prescribed  
14 by the department of education that the parent or  
15 guardian intends to enroll the parent's or guardian's  
16 child in a public school in another school district.  
17 The parent or guardian shall describe the reason that  
18 exists for enrollment in the receiving district that  
19 is not present in the district of residence. The  
20 board of the district of residence shall transmit a  
21 copy of the form to the receiving school district  
22 within five days after its receipt. During the 1990-  
23 1991 school year, if the board of the district of  
24 residence determines that transmission of the request  
25 will result in a loss of greater than five percent of  
26 the district's certified enrollment for ~~that the~~

27 previous year, the board of the district of residence  
28 may deny the request for the 1990-1991 school year.  
29 During the 1991-1992 school year, if the board of the  
30 district of residence determines that transmission of  
31 the request will result in a loss of greater than ten  
32 percent of the district's certified enrollment for the  
33 previous year, the board of the district of residence  
34 may deny the request for the 1991-1992 school year.  
35 If, however, a failure to transmit a request will  
36 result in enrollment of students from the same nuclear  
37 family in different school districts, the request  
38 shall be transmitted to the receiving district for  
39 enrollment. The board of each school district shall  
40 adopt a policy relating to the order in which requests  
41 for enrollment in other districts shall be considered.  
42 The board of the receiving school district shall  
43 enroll the pupil in a school in the receiving district  
44 for the following school year unless the receiving  
45 district does not have classroom space for the pupil.  
46 In all districts involved with volunteer or court-  
47 ordered desegregation, minority and nonminority  
48 student ratios shall be maintained according to the  
49 desegregation plan or order. The superintendent of a  
50 district subject to volunteer or court-ordered

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1 desegregation may deny a request for transfer under  
2 this section if the superintendent finds that  
3 enrollment or release of a pupil will adversely affect  
4 the district's implementation of the desegregation  
5 order or plan. If, however, a transfer request would  
6 facilitate a voluntary or court-ordered desegregation  
7 plan, the district shall give priority to granting the  
8 request over other requests. A parent or guardian,  
9 whose request has been denied because of a  
10 desegregation order or plan, may appeal the decision  
11 of the superintendent to the board of the district in  
12 which the request was denied. The board may either  
13 uphold or overturn the superintendent's decision. A  
14 decision of the board to uphold the denial of the  
15 request is subject to appeal under section 290.1.  
16 Each district shall provide notification to the  
17 parent or guardian relating to the transmission or  
18 denial of the request. A district of residence shall  
19 provide for notification of transmission or denial to  
20 a parent or guardian within three days of board action  
21 on the request. A receiving district shall provide  
22 notification to a parent or guardian, within fifteen  
23 days of receipt of the request, of whether the child  
24 will be enrolled in that district or whether the  
25 request is to be denied.

26 A request under this section is for a period of not  
27 less than four years unless the pupil will graduate,  
28 the pupil's family moves to another school district,  
29 or the parent or guardian petitions the receiving  
30 district for permission to enroll the child in a  
31 different district, which may include the district of  
32 residence, within the four-year period. If the parent  
33 or guardian requests permission of the receiving  
34 district to enroll the child in a different district  
35 within the four-year period, the receiving district  
36 school board may transmit a copy of the request to the  
37 other school district within five days of the receipt  
38 of the request. The new receiving district shall  
39 enroll the pupil in a school in the district unless  
40 there is insufficient classroom space in the district  
41 or unless enrollment of the pupil would adversely  
42 affect court ordered or voluntary desegregation orders  
43 affecting a district. A denial of a request to change  
44 district enrollment within the four-year period shall  
45 be subject to appeal under section 290.1.  
46 The board of directors of the district of residence  
47 shall pay to the receiving district the lower district  
48 cost per pupil of the two districts, plus any moneys  
49 received for the pupil as a result of non-English  
50 speaking weighting under section 442.4, subsection 6,

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1 for each school year. The district of residence shall  
2 also transmit the phase III moneys allocated to the  
3 district for the full-time equivalent attendance of  
4 the pupil, who is the subject of the request, to the  
5 receiving district specified in the request for  
6 transfer. However, if the district of residence has  
7 outstanding obligations on school bonds, has entered  
8 into a rental or lease arrangement under section  
9 279.26, or has entered into a loan agreement in  
10 anticipation of the collection of the schoolhouse tax  
11 under section 297.36, only fifty percent of the  
12 property tax portion of the district cost per pupil  
13 shall be paid to the receiving district for the first  
14 three years of the transfer, unless the debt is paid  
15 before the end of the three years. If the debt is  
16 paid in less than three years from the date of the  
17 transfer or if three years pass, from the date of the  
18 transfer, without retirement of the district of  
19 residence's debt obligation, whichever date is sooner,  
20 the full amount of the district cost per pupil shall  
21 then be paid to the receiving district. If a request  
22 filed under this section is for a child requiring  
23 special education under chapter 281, the request to  
24 transfer to the other district shall only be granted

25 if the receiving district maintains a special  
26 education instructional program which is appropriate  
27 to meet the child's educational needs and the  
28 enrollment of the child in the receiving district's  
29 program would not cause the size of the class in that  
30 special education instructional program in the  
31 receiving district to exceed the maximum class size in  
32 rules adopted by the state board of education for that  
33 program. For pupils requiring special education, the  
34 board of directors of the district of residence shall  
35 pay to the receiving district the actual costs  
36 incurred in providing the appropriate special  
37 education. Quarterly payments shall be made to the  
38 receiving district. If the transfer of a pupil from  
39 one district to another results in a transfer from one  
40 area education agency to another, the sending district  
41 shall forward a copy of the request to the sending  
42 district's area education agency. The receiving  
43 district shall forward a copy of the request to the  
44 receiving district's area education agency. Any  
45 moneys received by the area education agency of the  
46 sending district for the child who is the subject of  
47 the request shall be forwarded to the receiving  
48 district's area education agency. Notwithstanding  
49 section 285.1 relating to transportation of  
50 nonresident pupils, the parent or guardian is

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1 responsible for transporting the pupil without  
2 reimbursement to and from a point on a regular school  
3 bus route of the receiving district. A receiving  
4 district shall not send school vehicles into the  
5 district of residence of the pupil using the open  
6 enrollment option under this section, for the purpose  
7 of transporting the pupil to and from school in the  
8 receiving district, unless. If the child meets the  
9 economic eligibility requirements, established under  
10 the federal National School Lunch and Child Nutrition  
11 Acts, 42 U.S.C. § 1751-1785, for free or reduced price  
12 lunches. If the child meets those requirements, the  
13 sending district shall be responsible for providing  
14 transportation or paying the pro rata cost of the  
15 transportation to a parent or guardian for  
16 transporting the child to and from a point on a  
17 regular school bus route of a contiguous receiving  
18 district unless the cost of providing transportation  
19 or the pro rata cost of the transportation to a parent  
20 or guardian exceeds the average transportation cost  
21 per pupil transported for the previous school year in  
22 the district. If the cost exceeds the average  
23 transportation cost per pupil transported for the

24 previous school year, the sending district shall only  
 25 be responsible for that average per pupil amount. A  
 26 sending district which provides transportation for a  
 27 child to a contiguous receiving district under this  
 28 paragraph may withhold from the district cost per  
 29 pupil amount, that is to be paid to the receiving  
 30 district, an amount which represents the average or  
 31 pro rata cost per pupil for transportation, whichever  
 32 is less.

33 A student who has been paying tuition and attending  
 34 school on or before June 1, 1989, in a district other  
 35 than the student's district of residence shall be  
 36 permitted to attend school in the district where the  
 37 student has been paying tuition, during the 1989-1990  
 38 school year, by filing a request to use the open  
 39 enrollment option under this section by August 1,  
 40 1989.

41 A student, whose district of residence, for the  
 42 purposes of school attendance, changes during the by  
 43 August 1, 1989-1990 school year, shall be permitted to  
 44 attend school during the 1989-1990 school year in the  
 45 district in which the student attended during the  
 46 1988-1989 school year if a request to use the open  
 47 enrollment option under this section is filed by  
 48 August 1, 1989.

49 If a child, for which a request to transfer has  
 50 been filed with the a district of residence, has been

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1 suspended or expelled in the district of residence,  
 2 the receiving district named in the request may refuse  
 3 the request to transfer until the child has been  
 4 reinstated in the sending district of residence.

5 A laboratory school under chapter 265 shall be  
 6 exempt from the provisions of this section.

7 40. Page 50, by inserting before line 18, the  
 8 following:

9 "Sec. \_\_\_\_\_. NOTIFICATION OF RECEIPT OF NONSTATE  
 10 FUNDS. All constitutional and statutory offices,  
 11 administrative departments, and independent agencies,  
 12 except those institutions governed by chapter 262,  
 13 shall notify the department of management, the  
 14 chairpersons, vice chairpersons, and ranking members  
 15 of the senate and house of representatives' committees  
 16 on appropriations and of the appropriate joint  
 17 appropriations subcommittees, and the legislative  
 18 fiscal bureau of any request for, approval of, or an  
 19 award of federal or other nonstate funds, or of the  
 20 loss of federal or other nonstate funds during the  
 21 fiscal period beginning October 1, 1988, and ending  
 22 September 30, 1989. The notification shall be made no

23 later than December 15, 1989, and shall include the  
 24 name of the grantor and of the funding grant, the  
 25 estimated amount of funds, and the planned  
 26 expenditures for the funds. Institutions governed by  
 27 chapter 262 shall provide such notification only for  
 28 those awards of funds which specifically require a  
 29 commitment of additional state resources."

30 41. Page 50, line 25, by striking the word and  
 31 figure "and 24" and inserting the following: "24,  
 32 100, and 110".

33 42. By renumbering, relettering, or redesignating  
 34 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4341.

Brand of Benton called up for consideration **Senate File 450**, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4320 to the House amendment:

H—4320

1 Amend the House amendment, S—3713, to Senate File  
 2 450, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 33, and  
 4 inserting the following:

5 "\_\_\_\_\_. Page 2, by inserting after line 26, the  
 6 following:

7 "Sec. \_\_\_\_\_. Section 256.11, subsection 7, Code  
 8 1989, is amended to read as follows:

9 7. Programs that meet the needs of each of the  
 10 following:

11 a. Pupils requiring special education.

12 b. Gifted and talented pupils.

13 c. Programs for at-risk students.

14 Rules adopted by the state board to implement this  
 15 paragraph shall be based upon the definition of at-  
 16 risk student developed by the child coordinating  
 17 council established in section 256A.2 and the  
 18 department of education, and the state board shall  
 19 consider the recommendations of the child coordinating  
 20 council and the department in developing the rules."

21 "\_\_\_\_\_. Page 3, line 9, by striking the word  
 22 "Kindergarten" and inserting the following:

23 "~~Kindergarten~~ Public school kindergarten".

24 \_\_\_\_\_. Page 3, line 10, by inserting before the

25 word "prekindergarten" the following: "public and  
 26 nonpublic school".  
 27 \_\_\_\_\_ Page 3, line 31, by inserting after the word  
 28 "school" the following: "or whose presence in school  
 29 has been found to be injurious to the health of other  
 30 pupils".

The motion lost and the House refused to concur in the Senate amendment H—4320.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 178 and 774 and Senate File 450.

### Unfinished Business Calendar

The House resumed consideration of **House File 680**, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission, previously deferred and placed on the unfinished business calendar.

Arnould of Scott asked and received unanimous consent that House File 680 be deferred and that the bill retain its place on the calendar.

### CONFERENCE COMMITTEE APPOINTED

(Senate File 157)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 157: Fogarty of Palo Alto, Chair; Gruhn of Dickinson, Shearer of Louisa, Beaman of Clarke and Royer of Page.

### HOUSE INSISTS

Connolly of Dubuque called up for consideration **Senate File 524**, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED

(Senate File 524)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 524: Connolly of Dubuque, Chair; Koenigs of Mitchell, Muhlbauer of Crawford, Spenner of Henry and De Groot of Lyon.

The House stood at ease at 4:07 p.m., until the fall of the gavel.

The House resumed session at 5:38 p.m., Connors of Polk in the chair.

### INTRODUCTION OF BILL

**House File 790**, by Arnould and Stromer, a bill for an act relating to the voluntary certification of real estate appraisers, real estate appraisal standards, and providing for penalties.

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 May 1, 1989, 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 98, a bill for an act relating to the establishment of bank offices within a municipal corporation or urban complex in which the principal place of business of the bank is located.

Also: That the Senate has on May 1, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties.

Also: That the Senate has on May 1, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 186, a bill for an act relating to the updating of the reference to the Internal Revenue Code, and providing refund provisions for certain income and inheritance tax payments, and providing applicability and effective dates.

Also: That the Senate has on May 1, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 502, a bill for an act relating to business corporations, and related matters including the elimination of filing of corporate documents with the county recorder for all forms of corporate entities, and providing a special effective date.

Also: That the Senate has on May 1, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 521, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

Also: That the Senate has on May 1, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 23, a concurrent resolution to urge and petition the Postmaster General of the United States to issue a first-class commemorative postage stamp in honor of the Grant Wood centennial.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 490**, a bill for an act relating to the department of inspections and appeals, revising provisions governing the structure and allocation of duties within the department, changing the structure for racing and gaming regulation, providing changes in certain statutory requirements relating to bingo and other games and raffles, revising the responsibilities of the department, and providing other properly related matters, and amendment H—4314 (found on pages 2153 through 2155 of the House Journal), to the Senate amendment H—4045 (found on pages 2151 and 2152 of the House Journal), previously deferred.

Chapman of Linn asked and received unanimous consent to withdraw amendment H—4314, placing out of order amendments H—4326 filed by Garman of Story and H—4327 filed by Black of Jasper, both filed on April 28, 1989.

Chapman of Linn offered the following amendment H—4348, to the Senate amendment H—4045, filed by her from the floor and moved its adoption:

H—4348

- 1 Amend Senate amendment, H—4045, to House File 490,
- 2 as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 19, the
- 4 following:
- 5 “\_\_\_\_\_. Page 1, by inserting after line 20, the
- 6 following:
- 7 “Sec. \_\_\_\_\_. Section 10A.104, Code 1989, is amended
- 8 by adding the following new subsection:
- 9 **NEW SUBSECTION. 10.** Enter into and implement
- 10 agreements or compacts between the state of Iowa and
- 11 Indian tribes located in the state which are entered
- 12 into under the authority of the Indian Gaming

13 Regulatory Act (25 U.S.C. § 2701 et seq.). The  
14 agreements or compacts shall contain provisions  
15 intended to implement the policies and objectives of  
16 the Indian Gaming Regulatory Act.  
17 Sec. \_\_\_\_\_ Section 10A.105, Code 1989, is amended  
18 by striking the section and inserting in lieu thereof  
19 the following:

20 10A.105 CONFIDENTIALITY.

21 1. For the purposes of this section, "governmental  
22 entity" includes an administrative division within the  
23 department.

24 2. The confidentiality of all information in the  
25 department produced or collected during or as a result  
26 of a hearing, appeal, investigation, inspection,  
27 audit, or other function performed by the department  
28 on behalf of another governmental entity is governed  
29 by the law applicable to the records of that  
30 governmental entity. The department may provide  
31 information to a governmental entity for which it is  
32 conducting a hearing, appeal, inspection, audit,  
33 investigation, or other function.

34 3. The state shall maintain records and materials  
35 related to an agreement or compact entered into  
36 pursuant to the Indian Gaming Regulatory Act (25  
37 U.S.C. § 2701 et seq.), as confidential records if  
38 confidentiality is required by the terms of the  
39 agreement or compact.

40 4. The lawful custodian of all records produced or  
41 collected during or as a result of any function  
42 performed by the department on behalf of another  
43 governmental entity is that governmental entity for  
44 the purpose of examination and copying pursuant to  
45 chapter 22.

46 5. If information in the possession of the  
47 department indicates that a criminal offense may have  
48 been committed, the information may be reported to the  
49 appropriate criminal justice or regulatory agency.

50 6. However, this section does not prohibit the

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1 department from releasing the minimal amount of  
2 information necessary in its judgment to conduct  
3 audits, inspections, investigations, appeals, and  
4 hearings, and does not prohibit the introduction of  
5 the information as evidence at any hearing conducted  
6 by the department.

7 7. The director, administrators, and their  
8 designees shall have access to all records deemed by  
9 the department to be pertinent to a hearing, appeal,  
10 audit, investigation, inspection, or other related  
11 function assigned under this chapter." "

12 2. Page 2, by inserting after line 45 the  
13 following:

14 "\_\_\_\_\_. Page 10, by inserting after line 23, the  
15 following:

16 "Sec. \_\_\_\_\_. Section 99F.6, subsection 8, as enacted  
17 by 1989 Iowa Acts, Senate File 124, section 6, is  
18 amended by striking the subsection and inserting in  
19 lieu thereof the following:

20 8. a. The licensee or a holder of an occupational  
21 license shall consent to the search, without a  
22 warrant, by agents of the division of criminal  
23 investigation of the department of public safety or  
24 commission employees designated by the secretary of  
25 the commission, of the licensee's or holder's person,  
26 personal property, and effects, and premises which are  
27 located on the excursion gambling boat or adjacent  
28 facilities under control' of the licensee, in order to  
29 inspect or investigate for violations of this chapter  
30 or rules adopted by the commission pursuant to this  
31 chapter. The department or commission may also obtain  
32 administrative search warrants under section 808.14.

33 b. However, this subsection shall not be construed  
34 to permit a warrantless inspection of living quarters  
35 or sleeping rooms on the riverboat if all of the  
36 following are true:

37 (1) The licensee has specifically identified those  
38 areas which are to be used as living quarters or  
39 sleeping rooms in writing to the commission.

40 (2) Gaming is not permitted in the living quarters  
41 or sleeping rooms, and devices, records, or other  
42 items relating to the licensee's gaming operations are  
43 not stored, kept, or maintained in the living quarters  
44 or sleeping rooms.

45 (3) Alcoholic beverages are not stored, kept, or  
46 maintained in the living quarters or sleeping rooms  
47 except those legally possessed by the individual  
48 occupying the quarters or room.

49 c. The commission shall adopt rules to enforce  
50 this subsection.

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1 Sec. \_\_\_\_\_. Section 537A.4, unnumbered paragraph 2,  
2 Code 1989, is amended to read as follows:

3 This section does not apply to a contract for the  
4 operation of or for the sale or rental of equipment  
5 for games of skill or games of chance, if both the  
6 contract and the games are in compliance with chapter  
7 99B. This section does not apply to wagering under  
8 the pari-mutuel method of wagering authorized by  
9 chapter 99D. This section does not apply to the sale,  
10 purchase or redemption of a ticket or share in the

11 state lottery in compliance with chapter 99E. This  
 12 section does not apply to the sale, purchase, or  
 13 redemption of any ticket or similar gambling device  
 14 legally purchased in Indian lands within this state.””  
 15 3. Page 2, by inserting after line 47, the  
 16 following:  
 17 “\_\_\_\_\_. Title page, line 6, by inserting after the  
 18 word “raffles,” the following: “authorizing the  
 19 enforcement of agreements or compacts entered into  
 20 between the state and Indian tribes under the Indian  
 21 Gaming Regulatory Act, authorizing warrantless  
 22 searches of excursion gambling boats under certain  
 23 conditions.””  
 24 4. By renumbering and relettering as necessary.

Amendment H—4348 was adopted.

On motion by Beatty of Warren, the House concurred in the Senate amendment H—4045, 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. 490)

The ayes were, 53:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Dvorsky	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Hibbard	Jay	Jesse
Jochum	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Shearer	Sherzan	Shoning
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Connors			
Presiding			

The nays were, 43:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Doderer	Eddie
Fey	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Haverland	Hermann
Hester	Holveck	Kistler	Kremer

Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Neuhauser	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Siegrist	Spenner	Stromer
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 4:

Avenson, Spkr.	Black	Johnson	Schrader
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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 490)

Arnould of Scott asked and received unanimous consent that House File 490 be immediately messaged to the Senate.

### RULE 25 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 25 for the immediate consideration of Senate Concurrent Resolution 16.

### ADOPTION OF SENATE CONCURRENT RESOLUTION 16

Bisignano of Polk called up for consideration Senate Concurrent Resolution 16, to urge and petition the United States Department of Defense to establish an all-services museum located at Fort Des Moines, Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 13

Hatch of Polk called up for consideration House Concurrent Resolution 13 as follows:

- 1 House Concurrent Resolution 13
- 2 By Committee On Appropriations
- 3 A Concurrent Resolution relating to the State Board
- 4 of Regents' ten-year building program.
- 5 *Whereas*, pursuant to section 262A.3, the State
- 6 Board of Regents prepared and within seven days after
- 7 the convening of the Seventy-third General Assembly of
- 8 the State of Iowa, First Session, submitted to the
- 9 Seventy-third General Assembly, First Session, for
- 10 approval, the proposed ten-year building program for
- 11 each institution of higher learning under the
- 12 jurisdiction of the Board, containing a list of the
- 13 buildings and facilities which the Board deems
- 14 necessary to further the educational objectives of the

15 institutions, together with an estimate of the cost of  
16 each of the buildings and facilities and an estimate  
17 of the maximum amount of bonds which the Board expects  
18 to issue under chapter 262A for each year of the  
19 fiscal biennium beginning July 1, 1989, and ending  
20 June 30, 1991; and

21 *Whereas*, the projects contained in the building  
22 program are deemed necessary for the proper  
23 performance of the instructional, research, and  
24 service functions of the institutions; and

25 *Whereas*, section 262A.4 provides that the State  
26 Board of Regents, after authorization by a  
27 constitutional majority of each house of the General  
28 Assembly and approval by the Governor, may undertake  
29 and carry out at the institutions of higher learning  
30 under the jurisdiction of the Board any project as

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1 defined in chapter 262A; and

2 *Whereas*, chapter 262A authorizes the State Board of  
3 Regents to borrow money and to issue and sell  
4 negotiable revenue bonds to pay all or any part of the  
5 cost of carrying out projects at any institution  
6 payable solely from and secured by an irrevocable  
7 pledge of a sufficient portion of the student fees and  
8 charges and institutional income received by the  
9 particular institution; and

10 *Whereas*, to further the educational objectives of  
11 the institutions, the State Board of Regents requests  
12 authorization to undertake and carry out certain  
13 projects at this time and to finance their costs by  
14 borrowing money and issuing negotiable bonds under  
15 chapter 262A in a total amount not exceeding  
16 \$57,600,000, the remaining cost of the projects to be  
17 financed by capital appropriations or by federal or  
18 other funds lawfully available; *Now Therefore*,

19 *Be It Resolved By The House Of Representatives, The*  
20 *Senate Concurring*, That the proposed ten-year building  
21 program submitted by the State Board of Regents for  
22 each institution of higher learning under its  
23 jurisdiction is approved.

24 *Be It Further Resolved*, That no commitment is  
25 implied or intended by approval to fund any portion of  
26 the proposed ten-year building program submitted by  
27 the State Board of Regents beyond the portion that is  
28 financed and approved by the Seventy-third General  
29 Assembly, First Session, and the Governor.

30 *Be It Further Resolved*, That during the biennium

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1 which commences July 1, 1989, and which ends June 30,  
2 1991, the maximum amount of bonds which the State

3 Board of Regents expects to issue under chapter 262A,  
 4 unless additional bonding is authorized, is  
 5 \$57,600,000, all or any part of which may be issued  
 6 during the fiscal year ending June 30, 1990, and if  
 7 all of that amount should not be issued during that  
 8 fiscal year, any remaining balance may be issued  
 9 during the fiscal year ending June 30, 1991, or  
 10 thereafter, and this plan of financing is approved.

11 *Be It Further Resolved*, That the State Board of  
 12 Regents is authorized to undertake, plan, construct,  
 13 equip, and otherwise carry out the following projects  
 14 and to pay all or any part of the cost of carrying out  
 15 the projects by borrowing money and issuing negotiable  
 16 revenue bonds under chapter 262A during the fiscal  
 17 year beginning July 1, 1989, except as otherwise  
 18 provided in this resolution, in a total amount not to  
 19 exceed \$57,600,000:

20	State University of Iowa .....	\$	34,300,000
21	Academic building		
22	Pharmacy building		
23	Cost of issuance of bonds		
24	Iowa State University .....	\$	14,300,000
25	Livestock units for swine and cattle		
26	Gilman Hall remodeling		
27	Sweeney Hall planning and new construction		
28	Cost of issuance of bonds		
29	University of Northern Iowa .....	\$	9,000,000
30	Library addition		

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1 Wright Hall remodeling  
 2 Cost of issuance of bonds

3

4 Total \$ 57,600,000

5 *Be It Further Resolved*, That the State Board of  
 6 Regents shall present the construction budgets  
 7 developed for each of the State University of Iowa  
 8 projects to the Legislative Council for approval prior  
 9 to the commencement of construction on those projects.

10 *Be It Further Resolved*, That if the amount of bonds  
 11 issued under this resolution exceeds the actual costs  
 12 of projects approved in this resolution, the amount of  
 13 the difference shall be used to pay the principal and  
 14 interest due on bonds issued under chapter 262A.

Hatch of Polk moved the adoption of House Concurrent Resolu-  
 tion 13.

Roll call was requested by Stromer of Hancock and Hatch of Polk.

On the question "Shall the resolution be adopted?" (H.C.R. 13)

The ayes were, 58:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connolly	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Hammond	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Lykam	May	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Connors		
	Presiding		

The nays were, 42:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spenner
Stromer	Stueland	Trent	Tyrrell
Van Maanen	Wise		

Absent or not voting, none.

The motion prevailed and the resolution was adopted.

Speaker Avenson in the chair at 6:32 p.m.

#### IMMEDIATE MESSAGE (House Concurrent Resolution 13)

Arnould of Scott asked and received unanimous consent that House Concurrent Resolution 13 be immediately messaged to the Senate.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, for the remainder of the day, on request of Bennett of Ida.

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1989, 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 532, a bill for an act relating to the compensation and benefits for legislators, and other public officials and employees by specifying salary levels, by providing adjustments for salaries, by specifying properly related matters, by making appropriations, and by specifying effective dates for certain provisions.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT CONSIDERED House Refused To Concur

Spear of Lee called up for consideration **House File 779**, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—4351:

H—4351

- 1 Amend House File 779, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 24, by striking the figure
- 4 "2,102,000" and inserting the following: "2,323,948".
- 5 2. Page 2, line 25, by striking the figure
- 6 "89.05" and inserting the following: "94.05".
- 7 3. Page 2, by inserting after line 33, the
- 8 following:
- 9 "As a condition, qualification, and limitation of
- 10 the funds appropriated, \$197,948, or so much thereof
- 11 as is necessary, shall be expended for four FTEs and
- 12 necessary expenses, to be employed in connection with
- 13 the enforcement of the Iowa minimum wage law.
- 14 Enforcement of the Iowa minimum wage law shall not
- 15 begin until January 1, 1990, though moneys may be
- 16 expended and positions filled prior to January 1,
- 17 1990, to adopt required rules, and for training,
- 18 organization, and other preparatory purposes."
- 19 4. Page 7, line 31, by striking the figure
- 20 "4,233,300" and inserting the following: "4,124,300".
- 21 5. Page 7, line 32, by striking the figure
- 22 "253.50" and inserting the following: "250.50".

23 6. Page 8, by inserting after line 2, the  
24 following:  
25 "Three FTE positions responsible for conducting  
26 alcoholic beverage audits shall be transferred to the  
27 alcoholic beverage division of the department of  
28 commerce."

29 7. Page 11, line 30, by striking the figure  
30 "4,664,000" and inserting the following: "4,808,000".

31 8. Page 11, line 31, by striking the figure  
32 "83.86" and inserting the following: "87.86".

33 9. Page 11, by inserting after line 31, the  
34 following:

35 "Of the amount appropriated, \$144,000, or so much  
36 thereof as is necessary, shall be expended for four  
37 FTEs, and necessary expenses, including three FTEs  
38 transferred from the department of inspections and  
39 appeals, in connection with alcoholic beverage  
40 audits."

41 10. Page 16, line 19, by striking the figure  
42 "3,929,800" and inserting the following: "4,004,800".

43 11. Page 16, line 20, by striking the figure  
44 "92.33" and inserting the following: "93.33".

45 12. Page 16, by inserting after line 23, the  
46 following:

47 "Of the amount appropriated, \$75,000 shall be  
48 expended for the salary and reasonable and necessary  
49 expenses of the director of insurance development, who  
50 for budgetary purposes is under the division of

## Page 2

1 insurance. The director of insurance development  
2 shall continue to maintain the director's office in  
3 its current location."

4 13. Page 16, by striking lines 24 through 33.

5 14. Page 20, by inserting after line 24, the  
6 following:

7 "Sec. \_\_\_\_\_.

8 1. There is created in the office of the  
9 treasurer of state for the racing and gaming  
10 commission, an excursion boat gambling revolving fund.

11 2. There is appropriated from the general fund of  
12 the state to the racing and gaming commission,  
13 \$100,000, for deposit in the excursion boat gambling  
14 revolving fund.

15 3. The amount appropriated from the general fund  
16 of the state in subsection 2 is appropriated from the  
17 excursion boat gambling revolving fund to the  
18 treasurer of state, to be transferred to and deposited  
19 in the general fund of the state no later than June  
20 30, 1991.

21 4. All license fees, fees, and penalties  
 22 collected by the racing and gaming commission in  
 23 connection with excursion boat gambling shall be  
 24 deposited into the excursion boat gambling revolving  
 25 fund.

26 5. There is appropriated from the excursion boat  
 27 gambling revolving fund to the racing and gaming  
 28 commission, for the fiscal year beginning July 1,  
 29 1989, and ending June 30, 1990, the following amount,  
 30 or so much thereof as is necessary, to be used for the  
 31 purposes designated:

32 For salaries, support, maintenance, miscellaneous  
 33 purposes, and for not more than the following full-  
 34 time equivalent positions for administration and  
 35 enforcement of the excursion boat gambling laws:  
 36 .....\$ 100,000  
 37 ..... FTEs 2.00"

38 15. Page 25, by inserting after line 6, the  
 39 following:

40 "Sec. \_\_\_\_\_. Section 514G.7, subsection 4, Code  
 41 1989, is amended by striking the subsection."

42 16. Page 25, by striking lines 7 through 29.

43 17. By renumbering, relettering, or redesignating  
 44 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4351.

The House stood at ease at 6:37 p.m., until the fall of the gavel.

The House resumed session at 7:02 p.m., Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 1, 1989, insisted on its amendment to House File 774, 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 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 Dubuque, Senator Welsh; the Senator from Fayette, Senator Murphy; the Senator from Sioux, Senator Rensink; and the Senator from Clayton, Senator Tieden.

Also: That the Senate has on May 1, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 31, a bill for an act relating to the violation of a law or rule of a health care facility and providing penalties.

Also: That the Senate has on May 1, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 153, a bill for an act relating to the department of inspections and appeals by providing for income tax refund and rebate setoff procedures by the investigations division, and exempting certain nonprofit intermediate care facilities from the sales, service, and use tax.

Also: That the members of the conference committee, on the part of the Senate, appointed May 1, 1989, to Senate File 524, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions, are: The Senator from Wapello, Senator Gettings, Chair; the Senator from Polk, Senator Szymoniak; the Senator from Webster, Senator Coleman; the Senator from Bremer, Senator Jensen; and the Senator from Muscatine, Senator Drake.

Also: That the Senate has on May 1, 1989, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 531, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT CONSIDERED

Jochum of Dubuque called up for consideration **Senate File 532**, a bill for an act relating to the compensation and benefits for legislators, and other public officials and employees by specifying salary levels, by providing adjustments for salaries, by specifying properly related matters, by making appropriations, and by specifying effective dates for certain provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4352 to the House amendment:

H—4352

- 1 Amend the House amendment, S—4019, to Senate File
- 2 532 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 14, by inserting before the word
- 5 "majority" the following: "presiding officer of the
- 6 senate and the".
- 7 2. Page 1, by striking lines 23 and 24 and
- 8 inserting the following:
- 9 "3. The speaker of the house and the senate
- 10 majority leader shall".

- 11 3. Page 1, line 25, by striking the words  
 12 "twenty-eight" and inserting the following: "twenty-  
 13 seven".
- 14 4. Page 1, by striking lines 29 through 32 and  
 15 inserting the following: "the house ~~or~~ as the senate  
 16 ~~majority leader~~. Expense and travel allowances shall  
 17 be the same for the speaker of the house and the  
 18 presiding officer of the senate and the majority and  
 19 minority leader of each house as".
- 20 5. Page 1, by striking lines 33 through 38 and  
 21 inserting the following:  
 22 "\_\_\_\_\_. Page 18, by striking lines 25 through 28,  
 23 and inserting the following: "~~forty~~ fifty dollars per  
 24 day, ~~except the speaker of the house who shall be paid~~  
 25 ~~sixty dollars per day~~, and necessary travel and  
 26 expenses".
- 27 6. Page 2, line 50, by striking the words  
 28 "secretary of a member" and inserting the following:  
 29 "employee".
- 30 7. Page 3, line 5, by striking the word  
 31 "secretary" and inserting the following: "employee".
- 32 8. Page 3, line 12, by striking the word  
 33 "secretary" and inserting the following: "employee".
- 34 9. Page 3, line 15, by striking the word  
 35 "secretary" and inserting the following: "employee".
- 36 10. Page 3, line 17, by striking the word  
 37 "secretary's" and inserting the following:  
 38 "employee's".
- 39 11. Page 3, line 21, by striking the words  
 40 "secretary of a member" and inserting the following:  
 41 "employee".
- 42 12. Page 3, line 23, by striking the word  
 43 "secretary" and inserting the following: "employee".
- 44 13. Page 3, line 25, by striking the words  
 45 "secretary of a member" and inserting the following:  
 46 "employee".
- 47 14. Page 3, line 31, by striking the word  
 48 "secretary" and inserting the following: "employee".
- 49 15. Page 3, line 35, by striking the word  
 50 "secretary" and inserting the following: "employee".

## Page 2

- 1 16. Page 3, line 47, by striking the word  
 2 "secretary" and inserting the following: "employee".
- 3 17. Page 4, by striking lines 8 through 23.
- 4 18. By renumbering, relettering, or redesignating  
 5 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4352 to the House amendment.

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. 532)

The ayes were, 67:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Diemer	Doderer
Dvorsky	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 30:

Banks	Beaman	Bennett	Black
Brand	Branstad	Corbett	De Groot
Eddie	Fuller	Garman	Harbor
Hermann	Hester	Kistler	Kremer
Lageschulte	Maulsby	McKean	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Siegrist	Spenner	Stromer
Stueland	Van Maanen		

Absent or not voting, 3:

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

### IMMEDIATE MESSAGES (House File 779 and Senate File 532)

Arnould of Scott asked and received unanimous consent that House File 779 and Senate File 532 be immediately messaged to the Senate.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 28, 1989. Had I been present, I would have voted "aye" on House Files 662 and 776; Senate Files 56, 154, 185, 363, 375, 515, 520, 521 and 531; and "nay" on House File 98 and Senate Files 119, 223, 517 and 532.

DAGGETT of Adams

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 1st day of May, 1989: House Files 123, 379, 384, 542, 598, 628, 637, 679, 687 and 709.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

### PRESENTATION OF VISITORS

Trent of Muscatine presented to the House the Honorable Clarence Schmarje, former member of the House representing Muscatine County.

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

Six students from Washington Senior High School, Cedar Rapids, accompanied by Judy Ecker. By Chapman of Linn.

Fifty-six fourth grade students from Northwest Elementary School, Ankeny, accompanied by Barbara Leth. By Haverland of Polk.

### COMMUNICATION RECEIVED

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

#### DEPARTMENT OF HUMAN SERVICES

A report on Proposed Social Services Block Grant Pre-Expenditures.

### 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

- 1989-65 West Lyon F.F.A. Chapter, Superintendent Frank Ashmore and Advisor Gary De Vries of Inwood — For earning the Triple Crown Award comprised of a superior safety award, superior chapter award, and a bronze medal for the "Building Our American Communities" program.
- 1989-66 Ted Brader, Storm Lake Community School — For being selected to Iowa's 1989 Academic All-State Team and also being a National Merit Scholarship Finalist.
- 1989-67 Angela McKean, Armstrong — For being the only Iowan selected to represent the Iowa Junior Academy of Science at the Brookhaven National Laboratory of Long Island, New York.
- 1989-68 Don Silvey, Armstrong — For serving twenty-six years as Superintendent of Armstrong-Ringsted School.
- 1989-69 Joan McCulloch, Spirit Lake — For being selected 1989 "Lady of the Year" by Beta Sigma Phi of Dickinson County for her ten years of work with VAC and RSVP.
- 1989-70 Jeffrey Foust, Council Bluffs — For being named to the 1989 Des Moines Register Iowa Academic All-State Team.
- 1989-71 Bob Layland, Audubon — For serving twenty-five years in the Audubon School System.
- 1989-72 Ruth Soll, Audubon — For thirty-eight years in the field of education and thirty-one years in the Audubon School System.
- 1989-73 Christopher Marsh, Abraham Lincoln High School, Council Bluffs — For being awarded a National Merit scholarship.
- 1989-74 Coach Mick Freeman, Abraham Lincoln High School, Council Bluffs — For winning the at-large Class 3A Coach of the Year award for girls' cross country presented by the Iowa Association of Track Coaches.
- 1989-75 Outdoor Writers of America Association — Is welcomed to Iowa and its outdoor attractions.
- 1989-76 Audrey Jensen, Audubon — For thirty-one years in the field of education and twenty-one years in the Audubon School System.

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate File 514

Ways and Means: Doderer, Chair; Groninga and Schneklath.

##### Senate File 527

Ways and Means: Wise, Chair; Groninga and Metcalf.

## COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House File 743), relating to or making appropriations from the general fund of the state and from the petroleum overcharge funds for purposes related to energy conservation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 28, 1989.

### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 782**, a bill for an act relating to the revocation of a motor vehicle license or nonresident operating privilege as the result of a conviction for certain vehicular homicide offenses.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1989.

**Senate File 526**, a bill for an act to legalize proceedings of the city council of the city of Ventura relating to the method of payment for a construction project and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1989.

### COMMITTEE ON WAYS AND MEANS

**Senate File 537**, a bill for an act relating to the standard deduction for state individual income tax purposes, limiting the deduction for net capital gain to the transfer of certain capital assets, providing an earned income tax credit, and providing retroactive applicability and effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-4349** May 1, 1989.

## RESOLUTIONS FILED

**HR 9**, by Maulsby, a resolution requesting the Legislative Council to establish an interim study committee for the purpose of studying property tax relief through circuit breakers.

Laid over under **Rule 25**.

**HCR 14**, by Chapman, Neuhauser, Trent, Petersen of Muscatine, Johnson, Knapp, McKean, Connolly, Tabor, Arnould, Jochum, Nielsen, Dvorsky, Brammer, Brand, Doderer, Fey, Lundby, Ollie and Corbett, a concurrent resolution to urge and petition the Postmaster General of the United States to issue a commemorative first-class postage stamp in honor of the Grant Wood centennial.

Laid over under **Rule 25**.

**HCR 15**, by Blanshan, a concurrent resolution requesting an interim study relating to election laws.

Laid over under **Rule 25**.

**SCR 23**, by Deluhery, Gettings, Hannon, Running, Horn, Pate and Lloyd-Jones, a concurrent resolution to urge and petition the Postmaster General of the United States to issue a first-class commemorative postage stamp in honor of the Grant Wood centennial.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—4342	S.F.	470	Schrader of Marion Trent of Muscatine
H—4343	H.F.	740	Jay of Appanoose Siegrist of Pottawattamie Pavich of Pottawattamie Hansen of Woodbury
H—4345	H.F.	785	Corbett of Linn
H—4346	H.F.	785	Schrader of Marion
H—4347	S.F.	470	Jesse of Jasper
H—4349	S.F.	537	Committee on Ways and Means
H—4350	H.F.	787	Tabor of Jackson
H—4353	S.F.	150	Holveck of Polk Lundby of Linn Teaford of Black Hawk Carpenter of Polk
H—4354	S.F.	150	Holveck of Polk Lundby of Linn Teaford of Black Hawk Carpenter of Polk
H—4355	H.F.	775	Haverland of Polk Carpenter of Polk

H—4356

S.F. 470

Schrader of Marion  
Trent of Muscatine  
Rosenberg of Story  
Swartz of Marshall

On motion by Arnould of Scott, the House adjourned at 7:06 p.m.,  
until 9:00 a.m., Tuesday, May 2, 1989.

# JOURNAL OF THE HOUSE

One Hundred Fourteenth Calendar Day — Seventy-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, May 2, 1989

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

Prayer was offered by the Honorable Bradley Banks, state representative from Plymouth County.

The Journal of Monday, May 1, 1989 was approved.

## INTRODUCTION OF BILL

**House File 791**, by Arnould and Stromer, a bill for an act relating to the decertification of a magistrate prior to commencement of the magistrate's term and providing an effective date.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1989, 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 373, a bill for an act relating to the registration, regulation, and inspection of swimming pools and spas, and providing penalties.

Also: That the Senate has on April 28, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 272, a bill for an act relating to insurance by providing for notice and review of contracts between insurers and managing general agents and providing for regulation of third-party administrators.

Also: That the Senate has on April 28, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 466, a bill for an act allowing a speculative industrial building built by a local community development organization in a rural community to be eligible under the community and rural development loan program as a new infrastructure.

Also: That the Senate has on May 1, 1989, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 517, a bill for an act relating to and making appropriations to various state agencies including certain state 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, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date.

Also: That the Senate has on May 1, 1989, 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 520, 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 for the immediate consideration of House Files 777, 787 and 789.

### HOUSE INSISTED

Koenigs of Mitchell called up for consideration **Senate File 531**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED (Senate File 531)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 531: Koenigs of Mitchell, Chair; Connolly of Dubuque, Cohoon of Des Moines, Beaman of Clarke and Shoning of Woodbury.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, until his arrival, on request of Bennett of Ida.

## Ways and Means Calendar

**House File 777**, a bill for an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 777)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellet	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 3:

Branstad	Renken	Stueland
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Absent or not voting, 1:

Daggett

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

**IMMEDIATE MESSAGE**  
(House File 777)

Arnould of Scott asked and received unanimous consent that House File 777 be immediately messaged to the Senate.

**Appropriations Calendar**

**House File 789**, a bill for an act relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 789)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Daggett

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

**IMMEDIATE MESSAGE**  
(House File 789).

Arnould of Scott asked and received unanimous consent that House File 789 be immediately messaged to the Senate.

**SENATE AMENDMENT CONSIDERED**  
House Refused to Concur

Renaud of Polk called up for consideration **Senate File 517**, a bill for an act relating to and making appropriations to various state agencies including certain state 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, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the 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-4357 to the House amendment:

H-4357

- 1 Amend the House amendment, S-4015, to Senate File
- 2 517 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "\_\_\_\_\_. Page 2, line 2, by striking the figure
- 7 "814,218" and inserting the following: "826,218"."
- 8 2. Page 1, line 10, by inserting after the word
- 9 "the" the following: "state".
- 10 3. Page 1, line 16, by striking the word
- 11 "system;" and inserting the following: "system and".
- 12 4. Page 1, line 18, by striking the word ";
- 13 and".
- 14 5. Page 1, by striking lines 19 and 20 and
- 15 inserting the following: ". The report to".
- 16 6. By renumbering, relettering, or redesignating
- 17 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-4357.

IMMEDIATE MESSAGE  
(Senate File 517)

Arnould of Scott asked and received unanimous consent that Senate File 517 be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 470**, a bill for an act relating to waste minimization and disposal, previously deferred and placed on the unfinished business calendar.

Rosenberg of Story offered the following amendment H—3911 filed by the committee on energy and environmental protection:

H—3911

- 1 Amend Senate File 470, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 455B.304, Code 1989, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The commission shall
- 8 adopt rules prohibiting the disposal of sewage ash at
- 9 a sanitary landfill or any other off-premises facility
- 10 currently permitted to dispose of sewage ash or any
- 11 other solid waste. However, the rules shall provide
- 12 for disposal of sewage ash on the premises of a
- 13 producer of sewage ash if the person producing the
- 14 sewage ash has applied for and received a permit for
- 15 the disposal."
- 16 2. Page 1, line 2, by striking the word
- 17 "paragraph" and inserting the following:
- 18 "paragraphs".
- 19 3. Page 1, by striking lines 12 and 13 and
- 20 inserting the following: "generated in the state as a
- 21 whole, and by each individual hazardous waste
- 22 generator, by twenty-five percent of the amount
- 23 generated as of January 1, 1987, as reported in the
- 24 biennial reports collected by the United States
- 25 environmental protection agency. The twenty-five
- 26 percent reduction goal shall be reached as
- 27 expeditiously as possible and no later than July 1,
- 28 1994."
- 29 4. Page 1, line 19, by inserting after the word
- 30 "goal." the following: "In the promotion of the goal,
- 31 the following hazardous waste management hierarchy, in
- 32 descending order of preference, is established by the
- 33 department:
- 34 a. Source reduction for waste elimination.
- 35 b. On-site recycling.

- 36 c. Off-site recycling.  
 37 d. Waste treatment.  
 38 e. Incineration.  
 39 f. Land disposal.  
 40 NEW UNNUMBERED PARAGRAPH. Additionally, the  
 41 department shall establish a listing of hazardous  
 42 waste materials which are currently being recycled.  
 43 The department shall require that hazardous waste  
 44 generators in the state submit, with the biennial  
 45 report submitted to the United States environmental  
 46 protection agency, a report of the generator's  
 47 compliance with the hazardous waste management  
 48 hierarchy, compliance with the reduction goal, and a  
 49 listing of hazardous waste materials which are  
 50 recyclable but which the individual generator does not

**Page 2**

- 1 recycle."  
 2 5. Page 2, line 1, by inserting after the word  
 3 "generators." the following: "The department shall  
 4 conduct educational and informational programs. The  
 5 small business assistance center shall provide direct  
 6 technical assistance to small hazardous waste  
 7 generators."  
 8 6. Page 2, by striking lines 8 through 25.  
 9 7. By renumbering as necessary.

Brown of Lucas asked and received unanimous consent to withdraw amendments H—4026 and H—4121, to the committee amendment H—3911, filed by him on April 13 and April 19, 1989 respectively.

Lundby of Linn offered the following amendment H—4031, to the committee amendment H—3911, filed by her and moved its adoption:

H—4031

- 1 Amend the amendment, H—3911, to Senate File 470, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 15.  
 5 2. By renumbering as necessary.

Amendment H—4031 was adopted.

Schrader of Marion offered the following amendment H—4356, to the committee amendment H—3911, filed by Schrader, et al., and moved its adoption:

H—4356

- 1 Amend amendment, H—3911, to Senate File 470, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

- 4 1. Page 1, by striking lines 21 and 22 and  
 5 inserting the following: "whole by twenty-five  
 6 percent of the amount".
- 7 2. Page 1, line 28, by inserting after the figure  
 8 "1994." the following: "In meeting the reduction  
 9 goal, elements "a" through "d" of the hazardous waste  
 10 management hierarchy shall be utilized. The  
 11 department, in cooperation with the small business  
 12 assistance center, shall reassess the twenty-five  
 13 percent reduction goal in 1994."
- 14 3. Page 1, by inserting after line 28, the  
 15 following:  
 16 "\_\_\_\_\_. Page 1, line 17, by striking the word  
 17 "including" and inserting the following: "promote"."
- 18 4. Page 2, by inserting after line 1, the  
 19 following:  
 20 "NEW UNNUMBERED PARAGRAPH. The department shall  
 21 consult with representatives of industries which  
 22 generate hazardous waste and shall make  
 23 recommendations to the general assembly by January 1,  
 24 1991, concerning the possible application of a front-  
 25 end fee for substances which will result in the  
 26 generation of hazardous waste, the role of state  
 27 government in assisting the private sector in  
 28 establishing permanent, on-site, internal audit  
 29 functions, and other measures which state government  
 30 may initiate to encourage and assist generators of  
 31 hazardous waste in reducing the hazardous waste  
 32 generated."
- 33 5. Page 2, by striking lines 6 and 7, and  
 34 inserting the following: "waste minimization  
 35 technical assistance to small quantity hazardous waste  
 36 generators".

Amendment H—4356 was adopted.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—4283, to the committee amendment H—3911, filed by him on April 26, 1989.

Schrader of Marion offered the following amendment H—4342, to the committee amendment H—3911, filed by him and Trent of Muscatine and moved its adoption:

H—4342

- 1 Amend amendment, H—3911, to Senate File 470, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. By striking page 1, line 40, through page 2,  
 5 line 1, and inserting the following:  
 6 "NEW UNNUMBERED PARAGRAPH. Additionally, the  
 7 department shall establish and distribute to  
 8 generators a listing of hazardous waste materials

9 which are currently being recycled. The department  
 10 shall require that each hazardous waste generator in  
 11 the state submit, with the biennial report submitted  
 12 to the United States environmental protection agency, a  
 13 report of hazardous waste materials currently  
 14 designated as recyclable by the department which are  
 15 not being recycled by the generator. The report shall  
 16 include the reason why the generator is not recycling  
 17 such products. A small generator which does not  
 18 submit a biennial report to the United States  
 19 environmental protection agency, shall provide the  
 20 information required to be submitted under this  
 21 paragraph on a form provided by the department, with  
 22 the submittal of the small generator's hazardous waste  
 23 permit fee."

Amendment H—4342 was adopted.

On motion by Rosenberg of Story, the committee amendment  
 H—3911, as amended, was adopted.

Jesse of Jasper offered the following amendment H—4347 filed  
 by him and moved its adoption:

H—4347

1 Amend Senate File 470 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting before line 1, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 455B.116 RESULTS OF  
 6 ENVIRONMENTAL TESTS — PUBLIC RECORDS.  
 7 The results of any test, which test is relative to  
 8 the purview of the department, and which test is  
 9 conducted or performed by an independent entity at the  
 10 request of a government body, as defined in section  
 11 22.1, or an agent or attorney for a government body,  
 12 are public records pursuant to chapter 22."  
 13 2. By renumbering as necessary.

Amendment H—4347 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. 470)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	De Groot	Diemer	Doderer

Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker Avenson	

The nays were, none.

Absent or not voting, 1:

Daggett

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

#### IMMEDIATE MESSAGE (Senate File 470)

Arnould of Scott asked and received unanimous consent that Senate File 470 be immediately messaged to the Senate.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1989, insisted on its amendment to Senate File 450, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes, and the members of the conference committee, on the part of the Senate are: The Senator from Linn, Senator Horn, Chair; the Senator from Fayette, Senator Murphy; the Senator from Palo Alto, Senator Kibbie; the Senator from Hardin, Senator Taylor; and the Senator from Black Hawk, Senator Corning.

Also: That the Senate has on May 2, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 530, a bill for an act relating to the calculation of the budget enrollment of reorganized school districts and providing an effective date.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 10:40 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 May 2, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 579, a bill for an act relating to involuntary hospitalization procedures applicable to the mentally ill.

Also: That the Senate has on May 2, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 700, a bill for an act relating to victims of certain criminal acts, by providing for the distribution of the presentence investigation report to counsel, registration of victims with the county attorney, filing of the victim impact statement, notification to victims by various departments, reorganizing crime victim assistance programs and services within the department of justice, and modifying the state crime victim reparation program.

Also: That the Senate has on May 2, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 728, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase.

JOHN F. DWYER, Secretary

### CONFERENCE COMMITTEE APPOINTED (House File 774)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 774: Hatch of Polk, Chair; Shoultz of Black Hawk, Maulsby of Calhoun, Neuhauser of Johnson and Siegrist of Pottawattamie.

The House stood at ease at 1:47 p.m., until the fall of the gavel.

The House resumed session at 2:36 p.m., Speaker Avenson in the chair.

## INTRODUCTION OF BILL

**House File 792**, by Arnould and Stromer, a bill for an act relating to transportation of hazardous materials and providing an effective date.

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

## SENATE MESSAGE CONSIDERED

**Senate File 530**, by committee on ways and means, a bill for an act relating to the calculation of the budget enrollment of reorganized school districts and providing an effective date.

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

## SENATE AMENDMENTS CONSIDERED

Poncy of Wapello called up for consideration **Senate File 520**, 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—4358 to the House amendment:

H—4358

- 1 Amend the House amendment, S—4020, to Senate File
- 2 520 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking line 3.
- 5 2. Page 1, by striking lines 15 through 23.
- 6 3. Page 1, by striking lines 34 through 44.

The motion prevailed and the House concurred in the Senate amendment H—4358 to the House amendment.

Poncy of Wapello 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. 520)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cphoon
Connolly	Connors	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	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Blanshan                      Chapman

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

### IMMEDIATE MESSAGE (Senate File 520)

Arnould of Scott asked and received unanimous consent that Senate File 520 be immediately messaged to the Senate.

Haverland of Polk called up for consideration **House File 775**, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health, amended by the Senate amendment H - 4329 as follows:

H - 4329

- 1 Amend House File 775, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 22 through 25 and
- 4 inserting the following:
- 5 "It is the intent of the general assembly that the
- 6 department maintain the visitation rights advisory
- 7 committee as established and that the advisory
- 8 committee facilitate applications for federal funds to
- 9 enforce visitation rights."
- 10 2. Page 2, line 1, by striking the figure

11 "185,613" and inserting the following: "135,613".

12 3. Page 2, by striking lines 3 through 10 and  
13 inserting the following:

14 "Of the funds appropriated to the division, there  
15 is allocated an amount necessary to fund the central  
16 registry for brain injuries established pursuant to  
17 section 135.22."

18 4. Page 4, line 21, by striking the figure  
19 "384,290" and inserting the following: "409,790".

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

22 "Of the funds appropriated under this subsection,  
23 \$25,500 shall be allocated to fund the representative  
24 payee project established within the department of  
25 elder affairs."

26 6. Page 5, line 10, by striking the figure  
27 "234,000" and inserting the following: "114,000".

28 7. Page 5, lines 14 and 15, by striking the words  
29 "In order to receive funding, a" and inserting the  
30 following: "A".

31 8. Page 5, lines 16 and 17 by striking the words  
32 "dollar-for-dollar" and inserting the following:  
33 "four-dollar to one-dollar".

34 9. Page 6, line 1, by striking the figure  
35 "1,381,000" and inserting the following: "1,356,000".

36 10. Page 7, line 4, by striking the figure  
37 "1,186,648" and inserting the following: "1,161,148".

38 11. Page 7, line 5, by striking the figure  
39 "13.75" and inserting the following: "14.75".

40 12. Page 7, line 7, by striking the figure  
41 "780,000" and inserting the following: "754,500".

42 13. Page 7, line 23, by striking the figure  
43 "1,979,290" and inserting the following: "1,944,290"

44 14. Page 7, by striking lines 25 through 27.  
45 15. Page 7, by inserting before line 28, the  
46 following:

47 "Of the funds appropriated under this subsection,  
48 \$50,000 shall be used to provide chlamydia testing.  
49 The moneys shall be distributed on a statewide basis  
50 to areas with the highest concentrations of at-risk

## Page 2

1 persons. None of the funds appropriated shall be used  
2 to defray indirect costs."

3 16. Page 9, line 35, by striking the figure  
4 "2,306,000" and inserting the following: "2,226,089".

5 17. Page 10, line 19, by striking the figure  
6 "387,911" and inserting the following: "308,000".

7 18. Page 10, by inserting after line 19, the  
8 following:

9 "The regional clinic located in Sioux City shall

10 maintain a social worker component to assist the  
 11 families of children participating in the clinic  
 12 program."

13 19. Page 11, line 18, by striking the figure  
 14 "2,483,200" and inserting the following: "2,433,200".

15 20. Page 13, line 7, by striking the figure  
 16 "8,290,057" and inserting the following: "7,980,200".

17 21. Page 17, line 14, by striking the figure  
 18 "655,000" and inserting the following: "489,000".

19 22. Page 18, by inserting after line 10, the  
 20 following:

21 "The department shall determine the impact of any  
 22 expansions in medicaid eligibility provided under  
 23 other Acts on the use of this program and the  
 24 characteristics of persons using the program, and the  
 25 need for modification of the quota system of the  
 26 program."

27 23. Page 23, by striking lines 8 through 23 and  
 28 inserting the following:

29 "Sec. \_\_\_\_\_. Section 601K.117, Code 1989, is amended  
 30 by striking the section and inserting in lieu thereof  
 31 the following:

32 601K.117 INTERPRETATION SERVICES ACCOUNT.

33 All fees collected by the division for provision of  
 34 interpretation service by the division to obligated  
 35 agencies shall be deposited in a separate account  
 36 within the general operating fund of the division and  
 37 shall be dedicated to and used by the division for the  
 38 provision of continued and expanded interpretation  
 39 services. The commission shall adopt rules which  
 40 establish a fee schedule for the costs of provision of  
 41 interpretation services, for collection of the fees,  
 42 and for disposition of moneys received under this  
 43 section. Notwithstanding section 8.33, any balance in  
 44 the separate account at the end of any fiscal year,  
 45 shall be retained in the account."

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

Haverland of Polk offered the following amendment H — 4355, to the Senate amendment H — 4329, filed by him and Carpenter of Polk and moved its adoption:

H — 4355

1 Amend the amendment, H — 4329, to House File 775, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, by striking lines 3 through 9.

5 2. Page 1, line 19, by striking the figure  
 6 "409,790" and inserting the following: "434,290".

7 3. Page 1, by inserting after line 19, the

8 following:

9 "\_\_\_\_\_. Page 4, line 22, by striking the figure  
10 "30.5" and inserting the following: "32.0"."

11 4. Page 1, by striking lines 28 through 30, and  
12 inserting the following:

13 "\_\_\_\_\_. Page 5, by striking lines 11 through 15,  
14 and inserting the following:

15 "Of the funds appropriated to the department for  
16 administration of the area agencies on aging for the  
17 long-term care residents' advocate and the care review  
18 committees at the local area agency on aging level, a  
19 local area agency on aging shall match the funds"."

20 5. Page 1, by inserting after line 43, the  
21 following:

22 "\_\_\_\_\_. Page 7, line 24, by striking the figure  
23 "70.0" and inserting the following: "71.0"."

Amendment H—4355 was adopted.

Poncy of Wapello offered the following amendment H—4370, to the Senate amendment H—4329, filed by him and Royer of Page from the floor and moved its adoption:

H—4370

1 Amend the Senate amendment, H—4329, to House File  
2 775, as amended, passed, and reprinted by the House,  
3 as follows:

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

6 "\_\_\_\_\_. Page 7, line 34, by inserting after the  
7 word "for" the following: "equipment and"."

Amendment H—4370 was adopted.

On motion by Haverland of Polk, the House concurred in the Senate amendment H—4329, 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. 775)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Fey                      Shoultz

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

### IMMEDIATE MESSAGE (House File 775)

Arnould of Scott asked and received unanimous consent that House File 775 be immediately messaged to the Senate.

Adams of Hamilton called up for consideration **House File 579**, a bill for an act relating to involuntary hospitalization procedures applicable to the mentally ill, amended by the Senate amendment H-4364 as follows:

H-4364

- 1 Amend House File 579, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 21 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 229.23, subsection 1, Code
- 6 1989, is amended to read as follows:
- 7 1. Prompt evaluation, emergency necessary
- 8 psychiatric services, and additional care and
- 9 treatment as indicated by sound medical practice the
- 10 patient's condition. A comprehensive, individualized

11 treatment plan shall be timely developed following  
 12 issuance of the court order requiring involuntary  
 13 hospitalization. The plan shall be consistent with  
 14 current standards appropriate to the facility to which  
 15 the person has been committed and with currently  
 16 accepted standards for psychiatric treatment of the  
 17 patient's condition, including pharmacotherapy,  
 18 psychotherapy, counseling and other modalities as may  
 19 be appropriate."

20 2. Page 2, by inserting after line 30, the  
 21 following:

22 "Sec. \_\_\_\_\_. SUPREME COURT TASK FORCE.

23 The supreme court is requested to establish a task  
 24 force on involuntary hospitalization to do the  
 25 following:

26 1. Recommend methods for improving the consistent  
 27 application of chapters 125, 229, and 232.

28 2. Recommend educational programs, topics, and  
 29 materials and determine costs associated with  
 30 providing voluntary education programs to judicial  
 31 hospitalization referees, patient advocates, and to  
 32 members of the bar and medical community who are  
 33 involved in involuntary hospitalization.

34 3. Investigate the constitutionality of section  
 35 125.82, subsection 5, and section 125.83 and make  
 36 appropriate recommendations.

37 4. Prepare a report describing and explaining  
 38 prehearing screening and monitoring of medication  
 39 programs which have been established in other states.

40 The task force shall report its findings and any  
 41 recommendations to the supreme court and the  
 42 legislative council by January 31, 1990. The  
 43 legislative service bureau shall staff the task  
 44 force."

45 3. By renumbering as necessary.

Adams of Hamilton offered the following amendment H—4367,  
 to the Senate amendment H—4364, filed by her from the floor and  
 moved its adoption:

H—4367

1 Amend the Senate amendment, H—4364, to House File

2 579, as passed by the House, as follows:

3 1. Page 1, line 17, by striking the word

4 "pharmacotherapy" and inserting the following:

5 "chemotherapy".

Amendment H—4367 was adopted.

On motion by Adams of Hamilton, the House concurred in the  
 Senate amendment H—4364, as amended.

Adams of Hamilton 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. 579)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Shoultz                      Teaford

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

Halvorson of Clayton called up for consideration **House File 700**, a bill for an act relating to victims of certain criminal acts, by providing for the distribution of the presentence investigation report to counsel, registration of victims with the county attorney, filing of the victim impact statement, notification to victims by various departments,

reorganizing crime victim assistance programs and services within the department of justice, and modifying the state crime victim reparation program, amended by the Senate, and moved that the House concur in the following Senate amendment H—4362:

H—4362

- 1 Amend House File 700, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 3, and
- 4 inserting the following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 13.25 VICTIM ASSISTANCE
- 6 PROGRAM.
- 7 A victim assistance program is established in the".
- 8 2. Page 1, by striking lines 17 through 20 and
- 9 inserting the following:
- 10 "Sec. \_\_\_\_\_. Section 236.2, subsection 5, Code 1989,
- 11 is amended to read as follows:".
- 12 3. Page 1, by striking lines 23 through 25 and
- 13 inserting the following:
- 14 "Sec. \_\_\_\_\_. Section 236.2, subsection 6, Code 1989,
- 15 is amended by striking the subsection."
- 16 4. Page 2, line 12, by striking the word
- 17 "division" and inserting the following: "department".
- 18 5. Page 2, line 21, by striking the word
- 19 "division" and inserting the following: "department".
- 20 6. Page 2, line 28, by striking the words
- 21 "department division" and inserting the following:
- 22 "department".
- 23 7. Page 2, line 33, by striking the word
- 24 "division" and inserting the following: "department".
- 25 8. Page 3, by striking lines 2 through 10.
- 26 9. Page 6, line 13, by striking the figure "
- 27 2,".
- 28 10. Page 6, by striking lines 17 through 19.
- 29 11. Page 6, line 21, by striking the word
- 30 "division" and inserting the following: "department".
- 31 12. Page 6, by inserting after line 21 the
- 32 following:
- 33 "Sec. \_\_\_\_\_. Section 912.1, subsection 2, Code 1989,
- 34 is amended by striking the subsection."
- 35 13. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4362.

Halvorson of Clayton 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. 700)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hermann	Hester
Hibbard	Holveck	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Connolly	Gruhn	Hatch	Haverland
Jay	Muhlbauer	Shoultz	Teaford

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

CONFERENCE COMMITTEE APPOINTED  
(Senate File 450)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 450: Brand of Benton, Chair; Ollie of Clinton, Cohoon of Des Moines, Miller of Cherokee and Kistler of Jefferson.

IMMEDIATE MESSAGE  
(House File 579)

Arnould of Scott asked and received unanimous consent that House File 579 be immediately messaged to the Senate.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1989, insisted on its amendment to House File 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties, and the members of the conference committee, on the part of the Senate are: The Senator from Linn, Senator Running, Chair; the Senator from Jones, Senator Hannon; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Bremer, Senator Jensen; and the Senator from Clayton, Senator Tieden.

Also: That the Senate has on May 2, 1989, insisted on its amendment to Senate File 517, a bill for an act relating to and making appropriations to various state agencies including certain state 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, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, 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 Marion, Senator Dieleman; the Senator from Dubuque, Senator Carr; the Senator from Black Hawk, Senator Corning; and the Senator from Clinton, Senator Goodwin.

Also: That the members of the conference committee, on the part of the Senate, appointed May 2, 1989, to Senate File 531, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application, are: The Senator from Wapello, Senator Gettings, Chair; the Senator from Dubuque, Senator Welsh; the Senator from Tama, Senator Husak; the Senator from Boone, Senator Nystrom; and the Senator from Black Hawk, Senator Lind.

JOHN F. DWYER, Secretary

The House stood at ease at 3:19 p.m., until the fall of the gavel.

The House resumed session at 4:26 p.m., Speaker Avenson in the chair.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 293, a bill for an act relating to gifts, contributions, bequests, endowments, and other moneys for purposes of the library division of the department of cultural affairs.

Also: That the Senate has on May 2, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 448, a bill for an act relating to the coverage of real estate agents under the workers' compensation law.

Also: That the Senate has on May 2, 1989, 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 490, a bill for an act relating to the department of inspections and appeals, revising provisions governing the structure and allocation of duties within the department, changing the structure for racing and gaming regulation, providing changes in certain statutory requirements relating to bingo and other games and raffles, revising the responsibilities of the department, and providing other properly related matters.

Also: That the Senate has on May 2, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 770, a bill for an act relating to the sales and use tax and providing an exemption from taxation for consumer rental purchases.

Also: That the Senate has on May 2, 1989, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 185, a bill for an act relating to the hotel and motel tax and providing an exemption.

JOHN F. DWYER, Secretary

### CONFERENCE COMMITTEES APPOINTED (House File 779)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 779: Jochum of Dubuque, Chair; Bisignano of Polk, Doderer of Johnson, Garman of Story and Lundby of Linn.

(Senate File 517)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 517: Renaud of Polk, Chair; Adams of Hamilton, Blanshan of Greene, Kremer of Buchanan and McKean of Jones.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 271, a bill for an act providing for the repeal of a local option sales and services tax and providing an effective date.

JOHN F. DWYER, Secretary

## Ways and Means Calendar

**House File 787**, a bill for an act relating to environmental protection including provisions regarding pesticides and fertilizers, establishing fees, providing penalties, making appropriations, and providing for other properly related matters, was taken up for consideration.

Osterberg of Linn offered the following amendment H — 4369 filed by him from the floor and moved its adoption:

H—4369

- 1 Amend House File 787 as follows:
- 2 1. Page 1, by striking lines 26 through 34.
- 3 2. Page 13, by inserting after line 31, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 455F.8A TOXIC CLEANUP
- 6 DAYS — FUNDING.
- 7 The moneys deposited in the pesticide container
- 8 account established under section 455E.11 shall be
- 9 used and are appropriated to administer and conduct
- 10 toxic cleanup days to collect and dispose of residual
- 11 pesticides either separately or as a part of a toxic
- 12 cleanup day under the household hazardous waste
- 13 program. The department shall adopt rules which
- 14 establish the types and amounts of pesticides to be
- 15 accepted."
- 16 3. By renumbering as necessary.

Amendment H—4369 was adopted.

Osterberg of Linn offered amendment H — 4365 filed by him from the floor and requested division as follows:

H—4365

- 1 Amend House File 787 as follows:

H—4365A

2 1. Page 9, by striking lines 19 through 21 and  
3 inserting the following: "in the pesticide is  
4 designated pursuant to 29 C.F.R. § 1910, or is  
5 designated to be an inert ingredient of toxicological  
6 concern, a potentially toxic ingredient, or an inert  
7 ingredient of unknown toxicity by the United States  
8 environmental".

H—4365B

9 2. Page 9, line 25, by inserting after the word  
10 "products." the following: "The information required  
11 under this subsection shall be provided in the form of  
12 the material safety data sheet as provided under the  
13 federal Superfund Amendments and Reauthorization Act,  
14 Title III. The information on ingredients shall be  
15 provided by the secretary to the department of natural  
16 resources and the center for health effects of  
17 environmental contamination at the university of  
18 Iowa."

Osterberg of Linn asked and received unanimous consent to withdraw amendment H—4365A.

On motion by Osterberg of Linn, amendment H—4365B was adopted.

Tabor of Jackson offered the following amendment H—4350 filed by him and moved its adoption:

H—4350

1 Amend House File 787 as follows:  
2 1. Page 11, by striking lines 29 and 30, and  
3 inserting the following: "establish a penalty of five  
4 hundred".  
5 2. Page 12, line 1, by striking the word "three"  
6 and inserting the following: "five".  
7 3. Page 12, line 2, by striking the word "three"  
8 and inserting the following: "five".

Amendment H—4350 was adopted.

Kremer of Buchanan offered the following amendment H—4361 filed by him from the floor and moved its adoption:

H—4361

1 Amend House File 787 as follows:  
2 1. Page 13, line 12, by inserting after the word  
3 "intakes" the following: "into artificial drainage".

- 4 2. Page 13, line 13, by inserting after the word  
 5 "intakes" the following: "into artificial drainage".  
 6 3. Page 13, line 14, by inserting after the word  
 7 "intake" the following: "into artificial drainage".  
 8 4. Page 13, line 17, by inserting after the word  
 9 "intake" the following: "into artificial drainage".

Amendment H—4361 was adopted.

Osterberg of Linn offered the following amendment H—4366 filed by him and Tabor of Jackson from the floor and moved its adoption:

H—4366

- 1 Amend House File 787 as follows:  
 2 1. Page 13, by striking lines 32 through 35 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 455F.12 PESTICIDE  
 5 CONTAINER DISPOSAL PLAN.  
 6 The department of natural resources, in cooperation  
 7 with the department of agriculture and land  
 8 stewardship, with pesticide dealers, distributors,  
 9 and".  
 10 2. Page 14, line 7, by striking the word  
 11 "secretary" and inserting the following:  
 12 "department".

Amendment H—4366 was adopted.

The following amendment H—4376 filed by Tabor of Jackson from the floor was adopted by unanimous consent:

H—4376

- 1 Amend House File 787, as follows:  
 2 1. Title page, line 2, by inserting after the  
 3 word "regarding" the words "commercial feed,".

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. 787)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

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 787)

Arnould of Scott asked and received unanimous consent that House File 787 be immediately messaged to the Senate.

De Groot of Lyon in the chair at 5:05 p.m.

### SENATE AMENDMENTS CONSIDERED

Beatty of Warren called up for consideration **House File 293**, a bill for an act relating to gifts, contributions, bequests, endowments, and other moneys for purposes of the library division of the department of cultural affairs, amended by the Senate, and moved that the House concur in the following Senate amendment H—4372:

H—4372

- 1 Amend House File 293, as passed by the House, as
- 2 follows:

3 1. Page 1, line 11, by inserting after line 11  
 4 the following: "The department shall report annually  
 5 to the general assembly regarding the gifts,  
 6 contributions, bequests, endowments, or other moneys  
 7 accepted pursuant to this paragraph and the interest  
 8 earned on them."

The motion prevailed and the House concurred in the Senate amendment H—4372.

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

On the question "Shall the bill pass?" (H.F. 293)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	De Groot Presiding

The nays were, none.

Absent or not voting, 4:

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

## HOUSE REFUSED TO CONCUR

Wise of Lee called up for consideration **House File 271**, a bill for an act relating to the repeal of a local option sales and services tax and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—4374:

H—4374

- 1 Amend House File 271, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 11, by striking the word
- 4 "subsection" and inserting the following:
- 5 "subsections".
- 6 2. Page 1, by inserting before line 26 the fol-
- 7 lowing:
- 8 "NEW SUBSECTION. 9. Local option taxes authorized
- 9 to be imposed as provided in this chapter shall not be
- 10 imposed on the sales of state property."
- 11 3. Page 1, by inserting before line 28, the
- 12 following:
- 13 "Sec. 100. A city located in a county with a
- 14 population between ninety thousand and one hundred
- 15 twenty-five thousand, which has imposed a local option
- 16 tax for more than one year and seeks to change the
- 17 specific purpose for which the local option tax
- 18 revenues are expended notwithstanding any other
- 19 provisions of this chapter, shall by resolution change
- 20 the specific purpose for which the local option tax
- 21 revenues are expended. The resolution shall not be
- 22 effective before the expiration of sixty days
- 23 following the enactment of the resolution. Within
- 24 thirty days of the enactment of the resolution, a
- 25 referendum on the change of the specific purpose for
- 26 which the local option tax revenues are expended may
- 27 be requested by five percent of the citizens who voted
- 28 in the last election."
- 29 4. Page 1, by inserting after line 29, the
- 30 following:
- 31 "Sec. \_\_\_\_\_. Section 100 is repealed January 1,
- 32 1990."
- 33 5. By renumbering, relettering, or redesignating
- 34 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4374.

## HOUSE RECEDED

Teaford of Black Hawk called up for consideration **Senate File 185**, a bill for an act relating to the hotel and motel tax and providing an exemption, and moved that the House recede from its amendment, which motion prevailed.

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

On the question "Shall the bill pass?" (S.F. 185)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	McKean
McKinney	Mertz	Miller	Muhlbauer
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabar	Teaford
Trent	Tyrrell	Van Maanen	Wise
De Groot			
Presiding			

The nays were, 1:

Metcalf

Absent or not voting, 6:

Beatty	Groninga	Hermann	May
Ollie	Shoultz		

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

### SENATE AMENDMENT CONSIDERED House Refused to Concur

Fogarty of Palo Alto called up for consideration **House File 728**, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by per-

mitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase, amended by the Senate amendment H—4363 as follows:

H—4363

1 Amend House File 728, as passed by the House, as  
2 follows:

3 1. Page 1, by striking line 23 through page 2,  
4 line 6.

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

7 "Sec. \_\_\_\_\_. Section 445.36, subsection 2, Code  
8 1989, is amended to read as follows:

9 2. No demand of taxes shall be necessary, but it  
10 shall be the duty of every person subject to taxation  
11 to attend at the office of the treasurer, at some time  
12 between the first Monday in August and September 1  
13 following, and pay the person's taxes in full, or one-  
14 half thereof before September 1 succeeding the levy,  
15 and the remaining half before March 1 following.  
16 However, if the first installment of a person's taxes  
17 are delinquent and not paid as of February 15, the  
18 treasurer shall mail a notice to the taxpayer of the  
19 delinquency and the due date for the second  
20 installment. Failure to receive a mailed notice is  
21 not a defense to the payment of the tax and any  
22 interest and penalty due.

23 Sec. \_\_\_\_\_. Notwithstanding section 445.39, for the  
24 period of July 1, 1989, to June 30, 1991, if the first  
25 installment of taxes is not paid by the delinquent  
26 date specified in section 445.37, the installment  
27 shall become due and draw interest, as a penalty, of  
28 two percent per month until paid, from the delinquent  
29 date following the levy, and if the last half is not  
30 paid by April 1 following the levy, the same interest  
31 shall be charged from the date the last half became  
32 delinquent.

33 Sec. \_\_\_\_\_. Section 446.9, subsections 1 and 2, Code  
34 1989, are amended to read as follows:

35 1. A notice of the time and place of the annual  
36 tax sale shall be served upon the person in whose name  
37 the real estate subject to sale is taxed. The  
38 treasurer shall serve the notice by sending it by  
39 regular first class mail to the person's last known  
40 address not later than May 1 of each fiscal year. The  
41 notice shall contain a description of the real estate  
42 to be sold which is clear, concise, and sufficient to  
43 distinguish the real estate to be sold from all other

44 parcels. It shall also contain the amount of  
45 delinquent taxes, both regular and special, for which  
46 the real estate is liable each year, the amount of the  
47 penalty, interest, and ~~ten dollars representing costs~~  
48 the actual cost of publication, all to be incorporated  
49 as a single sum. The notice shall contain a statement  
50 that, after the sale, if the real estate is not

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1 redeemed within the period provided in chapter 447,  
2 the right to redeem expires and a deed may be issued.  
3 2. Publication of the time and place of the annual  
4 tax sale shall be made once by the treasurer in an  
5 official newspaper in the county at least one week,  
6 but not more than three weeks, before the day of sale.  
7 The publication shall contain a description of the  
8 real estate to be sold that is clear, concise, and  
9 sufficient to distinguish the real estate to be sold  
10 from all other parcels. All items offered for sale  
11 pursuant to section 446.18 may be indicated by an "s"  
12 or by an asterisk. The publication shall also contain  
13 the name of the person in whose name the real estate  
14 to be sold is taxed, the amount of delinquent taxes,  
15 both regular and special, for which the real estate is  
16 liable for each year, the amount of the penalty,  
17 interest, and ~~ten dollars representing costs~~ the  
18 actual cost of publication, all to be incorporated as  
19 a single sum. The publication shall contain a  
20 statement that, after the sale, if the real estate is  
21 not redeemed within the period provided in chapter  
22 447, the right to redeem expires and a deed may be  
23 issued."  
24 3. Title page, line 4, by inserting after the  
25 word "publications," the following: "by providing  
26 notice and penalty for delinquent taxes,".  
27 4. Title, lines 4 and 5 by striking the words "  
28 by permitting the division of the delinquent tax list  
29 for publication".  
30 5. By renumbering, relettering, or redesignating  
31 and correcting internal references as necessary.

Speaker Avenson in the chair at 5:25 p.m.

On motion by Fogarty of Palo Alto, the House refused to concur  
in the Senate amendment H—4363.

The House stood at ease at 5:33 p.m., until the fall of the gavel.

The House resumed session at 6:08 p.m., Speaker Avenson in the chair.

### 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 540**, a bill for an act relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—4378** May 2, 1989.

**Senate File 541**, a bill for an act relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicability, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—4373** May 2, 1989.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 541.

### SENATE AMENDMENT CONSIDERED

Sherzan of Polk called up for consideration **House File 448**, a bill for an act relating to the coverage of real estate agents under the workers' compensation law, amended by the Senate, and moved that the House concur in the following Senate amendment H—4371:

H—4371

- 1 Amend House File 448, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 9, by striking the words "Sub-
- 4 stantially all" and inserting the following:

5 "Seventy-five percent or more".

6 2. Page 1, line 11, by inserting after the word  
7 "is" the following: "derived from one company and  
8 is".

9 3. Page 1, by inserting after line 18 the  
10 following:

11 "Sec. 100. Section 111.85, subsection 8, Code  
12 1989, is amended to read as follows:

13 8. The county recorder shall remit to the  
14 commission all fees from the sale of user permits  
15 within ten days from the end of the month. The  
16 commission shall remit the fees from sales of user  
17 permits to the treasurer of state who shall place the  
18 money in a state park, forest, and recreation area  
19 facilities improvement trust fund. Notwithstanding  
20 section 453.7, subsection 2, interest or earnings on  
21 investments or time deposits of the funds in the state  
22 park, forest and recreation area facilities  
23 improvement trust fund shall be credited to that fund.  
24 The money in that fund is appropriated to the  
25 commission solely for renovation, replacement, and  
26 improvement of facilities otherwise acquired in state  
27 parks, forests, and recreation areas. Notwithstanding  
28 chapters 96 and chapter 97B, persons employed by the  
29 commission with the money from the trust fund are not  
30 eligible for membership in the Iowa public employees'  
31 retirement system or eligible to receive unemployment  
32 compensation benefits by virtue of this employment.

33 Sec. \_\_\_\_\_. Section 100 of this Act, being deemed of  
34 immediate importance, takes effect upon enactment."

35 4. Title page, line 1, by striking the words "the  
36 coverage of" and inserting the following: "certain  
37 employment benefit coverages for".

38 5. Title page, line 2, by inserting after the  
39 word "law" the following: "and for persons employed  
40 by the natural resource commission under the  
41 unemployment compensation law".

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

The motion prevailed and the House concurred in the Senate amendment H—4371.

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. 448)

The ayes were, 100:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, none.

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

**Senate File 541**, a bill for an act relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicability, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H—4373 filed from the floor by the committee on appropriations and moved its adoption:

H—4373

- 1 Amend Senate File 541 as amended, passed, and
- 2 reprinted by the Senate as follows:

3 1. Page 11, by inserting after line 15 the  
4 following:

5 "c. As a condition, qualification, and limitation  
6 of the funds appropriated in this section, the  
7 department shall review the reimbursement schedule  
8 used for reimbursement of satellite child day care  
9 homes and modify the schedule to reflect actual  
10 expenses of operating the homes."

11 2. Page 12, by inserting after line 14 the  
12 following:

13 "\_\_\_\_\_. Notwithstanding section 237A.18, funds  
14 appropriated under this section may be used for  
15 reimbursement of a child day care program established  
16 by a school pursuant to section 279.49."

17 3. Page 13, line 4, by inserting after the word  
18 "program." the following: "The council shall ensure  
19 that the selected program utilizes state funds to  
20 supplement and not supplant funds available under the  
21 federal Job Training Partnership Act (JTPA) or other  
22 existing work and training programs, that the local  
23 JTPA program and other local programs are active  
24 participants in the selected program, and that the  
25 selected program does not duplicate programs that  
26 exist within the JTPA service delivery area in which  
27 the selected program is located."

28 4. Page 26, line 34, by inserting after the word  
29 "services" the following: "primarily".

30 5. Page 27, line 33, by striking the words "up  
31 to".

32 6. Page 38, by inserting after line 17 the  
33 following:

34 "\_\_\_\_\_. As a condition, qualification, and  
35 limitation of the funds appropriated in this section,  
36 if the division of community services staffing level  
37 meets the funded full-time equivalent position limit  
38 authorized under this section and a district  
39 identifies a critical position vacancy or a position  
40 with a caseweight factor greater than one hundred  
41 twenty percent of the budgeted caseweight factor for  
42 the position, the director of human services may  
43 exceed the full-time equivalent position limit  
44 authorized under this section in the amount necessary  
45 to fill the critical position vacancy or to reduce the  
46 caseweight factor to the budgeted level. For purposes  
47 of this subsection, "critical position vacancy"  
48 includes a clerical position in an office limited to a  
49 single clerical staff position. The budgeted  
50 caseweight factor for the fiscal year beginning July

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1 1, 1989, and ending June 30, 1990, is 155 for income  
2 maintenance workers and 151 for social workers. The  
3 department shall report monthly to the legislative  
4 fiscal bureau regarding caseweight factor computations  
5 in each district, the statewide average caseweight  
6 factor, the existence of a critical vacancy in any  
7 district, and action taken by the department to  
8 address any critical position vacancy problem or  
9 excess caseweight factor."

10 7. Page 43, by striking line 6 and inserting the  
11 following: "adopted pursuant to sections 1, 2, 4, 6,  
12 7, 8, 11, 12, 13, 14, 15,".

13 8. Page 43, by inserting after line 31 the  
14 following:

15 "Sec. 100. Notwithstanding 1988 Iowa Acts, chapter  
16 1276, section 8, subsection 2, the Iowa juvenile home  
17 is not required to establish a diagnostic program and  
18 short-term high-impact program for adjudicated female  
19 delinquents and adjudicated "child in need of  
20 assistance" boys and girls residing at the state  
21 juvenile home until the juvenile home is able to  
22 reduce the juvenile home's population to seventy-two,  
23 which will provide a living unit for the evaluation  
24 program."

25 9. Page 45, by striking lines 17 and 18 and  
26 inserting the following:

27 "Sec. \_\_\_\_\_. EFFECTIVE DATE. Section 23, subsection  
28 1, and section 100 of this Act, being deemed of  
29 immediate importance, take effect".

30 10. By renumbering as necessary.

The committee amendment H—4373 was adopted.

Halvorson of Clayton offered the following amendment H—4379  
filed from the floor by Halvorson, Harbor and Corbett and moved its  
adoption:

H—4379

1 Amend Senate File 541, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 4, line 6, by striking the figure  
4 "183,060,700" and inserting the following:  
5 "185,598,700".

6 2. Page 9, line 5, by striking the figure  
7 "17,212,888" and inserting the following:  
8 "17,497,610".

9 3. Page 10, line 10, by striking the figure  
10 "36,365" and inserting the following: "36,715".

11 4. Page 10, line 27, by striking the figure  
12 "3,986,108" and inserting the following: "4,084,209".

- 13 5. Page 19, line 15, by striking the figure  
14 "42,813,962" and inserting the following:  
15 "43,356,676".
- 16 6. Page 25, line 7, by striking the figure  
17 "8,333,382" and inserting the following: "8,410,677".
- 18 7. Page 28, line 9, by striking the figure  
19 "3,852,357" and inserting the following: "3,981,545".
- 20 8. Page 40, line 19, by striking the figure  
21 "81,758" and inserting the following: "83,722".
- 22 9. Page 40, by striking lines 25 and 26 and  
23 inserting the following: "reimbursement rates  
24 increased by five percent over the rates in effect on  
25 June 30, 1985:".
- 26 10. Page 41, by striking lines 2 and 3 and  
27 inserting the following: "shall not be limited to an  
28 increase of five percent. Maternal health centers  
29 shall be".
- 30 11. Page 41, line 7, by striking the word "four"  
31 and inserting the following: "five".
- 32 12. Page 41, by striking lines 10 and 11 and  
33 inserting the following: "facilities shall be  
34 increased by five percent over the rates in effect on  
35 June 30, 1989."
- 36 13. Page 41, by inserting after line 23 the  
37 following:  
38 "e. For the fiscal year which begins July 1, 1990,  
39 the basis for establishing the maximum medical  
40 assistance rate for intermediate care facilities shall  
41 be the seventy-fourth percentile of all facility per  
42 diem rates as calculated from the June 30, 1990,  
43 unaudited compilation of cost and statistical data and  
44 the reimbursement rate for other providers reimbursed  
45 under the medical assistance program by the department  
46 of human services shall be increased by seven and  
47 five-tenths percent."
- 48 14. Page 41, line 26, by striking the figure  
49 "18.51" and inserting the following: "18.69".
- 50 15. Page 41, line 28, by striking the figure

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- 1 "13.23" and inserting the following: "13.36".
- 2 16. Page 41, by striking line 31 and inserting  
3 the following: "be increased by five percent. For  
4 the fiscal year beginning July 1, 1990, the maximum  
5 reimbursement rates for providers under this  
6 subsection in effect on June 30, 1990, shall be  
7 increased by seven and five-tenths percent."
- 8 17. Page 41, line 34, by striking the word "four"  
9 and inserting the following: "five".
- 10 18. Page 42, line 2, by striking the word "four"  
11 and inserting the following: "five".

12 19. Page 42, line 3, by striking the figure  
13 "70.86" and inserting the following: "71.54".  
14 20. Page 42, line 11, by inserting after the word  
15 "reports." the following: "For the fiscal year  
16 beginning July 1, 1990, the maximum reimbursement  
17 rates for providers under this subsection in effect on  
18 June 30, 1990, shall be increased by seven and five-  
19 tenths percent."

A non-record roll call was requested.

The ayes were 36, nays 53.

Amendment H—4379 lost.

Halvorson of Clayton offered the following amendment H—4377 filed from the floor by Halvorson, Harbor and Corbett and moved its adoption:

H—4377

1 Amend Senate File 541 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 41, by inserting after line 23 the  
4 following:  
5 "e. For the fiscal year which begins July 1, 1990,  
6 the basis for establishing the maximum medical  
7 assistance rate for intermediate care facilities shall  
8 be the seventy-fourth percentile of all facility per  
9 diem rates as calculated from the June 30, 1990,  
10 unaudited compilation of cost and statistical data and  
11 the reimbursement rates for other providers reimbursed  
12 under the medical assistance program by the department  
13 of human services shall be increased by five percent."  
14 2. Page 41, line 31, by inserting after the word  
15 "percent." the following: "For the fiscal year  
16 beginning July 1, 1990, the maximum reimbursement  
17 rates for providers under this subsection in effect on  
18 June 30, 1990, shall be increased by five percent."  
19 3. Page 42, line 11, by inserting after the word  
20 "reports." the following: "For the fiscal year  
21 beginning July 1, 1990, the maximum reimbursement  
22 rates for providers under this subsection in effect on  
23 June 30, 1990, shall be increased by five percent."

A non-record roll call was requested.

The ayes were 32, nays 44.

Amendment H—4377 lost.

Halvorson of Clayton offered the following amendment H—4386 filed by him and Harbor of Mills from the floor and moved its adoption:

H—4386

- 1 Amend Senate File 541, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 45, by inserting after line 14 the fol-
- 4 lowing:
- 5 "Sec. \_\_\_\_\_. PROGRAM COSTS. There is appropriated
- 6 for the fiscal year beginning July 1, 1989, and ending
- 7 June 30, 1990, out of any funds in the state treasury
- 8 not otherwise appropriated, a sum sufficient to pay
- 9 for the unfunded state costs of a program mandated by
- 10 this Act which is jointly funded by the state and a
- 11 county."
- 12 2. By renumbering as necessary.

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

On the question "Shall amendment H—4386 be adopted?"  
(S.F. 541)

The ayes were, 41:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shearer	Shoning	Siegrist	Spenner
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Shoultz	Spear

Swoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker Avenson		

Absent or not voting, 1:

Black

Amendment H — 4386 lost.

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. 541)

The ayes were, 100:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Swoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, none.

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

## IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 271 and 728 and Senate File 541.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 540.

**Senate File 540**, a bill for an act relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H-4378 filed from the floor by the committee on appropriations and moved its adoption:

H-4378

- 1 Amend Senate File 540, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 31, by striking the word
- 4 "licensed" and inserting the following: "accredited
- 5 to provide psychiatric services by the joint
- 6 commission on the accreditation of health care
- 7 organizations under the commission's consolidated
- 8 standards for residential settings".
- 9 2. Page 15, by striking line 31 and inserting the
- 10 following: "four days per month for days an
- 11 individual child is not".
- 12 3. Page 15, by inserting after line 32, the
- 13 following:
- 14 "Sec. \_\_\_\_\_. Section 239.5, Code 1989, is amended by
- 15 adding the following new subsection and renumbering
- 16 the subsequent subsection:
- 17 **NEW SUBSECTION.** 7. a. The schedule of basic
- 18 needs in effect on July 1, 1989, is established as the
- 19 base schedule of basic needs.
- 20 b. For the fiscal year beginning July 1, 1990, the
- 21 schedule of basic needs shall be the base schedule of
- 22 basic needs plus an amount equal to the annual
- 23 percentage rate of change in the consumer price index

24 as tabulated by the federal bureau of labor statistics  
 25 for the current fiscal year times the base schedule of  
 26 basic needs.

27 c. The base schedule of basic needs plus the  
 28 percentage rate of change amount as computed in  
 29 paragraph "b" shall become the base schedule of basic  
 30 needs for the succeeding fiscal year. The percentage  
 31 rate of change amount shall continue to be applied in  
 32 each fiscal year until the schedule of basic needs is  
 33 equal to the schedule of living costs utilized by the  
 34 department. If applying the full percentage change  
 35 amount would cause the schedule of basic needs to  
 36 exceed the schedule of living costs, the schedule of  
 37 basic needs shall only be increased by an amount that  
 38 would cause the schedule of basic needs to equal the  
 39 schedule of living costs."

40 4. Page 16, by inserting after line 10 the  
 41 following:

42 "Sec. \_\_\_\_\_. Section 249C.1, Code 1989, is amended  
 43 by adding the following new subsection:

44 **NEW SUBSECTION. 6.** "Unemployed parent-community  
 45 work experience program" means a program which  
 46 requires primary wage earners of families receiving  
 47 aid to dependent children-unemployed parent assistance  
 48 to perform community work at public or nonprofit  
 49 organizations.

50 Sec. \_\_\_\_\_. Section 249C.9, Code 1989, is amended to

**Page 2**

1 read as follows:

2 249C.9 WORKERS' COMPENSATION LAW APPLICABLE.

3 Each eligible person, with respect to work  
 4 performed under this chapter, shall be covered by the  
 5 workers' compensation law or shall otherwise be  
 6 provided with comparable protection.

7 Notwithstanding the provisions of chapter 85, a  
 8 participant in a work and training program established  
 9 pursuant to section 249C.5, subsection 3, shall be  
 10 considered an employee for purposes of workers'  
 11 compensation insurance.

12 Notwithstanding the provisions of chapter 85, the  
 13 work site organization to which a participant is  
 14 assigned to perform work and which is in charge of  
 15 that participant's work in a work and training program  
 16 established pursuant to section 249C.5, subsection 3,  
 17 shall be considered the employer for purposes of  
 18 workers' compensation insurance.

19 Notwithstanding the provisions of chapter 87, where  
 20 the eligible person is performing work as a  
 21 participant in an unemployed parent-community work  
 22 experience program, the public or nonprofit

23 organization operating the program shall provide  
 24 workers' compensation insurance. The insurance  
 25 liability policy shall identify the work site to which  
 26 the eligible person is assigned as the insured  
 27 employer for workers' compensation purposes.

28 Notwithstanding the minimum benefit provisions of  
 29 chapter 85, a person entitled to benefits pursuant to  
 30 this section is entitled to receive a minimum weekly  
 31 benefit amount for a permanent partial disability  
 32 under section 85.34, subsection 2, or for a permanent  
 33 total disability under section 85.34, subsection 3,  
 34 equal to the weekly benefit amount of a person whose  
 35 gross weekly earnings are thirty-five percent of the  
 36 statewide average weekly wage computed pursuant to  
 37 section 96.3 and in effect at the time of the injury."

38 5. Title page, by striking lines 5 and 6 and  
 39 inserting the following: "child's expenses, the  
 40 schedule of basic needs under the aid to dependent  
 41 children program, the costs of a child's care in a  
 42 state juvenile institution, applicability of the  
 43 workers' compensation law to certain recipients of  
 44 public assistance, child support recovery, and  
 45 certain".

46 6. By renumbering as necessary.

The committee amendment H—4378 was adopted.

Halvorson of Clayton offered the following amendment H—4382  
 filed by him and Harbor of Mills from the floor and moved its adoption:

H—4382

1 Amend Senate File 540, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 21, by inserting before line 3 the  
 4 following:

5 "Sec. \_\_\_\_\_. COUNTY OBLIGATION LIMITED.  
 6 Notwithstanding any other provision in law, a county  
 7 is not obligated to fund a program mandated by state  
 8 law unless the state's share of the funding is  
 9 available during the entire fiscal year in which the  
 10 program operates."

11 2. By renumbering as necessary.

Roll call was requested by Stromer of Hancock and Halvorson of  
 Clayton.

On the question "Shall amendment H—4382 be adopted?"  
(S.F. 540)

The ayes were, 41:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Peters
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spenner
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brown	Buhr
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poney	Renaud
Rosenberg	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 4:

Black	Brand	Connolly	Schrader
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Amendment H—4382 lost.

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. 540)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bisignano	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	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
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 12:

Banks	Bennett	Branstad	Daggett
Garman	Hermann	Maulsby	Metcalf
Plasier	Renken	Schnekloth	Van Maanen

Absent or not voting, 1:

Black

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 793**, by committee on ways and means, a bill for an act relating to the indexing of tax brackets and the standard deduction for income tax purposes, increasing the amount of the standard deduction and providing applicability dates.

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

**House File 794**, by Arnould and Stromer, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission.

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

**IMMEDIATE MESSAGE**  
(Senate File 540)

Arnould of Scott asked and received unanimous consent that Senate File 540 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 a meeting of the committee on education May 3, 1989.

**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 157, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license.

**ON THE PART OF THE HOUSE:**

DANIEL P. FOGARTY, Chair  
JACK BEAMAN  
JOSEPHINE GRUHN  
BILL D. ROYER  
MARK S. SHEARER

**ON THE PART OF THE SENATE:**

C. JOSEPH COLEMAN, Chair  
JOHN P. KIBBIE  
LARRY MURPHY  
JACK NYSTROM  
RICHARD VANDE HOEF

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on May 1 and May 2, 1989. Had I been present, I would have voted "aye" on House Files 777, 789 and Senate File 470; "nay" on Senate File 532.

DAGGETT of Adams

On May 1, 1989, I inadvertently voted "nay" when I wished to vote "aye" on House File 490.

FEY of Scott

I was necessarily absent from the House chamber on May 1, 1989. Had I been present, I would have voted "aye" on House File 754 and Senate Files 132 and 423.

PONCY of Wapello

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of May, 1989: House Files 241, 447, 535, 645 and 713.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on May 1, 1989, he approved and transmitted to the Secretary of State the following bills:

House File 254, an act relating to the regulation of oxygenate octane enhancers.

House File 256, an act relating to the elimination of the risk management division of the department of general services.

House File 329, an act relating to the name of and liabilities arising from activities of the small business assistance center at the University of Northern Iowa.

House File 367, an act relating to the powers and duties of the state historical society and the historical division of the department of cultural affairs.

House File 372, an act relating to the duties of the natural resource commission and the environmental protection commission with respect to budget approval requirements.

House File 647, an act relating to governmental bodies under the open meetings law, including the definition of governmental body and the provision of information relating to open meetings and public records to governmental bodies.

House File 665, an act authorizing free fishing permits for residents of health care facilities and juvenile shelter care homes.

Senate File 82, an act relating to jurisdiction over and discipline of members of the Iowa national guard.

Senate File 112, an act relating to nonsubstantive Code corrections.

Senate File 121, an act relating to the possession or making of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms, and providing penalties.

Senate File 130, an act relating to the establishment and operation of point-of-sale and automatic teller machine terminals and providing an effective date.

Senate File 155, an act relating to the availability of counseling services to children who are members of a household where an incident involving domestic abuse has occurred.

Senate File 174, an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the Act and an effective date.

Senate File 203, an act relating to escorts during the transfer of inmates committed to the custody of the director of the department of corrections.

Senate File 216, an act relating to the issuance of cremation permits, providing reporting requirements, providing for the payment of costs, and making penalties applicable.

**Also: That on May 2, 1989, he approved and transmitted to the Secretary of State the following bills:**

House File 6, an act relating to issuance of hunting licenses to landowners and tenants for deer and wild turkey.

House File 165, an act relating to the authority of the county conservation board to grant certain law enforcement powers to its director and employees.

House File 371, an act relating to emergency medical care providers, and providing penalties.

House File 480, an act relating to the licensing of fur dealers and subjecting violators to an existing penalty.

House File 506, an act relating to the solicitation of public donations and making penalties applicable.

House File 670, an act relating to the number of days and hours of instruction in school per school day.

House File 684, an act relating to persons or copartnerships required to file statements regarding the use of trade names, by requiring each county recorder to submit a monthly list of such persons to the secretary of state.

Senate File 218, an act relating to the investments of credit unions, by permitting investment in corporate bonds as defined by rule of the administrator.

Senate File 231, an act relating to the regulation of alternate operator services, making civil penalties applicable, and providing for an effective date.

Senate File 253, an act relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision.

Senate File 260, an act eliminating the ability of utilities division staff to file a complaint with the utilities board alleging that a utility's rates are excessive following an investigation by division staff, a special audit, continuous review of operations, or review of annual reports.

Senate File 300, an act relating to the annexation of territory including secondary roads.

Senate File 343, an act relating to recovery of merchandise or damages and providing for civil penalties.

Senate File 346, an act relating to the adoption by the division of labor services of the department of employment services of rules based on the most recent federal occupational safety and health administration's standards.

Senate File 364, an act authorizing the board of supervisors to waive a tax penalty, interest, or cost if a clerical error is found.

Senate File 367, an act relating to the powers and duties of county recorders.

Senate File 373, an act relating to public utilities and their affiliates, with civil penalties applicable.

### PRESENTATION OF VISITORS

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

Fifty-six fourth grade students from Northwest Elementary School, Ankeny, accompanied by Linda Donahue. By Haverland of Polk.

Thirty-four sixth grade students from Anita Elementary School, Anita, accompanied by Karen Blake. By Pellett of Cass.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 790

State Government: Blanshan, Chair; Hanson of Delaware and Peterson of Carroll.

#### House File 791

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Rosenberg.

#### Senate File 280

Ways and Means: Groninga, Chair; Chapman and Metcalf.

### 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 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state

individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—4381** May 2, 1989.

#### COMMITTEE ON STATE GOVERNMENT

**House File 790**, a bill for an act relating to the voluntary certification of real estate appraisers, real estate appraisal standards, and providing for penalties.

Fiscal Note is not required.

Recommended **Do Pass** May 2, 1989.

**Senate File 512**, a bill for an act relating to chemical emergencies, providing for the establishment of the Iowa emergency response commission and specifying its powers and duties, providing for intergovernmental agreements, providing for the designation of local emergency planning districts and the appointment of local emergency planning committees, providing for immunity from liability, providing disclosure requirements, authorizing civil actions by the commission, and providing properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** May 2, 1989.

**Senate File 523**, a bill for an act relating to political campaigns, providing for a political contribution tax credit on the personal income tax under certain circumstances, providing for a political candidates fund to be used for partial public financing of certain political campaigns, revising provisions relating to the campaign finance income tax checkoff, restricting the use of campaign funds and disposition of campaign property, prohibiting false representations concerning a candidate, providing limitations on certain contributions, amending provisions relating to treasurers of committees, providing additional requirements with respect to disclosures, providing that the lieutenant governor is not considered a separate candidate for campaign finance purposes, appropriating funds, providing penalties, providing other properly related matters, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—4375** May 2, 1989.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 374), relating to the indexing of tax brackets and the standard deduction for income taxation and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 2, 1989.

## AMENDMENTS FILED

H-4359	S.F.	537	Connolly of Dubuque Doderer of Johnson
H-4368	S.F.	537	Stromer of Hancock
H-4375	S.F.	523	Committee on State Government
H-4380	H.F.	786	Metcalf of Polk
H-4381	S.F.	538	Committee on Appropriations
H-4383	H.F.	786	Shearer of Louisa
H-4384	H.F.	786	Carpenter of Polk
H-4385	S.F.	523	Halvorson of Webster
H-4387	S.F.	537	Metcalf of Polk
H-4388	S.F.	538	Groninga of Cerro Gordo

On motion by Arnould of Scott, the House adjourned at 7:39 p.m., until 9:00 a.m., Wednesday, May 3, 1989.

# JOURNAL OF THE HOUSE

One Hundred Fifteenth Calendar Day — Seventy-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, May 3, 1989

The House met pursuant to adjournment, Connors of Polk in the chair.

The Lord's Prayer was sung by Bob Connors, Des Moines. Mr. Connors, brother of Representative Connors, also entertained the House by singing a rock spiritual.

The Journal of Tuesday, May 2, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Shoning of Woodbury, from fourteen constituents from District 3 opposing House File 316, requiring a multicultural, nonsexist approach in all accredited schools.

Also: From nineteen constituents from District 3 opposing House File 535, with amendment H—3446.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 769, a bill for an act creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, authorizing a state-sponsored credit card, providing for properly related matters, subjecting violators to penalties, and providing an effective date.

Also: That the Senate has on May 2, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 778, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates.

Also: That the Senate has on May 2, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 220, a bill for an act relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates.

JOHN F. DWYER, Secretary

## GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

May 2, 1989

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 363, an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, department of personnel, Iowa finance authority, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date.

Senate File 363 appropriates \$50.4 million in state general fund money in this fiscal year — which ends in just two months. While many of the projects included in Senate File 363 are worthy and deserve consideration for future funding, I object strongly to the basis upon which this spending bill was passed.

Many of the programs receiving appropriations would not even begin until next fiscal year, a fact recognized repeatedly by the anti-reversion clauses included throughout the bill. This reverse deficit spending is a bad budgeting and accounting practice. And the result is equally bad; income taxpayers would fail to get some tax relief.

Let me explain. Flush with state revenues growing greater than had been anticipated in December, the General Assembly went on a \$50 million April spending binge, leaving the state taxpayers with a \$9 million hangover next year. By spending so much money yet this fiscal year the state would almost certainly fail to reach a \$60 million ending balance on June 30. In fact, current estimates place the ending balance at \$41 million. The result: many state income taxpayers will be kicked into higher income tax rates costing them a total of \$9 million next tax year. Why? Because a \$60 million ending balance is required by law before indexing of income tax rates takes place. Iowa's income taxes are high enough the way it is; we don't need to make them any higher through a spending sleight of hand.

We ought to go through with indexing income tax rates as planned. To do so would provide six times as much tax relief to low income Iowans as those in the upper income levels. Therefore, I reject notions that indexing somehow favors the wealthy — it is, in fact, fair and progressive.

It is for that reason that I am required to veto approximately \$20.5 million in spending from Senate File 363. I have been assured by our state budget officials that based on current revenue estimates vetoing this amount of spending should be sufficient to ensure a \$60 million balance at the end of this fiscal year.

I am willing to consider in future fiscal years many of the appropriation items I am required to veto, but I am not willing to obligate spending to force a tax increase on Iowa income taxpayers.

Senate File 363 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 6, subsection 5, subparagraphs r through ab. This part of Senate File 363 appropriates \$1 million to the Department of Human Services for major maintenance projects at the various institutions. I have authorized sufficient projects to spend up to \$517,000 to address the highest priorities of the department for major maintenance at the institutions; further appropriations for this purpose can be considered in appropriate fiscal years.

I am unable to approve the item designated as Section 6, subsection 6 in its entirety. This provision provides an additional \$1.7 million in spending for major maintenance projects at the mental health institutes and hospital schools. The \$517,000 approved in subsection 5 will provide funds for the most serious of these problems; the needs identified in subsection 6 can be better addressed in future fiscal years.

I am unable to approve the item designated as Section 6, subsection 7, subparagraphs b through w. This action will provide the Department of Human Services with \$600,000 to remodel the student housing building at the Eldora Training School which is in desperate need of such renovation. I recommended financing for this project in the lottery, but I am willing to accept this method of funding. The remaining capital improvement items included in subsection 7 can be more appropriately addressed in a future fiscal year.

I am unable to approve the item designated as Section 6, subsection 10 in its entirety. This section of the bill prevents a reversion of unspent funds until March 30 of 1990. Such unspent funds should revert by June 30 of this year in order to ensure a \$60 million ending balance. If this section were not item vetoed, all of the projects in these sections would have to be vetoed to assure indexation will occur.

The approved portions of Section 6 will provide DHS with a total of \$1.1 million to address some of the most critical major maintenance and capital needs. The remaining portion of the lump sum appropriations will remain unspent, consistent with the Brady Rule which was recognized by the Iowa Attorney General's Office Op. Att'y. Gen. No. 87-6-4 (June 26, 1987) and the Iowa Supreme Court Welden v. Ray, 229 N.W.2d 706, 714 (Iowa 1975).

I am unable to approve the item designated as Section 11 in its entirety. This section provides \$1 million of new money to set up emergency juvenile shelters throughout the state. This would appear to be an ongoing commitment of state funds for this purpose; it is inappropriate to start this new program in a supplemental bill with full recognition that the funds would not be able to be spent this fiscal year. Emergency juvenile shelters are a serious problem and can be addressed by the legislature in a more appropriate fiscal year.

I am unable to approve the item designated as Section 13, subsection 1, unnumbered paragraph 2; and Section 13, subsection 2, subparagraph a, subsubparagraphs 6 through 22; and Section 13, subsection 2, subparagraph b, in its entirety. The effect of this item veto will be to provide the Department of Corrections with \$1.1 million for essential major maintenance and capital projects. While the department clearly has a significant need for major maintenance and capital renovation, the majority of these funds would not be able to be spent in Fiscal Year 1989 anyway and should be considered in a future fiscal year.

Moreover, some of the essential capital renovation needs in the institutions can be accomplished by adoption of my recommendations to add additional secure prison beds which are critically needed to protect the public safety.

I am unable to approve the item designated as Section 16, subsection 3 and unnumbered paragraph 1 in its entirety. This provision of Senate File 363 provides \$1.8 million to the judicial system to automate child support collections. At the present time, the Department of Human Services has a fully computerized child support collection system operating in an acceptable way. However, legislation passed last year requires that child support collections be transferred to the Judicial Department in the coming fiscal year. It would be far wiser for the Department of Human Services and the Judicial Department to work out a transfer of the automated system established at the Department of Human Services for the AFDC cases. To do so would save the state at least \$1.8 million and could also avoid jeopardizing approximately \$3 million in federal support.

I am unable to approve the item designated as Section 18 in its entirety. This provision of the bill could add to the state's generally accepted accounting principles (GAAP) deficit. Section 18 requires that certain excessive obligations of the state for Fiscal Year 1989 be paid for by the state in Fiscal Year 1990. Pushing such obligations off at the same time the legislature is spending an additional \$50 million of state funds in Fiscal Year 1989 to avoid state income tax indexing is uncalled for and cannot be supported. If additional funds are needed to pay indigent defense claims, appropriations transfers or adjustments should be sought.

I am unable to approve the item designated as Section 19, subsections 2, 3, 4 and 5 in their entirety. This portion of Senate File 363 appropriates funds to the Regent institutions for various capital projects. I have recommended a number of these projects be funded as part of our contingency appropriations in Fiscal Year 1990 and continue to believe that they should be considered for such an appropriation.

I have approved subsection 1 of this section which will allow the University of Northern Iowa to complete its construction of a new boiler which was obligated last fiscal year and subsection 6 of this section to provide over \$1.2 million for essential fire and environmental safety improvements at the Regent institutions.

The other projects included for spending this year would not reasonably be obligated in Fiscal Year 89 and should therefore be considered in a future fiscal year.

I am unable to approve the item designated as Sections 22 and 23 in their entirety. This portion of Senate File 363 provides funding to the Department of Cultural Affairs for a transmitter and a library conference. I question the need to appropriate \$30,000 of funds to prepare for a library conference; however, if such a need exists the appropriations should be made in the correct fiscal year. The transmitter could also be considered in a future fiscal year.

I am unable to approve that item designated as Sections 25 and 26 in their entirety; the portions of Section 29 so designated; and Sections 30 and 31 in their entirety.

These items provide additional money to the Department of Agriculture for various purposes. Funds for video equipment and desk top publishing computer equipment are vetoed from this bill. If the legislature wants to consider providing such equipment to the Department of Agriculture it should be considered in a future fiscal year.

I am unable to approve that item designated as Section 37 in its entirety. This Section of the bill provides \$500,000 of general fund money for airport terminal improvements. This fiscal year \$250,000 of Road Use Tax Funds are already provided for such improvements. If the legislature wishes to start a new program providing general fund money for airport terminal improvements, it should be considered in a future fiscal year.

I am unable to approve the designated portion of Section 38, unnumbered paragraph 2, and unnumbered paragraphs 3, 4 and 7. This item in Senate File 363 provides \$7.9 million of funds to the Department of General Services for various capitol complex projects.

Specifically, \$5.5 million is provided to continue the restoration of the capitol building. Indeed, \$900,000 of those funds have already been obligated. And therefore, the \$5.5 million for the capitol building restoration is approved by my action. However, the \$2.4 million of funds appropriated to design a new legislative office building and to design two new parking ramps cannot be approved. Planning and design money for this purpose had been appropriated last year and these additional funds cannot be spent this fiscal year, in any event. Moreover, I cannot approve the construction of a new legislative office building and other facilities on the capitol complex at this time.

I am unable to approve the items designated as Sections 40 and 41 in their entirety.

These sections of Senate File 363 appropriate funds to the Department of Personnel and the Department of Human Services to construct a child care center on the capitol complex and to recruit child care providers. The state has, in the recently concluded collective bargaining negotiations, authorized pre-tax benefits for child care for all state employees. I believe that is the most appropriate way to give state employees who are parents of children a choice providing their children with appropriate care. Moreover, this appropriation and funds to recruit child care providers can be more appropriately considered in a future fiscal year.

I am unable to approve the item designated as Section 44 in its entirety.

This section of the bill appropriates \$3 million to the Iowa Finance Authority for various housing programs. I am generally supportive of these housing programs and have recommended their funding through lottery appropriations in Fiscal Year 1990. Indeed, the drafts of the lottery bill that my office is aware of have included substantial funds for these housing programs. In addition, Section 45 of this bill provides an additional \$1.5 million to the Iowa Finance Authority for housing purposes. In all, as much as \$5 million could be available to the Iowa Finance Authority for housing in Fiscal Year 1990 compared with \$1.5 million this year. As a result, the \$3 million appropriation provided for in this supplemental bill is not necessary at this time.

In short, Senate File 363 includes over \$50 million of additional spending this fiscal year. Much of this spending cannot be reasonably obligated or utilized during the two months that remain in our state fiscal year. However, the legislature clearly attempted to appropriate the funds at this time to ensure that the state's ending balance would fall below the \$60 million needed to trigger indexing of income tax rates. I cannot support that effort to increase income taxes for Iowans by approximately \$9 million for the next tax year.

I have, with these item vetoes, attempted to recognize some of the key priorities of this administration and the General Assembly. However, the \$20.4 million of spending which is eliminated from this bill is necessary in order to secure income tax indexing for the next year.

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 363 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House Files 790 and 782 and Senate Files 512 and 526.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 790**, a bill for an act relating to the voluntary certification of real estate appraisers, real estate appraisal standards, and providing for penalties, with report of committee recommending passage was taken up for consideration.

Ollie of Clinton in the chair at 9:46 a.m.

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

On the question "Shall the bill pass?" (H.F. 790)

The ayes were, 98:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader

Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Ollie		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Bisignano Fey

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

**House File 782**, a bill for an act relating to the revocation of a motor vehicle license or nonresident operating privilege as the result of a conviction for certain vehicular homicide offenses, with report of committee recommending passage was taken up for consideration.

Connors of Polk in the chair at 9:58 a.m.

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

On the question "Shall the bill pass?" (H.F. 782)

The ayes were, 98:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohon	Connolly
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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner

Stromer	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 2:

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

**Senate File 512**, a bill for an act relating to chemical emergencies, providing for the establishment of the Iowa emergency response commission and specifying its powers and duties, providing for inter-governmental agreements, providing for the designation of local emergency planning districts and the appointment of local emergency planning committees, providing for immunity from liability, providing disclosure requirements, authorizing civil actions by the commission, and providing properly related matters, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 512)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer

Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, none.

Absent or not voting, 3:

Hermann	Kistler	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.

### SENATE MESSAGE CONSIDERED

**Senate File 220**, by Murphy and Lind, a bill for an act relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates.

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

**Senate File 526**, a bill for an act to legalize proceedings of the city council of the city of Ventura relating to the method of payment for a construction project and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 526)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Metcalf

Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, 2:

Hermann                      Miller

Absent or not voting, 3:

Fey                              Mertz                              Neuhauser

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

#### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 782 and 790 and Senate Files 512 and 526.

The House stood at ease at 10:17 a.m., until the fall of the gavel.

The House resumed session at 11:45 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 May 3, 1989, 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 71, a bill for an act establishing pilot projects for a peer review court as a diversion program for offenders ten through seventeen years of age.

Also: That the Senate has on May 3, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 459, a bill for an act relating to the disposition of seizable and forfeitable property, by modifying provisions relating to seizable property and seizure of vehicles, by providing for classes of forfeitable property, amending the burden of proof at forfeiture proceedings, providing for conditions of forfeiture, establishing certain affirmative defenses, presumptions, and counterclaims, providing for the award of attorney fees, and providing an applicability date and an effective date.

Also: That the Senate has on May 3, 1989, 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 579, a bill for an act relating to involuntary hospitalization procedures applicable to the mentally ill.

Also: That the Senate has on May 3, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 623, a bill for an act relating to developing comprehensive management plans with owners of highly erodible land.

Also: That the Senate has on May 3, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 675, a bill for an act relating to the establishment and financing of geographic data base systems by cities and counties.

Also: That the Senate has on May 3, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 764, a bill for an act relating to the establishment of real estate education programs and making an appropriation.

Also: That the Senate has on May 3, 1989, 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 775, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

Also: That the Senate has on May 3, 1989, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 141, 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 May 3, 1989, adopted the conference committee report and passed Senate File 157, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license.

Also: That the Senate has on May 3, 1989, 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 366, a bill for an act authorizing a city to seek a judgment against a property owner for improvements made to the property.

Also: That the Senate has on May 3, 1989, 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 519, a bill for an act relating to the chairperson of the board of parole and the board of parole.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 12:28 p.m., until 1:15 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the consideration of Senate File 538.

### SENATE AMENDMENT CONSIDERED

#### House Refused To Concur

Johnson of Winneshiek called up for consideration **House File 778**, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—4392:

H—4392

- 1 Amend House File 778, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 11, by striking the figure
- 4 "1,113,777" and inserting the following: "1,259,777".
- 5 2. Page 1, line 29, by striking the figure
- 6 "42.24" and inserting the following: "45.24".
- 7 3. Page 1, by striking lines 30 and 31 and
- 8 inserting the following:
- 9 "g. As a condition, limitation, and qualification
- 10 of the appropriation from the general fund under
- 11 paragraph "a" of this subsection, \$55,459 shall be
- 12 allocated from the appropriation".
- 13 4. Page 2, by striking lines 5 and 6 and
- 14 inserting the following:
- 15 "h. As a condition, limitation, and qualification
- 16 of the appropriation from the general fund under
- 17 paragraph "a" of this subsection, \$50,000 shall be
- 18 allocated from the appropriation".
- 19 5. Page 2, by inserting after line 8 the
- 20 following:
- 21 "\_\_\_\_\_. As a condition, limitation, and
- 22 qualification of the appropriation from the general
- 23 fund under paragraph "a" of this subsection, \$96,000
- 24 shall be allocated from the appropriation for the
- 25 salary and support of three information specialist
- 26 positions.

27 \_\_\_\_\_. As a condition, limitation, and qualification  
 28 of the appropriation from the general fund under  
 29 paragraph "a" of this subsection, \$50,000 shall be  
 30 allocated from the appropriation to the state 4-H  
 31 foundation to foster the development of Iowa's youth  
 32 and to encourage them to study the subject of  
 33 agriculture."

34 6. Page 2, by striking lines 15 through 17 and  
 35 inserting the following:

36 "b. As a condition, limitation, and qualification  
 37 of the appropriation from the general fund under  
 38 paragraph "a" of this subsection, \$346,379 shall be  
 39 allocated from the appropriation to the horticulture  
 40 division for the".

41 7. Page 2, line 21, by striking the word "An" and  
 42 inserting the following:

43 "\_\_\_\_\_. As a condition, limitation, and  
 44 qualification of the appropriation from the general  
 45 fund under this section, an".

46 8. Page 2, by striking lines 27 through 30, and  
 47 inserting the following: "ending June 30, 1990. The  
 48 amount shall be used by the department."

49 9. Page 2, line 31, by striking the word  
 50 "FARMER'S" and inserting the following: "FARMERS'".

**Page 2**

1 10. Page 2, line 34, by striking the word  
 2 "farmer's" and inserting the following: "farmers'".

3 11. Page 3, line 1, by striking the word  
 4 "farmer's" and inserting the following: "farmers'".

5 12. Page 3, by striking lines 11 and 12 and  
 6 inserting the following:

7 "b. As a condition, limitation, and qualification  
 8 of the appropriation from the general fund under  
 9 paragraph "a" of this subsection, \$11,250 shall be  
 10 allocated from the appropriation".

11 13. Page 3, by striking lines 20 through 29.

12 14. Page 4, by striking lines 8 and 9 and  
 13 inserting the following:

14 "e. As a condition, limitation, and qualification  
 15 of the appropriation from the general fund under  
 16 paragraph "a" of this subsection, \$150,000 shall be  
 17 allocated from the appropriation".

18 15. Page 4, by striking lines 22 and 23, and  
 19 inserting the following:

20 "b. As a condition, limitation, and qualification  
 21 of the appropriation from the general fund under  
 22 paragraph "a" of this subsection, \$303,436 shall be  
 23 allocated from the appropriation to".

24 16. Page 4, by striking lines 26 and 27 and  
 25 inserting the following:

26 "c. As a condition, limitation, and qualification  
27 of the appropriation from the general fund under  
28 paragraph "a" of this subsection, \$150,000 shall be  
29 allocated from the appropriation".

30 17. Page 5, by striking lines 3 and 4 and  
31 inserting the following:

32 "e. As a condition, limitation, and qualification  
33 of the appropriation from the general fund under  
34 paragraph "d" of this subsection, the following  
35 requirements apply to the funds appropriated by  
36 paragraph "d".:

37 18. Page 6, by striking lines 15 and 16, and  
38 inserting the following:

39 "As a condition, limitation, and qualification of  
40 the appropriation under this section, \$39,748 shall be  
41 allocated from the appropriation for the salary and  
42 support of a livestock".

43 19. Page 7, line 10, by striking the figure  
44 "37,400" and inserting the following: "62,400".

45 20. Page 7, by striking lines 11 through 14, and  
46 inserting the following:

47 "1. As a condition, limitation, and qualification  
48 of the appropriation from the general fund under this  
49 section, \$37,400 from the appropriation shall be  
50 transferred to the state board of regents for the use

### Page 3

1 of the department of plant pathology at Iowa state  
2 university of science and technology for purposes  
3 related to researching the multiflora rose virus.

4 2. a. As a condition, limitation, and  
5 qualification of the appropriation from the general  
6 fund under this section, \$25,000 shall be used from  
7 the appropriation by the department of agriculture and  
8 land stewardship for the purpose of partially  
9 reimbursing agricultural landowners or tenants for the  
10 cost of herbicide for controlling or eradicating the  
11 multiflora rose which has severely infested their  
12 agricultural land. Not more than five percent of the  
13 funds appropriated under this paragraph shall be used  
14 for administrative expenses.

15 b. A county board of supervisors desiring a share  
16 of the amount appropriated under paragraph "a" of this  
17 subsection shall, in conjunction with the county weed  
18 commissioner and the county soil conservation district  
19 commissioners, develop a plan to combat severe  
20 infestations of multiflora rose on privately owned  
21 land within the county. The plan shall be based upon  
22 partial reimbursement of individual landowner's costs  
23 for the purchase of herbicide from both state and  
24 county appropriations; however, the share of costs

25 reimbursed by state funds shall not exceed one-fourth.  
26 The plan shall be submitted to the secretary of  
27 agriculture for approval or recommendations for  
28 modification.

29 c. A landowner or tenant whose agricultural land  
30 is severely infested by multiflora roses may apply to  
31 the soil conservation district commissioners of the  
32 county for partial reimbursement, according to the  
33 approved plan, of the cost of herbicide for  
34 controlling or eradicating the multiflora rose on the  
35 agricultural land. The county weed commissioner shall  
36 assist the soil conservation district commissioners in  
37 investigating the application and determining if the  
38 infestation is severe. The soil conservation district  
39 commissioners shall review and approve each  
40 application for partial cost reimbursement if the  
41 infestation is severe on the applicant's agricultural  
42 land. If the soil conservation district commissioners  
43 find the amount of reimbursement claimed to be  
44 excessive, the district commissioners may approve a  
45 lesser amount. The reasons for disapproval of an  
46 application or reduction of the amount of  
47 reimbursement shall be sent in writing to the  
48 applicant. The amount of reimbursement certified by  
49 the secretary shall be paid by warrant issued by the  
50 director of revenue and finance.

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1 d. Federal lands and federal land tenants are not  
2 eligible for reimbursement under this subsection."

3 21. Page 7, line 24, by striking the figure  
4 "12,200,534" and inserting the following:  
5 "12,841,534".

6 22. Page 7, line 25, by striking the figure  
7 "973.10" and inserting the following: "970.10".

8 23. Page 7, by striking lines 26 and 27, and  
9 inserting the following:

10 "b. As a condition, limitation, and qualification  
11 of the appropriation under paragraph "a" of this  
12 subsection, \$30,000 shall be allocated from the  
13 appropriation for the position of".

14 24. Page 7, line 29, by inserting after the word  
15 "plans." the following: "Three information specialist  
16 positions shall be transferred to the department of  
17 agriculture and land stewardship. Persons holding the  
18 positions within the department may transfer with the  
19 positions."

20 25. Page 7, by striking lines 30 and 31, and  
21 inserting the following:

22 "c. As a condition, limitation, and qualification  
23 of the appropriation under paragraph "a" of this

24 subsection, \$78,000 shall be allocated from the  
 25 appropriation for the purchase of".  
 26 26. By striking page 7, line 35, through page 8,  
 27 line 1, and inserting the following:  
 28 "d. As a condition, limitation, and qualification  
 29 of the appropriation under paragraph "a" of this  
 30 subsection, \$51,226 shall be allocated from the  
 31 appropriation for general maintenance".  
 32 27. Page 8, by striking lines 3 and 4, and  
 33 inserting the following:  
 34 "e. As a condition, limitation, and qualification  
 35 of the appropriation under paragraph "a" of this  
 36 subsection, \$30,000 shall be allocated for the  
 37 purchase of".  
 38 28. Page 8, by striking lines 6 and 7, and  
 39 inserting the following:  
 40 "f. As a condition, limitation, and qualification  
 41 of the appropriation under paragraph "a" of this  
 42 subsection, \$50,000 shall be allocated from the  
 43 appropriation for the salary and".  
 44 29. Page 8, by striking lines 10 and 11, and  
 45 inserting the following:  
 46 "g. As a condition, limitation, and qualification  
 47 of the appropriation under paragraph "a" of this  
 48 subsection, \$37,500 shall be allocated from the  
 49 appropriation for the salary and".  
 50 30. Page 8, by striking lines 15 and 16, and

**Page 5**

1 inserting the following:  
 2 "h. As a condition, limitation, and qualification  
 3 of the appropriation under paragraph "a" of this  
 4 subsection, \$23,832 shall be allocated from the  
 5 appropriation to reimburse the".  
 6 31. Page 8, by inserting after line 23 the  
 7 following:  
 8 "\_\_\_\_\_. As a condition, limitation, and  
 9 qualification of the appropriation under paragraph "a"  
 10 of this subsection, not more than the following  
 11 amounts from the appropriation and full-time  
 12 equivalent positions shall be expended and authorized  
 13 for the purposes designated:  
 14 (1) Office of director  
 15 ..... \$ 59,817  
 16 ..... FTEs 5.95  
 17 (2) Administrative services division  
 18 ..... \$ 1,441,376  
 19 ..... FTEs 126.15  
 20 (3) Coordination and information division  
 21 ..... \$ 808,340  
 22 ..... FTEs 41.45

23	(4)	Energy and geological resources division	
24			\$ 1,216,580
25			FTEs 59.12
26	(5)	Environmental protection division	
27			\$ 2,175,061
28			FTEs 147.50
29	(6)	Forests and forestry division	
30			\$ 1,441,438
31			FTEs 54.64
32	(7)	Parks, recreation and preserves division	
33			\$ 5,199,572
34			FTEs 206.05

35 If an amount is expended in excess of the amount  
36 designated for any purpose, including any division  
37 specified under this paragraph, the department shall  
38 notify the legislative fiscal bureau, the chairpersons  
39 of the standing appropriations committees of the  
40 senate and house of representatives, and the  
41 chairpersons of the agriculture and natural resources  
42 appropriations subcommittee pursuant to section 8.39.  
43 \_\_\_\_\_. As a condition, limitation, and qualification  
44 of the appropriation under paragraph "a" of this  
45 subsection, \$250,000 shall be allocated from the  
46 appropriation to restore and repair the dam on the  
47 Cedar river in the city of Nashua. However, this  
48 paragraph shall not take effect and the appropriation  
49 under paragraph "a" of this subsection shall be  
50 reduced by \$250,000, if money is appropriated from the

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1 "Jobs Now" account provided in section 99E.31 for the  
2 purposes of restoration and repair of the dam,  
3 pursuant to an enactment in 1989 by the Seventy-third  
4 General Assembly.

5 \_\_\_\_\_. As a condition, limitation, and qualification  
6 of the appropriation under paragraph "a" of this  
7 subsection, \$50,000 shall be allocated from the  
8 appropriation to restore and repair the dam at the  
9 city of Oxford Mills.

10 \_\_\_\_\_. As a condition, limitation, and qualification  
11 of the appropriation under paragraph "a" of this  
12 subsection, \$50,000 shall be allocated from the  
13 appropriation to contract for a study to investigate  
14 the feasibility of expanding and modernizing the  
15 public water supply system in Winterset, in order to  
16 increase the supply of water to serve the increasing  
17 demand of the city and to serve surrounding  
18 communities. The department shall report the findings  
19 and recommendations of the study to the governor and  
20 general assembly not later than February 1, 1990.

21 \_\_\_\_\_. As a condition, limitation, and qualification  
 22 of the appropriation under paragraph "a" of this  
 23 subsection, \$75,000 shall be allocated from the  
 24 appropriation to contract with an Iowa-based  
 25 consulting firm to investigate the feasibility of  
 26 creating a destination center at a public lake area  
 27 not less than eleven thousand acres in size. The  
 28 department shall report the findings and  
 29 recommendations of the study to the governor and  
 30 general assembly not later than February 1, 1990.

31 \_\_\_\_\_. As a condition, limitation, and qualification  
 32 of the appropriation under paragraph "a" of this  
 33 subsection, \$300,000 shall be allocated from the  
 34 appropriation for grants to counties for the purpose  
 35 of conducting programs for properly closing abandoned  
 36 rural water supply wells to supplement funds  
 37 appropriated under section 455E.11, subsection 2,  
 38 paragraph "b", subparagraph (3), subparagraph  
 39 subdivision (b)."

40 32. By striking page 9, line 4, through page 10,  
 41 line 4.

42 33. Page 10, line 26, by striking the word  
 43 "Funds" and inserting the following:

44 "As a condition, limitation, and qualification of  
 45 the appropriations under this section, funds".

46 34. Page 11, line 23, by striking the word "The"  
 47 and inserting the following:

48 "As a condition, limitation, and qualification of  
 49 the appropriations made under this section, the".

50 35. By striking page 11, line 30 through page 12,

#### Page 7

1 line 13.

2 36. Page 14, by inserting after line 10, the  
 3 following:

4 "Sec. \_\_\_\_\_. The department of natural resources for  
 5 the period beginning July 1, 1989, and ending June 30,  
 6 1991, shall not construct or erect a dam or other  
 7 structure creating a new artificial lake or water  
 8 impoundment at Brushy Creek state recreation area or  
 9 at the Lost Grove area.

10 Sec. \_\_\_\_\_. 1987 Iowa Acts, chapter 233, section  
 11 204, subsection 5, is amended to read as follows:

12 5. It is the intention of the general assembly in  
 13 adopting the appropriation under subsection 1 and this  
 14 subsection to cease funding for the department's  
 15 implementation of the federal Resource Conservation  
 16 and Recovery Act permit program for hazardous waste  
 17 facilities in this state. Section 455B.411,  
 18 subsections 6, 9, and 10, section 455B.412,  
 19 subsections 2 through 4, and sections 455B.413 through

20 455B.421 are suspended and do not apply as they  
21 pertain to that permit program, but are not suspended  
22 and do apply as they pertain to abandoned and  
23 uncontrolled sites, used oil, and site licensing under  
24 chapter 455B, division IV, part 6. The suspension  
25 provided by this subsection begins July 1, 1987 and  
26 ends June 30, ~~1989~~ 1990.

27 Sec. \_\_\_\_\_. Section 172C.4, subsection 2, Code 1989,  
28 is amended by striking the subsection and inserting in  
29 lieu thereof the following:

30 2. Agricultural land acquired for research or  
31 experimental purposes. Agricultural land is used for  
32 research or experimental purposes if any of the  
33 following apply:

34 a. Research and experimental activities are under-  
35 taken on the agricultural land and commercial sales of  
36 products produced from farming the agricultural land  
37 do not occur or are incidental to the research or  
38 experimental purposes of the corporation. Commercial  
39 sales are incidental to the research or experimental  
40 purposes of the corporation when such sales are less  
41 than twenty-five percent of the gross sales of the  
42 primary product of the research.

43 b. The agricultural land is used for the primary  
44 purpose of testing, developing, or producing seeds or  
45 plants for sale or resale to farmers as seed stock.  
46 Grain which is not sold as seed stock is an incidental  
47 sale and must be less than twenty-five percent of the  
48 gross sales of the primary product of the research and  
49 experimental activities.

50 c. The agricultural land is used by a corporation,

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1 including any trade or business which is under common  
2 control, as provided in 26 U.S.C. § 414 for the  
3 primary purpose of testing, developing, or producing  
4 animals for sale or resale to farmers as breeding  
5 stock. However, after the effective date of this Act,  
6 to qualify under this paragraph, the following  
7 conditions must be satisfied:

8 (1) The corporation must not hold the agricultural  
9 land other than as a lessee. The term of the lease  
10 must be for not more than twelve years. The  
11 corporation shall not renew a lease. The corporation  
12 shall not enter into a lease under this paragraph, if  
13 the corporation has ever entered into another lease  
14 under this paragraph, whether or not the lease is in  
15 effect. However, this subparagraph does not apply to  
16 a domestic corporation organized under chapter 504 or  
17 504A.

18 (2) A term or condition of sale, including resale,  
19 of breeding stock must not relate to the direct or  
20 indirect control by the corporation of the breeding  
21 stock or breeding stock progeny subsequent to the  
22 sale.

23 (3) The number of acres of agricultural land held  
24 by the corporation must not exceed six hundred forty  
25 acres.

26 (4) The corporation must deliver a copy of the  
27 lease to the secretary of state. The secretary of  
28 state shall notify the lessee of receipt of the copy  
29 of the lease. However, this subparagraph does not  
30 apply to a domestic corporation organized under  
31 chapter 504 or 504A.

32 Culls and test animals may be sold under this  
33 paragraph "b". For a three-year period beginning on  
34 the date that the corporation acquires an interest in  
35 the agricultural land, the gross sales for any year  
36 shall not be greater than five hundred thousand  
37 dollars. After the three-year period ends, the gross  
38 sales for any year shall not be greater than twenty-  
39 five percent of the gross sales for that year of the  
40 breeding stock, or five hundred thousand dollars,  
41 whichever is less.

42 Sec. \_\_\_\_\_. NEW SECTION. 172C.6 LESSEES CONDUCTING  
43 RESEARCH OR EXPERIMENTS.

44 Lessees of agricultural land under section 172C.4,  
45 subsection 2, paragraph "b", for research or  
46 experimental purposes, shall file a report with the  
47 secretary of state on or before March 31 of each year  
48 on forms adopted pursuant to chapter 17A and supplied  
49 by the secretary of state. The report shall contain  
50 the following information for the last year:

**Page 9**

1 1. The name and principal place of business of the  
2 lessee.

3 2. The location of the agricultural land used for  
4 research or experimental purposes.

5 3. The date that the lease became effective.

6 4. The name and address of each person purchasing  
7 breeding stock produced on the agricultural land.

8 5. The number or volume of breeding stock  
9 purchased by each person purchasing breeding stock  
10 produced on the agricultural land.

11 Sec. \_\_\_\_\_. Section 173.16, Code 1989, is amended by  
12 adding the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. In order to efficiently  
14 administer facilities and events on the state  
15 fairgrounds, and to promote Iowa's conservation ethic,  
16 the Iowa state fair board shall handle or dispose of

17 waste generated on the state fair grounds under  
18 supervision of the waste management authority  
19 established under section 455B.483.

20 Sec. \_\_\_\_\_. Section 206.2, Code 1989, is amended by  
21 adding the following new subsection:

22 **NEW SUBSECTION. 30. "Animal health pesticide"**  
23 means a pesticide applied internally or externally to  
24 an animal or applied to the premises where an animal  
25 is kept to preserve or protect the health of the  
26 animal as provided by departmental rule. As used in  
27 this subsection, "animal" means a living vertebrate  
28 animal and includes a bird, fish, or mammal but  
29 excludes a human being.

30 Sec. \_\_\_\_\_. Section 206.12, subsection 3, Code 1989,  
31 is amended to read as follows:

32 3. The registrant, before selling or offering for  
33 sale any pesticide for use in this state, shall  
34 register each brand and grade of such pesticide with  
35 the secretary upon forms furnished by the secretary,  
36 and the secretary shall set the registration fee  
37 annually at one-fifth of one percent of gross sales  
38 within this state with a minimum fee of two hundred  
39 fifty dollars and a maximum fee of three thousand  
40 dollars for each and every brand and grade to be  
41 offered for sale in this state except as otherwise  
42 provided. The annual registration fee for products  
43 with gross annual sales in this state of less than one  
44 million five hundred thousand dollars shall be the  
45 greater of two hundred fifty dollars or one-fifth of  
46 one percent of the gross annual sales as established  
47 by affidavit of the registrant. The secretary shall  
48 adopt by rule exemptions to the minimum fee. An  
49 animal health pesticide may be exempted from payment  
50 of the minimum fee, if the secretary determines that

**Page 10**

1 the specific animal health pesticide is not likely to  
2 contaminate the groundwater. The secretary shall  
3 adopt rules by July 1, 1990, for exempting payment of  
4 the minimum fee for animal health pesticides. If an  
5 animal health pesticide is exempted from the minimum  
6 fee under this subsection, a registrant shall pay a  
7 fee of twenty dollars for each and every brand and  
8 grade of such pesticide offered for sale in this  
9 state. Fifty An amount of up to fifty dollars of  
10 each fee collected shall be deposited in the treasury  
11 to the credit of the pesticide fund to be used only  
12 for the purpose of enforcing the provisions of this  
13 chapter and the remainder of each fee collected shall  
14 be placed in the agriculture management account of the  
15 groundwater protection fund.

16 Sec. \_\_\_\_\_. Section 206.12, subsection 7, paragraph  
 17 d, Code 1989, is amended by adding the following new  
 18 unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. A licensee under section  
 20 206.8 who offers for sale an animal health pesticide  
 21 exempted under subsection 3 from the payment of the  
 22 minimum fee shall not be required to report  
 23 information relating to such pesticide as required  
 24 under this subsection."

25 37. Page 14, by inserting after line 28 the  
 26 following:

27 "Sec. \_\_\_\_\_. Section 511.8, subsection 10, paragraph  
 28 b, Code 1989, is amended to read as follows:

29 b. Any real estate acquired through foreclosure,  
 30 or in settlement or satisfaction of any indebtedness.  
 31 Any company or association may improve real estate so  
 32 acquired or remodel existing improvements and exchange  
 33 such real estate for other real estate or securities,  
 34 and real estate acquired by such exchange may be  
 35 improved or the improvements remodeled. Any farm real  
 36 estate acquired under this paragraph shall be sold  
 37 within five years from the date of acquisition unless  
 38 the commissioner of insurance shall extend the time  
 39 for such period or periods as seem warranted by the  
 40 circumstances.

41 Sec. \_\_\_\_\_. NEW SECTION. 511.8A AGRICULTURAL LAND.

42 Agricultural land, as defined in section 172C.1,  
 43 acquired as provided in section 511.8, subsection 10,  
 44 paragraph "b", by a life insurance company or  
 45 association incorporated by or organized under the  
 46 laws of this or any other state, shall be sold or  
 47 otherwise disposed of by the company or association  
 48 within five years after title is vested in the company  
 49 or association. A life insurance company or  
 50 association is a corporation for purposes of chapter

## Page 11

1 172C.

2 Sec. \_\_\_\_\_. Section 567.3, subsection 3, paragraph  
 3 d, Code 1989, is amended by striking the paragraph and  
 4 inserting in lieu thereof the following:

5 d. Agricultural land acquired for research or  
 6 experimental purposes. Agricultural land is used for  
 7 research or experimental purposes if any of the  
 8 following apply:

9 (1) Research and experimental activities are  
 10 undertaken on the agricultural land and commercial  
 11 sales of products produced from farming the  
 12 agricultural land do not occur or are incidental to  
 13 the research or experimental purposes of the  
 14 corporation. Commercial sales are incidental to the

15 research or experimental purposes of the corporation  
16 when such sales are less than twenty-five percent of  
17 the gross sales of the primary product of the  
18 research.

19 (2) The agricultural land is used for the primary  
20 purpose of testing, developing, or producing seeds or  
21 plants for sale or resale to farmers as seed stock.  
22 Grain which is not sold as seed stock is an incidental  
23 sale and must be less than twenty-five percent of the  
24 gross sales of the primary product of the research and  
25 experimental activities.

26 (3) The agricultural land is used for the primary  
27 purpose of testing, developing, or producing animals  
28 for sale or resale to farmers as breeding stock.  
29 However, after the effective date of this Act, to  
30 qualify under this paragraph, the following conditions  
31 must be satisfied:

32 (a) The nonresident alien, foreign business, or  
33 foreign government or an agent, trustee, or fiduciary  
34 of the alien, business, or government must not hold  
35 the agricultural land other than as a lessee. The  
36 term of the lease must be for not more than twelve  
37 years. A lessee shall not renew a lease entered into  
38 under this subparagraph (2). The lessee shall not  
39 enter into a lease under this paragraph, if another  
40 lease under this paragraph has been entered into by  
41 the lessee.

42 (b) A term or condition of sale, including resale,  
43 of seed stock or breeding stock must not relate to the  
44 direct or indirect control by the lessee of the  
45 breeding stock or breeding stock progeny subsequent to  
46 the sale.

47 (c) The number of acres of agricultural land held  
48 by the lessee must not exceed six hundred forty acres.

49 (d) The lessee must deliver a copy of the lease to  
50 the secretary of state. The secretary of state shall

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1 notify the lessee of receipt of the copy of the lease.  
2 Culls and test animals may be sold under this  
3 subparagraph (2). For a three-year period beginning  
4 on the date that the lease takes effect, the gross  
5 sales for any year shall not be greater than five  
6 hundred thousand dollars. After the three-year period  
7 ends, the gross sales for any year shall not be  
8 greater than twenty-five percent of the gross sales  
9 for that year of the breeding stock, or five hundred  
10 thousand dollars, whichever is less. As used in this  
11 subparagraph (2), "lessee" means a nonresident alien,  
12 foreign business, or foreign government, or an agent,  
13 trustee, or fiduciary acting on behalf of the

14 nonresident alien, foreign business, or foreign  
 15 government, or any other trade or business which is  
 16 under the lessee's common control as provided in 26  
 17 U.S.C. § 414.

18 Sec. \_\_\_\_\_. **NEW SECTION. 567.8A LESSEES CONDUCTING**  
 19 **RESEARCH OR EXPERIMENTS.**

20 Lessees of agricultural land under section 567.3,  
 21 subsection 3, paragraph "d", subparagraph (2), for  
 22 research or experimental purposes, shall file a report  
 23 with the secretary of state on or before March 31 of  
 24 each year on forms adopted pursuant to chapter 17A and  
 25 supplied by the secretary of state. The report shall  
 26 contain the following information for the last year:

27 1. The name and principal place of business of the  
 28 lessee.

29 2. The location of the agricultural land used for  
 30 research or experimental purposes.

31 3. The date that the lease became effective.

32 4. The name and address of each person purchasing  
 33 breeding stock produced on the agricultural land.

34 5. The number or volume of breeding stock  
 35 purchased by each person purchasing breeding stock  
 36 produced on the agricultural land.

37 Sec. \_\_\_\_\_. Section 172C.4, subsection 2, as amended  
 38 in this Act, and section 172C.6, as enacted in this  
 39 Act, are repealed on July 1, 2001. Effective July 1,  
 40 2001, section 172C.4, subsection 2, Code 1989, is  
 41 reenacted.

42 Sec. \_\_\_\_\_. Section 567.3, subsection 3, paragraph  
 43 d, as amended in this Act, and section 567.8A, as  
 44 enacted in this Act, are repealed on July 1, 2001.  
 45 Effective July 1, 2001, section 567.3, subsection 3,  
 46 paragraph d, Code 1989, is reenacted."

47 38. Title page, line 3, by striking the words "to  
 48 an environmental fund,".

49 39. Title page, line 4, by inserting after the  
 50 word "protection," the following: "the acquisition

### Page 13

1 and use of land,".

2 40. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4392.

### SENATE AMENDMENTS CONSIDERED

Halvorson of Webster called up for consideration **House File 764**, a bill for an act relating to the establishment of real estate education programs and making an appropriation, amended by the Senate, and moved that the House concur in the following Senate amendment H—4395:

H—4395

1 Amend House File 764, as passed by the House, as  
2 follows:

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

5 "Sec. \_\_\_\_\_. Section 258A.2, Code 1989, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 4. A person licensed to sell real  
8 estate in this state shall be deemed to have complied  
9 with the continuing education requirements of this  
10 state during periods that the person serves honorably  
11 on active duty in the military services, or for  
12 periods that the person is a resident of another state  
13 or district having a continuing education requirement  
14 for the occupation or profession and meets all  
15 requirements of that state or district for practice  
16 therein, if the state or district accords the same  
17 privilege to Iowa residents, or for periods that the  
18 person is a government employee working in the  
19 person's licensed specialty and assigned to duty  
20 outside of the United States, or for other periods of  
21 active practice and absence from the state approved by  
22 the appropriate board of examiners."

23 2. Title page, line 2, by inserting after the  
24 word "appropriation" the following: "and relating to  
25 reciprocity in continuing education requirements for  
26 persons licensed to sell real estate in this state".

27 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4395.

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

On the question "Shall the bill pass?" (H.F. 764)

The ayes were, 93:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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	Hibbard

Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Muhlbauer	Neuhauser	Nielsen
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Arnould	Lundby	Miller	Ollie
Sherzan	Stromer	Svoboda	

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

Groninga of Cerro Gordo called up for consideration **House File 769**, a bill for an act creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, authorizing a state-sponsored credit card, providing for properly related matters, subjecting violators to penalties, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—4389:

H—4389

- 1 Amend House File 769, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 4, line 14, by inserting after the word
- 4 "commission." the following: "Five percent of the
- 5 funds allocated to the open spaces account shall be
- 6 used to fund the protected waters program."
- 7 2. Page 4, by striking lines 16 through 24 and
- 8 inserting the following: "open space acquisition,
- 9 protection, and development programs. The department
- 10 shall give priority to acquisition and control of open
- 11 spaces of statewide significance. The department
- 12 shall also use these funds for developments on state
- 13 property. The total cost of an open spaces project
- 14 funded under this paragraph shall not exceed two
- 15 million dollars unless a public hearing is held on the
- 16 project in the area of the state affected by the
- 17 project. Political subdivisions of the state".

18 3. Page 4, by striking lines 33 and 34 and  
19 inserting the following: "appropriation was made or  
20 until completion of the project."

21 4. Page 5, line 2, by striking the word "third"  
22 and inserting the word "final".

23 5. Page 8, by striking lines 24 through 31 and  
24 inserting the following: "management account. The  
25 department shall use the moneys allocated to this  
26 account for maintenance and expansion of state lands  
27 and related facilities under its jurisdiction. The  
28 authority to expand state lands and facilities under  
29 this paragraph is limited to expansion of the state  
30 lands and facilities already owned by the state.  
31 There is appropriated from the state land management  
32 account to the department".

33 6. Page 13, by inserting after line 11 the fol-  
34 lowing:

35 "Sec. \_\_\_\_\_. NEW SECTION. 15.273 COOPERATIVE  
36 TOURISM PROGRAM.

37 The department shall assist the department of  
38 natural resources in promoting the state parks, state  
39 recreation areas, lakes, rivers, and streams under the  
40 jurisdiction of the natural resource commission for  
41 tourism purposes. The department of natural resources  
42 shall provide the department with brochures and other  
43 printed information concerning hunting and fishing  
44 opportunities, recreational opportunities in state  
45 parks and recreation areas, and other natural and  
46 historic information of interest to tourists.

47 The department shall disseminate the brochures and  
48 other information provided by the department of  
49 natural resources through the welcome centers, sports  
50 and vacation shows, direct information requests, and

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- 1 other programs implemented by the department to
- 2 promote tourism and related forms of economic
- 3 development in this state."

The motion prevailed and the House concurred in the Senate amendment H - 4389.

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

On the question "Shall the bill pass?" (H.F. 769)

The ayes were, 91:

- |           |       |          |         |
|-----------|-------|----------|---------|
| Adams     | Banks | Beaman   | Bennett |
| Bisignano | Black | Blanshan | Brammer |

Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Corbett	Daggett	De Groot
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Arnould	Beatty	Connors	Diemer
Eddie	Ollie	Sherzan	Stromer
Svoboda			

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

### HOUSE INSISTED

Jay of Appanoose called up for consideration **Senate File 141**, 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, and moved that the House insist on its amendment, which motion prevailed and the House insisted on its amendment.

### CONFERENCE COMMITTEE APPOINTED (Senate File 141)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 141: Jay of Appanoose, Chair; McKinney of Dallas, Sherzan of Polk, Halvorson of Clayton and Siegrist of Pottawattamie.

## Appropriations Calendar

**Senate File 538**, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H-4381 filed by the committee on appropriations:

H-4381

- 1 Amend Senate File 538, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by striking lines 11 through 15 and
- 4 inserting the following: "medical assistance
- 5 program."
- 6 2. By striking page 8, line 16 through page 10,
- 7 line 8 and inserting the following:
- 8 "Sec. 403. HEALTH CARE INSURANCE STUDY. The
- 9 legislative council shall contract for a comprehensive
- 10 study of the state's health insurance needs and
- 11 implementation of mandatory employer-sponsored health
- 12 insurance coverage. To monitor the study, the
- 13 legislative council shall appoint a steering committee
- 14 which may include representatives of health
- 15 professions, labor, business, insurance, government,
- 16 and consumers to administer the study. The study
- 17 shall provide information and recommendations to the
- 18 general assembly and the legislative council on or
- 19 before January 1, 1990, including but not limited to
- 20 all of the following items:
- 21 1. Characteristics of employed persons who are
- 22 uninsured and of unemployed persons who are uninsured.
- 23 2. The impact upon employers of mandatory

24 employer-subsidized coverage.

25 3. The characteristics of employers who do and do  
26 not offer insurance to their employees.

27 4. The cost of covering the unemployed who are not  
28 currently eligible for health insurance coverage  
29 through any federally financed health insurance  
30 program.

31 5. The lack of health insurance provided to  
32 farmers and other self-employed persons.

33 6. The impact of the uninsured upon rural  
34 hospitals and the university of Iowa hospitals and  
35 clinics.

36 7. The potential savings to the state and its  
37 political subdivisions as a result of mandatory  
38 employer-sponsored health care.

39 8. Provide a schedule to phase in coverage of all  
40 employees and every employer in the state.

41 9. At least three options with cost estimates, for  
42 a mandatory employer-sponsored primary and preventive  
43 health insurance benefit package provided to employees  
44 and dependents of employees.

45 10. An additional option with a cost estimate and  
46 an analysis of cost-effectiveness for a health in-  
47 surance benefit package provided to employees and  
48 dependents of employees which includes but is not  
49 limited to major medical expenses, inpatient care,  
50 outpatient care, maternity and postnatal care,

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1 emergency care, and care for conditions related to  
2 nervous disorders, mental health, and substance abuse.

3 11. Options regarding delivery of a health care  
4 insurance plan which include consideration of existing  
5 public and private insurance delivery systems, health  
6 maintenance organizations, preferred provider  
7 organizations, and other managed care options.

8 12. A provision that the health care insurance  
9 plan operation and coverage issuance does not  
10 discriminate based upon sex or marital status.

11 13. A provision to coordinate coverage under the  
12 health care insurance plan with the Iowa comprehensive  
13 health insurance association established under chapter  
14 514E.

15 14. A provision to enhance the coverage of  
16 employees who are underinsured.

17 15. A provision regarding the tax treatment under  
18 mandatory employer-sponsored health insurance of  
19 persons who are self-employed or part of a  
20 partnership.

21 16. A provision to minimize the potential for  
22 adverse selection under the health care insurance

23 plan.

24 17. A provision under the health care insurance  
25 plan for the eligibility of persons who are early  
26 retirees.

27 18. Provisions for health care cost containment,  
28 coordination of benefits, health maintenance, quality  
29 of care, and prevention under the health care  
30 insurance plan.

31 19. A provision to discourage employers who are  
32 offering health care insurance benefits to employees  
33 from reducing or eliminating benefits when health care  
34 insurance coverage becomes mandatory.

35 20. A provision for the state to make available  
36 technical assistance to small businesses for the  
37 implementation of mandatory employer-sponsored health  
38 insurance.

39 21. Recommend a participation rate in the costs of  
40 health care insurance as a minimum standard for  
41 employer compliance with requirements to provide  
42 health care insurance coverage to employees.

43 22. A provision to subsidize the purchase of  
44 health insurance coverage for employed and unemployed  
45 low-income Iowans not covered under a qualifying  
46 health care insurance plan.

47 23. Make recommendations regarding methods to  
48 finance the health care insurance plan.

49 24. Provide recommendations for a unit of state  
50 government to be assigned administrative

### Page 3

1 responsibility for the health care insurance plan.

2 25. The examination of a health insurance tax  
3 credit for employers who employ fewer than twenty  
4 employees, and for those employers who are self-  
5 insured. The employer must provide two-thirds of the  
6 premium payment of the health insurance plan for the  
7 employees enrolled in the plan. An employee enrolled  
8 in the plan must pay one-third of the premium for the  
9 individual employee under the health insurance plan.  
10 The amount of the tax credit provided shall be one-  
11 half of the premium paid by the employer. The tax  
12 credit shall be provided to an employer for a maximum  
13 of five years. Any tax credit provided in excess of  
14 the employer's tax liability during the first taxable  
15 year may be credited to the employer's tax liability  
16 for the remaining four years or until an excess no  
17 longer exists. An employer shall only be eligible for  
18 the tax credit provided if the health insurance plan  
19 provided has been selected by the insurance division  
20 of the department of commerce.

21 Sec. \_\_\_\_\_. NEW SECTION. 514.24 PAYMENT OF

## 22 BENEFITS.

23 If a subscriber makes a written request to a  
 24 corporation which is organized under this chapter or  
 25 which is a mutual insurer under section 514.23  
 26 regarding any health care service benefit provided to  
 27 the subscriber, the corporation or mutual insurer  
 28 shall make payments directly to the provider of the  
 29 service."

30 3. By striking page 11, line 16 through page 12,  
 31 line 11 and inserting the following:

32 "Sec. 601. This division shall be known as the  
 33 "Head Injuries Division".

34 Sec. 602. NEW SECTION. 135.22 CENTRAL REGISTRY  
 35 FOR BRAIN INJURIES.

36 1. As used in this section, section 225C.23, and  
 37 section 601K.83, "brain injury" means clinically  
 38 evident brain damage or spinal cord injury resulting  
 39 directly or indirectly from trauma, infection, anoxia,  
 40 or vascular lesions not primarily related to  
 41 degenerative or aging processes, which temporarily or  
 42 permanently impairs a person's physical or cognitive  
 43 functions.

44 2. The director shall establish and maintain a  
 45 central registry of persons with brain injuries in  
 46 order to facilitate the provision of appropriate  
 47 rehabilitative services to the persons by the  
 48 department and other state agencies. For a patient  
 49 who is not admitted to a hospital but is treated in a  
 50 physician's office, physicians shall report a brain

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1 injury to the director within seven days after  
 2 identification of the person sustaining a brain  
 3 injury. Hospitals shall report a brain injury to the  
 4 director no later than forty-five days after the close  
 5 of a quarter in which the patient was discharged. The  
 6 report shall contain the name, age and residence of  
 7 the person, the date, type, and cause of the brain  
 8 injury, and additional information as the director  
 9 requires, except that where available, physicians and  
 10 hospitals shall report the Glasgow coma scale. The  
 11 director shall consult with health care providers  
 12 concerning the availability of additional relevant  
 13 information. The department shall maintain the  
 14 confidentiality of all information which would  
 15 identify any person named in a report. However, the  
 16 identifying information may be released for bona fide  
 17 research purposes if the confidentiality of the  
 18 identifying information is maintained by the  
 19 researchers, or the identifying information may be  
 20 released by the person with the brain injury or by the

21 person's guardian or, if the person is a minor, by the  
22 person's parent or guardian.

23 Sec. 603. NEW SECTION. 601K.83 ADVISORY COUNCIL  
24 ON HEAD INJURIES.

25 1. For purposes of this section, unless the  
26 context otherwise requires:

27 a. "Head injury" means "brain injury" as defined  
28 in section 135.22.

29 b. "Council" means the advisory council on head  
30 injuries.

31 2. The advisory council on head injuries is  
32 established. The following persons or their designees  
33 shall serve as ex officio, nonvoting members of the  
34 council:

35 a. The director of public health.

36 b. The director of human services and any division  
37 administrators of the department of human services so  
38 assigned by the director.

39 c. The director of the department of education.

40 d. The chief of the special education bureau of  
41 the department of education.

42 e. The administrator of the division of vocational  
43 rehabilitation of the department of education.

44 f. The director of the department for the blind.

45 g. The commissioner of insurance.

46 3. The council shall be composed of a minimum of  
47 nine members appointed by the governor in addition to  
48 the ex officio members, and the governor may appoint  
49 additional members. Insofar as practicable, the  
50 council shall include persons with head injuries,

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1 family members of persons with head injuries,  
2 representatives of industry, labor, business, and  
3 agriculture, representatives of federal, state, and  
4 local government, and representatives of religious,  
5 charitable, fraternal, civic, educational, medical,  
6 legal, veteran, welfare, and other professional groups  
7 and organizations. Members shall be appointed  
8 representing every geographic and employment area of  
9 the state and shall include members of both sexes.

10 4. Members of the council appointed by the  
11 governor shall be appointed for terms of two years.  
12 Vacancies on the council shall be filled for the  
13 remainder of the term of the original appointment.  
14 Members whose terms expire may be reappointed.

15 5. The members of the council shall appoint a  
16 chairperson and a vice chairperson and other officers  
17 as the council deems necessary. The officers shall  
18 serve until their successors are appointed and  
19 qualified. Members of the council shall receive

20 actual expenses for their services. Members may also  
21 be eligible to receive compensation as provided in  
22 section 7E.6. The council shall adopt rules pursuant  
23 to chapter 17A.

24 6. The council shall:

25 a. Promote meetings and programs for the  
26 discussion of methods to reduce the debilitating  
27 effects of head injuries, and disseminate information  
28 in cooperation with any other department, agency, or  
29 entity on the prevention, evaluation, care, treatment,  
30 and rehabilitation of persons affected by head  
31 injuries.

32 b. Study and review current prevention,  
33 evaluation, care, treatment, and rehabilitation  
34 technologies and recommend appropriate preparation,  
35 training, retraining, and distribution of manpower and  
36 resources in the provision of services to persons with  
37 head injuries through private and public residential  
38 facilities, day programs, and other specialized  
39 services.

40 c. Participate in developing and disseminating  
41 criteria and standards which may be required for  
42 future funding or licensing of facilities, day  
43 programs, and other specialized services for persons  
44 with head injuries in this state.

45 d. Make recommendations to the governor for  
46 developing and administering a state plan to provide  
47 services for persons with head injuries.

48 e. Meet at least quarterly.

49 f. Report on or before February 15 of each year to  
50 the governor and the general assembly on council

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1 activities, and submit recommendations believed  
2 necessary to promote the welfare of persons with head  
3 injuries.

4 7. The council is assigned to the division for  
5 administrative purposes. The administrator shall be  
6 responsible for budgeting, program coordination, and  
7 related management functions.

8 8. The council may receive gifts, grants, or  
9 donations made for any of the purposes of its programs  
10 and disburse and administer them in accordance with  
11 their terms and under the direction of the  
12 administrator.

13 Sec. 604. Section 225C.22, Code 1989, is  
14 repealed."

15 4. By striking page 13, line 21 through page 14,  
16 line 21 and inserting the following: "as provided in  
17 section 135B.33 and perform the duties required of the  
18 Iowa department of public health in section 135B.33."

19 5. By striking page 16, line 21 through page 17,  
20 line 4 and inserting the following:  
21 "NEW UNNUMBERED PARAGRAPH. The tax levy authorized  
22 by this section for operation and maintenance of the  
23 hospital may be available in whole or in part to any  
24 county with or without a county hospital organized  
25 under this chapter, to be used to enhance rural health  
26 services in the county. However, the tax levied may  
27 be expended for enhancement of rural health care  
28 services only following a local planning process. The  
29 Iowa department of public health shall establish  
30 guidelines to be followed by counties in implementing  
31 the local planning process which shall require legal  
32 notice, public hearings, and a referendum in  
33 accordance with sections 347.7 and 347.30 prior to the  
34 authorization of any new levy or a change in the use  
35 of a levy. Enhancement of rural health services for  
36 which the tax levy pursuant to this section may be  
37 used includes but is not limited to emergency medical  
38 services, health care services shared with other  
39 hospitals, rural health clinics, and support for rural  
40 health care practitioners and public health services.  
41 When alternative use of funds from the tax levy  
42 authorized by this section is proposed in a county  
43 with a county hospital organized under this chapter,  
44 use of the funds shall be agreed upon by the elected  
45 board of trustees of the county hospital. When  
46 alternative use of funds from the tax levy authorized  
47 by this section is proposed in a county without a  
48 county hospital organized under this chapter, use of  
49 the funds shall be agreed upon by the board of  
50 supervisors and any publicly elected hospital board of

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1 trustees within the county prior to submission of the  
2 question to the voters. Moneys raised from a tax  
3 levied in accordance with this paragraph shall be  
4 designated and administered by the board of  
5 supervisors in a manner consistent with the purposes  
6 of the levy."  
7 6. Page 18, by inserting after line 11 the  
8 following:  
9 "8. Support programs to enhance the agriculture-  
10 related safety of children."  
11 7. Page 19, line 18, by striking the figure "1,"  
12 and inserting the following: "21".  
13 8. Page 19, line 26, by striking the figure "20"  
14 and inserting the following: "21".  
15 9. By striking page 19, line 28 through page 21,  
16 line 27 and inserting the following:  
17 "Sec. 1001. This division shall be known as the

18 "Health Care Utilization Division".

19 Sec. 1002. HEALTH CARE UTILIZATION INFORMATION.

20 1. The Iowa health data commission shall annually  
21 publish all of the following:

22 a. Comparisons between health care providers of  
23 charges, length of stay, and numbers of admissions for  
24 selected diagnoses or procedures utilized on an  
25 inpatient basis.

26 b. Comparisons between health care providers of  
27 charges and numbers of encounters for selected  
28 diagnoses and procedures utilized on an ambulatory  
29 care basis.

30 c. Comparisons across geographic areas of  
31 population-based admission or incidence rates for  
32 selected diagnoses and procedures.

33 d. Comparisons between health care providers of  
34 service effectiveness utilizing state-of-the-art risk-  
35 adjusted outcome methodologies.

36 e. Information regarding research published  
37 concerning the medical efficacy of certain medical  
38 procedures and information regarding numbers of the  
39 procedures performed in Iowa.

40 f. A trends analysis which delineates cost  
41 increases in different components of the health care  
42 industry.

43 g. Recommendations to appropriate organizations  
44 and agencies regarding the potential uses of reports  
45 published pursuant to this subsection.

46 2. The Iowa health data commission may contract  
47 for a health care utilization study to review,  
48 identify, and address issues related to the  
49 utilization of health care services in the state by  
50 comparing national data with Iowa data.

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1 The study shall collect and analyze existing  
2 research on the medical efficacy of certain medical  
3 procedures and study potential overutilization of  
4 procedures in the state, and prepare a summary of  
5 procedures for which there is a significant level of  
6 usage in the state and for which substantial evidence  
7 from nationwide data suggests there is overutilization  
8 on a national level.

9 Sec. \_\_\_\_\_. Section 514E.1, subsection 2, Code 1989,  
10 is amended to read as follows:

11 2. "Association policy" means an individual or  
12 group policy issued by the association that provides  
13 the coverage specified in section 514E.4.

14 Sec. \_\_\_\_\_. Section 514E.2, subsection 2, Code 1989,  
15 is amended to read as follows:

16 2. The board of directors of the association shall

17 consist of not less than four nor more than eight  
18 members selected by the members of the association,  
19 subject to approval by the commissioner and a two of  
20 whom shall be representatives from corporations  
21 operating pursuant to chapter 514 on the effective  
22 date of this Act or any successors in interest, and  
23 two of whom shall be representatives of insurers  
24 providing coverage pursuant to chapter 509 or 514A;  
25 four public member members selected by the  
26 commissioner governor; the commissioner or the  
27 commissioner's designee from the division of  
28 insurance; and two members of the general assembly,  
29 one of whom shall be appointed by the speaker of the  
30 house and one of whom shall be appointed by the senate  
31 majority leader, who shall be ex officio and nonvoting  
32 members. The composition of the board of directors  
33 shall be in compliance with sections 69.16 and 69.16A.  
34 The governor's appointees shall be chosen from a broad  
35 cross-section of the residents of this state.

36 In order to select the initial board of directors  
37 and organize the association, the commissioner shall  
38 give notice to all carriers of the time and place of  
39 the organizational meeting. In determining voting  
40 rights at the organizational meeting, each carrier  
41 member is entitled to one vote in person or by proxy.  
42 If the board of directors is not selected within sixty  
43 days after the organizational meeting, the  
44 commissioner shall appoint the initial board. In  
45 approving or selecting members of the board, the  
46 commissioner shall consider whether all carriers are  
47 fairly represented. Members of the board may be  
48 reimbursed from the moneys of the association for  
49 expenses incurred by them as members, but shall not be  
50 otherwise compensated by the association for their

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1 services.

2 Sec. \_\_\_\_\_. Section 514E.2, Code 1989, is amended by  
3 adding the following new subsection 10 and renumbering  
4 the subsequent subsections:

5 NEW SUBSECTION. 10. The association is subject to  
6 oversight by the legislative fiscal committee of each  
7 legislative council. Not later than April 30 of each  
8 year, the board of directors shall submit to the  
9 legislative fiscal committee a financial report for  
10 the preceding year in a form approved by the  
11 committee.

12 Sec. \_\_\_\_\_. Section 514E.2, subsections 12 and 14,  
13 Code 1989, are amended by striking the subsections.

14 Sec. \_\_\_\_\_. Section 514E.7, subsection 2, Code 1989,  
15 is amended to read as follows:

16 2. A person is eligible to apply for an  
 17 association policy only if that person has been  
 18 rejected for similar health insurance coverage or is  
 19 only offered health insurance coverage at a rate  
 20 exceeding the association rate."

21 10. Page 22, by striking lines 15 and 16 and  
 22 inserting the following: "health services as provided  
 23 under section 104 of this Act and to provide  
 24 additional prevention services to women and children  
 25 to decrease problems of pregnancy outcomes, to reduce  
 26 the incidence of low birth weights, and to assist  
 27 children with special health care needs:

28 .....\$ 667,500

29 Sec. \_\_\_\_\_. CHILD HEALTH CARE SERVICES PROVIDED.

30 There is appropriated from the general fund of the  
 31 state to the Iowa department of public health for the  
 32 fiscal year beginning July 1, 1989, and ending June  
 33 30, 1990, the following amount, or so much thereof as  
 34 is necessary, to be used for the purposes designated:

35 To provide, within funds appropriated in this  
 36 section, physician services to children eligible for  
 37 services provided in child health centers under 641  
 38 I.A.C. ch. 76:

39 .....\$ 965,500

40 The physician services shall be subject to managed  
 41 care and selective contracting provisions and shall be  
 42 used to provide treatment of the children in a  
 43 physician's office and shall include coverage of  
 44 diagnostic procedures and prescription drugs required  
 45 for the treatment. Services provided under this  
 46 subsection shall be reimbursed according to Title XIX  
 47 reimbursement rates."

48 11. Page 23, line 12, by striking the figure  
 49 "205,000" and inserting the following: "275,000".

50 12. Page 24, by inserting after line 16 the

**Page 10**

1 following:

2 " \_\_\_\_\_. Of the funds appropriated in this section,  
 3 \$15,000 is allocated for a public purpose to support  
 4 farm family rehabilitation management in continuing  
 5 the project to develop rehabilitation services and  
 6 adaptive devices for farmers.

7 \_\_\_\_\_. Of the funds appropriated in this section  
 8 \$15,000 is allocated to the institute of agricultural  
 9 medicine and occupational health to develop program  
 10 materials and program activities for farm families.

11 \_\_\_\_\_. Of the funds appropriated in this section,  
 12 \$15,000 is allocated for a public purpose to grant to  
 13 a nonprofit safety education and disaster services  
 14 organization located in central Iowa to offer between

15 five and ten courses around the state for farm  
 16 families and farm workers. The courses shall cover  
 17 first aid, lifesaving, farm accident prevention  
 18 behaviors, and proper methods of handling farm  
 19 chemicals.

20 \_\_\_\_\_. Of the funds appropriated in this section,  
 21 \$25,000 is allocated to support the activities of a  
 22 nonprofit grass-roots organization emphasizing farm  
 23 safety for children."

24 13. Page 24, by striking lines 25 through 27 and  
 25 inserting the following:

26 "1. Of the funds appropriated in this section,  
 27 \$15,000 is allocated to support the surveillance and  
 28 reporting of disabilities suffered by persons engaged  
 29 in agriculture resulting from diseases or injuries,  
 30 including identifying the amount and severity of  
 31 agricultural related injuries and diseases in the  
 32 state, identifying causal factors associated with  
 33 agricultural related injuries and diseases, and  
 34 evaluating the effectiveness of intervention programs  
 35 designed to reduce injuries and diseases. The  
 36 department shall cooperate with the department of  
 37 agriculture and land stewardship, Iowa state  
 38 university of science and technology, and the college  
 39 of medicine at the university of Iowa."

40 14. Page 25, by striking line 20 and inserting  
 41 the following:

42 "For health care utilization information as  
 43 provided under".

44 15. By striking page 25, line 23, through page  
 45 27, line 4.

46 16. Page 28, by inserting after line 26 the  
 47 following:

48 "Sec. \_\_\_\_\_. HEALTH CARE INSURANCE STUDY — APPRO-  
 49 PRIATION. There is appropriated from the general fund  
 50 of the state to the legislative council for the fiscal

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1 year beginning July 1, 1989, and ending June 30, 1990,  
 2 the following amount, or so much thereof as is  
 3 necessary, to be used for the purpose designated:

4 To contract with a consultant to implement a health  
 5 care insurance study pursuant to section 403 of this  
 6 Act:

7 ..... \$ 200,000".

8 17. Title page, line 7, by inserting after the  
 9 word "access" the following: "and a study of health  
 10 care insurance".

11 18. Title page, by striking lines 10 through 12,  
 12 and inserting the following: "recipients of medical  
 13 assistance; persons with head injuries; rural health

- 14 systems delivery and related taxation and rural".  
15 19. Title page, by striking lines 16 and 17, and  
16 inserting the following: "assistance program; health  
17 care utilization; operation and tax treatment of the  
18 Iowa comprehensive health insurance association;  
19 making appropriations to certain state".  
20 20. By renumbering as necessary.

Metcalf of Polk asked and received unanimous consent to defer action on amendment H—4398.

Groninga of Cerro Gordo offered the following amendment H—4388, to the committee amendment H—4381, filed by him and moved its adoption:

H—4388

- 1 Amend the amendment, H—4381, to Senate File 538, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 9, by striking lines 12 and 13, and  
5 inserting the following:  
6 "Sec. \_\_\_\_\_. Section 514E.2, subsection 12, Code  
7 1989, is amended by striking the subsection."  
8 2. By renumbering as necessary.

Amendment H—4388 was adopted.

Groninga of Cerro Gordo offered the following amendment H—4401, to the committee amendment H—4381, filed by him from the floor:

H—4401

- 1 Amend amendment, H—4381, to Senate File 538, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 3, by striking lines 2 through 29.

The following amendment H—4403, to amendment H—4401, to the committee amendment H—4381, filed by Groninga of Cerro Gordo from the floor was adopted by unanimous consent:

H—4403

- 1 Amend amendment, H—4401, to amendment, H—4381, to  
2 Senate File 538, as amended, passed, and reprinted  
3 by the Senate, as follows:  
4 1. Page 1, line 4, by striking the numeral "2" and  
5 inserting the numerals "21".

Groninga of Cerro Gordo moved the adoption of amendment H—4401, as amended.

A non-record roll call was requested.

The ayes were 45, nays 16.

Amendment H—4401, as amended, was adopted.

Metcalf of Polk offered the following amendment H—4405, to the committee amendment H—4381, filed by her from the floor and moved its adoption:

H—4405

- 1 Amend amendment, H—4381, to Senate File 538, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 8, by striking lines 14 through 35, and
- 5 inserting the following:
- 6 "Sec. \_\_\_\_\_. Section 514E.2, subsection 2,
- 7 unnumbered paragraph 2, Code 1989, is amended to read
- 8 as follows:".

A non-record roll call was requested.

The ayes were 31, nays 42.

Amendment H—4405 lost.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H—4398, previously deferred, filed by her from the floor.

Metcalf of Polk asked and received unanimous consent to defer action on the committee amendment H—4381, as amended.

Fey of Scott offered the following amendment H—4394 filed from the floor by Fey, Jochum, Hammond and Haverland and moved its adoption:

H—4394

- 1 Amend Senate File 538, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting before line 16 the
- 4 following:
- 5 "Sec. 3000. NEW SECTION. 91E.1 DEFINITIONS.
- 6 As used in this chapter:
- 7 1. "Employee" means a person who is not self-
- 8 employed, is an employee as defined in section 91A.2,
- 9 and who:
- 10 a. Beginning July 1, 1991, works an average of at
- 11 least thirty hours per week and at least six hundred
- 12 hours in a calendar year.

- 13 b. Beginning July 1, 1992, works an average of at  
14 least twenty-five hours per week and at least five  
15 hundred hours per calendar year.
- 16 c. Beginning July 1, 1993, works an average of at  
17 least twenty hours per week and at least four hundred  
18 hours per calendar year.
- 19 2. "Employer" means an employer as defined in  
20 section 91A.2 who:
- 21 a. Beginning July 1, 1991, employs fifty or more  
22 employees.
- 23 b. Beginning July 1, 1992, employs forty or more  
24 employees.
- 25 c. Beginning July 1, 1993, employs twenty or more  
26 employees.
- 27 3. "Enrollee" means a person who purchases health  
28 care coverage through use of moneys expended by the  
29 state health care insurance plan pool.
- 30 4. "Self-insurance health plan" means a plan which  
31 provides health benefits to the employees of an  
32 employer, which is not a health insurance plan, and in  
33 which the employer is liable for actual costs of the  
34 health care service provided by the plan plus  
35 administrative costs.
- 36 5. "Third-party payor" means an entity, including  
37 but not limited to the medical assistance program, the  
38 federal Medicare program, or a provider of health  
39 insurance or service contracts under chapter 509, 514,  
40 or 514A.
- 41 Sec. 3001. NEW SECTION. 91E.2 HEALTH CARE  
42 INSURANCE PLAN ESTABLISHED.
- 43 1. Effective July 1, 1991, a health care insurance  
44 plan is established to provide primary and preventive  
45 health care insurance coverage to Iowans who are not  
46 otherwise covered by the medical assistance program,  
47 the federal Medicare program, a third-party payor  
48 plan, or other similar program or plan.
- 49 2. The plan shall provide for a schedule of  
50 premium contributions, copayments, coinsurance, and

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- 1 deductibles to be paid by enrollees in the health care  
2 insurance plan based upon a sliding fee scale which  
3 takes into account the enrollee's income, assets, and  
4 financial needs.
- 5 3. Provision of only the benefit package under the  
6 health care insurance plan shall not be subject to or  
7 considered part of a collective bargaining  
8 negotiation.
- 9 Sec. 3002. NEW SECTION. 91E.3 HEALTH CARE  
10 INSURANCE PLAN POOL ESTABLISHED.

11 1. Effective July 1, 1991, a health care insurance  
 12 pool is established within the state treasury. Moneys  
 13 within the pool shall be expended to provide health  
 14 care insurance coverage to those enrollees under the  
 15 health care insurance plan as established in section  
 16 91D.2.

17 2. Funds in the pool shall include, but are not  
 18 limited to, revenues collected from employers who do  
 19 not provide primary and preventive health care  
 20 insurance or benefits coverage to their employees.

21 3. Contributions to the pool may come from the  
 22 financial participation of employers, employees, and  
 23 other funding sources and shall be used to provide a  
 24 health care insurance benefit package to cover primary  
 25 care benefits and hospitalization. Moneys in the pool  
 26 shall not be expended to provide payment for services  
 27 for which a person is eligible pursuant to chapter  
 28 249A, receives coverage through private health care  
 29 insurance or benefits coverage, or through another  
 30 responsible party."

31 2. Title page, line 18, by inserting after the  
 32 word "agencies;" the following: "requiring certain  
 33 employers to provide health insurance;".

34 3. By renumbering as necessary.

Amendment H—4394 was adopted.

Hammond of Story offered the following amendment H—4390  
 filed by her from the floor and moved its adoption:

H—4390

1 Amend Senate File 538 as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. Page 15, by striking lines 5 through 19 and  
 4 inserting the following:

5 "d. For the purposes of this section, "Medicare"  
 6 means the program of health insurance established  
 7 under Title XVIII of the federal Social Security Act."

8 2. Page 16, by striking lines 12 through 18 and  
 9 inserting the following:

10 "Sec. \_\_\_\_\_. NEW MEDICAL FACILITY LICENSURE CATEGORY  
 11 RECOMMENDATIONS. In cooperation with the advisory  
 12 committee to the office of rural health, the office of  
 13 rural health of the Iowa department of public health  
 14 shall make recommendations to the general assembly on  
 15 or before February 1, 1990, regarding the development  
 16 of a new medical facility licensure category to  
 17 respond to the changing health care needs of rural  
 18 Iowa. The office of rural health through the advisory  
 19 committee shall seek federal waivers and take  
 20 additional action to permit federal reimbursement

21 under the federal Medicare program and the medical  
22 assistance program for services provided in a facility  
23 licensed under the new category.”  
24 3. By renumbering as necessary.

Amendment H—4390 was adopted.

Hammond of Story offered the following amendment H—4397  
filed by her from the floor and moved its adoption:

H—4397

1 Amend Senate File 538 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 19, by striking lines 7 through 18 and  
4 inserting the following: “results of the federal  
5 study of a resource-based relative value scale for  
6 reimbursement of physicians under the federal Medicare  
7 program. The department shall make an initial  
8 determination of the value scale’s potential for  
9 containment of health care costs if implemented for  
10 reimbursement of physicians under the medical  
11 assistance program. The department shall report  
12 regarding the initial determination and provide  
13 recommendations concerning implementation of the value  
14 scale to the general assembly by January 1, 1990. The  
15 report shall include an estimate of resources required  
16 to study and implement a resource-based relative value  
17 scale for reimbursement of physicians under the  
18 medical assistance program.”  
19 2. Page 22, by striking lines 3 and 4 and  
20 inserting the following: “for not more than the  
21 following full-time equivalent positions.”  
22 3. Page 22, by inserting after line 6 the  
23 following:  
24 “Of the full-time equivalent positions authorized  
25 in this section, 8.5 FTEs are allocated to community  
26 services and 1.0 FTE is allocated to general  
27 administration.”

Amendment H—4397 was adopted.

The House resumed consideration of the committee amendment  
H—4381, as amended, previously deferred.

Metcalf of Polk offered the following amendment H—4406, to the  
committee amendment H—4381, filed by her from the floor and moved  
its adoption:

H—4406

1 Amend the amendment, H—4381, to Senate File 538, as  
2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 8, line 17, by striking the word "four"  
 5 and inserting the following: "~~four~~ six".  
 6 2. Page 8, line 25, by striking the word "four"  
 7 and inserting the following: "six".

Amendment H—4406 lost.

On motion by Hammond of Story, the committee amendment H—4381, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 538)

The ayes were, 78:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rosenberg	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Swartz	Tabor	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 17:

Beaman	Bennett	Daggett	Eddie
Garman	Harbor	Hermann	Kremer
Maulsby	Miller	Pellett	Renken
Royer	Schnekloth	Stueland	Tyrrell
Van Maanen			

Absent or not voting, 5:

Banks	Renaud	Sherzan	Stromer
Svoboda			

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 538)

Arnould of Scott asked and received unanimous consent that Senate File 538 be immediately messaged to the Senate.

**House File 785**, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date, was taken up for consideration.

Poncy of Wapello offered the following amendment H—4391 filed by him and Swartz of Marshall from the floor and moved its adoption:

H—4391

- 1 Amend House File 785 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 99E.32, subsection 1, Code
- 5 1989, is amended by adding the following new
- 6 paragraph:
- 7 **NEW PARAGRAPH.** d. Notwithstanding paragraph "c",
- 8 after the allotments have been made for the fiscal
- 9 year beginning July 1, 1988, under paragraphs "a" and
- 10 "b", the total excess is allotted to the surplus
- 11 account."
- 12 2. Page 1, by inserting before line 27 the
- 13 following:
- 14 "\_\_\_\_\_ To the department of natural resources for
- 15 the purposes of holding toxic waste cleanup days
- 16 during the fall of 1989:
- 17 .....\$ 500,000
- 18 To the extent practical, the department shall hold
- 19 at least one of the toxic cleanup days in each state
- 20 congressional district.
- 21 \_\_\_\_\_. To the department of public safety or
- 22 successor drug enforcement agency for promoting,
- 23 equipping, and staffing a "Drug Tip Hotline":
- 24 .....\$ 100,000
- 25 \_\_\_\_\_. (1) To a special fund to be created in the
- 26 office of the treasurer of state to be used for the
- 27 acquisition of emergency medical services equipment as
- 28 provided in this paragraph:
- 29 .....\$ 3,000,000
- 30 (2) The moneys in the special fund created
- 31 pursuant to subparagraph (1) shall be allocated to
- 32 each county based upon the apportionment of funds as
- 33 follows:
- 34 (a) Fifty percent of the funds is apportioned

35 based upon the area of a county to the total area of  
 36 all counties.  
 37 (b) Twenty-five percent of the funds is  
 38 apportioned based upon the population of the county to  
 39 the total population of all counties.  
 40 (c) Twenty-five percent of the funds is  
 41 apportioned based upon the rural population of the  
 42 county to the total rural population of all counties.  
 43 (3) Each county EMS association shall propose a  
 44 plan for spending the county's allocation and submit  
 45 the plan to the regional EMS council for its review  
 46 and comment. The regional EMS council shall review  
 47 the plan and shall approve, modify, or deny it. If a  
 48 request is denied the county EMS association may  
 49 submit a new proposal. Upon approval of the regional  
 50 EMS council, the treasurer of state shall remit the

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1 amount approved to each county treasurer. Each county  
 2 treasurer shall disburse the funds to the award  
 3 recipients. Each one dollar awarded to a county shall  
 4 require a one-dollar match by the county or EMS  
 5 provider. The Iowa department of public health shall  
 6 provide assistance to the regional EMS council in  
 7 reviewing the proposals and shall assist the office of  
 8 the treasurer of state in implementing this paragraph.

9 (4) For purposes of this paragraph, unless the  
 10 context otherwise requires:

11 (a) "Area", "county EMS association", "EMS  
 12 provider", "regional EMS council", and "rural  
 13 population" mean the same as defined in 641 IAC, ch.  
 14 130.

15 (b) "Emergency medical services equipment" means  
 16 defibrillators, nondisposable essential ambulance  
 17 equipment, as defined by the American college of  
 18 surgeons, communications pagers, radios, and base  
 19 repeaters. "Emergency medical services equipment"  
 20 does not include ambulances, automotive parts, or  
 21 buildings.

22 (5) Notwithstanding section 8.33 or any other  
 23 provision of law, funds appropriated by this paragraph  
 24 which are unobligated or unencumbered on June 30,  
 25 1989, shall not revert to any fund but shall remain in  
 26 the special account until fully awarded to the  
 27 appropriate counties.

28 \_\_\_\_\_. To the department of public safety for not  
 29 more than the following full-time equivalent positions  
 30 for the purpose of enforcing 1989 Iowa Acts, Senate  
 31 File 124:

32 .....	\$	400,000
33 .....	FTEs	16.0

34 \_\_\_\_\_ To the state racing and gaming commission for  
 35 not more than the following full-time equivalent  
 36 positions for regulation activities required pursuant  
 37 to 1989 Iowa Acts, Senate File 124:

38	.....	\$	100,000
39	.....	FTEs	4.25"

Amendment H—4391 was adopted.

Corbett of Linn offered the following amendment H—4345 filed by him and moved its adoption:

H—4345

- 1 Amend House File 785 as follows:
- 2 1. Page 1, line 10, by striking the figure
- 3 "398,000" and inserting the following: "600,000".
- 4 2. Page 1, line 18, by striking the figure
- 5 "183,000" and inserting the following: "180,000".
- 6 3. Page 1, by striking lines 19 through 26 and
- 7 inserting the following:
- 8 "c. To the department of economic development for
- 9 marketing of biodegradable materials:
- 10 .....\$ 82,000".

Amendment H—4345 lost.

Schrader of Marion offered the following amendment H—4346 filed by him and moved its adoption:

H—4346

- 1 Amend House File 785 as follows:
- 2 1. Page 1, line 12, by striking the word "one-
- 3 third" and inserting the following: "three-fourths".
- 4 2. Page 1, line 14, by inserting after the word
- 5 "impacts" the following: "resulting from the
- 6 degradation".
- 7 3. Page 1, line 15, by inserting after the word
- 8 "plastics." the following: "The university shall
- 9 provide the general assembly by March 1, 1990, a
- 10 status report on the research that has been done as a
- 11 result of this appropriation on the health and
- 12 environmental impacts resulting from the degradation
- 13 of biodegradables plastics. By January 1, 1991, the
- 14 final report on such research shall be provided to the
- 15 general assembly."

A non-record roll call was requested.

The ayes were 24, nays 40.

Amendment H—4346 lost.

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

On the question "Shall the bill pass?" (H.F. 785)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Chapman	Clark
Cohoon	Connolly	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	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jochum
Johnson	Kistler	Knapp	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 1:

Carpenter

Absent or not voting, 7:

Connors	Hansen, S. D.	Hatch	Jesse
Koenigs	Maulsby	Royer	

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  
(Senate File 157)**

Fogarty of Palo Alto called up for consideration the report of the conference committee on Senate File 157 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 157

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 157, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4319.

2. That the House amendment, S—3791, to Senate File 157, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 7 and 8 and inserting the following:

“ \_\_\_\_\_ . Page 1, line 24, by striking the figure “11:30” and inserting the following: “10:00”.”

2. Page 1, by striking lines 13 through 24.

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

“ \_\_\_\_\_ . Page 3, by inserting after line 1, the following:

“Sec. \_\_\_\_\_ . This Act, being deemed of immediate importance, takes effect upon enactment.” ”

4. Page 2, line 5, by striking the words “courses and” and inserting the following: “courses,”.

5. Page 2, line 7, by inserting after the word “license” the following: “, changing time limits on use of a school license, and providing an effective date”.

ON THE PART OF THE HOUSE:

DANIEL P. FOGARTY, Chair  
JACK BEAMAN  
JOSEPHINE GRUHN  
BILL D. ROYER  
MARK S. SHEARER

ON THE PART OF THE SENATE:

C. JOSEPH COLEMAN, Chair  
JOHN P. KIBBIE  
LARRY MURPHY  
JACK NYSTROM  
RICHARD VANDE HOEF

The motion prevailed and the conference committee report was adopted.

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

On the question “Shall the bill pass?” (S.F. 157)

The ayes were, 85:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Chapman
Clark	Cphoon	Connolly	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Ollie	Osterberg	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, 10:

Beatty	Brown	Buhr	Carpenter
Doderer	Hatch	Holveck	Jesse
Nielsen	Siegrist		

Absent or not voting, 5:

Connors	Hammond	Peters	Royster
Tabor			

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

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 778 and 785 and Senate File 141.

### SENATE AMENDMENT CONSIDERED

Peterson of Carroll called up for consideration **House File 459**, a bill for an act relating to the disposition of seizable and forfeitable property, by modifying provisions relating to seizable property and seizure of vehicles, by providing for classes of forfeitable property, amending the burden of proof at forfeiture proceedings, providing for

conditions of forfeiture, establishing certain affirmative defenses, presumptions, and counterclaims, providing for the award of attorney fees, and providing an applicability date and an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—4400:

H—4400

1 Amend House File 459, as amended, passed, and re-  
2 printed by the House, as follows:

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

5 "Section 1. Section 321.85, Code 1989, is amended  
6 to read as follows:

7 321.85 STOLEN VEHICLES OR COMPONENT PARTS.

8 1. When a vehicle or component part is seized  
9 under section 321.84 or is stolen or embezzled, and is  
10 not claimed by the owner before the date on which the  
11 person charged with its stealing or embezzling is  
12 convicted, the officer having the vehicle or component  
13 part in the officer's custody shall, on that date by  
14 certified regular mail, notify the department that the  
15 officer has the vehicle or component part in the  
16 officer's possession, giving a full and complete  
17 description of it, including all vehicle  
18 identification numbers and component part numbers. If  
19 there is a dispute regarding a claim for the vehicle  
20 or component part, the agency holding the vehicle or  
21 component part shall conduct an evidentiary hearing to  
22 adjudicate the claim.

23 2. If a person claims to be the owner, and there  
24 is a dispute as to the claim, the department shall  
25 hold an evidentiary hearing within thirty days of re-  
26 ceiving the claim. If it is shown that the vehicle or  
27 component part is needed as evidence in a criminal  
28 prosecution or that further investigation is needed to  
29 identify the vehicle or part or its owner, the hearing  
30 shall be continued a reasonable amount of time for the  
31 completion of the prosecution or investigation. If  
32 the claimant establishes ownership of a vehicle or  
33 part, the vehicle or part shall be returned to the  
34 claimant without imposition of towing or storage fees.

35 3. A claimant may establish ownership of a motor  
36 vehicle by demonstrating any of the following:

37 a. That the claimant is the holder of a valid  
38 certificate of title, including rebuilt vehicle title,  
39 or junking certificate which in fact corresponds to  
40 all component parts of the vehicle, or by other  
41 competent evidence. Ownership shall not be denied if  
42 the only parts bearing numbers not corresponding to  
43 the title are those found on the engine, door, or

44 fender of the vehicle unless the numbers are the  
45 public vehicle identification number. Numbers on  
46 motorcycle engine cases are not engine numbers for  
47 purposes of this paragraph.  
48 b. That the claimant is the owner of all component  
49 parts of the vehicle as set forth in subsection 4.  
50 c. That the claimant is the legal owner of the

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1 vehicle under the laws of another state if the vehicle  
2 is registered or titled in that other state.  
3 4. A claimant may establish ownership of a com-  
4 ponent part by demonstrating that the claimant holds a  
5 valid certificate of title or junking certificate for  
6 the vehicle on which the part was initially installed  
7 by the manufacturer, or was placed in accordance with  
8 a valid rebuilt vehicle title, or by evidence of a  
9 legitimate unbroken chain of ownership of the part  
10 back to the holder of such title or certificate, or by  
11 other competent evidence. Ownership of component  
12 parts on which the numbers have been altered, defaced,  
13 switched, removed, or otherwise disguised shall not be  
14 established unless there is sufficient competent or  
15 physical evidence identifying it as part of a vehicle  
16 owned by the claimant.

17 5. If a claimant establishes ownership of a  
18 vehicle, the entire vehicle shall be awarded to the  
19 claimant, unless ownership of a door or fender or of  
20 the engine is established in another person, in which  
21 case that part shall be awarded to that person. If  
22 ownership of a vehicle is not established, the  
23 component parts shall be awarded to the claimants  
24 establishing title to the parts.

25 6. The final decision shall be served by certified  
26 mail upon the persons found to be owners of vehicles  
27 or parts, and shall notify such persons that the  
28 vehicle or part is no longer needed for prosecution or  
29 investigation and that they have forty-five days to  
30 retrieve the vehicle or part from the agency having it  
31 in custody. Failure to do so shall result in the  
32 vehicle or part being deemed abandoned for purposes of  
33 section 321.89.

34 7. If the ownership of a vehicle or part cannot be  
35 established, the agency with custody of it shall  
36 proceed as directed in sections 321.86 through 321.89.

37 Sec. \_\_\_\_\_. Section 321.88, Code 1989, is amended to  
38 read as follows:

39 321.88 FAILURE OF OWNER TO CLAIM.

40 If the owner does not appear within ~~forty~~ forty-  
41 five days, the motor vehicle or component part shall

42 be deemed abandoned and the officer having possession  
 43 of the motor vehicle or component part shall proceed  
 44 as provided in section 321.89, subsections 3 and 4.

45 Sec. \_\_\_\_\_. Section 321.89, Code 1989, is amended by  
 46 adding the following new subsection:

47 NEW SUBSECTION. 5. Component parts not claimed by  
 48 an owner as provided in section 321.88 shall be  
 49 disposed of as provided in subsections 3 and 4."

50 2. Page 1, by striking lines 29 through 34 and

**Page 3**

1 inserting the following:

2 "a. Property which is relevant and material as  
 3 evidence in a criminal prosecution or investigation.

4 b. Property defined by law to be class I or class  
 5 II forfeitable property.

6 c. Property which if not seized by the state poses  
 7 an imminent danger to a person's health, safety, or  
 8 welfare.

9 d. Property which is seizable under section  
 10 321.84."

11 3. Page 2, line 21, by striking the word  
 12 "written".

13 4. Page 2, by striking lines 25 and 26 and  
 14 inserting the following: "the property shall then be  
 15 returned or the property shall be deemed seized  
 16 property as of the time of the demand and refusal."

17 5. Page 3, line 2, by inserting after the word  
 18 "offense." the following: "However, "class II  
 19 forfeitable property" does not include property which  
 20 had, or which was intended to have had, a substantial  
 21 role in a violation of chapter 321 or 321J, or in the  
 22 commission of a criminal offense which is classified  
 23 as a simple or serious misdemeanor and which did not  
 24 involve a firearm, electricity, explosives, commercial  
 25 ventures, or monetary gain."

26 6. Page 3, by striking lines 5 through 12.

27 7. Page 4, line 28, by inserting after the figure  
 28 "1." the following: "Seized property which was  
 29 seizable property, as defined in section 809.1,  
 30 subsection 1, paragraph "c", at the time of seizure,  
 31 is not subject to forfeiture and shall be returned  
 32 without hearing when the property no longer poses an  
 33 imminent danger to a person's health, safety, or  
 34 welfare."

35 8. Page 5, by inserting before line 26, the  
 36 following:

37 "Sec. \_\_\_\_\_. Section 809.5, subsection 2, Code 1989,  
 38 is amended by adding the following new paragraph:

39 NEW PARAGRAPH. d. The property was seized under  
 40 section 321.84 and there is probable cause to believe

41 that the property should be disposed of under section  
42 321.85."

43 9. Page 5, by striking lines 30 and 31, and  
44 inserting the following: "II forfeitable property  
45 vests in the state at the time of seizure when the  
46 property comes into the physical possession or control  
47 of the state. Once forfeitable property is seized, no  
48 right to the".

49 10. Page 7, line 28, by inserting after the word  
50 "forfeiture." the following: "The forfeitable

#### Page 4

1 property shall not be disposed of until the expiration  
2 of a period of thirty days following the person's  
3 conviction. If rehearing is requested, the  
4 forfeitable property shall not be disposed of until  
5 the rehearing is concluded."

6 11. Page 7, line 31, by inserting after the word  
7 "ownership" the following: "interest exceeding a  
8 value of five hundred dollars".

9 12. Page 8, line 19, by inserting after the word  
10 "forfeiture." the following: "Attorney fees awarded  
11 under this subsection shall be paid from the general  
12 fund of the state."

13 13. Page 8, line 29 by inserting after the words  
14 "to the attorney general" the following: "for  
15 disposition and use".

16 14. Page 9, by inserting after line 31 the  
17 following:

#### 18 "Sec. 100. CLAIMS REGARDING CERTAIN FORFEITABLE 19 PROPERTY.

20 During the fiscal year beginning July 1, 1989, and  
21 ending June 30, 1990, a claim may be filed against the  
22 state pursuant to chapter 25 relating to forfeitable  
23 real property which was seized by the state at any  
24 time between July 1, 1986, through June 30, 1989, by a  
25 person alleging any of the following:

26 1. That the person, who was not a party to the  
27 alleged criminal activity, before becoming aware of  
28 any criminal investigation and prior to the seizure of  
29 the property, reported the alleged criminal activity  
30 to the appropriate law enforcement agency.

31 2. That the person acted reasonably in attempting  
32 to prevent or terminate the unlawful use of the  
33 property.

34 3. That the person had no prior knowledge of the  
35 criminal activity.

36 The claim may seek the return of forfeitable real  
37 property still under the control of the state or may  
38 seek damages based on the fair market value of the

39 forfeitable real property at the time of the seizure.  
 40 For the purposes of this section, "forfeitable real  
 41 property" means real property which had, or which was  
 42 intended to have had, a substantial role in the  
 43 commission of a criminal offense defined as a felony,  
 44 assault, or violation of chapter 109, 109A, 109B, 110,  
 45 110B, 204, or 204A, or section 724.4, or which had a  
 46 substantial role in an attempt to avoid detection of  
 47 or apprehension for such an offense."  
 48 15. Page 9, by striking line 32 and inserting the  
 49 following:  
 50 "Sec. \_\_\_\_\_. Except for forfeitable real property as

**Page 5**

1 provided in section 100, this Act applies to any  
 2 seizure or forfeiture".  
 3 16. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4400.

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

On the question "Shall the bill pass?" (H.F. 459)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Renken
Rosenberg	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Bennett	Connors	Hammond	Hatch
Hermann	Osterberg	Royer	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 for the immediate consideration of Senate File 537.

### Ways and Means Calendar

**Senate File 537**, a bill for an act relating to the standard deduction for state individual income tax purposes, limiting the deduction for net capital gain to the transfer of certain capital assets, providing an earned income tax credit, and providing retroactive applicability and effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Wise of Lee offered the following amendment H—4349 filed by the committee on ways and means:

H—4349

1 Amend Senate File 537, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 422.9, subsection 6,  
 6 unnumbered paragraph 1, Code 1989, is amended by  
 7 striking the paragraph and inserting in lieu thereof  
 8 the following:  
 9 The taxpayer may recompute the taxpayer's income  
 10 tax liability for the tax year by subtracting from the  
 11 taxpayer's taxable income, as computed without regard  
 12 to this subsection, sixty percent of the net capital  
 13 gain from the sale of the following:  
 14 a. Net capital gain from the sale of real property  
 15 used in a business, in which the taxpayer materially  
 16 participated for ten years, as defined in section  
 17 469(h) of the Internal Revenue Code, and which has  
 18 been held for a minimum of ten years, or from the sale  
 19 of a business, as defined in section 422.42, in which  
 20 the taxpayer was employed or in which the taxpayer  
 21 materially participated for ten years, as defined in  
 22 section 469(h) of the Internal Revenue Code, and which  
 23 has been held for a minimum of ten years. The sale of  
 24 a business means the sale of all or substantially all

25 of the tangible personal property or service of the  
26 business.

27 b. Net capital gain from the sale of cattle or  
28 horses held by the taxpayer for breeding, draft,  
29 dairy, or sporting purposes for a period of twenty-  
30 four months or more from the date of acquisition; but  
31 only if the taxpayer received more than one-half of  
32 the taxpayer's gross income from farming or ranching  
33 operations during the tax year.

34 c. Net capital gain from the sale of breeding  
35 livestock, other than cattle or horses, if the  
36 livestock is held by the taxpayer for a period of  
37 twelve months or more from the date of acquisition;  
38 but only if the taxpayer received more than one-half  
39 of the taxpayer's gross income from farming or  
40 ranching operations during the tax year.

41 d. Net capital gain from the sale of timber as  
42 defined in section 631(a) of the Internal Revenue  
43 Code.

44 The net capital gain of paragraphs "a", "b", "c",  
45 and "d" together shall not exceed seventeen thousand  
46 five hundred dollars for the tax year. Married  
47 taxpayers who elect separate filing on a combined  
48 return for state tax purposes are treated as one  
49 taxpayer and the amount of net capital gain to be used  
50 to determine the total amount to be subtracted by them

## Page 2

1 shall not exceed seventeen thousand five hundred  
2 dollars in the aggregate. Married taxpayers who file  
3 jointly or separately on a combined return shall  
4 prorate the seventeen thousand five hundred dollar  
5 limitation between them based on the ratio of each  
6 spouse's net capital gain to the total net capital  
7 gain of both spouses. In the case of married  
8 taxpayers filing separate returns, the amount of net  
9 capital gain to be used to determine the amount to be  
10 subtracted by each spouse shall not exceed eight  
11 thousand seven hundred fifty dollars.

12 Sec. 2. Section 422.21, unnumbered paragraph 6,  
13 Code 1989, is amended to read as follows:

14 The department shall prepare and make available a  
15 special return for filing a tax refund claim resulting  
16 from the net capital gain deduction authorized in  
17 section 422.9, subsection 6. The special returns  
18 shall be designed so that the department will be able  
19 to compile data that identifies the source and type of  
20 the capital gains and losses and the geographical  
21 location of the transactions involving the capital  
22 gains and losses. By January 15, 1989, the department  
23 shall make available to the general assembly the data

24 compiled from the special returns filed during the  
25 previous calendar year.

26 Sec. 3. This Act is retroactively applicable for  
27 tax years beginning on or after January 1, 1989."

28 2. Title page, by striking lines 1 through 5 and  
29 inserting the following: "An Act relating to state  
30 individual income tax by giving capital gain deduction  
31 treatment to limited amounts of capital gain, and  
32 providing a retroactive applicability date."

Tabor of Jackson offered the following amendment H—4404, to the committee amendment H—4349, filed by him from the floor and moved its adoption:

H—4404

1 Amend amendment, H—4349, to Senate File 537, 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. 100. Section 422.4, subsection 17, paragraph  
7 c, Code 1989, is amended to read as follows:

8 c. The annual inflation factor for the 1988  
9 calendar year is one hundred percent. The annual  
10 inflation factor for the 1990 calendar year is one  
11 hundred percent, notwithstanding the computation under  
12 paragraph "a".

13 Sec. 101. Section 422.4, subsection 17, Code 1989,  
14 is amended by adding the following new paragraph:

15 NEW PARAGRAPH. e. If for a calendar year,  
16 paragraph "d" does not require the annual inflation  
17 factor to be equal to one hundred percent then the  
18 annual inflation factor is as computed under paragraph  
19 "a" unless the most recent increase in adjustment for  
20 inflation was to the tax brackets rather than the  
21 standard deduction in which case the annual inflation  
22 factor is one hundred percent. For purposes of this  
23 paragraph, the increase in the standard deduction  
24 amounts for tax years beginning in the 1990 calendar  
25 year is deemed to be an increase in adjustment for  
26 inflation.

27 Sec. 102. Section 422.5, subsection 7, Code 1989,  
28 is amended to read as follows:

29 7. a. Upon determination of the latest cumulative  
30 inflation factor, the director shall multiply each  
31 dollar amount of the tax brackets set forth in  
32 subsection 1, paragraphs "a" and through "i" of this  
33 section, and each dollar amount specified in this  
34 section as the maximum amount of annuities received  
35 which may be excluded in determining final taxable  
36 income, by this cumulative inflation factor, shall

37 round off the resulting product to the nearest one  
38 dollar, and shall incorporate the result into the  
39 income tax forms and instructions for each tax year.

40 b. If the tax brackets for a tax year would have  
41 been adjusted except for the operation of section  
42 422.4, subsection 17, paragraph "e", the director  
43 shall adjust for inflation the standard deduction  
44 amounts specified in section 422.9, subsection 1, as  
45 may have been previously adjusted under this  
46 paragraph. In determining the amount of adjustment in  
47 each dollar amount of the standard deductions, the  
48 director shall estimate by October 15 the fiscal  
49 impact on state revenues if the tax brackets would  
50 have been adjusted, except for the operation of

**Page 2**

1 section 422.4, subsection 17, paragraph "e". The  
2 director shall then determine the amount of adjustment  
3 in each dollar amount of the standard deductions which  
4 will result in the same fiscal impact on state  
5 revenues for the tax year as if the tax brackets had  
6 been adjusted. The same percentage amount of  
7 adjustment shall be made in each dollar amount of the  
8 standard deductions. Any adjustment in the standard  
9 deductions as a result of this paragraph shall  
10 continue for subsequent tax years until otherwise  
11 adjusted as provided in this paragraph or other  
12 provision of law.

13 Sec. 103. Section 422.9, subsection 1, Code 1989,  
14 is amended to read as follows:

15 1. An optional standard deduction, after deduction  
16 of federal income tax, equal to one thousand ~~two~~ four  
17 hundred ~~thirty~~ dollars for a married person who files  
18 separately or a single person or equal to three  
19 thousand ~~thirty~~ four hundred fifty dollars for a  
20 husband and wife who file a joint return, a surviving  
21 spouse, or an unmarried head of household. The  
22 optional standard deduction shall not exceed the  
23 amount remaining after deduction of the federal income  
24 tax."

25 2. Page 2, by inserting before line 12 the  
26 following:

27 "Sec. 104. Section 422.21, unnumbered paragraph 4,  
28 Code 1989, is amended to read as follows:

29 The director shall determine for the 1989 and each  
30 subsequent calendar year the annual and cumulative  
31 inflation factors for each calendar year to be applied  
32 to tax years beginning on or after January 1 of that  
33 calendar year. The director shall compute the new  
34 dollar amounts as specified to be adjusted in section  
35 422.5 by the latest cumulative inflation factor and

36 round off the result to the nearest one dollar. The  
 37 annual and cumulative inflation factors determined by  
 38 the director are not rules as defined in section  
 39 17A.2, subsection 7. The director shall determine for  
 40 the 1992 and each subsequent calendar year if an  
 41 adjustment in the standard deductions, as provided in  
 42 section 422.5, subsection 7, paragraph "b", are  
 43 required for tax years beginning in that calendar  
 44 year. The amount of any adjustment in the standard  
 45 deductions determined by the director are not rules as  
 46 defined in section 17A.2, subsection 7."

47 3. Page 2, by striking lines 26 and 27 and in-  
 48 serting the following:

49 "Sec. \_\_\_\_\_. Sections 1 and 2 of this Act retro-  
 50 actively apply to tax years beginning on or after

**Page 3**

1 January 1, 1989.

2 Sec. \_\_\_\_\_. Sections 100 and 103 of this Act apply  
 3 to tax years beginning on or after January 1, 1990.

4 Sec. \_\_\_\_\_. Sections 101 and 102 of this Act apply  
 5 to tax years beginning on or after January 1, 1991."

6 4. Page 2, line 29, by inserting after the word  
 7 "Act" the following: "relating to the indexing of tax  
 8 brackets and the standard deduction for income tax  
 9 purposes, increasing the amount of the standard  
 10 deduction,".

11 5. Page 2, by striking line 32 and inserting the  
 12 following: "providing certain applicability dates."

13 6. Renumber as necessary.

Amendment H—4404 was adopted.

The House stood at ease at 4:14 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—4349, as amended, to Senate File 537 at 4:58 p.m., Speaker Avenson in the chair.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—4368, to the committee amendment H—4349, filed by him on May 2, 1989.

Metcalf of Polk offered the following amendment H—4387, to the committee amendment H—4349, filed by her and moved its adoption:

H—4387

1 Amend amendment, H—4349, to Senate File 537, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

- 4 1. Page 1, by inserting before line 44, the  
 5 following:  
 6 "e. Net capital gain from the sale of stock or  
 7 securities as defined in section 1083(f) of the  
 8 Internal Revenue Code."  
 9 2. Page 1, line 45, by striking the words "and  
 10 "d" " and inserting the following: " "d", and "e" ".

Amendment H—4387 lost.

Connolly of Dubuque offered the following amendment H—4359, to the committee amendment H—4349, filed by him and Doderer of Johnson and moved its adoption:

H—4359

- 1 Amend amendment, H—4349, to Senate File 537, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. By striking page 1, line 5, through page 2,  
 5 line 25, and inserting the following:  
 6 "Section 1. Section 422.5, subsection 1,  
 7 paragraph k, unnumbered paragraph 2, Code 1989, is  
 8 amended to read as follows:  
 9 The state alternative minimum taxable income of a  
 10 taxpayer is equal to the taxpayer's state taxable  
 11 income, as computed with the deductions in section  
 12 422.9, ~~except for the net capital gain deduction~~, with  
 13 the following adjustments:  
 14 Sec. 2. Section 422.9, subsection 6, Code 1989, is  
 15 amended by striking the subsection.  
 16 Sec. 3. Section 422.21, unnumbered paragraph 6,  
 17 Code 1989, is amended by striking the unnumbered  
 18 paragraph."  
 19 2. Page 2, line 30, by striking the word "giving"  
 20 and inserting the following: "eliminating the".  
 21 3. Page 2, line 31, by striking the words  
 22 "treatment to limited amounts of capital gain,".

Amendment H—4359 lost.

On motion by Wise of Lee, the committee amendment H—4349, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 537)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Daggett
De Groot	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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 6:

Bennett	Diemer	Doderer	Metcalf
Schnekloth	Shultz		

Absent or not voting, 1:

Corbett

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:

Corbett of Linn, for the remainder of the day, on request of Banks of Plymouth.

### IMMEDIATE MESSAGE

(Senate File 537)

Arnould of Scott asked and received unanimous consent that Senate File 537 be immediately messaged to the Senate.

## SENATE AMENDMENT CONSIDERED

Connors of Polk called up for consideration **Senate File 366**, a bill for an act authorizing a city to seek a judgment against a property owner for improvements made to the property, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4393 to the House amendment:

H—4393

- 1 Amend the House amendment, S—3604, to Senate File
- 2 366, as passed by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "property." the following: "For the purposes of this
- 5 subsection, a county acquiring property for delinquent
- 6 taxes shall not be considered a property owner."

The motion prevailed and the House concurred in the Senate amendment H—4393 to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 366)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Black  
McKean

Connolly  
Tabor

Corbett

Groninga

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 5:25 p.m., until the fall of the gavel.

The House resumed session at 5:55 p.m., Speaker Avenson in the chair.

### 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 transportation upon adjournment, to be followed by the committee on appropriations and the committee on ways and means.

### COMMITTEE REAPPOINTMENTS

The Speaker has announced the following changes in House committee assignments effective immediately:

Mary Neuhauser — appointed to the Energy & Environmental Protection Committee, withdrawn from the Labor & Industrial Relations Committee.

Tony Bisignano — appointed to the Labor & Industrial Relations Committee, withdrawn from the Energy & Environmental Protection Committee.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday afternoon, May 3, 1989. Had I been present, I would have voted "aye" on House File 785.

MAULSBY of Calhoun

### PRESENTATION OF VISITORS

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

Thirty-five fourth grade students from Stanton Elementary School, Stanton, accompanied by Karen Mead. By Harbor of Mills.

Thirty fifth grade students from Adair-Casey Elementary School, accompanied by Sig Wood. By Hibbard of Madison.

Eleven sixth grade students from Goodrell Middle School, Des Moines, accompanied by Alice Ward. By Renaud and Connors 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 EDUCATION

**House File 794**, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-4402** May 3, 1989.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Senate File 522**, a bill for an act relating to radon testing and abatement, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** May 3, 1989.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 791**, a bill for an act relating to the decertification of a magistrate prior to commencement of the magistrate's term and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** May 3, 1989.

### RESOLUTION FILED

**HCR 16**, by Metcalf, Banks, Beaman, Bennett, Branstad, Carpenter, Clark, Corbett, Daggett, De Groot, Diemer, Eddie, Garman, Halvorson of Clayton, Hanson of Delaware, Harbor, Hermann, Hester, Kistler, Kremer, Lageschulte, Lundby, Maulsby, McKean, Miller, Pellett, Petersen of Muscatine, Plasier, Renken, Royer, Schnekloth, Shoning, Siegrist, Spenner, Stromer, Stueland, Trent, Tyrrell and Van Maanen, a concurrent resolution relating to the designation of May 29, 1989, as the "National Day of Remembrance for the Victims of the USS Iowa."

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-4396	S.F.	519	Senate Amendment
H-4402	H.F.	794	Committee on Education
H-4407	S.F.	539	Stromer of Hancock

On motion by Arnould of Scott, the House adjourned at 5:57 p.m., until 9:00 a.m., Thursday, May 4, 1989.

## JOURNAL OF THE HOUSE

One Hundred Sixteenth Calendar Day — Seventy-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, May 4, 1989

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 Wednesday, May 3, 1989 was approved.

### SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Avenson invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the First Regular Session of the Seventy-third General Assembly were presented to the following Pages by Speaker Avenson and Minority Leader Stromer of Hancock:

Kim Campbell  
Cathy Carter  
Brent Carlson  
Brian Coon  
Cindy Cox  
Kristin Delfs  
Todd Dorman  
Jenny Gibson  
Brenda Graham  
Jason Gross  
Steve Hulsizer  
Michelle Jacobe

Lisa Jones  
Kathy Lemker  
Jamee Maurer  
Amy Peters  
Alan Pooch  
Michael Reed  
Lori Riessen  
Kari Sweeney  
Dustin Wilcox  
Gabrielle Wilson  
Angie Yoder

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 772, a bill for an act relating to and making appropriations to the justice system.

Also: That the Senate has, on May 3, 1989, insisted on its amendment to House File 778, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates, and the members of the conference committee,

on the part of the Senate are: The Senator from Dallas, Senator Riordan, Chair; the Senator from Tama, Senator Husak; the Senator from Cerro Gordo, Senator Scott; the Senator from Muscatine, Senator Rife; and the Senator from Pottawattamie, Senator Hester.

Also: That the Senate has on May 3, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date.

Also: That the members of the conference committee, on the part of the Senate, appointed May 3, 1989, to Senate File 141, 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 are: The Senator from Woodbury, Senator Doyle, Chair; the Senator from Polk, Senator Mann; the Senator from Palo Alto, Senator Kibbie; the Senator from Polk, Senator Gentleman; and the Senator from Buena Vista, Senator Fuhrman.

Also: That the Senate has on May 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 536, a bill for an act relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date.

Also: That the Senate has on May 3, 1989, 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 540, a bill for an act relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties.

Also: That the Senate has on May 3, 1989, 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 541, a bill for an act relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicability, and providing an effective date.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED  
(House File 778)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 778: Johnson of Winneshiek, Chair; Diemer of Black Hawk, Black of Jasper, Schrader of Marion and Stueland of Clinton.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shearer of Louisa on request of Brown of Lucas.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House File 794.

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 794**, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission, with report of committee recommending amendment and passage was taken up for consideration.

Harper of Black Hawk offered the following amendment H—4402 filed by the committee on education and moved its adoption:

H—4402

- 1 Amend House File 794, as follows:
- 2 1. Page 12, by striking lines 9 through 12.
- 3 2. Page 12, line 16, by striking the words
- 4 "~~authorizations licenses~~" and inserting the following:
- 5 "authorizations".
- 6 3. Page 12, line 19, by striking the words
- 7 "~~authorizations licenses~~" and inserting the following:
- 8 "authorizations".
- 9 4. Page 23, line 13, by inserting after the word
- 10 "institutions" the following: "and area education
- 11 agencies".
- 12 5. Page 25, line 12, by striking the word and
- 13 figures ", 261.52, and 279.19B" and inserting the
- 14 following: "and 261.52".
- 15 6. By renumbering as necessary.

The committee amendment H—4402 was adopted.

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

On the question "Shall the bill pass?" (H.F. 794)

The ayes were, 99:

Adams  
Beatty

Arnould  
Bennett

Banks  
Bisignano

Beaman  
Black

Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Shearer

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

#### IMMEDIATE MESSAGE (House File 794)

Arnould of Scott asked and received unanimous consent that House File 794 be immediately messaged to the Senate.

#### SENATE AMENDMENT CONSIDERED

Hammond of Story called up for consideration **Senate File 541**, a bill for an act relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicability, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4409 to the House amendment:

H-4409

- 1 Amend the House amendment, S-4076, to Senate File
- 2 541, as amended, passed, and reprinted by the Senate,

3 as follows:

- 4 1. Page 1, by striking lines 9 and 10 and  
5 inserting the following: "homes."  
6 2. Page 1, by striking line 13 and inserting the  
7 following: " " . Funds".

The motion prevailed and the House concurred in the Senate amendment H—4409, to the House amendment.

Hammond 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. 541)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

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

## COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON TRANSPORTATION

**House File 784**, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates.

Fiscal Note is not required.

Recommended **Do Pass** May 3, 1989.

**House File 792**, a bill for an act relating to transportation of hazardous materials and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** May 3, 1989.

**Committee Resolution**, a concurrent resolution calling for an interim study relating to the single commercial driver license requirement for drivers of commercial motor vehicles under the Federal Commercial Motor Vehicle Safety Act of 1986.

Fiscal Note is not required.

Recommended **Do Pass** May 3, 1989.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House File 784 and Senate File 291.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, until his return, on request of Bennett of Ida.

## Regular Calendar

**House File 784**, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates, with report of committee recommending passage was taken up for consideration.

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

## On the question "Shall the bill pass?" (H.F. 784)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lykam	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 7:

Chapman	Corbett	Gruhn	Lundby
Mertz	Svoboda	Teaford	

Absent or not voting, 6:

Daggett	Hibbard	Holveck	Plasier
Shearer	Sherzan		

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 291**, a bill for an act relating to security interests in mobile homes by permitting the secured party to retain the mobile home title, and by permitting secured parties, including mortgagees, to apply for reconversion of a mobile home from real property to personal property, previously deferred and placed on the unfinished business calendar.

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

## On the question "Shall the bill pass?" (S.F. 291)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhausser	Nielsen
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Brown	Daggett	Holveck	Ollie
Plasier	Schrader	Shearer	

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 215**, a bill for an act relating to the sales and use tax and providing an exemption from tax for certain irrigation equipment, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 215)

The ayes were, 83:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Clark	Cohoon
Connolly	Connors	De Groot	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Renaud	Renken
Royer	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 11:

Carpenter	Chapman	Corbett	Diemer
Groninga	Halvorson, R. N.	Hammond	Holveck
Lundby	Rosenberg	Siegrist	

Absent or not voting, 6:

Daggett	Hermann	Jesse	Plasier
Poncy	Shearer		

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

IMMEDIATE MESSAGE  
(House File 784)

Arnould of Scott asked and received unanimous consent that House File 784 be immediately messaged to the Senate.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the consideration of House File 791 and Senate File 522.

## SENATE AMENDMENTS CONSIDERED

Hammond of Story called up for consideration **Senate File 540**, a bill for an act relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties, amended by the House, further amended by the following Senate amendment H - 4410 to the House amendment:

H-4410

1 Amend the House amendment, S-4077, to Senate File  
2 540, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by inserting after line 8 the  
5 following:  
6 " \_\_\_\_\_. Page 10, by inserting after line 12 the  
7 following:  
8 "Sec. \_\_\_\_\_. Section 217.11, Code 1989, is amended  
9 by adding the following new subsection:  
10 NEW SUBSECTION. 10. The director of the  
11 department of education or the director's designee."  
12 2. Page 1, by striking lines 12 through 39.  
13 3. By striking page 1, line 40 through page 2,  
14 line 37.  
15 4. Page 2, by inserting after line 37 the  
16 following:  
17 " \_\_\_\_\_. Page 18, line 4, by inserting after the word  
18 "children." the following: "A psychiatric medical  
19 institution for children licensed before May 1, 1989,  
20 shall be reimbursed at the rate established under the  
21 medical assistance program until September 1, 1989. A  
22 psychiatric medical institution for children licensed  
23 on or after May 1, 1989, may bill the department of  
24 human services for actual audited costs up to one  
25 hundred twenty dollars per day, but shall be initially  
26 reimbursed at the group foster care rate."  
27 \_\_\_\_\_. Page 21, by inserting after line 2 the  
28 following:  
29 "Sec. \_\_\_\_\_. **ADOLESCENT RECIPIENTS OF AID TO**  
30 **DEPENDENT CHILDREN - INFORMATION.** The department of  
31 human services shall identify the number of adolescent  
32 recipients under the aid to dependent children program  
33 who have not completed high school or have not  
34 received a high school equivalency diploma under  
35 chapter 259A by county and by high school attendance

36 area. The department shall cooperate with the  
 37 department of education in studying the impact upon  
 38 high schools of adolescent recipients returning to  
 39 school, the high school needs for additional or  
 40 alternative programming, and needs for infant and  
 41 child care within or near the high schools. The  
 42 department shall report its findings to the general  
 43 assembly by January 1, 1990, and the report shall  
 44 include recommendations regarding measures necessary  
 45 to improve the success of adolescent recipients under  
 46 the aid to dependent children program in completing  
 47 high school or obtaining a high school equivalency  
 48 diploma." "

49 5. Page 2, by striking lines 42 through 44 and  
 50 inserting the following: "state juvenile institution,

**Page 2**

1 child support recovery, and".  
 2 6. By renumbering, relettering, or redesignating  
 3 and correcting internal references as necessary.

Chapman of Linn in the chair at 10:27 a.m.

Connors of Polk asked and received unanimous consent that Senate File 540 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—4410 pending.)

**HOUSE REFUSED TO CONCUR**

McKinney of Dallas called up for consideration **House File 780**, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—4408:

H—4408

1 Amend House File 780, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 1, line 1 through page 4,  
 4 line 28, and inserting the following:  
 5 Sec. \_\_\_\_\_. **NEW SECTION. 80E.1 NARCOTICS**  
 6 **ENFORCEMENT**".  
 7 2. Page 5, line 9, by inserting after the figure  
 8 "69.19." the following: "These members shall not be  
 9 serving as an officer within their respective  
 10 associations at the time of appointment or at any time  
 11 while serving on the advisory council."  
 12 3. Page 5, line 19, by striking the word  
 13 "oversee" and inserting the following: "advise".

14 4. By striking page 5, line 26, through page 6,  
15 line 11.

16 5. Page 6, line 16, by striking the words "law  
17 enforcement academy" and inserting the following:  
18 "narcotics enforcement advisory council".

19 6. Page 6, line 23, by striking the word  
20 "academy" and inserting the following: "council".

21 7. Page 7, by inserting after line 23 the fol-  
22 lowing:  
23 "Sec. \_\_\_\_\_. There is appropriated from the general  
24 fund of the state to the department of human services  
25 for the fiscal year beginning July 1, 1989, and ending  
26 June 30, 1990, the following amounts, or so much  
27 thereof as is necessary, to be used for the purposes  
28 designated:

29 For start-up costs associated with the development  
30 of juvenile emergency shelters and group homes for the  
31 placement of juveniles who have a high risk of the  
32 commission of a crime or a delinquent act and who need  
33 placement out-of-home and need specialized programs  
34 such as substance abuse or education programs:  
35 ..... \$ 1,000,000".

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

38 "3. For the division of criminal investigation and  
39 bureau of identification, for the purchase and use of  
40 deoxyribonucleic acid recording equipment for purposes  
41 of DNA profiling, and not more than the following  
42 full-time equivalent positions:

43 ..... \$ 59,024  
44 ..... FTEs 2.0".

45 9. Page 8, line 19, by striking the figure  
46 "1,000,000" and inserting the following: "904,000".

47 10. Page 8, by striking lines 21 through 28 and  
48 inserting the following: "appropriation, \$424,000  
49 shall be used to provide twenty-five".

50 11. Page 8, line 34, by striking the figure

**Page 2**

1 "376,000" and inserting the following: "480,000".

2 12. Page 9, by inserting after line 4, the  
3 following:

4 "Sec. \_\_\_\_\_. The department of human services, in  
5 coordination with the division of criminal and  
6 juvenile justice planning of the department of human  
7 rights, the juvenile court, and the division of  
8 substance abuse of the Iowa department of public  
9 health, shall identify the need for additional  
10 juvenile substance abuse treatment programs within the  
11 state, the necessary reimbursement structure under  
12 foster care for such programs to be established and

13 maintained, and the security needs for such programs.  
 14 The department shall submit to the general assembly a  
 15 report of its findings no later than January 1, 1990.  
 16 The department shall make use of this report in  
 17 providing start-up funds for additional shelter or  
 18 group home programs within the state, if funds are  
 19 made available to the department for this purpose.”

20 13. Page 9, by striking lines 5 through 11.

21 14. Page 13, line 14, by inserting after the word  
 22 “school,” the following: “the real property  
 23 comprising a video arcade, or any other property upon  
 24 which is located an establishment intended primarily  
 25 for the use of minors and where ten or more minors may  
 26 be assembled together at any particular time during  
 27 the regular business hours of the establishment,”.

28 15. Page 13, line 32, by inserting after the word  
 29 “school,” the following: “the real property  
 30 comprising a video arcade, or any other property upon  
 31 which is located an establishment intended primarily  
 32 for the use of minors and where ten or more minors may  
 33 be assembled together at any particular time during  
 34 the regular business hours of the establishment,”.

35 16. Page 15, by striking line 7, and inserting  
 36 the following: “indeterminate sentence prescribed by  
 37 law.

38 Sec. \_\_\_\_\_. NEW SECTION. 256.40 FINDINGS.

39 Greater collaboration and coordination is necessary  
 40 among state agencies in addressing the many challenges  
 41 faced by Iowa in assuring the full development of the  
 42 state’s youth into the productive work force necessary  
 43 for the twenty-first century. Public policy attention  
 44 must be placed upon the needs of at-risk adolescents  
 45 and adolescents in at-risk communities. Iowa youth  
 46 are at risk of a variety of personal and social  
 47 problems including drug abuse and dependency, school  
 48 dropout, juvenile delinquency, adolescent suicide, and  
 49 adolescent pregnancy, all of which can lead to adult  
 50 unemployment and welfare dependency. Approaches to

**Page 3**

1 such adolescent problems should be dealt with in a  
 2 comprehensive and coordinated fashion that involves  
 3 the schools, community programs serving youth, and the  
 4 private sector in providing positive youth  
 5 alternatives. The state should play a significant  
 6 role in aiding in such collaborative efforts within  
 7 local communities.

8 Sec. \_\_\_\_\_. NEW SECTION. 256.41 YOUTH 2000  
 9 COORDINATING COUNCIL CREATED.

10 A youth 2000 coordinating council is created within  
 11 the department of education. The council consists of

12 the following persons:

13 1. The director of the department of education, or  
14 the director's designee.

15 2. The administrator of the division of job  
16 training and entrepreneurship assistance of the  
17 department of economic development, or the  
18 administrator's designee.

19 3. The administrator of the division of children,  
20 youth and families in the department of human rights,  
21 or the administrator's designee.

22 4. The administrator of the division of substance  
23 abuse of the Iowa department of public health, or the  
24 administrator's designee.

25 5. The administrator of the division of criminal  
26 and juvenile justice planning, or the administrator's  
27 designee.

28 6. The administrator of the division of children  
29 and youth programs within the department of human  
30 services, or the administrator's designee.

31 7. The president of the Iowa association of school  
32 boards, or the president's designee.

33 8. The president of the Iowa state education  
34 association, or the president's designee.

35 Sec. \_\_\_\_\_. NEW SECTION. 256.42 COUNCIL  
36 RESPONSIBILITIES.

37 The youth 2000 coordinating council shall do all of  
38 the following:

39 1. Identify ways in which state agencies can  
40 coordinate the delivery of state services for youth  
41 within local communities, including ways in which  
42 local schools can coordinate services with other youth  
43 services programs.

44 2. Identify ways in which state policy should be  
45 modified to provide for greater collaboration in  
46 addressing youth problems and provide greater  
47 efficiency in meeting youth needs.

48 3. Identify program models for use in local  
49 communities for after school and summer youth  
50 employment efforts involving public-private

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1 partnerships to serve as alternatives to school  
2 dropout and drug use by youth.

3 4. Assist the department of education in providing  
4 oversight and assistance to the school-based youth  
5 services education program established pursuant to  
6 1989 Iowa Acts, House File 535.

7 5. Subject to the availability of funds for this  
8 purpose, award community planning grants for  
9 collaborative efforts to establish local drug  
10 prevention and youth development programs.

11 6. Provide assistance to local communities and the  
 12 Iowa department of public health in using substance  
 13 abuse prevention funds available through federal and  
 14 foundation funding sources.

15 7. Seek outside funding support for statewide and  
 16 regional workshops and conferences on collaborative  
 17 efforts to address youth problems.

18 8. Serve as a clearinghouse on collaborative  
 19 efforts to provide youth development opportunities for  
 20 at-risk youth and youth in at-risk communities.

21 9. Report annually to the governor on public  
 22 policy options available in Iowa to reduce the use of  
 23 drugs by Iowa's youth and to address other important  
 24 youth issues.

25 Sec. \_\_\_\_\_. Section 730.5, subsection 2, Code 1989,  
 26 is amended to read as follows:

27 2. Except as provided in subsection 7, an employer  
 28 shall not require or request employees or applicants  
 29 for employment to submit to a drug test as a condition  
 30 of employment, preemployment, promotion, or change in  
 31 status of employment. An employer shall not request,  
 32 require, or conduct random or blanket drug testing of  
 33 employees. However, this section does not apply to  
 34 preemployment drug tests authorized for peace officers  
 35 or correctional officers of the state, or to drug  
 36 tests required under federal statutes laws, or to drug  
 37 tests conducted pursuant to a nuclear regulatory  
 38 commission policy statement, or to drug tests  
 39 conducted to determine if an employee is ineligible to  
 40 receive workers' compensation under section 85.16,  
 41 subsection 2."

42 17. Page 29, by inserting after line 14, the  
 43 following:

44 "Sec. \_\_\_\_\_. The department of education shall  
 45 develop programs for juveniles designed to provide  
 46 alternative activities for juveniles in an effort to  
 47 reduce the participation of the target population in  
 48 gang activities and other delinquent acts. The  
 49 department shall report to the legislative fiscal  
 50 committee before August 1989 with respect to the

**Page 5**

1 programs developed.

2 Sec. \_\_\_\_\_. The legislative council shall consider  
 3 establishing a commission to study illegal drug  
 4 activities in the state of Iowa and efforts to combat  
 5 this growing problem. If established, the commission  
 6 shall study the appropriate aid to be provided to  
 7 state and local law enforcement agencies for the  
 8 apprehension of persons engaged in unlawful activities  
 9 relating to drugs, the proper role for state

- 10 government in coordinating these enforcement  
 11 activities, the treatment of substance abusers, the  
 12 relationship between the use of illegal drugs and the  
 13 commission of criminal offenses not related to illegal  
 14 drugs in Iowa, and other related matters. The  
 15 commission should report its findings and  
 16 recommendations to the legislative council and the  
 17 general assembly by January 15, 1990."  
 18 18. Page 29, by striking lines 16 and 17.  
 19 19. Title page, line 2, by inserting after the  
 20 word "enforcement" the following: ", correcting a  
 21 reference to federal laws,".  
 22 20. Title page, line 2, by striking the words  
 23 "and creating a new department of drug control".  
 24 21. By renumbering, relettering, or redesignating  
 25 and correcting internal references as necessary.

Roll call was requested by Hermann of Scott and Miller of Cherokee.

Rule 75 was invoked.

On the question "Shall the House concur in the Senate amendment H—4408?" (H.F. 780)

The ayes were, 45:

Banks	Beaman	Beatty	Bennett
Branstad	Carpenter	Clark	Corbett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Hermann	Hester	Jesse
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Mertz	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renaud	Renken	Rosenberg	Royer
Schnekloth	Shoning	Siegrist	Spenner
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 52:

Adams	Arnould	Avenson, Spkr.	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Schrader	Sherzan

Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Chapman
			Presiding

Absent or not voting, 3:

Buhr	Daggett	Shearer
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The motion lost and the House refused to concur in the Senate amendment H—4408.

### Regular Calendar

**House File 791**, a bill for an act relating to the decertification of a magistrate prior to commencement of the magistrate's term and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 791)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cphoon	Connolly	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Osterberg	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Sherzan	Shoning
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Chapman			
Presiding			

The nays were, none.

Absent or not voting, 7:

Daggett	Hibbard	Knapp	Ollie
Shearer	Shoultz	Swartz	

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

### Regular Calendar

**Senate File 522**, a bill for an act relating to radon testing and abatement, and making a penalty 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. 522)

The ayes were, 88:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Osterberg
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Schrader	Sherzan	Shoning
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Chapman
			Presiding

The nays were, 5:

Maulsby	Renken	Royer	Schneklath
Van Maanen			

Absent or not voting, 7:

Blanshan	Daggett	Hermann	Ollie
Shearer	Shoultz	Wise	

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 4, 1989, 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 178, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters.

Also: That the Senate has on May 4, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 751, a bill for an act relating to the remittance of the local option tax to local governments.

Also: That the Senate has on May 4, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 28, a concurrent resolution requesting the United States Congress to raise the permissible income level for eligibility for federal Farmers Home Administration loans and to expand the residential mortgage program to include guarantees for qualifying mortgage loans originated by local lending institutions.

JOHN F. DWYER, Secretary

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, until his return, on request of De Groot of Lyon.

### SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **Senate File 540**, a bill for an act relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties, and the Senate amendment H-4410 to the House amendment, found on pages 2407 and 2408 of the House Journal, previously deferred.

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

On motion by Hammond of Story, the House concurred in the Senate amendment H-4410 to the House amendment.

Hammond 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. 540)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 6:

Daggett	Hermann	Kremer	Shearer
Shoultz	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 for the immediate consideration of House File 792 and Senate File 539.

### Regular Calendar

**House File 792**, a bill for an act relating to transportation of hazardous materials and providing an effective date, 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?" (H.F. 792)

The ayes were, 82:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Clark	Cohoon
Connolly	Connors	Corbett	De Groot
Diemer	Eddie	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hibbard	Holveck
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 7:

Brown	Doderer	Dvorsky	Fey
Halvorson, R. N.	Hammond	Jesse	

Absent or not voting, 11:

Chapman	Daggett	Hatch	Hester
Jay	Kremer	Mertz	Plasier
Poncy	Shearer	Shoultz	

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

### 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 514**, a bill for an act providing a state sales and use tax exemption for certain facilities.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—4414** May 3, 1989.

**Senate File 539**, 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 a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—4413** May 3, 1989.

### Ways and Means Calendar

**Senate File 539**, 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 a retroactive applicability date, with report of committee recommending amendment and passage was taken up for consideration.

The House stood at ease at 11:36 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 539 at 12:29 p.m., Chapman of Linn in the chair.

Tabor of Jackson offered the following amendment H—4413 filed by the committee on ways and means and moved its adoption:

H—4413

- 1 Amend Senate File 539, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by striking lines 25 through 35.
- 4 2. By striking page 2, line 29, through page 3,
- 5 line 15.
- 6 3. By renumbering as necessary.

The committee amendment H—4413 was adopted.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H-4407 filed by him on May 3, 1989.

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

On the question "Shall the bill pass?" (S.F. 539)

The ayes were, 74:

Adams	Arnould	Avenson, Spkr.	Banks
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Clark	Cohoon	Connors
Corbett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Schnekloth	Schrader	Sherzan
Shoultz	Siegrist	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Chapman		
	Presiding		

The nays were, 19:

Beaman	Branstad	Daggett	De Groot
Garman	Halvorson, R. A.	Harbor	Hester
Knapp	Maulsby	McKean	Plasier
Rosenberg	Royer	Shoning	Spenner
Trent	Van Maanen	Wise	

Absent or not voting, 7:

Beatty	Cannolly	Hermann	Osterberg
Renken	Shearer	Tyrrell	

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

#### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 780, 791 and 792 and Senate File 539 be immediately messaged to the Senate.

## GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

May 3, 1989

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 520, an act relating to and making appropriations to the Department of Economic Development.

Senate File 520 is, hereby, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2, unnumbered paragraph 2. This provision in Senate File 520 would prevent any of the funds appropriated in subsection 2 for tourism promotion from being used for tourism advertising. However, the legislature included \$215,000 in this particular line item for that very purpose. In order to meet our commitment to provide a total of \$3 million for tourism marketing in the coming fiscal year, the \$215,000 included in subsection 2 will be needed. To allow that to occur and to correct this oversight, I must eliminate that language included in Section 1.

I am unable to approve the designated portion of Section 1, subsection 8, unnumbered paragraph 2. This provision in Senate File 520 stipulates that any official trade mission led by the governor must include representatives of the executive council. Frankly, as a matter of course, we have invited the secretary of agriculture to participate in trade missions when agricultural products are being promoted. The purpose of trade missions has not been and should not be made political; instead, the purpose should be to further the sale of Iowa-made products and to encourage reverse investment into our state. We have been most successful at the efforts we have made to date in that regard and we plan to continue those efforts.

The funds the General Assembly have provided to the Department of Economic Development will greatly assist Iowa in its export activities. Should a trade mission require the participation from a member of the executive council in an area of their particular interest and expertise, the General Assembly can be assured that the member will be invited. To require their participation regardless of their expertise or interest would simply be a waste of the taxpayers' funds.

I am unable to approve the designated portion of Section 1, subsection 18, unnumbered paragraph 2 and the item designated as Section 1, subsection 21, unnumbered paragraph 3. These provisions in Senate File 520 prevent any unspent funds appropriated to the displaced homemakers and dislocated workers programs from reverting to the state's general fund. Apparently, this anti-reversion language was inadvertently left in the legislation from my original budget bill draft. However, the final legislative action significantly increased the funding available for both of these programs, as compared to my original draft, thus making it unnecessary to include language allowing a carryover of the funds. If additional funds are needed to be provided in future fiscal years, the legislature can provide those appropriations at that time.

Senate File 520 is generally a good bill that supports our efforts to diversify the economy and to market and promote Iowa. I applaud the legislature for taking this responsible action to further the state's economic development efforts.

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 Senate File 520 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

On motion by Arnould of Scott, the House was recessed at 12:36 p.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Chapman 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 May 4, 1989, amended the House amendment and refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 14, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters.

Also: That the Senate has on May 4, 1989, 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 470, a bill for an act relating to waste minimization and disposal.

JOHN F. DWYER, Secretary

### HOUSE INSISTED

Fey of Scott called up for consideration **House File 178**, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED (House File 178)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 178: Fey of Scott, Chair; Hammond of Story, Haverland of Polk, Clark of Cerro Gordo and Plasier of Sioux.

## HOUSE INSISTED

Renaud of Polk called up for consideration **Senate File 14**, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED  
(Senate File 14)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 14: Renaud of Polk, Chair; Doderer of Johnson, Tyrrell of Iowa, Hammond of Story and Garman of Story.

## SENATE AMENDMENT CONSIDERED

Halvorson of Clayton called up for consideration **Senate File 519**, a bill for an act relating to the chairperson of the board of parole and the board of parole, amended by the House further amended by the Senate and moved that the House concur in the following Senate amendment H-4396 to the House amendment:

H-4396

1 Amend the House amendment, S-3983, to Senate File  
2 519, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, line 8, by inserting after the word  
5 "member" the following: "except the chairperson,".

6 2. Page 1, by striking line 10 and inserting the  
7 following: "serve a term of four years beginning and  
8 ending".

9 3. Page 1, by striking lines 17 and 18 and  
10 inserting the following: "consecutively be a full-  
11 time, salaried member of the board. A".

12 4. Page 3, line 30, by inserting after the word  
13 "member" the following: "except the chairperson,".

14 5. Page 3, line 31, by inserting after the word  
15 "assembly." the following: "The chairperson of the  
16 board shall be paid a salary as determined by the  
17 general assembly."

18 6. Page 3, by inserting after line 36 the  
19 following:

20 "Sec. \_\_\_\_\_. Section 906.5, Code 1989, is amended to  
21 read as follows:

22 906.5 RECORD REVIEWED - RULES.

23 1. Within one year after the commitment of a  
24 person other than a class "A" felon, class "B" felon  
25 convicted of murder in the second degree and serving a  
26 sentence of more than twenty-five years, or a felon

27 servng a mandatory minimum sentence, other than a  
28 class "A" felon, to the custody of the director of the  
29 Iowa department of corrections, a member of the board  
30 shall interview the person. Thereafter, at regular  
31 intervals, not to exceed one year, the board shall  
32 interview the person and consider the person's  
33 prospects for parole or work release. However, if the  
34 registration of a victim prohibits conducting a timely  
35 interview as provided in this subsection, the  
36 interview may be conducted within a reasonable period  
37 of time after the one-year period or interval has  
38 expired in order to provide the victim notice as  
39 provided in section 910A.10, subsection 1, paragraph  
40 "a".

41 Not less than twenty days prior to conducting a  
42 hearing at which the board will interview the person,  
43 the board shall notify the department of corrections  
44 of the scheduling of the interview, and the department  
45 shall make the person available to the board at the  
46 person's institutional residence as scheduled in the  
47 notice. However, if health, safety, or security  
48 conditions require moving the person to another  
49 institution or facility prior to the scheduled  
50 interview, the department of corrections shall so

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1 notify the board.

2 2. At the time of an interview required under this  
3 section, the board shall consider all pertinent  
4 information regarding the person, including the  
5 circumstances of the person's offense, any presentence  
6 report which is available, the previous social history  
7 and criminal record of the person, the person's  
8 conduct, work, and attitude in prison, and the reports  
9 of physical and mental examinations that have been  
10 made.

11 3. A person while on parole or work release is  
12 under the supervision of the district department of  
13 correctional services of the district designated by  
14 the board of parole. The department of corrections  
15 shall prescribe rules for governing persons on parole  
16 or work release. The board may adopt other rules not  
17 inconsistent with the rules of the department of  
18 corrections as the board deems proper or necessary for  
19 the performance of its functions."

20 7. Page 3, by striking lines 37 through 42 and  
21 inserting the following:

22 "Sec. \_\_\_\_\_. Section 908.4, Code 1989, is amended to  
23 read as follows:

## 24 908.4 PAROLE REVOCATION HEARING.

25 The parole revocation hearing shall be conducted by  
26 a an administrative parole revocation officer judge  
27 who is an attorney appointed pursuant to section  
28 904A.5. The revocation hearing shall determine the  
29 following:

- 30 1. Whether the alleged parole violation occurred.
- 31 2. Whether the violator's parole should be  
32 revoked.

33 The administrative parole revocation officer judge  
34 shall make a verbatim record of the proceedings. The  
35 alleged violator shall be informed of the evidence  
36 against the violator, shall be given an opportunity to  
37 be heard, shall have the right to present witnesses  
38 and other evidence, and shall have the right to cross-  
39 examine adverse witnesses, except if the revocation  
40 officer judge finds that a witness would be subjected  
41 to risk or harm if the witness' identity were  
42 disclosed. The revocation hearing may be conducted  
43 electronically.

44 Sec. \_\_\_\_\_. Section 908.5, Code 1989, is amended by  
45 striking the section and inserting in lieu thereof the  
46 following:

## 47 908.5 DISPOSITION.

48 If a violation of parole is established, the  
49 administrative parole judge may continue the parole  
50 with or without any modification of the conditions of

**Page 3**

1 parole. The administrative parole judge may revoke  
2 the parole and require the parolee to serve the  
3 sentence originally imposed, or may revoke the parole  
4 and reinstate the parolee's work release status. The  
5 order of the administrative parole judge shall contain  
6 findings of fact, conclusions of law, and a  
7 disposition of the matter.

8 Sec. \_\_\_\_\_. Section 908.6, Code 1989, is amended to  
9 read as follows:

## 10 908.6 APPEAL OR REVIEW.

11 The order of the administrative parole revocation  
12 officer judge shall become the final decision of the  
13 board of parole unless, within the time provided by  
14 rule, the parole violator appeals the decision or a  
15 panel of the board reviews the decision on its own  
16 motion. On appeal or review of the administrative  
17 parole revocation officer's judge's decision, the  
18 board panel has all the power which it would have in  
19 initially making the revocation hearing decision. The  
20 appeal or review shall be conducted pursuant to rules  
21 adopted by the board of parole. The record on appeal  
22 or review shall be the record made at the parole

23 revocation hearing conducted by the administrative  
24 parole revocation officer judge.

25 Sec. \_\_\_\_\_. Section 908.7, Code 1989, is amended to  
26 read as follows:

27 908.7 WAIVER OF PAROLE REVOCATION HEARING.

28 The alleged parole violator may waive the parole  
29 revocation hearing, in which event the administrative  
30 parole revocation officer judge shall proceed to  
31 determine the disposition of the matter. The  
32 administrative parole revocation officer judge shall  
33 dispose of the case as provided in section 908.4. The  
34 administrative parole revocation officer judge shall  
35 make a verbatim record of the proceedings. The waiver  
36 proceeding may be conducted electronically.

37 Sec. \_\_\_\_\_. Section 908.10, Code 1989, is amended by  
38 striking the section and inserting in lieu thereof the  
39 following:

40 908.10 CONVICTION OF A FELONY WHILE ON PAROLE.

41 When a person is convicted and sentenced to  
42 incarceration in this state for a felony committed  
43 while on parole, or is convicted and sentenced to  
44 incarceration under the laws of any other state of the  
45 United States or a foreign government or country for  
46 an offense committed while on parole, and which if  
47 committed in this state would be a felony, the  
48 person's parole shall be deemed revoked as of the date  
49 of the commission of the new felony offense.

50 The parole officer shall inform the sentencing

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1 judge that the convicted defendant is a parole  
2 violator. The term for which the defendant shall be  
3 imprisoned as a parole violator shall be the same as  
4 that provided in cases of revocation of parole for  
5 violation of the conditions of parole. The new  
6 sentence of imprisonment for conviction of a felony  
7 shall be served consecutively with the term imposed  
8 for the parole violation, unless a concurrent term of  
9 imprisonment is ordered by the court.

10 The parolee shall be notified in writing that  
11 parole has been revoked on the basis of the new felony  
12 conviction, and a copy of the commitment order shall  
13 accompany the notification. The inmate's record shall  
14 be reviewed pursuant to the provisions of section  
15 906.5, or as soon as practical after a final reversal  
16 of the new felony conviction.

17 An inmate may appeal the revocation of parole under  
18 this section according to the board of parole's rules  
19 relating to parole revocation appeals. Neither the  
20 administrative parole judge nor the board panel shall  
21 retry the facts underlying any conviction."

- 22 8. Page 3, line 46, by striking the word "five-  
 23 year" and inserting the following: "four-year".  
 24 9. Page 4, line 5, by striking the words "One  
 25 member" and inserting the following: "Two members".  
 26 10. Page 4, by striking lines 7 and 8.  
 27 11. Page 4, line 9, by striking the word "five-  
 28 year" and inserting the following: "four-year".  
 29 12. Page 4, line 15, by inserting after the word  
 30 "Act" the following: "relating to the administration  
 31 of criminal justice, by providing for review of an  
 32 offender's record, revocation of an offender's  
 33 parole,".  
 34 13. Page 4, line 16, by striking the word  
 35 "parole" and inserting the following: "parole,".  
 36 14. By renumbering, relettering, or redesignating  
 37 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4396 to the House amendment.

Halvorson of Clayton 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. 519)

The ayes were, 92:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Chapman
			Presiding

The nays were, 6:

Carpenter	Doderer	Halvorson, R. N.	Hanson, D. R.
Metcalf	Renken		

Absent or not voting, 2:

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

Speaker Avenson in the chair at 2:22 p.m.

**MOTION TO RECONSIDER WITHDRAWN**  
(Senate File 434)

Jay of Appanoose asked and received unanimous consent to withdraw the motion to reconsider Senate File 434, a bill for an act relating to elimination of the filing and docketing fee for a petition for modification of a dissolution decree and reduction of the fee for a certificate and seal and increasing certain other probate fees, filed by him on April 13, 1989.

**HOUSE REFUSED TO CONCUR**

Johnson of Winneshiek called up for consideration **Senate File 419**, a bill for an act relating to energy efficiency and providing effective dates, amended by the House, further amended by the following Senate amendment H—4225 to the House amendment:

H—4225

- 1 Amend the House amendment, S—3850 to Senate File
- 2 419 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking line 21.

Svoboda of Tama in the chair at 2:30 p.m.

Johnson of Winneshiek moved that the House concur in the Senate amendment H—4225 to the House amendment.

A non-record roll call was requested.

The ayes were 33, nays 48.

The motion lost and the House refused to concur in the Senate amendment H—4225.

Rosenberg of Story called up for consideration **Senate File 470**, a bill for an act relating to waste minimization and disposal, amended

by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4418 to the House amendment:

H-4418

- 1 Amend the House amendment, S-4062, to Senate File
- 2 470, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 12, the
- 5 following:
- 6 "However, a government body shall not be required
- 7 to provide such test results to any person under this
- 8 section until the agency's governing body or agency
- 9 head has received a copy of the test results. A
- 10 government body shall not be required to provide such
- 11 test results if the confidentiality of such
- 12 information is protected pursuant to section 22.7."
- 13 2. Page 1, line 24, by striking the letter "d"
- 14 and inserting the following: "e".
- 15 3. By renumbering, relettering, or redesignating
- 16 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-4418.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: Senate Files 419 and 470.

Speaker Avenson in the chair at 2:35 p.m.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House Joint Resolution 13.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 4, 1989, insisted on its amendment to House File 728, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase, and the members of the conference committee, on the part of the Senate are: The Senator from Cerro Gordo, Senator Miller, Chair; the Senator from Fayette, Senator

Murphy; the Senator from Kossuth, Senator Priebe; the Senator from Osceola, Senator Vande Hoef; and the Senator from Des Moines, Senator Hagerla.

Also: That the Senate has on May 4, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 413, a bill for an act relating to the registration of rental motor vehicles.

Also: That the Senate has on May 4, 1989, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters.

Also: That the Senate has on May 4, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 549, a bill for an act relating to the agricultural product advisory council.

JOHN F. DWYER, Secretary

### Regular Calendar

**House Joint Resolution 13**, a joint resolution to nullify administrative rules of the Iowa department of public health relating to the educational qualifications of nursing educators and providing an effective date, was taken up for consideration.

Groninga of Cerro Gordo in the chair at 2:44 p.m.

Spear of Lee moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 13)

The ayes were, 64:

Arnould	Banks	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Brand	Brandstad	Brown	Cohoon
Connolly	Daggett	De Groot	Eddie
Fey	Fogarty	Garman	Gruhn

Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Harbor
Hermann	Hester	Hibbard	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lykam
Maulsby	May	McKean	Mertz
Metcalf	Miller	Ollie	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renken	Royer	Schnekloth
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Svoboda	Swartz
Trent	Tyrrell	Van Maanen	Wise

The nays were, 31:

Adams	Bisignano	Buhr	Carpenter
Chapman	Clark	Corbett	Diemer
Doderer	Dvorsky	Fuller	Halvorson, R. N.
Hammond	Harper	Hatch	Haverland
Holveck	Lundby	McKinney	Neuhauser
Nielsen	Osterberg	Pavich	Renaud
Rosenberg	Schrader	Sherzan	Spenner
Tabor	Teaford	Groninga	
		Presiding	

Absent or not voting, 5:

Avenson, Spkr.	Connors	Jochum	Muhlbauer
Shearer			

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

### INTRODUCTION OF BILLS

**House File 795**, by committee on appropriations, a bill for an act relating to drought assistance, making appropriations, and providing effective dates.

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

**House File 796**, by committee on appropriations, a bill for an act relating to the Iowa lottery by repealing the statutory provision which abolishes the lottery July 1, 1990.

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

**House File 797**, by Arnould, a bill for an act relating to the test for determining whether an individual's employment is deemed to be employment for purposes of the Iowa employment security law, and providing for the applicability of the Act.

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

**House File 798**, by Arnould, a bill for an act relating to the provision of child day care to children of state employees and providing effective dates.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 413**, by Running, a bill for an act relating to the registration of rental motor vehicles.

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

**Senate File 536**, by committee on appropriations, a bill for an act relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date.

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

#### IMMEDIATE MESSAGE (House Joint Resolution 13)

Arnould of Scott asked and received unanimous consent that House Joint Resolution 13 be immediately messaged to the Senate.

#### Appropriations Calendar

**House File 786**, a bill for an act relating to the purchase of products from prison industries by a department or agency of state government, was taken up for consideration.

Hatch of Polk offered amendment H—4383 filed by Shearer of Louisa and requested division as follows:

H—4383

1 Amend House File 786 as follows:

H—4383A

2 1. Page 1, line 5, by inserting after the figure  
3 "246.807" the following: "and conforming to the  
4 intent of section 246.801 and is completely, or  
5 substantially, produced by inmates."

H-4383B

- 6 2. Page 1, by inserting after line 26 the  
 7 following:  
 8 "If the product is furniture, consideration shall  
 9 also be given to allow conformance with furniture  
 10 already in the possession of the department."

On motion by Hatch of Polk, amendment H-4383A was adopted.

Hatch of Polk asked for unanimous consent to withdraw amendment H-4383B.

Objection was raised.

On motion by Metcalf of Polk, amendment H-4383B lost.

Metcalf of Polk offered the following amendment H-4380 filed by her and moved its adoption:

H-4380

- 1 Amend House File 786 as follows:  
 2 1. Page 1, line 7, by inserting after the word  
 3 "shall" the following: "a purchase from".

Amendment H-4380 was adopted.

Carpenter of Polk offered the following amendment H-4384 filed by her and moved its adoption:

H-4384

- 1 Amend House File 786 as follows:  
 2 1. Page 2, by inserting after line 4, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. This Act shall not apply to any  
 5 contract or agreement entered into prior to the  
 6 effective date of this Act."  
 7 2. Title page, line 2, by inserting after the  
 8 word "government" the following: "and providing an  
 9 applicability provision".  
 10 3. Renumber as necessary.

Amendment H-4384 was adopted.

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

On the question "Shall the bill pass?" (H.F. 786)

The ayes were, 93:

Adams  
 Beaman

Arnould  
 Beatty

Avenson, Spkr.  
 Bennett

Banks  
 Bisignano

Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Mausly
May	McKean	McKinney	Mertz
Miller	Neuhauser	Nielsen	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Groninga			
Presiding			

The nays were, 1:

Metcalf

Absent or not voting, 6:

Blanshan	Jochum	Muhlbauer	Ollie
Osterberg	Shearer		

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

### SENATE AMENDMENT CONSIDERED

Swartz of Marshall called up for consideration **House File 549**, a bill for an act relating to the agricultural product advisory council, amended by the Senate, and moved that the House concur in the following Senate amendment H—4425:

H—4425

- 1 Amend House File 549, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 7, by striking the word "sales,"
- 4 and inserting the following: "sales,"
- 5 2. Page 1, line 8, by striking the word
- 6 "marketing," and inserting the following: "marketing,
- 7 and".
- 8 3. Page 1, line 8, by striking the word
- 9 "commodities," and inserting the following:

10 "commodities;".

11 4. Page 1, line 12, by inserting after the word  
12 "agricultural" the following: "commodities and".

13 5. Page 1, by striking line 13 and inserting the  
14 following: "state by providing advice in the  
15 development of and by monitoring the implementation of  
16 a program and plan which provide for the".

17 6. Page 1, by striking lines 15 through 22 and  
18 inserting the following: "council shall consist of  
19 one member from each of the following associations,  
20 five members appointed by the secretary of  
21 agriculture: Iowa pork producers association, Iowa  
22 beef cattle producers association, Iowa sheep and wool  
23 promotion board, Iowa egg council, Iowa dairy industry  
24 commission, Iowa turkey marketing council, Iowa  
25 soybean promotion board, Iowa corn promotion board,  
26 Iowa wood industry association, and state horticulture  
27 society and up to an additional ten members, and five  
28 members appointed by the".

29 7. Page 1, line 23, by inserting after the word  
30 "in" the following: "marketing or".

31 8. Page 1, line 23, by inserting after the word  
32 "agricultural" the following: "commodities or".

33 9. Page 1, line 24, by inserting after the word  
34 "agricultural" the following: "commodities or".

35 10. Page 1, line 24, by striking the word "and"  
36 and inserting the following: "and or".

37 11. Page 1, by striking line 30 and inserting the  
38 following:

39 "2. The department and the department of agri-  
40 culture and land stewardship shall jointly".

41 12. Page 1, line 31, by inserting after the word  
42 "agricultural" the following: "commodities and".

43 13. Page 1, line 32, by striking the word  
44 "policy" and inserting the following: "program".

45 14. Page 1, line 32, by striking the figures "1,  
46 1991" and inserting the following: "15, 1990".

47 15. Page 1, line 33, by striking the words  
48 "governor and the general" and inserting the follow-  
49 ing: "council".

50 16. Page 1, by striking line 34 and inserting the

## Page 2

1 following: "for its review, consideration, and  
2 approval, and shall develop a".

3 17. By striking page 1, line 35, through page 2,  
4 line 2, and inserting the following: "comprehensive  
5 agricultural commodities and products promotion plan  
6 by April 1, 1990, and update the program and plan  
7 annually. The program and any accompanying  
8 recommendations of the council and the departments

9 shall be submitted to the governor and the general  
10 assembly. The program".

11 18. Page 2, line 17, by striking the word "raw".

12 19. Page 2, line 18, by striking the word "or"  
13 and inserting the following: "and".

14 20. Page 2, line 25, by inserting after the word  
15 "agricultural" the following: "commodities and".

16 21. Page 2, line 28, by inserting after the word  
17 "agricultural" the following: "commodities and".

18 22. Page 2, line 31, by striking the word "shall"  
19 and inserting the following: "may".

20 23. Page 2, by striking lines 33 and 34 and in-  
21 serting the following: "developing and implementing  
22 the program and plan of the departments and the  
23 council. In the event a promotion program and plan as  
24 set forth in subsection 2 are not adopted by the  
25 council by April 1, 1990, the council shall employ or  
26 contract with a consultant or specialist to assist in  
27 the development of a promotion program and plan."

The motion prevailed and the House concurred in the Senate amendment H—4425.

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. 549)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Sherzan

Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Groninga Presiding

The nays were, none.

Absent or not voting, 4:

Connolly	Ollie	Plasier	Shearer
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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 786)

Arnould of Scott asked and received unanimous consent that House File 786 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Jesse of Jasper called up for consideration **House File 686**, a bill for an act establishing a science and technology foundation and providing an effective date, amended by the Senate amendment H—4310 as follows:

H—4310

- 1 Amend House File 686, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "businesses" the following: "and farms".
- 5 2. Page 1, line 15, by inserting after the word
- 6 "factory" the following: "and farm".
- 7 3. Page 1, line 29, by inserting after the word
- 8 "innovation" the following: "and in the development
- 9 of Iowa science infrastructure".
- 10 4. Page 2, line 1, by striking the words "A study
- 11 of the need for" and inserting the following:
- 12 "Establishment of".
- 13 5. Page 2, lines 5 and 6, by striking the words
- 14 "The study shall include recommendations."
- 15 6. By striking page 2, line 21 through page 3,
- 16 line 24 and inserting the following:
- 17 "a. The following standing and appointed members
- 18 from the academic community:
- 19 (1) The president of the university of Iowa, or
- 20 the president's designee.
- 21 (2) The president of Iowa state university, or the
- 22 president's designee.

23 (3) The president of the university of northern  
24 Iowa, or the president's designee.

25 (4) A designee of the Iowa association of  
26 independent colleges and universities.

27 (5) The president of the state board of regents,  
28 or the president's designee.

29 (6) A president of a community college, or the  
30 president's designee appointed by the governor.

31 b. The following standing and appointed members  
32 from state government:

33 (1) The director of the department of economic  
34 development, or the director's designee.

35 (2) The chairperson of the Iowa economic  
36 development board, or the chairperson's designee.

37 (3) The secretary of agriculture or the  
38 secretary's designee.

39 (4) Two state department heads or division  
40 administrators or their designees, appointed by the  
41 governor.

42 The membership designated and appointed under this  
43 paragraph "b" shall be bipartisan and gender balanced  
44 in accordance with sections 69.16 and 69.16A.

45 c. The following members from the private sector  
46 appointed by the governor:

47 (1) Five persons from technology-based enterprises  
48 in the state or Iowans with experience in technology  
49 development and commercialization, two of whom shall  
50 be actively engaged in agriculture.

## Page 2

1 (2) One scientist or leader in technology  
2 development.

3 2. The terms of the appointed members shall be for  
4 four years and shall be staggered as determined by the  
5 standing members. Any vacancy shall be filled by the  
6 appointing authority. Members are eligible for actual  
7 expense reimbursement while fulfilling duties of the  
8 foundation. The board shall elect a chairperson from  
9 among its private sector members."

10 7. Page 4, by striking lines 22 and 23 and  
11 inserting the following:

12 "14. To establish advisory committees of business,  
13 agriculture, or academic specialists or others as  
14 deemed necessary."

15 8. Page 4, by inserting before line 29 the  
16 following:

17 "17. To consult with representatives of Iowa  
18 agriculture."

19 9. Page 6, line 7, by inserting after the word  
20 "centers," the following: "the extension service of  
21 Iowa state university of science and technology,".

22 10. Page 6, line 15, by inserting after the word  
23 "business" the following: "and agriculture".

24 11. Page 6, line 19, by inserting after the word  
25 "firms" the following: "and farms".

26 12. Page 6, line 24, by inserting after the word  
27 "industry" the following: "and agriculture".

28 13. Page 6, by inserting before line 27 the  
29 following:

30 "6. The plan shall include directions for  
31 participation by the foundation, through direct  
32 investment or in partnership or joint venture with a  
33 commercial investor or other financial source, in  
34 providing funds for development of new or existing  
35 businesses in Iowa engaged in commercial exploitation  
36 of products or technologies related to the research  
37 interests of the foundation."

38 14. Page 6, line 34, by inserting after the word  
39 "college" the following: ", community college,".

40 15. Page 7, line 12, by inserting after the word  
41 "industrial" the following: "and agricultural".

42 16. Page 7, by striking line 31, and inserting  
43 the following:

44 "d. Machinery, equipment, or livestock."

45 17. Page 7, by inserting before line 32, the  
46 following:

47 "e. Agricultural land for research purposes."

48 18. Page 8, line 2, by inserting after the word  
49 "colleges" the following: ", community colleges,".

50 19. Page 8, line 3, by striking the word

### Page 3

1 "business" and inserting the following: "parties".

2 20. Page 8, line 17, by striking the words "and  
3 industry" and inserting the following: ", industry,  
4 and agriculture".

5 21. Page 8, by inserting before line 21, the  
6 following:

7 "Sec. \_\_\_\_\_. NEW SECTION. 28.158A BONDS AND NOTES  
8 - AUTHORITY.

9 1. The foundation may issue its own negotiable  
10 bonds and notes in principal amounts as, in the  
11 opinion of the foundation, are necessary to provide  
12 sufficient funds for achievement of its corporate  
13 purposes. The foundation shall coordinate the  
14 issuance of notes and bonds with the treasurer of  
15 state as set forth in section 12.30. The foundation  
16 shall issue bonds and notes to the extent not  
17 inconsistent with the limitations and restrictions of  
18 issuing bonds and notes under sections 220.26, 220.27,  
19 and 220.28.

20 2. Bonds and notes issued by the foundation are  
21 payable solely and only out of the moneys, assets, or  
22 revenues of the foundation, and as provided in the  
23 agreement with bondholders or noteholders pledging any  
24 particular moneys, assets, or revenues. Bonds or  
25 notes are not an obligation of this state or any  
26 political subdivision of this state other than the  
27 foundation within the meaning of any constitutional or  
28 statutory debt limitations, but are special  
29 obligations of the foundation payable solely and only  
30 from the sources provided in this section, and the  
31 foundation shall not pledge the credit or taxing power  
32 of this state or any political subdivision of this  
33 state other than the foundation, or make its debts  
34 payable out of any moneys except those of the  
35 foundation.

36 3. The foundation may create and establish one or  
37 more special funds, to be known as "bond reserve  
38 funds", and shall pay into each bond reserve fund any  
39 moneys appropriated and made available by the state  
40 for the purpose of the fund, any proceeds of sale of  
41 notes or bonds to the extent provided in the  
42 resolutions of the foundation authorizing their  
43 issuance, and any other moneys which may be available  
44 to the foundation for the purpose of the fund from any  
45 other sources. All moneys held in a bond reserve fund  
46 shall be used as required solely for the payment of  
47 the principal of bonds secured in whole or in part by  
48 the fund or of the sinking fund payments with respect  
49 to the bonds, the purchase or redemption of the bonds,  
50 the payment of interest on the bonds or the payments

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1 of any redemption premium required to be paid when the  
2 bonds are redeemed prior to maturity.

3 4. The use of proceeds of the sale of bonds or  
4 notes shall be limited to the acquisition of machinery  
5 and equipment relating to science and technology which  
6 is identified in the strategic plan prepared pursuant  
7 to section 28.157 and the use of proceeds shall be  
8 limited to one million dollars for each machine or  
9 piece of equipment."

10 22. By striking page 8, line 21 through page 9,  
11 line 10.

12 23. Page 9, line 17, by inserting after the word  
13 "businesses" the following: "and farms".

14 24. Page 9, line 18, by inserting after the words  
15 "strategies to" the following: "farms for more  
16 efficient production of agricultural commodities, or  
17 to".

- 18 25. Page 9, line 24, by inserting after the word  
19 "businesses" the following: "and farmers".  
20 26. Title page, line 1, by inserting after the  
21 word "foundation" the following: ", authorizing the  
22 issuance of bonds,".  
23 27. By renumbering as necessary.

Jesse of Jasper offered the following amendment H—4424, to the Senate amendment H—4310, filed by him from the floor:

H—4424

- 1 Amend the Senate amendment, H—4310, to House File  
2 686, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting before line 3 the  
5 following:  
6 "\_\_\_\_\_. Page 1, by inserting before line 3 the  
7 following:  
8 "Section 100. NEW SECTION. 18B.1 DEFINITIONS.  
9 As used in this chapter, unless the context  
10 otherwise requires:  
11 1. "Business" means a commercial enterprise  
12 engaged in interstate or intrastate commerce for the  
13 purpose of manufacturing, processing, or assembling  
14 products, conducting research and development, or  
15 providing services in interstate or intrastate  
16 commerce, or the production of agricultural products  
17 from farming as defined in section 175.2, but excludes  
18 retail, health, or professional services. "Business"  
19 includes a financial institution, including an insured  
20 bank as defined in section 524.103, a credit union is  
21 defined in section 533.1, and an association as  
22 defined in section 534.102.  
23 2. "Executive director" means the executive  
24 director of the board as established in section 18B.8.  
25 3. "Fund" means the international network on trade  
26 fund created in section 18B.11.  
27 4. "INTERNET" means the International network on  
28 trade as established in section 18B.3.  
29 Sec. 101. NEW SECTION. 18B.2 LEGISLATIVE  
30 FINDINGS.  
31 The general assembly finds and declares that:  
32 1. The economic viability of the state depends  
33 upon enhancing Iowa's participation in the emerging  
34 global economy.  
35 2. Iowa's successful participation in  
36 international trade depends upon a commitment between  
37 public and private sectors and between public agencies  
38 to assist businesses in enhancing the export of Iowa  
39 products.

40 3. Successful participation in international trade  
41 depends upon public agencies reaching out to provide  
42 special assistance to small and medium sized  
43 businesses interested in beginning or increasing the  
44 export of Iowa products.

45 4. Successful participation in international trade  
46 depends upon fostering international business research  
47 and training to expand opportunities by Iowa  
48 businesses to increase trade in viable foreign  
49 markets.

50 5. Iowa businesses are in need of a simple

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1 nonbureaucratic mechanism which serves as a key for  
2 Iowa businesses to reach sources designed to assist  
3 businesses in accessing foreign markets or increasing  
4 foreign trade.

5 Sec. 102. NEW SECTION. 18B.3 ESTABLISHMENT OF  
6 INTERNET — MISSION. The international network on  
7 trade is established to conduct long-range research  
8 quantifying product and geographical opportunities for  
9 Iowa producers in the global marketplace, including  
10 determining actions necessary, by public or private  
11 sector groups, to successfully exploit those  
12 opportunities. Research shall be conducted in concert  
13 with private sector members of INTERNET, higher  
14 educational institutions, and existing export support  
15 resources, including but not limited to the department  
16 of economic development, the department of agriculture  
17 and land stewardship, and the United States department  
18 of commerce. INTERNET at all times shall avoid  
19 duplication of resource programs. INTERNET shall  
20 recommend a coordinated international trade policy  
21 designed to substantially increase Iowa's global trade  
22 benefits.

23 Sec. 103. NEW SECTION. 18B.4 AUTHORIZED  
24 CORPORATION. The international network on trade shall  
25 be incorporated under chapter 504A. INTERNET shall  
26 not be regarded as a state agency, except for purposes  
27 of chapter 17A. A member of the board of directors is  
28 not considered a state employee, except for purposes  
29 of chapter 25A. If the executive director is a  
30 natural person acting as a salaried employee of the  
31 board, the executive director is a state employee  
32 except for purposes of the merit system provisions of  
33 chapter 19A and chapter 20. A natural person hired by  
34 the executive director who is a salaried employee of  
35 the board is a state employee. However, if a person,  
36 including a staff member of INTERNET, is an  
37 independent contractor or an employee of an  
38 independent contractor, the person is not a state  
39 employee except for purposes of chapter 25A.

40 Sec. 104. NEW SECTION. 18B.5 BOARD OF DIRECTORS.

41 1. INTERNET shall be governed by a board of  
42 directors consisting of the following:

43 a. The president of the university of Iowa, or the  
44 president's designee.

45 b. The president of Iowa state university of  
46 science and technology, or the president's designee.

47 c. The president of the university of northern  
48 Iowa, or the president's designee.

49 d. The director of the department of economic  
50 development, or the director's designee, who shall

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1 serve as an ex officio nonvoting member.

2 e. The chairperson of the agricultural products  
3 advisory council, who shall serve as an ex officio  
4 nonvoting member.

5 f. The secretary of agriculture or the secretary's  
6 designee, who shall serve as an ex officio nonvoting  
7 member.

8 g. Three designees of the Iowa association of  
9 independent colleges and universities. The  
10 association shall give preference to appointing  
11 designees representing schools which are members of  
12 INTERNET.

13 h. Three designees of the Iowa association of  
14 community college presidents. A designee shall not  
15 represent more than one community college.

16 i. Four designees who are elected from the  
17 business membership. The designees must be business  
18 persons actively engaged in international trade. At  
19 least two of the persons must have experience in  
20 exporting and at least one of the persons must have  
21 experience in international finance. No two members  
22 shall represent the same business.

23 j. Two designees who are elected from the business  
24 membership. The designees must represent associations  
25 operating not for profit to promote or facilitate  
26 international trade on a local or regional basis. No  
27 two designees shall be employees of the same  
28 association.

29 2. The voting members of the board shall serve  
30 staggered terms of four years except that of the first  
31 terms, seven voting members shall serve terms of two  
32 years. A person appointed to fill a vacancy for a  
33 director shall serve only for the unexpired portion of  
34 the term. A director is eligible for reappointment.  
35 A director may be removed from office by a two-thirds  
36 vote of the board for misfeasance, malfeasance, or  
37 willful neglect of duty or other just cause after  
38 notice and hearing, unless the notice and hearing is  
39 expressly waived by the director in writing.

40 3. In designating or electing persons to serve on  
41 the board, INTERNET members, to the extent  
42 practicable, shall designate or elect a board  
43 membership which is geographically and gender  
44 balanced.

45 4. Eight voting members constitute a quorum and  
46 the affirmative vote of a majority of the voting  
47 members is necessary for substantive action taken by  
48 the board. The majority shall not include a voting  
49 member who has a conflict of interest and a statement  
50 by a voting member that the voting has a conflict of

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1 interest is conclusive for this purpose. A vacancy in  
2 the board's membership does not impair the right of a  
3 quorum to exercise all rights and perform all duties  
4 of the board.

5 5. The directors actively engaged in international  
6 trade, the directors representing international trade  
7 associations, and the directors appointed by the Iowa  
8 association of independent colleges and universities  
9 are entitled to receive forty dollars per diem for  
10 each day spent in performance of duties as directors,  
11 and shall be reimbursed for all actual and necessary  
12 expenses incurred in the performance of duties as  
13 directors.

14 6. The board shall elect a chairperson from among  
15 its directors.

16 7. Meetings of the board shall be held at the call  
17 of the chairperson or at the written request of four  
18 directors to the chairperson.

19 **Sec. 105. NEW SECTION. 18B.6 GENERAL POWERS.**

20 The board established pursuant to section 18.5  
21 shall have all the general powers needed to carry out  
22 its mission and duties, including but not limited to  
23 the following powers:

24 1. To sue and be sued in its own name..

25 2. To adopt a corporate seal.

26 3. To adopt bylaws for its management consistent  
27 with the provisions of this chapter.

28 4. To make and execute agreements, contracts and  
29 other instruments, with any public or private entity,  
30 including but not limited to a federal or governmental  
31 agency, foreign nation, or another state in the union.  
32 All political subdivisions, other public agencies and  
33 state agencies may enter into contracts and otherwise  
34 cooperate with the board.

35 5. To procure insurance against any loss in  
36 connection with its operations and property interests.

37 6. To fix and collect fees and charges for its  
38 services.

39 7. To accept contributions, including but not  
40 limited to appropriations, gifts, grants, loans,  
41 services, or other aid or assistance from public or  
42 private entities. A record of all contributions,  
43 stating the type, amount, and donor, shall be clearly  
44 set forth in the board's annual report along with the  
45 record of other receipts.

46 Sec. 106. NEW SECTION. 18B.7 INTERNET  
47 MEMBERSHIP.

48 1. INTERNET shall include academic and business  
49 members.

50 a. The academic members shall include the

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1 following:

2 (1) The university of Iowa.

3 (2) Iowa state university of science and  
4 technology.

5 (3) The university of northern Iowa.

6 (4) Each area community college within a merged  
7 area as established in chapter 280A.

8 (5) A private college or university which agrees  
9 to participate as an INTERNET member and is a member  
10 of the Iowa association of independent colleges and  
11 universities.

12 b. The business members shall include any business  
13 actively involved in international trade, including  
14 export trade, export assistance, or international  
15 finance.

16 2. a. The academic members shall cooperate with  
17 the board in accomplishing the mission and duties of  
18 the board as provided in this chapter. Each member  
19 shall execute a membership agreement with the board.  
20 A member under the terms of the agreement shall  
21 provide an annual contribution as provided by the  
22 board. The contribution shall relate to supporting  
23 programs administered by the board, and may include  
24 financial or in-kind assistance such as office space,  
25 personnel time, materials and supplies, or a  
26 combination of financial or in-kind assistance. A  
27 minimum contribution is required to become an academic  
28 member.

29 b. The business members shall cooperate with the  
30 board in accomplishing the mission and duties of the  
31 board as provided in a membership agreement executed  
32 between the board and the members. A member under the  
33 terms of the agreement shall make an annual  
34 contribution as provided by the board. The  
35 contribution shall relate to supporting programs  
36 administered by the board and may include financial or  
37 in-kind assistance such as office space, personnel

38 time, materials and supplies or a combination of  
39 financial or in-kind assistance. A minimum  
40 contribution is required to become a business member.  
41 3. A member, other than the university of Iowa,  
42 Iowa state university of science and technology, the  
43 university of northern Iowa, or a community college,  
44 may withdraw from membership and all commitments  
45 entered into between the board and the member after  
46 one year following written notice by the member  
47 delivered to the executive director. The terms of the  
48 membership agreement executed between the board and  
49 the member shall terminate one year following written  
50 notice of the member's withdrawal, unless the board

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1 and the member otherwise agree in writing.  
2 Sec. 107. NEW SECTION. 18B.8 EXECUTIVE DIRECTOR.  
3 1. Under the general direction of the board, the  
4 executive director shall do all of the following:  
5 a. Manage and operate the INTERNET, including  
6 hiring and directing INTERNET staff whether salaried  
7 employees of the board or independent contractors.  
8 b. Establish subcommittees of business and  
9 academic specialists as needed. The specialists shall  
10 be consulted as program areas are developed and  
11 individual projects are selected for funding.  
12 c. Keep the membership of INTERNET informed of  
13 items of importance relating to programs or projects  
14 of INTERNET, INTERNET finances, and actions by the  
15 board.  
16 d. Negotiate membership agreements, including  
17 terms relating to the contribution of a member,  
18 according to section 18B.7.  
19 e. Advise the board on matters relating to the  
20 mission of INTERNET, including programs and projects  
21 under consideration or implementation by the board and  
22 finances of INTERNET.  
23 f. Recommend bylaws, and rules to be adopted by  
24 the board.  
25 g. Control INTERNET finances, including  
26 appropriations, and contributions, and approve  
27 expenses from the fund in a manner consistent with  
28 rules and procedures of the treasurer of state.  
29 h. Report to the board the condition of INTERNET  
30 including programs, projects, and INTERNET finances,  
31 at least once each three months. The executive  
32 director shall prepare for board approval an annual  
33 report provided in section 18B.10.  
34 2. The executive director shall not, directly or  
35 indirectly exert influence to induce any other officer  
36 or employee of the state to adopt a political view, or  
37 to favor a political candidate for office.

38 3. The executive director shall serve as secretary  
39 to the board, and shall be custodian of all documents,  
40 including books and papers filed with the authority of  
41 the minutes of board meetings. The executive director  
42 shall make copies of documents and provide  
43 certificates under seal that the copies are true  
44 copies and that all persons dealing with INTERNET may  
45 rely upon the certificates.

46 Sec. 108. DUTIES. 18B.9 BOARD DUTIES.

47 The board shall carry out the mission of INTERNET  
48 and shall have discretionary authority to perform the  
49 following duties:

50 1. To appoint and direct an executive director and

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1 employ INTERNET staff, including the executive  
2 director, as salaried employees of INTERNET or as  
3 independent contractors.

4 2. To approve the budget of INTERNET for each  
5 fiscal year.

6 3. To adopt goals and objectives of INTERNET,  
7 including recommendations to the general assembly and  
8 governor of a coordinated trade policy designed to  
9 substantially increase Iowa's global trade benefits.

10 4. To target for assistance businesses or products  
11 which indicate a high potential for expansion in  
12 foreign markets.

13 5. To provide special assistance to small and  
14 medium sized businesses interested in beginning or  
15 increasing the export of Iowa products.

16 6. To conduct special research projects, including  
17 product research in foreign markets.

18 7. To inventory and catalog international  
19 resources of information, including experts and  
20 programs, available to provide assistance to  
21 businesses interested in foreign trade.

22 8. To establish a clearinghouse of information to  
23 refer to appropriate resources businesses interested  
24 in accessing foreign markets or expanding foreign  
25 trade.

26 9. To establish criteria and award grants or loans  
27 based only on a competitive basis for programs  
28 relating to international training or research. In  
29 making financial awards, preference shall be given to  
30 members, as provided in section 18B.7.

31 10. To facilitate contact between businesses in  
32 search of assistance in entering or expanding foreign  
33 trade and persons able to assist the business.

34 11. To cooperate with Iowa universities and  
35 colleges, governmental agencies, and businesses where  
36 collaboration would add value to international trade

37 programs or increase opportunities in foreign markets  
38 for increased trade.  
39 12. To recruit business and colleges to become  
40 INTERNET members as provided in section 18B.7.  
41 13. In order to leverage state funds appropriated  
42 to INTERNET, to actively seek financial support from  
43 nonstate sources, including from the federal  
44 government, and from businesses. The board may  
45 require a match from nonstate sources for programs,  
46 seek generic business support for INTERNET, seek  
47 support from business in one or more industries for  
48 programs which may benefit those businesses, or charge  
49 fees for services provided under the authority of  
50 INTERNET. The board shall use INTERNET resources to

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1 the maximum extent possible in order to seek matching  
2 funds, gifts, grants or additional assets, including  
3 funding sources.  
4 14. To conduct international research according to  
5 requests from INTERNET members.  
6 15. To regularly disseminate to INTERNET members  
7 information and issues relating to international  
8 trade, including data and findings from market  
9 studies.  
10 16. To monitor changing world economic and  
11 political conditions.  
12 17. To report annually about INTERNET to the  
13 governor and the general assembly as provided in  
14 section 18B.10.  
15 18. To oversee the progress of programs and  
16 projects administered by INTERNET and monitor the  
17 status of INTERNET assets, including finances.  
18 19. To approve membership agreements, including  
19 terms relating to contributions of members as provided  
20 in section 18B.7.  
21 20. To approve any contract or agreement  
22 committing INTERNET to the substantial expenditure of  
23 INTERNET assets.  
24 21. To adopt bylaws for INTERNET, approve other  
25 procedures relating to the day-to-day administration  
26 of INTERNET, and adopt rules consistent with chapter  
27 17A.  
28 Sec. 109. NEW SECTION. 18B.10 ANNUAL REPORT.  
29 1. The board shall approve and submit to the  
30 governor and to the secretary of the senate and to the  
31 chief clerk of the house of representatives, not later  
32 than January 15 of each year, a report setting forth  
33 information relating to INTERNET, including all of the  
34 following:

- 35 a. Matters relating to operations and  
36 accomplishments.
- 37 b. A summary of receipts and expenditures during  
38 the fiscal year, in accordance with the  
39 classifications it establishes for its operating  
40 accounts.
- 41 c. A summary of assets and liabilities at the end  
42 of the fiscal year and the status of special accounts.
- 43 d. A statement of proposed and projected  
44 activities.
- 45 e. Recommendations to the general assembly and  
46 governor, including recommendations related to a  
47 coordinated trade policy designed to substantially  
48 increase Iowa's global trade benefits.
- 49 2. The annual report shall identify performance  
50 goals of INTERNET, and indicate the extent of progress

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- 1 during the reporting period, in attaining the goals.
- 2 Sec. 110. NEW SECTION. 18B.11 INTERNATIONAL  
3 NETWORK ON TRADE FUND.
- 4 There is created within the state treasury, an  
5 international network on trade fund. The fund is  
6 composed of money appropriated by the general assembly  
7 for that purpose, and moneys available to and obtained  
8 or accepted by the board under this chapter, including  
9 money from the United States, other states in the  
10 union, foreign nations, state agencies, political  
11 subdivisions, and private sources, and moneys from  
12 fees charged under this chapter.
- 13 The fund shall be a revolving fund from which  
14 moneys may be used for purposes described in this  
15 chapter, including loans, grants, matching financing,  
16 and administrative costs. All interest earned on  
17 proceeds in the fund shall remain in the fund.
- 18 The auditor of state shall conduct regular audits  
19 of the fund and shall make a certified report relating  
20 to the condition of the fund to the treasurer of state  
21 and to the executive director.
- 22 The board and executive director shall administer  
23 the fund as in accordance with procedures of the  
24 treasurer of state. In administering the fund, the  
25 board may do all of the following:
- 26 1. Contract, sue and be sued, and adopt rules  
27 necessary to carry out the provisions of this section,  
28 but the board shall not in any manner, directly or  
29 indirectly pledge the credit of the state.
- 30 2. Authorize payment from the fund, from fees and  
31 from any income received by investment of money in the  
32 fund, for cost, commissions, attorney fees, and other  
33 reasonable expenses related to and necessary for

34 making and protecting direct loans under this section,  
 35 and for the recovery of moneys loaned or the  
 36 management of property acquired in connection with the  
 37 loans.

38 Section 8.33 shall not apply to moneys in the  
 39 fund.” ”

40 2. Page 1, by inserting before line 3, the  
 41 following:

42 “ \_\_\_\_\_. Page 1, by striking lines 3 and 4, and  
 43 inserting the following:

44 “Sec. \_\_\_\_\_. NEW SECTION. 28.151 WALLACE  
 45 TECHNOLOGY TRANSFER FOUNDATION OF IOWA ESTABLISHED –  
 46 MISSION.

47 \_\_\_\_\_. Page 1, lines 7 and 8, by striking the words  
 48 “An Iowa science and technology foundation” and  
 49 inserting the following: “A Wallace technology  
 50 transfer foundation of Iowa.”

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1 3. Page 1, by inserting before line 15, the  
 2 following:

3 “ \_\_\_\_\_. Page 2, line 10, by striking the words  
 4 “Iowa science and technology foundation” and inserting  
 5 the following: “Wallace technology transfer  
 6 foundation of Iowa.”

7 4. By striking page 1, line 15, through page 2,  
 8 line 9, and inserting the following:

9 “ \_\_\_\_\_. Page 2, by inserting after line 28 the  
 10 following:

11 “(\_\_\_\_\_) A president of a community college, or the  
 12 president’s designee, appointed by the Iowa  
 13 association of community college presidents.

14 (\_\_\_\_\_) A designee of the Iowa association of  
 15 independent colleges and universities.

16 (\_\_\_\_\_) The secretary of agriculture or the  
 17 secretary’s designee.”

18 \_\_\_\_\_. By striking page 2, line 29, through page 3,  
 19 line 4, and inserting the following:

20 “(\_\_\_\_\_) Five persons appointed by the governor,  
 21 subject to senate confirmation, with an emphasis on  
 22 persons involved directly in research and development  
 23 of technology-based industrial or agricultural  
 24 enterprises in the state or Iowans with experience in  
 25 technology development and commercialization. The  
 26 five persons shall be appointed from a list of  
 27 candidates provided by the Iowa business council which  
 28 shall include persons in small business manufacturing  
 29 and persons in large business manufacturing.

30 “ \_\_\_\_\_. Page 3, line 24, by inserting after the  
 31 word “its” the following: “private sector.”

- 32 5. Page 2, by inserting before line 42 the  
33 following:  
34 "\_\_\_\_\_. Page 7, by striking lines 15 through 20 and  
35 inserting the following:  
36 "2. State funds awarded by the""  
37 6. Page 2, by striking lines 42 through 44.  
38 7. Page 4, line 4, by inserting after the word  
39 "acquisition" the following: "or lease-purchase".  
40 8. Page 4, by striking lines 8 and 9 and  
41 inserting the following: "limited in a fiscal year to  
42 a total of one million dollars or an amount greater  
43 than one million dollars if authorized by a resolution  
44 of the general assembly and approved by the governor."  
45 9. Page 4, by striking lines 10 and 11.  
46 10. Page 4, by inserting before line 12 the  
47 following:  
48 "\_\_\_\_\_. Page 8, lines 23 and 24, by striking the  
49 words "science and technology foundation" and  
50 inserting the following: "Wallace technology transfer

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- 1 foundation of Iowa".  
2 \_\_\_\_\_. By striking page 8, line 35 through page 9,  
3 line 8.  
4 \_\_\_\_\_. Page 9, by inserting before line 9 the  
5 following:  
6 "\_\_\_\_\_. A number of members equal to the number of  
7 members of the Iowa congressional delegation appointed  
8 by the Iowa business council." "  
9 11. Page 4, by inserting before line 20 the  
10 following:  
11 "\_\_\_\_\_. Page 9, by inserting before line 31 the  
12 following:  
13 "Sec. 111. ORGANIZING BOARD OF INTERNET. The  
14 members of the board designated pursuant to section  
15 18B.5, subsection 1, paragraphs "a" through "h", in  
16 conjunction with the members of the world trade  
17 institute study committee established pursuant to 1987  
18 Acts, chapter 141, section 8, shall have all powers  
19 and duties necessary to organize the board, including  
20 the adoption of articles of incorporation, bylaws, and  
21 rules. The organizing board shall be chaired by the  
22 chairperson of the world trade institute study  
23 committee. The organizing board shall be staffed by  
24 the department of economic development. The  
25 organizing board may contract for additional legal or  
26 other assistance as deemed necessary by the organizing  
27 board. The interdisciplinary working group on  
28 international business may cooperate by assisting the  
29 organizing board. The permanent board shall be  
30 organized not later than January 1, 1990. Procedures

31 set forth in section 18B.5 shall be applicable to the  
 32 organizing board. After January 1, 1990, the  
 33 directors of the permanent board designated pursuant  
 34 to section 18B.5, paragraphs "a" through "h", shall  
 35 have all the powers necessary to carry out the mission  
 36 of INTERNET, until the directors representing business  
 37 members pursuant to section 18B.5, paragraphs "i" and  
 38 "j" have been elected. The election shall be held as  
 39 soon after January 1, 1990, as is reasonably  
 40 practicable, but shall be held not later than June 30,  
 41 1990.

42 Sec. 112. WORLD TRADE INSTITUTE STUDY COMMITTEE.

43 1. All equipment purchased and materials produced  
 44 under contracts between persons and the world trade  
 45 institute study committee, established pursuant to  
 46 1987 Acts, chapter 141, section 8, shall be  
 47 transferred to the custody of INTERNET.

48 2. The board of INTERNET shall consider the  
 49 materials and recommendations produced by the world  
 50 trade institute study committee. The board shall

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1 study methods to incorporate programs under study by  
 2 the committee into permanent programs administered by  
 3 the board.

4 Sec. 113. Sections 100 through 112 of this Act,  
 5 being deemed of immediate importance, take effect upon  
 6 enactment." "

7 12. Page 4, by striking lines 20 through 22, and  
 8 inserting the following:

9 "\_\_\_\_\_. Title page, by striking lines 1 and 2, and  
 10 inserting the following: "An Act establishing an  
 11 international network on trade, establishing the  
 12 Wallace technology transfer foundation of Iowa,  
 13 authorizing the issuance of bonds, and providing an  
 14 effective date." "

15 13. By renumbering as necessary.

Arnould of Scott asked and received unanimous consent that House File 686 be deferred and that the bill retain its place on the calendar.

(Amendment H—4424, to Senate amendment H—4310, pending.)

**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 220**, a bill for an act relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—4412** May 3, 1989.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 220.

## Ways and Means Calendar

**Senate File 220**, a bill for an act relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Wise of Lee offered the following amendment H—4412 filed from the floor by the committee on ways and means:

H—4412

- 1 Amend Senate File 220, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 28.
- 4 2. Page 4, by striking lines 7 through 13.
- 5 3. Page 6, by striking lines 23 through 25 and
- 6 inserting the following:
- 7 "2. A contracted organization selected under
- 8 subsection 1 shall, to the extent funding and space
- 9 are available, identify dogs that are potential
- 10 candidates for adoption. The contracting organization
- 11 shall evaluate dogs referred to it under the program".
- 12 4. Page 8, by striking lines 3 through 5, and
- 13 inserting the following:
- 14 "8. The state, state personnel, the contracting
- 15 organization, and its personnel are not liable for any
- 16 claim resulting from the implementation of this
- 17 program."
- 18 5. Page 8, by striking line 13.
- 19 6. Page 8, by striking lines 21 through 23.

Wise of Lee offered the following amendment H—4423, to the committee amendment H—4412, filed by him from the floor:

H—4423

1 Amend the Committee amendment, H—4412, to Senate  
2 File 220, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 1, by inserting after line 4 the follow-  
5 ing:

6 “\_\_\_\_\_. Page 4, by inserting before line 14 the  
7 following:

8 “Sec. \_\_\_\_\_. Section 99D.14, Code 1989, is amended  
9 by adding the following new subsection:

10 NEW SUBSECTION. 6. Any property used in the  
11 operation of a racetrack which is not exempt from  
12 property tax on July 1 following the effective date of  
13 this Act or which becomes taxable property as a result  
14 of a court decision or change of ownership, or the  
15 construction of a new track that is not otherwise  
16 exempt shall be exempt from property taxation for  
17 three years beginning January 1 of the assessment year  
18 in which this Act becomes effective or beginning  
19 January 1 of the assessment year in which the property  
20 first becomes taxable as a result of a court decision  
21 or change in ownership, or the construction of a new  
22 track that is not otherwise exempt, whichever is  
23 applicable. During the last assessment year for which  
24 the property is exempt, the county board of  
25 supervisors shall present the question of the  
26 extension for an additional ten years of the tax  
27 exemption at a regular state election or a special  
28 election. If a majority of those voting on the  
29 question favor the tax exemption of the property, the  
30 property shall be exempt for an additional ten years.  
31 The exemption may be extended for additional ten-year  
32 periods in the same manner as was done for the first  
33 ten-year period.” ”

Wise of Lee asked and received unanimous consent to defer action on amendment H—4423.

Division of the committee amendment H—4412 was requested as follows:

H—4412A — line 3

H—4412B — line 4

H—4412C — lines 5 through 19.

Wise of Lee moved the adoption of the committee amendment H—4412A.

A non-record roll call was requested.

The ayes were 49, nays none.

The committee amendment H-4412A was adopted.

Speaker Avenson in the chair at 4:43 p.m.

The House resumed consideration of the committee amendment H-4412B.

Wise of Lee moved the adoption of the committee amendment H-4412B.

A non-record roll call was requested.

The ayes were 55, nays 16.

The committee amendment H-4412B was adopted.

The House resumed consideration of the committee amendment H-4412C.

The House resumed consideration of amendment H-4423, found on page 2454 of the House Journal, previously deferred.

Wise of Lee moved the adoption of amendment H-4423, to the committee amendment H-4412C.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 48, nays 48.

Amendment H-4423 lost.

Osterberg of Linn offered the following amendment H-4430, to the committee amendment H-4412C, filed by him from the floor and moved its adoption:

H-4430

- 1 Amend amendment, H-4412, to Senate File 220, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 18, the
- 5 following:
- 6 "\_\_\_\_\_. Page 8, by inserting after line 20, the
- 7 following:
- 8 "Sec. \_\_\_\_\_. Any property used in the operation of a
- 9 racetrack which is not exempt from property tax on
- 10 July 1 following the effective date of this Act shall
- 11 be exempt from property taxation beginning January 1
- 12 of the assessment year following a referendum at which
- 13 a majority of the voters voting on the question of the
- 14 exemption from property tax of such property favor the

15 exemption. A referendum on the question of exemption  
 16 from property taxation shall be submitted to the  
 17 qualified electors of the county in which the  
 18 racetrack is located upon receipt by the county  
 19 commissioner of elections of a petition requesting the  
 20 exemption from property taxation of the property used  
 21 in the operations of the racetrack signed by eligible  
 22 electors of the county equal in number to five percent  
 23 of the persons in the county who voted at the last  
 24 preceding state general election. The county  
 25 commissioner of elections shall submit the question of  
 26 the exemption from property tax at a state general  
 27 election or at a special election which may not be  
 28 held sooner than thirty days after publication of  
 29 notice of the ballot proposition.” ”

A non-record roll call was requested.

The ayes were 62, nays 23.

Amendment H—4430 was adopted.

On motion by Wise of Lee, the committee amendment H—4412C, as amended, was adopted.

Wise of Lee offered the following amendment H—4427 filed by him from the floor and moved its adoption:

H—4427

- 1 Amend Senate File 220, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 25, by inserting after the word
- 4 “dog” the following: “or horse”.

Amendment H—4427 was adopted.

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

On the question “Shall the bill pass?” (S.F. 220)

The ayes were, 54:

Adams	Arnould	Bisignano	Blanshan
Brand	Brown	Buhr	Carpenter
Chapman	Cohoon	Connolly	Connors
Corbett	Diemer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Halvorson, R. A.
Harbor	Harper	Hatch	Haverland
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Metcalf

Neuhauser	Ollie	Pavich	Poncy
Renaud	Royer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Stromer
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 42:

Banks	Beaman	Beatty	Bennett
Black	Brammer	Branstad	Clark
Daggett	De Groot	Doderer	Eddie
Garman	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Hermann	Hester
Hibbard	Holveck	Kistler	Maulsby
McKean	Mertz	Miller	Nielsen
Osterberg	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Renken	Rosenberg
Schnekloth	Schrader	Shoning	Stueland
Svoboda	Van Maanen		

Absent or not voting, 4:

Jesse	Muhlbauer	Shearer	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 220)

Arnould of Scott asked and received unanimous consent that Senate File 220 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 4, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 703, a bill for an act relating to the financing for the rural community 2000 program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program.

Also: That the Senate has on May 4, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 753, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes,

providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters.

Also: That the Senate has, on May 4, 1989, insisted on its amendment to House File 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, 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 Woodbury, Senator Doyle; the Senator from Dubuque, Senator Welsh; the Senator from Montgomery, Senator Hultman; and the Senator from Des Moines, Senator Hagerla.

Also: That the Senate has, on May 4, 1989, adopted the conference committee report and passed Senate File 141, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

JOHN F. DWYER, Secretary

**CONFERENCE COMMITTEE APPOINTED**  
(House File 728)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 728: Fogarty of Palo Alto, Chair; Fuller of Hardin, Brown of Lucas, Renken of Grundy and Banks of Plymouth.

**CONFERENCE COMMITTEE APPOINTED**  
(House File 780)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 780: McKinney of Dallas, Chair; Jay of Appanoose, Peterson of Carroll, Trent of Muscatine and Beaman of Clarke.

The House stood at ease at 5:58 p.m., until the fall of the gavel.

The House resumed session at 6:58 p.m., Buhr of Polk in the chair.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 4, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 140, a bill for an act relating to the linked deposit program and providing an effective date.

Also: That the Senate has on May 4, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 578, a bill for an act excluding from income for purposes of state and local government benefit or entitlement programs and the state individual income tax proceeds received for damages resulting from exposure to certain herbicides and providing a retroactive applicability date.

Also: That the Senate has on May 4, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 765, a bill for an act exempting certain deeds transferring real estate from declarations of value and the tax on transfers.

Also: That the Senate has on May 4, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 771, a bill for an act relating to eligibility for reimbursement for rent constituting property tax paid and providing for a retroactive applicability date.

Also: That the Senate has on May 4, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 776, a bill for an act relating to the operation and dissolution of a benefited fire district including a city, and authorizing the levy of a property tax.

Also: That the Senate has on May 4, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 777, a bill for an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing an effective date.

Also: That the members of the conference committee, on the part of the Senate, appointed May 4, 1989, to Senate File 14, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters are: The Senator from Woodbury, Senator Sturgeon, Chair; the Senator from Linn, Senator Running; the Senator from Dubuque, Senator Carr; the Senator from Osceola, Senator Vande Hoef; and the Senator from Mahaska, Senator Hedge.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 686**, a bill for an act establishing a science and technology foundation and providing an effective date, and amendment H—4424, found on pages 2441 through 2452 of the House Journal, to the Senate amendment H—4310, found on pages 2437 through 2441 of the House Journal, previously deferred.

Metcalf of Polk offered the following amendment H—4435, to amendment H—4424, to the Senate amendment H—4310, filed by her from the floor and moved its adoption:

H—4435

- 1 Amend the amendment, H—4424, to the Senate  
 2 amendment, H—4310, to House File 686, as amended,  
 3 passed, and reprinted by the House, as follows:  
 4 1. Page 9, line 44, by striking the word  
 5 "WALLACE".  
 6 2. Page 9, line 49, by striking the word  
 7 "Wallace".  
 8 3. Page 10, line 5, by striking the word  
 9 "Wallace".  
 10 4. Page 10, by striking lines 7 through 17 and  
 11 inserting the following:  
 12 " \_\_\_\_\_. Page 1, by striking lines 29 and 30."  
 13 5. Page 10, by striking lines 18 through 29 and  
 14 inserting the following:  
 15 " \_\_\_\_\_. Page 1, by striking lines 47 through 50 and  
 16 inserting the following:  
 17 "(\_\_\_\_\_) Five persons appointed by the governor,  
 18 subject to senate confirmation, with an emphasis on  
 19 persons involved directly in research and development  
 20 of technology-based industrial or agricultural  
 21 enterprises in the state or Iowans with experience in  
 22 technology development and commercialization which  
 23 shall include persons in small business manufacturing  
 24 and persons in large business manufacturing." "  
 25 6. Page 10, by striking lines 32 through 36.  
 26 7. Page 10, by striking lines 40 through 44 and  
 27 inserting the following:  
 28 " \_\_\_\_\_. Page 4, by striking lines 7 through 9 and  
 29 inserting the following: "to section 28.157." "  
 30 8. Page 10, line 50, by striking the word  
 31 "Wallace".  
 32 9. Page 12, line 12, by striking the word  
 33 "Wallace".

Amendment H—4435 lost.

Arnould of Scott asked and received unanimous consent that House File 686 be deferred and that the bill retain its place on the calendar.

(Amendment H—4424, to the committee amendment H—4310, pending.)

ADOPTION OF THE REPORT OF THE  
 CONFERENCE COMMITTEE  
 (Senate File 141)

Jay of Appanoose called up for consideration the report of the conference committee on Senate File 141 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 141

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 141, 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, respectfully make the following report:

1. That the House recedes from its amendment, S-3892.

2. That Senate File 141, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"Sec. \_\_\_\_\_. Section 20.4, subsection 2, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Supervisory employee means any individual having authority in the interest of the public employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other public employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. All school superintendents, assistant superintendents, principals and assistant principals shall be deemed to be supervisory employees.

Sec. \_\_\_\_\_. Section 20.11, subsections 4 and 5, Code 1989, are amended to read as follows:

4. The board shall file its findings of fact and conclusions of law. If the board finds that the party accused has committed a prohibited practice, the board may, within thirty days of its decision, enter into a consent order with the party to discontinue the practice, or after the thirty days following the decision may petition the district court for injunctive relief pursuant to rules of civil procedure 320 to 330.

5. Any party aggrieved by any decision or order of the board may within ten days from the date such decision or order is filed, appeal therefrom to the district court of the county in which the hearing was held, by filing with the board a written notice of appeal setting forth in general terms the decision appealed from and the grounds of the appeal. The board shall forthwith give notice to the other parties in interest. The board's review of proposed decisions and the rehearing or judicial review of final decisions is governed by the provisions of chapter 17A.

Sec. \_\_\_\_\_. Section 20.11, subsections 6, 7, 8, 9, 10, and 11, Code 1989, are amended by striking the subsections.

Sec. \_\_\_\_\_. Section 20.17, subsection 4, Code 1989, is amended to read as follows:

4. The terms of a proposed collective bargaining agreement shall be made available to the public by the public employer and reasonable notice shall be given to the public employees by the employee organization prior to a ratification election. The collective bargaining agreement shall become effective only if ratified by a majority of those voting by secret ballot."

2. Page 5, by inserting after line 14 the following:

"Sec. \_\_\_\_\_. Section 96.8, subsection 4, paragraph a, Code 1989, is amended to read as follows:

a. In any case in which the enterprise or business of a subject employer has been sold or otherwise transferred to a subsequent employing unit or reorganized or merged into a single employing unit under the provisions of section 96.7, subsection 3 2, paragraph "b", the account of the transferring employer shall terminate as of the date on which such transfer, reorganization or merger was completed."

3. Page 6, line 9, by striking the figure "162.8."

4. Page 6, by inserting after line 10 the following:

"Sec. \_\_\_\_\_. Section 162.8, Code 1989, is amended to read as follows:

#### 162.8 COMMERCIAL BREEDER'S LICENSE.

A person shall not operate as a commercial breeder unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The annual license or the certification period expires one year from date of issue. The license fee is forty dollars per year and the certificate fee is five twenty dollars per year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary."

5. Page 7, by inserting after line 22 the following:

"Sec. \_\_\_\_\_. Section 214A.16, Code 1989, is amended to read as follows:

#### 214A.16 NOTICE OF BLENDED FUEL.

All motor vehicle fuel kept, offered, or exposed for sale, or sold at retail containing over one percent ethanol, methanol, or any combination of oxygenate octane enhancers shall be identified as "with" either "ethanol", "methanol", "ethanol/methanol", or similar wording on a white adhesive decal with black letters at least one one-half inch high and at least one-quarter inch wide placed between thirty and forty inches above the driveway level on the front sides of any container or pump from which the motor fuel is sold."

6. Page 16, by striking lines 7 through 16.

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

"Sec. \_\_\_\_\_. Section 474.1, unnumbered paragraph 3, Code 1989, is amended to read as follows:

As used in this chapter and chapters 475A, 476, 476A, 478, and 479, and 479A, "division" and "utilities division" mean the utilities division of the department of commerce.

Sec. \_\_\_\_\_. Section 474.9, Code 1989, is amended to read as follows:

#### 474.9 GENERAL JURISDICTION OF UTILITIES BOARD.

The utilities board has general supervision of all pipelines and all lines for the transmission, sale, and distribution of electrical current for light, heat, and power pursuant to chapters 476, 476A, 478, and 479, and 479A, and has other duties as provided by law.

Sec. \_\_\_\_\_. Section 476.10, unnumbered paragraph 1, Code 1989, is amended to read as follows:

When the board deems it necessary in order to carry out the duties imposed upon it by this chapter for the purpose of determining rate matters to investigate the books, accounts, practices, and activities of, or make appraisals of the property of any public utility, or to render any engineering or accounting services to any public utility, or to review the operations or annual reports of the public utility under section 476.31 or 476.32, the public utility shall pay the expense reasonably attributable to the investigation, appraisal, service, or review. The board shall ascertain the expenses including certified expenses incurred by the consumer advocate division of the department of justice directly chargeable to the public utility under section 475A.6, and shall render a bill, by certified mail, to the public utility, either at the conclusion of the investigation, appraisal, services, or review, or from time to time during its progress, which bill is notice of the assessment and shall demand payment. The total amount of such expense in any one calendar year, for which any public utility shall become liable, shall not exceed two-tenths of one percent of its gross operating revenues derived from intrastate public utility operations in the last preceding calendar year."

8. Page 32, by inserting after line 8 the following:

"Sec. \_\_\_\_\_. Section 537.2501, subsection 1, paragraph f, as enacted by 1989 Iowa Acts, House File 552, section 2, is amended to read as follows:

f. With respect to open-end credit pursuant to a credit card issued by the creditor which entitles the cardholder to purchase or lease goods or services from at least one hundred persons not related to the card issuer, the parties may contract for an over-limit charge not to exceed ten dollars if the balance of the account exceeds the credit limit established pursuant to the agreement. The over-limit charge under this paragraph shall not be assessed again in a subsequent billing cycle unless in a subsequent billing cycle the account balance has been reduced below the credit limit.

If the differential treatment of this subsection based on the number of persons honoring a credit card is found to be unconstitutional, the parties may contract for the over-limit charge as described in this paragraph in any consumer credit transaction pursuant to open-end credit, and the other conditions relating to the over-limit charge shall remain in effect."

9. Page 32, by inserting after line 8 the following:

"Sec. \_\_\_\_\_. Section 537.7103, subsection 3, paragraph a, subparagraph (1), Code 1989, is amended to read as follows:

(1) Notifying a debtor of the fact that the ~~debtor~~ debt collector may report a debt to a credit bureau or engage an agent or an attorney for the purpose of collecting the debt."

10. Page 33, by inserting after line 6, the following:

"Sec. \_\_\_\_\_. Section 602.3105, Code 1989, is amended to read as follows:

## 602.3105 APPLICATIONS.

Applications for certification shall be on forms prescribed and furnished by the board and the board shall not require that the application contain a photograph of the applicant. An applicant shall not be denied certification because of age, citizenship, sex, race, religion, marital status, or national origin although the application may require citizenship information. The board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of certified shorthand reporting. Character references may be required, but shall not be obtained from certified shorthand reporters."

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

"Sec. \_\_\_\_\_. Section 602.3203, subsection 5, Code 1989, is amended to read as follows:

5. Conviction of a felony related to the practice of shorthand reporting or conviction of a felony that would affect the ability to practice shorthand reporting. A copy of the record of conviction or plea of guilty is conclusive evidence.

Sec. \_\_\_\_\_. Section 602.6305, subsection 2, Code 1989, as amended by 1989 Iowa Acts, Senate File 498, is amended to read as follows:

2. A person does not qualify for appointment to the office of district associate judge unless the person is at the time of appointment a resident of the county in which the vacancy exists, licensed to practice law in Iowa, and will be able, measured by the person's age at the time of appointment, to complete the initial term of office plus a four-year term of office prior to reaching age seventy-two."

12. Page 34, by inserting after line 15 the following:

"Sec. \_\_\_\_\_. Section 702.17, as amended by 1989 Iowa Acts, Senate File 201, section 1, is amended to read as follows:

## 702.17 SEX ACT.

The term "sex act" or "sexual activity" means any sexual contact between two or more persons by: penetration of the penis into the vagina or anus; contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person; contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 150, 150A, 151, or 152; or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus."

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

## ON THE PART OF THE HOUSE:

DANIEL J. JAY, Chair  
WAYNE MCKINNEY  
GARY SHERZAN  
ROGER HALVORSON  
BRENT J. SIEGRIST

## ON THE PART OF THE SENATE:

DONALD V. DOYLE, Chair  
TOM MANN, Jr.  
JOHN P. KIBBIE  
JULIA B. GENTLEMAN  
LINN FUHRMAN

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?" (S.F. 141)

The ayes were, 58:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Brand	Brown
Chapman	Cohoon	Connors	Diemer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Lageschulte
Lykam	May	McKinney	Mertz
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schnekloth	Schrader
Sherzan	Shoultz	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Wise	Buhr		
	Presiding		

The nays were, 32:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Doderer	Eddie	Garman
Hanson, D. R.	Hester	Kistler	Kremer
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Shoning	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

Absent or not voting, 10:

Avenson, Spkr.	Bisignano	Connolly	Harbor
Haverland	Hermann	Koenigs	Muhlbauer
Shearer	Stromer		

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

### HOUSE INSISTED

Hammond of Story called up for consideration **Senate File 538**, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of

medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters, and moved that the House insist on its amendment, which motion prevailed.

#### CONFERENCE COMMITTEE APPOINTED (Senate File 538)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 538: Hammond of Story, Chair; Jochum of Dubuque, Fey of Scott, Carpenter of Polk and Hester of Potawattamie.

The House stood at ease at 7:21 p.m., until the fall of the gavel.

The House resumed session at 7:52 p.m., Connors of Polk in the chair.

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 451, a bill for an act relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing an effective date.

JOHN F. DWYER, Secretary

#### SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 686**, a bill for an act establishing a science and technology foundation and providing

an effective date, and amendment H—4424, found on pages 2441 through 2452 of the House Journal, to the Senate amendment H—4310, found on pages 2437 through 2441 of the House Journal, previously deferred.

Metcalf of Polk offered the following amendment H—4440, to amendment H—4424, to the Senate amendment H—4310, filed by her from the floor and moved its adoption:

H—4440

- 1 Amend the amendment, H—4424, to the Senate
- 2 amendment, H—4310, to House File 686, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. By striking page 2, line 43 through page 3,
- 5 line 28 and inserting the following:
- 6 "a. One president, or the president's designee, of
- 7 the university of Iowa, Iowa state university of
- 8 science and technology, or the university of northern
- 9 Iowa, as designated by the state board of regents on a
- 10 rotating basis. Each president or designee shall
- 11 serve two years before being replaced by a successor
- 12 president or designee.
- 13 b. The director of the department of economic
- 14 development or the director's designee.
- 15 c. The secretary of agriculture or the secretary's
- 16 designee.
- 17 d. A designee of the Iowa association of
- 18 independent colleges and universities. The
- 19 association shall give preference to appointing
- 20 designees representing schools which are members of
- 21 INTERNET. The designee shall serve for two years.
- 22 e. Six persons actively engaged in international
- 23 trade appointed by the governor. The members shall be
- 24 appointed for staggered terms of six years. To the
- 25 extent practicable, appointments shall be
- 26 geographically and gender balanced."
- 27 2. Page 3, by striking lines 29 through 32 and
- 28 inserting the following:
- 29 "2. A person appointed to fill a vacancy for a".
- 30 3. Page 3, line 45, by striking the word "Eight"
- 31 and inserting the following: "Six".
- 32 4. Page 4, by striking lines 5 through 9 and
- 33 inserting the following:
- 34 "5. The director appointed as a designee by the
- 35 Iowa association of independent colleges and
- 36 universities and the directors appointed by the
- 37 governor are entitled to receive forty dollars per
- 38 diem for".

- 39 5. Page 7, line 13, by striking the words  
 40 "provide special assistance" and inserting the  
 41 following: "facilitate programming".  
 42 6. Renumber as necessary.

Amendment H—4440 lost.

Gruhn of Dickinson offered the following amendment H—4445, to amendment H—4424, to the Senate amendment H—4310, filed from the floor by Gruhn, Svoboda, Fogarty and Jesse and moved its adoption:

H—4445

- 1 Amend amendment, H—4424, to the Senate amendment,  
 2 H—4310, to House File 686, as amended, passed, and  
 3 reprinted by the House as follows:  
 4 1. Page 10, by striking lines 21 through 25, and  
 5 inserting the following: "subject to senate  
 6 confirmation, three of whom are persons involved  
 7 directly in research and development of technology-  
 8 based industries or Iowans with experience in  
 9 technology development and commercialization, two of  
 10 whom are directly involved in agricultural-related  
 11 enterprises. The".

Amendment H—4445 was adopted.

On motion by Jesse of Jasper, amendment H—4424, as amended, to the Senate amendment H—4310, was adopted.

On motion by Jesse of Jasper, the House concurred in the Senate amendment H—4310, as amended.

Jesse 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. 686)

The ayes were, 77:

Arnould	Avenson, Spkr.	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson

Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schrauder
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Connors			
Presiding			

The nays were, 18:

Banks	Bennett	Branstad	Corbett
De Groot	Garman	Harbor	Hermann
Kremer	Maulsby	Metcalf	Petersen, D. F.
Plasier	Renken	Schnekloth	Stueland
Tyrrell	Van Maanen		

Absent or not voting, 5:

Adams	Groninga	Miller	Shearer
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 686)

Arnould of Scott asked and received unanimous consent that House File 686 be immediately messaged to the Senate.

The House stood at ease at 8:10 p.m., until the fall of the gavel.

The House resumed session at 9:00 p.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee, on the part of the Senate, appointed May 4, 1989, to House File 178, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters are: The Senator from Dubuque, Senator Carr, Chair; the Senator from Marion, Senator Dieleman; the Senator from Jones, Senator Hannon; the Senator from Hardin, Senator Taylor; and the Senator from Polk, Senator Gentleman.

Also: That the Senate has on May 4, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 784, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates.

Also: That the members of the conference committee, on the part of the Senate, appointed May 4, 1989, to Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters are: The Senator from Story, Senator Bruner, Chair; the Senator from Polk, Senator Palmer; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Black Hawk, Senator Corning; and the Senator from Scott, Senator Tinsman.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Knapp of Dubuque called up for consideration **House File 772**, a bill for an act relating to and making appropriations to the justice system, amended by the Senate amendment H-4411 as follows:

H-4411

- 1 Amend House File 772, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by striking the figure
- 4 "4,187,362" and inserting the following: "4,527,362".
- 5 2. Page 1, line 11, by striking the figure
- 6 "157.5" and inserting the following: "158.5".
- 7 3. Page 2, by striking line 20 and inserting the
- 8 following:
- 9 " .....\$ 200,000"
- 10 4. Page 2, by inserting after line 20 the follow-
- 11 ing:
- 12 "9. The balance of the fund created under section
- 13 321J.17 may be used to provide salary and support of
- 14 not more than 10.5 FTE positions, of which 4.5 FTE
- 15 positions shall be utilized in the department of
- 16 public safety for the operation and administration of
- 17 the missing persons clearinghouse and domestic abuse
- 18 registry, and to provide maintenance for the victim
- 19 compensation functions of the department of justice.
- 20 The department of justice shall reimburse the
- 21 department of public safety, from amounts deposited in
- 22 the fund created under section 321J.17, in an amount

23 of not more than \$167,028, for the operation and  
24 administration of the missing persons clearinghouse  
25 and domestic abuse registry.

26 The enactment of this subsection and the  
27 appropriation of \$240,000 of the total amount  
28 appropriated in subsection 1, are contingent upon the  
29 enactment of 1989 Iowa Acts, House File 700."

30 5. Page 2, by inserting after line 30, the  
31 following:

32 "The office of consumer advocate may expend  
33 additional funds, including funds for outside  
34 consultants, if those additional expenditures are  
35 actual expenses which exceed the funds budgeted for  
36 utilities investigations and directly result from  
37 investigations of utilities. Before the office  
38 expends or encumbers an amount in excess of the funds  
39 budgeted for investigations, the director of the  
40 department of management shall approve the expenditure  
41 or encumbrance. Before approval is given, the  
42 director of the department of management shall  
43 determine that the investigation expenses exceed the  
44 funds budgeted by the general assembly to the office  
45 of consumer advocate and that the office does not have  
46 other funds from which investigation expenses can be  
47 paid. Upon approval of the director of the department  
48 of management, the office may expend and encumber  
49 funds for excess investigation expenses. The amounts  
50 necessary to fund the excess investigation expenses

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1 shall be collected from those utilities being  
2 investigated which caused the excess expenditures, and  
3 the collections shall be treated as repayment receipts  
4 as defined in section 8.2, subsection 5."

5 6. Page 3, line 4, by striking the figure  
6 "728,785" and inserting the following: "752,285".

7 7. Page 3, line 5, by striking the figure "18.0"  
8 and inserting the following: "19.0".

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

11 "As an additional condition, limitation, and  
12 qualification of the appropriation the board of parole  
13 shall employ an additional statistical research  
14 analyst to assist with the application of the risk  
15 assessment model in the parole decision-making  
16 process. The board of parole shall also require the  
17 board's administrative staff to begin cross-training  
18 of the staff to assure that each individual on that  
19 staff is familiar with all tasks performed by the  
20 staff."

21 9. Page 6, line 29, by striking the word "twenty-

22 five" and inserting the following: "fifty".  
23 10. Page 7, line 11, by striking the word  
24 "twenty-five" and inserting the following: "fifty".  
25 11. Page 7, line 20, by striking the figure  
26 "1,833,714" and inserting the following: "1,973,714".  
27 12. Page 7, line 21, by striking the figure  
28 "37.52" and inserting the following: "40.52".  
29 13. Page 7, by inserting after line 21 the  
30 following:  
31 "As a condition, limitation, and qualification of  
32 this appropriation, \$50,000 of the amounts  
33 appropriated in this subsection shall be used for a  
34 contractual agreement with a criminal justice research  
35 firm to develop valid criteria for the purpose of  
36 improving the community-based corrections risk/needs  
37 assessment classification model. The department shall  
38 implement a revised, standardized risk/needs  
39 assessment classification model and case management  
40 guidelines by March 1, 1990. The department shall  
41 promulgate rules for the implementation and monitoring  
42 of the risk/needs classification model. The  
43 department shall monitor the use of the classification  
44 model by the judicial district departments and has the  
45 authority to override a district department's decision  
46 regarding classification of community-based clients.  
47 The department shall notify a district department of  
48 the reasons for the override. The department shall  
49 provide three full-time equivalent positions to  
50 provide research and technical assistance to the

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1 criminal justice research firm during the development  
2 of the revised community-based corrections risk/needs  
3 assessment model. These positions shall be  
4 responsible for providing training services to the  
5 districts for implementing the revised model and shall  
6 monitor the districts' implementation and use of the  
7 revised model."  
8 14. Page 8, by inserting after line 10, the  
9 following:  
10 "Sec. \_\_\_\_\_. There is appropriated from the general  
11 fund of the state to the community-based correctional  
12 division of the department of corrections for the  
13 fiscal year beginning July 1, 1989, and ending June  
14 30, 1990, the following amounts, or so much thereof as  
15 is necessary, to be used for the purposes designated:  
16 1. For an education pilot project to implement the  
17 computer training system for community-based  
18 correctional program clients in the first and fifth  
19 judicial districts, and for not more than the  
20 following full-time equivalent positions:

21 ..... \$ 450,000

22 As a condition, limitation, and qualification of  
23 the appropriation made under this subsection, the  
24 department of corrections shall determine which  
25 computer training system meets the needs of the  
26 correctional program clients to the greatest extent,  
27 and shall use such system in the pilot project.

28 Upon request by the department of corrections, the  
29 department of general services shall provide technical  
30 assistance related to the evaluation, selection, and  
31 use of computer hardware to be used in the pilot  
32 project.

33 Upon request by the department of corrections, the  
34 department of education shall provide technical  
35 assistance related to the evaluation, selection, and  
36 use of computer software and other educational  
37 material to be used in the pilot project.

38 Funds appropriated under this subsection are not  
39 subject to reversion under section 8.33.

40 2. For job training and development grant programs  
41 to award grants under contract to nonprofit  
42 organizations for community-based correctional  
43 clients:

44 ..... \$ 400,000

45 As a condition, limitation, and qualification of  
46 the appropriation under this subsection, \$200,000  
47 shall be used for a client development and job  
48 training pilot project, \$120,000 shall be used for  
49 contracting for services in the eighth judicial  
50 district, and \$80,000 shall be used for contracting

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1 for services in the seventh judicial district. Job  
2 training grant programs must be designed and  
3 administered so that the programs are not in direct  
4 competition with other federal Job Training  
5 Partnership Act programs in order to be eligible for  
6 these grants.

7 3. For an offender reorientation project in the  
8 fifth judicial district:

9 ..... \$ 100,000

10 4. For an alternative sentencing project in the  
11 third judicial district, to provide judges and the  
12 parole board with alternatives to returning parole or  
13 probation violators to prison:

14 ..... \$ 200,000

15 Violators who may be included in the project  
16 include class "C" and class "D" felons and persons  
17 convicted of an aggravated misdemeanor. Alternatives  
18 under the project could include, but are not limited  
19 to, local jail or community service sentencing.

20 5. For costs associated with the design of prison  
21 expansion:

22 ..... \$ 250,000

23 6. To provide for financial arrangements for and  
24 to begin construction of a \$8,332,880 expansion in  
25 prison capacity in the manner provided in this  
26 subsection:

27 ..... \$ 1,100,000

28 a. Construction of an additional one hundred bed  
29 minimum security facility at Newton for parole and  
30 probation violators of which twenty-five beds are to  
31 be specifically used for substance abuse treatment  
32 programs for clients of the state adult corrections  
33 system and twenty-five beds are to be specifically  
34 used for work release inmates.

35 b. Construction of a one hundred twenty bed medium  
36 security dormitory style facility at the Oakdale  
37 corrections campus along with the upgrading of the  
38 kitchen, dining room space, and records management at  
39 the campus.

40 c. Replacement of the existing thirty community  
41 corrections residential bed facility with a new  
42 seventy-five community corrections residential bed  
43 facility at Cedar Rapids.

44 d. The addition of thirty-six additional community  
45 corrections residential beds as determined by the  
46 department of corrections. However, these beds shall  
47 not be added until the department has notified and  
48 provided an explanation for the placement of the beds  
49 to the members of the corrections system review task  
50 force created in 1988 Iowa Acts, chapter 1271, section

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1 14.

2 e. Renovation of sixty-five and the addition of  
3 twenty dormitory-style minimum security beds at farm  
4 three at the Fort Madison correctional facility.

5 f. For a total designed capacity of seventy-one  
6 minimum security beds at the Luster Heights facility  
7 by renovation of eighteen and the addition of  
8 seventeen minimum security beds.”

9 15. Page 12, by inserting after line 4, the  
10 following:

11 “Sec. \_\_\_\_\_. There is appropriated from the general  
12 fund of the state to the department of corrections for  
13 the fiscal year beginning July 1, 1989, and ending  
14 June 30, 1990, the following amounts, or so much  
15 thereof as is necessary, to be used for the purposes  
16 designated:

17 For the third judicial district department of  
18 correctional services:

19 .....\$ 126,375

20 As a condition, limitation, and qualification of  
21 this appropriation, \$76,375 shall be used for the  
22 operating costs of ten new OWI program beds within the  
23 district, and \$50,000 shall be used for the operating  
24 costs of fifteen new community corrections residential  
25 beds within the district.

26 Sec. \_\_\_\_\_. There is appropriated from the general  
27 fund of the state to the department of corrections for  
28 the period beginning January 1, 1990, and ending June  
29 30, 1990, the following amounts, or so much thereof as  
30 is necessary, to be used for the purposes designated:

31 For operating costs and twenty-one additional  
32 positions for staffing and support for eighty-five  
33 minimum security beds at farm three at the Fort  
34 Madison correctional facility, contingent upon the  
35 renovation of sixty-five and the addition of twenty  
36 dormitory-style beds at farm three as provided in this  
37 Act:

38 .....\$ 465,059

39 Sec. \_\_\_\_\_. Notwithstanding any contrary provision  
40 of law, the department shall establish a pilot program  
41 within the third judicial district for the diversion  
42 of OWI offenders. The department of corrections shall  
43 develop standardized assessment criteria for the  
44 assignment of offenders to a facility established  
45 pursuant to section 246.513. The offender shall be  
46 assigned by the director to a facility pursuant to  
47 section 321J.2, subsection 2, paragraph "c". If the  
48 person cannot be assigned to a facility established  
49 pursuant to section 246.513 due to insufficient bed  
50 space, the person shall be released from custody upon

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1 the person's own recognizance, bond, or supervision by  
2 the judicial district department of correctional  
3 services until space is available. If an offender  
4 fails to satisfactorily perform in a treatment program  
5 conducted in the residential facility operated by the  
6 judicial district department of correctional services,  
7 the offender shall be assigned to the Iowa medical  
8 classification facility at Oakdale for classification.  
9 The offender shall be assigned to an institution  
10 following classification.

11 Sec. \_\_\_\_\_. The corrections system review task force  
12 established in 1988 Iowa Acts, chapter 1271, section  
13 14, shall request the consultant working with the task  
14 force in establishing the ten-year corrections master  
15 plan to evaluate the effect of the provisions of this  
16 Act on the state's corrections system while assisting  
17 the task force in developing the ten-year corrections

18 master plan.

19 Sec. \_\_\_\_\_. There is appropriated from the general  
20 fund of the state to the department of corrections for  
21 the fiscal year beginning July 1, 1989, and ending  
22 June 30, 1990, the following amount, or so much  
23 thereof as is necessary, to provide for the financing  
24 of and to begin construction of forty-four additional  
25 residential community corrections beds in the first  
26 judicial district:

27 ..... \$ 200,000"

28 16. Page 12, line 19, by striking the figure  
29 "63,584,259" and inserting the following:  
30 "63,717,370".

31 17. Page 12, line 26, by inserting after the word  
32 "county," the following: "\$50,000 shall be used for  
33 the addition of two juvenile court officers, \$68,327  
34 shall be used for the addition of two court reporters,  
35 \$14,784 shall be used for the addition of two half-  
36 time juvenile court specialists, \$184,000 shall be  
37 used to reimburse the auditor of state for expenses  
38 incurred in completing audits of the offices of the  
39 clerks of the district court during the fiscal year  
40 beginning July 1, 1989,".

41 18. Page 13, line 6, by striking the figure  
42 "891,000" and inserting the following: "730,379".

43 19. Page 13, by inserting after line 35 the  
44 following:

45 "Sec. \_\_\_\_\_. Funds appropriated for the fiscal year  
46 beginning July 1, 1988, and ending June 30, 1989, to  
47 the judicial department for the costs of adult  
48 indigent defense and costs of juvenile proceedings  
49 including attorney and witness fees, which remain on  
50 June 30, 1989, after the payment of all claims

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1 submitted on or before June 30, 1989, for the fiscal  
2 year beginning July 1, 1988, and pursuant to 1988 Iowa  
3 Acts, chapter 1161, section 20, shall be transferred  
4 to the department of inspections and appeals to be  
5 used for the costs of adult indigent defense and costs  
6 of juvenile proceedings, and shall not be subject to  
7 reversion pursuant to section 8.33. Any claims  
8 received by the judicial department after June 30,  
9 1989, for adult indigent defense or juvenile  
10 proceedings shall be forwarded to the department of  
11 inspections and appeals for payment."

12 20. Page 14, line 27, by inserting after the word  
13 "program" the following: "and using the same line  
14 item definitions of expenditures as used for the  
15 current fiscal year's budget request.,".

16 21. Page 15, by striking lines 7 through 12, and

17 inserting the following:

18 "Sec. \_\_\_\_\_. Section 356.15, Code 1989, is amended  
19 to read as follows:

20 356.15 EXPENSES.

21 All charges and expenses for the safekeeping and  
22 maintenance of prisoners shall be allowed by the board  
23 of supervisors, except those committed or detained by  
24 the authority of the courts of the United States, in  
25 which cases the United States must pay such expenses  
26 to the county, and those committed for violation of a  
27 city ordinance, in which case the city shall pay  
28 expenses to the county. If a parole or probation  
29 violator is committed to a county jail pursuant to  
30 section 908.9 or 908.11, the county shall be  
31 reimbursed by the department of corrections in  
32 accordance with section 906.18. If the violator is  
33 granted work release from the county jail, the  
34 violator is liable to the county for the cost of the  
35 violator's board as provided in section 356.30.  
36 However, the state shall reimburse the county for the  
37 balance of the cost of confining the violator.

38 Sec. \_\_\_\_\_. Section 905.1, subsection 2, Code 1989,  
39 is amended to read as follows:

40 2. "Community-based correctional program" means  
41 correctional programs and services designed to  
42 supervise and assist individuals who are charged with  
43 or have been convicted of a felony, an aggravated  
44 misdemeanor or a serious misdemeanor, or who are on  
45 probation or parole in lieu of or as a result of a  
46 sentence of incarceration imposed upon conviction of  
47 any of these offenses, or who have been confined in a  
48 county jail as a result of revocation of probation or  
49 parole for conviction and sentence of a class "C" or  
50 "D" felony or aggravated misdemeanor, or who are

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1 contracted to the district department for supervision  
2 and housing while on work release.

3 Sec. \_\_\_\_\_. Section 906.9, Code 1989, is amended to  
4 read as follows:

5 906.9 CLOTHING, TRANSPORTATION, AND MONEY.

6 When an inmate is discharged, paroled, or placed on  
7 work release, ~~or placed in a community-based~~  
8 ~~correctional program under section 246.513, the warden~~  
9 or superintendent shall furnish the inmate, at state  
10 expense, appropriate clothing and transportation to  
11 the place in this state indicated in the inmate's  
12 discharge, parole, or work release plan, ~~or community-~~  
13 ~~based corrections assignment.~~ When an inmate is  
14 discharged, paroled, or placed on work release, ~~or~~  
15 ~~placed in a community-based correctional program under~~

16 section 246.513, the warden or superintendent shall  
 17 provide the inmate, at state expense, money in  
 18 accordance with the following schedule:

19 1. Upon discharge or parole, one hundred dollars.

20 2. Upon being placed on work release, fifty  
 21 dollars.

22 3. Upon going from an educational work release to  
 23 parole or discharge, fifty dollars.

24 4. Upon being placed in a community-based  
 25 correctional program under section 246.513, fifty  
 26 dollars.

27 Those inmates receiving payment under subsection 2,  
 28 or 3, or 4 shall not be eligible for payment under  
 29 subsection 1 unless they are returned to the  
 30 institution. The warden or superintendent shall  
 31 maintain an account of all funds expended pursuant to  
 32 this section.

33 Sec. \_\_\_\_\_. NEW SECTION. 906.18 CONFINEMENT OF  
 34 PAROLE AND PROBATION VIOLATORS BY COUNTIES -  
 35 REIMBURSEMENT.

36 1. A county may enter into a chapter 28E agreement  
 37 with the department of corrections for the confinement  
 38 of parole and probation violators pursuant to section  
 39 908.9 or 908.11, and the agreement may contain  
 40 provisions relating to reimbursement to the county for  
 41 confining the violators, and any other terms the  
 42 contracting parties deem appropriate.

43 2. The department of corrections and counties may  
 44 commence negotiation and execution of the chapter 28E  
 45 agreements provided in subsection 1 on or after July  
 46 1, 1989.

47 3. Parole and probation violators may be confined  
 48 in county jails pursuant to sections 908.9 and 908.11  
 49 commencing January 1, 1990.

50 Sec. \_\_\_\_\_. Section 908.9, Code 1989, is amended to

**Page 9**

1 read as follows:

2 908.9 DISPOSITION OF VIOLATOR.

3 1. If the parole of a parole violator is revoked,  
 4 the violator shall remain in the custody of the Iowa  
 5 department of corrections under the terms of the  
 6 parolee's original commitment.

7 2. Notwithstanding subsection 1, if the parole of  
 8 a parole violator, originally committed to the  
 9 department for conviction of a class "C" or "D"  
 10 felony, or aggravated misdemeanor, is revoked, the  
 11 parole revocation officer or board panel shall  
 12 determine whether the violator is to remain in the  
 13 custody of the director of the department of  
 14 corrections under the terms of the parolee's original

15 commitment, or is to be confined in a county jail, for  
16 a maximum period of one year, as part of the  
17 violator's subsequent plan of parole or work release.  
18 A violator shall be confined in a county jail only if  
19 the violator is placed on work release, educational  
20 work release, or in a community-based correctional  
21 program and the county and the department of  
22 corrections have entered into a chapter 28E agreement  
23 pursuant to section 906.18. A violator assigned to  
24 county jail confinement pursuant to this subsection  
25 shall be transported directly to the assigned county  
26 jail, and shall remain under the jurisdiction of the  
27 board of parole and under the supervision and  
28 direction of the judicial district department of  
29 correctional services. For purposes of this  
30 subsection, a violator, who has been committed to the  
31 custody of the director of the department of  
32 corrections upon the imposition of consecutive  
33 sentences for serious misdemeanor violations and the  
34 consecutive sentences exceed a total of one year,  
35 shall be considered to have been convicted of an  
36 aggravated misdemeanor.

37 3. Notwithstanding subsections 2 and 4, if a  
38 parolee's parole is subject to revocation, the  
39 parolee's parole officer may recommend, and the parole  
40 revocation officer or board panel may consider, as an  
41 alternative to revocation of the parolee's parole,  
42 placing the parolee in the minimum security facility  
43 at Newton, subject to available bed space, as part of  
44 the parolee's revised plan of parole. The parolee  
45 shall be placed directly in the Newton facility  
46 without reclassification at the Iowa medical  
47 classification facility at Oakdale.

48 4. If the parole of a parole violator is not  
49 revoked, the parole revocation officer or board panel  
50 shall order the person's release subject to the terms

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1 of the person's parole with any modifications that the  
2 parole revocation officer or board panel determines  
3 proper.

4 Sec. \_\_\_\_\_. NEW SECTION. 908.9A CUSTODY OF PAROLE  
5 OR PROBATION VIOLATOR.

6 A parole or probation violator confined to a county  
7 jail pursuant to section 908.9 or 908.11 shall remain  
8 committed to the custody of the director of the  
9 department of corrections.

10 Sec. \_\_\_\_\_. Section 908.11, Code 1989, is amended to  
11 read as follows:

12 908.11 VIOLATION OF PROBATION.

13 A probation officer or the judicial district

14 department of correctional services having probable  
15 cause to believe that any person released on probation  
16 has violated the conditions of probation shall proceed  
17 by arrest or summons as in the case of a parole  
18 violation. The functions of the liaison officer and  
19 the board of parole shall be performed by the judge or  
20 magistrate who placed the alleged violator on  
21 probation if that judge or magistrate is available,  
22 otherwise by another judge or magistrate who would  
23 have had jurisdiction to try the original offense. If  
24 the probation officer proceeds by arrest, any  
25 magistrate may receive the complaint, issue an arrest  
26 warrant, or conduct the initial appearance and  
27 probable cause hearing if it is not convenient for the  
28 judge who placed the alleged violator on probation to  
29 do so. The initial appearance, probable cause  
30 hearing, and probation revocation hearing, or any of  
31 them, may at the discretion of the court be merged  
32 into a single hearing when it appears that the alleged  
33 violator will not be prejudiced thereby. If the  
34 violation is established, the court may continue the  
35 probation with or without an alteration of the  
36 conditions of probation. If the defendant is an adult  
37 the court may hold the defendant in contempt of court  
38 and sentence the defendant to a jail term while  
39 continuing the probation, or may revoke the probation  
40 and require the defendant to serve the sentence  
41 imposed or any lesser sentence, and, if imposition of  
42 sentence was deferred, may impose any sentence which  
43 might originally have been imposed. If the defendant  
44 was originally committed to the custody of the  
45 department of corrections, the defendant's sentence  
46 was suspended or deferred, and the defendant has been  
47 placed on probation for violation of a class "C" or  
48 "D" felony or an aggravated misdemeanor, and a  
49 violation of probation has been established, the court  
50 may revoke probation and, as an alternative to serving

**Page 11**

1 the sentence originally imposed, require the defendant  
2 to serve a maximum term of imprisonment of one year in  
3 a county jail if the defendant is eligible for work  
4 release, educational work release, or a community-  
5 based correctional program and the county and the  
6 department of corrections have entered into a chapter  
7 28E agreement pursuant to section 906.18. A probation  
8 violator confined in a county jail pursuant to this  
9 section shall remain under the supervision and  
10 direction of the violator's probation officer. For  
11 purposes of this section, a person who receives

12 consecutive sentences for serious misdemeanor  
 13 violations, which sentences are not suspended and  
 14 exceed a total of one year, shall be considered to  
 15 have committed an aggravated misdemeanor."

16 22. By renumbering, relettering, or redesignating  
 17 and correcting internal references as necessary.

Sherzan of Polk offered the following amendment H—4434, to the Senate amendment H—4411, filed by him from the floor and moved its adoption:

H—4434

1 Amend the Senate amendment, H—4411, to House File  
 2 772, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 3, by inserting after line 7, the  
 5 following:

6 "\_\_\_\_\_. Page 8, by inserting after line 10, the  
 7 following:

8 "Sec. \_\_\_\_\_. There is appropriated from the general  
 9 fund of the state to the department of corrections for  
 10 the fiscal year beginning July 1, 1989, and ending  
 11 June 30, 1990, the following amount, or so much  
 12 thereof as is necessary, to be used for the purposes  
 13 designated:

14 For capital, major maintenance, and security needs  
 15 at the state's correctional institutions:  
 16 ..... \$ 2,000,000."

17 2. Renumber as necessary.

Amendment H—4434 was adopted.

Knapp of Dubuque offered the following amendment H—4420, to the Senate amendment H—4411, filed by him from the floor and moved its adoption:

H—4420

1 Amend the Senate amendment, H—4411, to House File  
 2 772, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 3, by striking lines 19 and 20 and  
 5 inserting the following: "judicial districts".

6 2. Page 4, line 50, by striking the word "in" and  
 7 inserting the following: "by the legislative council  
 8 pursuant to".

9 3. Page 6, line 12, by striking the words "estab-  
 10 lished in" and inserting the following: "created by  
 11 the legislative council pursuant to".

12 4. Page 6, line 15, by striking the word "effect"  
 13 and inserting the following: "effects".

Amendment H—4420 was adopted.

Sherzan of Polk in the chair at 9:08 p.m.

Bennett of Ida offered the following amendment H—4417, to the Senate amendment H—4411, filed from the floor by Bennett, Maulsby, Royer, Harbor, Beaman and Eddie and moved its adoption:

H—4417

- 1 Amend the Senate amendment, H—4411, to House File
- 2 772, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by striking lines 28 through 34 and
- 5 inserting the following:
- 6 "a. The addition of one hundred forty-six
- 7 additional medium security beds to be located as
- 8 determined by the Iowa board of corrections. However,
- 9 these beds shall not be added until the department has
- 10 notified and provided an explanation for the placement
- 11 of the beds to the members of the corrections system
- 12 review task force created by the legislative council
- 13 pursuant to 1988 Iowa Acts, chapter 1271, section 14."

Roll call was requested by Harbor of Mills and Royer of Page.

On the question "Shall amendment H—4417, to the Senate amendment H—4411, be adopted?" (H.F. 772)

The ayes were, 43:

Adams	Banks	Beaman	Bennett
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Hester
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Peters	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 56:

Arnould	Avenson, Spkr.	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hammond	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney

Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Sherzan
			Presiding

Absent or not voting, 1:

Shearer

Amendment H—4417 lost.

Speaker Avenson in the chair at 9:25 p.m.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—4422, to the Senate amendment H—4411, filed by him from the floor.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—4432, to the Senate amendment H—4411, filed by him from the floor.

Eddie of Buena Vista offered the following amendment H—4442, to the Senate amendment H—4411, filed by him from the floor and moved its adoption:

H—4442

- 1 Amend the Senate amendment, H—4411, to House File
- 2 772, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 6, by striking lines 41 and 42.
- 5 2. Renumber as necessary.

Amendment H—4442 lost.

Peterson of Carroll offered the following amendment H—4443, to the Senate amendment H—4411, filed by him from the floor and moved its adoption:

H—4443

- 1 Amend the Senate amendment, H—4411, to House File
- 2 772, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 6, by inserting after line 42, the
- 5 following:
- 6 "\_\_\_\_\_. Page 13, by inserting after line 24, the
- 7 following:
- 8 "Sec. \_\_\_\_\_. It is the intent of the general
- 9 assembly that a new automated child support system be
- 10 developed and staffed under the Iowa court information

11 system and funds appropriated in 1989 Iowa Acts,  
 12 Senate File 363, section 17, shall be used by the  
 13 judicial department to begin implementation of 1988  
 14 Iowa Acts, chapter 1218, section 15. The judicial  
 15 department shall report to the general assembly by  
 16 January 1, 1990, on the total estimated cost of  
 17 implementation of this system for the fiscal year  
 18 beginning July 1, 1989, and ending June 30, 1990, and  
 19 shall request a supplemental appropriation for the  
 20 amounts needed to meet these costs. The department of  
 21 human services and the judicial department shall  
 22 report each month to the legislative fiscal bureau  
 23 concerning the progress of the implementation of the  
 24 system, and shall identify any problems that may  
 25 adversely affect the implementation.””  
 26 2. By renumbering as necessary.

Amendment H—4443 was adopted.

Corbett of Linn offered the following amendment H—4419, to the Senate amendment H—4411, filed by him from the floor:

H—4419

1 Amend the amendment, H—4411, to House File 772, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 7, by inserting after line 11 the  
 5 following:  
 6 “\_\_\_\_\_. Page 14, by inserting after line 11 the  
 7 following:  
 8 “Sec. \_\_\_\_\_. 1988 Iowa Acts, chapter 1259, sections  
 9 7, 8, and 9, are amended to read as follows:  
 10 SEC. 7. Notwithstanding section 802.4,  
 11 prosecutions for violations of chapter 299, which  
 12 occur between the effective date of this Act and July  
 13 1, ~~1989~~ 1991, shall be deferred until after July 1,  
 14 ~~1989~~ 1991 unless the parent, guardian, or custodian  
 15 fails to meet the requirements of section 299.4.  
 16 This section does not apply to any parent,  
 17 guardian, or custodian who has enrolled a child in an  
 18 equivalent instruction program which meets the  
 19 requirements of section 299.1 on or prior to the  
 20 effective date of this Act.  
 21 SEC. 8. Until July 1, ~~1989~~ 1991, any person  
 22 providing equivalent instruction under section 299.1  
 23 shall provide evidence, as part of the report  
 24 submitted under section 299.4, that any child  
 25 instructed has complied with the immunization  
 26 requirements of section 139.9.

27 SEC. 9. Until July 1, 1989 1991, a person who is  
28 not a certified instructor, but who is providing  
29 equivalent instruction under section 299.1, is a  
30 mandatory reporter of child abuse under section  
31 232.69." "

32 2. By renumbering as necessary.

Knapp of Dubuque rose on a point of order that amendment H-4419 was not germane.

The Speaker ruled the point well taken and amendment H-4419 not germane.

Sherzan of Polk offered the following amendment H-4421, to the Senate amendment H-4411, filed by him from the floor:

H-4421

1 Amend the Senate amendment, H-4411, to House File  
2 772, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 7, by inserting after line 17 the  
5 following:  
6 "Sec. \_\_\_\_\_. NEW SECTION. 248A.7 RIGHTS NOT  
7 RESTORABLE.  
8 Notwithstanding any other provision of this  
9 chapter, a person who has been convicted of a forcible  
10 felony, a felony violation of chapter 204 involving a  
11 firearm, or a felony violation of chapter 724 shall  
12 not have the person's rights of citizenship restored  
13 to the extent of allowing the person to receive,  
14 transport, or possess firearms."  
15 2. By renumbering as necessary.

Stromer of Hancock rose on a point of order that amendment H-4421 was not germane.

The Speaker ruled the point well taken and amendment H-4421 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H-4421.

A non-record roll call was requested.

The ayes were 57, nays 32.

The motion prevailed and the rules were suspended to consider amendment H-4421.

Sherzan of Polk moved the adoption of amendment H—4421, to the Senate amendment H—4411.

Roll call was requested by Swartz of Marshall and Sherzan of Polk.

On the question "Shall amendment H—4421 be adopted?"  
(H.F. 772)

The ayes were, 82:

Adams	Arnould	Beaman	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	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	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lykam	May	McKean	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Rosenberg	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 12:

Banks	Bennett	Eddie	Hanson, D. R.
Hermann	Lageschulte	Lundby	Pellett
Renken	Schnekloth	Spenner	Stromer

Absent or not voting, 6:

Beatty	Maulsby	Metcalf	Miller
Royer	Shearer		

Amendment H—4421 was adopted.

On motion by Knapp of Dubuque, the House concurred in the Senate amendment H—4411, 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. 772)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Jochum	Shearer	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 772)

Arnould of Scott asked and received unanimous consent that House File 772 be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 779)

Jochum of Dubuque called up for consideration the report of the conference committee on House File 779 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 779

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 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4351.

2. That House File 779, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 2, line 24, by striking the figure "2,102,000" and inserting the following: "2,323,948".

2. Page 2, line 25, by striking the figure "89.05" and inserting the following: "94.05".

3. Page 2, by inserting after line 33, the following:

"As a condition, qualification, and limitation of the funds appropriated, \$197,948, or so much thereof as is necessary, shall be expended for five FTEs and necessary expenses, to be employed in connection with the enforcement of the Iowa minimum wage law. Enforcement of the Iowa minimum wage law shall not begin until January 1, 1990, though moneys may be expended and positions filled prior to January 1, 1990, to adopt required rules, and for training, organization, and other preparatory purposes."

4. Page 7, line 31, by striking the figure "4,233,300" and inserting the following: "4,124,300".

5. Page 7, line 32, by striking the figure "253.50" and inserting the following: "250.50".

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

"Three FTEs responsible for conducting alcoholic beverage audits shall be transferred to the alcoholic beverage division of the department of commerce."

7. Page 8, line 21, by striking the figure "75,000" and inserting the following: "150,000".

8. Page 8, by inserting after line 21, the following:

"As a condition, limitation, and qualification of the funds appropriated in this subsection, the legal services corporation of Iowa shall maintain in operation all offices in operation as of May 1, 1989. If during the fiscal year of the appropriation the legal services corporation closes or ceases to operate any office in operation as of May 1, 1989, the money appropriated shall be immediately refunded to the general fund of the state."

9. Page 11, line 30, by striking the figure "4,664,000" and inserting the following: "4,808,000".

10. Page 11, line 31, by striking the figure "83.86" and inserting the following: "87.86".

11. Page 11, by inserting after line 31, the following:

"Of the amount appropriated, \$144,000, or so much thereof as is necessary, shall be expended for four FTEs, and necessary expenses, including three FTEs transferred from the department of inspections and appeals, in connection with alcoholic beverage audits."

12. Page 16, line 19, by striking the figure "3,929,800" and inserting the following: "4,004,800".

13. Page 16, line 20, by striking the figure "92.33" and inserting the following: "93.33".

14. Page 16, by inserting after line 23, the following:

"Of the amount appropriated, \$75,000 shall be expended for the salary and reasonable and necessary expenses of the director of insurance development, who for budgetary purposes is under the division of insurance. The director of insurance development shall continue to maintain the director's office in its current location."

15. Page 20, by inserting after line 24, the following:

"Sec. \_\_\_\_\_ .

1. There is created in the office of the treasurer of state for the racing and gaming commission, an excursion boat gambling revolving fund.

2. There is appropriated from the general fund of the state to the racing and gaming commission, \$100,000, for deposit in the excursion boat gambling revolving fund.

3. The amount appropriated from the general fund of the state in subsection 2 is appropriated from the excursion boat gambling revolving fund to the treasurer of state, to be transferred to and deposited in the general fund of the state no later than June 30, 1991.

4. All license fees, fees, and penalties collected by the racing and gaming commission in connection with excursion boat gambling shall be deposited into the excursion boat gambling revolving fund.

5. There is appropriated from the excursion boat gambling revolving fund to the racing and gaming commission, for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for administration and enforcement of the excursion boat gambling laws:

.....	\$ 100,000
..... FTEs	2.00"

16. Page 22, by inserting after line 32, the following:

"Sec. \_\_\_\_\_. Section 89.2, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 8.** "Exhibition boiler" means a boiler which is operated in the state for nonprofit purposes including, but not limited to, exhibitions, fairs, parades, farm machinery shows, or any other event of an historical or educational nature. An "exhibition boiler" includes steam locomotives, traction and portable steam engines, and stationary boilers of the firetube, watertube, and returntube class, model or miniature, and may be riveted, riveted and welded, or all welded construction, if used within the state solely for nonprofit purposes.

Sec. \_\_\_\_\_. Section 89.3, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 11.** An exhibition boiler does not require an annual inspection certificate but special inspections may be requested by the owner or an event's management to be performed by the commissioner. Upon the completion of an exhibition boiler inspection a written condition report shall be prepared by the commissioner regarding the condition of the exhibition boiler's boiler or pressure vessel. This report will be issued to the owner and the management of all events at which the exhibition boiler is to be operated. The event's management is responsible for the decision on whether the exhibition boiler should be operated and shall inform the division of labor of the event's management's decision. The event's management is responsible for any injuries which result from the operation of any exhibition boiler approved for use at the event by the event's management. A repair symbol, known as the "R" stamp, is not required for repairs made to exhibition boilers pursuant to the rules regarding inspections and repair of exhibition boilers as adopted by the commissioner, pursuant to chapter 17A."

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

"Sec. \_\_\_\_\_. Section 507B.4, subsection 9, paragraph f, Code 1989, is amended to read as follows:

f. Not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear, or failing to include interest on the payment of claims when required under section 511.38."

18. Page 24, by inserting after line 33, the following:

"Sec. \_\_\_\_\_. **NEW SECTION. 511.38 INTEREST ON DELAYED CLAIMS PAYMENTS.**

1. When an insurance policy provides for the payment of its proceeds to a beneficiary upon the death of an individual and, without the written consent of the beneficiary, the company fails or refuses to pay the proceeds within thirty days after receipt of satisfactory proof of death, the company shall pay interest on the proceeds or any amount of the proceeds not paid within the thirty days, provided, however, if the policy requires a beneficiary to survive for a designated period after the death of the insured, the company shall pay interest on the proceeds or any amount of the proceeds not paid within thirty days after the designated period.

2. The interest owed on any amount of the proceeds of a policy under this section shall be computed from the date of receipt of the proof of death. The rate of interest shall be the higher of the following:

a. The effective rate of interest charged by the company on policy loans under section 511.36 on the date of receipt of proof of death.

b. The effective rate of interest paid by the company on death proceeds left on deposit with the company.

3. A payment of interest shall not be required under this section in any case in which the beneficiary elects to receive the proceeds under the policy by any means other than a lump sum payment."

19. Page 25, by inserting after line 6, the following:

"Sec. \_\_\_\_\_. Section 514G.7, subsection 2, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Provide coverage for skilled nursing care only, or provide significantly more coverage for skilled care in a facility than coverage for lower levels of care.

Sec. \_\_\_\_\_. Section 514G.7, subsection 4, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

#### 4. PRIOR HOSPITALIZATION – INSTITUTIONALIZATION.

a. Effective July 1, 1989, a long-term care insurance policy shall not be delivered or issued for delivery in this state if the policy does either of the following:

(1) Conditions eligibility for any benefits on a requirement of prior hospitalization.

(2) Conditions eligibility for benefits covering care provided in an institutional care setting on the receipt of a higher level of institutional care.

b. Effective July 1, 1989, a long-term care insurance policy containing any limitations or conditions for eligibility, other than those prohibited in paragraph 1, shall clearly label such limitations or conditions in a separate paragraph of the policy or certificate entitled "Limitations or Conditions on Eligibility for Benefits".

c. A long-term care insurance policy advertised, marketed, or offered as containing long-term care benefits at home shall not condition receipt of benefits on a requirement of prior hospitalization.

d. A long-term care insurance policy which conditions eligibility for noninstitutional benefits on the prior receipt of institutional care shall not require a prior institutional stay of more than thirty days for which benefits are paid.

Sec. \_\_\_\_\_. Section 514G.7, subsection 7, Code 1989, is amended to read as follows:

7. **OUTLINE OF COVERAGE.** An outline of coverage shall be delivered to an applicant for an individual long-term care insurance policy at the time of application. ~~In the case of direct response solicitations, the insurer shall deliver the outline of coverage upon the applicant's request, but regardless of request shall deliver the outline no later than at the time of policy delivery.~~ An outline of coverage must include all of the following:

a. A description of the principal benefits and coverage provided in the policy.

b. A statement of the principal exclusions, reductions, and limitations contained in the policy.

c. A statement of the renewal provisions, including any reservation in the policy of a right to change premiums. Continuation or conversion provisions of group coverage shall be specifically described.

d. A statement that the outline of coverage is a summary of the policy issued or applied for, not a contract of insurance, and that the policy or group master policy should be consulted to determine governing contractual provisions.

e. A description of the terms by which the policy or certificate may be returned and premium refunded.

f. A description of the cost of care and benefits."

20. Page 25, by striking lines 7 through 29.

21. By renumbering as necessary.

ON THE PART OF THE HOUSE:

THOMAS J. JOCHUM, Chair  
TONY BISIGNANO  
MINNETTE DODERER

ON THE PART OF THE SENATE:

RICHARD RUNNING, Chair  
BEVERLY HANNON  
JEAN LLOYD-JONES

A non-record roll call was requested.

The ayes were 41, nays 20.

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?" (H.F. 779)

The ayes were, 62:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Sherzan
Shoning	Shoultz	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 37:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Siegrist
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

Absent or not voting, 1:

Shearer

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

#### IMMEDIATE MESSAGE (House File 779)

Arnould of Scott asked and received unanimous consent that House File 779 be immediately messaged to the Senate.

#### SENATE AMENDMENT CONSIDERED

Brand of Benton called up for consideration **House File 777**, a bill for an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H - 4439:

H-4439

- 1 Amend House File 777 as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "years" the following: "and the owner of the
- 5 property being claimed a homestead declares residency
- 6 in Iowa for purposes of income taxation.".

The motion prevailed and the House concurred in the Senate amendment H - 4439.

Brand of Benton 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. 777)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Shearer

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

**BILLS ENROLLED; SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 4th day of May, 1989: House Files 196, 255, 430, 432, 533, 581, 596, 650, 660 and 668.

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

Report adopted.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on May 3, 1989, he approved and transmitted to the Secretary of State the following bills:

Senate File 117, an act relating to medical assistance requirements and providing for eligibility of certain recipients of federal Medicare.

Senate File 201, an act expanding the definition of sex act and making more acts subject to penalties.

Senate File 318, an act relating to the state soil conservation committee, by providing for the composition of the committee and its powers and duties.

Senate File 365, an act relating to the filing of campaign finance disclosure reports by city and school elective offices and for local ballot issues.

Senate File 389, an act relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expanding participation in farm mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions.

Senate File 395, an act adding certain controlled substances to schedule I, schedule IV, and schedule V controlled substances.

Senate File 406, an act relating to retention of a court reporter by a newly appointed judge.

Senate File 412, an act relating to the medical assistance subrogation rights of the department of human services.

Senate File 416, an act relating to the identification of persons engaged in private investigation and private security businesses.

Senate File 475, an act relating to Article 8 of the Uniform Commercial Code, by including both certificated and uncertificated securities within the scope of Article 8, and by making conforming amendments to Articles 1, 5, and 9.

Senate File 498, an act relating to the appointment, terms, retention, and qualifications of magistrates, district associate judges and providing an effective date.

Senate File 534, an act relating to the adoption of rules by the department of inspections and appeals for intermediate care facilities for the mentally retarded and providing an effective date.

Also: That on May 4, 1989, he approved and transmitted to the Secretary of State the following bills:

House File 123, an act relating to the compensation of election boards.

House File 379, an act relating to the hospice licensure renewal fee.

House File 384, an act relating to sheriffs' sales by permitting written sealed bids to be received, and providing procedures for written sealed bids.

House File 542, an act relating to reprisals and orders with respect to certain disclosures of information and other actions by employees of the state and its political subdivisions, providing penalties, providing civil remedies, and providing properly related matters.

House File 598, an act relating to the testing of public water systems, and making penalties applicable.

House File 628, an act relating to the purchase or sale of an individual and providing a penalty.

House File 637, an act relating to the access of confidential information collected by the department of employment services.

House File 679, an act to permit employees of the department of human services to transport clients and patients of the department without a chauffeur's license.

House File 687, an act to eliminate the nonresident commercial mussel license.

House File 709, an act relating to credit card receipt processing for state departments.

Senate File 479, an act directing the Code editor to transfer various chapters and sections of the Code relating to the authority to regulate drainage to a new chapter.

Senate File 485, an act to prohibit the sale, purchase, or use of a pesticide containing daminozide, providing an effective date, and making a penalty applicable.

Senate File 486, an act relating to rent-to-own regulations.

Senate File 490, an act relating to the sale, lease, rental, or advertising of water treatment systems.

Senate File 494, an act relating to the disposition of property devised as a class gift where the testator has survived the devisee, and providing for the Act's applicability.

## PRESENTATION OF VISITORS

Pellett of Cass presented to the House the Honorable Arlyn Danker, former member of the House representing Pottawattamie County.

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

Eighteen fifth and sixth grade students from Amana Elementary School, Amana, accompanied by Beverly Merritt. By Dvorsky of Johnson.

Nine foreign exchange students from seven countries, accompanied by Mary Ann and Dean Heckman. By Hibbard of Madison.

Thirty-two third grade students from Earlham Elementary School, Earlham, accompanied by Joyce Baiotto. By Hibbard of Madison.

Eighth grade students from Lake View-Auburn Middle School, Lake View, accompanied by Bruce Stevens and Lonnie Brown. By Maulsby of Calhoun.

Twenty-one eighth grade students from Orange City Christian School, Orange City, accompanied by Bruce Nelson. By Plasier of Sioux.

Ninety fifth grade students from Orange City Elementary School, Orange City, accompanied by Paul Koats, Phil Bach and Bonnie Lubech. By Plasier of Sioux.

### 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 drought assistance, making appropriations and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 3, 1989.

**Committee Bill**, relating to the Iowa lottery by repealing the statutory provision which abolishes the lottery July 1, 1990.

Fiscal Note is not required.

Recommended **Do Pass** May 3, 1989.

### RESOLUTIONS FILED

**HCR 17**, by committee on transportation, a concurrent resolution relating to the single commercial driver license requirement for drivers of commercial motor vehicles under the Federal Commercial Motor Vehicle Safety Act of 1986.

Laid over under **Rule 25**.

**HR 10**, by Brand, a resolution requesting the Legislative Council to establish an interim study committee for the purpose of studying the mobile home tax.

Laid over under **Rule 25**.

**SCR 28**, by Vande Hoef, a concurrent resolution requesting the United States Congress to raise the permissible income level for eligibility for federal Farmers Home Administration loans and to expand the residential mortgage program to include guarantees for qualifying mortgage loans originated by local lending institutions.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-4414	S.F.	514	Committee on Ways and Means
H-4415	S.F.	514	Garman of Story Hermann of Scott Muhlbauer of Crawford Branstad of Winnebago
H-4416	S.F.	536	Peterson of Carroll Harbor of Mills
H-4426	H.F.	795	Van Maanen of Mahaska Harbor of Mills
H-4429	S.F.	514	Garman of Story
H-4433	S.F.	514	Garman of Story Banks of Plymouth Hermann of Scott McKean of Jones Muhlbauer of Crawford
H-4436	H.F.	703	Senate Amendment
H-4438	H.F.	753	Senate Amendment
H-4441	H.F.	795	Van Maanen of Mahaska
H-4444	H.F.	140	Senate Amendment
H-4446	H.F.	451	Senate Amendment
H-4447	H.F.	727	Hibbard of Madison
H-4448	S.F.	361	Hibbard of Madison Rosenberg of Story
H-4449	H.F.	451	Blanshan of Greene
H-4450	S.F.	523	Hanson of Delaware Carpenter of Polk Trent of Muscatine Plasier of Sioux De Groot of Lyon Clark of Cerro Gordo
H-4451	H.F.	703	Swartz of Marshall
H-4452	H.F.	703	Swartz of Marshall

On motion by Arnould of Scott, the House adjourned at 10:00 p.m., until 9:00 a.m., Friday, May 5, 1989.

# JOURNAL OF THE HOUSE

One Hundred Seventeenth Calendar Day — Seventy-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, May 5, 1989

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

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

The Journal of Thursday, May 4, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shearer of Louisa on request of Hansen of Woodbury; Sherzan of Polk on request of Harper of Black Hawk, both until their arrival.

## SENATE AMENDMENTS CONSIDERED

Swartz of Marshall called up for consideration **House File 703**, a bill for an act relating to the financing for the rural community 2000 program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program, amended by the Senate amendment H-4436 as follows:

H-4436

- 1 Amend House File 703, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 16, by inserting after the words
- 4 "payment program." the following: "The department may
- 5 use all or a portion of the funds available for
- 6 traditional or new infrastructure to provide loan loss
- 7 reserves or to pay issuance costs or other costs
- 8 associated with municipal bonds sold by the local
- 9 community."
- 10 2. Page 1, line 20, by inserting after the word
- 11 "for" the following: "the".
- 12 3. Page 1, line 21, by striking the word "years"
- 13 and inserting the following: "year".
- 14 4. Page 1, line 21, by striking the words and
- 15 figures "July 1, 1988, and".
- 16 5. Page 1, by inserting before line 25 the
- 17 following:
- 18 "Sec. \_\_\_\_\_. Section 15.286, subsection 2, Code
- 19 1989, is amended to read as follows:
- 20 2. Applicants must be seeking funds to assist in

21 meeting the area needs of ~~low lower and moderate~~ very  
 22 low income families in pursuit of decent housing or in  
 23 meeting the purposes of the housing trust fund program  
 24 as described in section 220.100, subsection 2."

25 6. By striking page 1, line 25, through page 2,  
 26 line 6, and inserting the following:

27 "Sec. \_\_\_\_\_. Section 15.286, subsection 3, Code  
 28 1989, is amended by striking the subsection and  
 29 inserting in lieu thereof the following:

30 3. For purposes of this section:

31 a. "Lower income families" means lower income  
 32 families as defined in section 220.1, subsection 3.

33 b. "Very low income families" means very low  
 34 income families as defined in section 220.1, subsec-  
 35 tion 4."

36 7. Page 2, by inserting before line 7 the  
 37 following:

38 "Sec. \_\_\_\_\_. Section 15.286, subsection 4, paragraph  
 39 b, subparagraph (3), Code 1989, is amended to read as  
 40 follows:

41 (3) Programs to assist ~~low lower~~ income, and the  
 42 disadvantaged, or the disabled."

43 8. Page 2, by inserting before line 7 the  
 44 following:

45 "Sec. \_\_\_\_\_. Section 15.286, subsection 4, paragraph  
 46 b, Code 1989, is amended by adding the following new  
 47 subparagraph:

48 NEW SUBPARAGRAPH. (6) A project involving a  
 49 community development corporation or financial insti-  
 50 tution participating in a federal or state community

## Page 2

1 reinvestment program."

2 9. Page 2, by inserting before line 7 the  
 3 following:

4 "Sec. \_\_\_\_\_. Section 15.286, Code 1989, is amended  
 5 by adding the following new subsection:

6 NEW SUBSECTION. 6. A housing project which re-  
 7 ceives funds under the rural community 2000 program,  
 8 for the portion of the project receiving funding under  
 9 the rural community 2000 program shall provide, as  
 10 nearly as practical, that twenty-five percent of the  
 11 housing units, as nearly as practical, be available  
 12 for very low income families and seventy-five percent  
 13 of the housing units be available for lower income  
 14 families."

15 10. Page 2, by inserting before line 7, the  
 16 following:

17 "Sec. \_\_\_\_\_. Section 15.288, Code 1989, is amended  
 18 to read as follows:

19 15.288 LOCAL BONDS NOT REQUIRED – INDEBTEDNESS

## 20 LIMITATIONS.

21 A city, county, political subdivision, or other  
 22 municipal corporation shall not be required to issue  
 23 its bonds to secure loans under the ~~community and~~  
 24 ~~rural development loan rural community 2000~~ program.  
 25 It is the intent of the general assembly that loans  
 26 received by a city, county, political subdivision, or  
 27 other municipal corporation under the loan program  
 28 shall not constitute an indebtedness of that entity  
 29 within the meaning of any state constitutional  
 30 provision or statutory limitation. A city, county,  
 31 political subdivision, or other municipal corporation,  
 32 may repay a loan received through a state funded  
 33 program by a tax levied for a debt service fund under  
 34 sections 331.430, subsection 2, and 384.4, subsection  
 35 2."

36 11. Page 3, by inserting before line 19 the  
 37 following:

38 "Sec. \_\_\_\_\_. Section 331.430, subsection 2,  
 39 paragraph b, Code 1989, is amended to read as follows:

40 b. Interest as it becomes due and the amount  
 41 necessary to pay, or to create a sinking fund to pay,  
 42 the principal at maturity of all general obligation  
 43 bonds issued by the county to pay or to create a  
 44 sinking fund to pay amounts due on loans received  
 45 through the community and rural development loan  
 46 program or the rural community 2000 program."

47 12. Page 3, by inserting before line 19, the  
 48 following:

49 "Sec. \_\_\_\_\_. Section 384.4, subsection 2, Code 1989,  
 50 is amended to read as follows:

**Page 3**

1 2. Interest as it becomes due and the amount  
 2 necessary to pay, or to create a sinking fund to pay,  
 3 the principal at maturity of all general obligation  
 4 bonds issued by the city, ~~or~~ to pay, or to create a  
 5 sinking fund to pay, amounts as due on loans received  
 6 through the Iowa community development loan program,  
 7 to pay or to create a sinking fund to pay amounts due  
 8 on loans received through the community and rural  
 9 development loan program or the rural community 2000  
 10 program."

11 13. Renumber as necessary.

Swartz of Marshall offered the following amendment H—4452, to  
 the Senate amendment H—4436, filed by him and moved its adoption:

H—4452

- 1 Amend the amendment, H—4436, to House File 703, 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 7, the

7 following:

8 "Sec. \_\_\_\_\_. Section 15.282, Code 1989, is amended

9 to read as follows:

10 15.282 PURPOSE.

11 The purpose of this part is to assist communities  
12 and rural areas of the state with their development  
13 and governmental responsibilities by providing low-  
14 interest and no-interest loans or grants for  
15 traditional infrastructure, new infrastructure, and  
16 housing." "

17 2. Page 1, by striking lines 3 through 9.

18 3. Page 1, by inserting before line 16, the

19 following:

20 "\_\_\_\_\_. Page 1, by inserting before line 25, the

21 following:

22 "Sec. \_\_\_\_\_. Section 15.284, subsection 2,  
23 unnumbered paragraph 1, Code 1989, is amended to read  
24 as follows:

25 Any Iowa city or county is eligible to apply for  
26 loans or grants from this category. Along with the  
27 application, the city or county shall submit the  
28 following:

29 Sec. \_\_\_\_\_. Section 15.284, subsection 5, Code 1989,  
30 is amended to read as follows:

31 5. The interest rate shall for a loan, if  
32 assessed, may range from zero to five percent. The  
33 department may charge applicants an administration  
34 fee, not to exceed one percent of the principal amount  
35 of the loan or grant, to be paid as a lump sum percent  
36 ~~or a percent of the interest rate.~~

37 Sec. \_\_\_\_\_. Section 15.285, subsection 2, Code 1989,  
38 is amended to read as follows:

39 2. Any political subdivision, or nonprofit  
40 development corporation, is eligible to apply for  
41 loans or grants under this category.

42 Sec. \_\_\_\_\_. Section 15.285, subsection 5, Code 1989,  
43 is amended to read as follows:

44 5. The interest rate shall for a loan, if  
45 assessed, may range from zero to five percent. The  
46 department may charge applicants an administration  
47 fee, not to exceed one percent of the principal amount  
48 of the loan or grant, to be paid as a lump sum percent  
49 or a percent of the interest rate.

50 Sec. \_\_\_\_\_. Section 15.285, Code 1989, is amended by

**Page 2**

1 adding the following new subsection:

2     **NEW SUBSECTION.** 6. The new infrastructure  
3 category shall include new infrastructure systems or  
4 networks of the state of Iowa, its agencies or  
5 instrumentalities which the governor, by executive  
6 order, finds and determines will provide local  
7 communities with the benefits of new infrastructure.  
8 Proceeds of bonds issued to fund costs of state new  
9 infrastructure shall not be considered moneys  
10 available under the program for purposes of the  
11 allocation under subsection (4) of section 15.283.  
12 Subsections (2), (3), and (5) of this section are not  
13 applicable to state new infrastructure.

14     Sec. \_\_\_\_\_. Section 15.286, subsection 1, unnumbered  
15 paragraph 1, Code 1989, is amended to read as follows:

16     Any Iowa city, county, housing agency, or developer  
17 shall be eligible to apply for loans or grants under  
18 this category. Along with the application the person  
19 shall submit the following:" "

20     4. Page 1, by striking lines 18 through 24 and  
21 inserting the following:

22     "Sec. \_\_\_\_\_. Section 15.286, subsection 2, as  
23 amended by 1989 Iowa Acts, Senate File 112, section 8,  
24 is amended to read as follows:

25     2. Applicants must be seeking funds to assist in  
26 meeting the area needs of low lower and moderate very  
27 low income persons families in pursuit of decent  
28 housing or in meeting the purposes of the housing  
29 trust fund program as described in section 220.100,  
30 subsection 2."

31     5. Page 1, by striking lines 38 through 42 and  
32 inserting the following:

33     "Sec. \_\_\_\_\_. Section 15.286, subsection 4, paragraph  
34 b, subparagraph (3), as amended by 1989 Iowa Acts,  
35 Senate File 112, section 9, is amended to read as  
36 follows:

37     (3) A program Programs to assist low income  
38 persons and lower income, the disadvantaged, or the  
39 disabled."

40     6. Page 2, by inserting before line 2, the  
41 following:

42     "\_\_\_\_\_. Page 2, by inserting before line 7, the  
43 following:

44     "Sec. \_\_\_\_\_. Section 15.286, subsection 5, Code  
45 1989, is amended to read as follows:

46     5. Interest charged to applicants shall for a  
47 loan, may range from zero to five percent. The Iowa  
48 finance authority may charge applicants an  
49 administration fee, not to exceed one percent of the  
50 principal amount of the loan or grant, to be paid as a

**Page 3**

1 lump sum percent, or a percent of the interest rate.”

2 7. Page 2, by inserting before line 15, the  
3 following:

4 “\_\_\_\_\_. Page 2, by inserting before line 7, the  
5 following:

6 “Sec. \_\_\_\_\_. Section 15.287, Code 1989, is amended  
7 to read as follows:

8 15.287 REVOLVING FUND.

9 The Iowa finance authority shall establish a  
10 revolving fund for the program and shall transfer to  
11 the department moneys to be administered by the  
12 department. The moneys in the revolving fund are  
13 appropriated for purposes of the program.  
14 Notwithstanding section 8.33, moneys in the fund at  
15 the end of a fiscal year shall not revert to any other  
16 fund but shall remain in the revolving fund. The fund  
17 shall consist of all appropriations, grants, or gifts  
18 received by the authority or the department  
19 specifically for use under this part; revenues  
20 designated in section 98.35\* to be deposited in the  
21 fund; and all repayments of loans or grants made under  
22 this part.”

23 8. Page 2, line 23, by inserting after the word  
24 “loans” the following: “or grants”.

25 9. Page 2, line 25, by inserting after the word  
26 “loans” the following: “or grants”.

27 10. Page 2, line 27, by striking the word “loan”  
28 and inserting the following: “loan”.

29 11. Page 2, by inserting after line 35, the  
30 following:

31 “\_\_\_\_\_. By striking page 2, line 35 through page 3,  
32 line 18, and inserting the following:

33 “Sec. \_\_\_\_\_. NEW SECTION. 220.134 RURAL COMMUNITY  
34 2000 FINANCING PROGRAM – DEFINITIONS FUNDING – BONDS  
35 AND NOTES.

36 1. The authority shall cooperate with the  
37 department of economic development in the creation,  
38 administration, and financing of the rural community  
39 2000 financing program established in sections 15.281  
40 through 15.287.

41 2. Terms used in this part have the meanings given  
42 them in sections 15.281 through 15.287 unless the  
43 context requires otherwise.

44 3. The authority may issue its bonds and notes for  
45 the purpose of funding the revolving fund created  
46 under section 15.287 and for the purpose of refunding  
47 any of its bond or notes issued for purposes under  
48 this section.

49 4. The authority may enter into one or more  
50 lending agreements or purchase agreements with one or

## Page 4

1 more bondholders or noteholders containing the terms  
2 and conditions of the repayment of and the security  
3 for the bonds or notes. The authority and the  
4 bondholders or noteholders or a trustee agent  
5 designated by the authority may enter into agreements  
6 to provide for any of the following:

7 a. That the proceeds of the bonds and notes and  
8 the investments of the proceeds may be received, held,  
9 and disbursed by the authority or by a trustee or  
10 agent designated by the authority.

11 b. That the bondholders or noteholders or a  
12 trustee or agent designated by the authority may  
13 collect, invest, and apply the amount payable under  
14 the loan agreements or any other instruments securing  
15 the debt obligations under the loan agreements.

16 c. That the bondholders or noteholders may enforce  
17 the remedies provided in the loan agreements or other  
18 instruments on their own behalf without the  
19 appointment or designation of a trustee. If there is  
20 a default in the principal of or interest on the bonds  
21 or notes or in the performance of any agreement  
22 contained in the loan agreements or other instruments,  
23 the payment or performance may be enforced in  
24 accordance with the loan agreement or other  
25 instrument.

26 d. Other terms and conditions as deemed necessary  
27 or appropriate by the authority.

28 5. The powers granted the authority under this  
29 section are in addition to other powers contained in  
30 this chapter. All other provisions of this chapter,  
31 except section 220.28, subsection 4, apply to bonds or  
32 notes issued and powers granted to the authority under  
33 this section, except to the extent they are  
34 inconsistent with this section.

35 Sec. \_\_\_\_\_. NEW SECTION. 220.135 SECURITY –  
36 RESERVE FUNDS – PLEDGES – NONLIABILITY – IRREVOCABLE  
37 CONTRACTS.

38 1. The authority shall provide in the resolution,  
39 trust agreement, or other instrument authorizing the  
40 issuance of its bonds or notes pursuant to section  
41 220.134 that the principal of, premium, and interest  
42 on the bonds or notes are payable solely out of the  
43 pledged receipts as designated in the resolution,  
44 trust agreement, or other instrument authorizing the  
45 issuance of the bonds. Except for those tax revenues  
46 deposited in the revolving loan fund created under  
47 section 15.287, the state shall not appropriate tax  
48 revenues, directly or indirectly, to the authority for  
49 the payment of its bonds, notes, or obligations issued  
50 under section 220.134.

## Page 5

1 For purposes of this section, unless the context  
2 otherwise requires: "pledged receipt" means the  
3 revenues and receipts received or to be received by  
4 the authority from grants, gifts, or payments on  
5 guarantees made to the authority by any person, from  
6 accrued interest received from the sale of  
7 obligations, from income from the investment of  
8 special funds of the authority, including the  
9 revolving fund established under section 15.287, from  
10 the revenues and receipts deposited in the revolving  
11 fund established under section 15.287, and from any  
12 other moneys which are available for the payment of  
13 principal, premium, if any, or interest on the bonds,  
14 notes, or other obligation issued under section  
15 220.134.

16 2. The authority may establish reserve funds to  
17 secure one or more issues of its bonds or notes. The  
18 authority may deposit in a reserve fund established  
19 under this subsection proceeds of the sale of its  
20 bonds or notes and other money which is made available  
21 from any other source.

22 3. It is the intention of the general assembly  
23 that a pledge made in respect of bonds or notes shall  
24 be valid and binding from the time the pledge is made,  
25 that the money or property so pledged and received  
26 after the pledge by the authority shall immediately be  
27 subject to the lien of the pledge without physical  
28 delivery or further act, and that the lien of the  
29 pledge shall be valid and binding as against all  
30 parties having claims of any kind in tort, contract,  
31 or otherwise against the authority, whether or not the  
32 parties have notice of the lien. The resolution,  
33 trust agreement, or any other instrument by which a  
34 pledge is created does not need to be recorded or  
35 filed under the uniform commercial code, chapter 554,  
36 to be valid, binding, or effective against the  
37 parties.

38 4. Neither the members of the authority nor  
39 persons executing the bonds or notes are liable  
40 personally on the bonds or notes or are subject to  
41 personal liability or accountability by reason of the  
42 issuance of the bonds or notes.

43 5. The bonds or notes issued by the authority are  
44 not an indebtedness or other liability of the state or  
45 of a political subdivision of the state within the  
46 meaning of any constitutional or statutory debt  
47 limitations but are special obligations of the  
48 authority, and are payable solely out of pledged  
49 receipts to the extent that the pledged receipts are  
50 designated in the resolution, trust agreement, or

**Page 6**

1 other instrument of the authority authorizing the  
2 issuance of the bonds or notes as being available as  
3 security for such bonds or notes. The authority shall  
4 not pledge the faith or credit of the state or of a  
5 political subdivision of the state to the payment of  
6 any bonds or notes. The issuance of any bonds or  
7 notes by the authority does not directly, indirectly,  
8 or contingently obligate the state or a political  
9 subdivision of the state to apply moneys from, or to  
10 levy or pledge any form of taxation whatever, to the  
11 payment of the bonds or notes.

12 6. The state pledges to and agrees with the  
13 holders of bonds or notes issued under the rural  
14 community 2000 financing program, that the state will  
15 not limit or alter the rights and powers vested in the  
16 authority to fulfill the terms of a contract made by  
17 the authority with respect to the bonds or notes, or  
18 in any way impair the rights and remedies of the  
19 holders until the bonds or notes, together with the  
20 interest on the bonds or notes, including interest on  
21 unpaid installments of interest, and all costs and  
22 expenses in connection with an action or proceeding by  
23 or on behalf of the holders, are fully met and  
24 discharged. The authority is authorized to include  
25 this pledge and agreement of the state, as it refers  
26 to holders of bonds or notes of the authority, in a  
27 contract with the holders.

28 7. The authority is authorized to use up to two  
29 and one-half percent of the moneys appropriated under  
30 section 98.35 to advance the costs of issuance of such  
31 bonds and notes and for administration of the rural  
32 community 2000 financing program.

33 8. The authority shall not issue more than thirty  
34 million dollars in bonds or notes in any one fiscal  
35 year and not more than a total dollar amount of one  
36 hundred fifty million shall be outstanding at any  
37 time. Bonds issued to fund new infrastructure of the  
38 state shall not exceed one-third of the maximum and  
39 shall not be limited as to the amount which may be  
40 issued in any one fiscal year.

41 Sec. \_\_\_\_\_. NEW SECTION. 220.136 ADOPTION OF  
42 RULES.

43 The authority shall adopt rules pursuant to chapter  
44 17A to implement sections 220.134 and 220.135. The  
45 rules shall provide for additional objective criteria  
46 for the ranking of applications for grants. Not less  
47 than fifty percent weight shall be given to financial  
48 need, giving appropriate allowance to such factors as  
49 legal and economic capacity to incur debt, local tax  
50 levels, local effort, costs of vital services

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1 including sewer and water, unmet needs for basic  
 2 services, per capita income, and the extent to which a  
 3 project is calculated to improve the conditions which  
 4 result in greater financial need. No grant shall be  
 5 for less than ten percent or more than thirty percent  
 6 of the reasonable cost of a project. The rules shall  
 7 not impose restrictions on local costs in addition to  
 8 chapter 384, division VI." "

9 12. By striking page 2, line 36 through page 3,  
 10 line 10.

11 13. By renumbering as necessary.

Amendment H—4452 was adopted, placing out of order amendment H—4451, to the Senate amendment H—4436, filed by Swartz of Marshall on May 4, 1989.

On motion by Swartz of Marshall, the House concurred in the Senate amendment H—4436, as amended.

Swartz of Marshall 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. 703)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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	Hibbard
Holveck	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda

Swartz  
Tyrrell

Tabor  
Van Maanen

Teaford  
Wise

Trent  
Mr. Speaker  
Avenson

The nays were, none.

Absent or not voting, 4:

Brown

Jesse

Shearer

Sherzan

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 451**, a bill for an act relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing an effective date, amended by the Senate amendment H—4446 as follows:

H—4446

- 1 Amend House File 451 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 8 and inserting the
- 4 following: "chapter 37, entities organized under
- 5 chapter 28E having gross receipts in excess of one
- 6 hundred thousand dollars in a fiscal year, merged
- 7 areas, area education agencies, and all".
- 8 2. Page 1, by striking line 18 and inserting the
- 9 following:
- 10 "Subject to the exceptions and requirements of
- 11 subsection 2 and subsection 4, paragraph "c",".
- 12 3. Page 1, by striking lines 24 through 26.
- 13 4. Page 1, by striking line 27 and inserting the
- 14 following:
- 15 "2. a. A city, merged area school, school
- 16 district, area education agency, entity organized
- 17 under chapter 28E, county, county hospital, or".
- 18 5. Page 1, by inserting after line 30 the
- 19 following:
- 20 "b. The governing body of a city, merged area
- 21 school, school district, area education agency, entity
- 22 organized under chapter 28E, county, county hospital,
- 23 or memorial hospital utilizing the auditor of state
- 24 instead of a certified public accountant to perform an
- 25 audit shall notify the auditor of state by June 1 of
- 26 the year to be audited. If the governing body fails
- 27 to notify the auditor of state of the decision to use
- 28 the auditor of state, the auditor of state may perform

29 the audit required in subsection 1 only if provisions  
30 are not made by the governing body to contract for the  
31 audit.”

32 6. Page 2, by striking line 9 and inserting the  
33 following: “county hospital, memorial hospital,  
34 entity organized under chapter 28E, merged area,  
35 area”.

36 7. Page 2, by striking line 27 and inserting the  
37 following: “subdivision. If the governmental  
38 subdivision has not contracted with or employed a  
39 certified public accountant to perform an audit of the  
40 fiscal year in which the petition is received by the  
41 auditor of state, the auditor of state may perform an  
42 audit required by subsection 1 or 3.”

43 8. Page 3, by striking line 17 and inserting the  
44 following: “the state. The guidelines shall include  
45 a requirement that the certified public accountant  
46 immediately notify the auditor of state regarding any  
47 suspected embezzlement or theft. The auditor shall  
48 also provide standard reporting”.

49 9. Page 3, line 31, by inserting after the word  
50 “counties” the following: “and the Iowa hospital

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1 association”.

2 10. Page 3, line 35, by striking the word “audit”  
3 and inserting the following: “audits”.

4 11. Page 4, line 2, by striking the word  
5 “association” and inserting the following:  
6 “associations”.

7 12. Page 4, by striking lines 5 and 6 and  
8 inserting the following: “conducted pursuant to  
9 subsections 1 through 3 in an amount approved by the  
10 executive council. The funds collected shall be”.

11 13. Page 4, by inserting after line 13 the fol-  
12 lowing:

13 “11. Notwithstanding subsection 10, the filing fee  
14 collected for the filing of a report of examination  
15 shall not be collected if the audit was performed by  
16 the auditor of state.”

17 14. Page 4, by striking lines 29 through 31 and  
18 inserting the following:

19 “Failure to file such the report with the auditor  
20 of state within thirty days after receiving  
21 notification of not receiving the audit report shall  
22 bar such the accountant from making any city, or  
23 school governmental subdivision audits thereafter  
24 under the provisions of section 11-18 11.6 for the  
25 following fiscal year.”

26 15. Page 6, by striking lines 33 and 34 and  
27 inserting the following:

28 "Sec. \_\_\_\_\_. APPLICABILITY. This Act applies to  
29 audits of the fiscal year ending June 30, 1989, and  
30 subsequent fiscal years."

31 16. Title page, by striking lines 6 and 7 and  
32 inserting the following: "providing properly related  
33 matters, and providing for the applicability of the  
34 Act."

35 17. By renumbering, relettering, or redesignating  
36 and correcting internal references as necessary.

Blanshan of Greene offered the following amendment H—4449, to the Senate amendment H—4446, filed by him and moved its adoption:

H—4449

- 1 Amend the Senate amendment, H—4446, to House File
- 2 451, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 1, line 49, through page 2,
- 5 line 6.
- 6 2. By renumbering as necessary.

Amendment H—4449 was adopted.

On motion by Blanshan of Greene, the House concurred in the Senate amendment H—4446, as amended.

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

On the question "Shall the bill pass?" (H.F. 451)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jesse
Johnson	Kistler	Knapp	Kremer
Lageschulte	Lundby	Lykam	Maulsby
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters

Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 10:

Bisignano	Doderer	Eddie	Jay
Jochum	Koenigs	May	Neuhauser
Shearer	Sherzan		

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

Buhr of Polk in the chair at 9:52 a.m.

#### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 451 and 703 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 795.

#### Appropriations Calendar

**House File 795**, a bill for an act relating to drought assistance, making appropriations, and providing effective dates, was taken up for consideration.

Van Maanen of Mahaska offered the following amendment H—4426 filed by him and Harbor of Mills and moved its adoption:

H—4426

- 1 Amend House File 795 as follows:
- 2 1. Page 1, line 24, by striking the figure "6.0"
- 3 and inserting the following: "3.0".

A non-record roll call was requested.

The ayes were 28, nays 32.

Amendment H—4426 lost.

Van Maanen of Mahaska offered the following amendment H—4441 filed by him and moved its adoption:

H-4441

- 1 Amend House File 795 as follows:
- 2 1. Page 3, by inserting after line 9 the
- 3 following:
- 4 "\_\_\_\_\_. Provisions contained in this Act which
- 5 prohibit the spraying of pesticides shall not be
- 6 effective on or after January 1, 1990."
- 7 2. By renumbering as necessary.

Amendment H-4441 was adopted.

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

On the question "Shall the bill pass?" (H.F. 795)

The ayes were, 92:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Chapman	Clark	Cohoon	Connolly
Connors	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	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Buhr
			Presiding

The nays were, 6:

Banks	Branstad	Carpenter	Pellett
Renken	Stueland		

Absent or not voting, 2:

Hatch	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**  
(House File 795)

Arnould of Scott asked and received unanimous consent that House File 795 be immediately messaged to the Senate.

**Unfinished Business Calendar**

The House resumed consideration of **House File 727**, a bill for an act relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions, previously deferred and placed on the unfinished business calendar.

Hibbard of Madison offered the following amendment H—4447 filed by him and moved its adoption:

H—4447

- 1 Amend House File 727 as follows:
- 2 1. Page 1, line 21, by striking the word
- 3 "designed" and inserting the following: "scheduled".
- 4 2. Page 1, by striking lines 27 through 31, and
- 5 inserting the following:
- 6 "6. "Reverse annuity mortgage loan" means a
- 7 mortgage loan in which either the loan proceeds are
- 8 used to purchase an annuity with the annuity proceeds
- 9 to be advanced to the mortgagors, or the loan proceeds
- 10 are directly advanced to the mortgagors, in ten or
- 11 more installments, either directly or indirectly, and
- 12 which together with unpaid interest, if any, are to be
- 13 repaid in accordance with section 528.7."
- 14 3. Page 2, by striking lines 16 and 17, and
- 15 inserting the following: "instrument evidencing an
- 16 alternative mortgage loan shall not contain a".
- 17 4. Page 2, by striking lines 21 through 28, and
- 18 inserting the following:
- 19 "1. A financial institution that offers or makes
- 20 an alternative mortgage loan shall include in any
- 21 disclosure of the rates or availability of mortgage
- 22 loans, the rates and availability of reverse annuity
- 23 mortgages or graduated payment mortgage loans, if and
- 24 when such loans are offered. The administrator may".
- 25 5. Page 3, line 7, by striking the word "deed"
- 26 and inserting the following: "instrument".
- 27 6. Page 3, line 10, by striking the word "deed"
- 28 and inserting the following: "instrument".
- 29 7. Page 4, line 7, by striking the word "No" and
- 30 inserting the following: "Except as provided in
- 31 subsection 2, no".

32 8. Page 4, line 25, by striking the words  
33 "mortgage deed" and inserting the following: "note or  
34 mortgage instrument".

Amendment H—4447 was adopted.

**SENATE FILE 361 SUBSTITUTED FOR HOUSE FILE 727.**

Hibbard of Madison asked and received unanimous consent to substitute Senate File 361 for House File 727.

**Senate File 361**, a bill for an act relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions, was taken up for consideration.

Metcalf of Polk offered the following amendment H—4336 filed by her and Hibbard of Madison and moved its adoption:

H—4336

1 Amend Senate File 361, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 14 through 18 and  
4 inserting the following:  
5 "3. "Financial institution" means financial  
6 institution as defined in section 535A.1."

Amendment H—4336 was adopted.

Hibbard of Madison offered the following amendment H—4448 filed by him and Rosenberg of Story and moved its adoption:

H—4448

1 Amend Senate File 361, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, line 15, by inserting after the word  
4 "mortgagor." the following: "A reverse annuity  
5 mortgage shall provide that the mortgagor or  
6 mortgagors of the property shall retain a life estate  
7 in the property until the death of the mortgagor or  
8 all of the mortgagors, notwithstanding that the  
9 annuity may expire prior to the end of the life  
10 estate, depending upon the terms of the annuity."  
11 2. Page 5, line 4, by striking the word "plan".  
12 3. Page 5, line 8, by striking the words "up to  
13 two million dollars in".

Amendment H—4448 was adopted.

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

On the question "Shall the bill pass?" (S.F. 361)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Carpenter	Chapman	Clark
Cohon	Connolly	Connors	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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Buhr	
		Presiding	

The nays were, 2:

Branstad            Shoning

Absent or not voting, 3:

Kistler            Sherzan            Wise

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

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 23

Chapman of Linn called up for consideration Senate Concurrent Resolution 23, to urge and petition the Postmaster General of the United States to issue a first-class commemorative postage stamp in honor of the Grant Wood centennial, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SENATE AMENDMENT CONSIDERED

Brand of Benton called up for consideration **House File 140**, a bill for an act relating to the linked deposit program and providing an effective date, amended by the Senate amendment H—4444 as follows:

H—4444

- 1 Amend House File 140 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 29, by inserting after the word
- 4 "crops" the following: "or producing poultry".
- 5 2. Page 1, line 34, by inserting after the words
- 6 "nontraditional crops" the following: "or producing
- 7 poultry".
- 8 3. Page 2, line 9, by striking the words "and
- 9 nontraditional crops" and inserting the following:
- 10 "and, nontraditional crops and poultry production".
- 11 4. Page 2, line 22, by inserting after the words
- 12 "nontraditional crops." the following: "Loan
- 13 applications for poultry producing shall be for the
- 14 purchase or lease of land, machinery, or equipment.
- 15 However, as a condition of a loan involving production
- 16 of broiler chickens, the applicant must not be subject
- 17 to a contract relating to the care and feeding of the
- 18 chickens on behalf of a person who alone or in
- 19 conjunction with others, directly or through contract,
- 20 controls the manufacturing, processing, preparation
- 21 for sale, or sale of poultry or poultry products
- 22 having a total annual wholesale value of three million
- 23 dollars or more."

Brand of Benton offered the following amendment H—4453, to the Senate amendment H—4444, filed by him and Swartz of Marshall from the floor:

H—4453

- 1 Amend the Senate amendment, H—4444, to House File
- 2 140, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 23, and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 5, by inserting before line 16 the
- 7 following:
- 8 "Sec. \_\_\_\_\_. NEW SECTION. 12.45 MAIN STREET LINKED
- 9 INVESTMENTS LOAN PROGRAM.
- 10 The treasurer of state shall adopt rules to
- 11 implement a main street linked investments loan
- 12 program to increase the availability of lower cost
- 13 funds to stimulate building restorations or
- 14 rehabilitations of historic buildings within the

15 central business district of a city which is a  
 16 certified local government, or in the Iowa main street  
 17 program or, if enacted by the Seventy-third General  
 18 Assembly, in the rural main street program. The rules  
 19 shall include the following conditions:

20 1. Linked investment loans shall be limited to  
 21 projects for a building restoration or rehabilitation  
 22 located in the central business district whose  
 23 boundaries are the same as the main street or rural  
 24 main street or central business district of a city  
 25 which is a certified local government project area.

26 2. Eligible borrowers are limited to the property  
 27 owner, contract purchaser of record, or long-term  
 28 lessee.

29 3. Loan applications under this program shall be  
 30 for the restoration or rehabilitation of facades of  
 31 buildings which are eligible or nominated or listed on  
 32 the national register of historic places. Public  
 33 buildings are excluded.

34 4. A facade restoration or rehabilitation must  
 35 follow United States secretary of interior's standards  
 36 for rehabilitation and guidelines for rehabilitating  
 37 historic buildings.

38 5. The maximum loan amount under the main street  
 39 linked investments loan program is fifty thousand  
 40 dollars per project.

41 6. No more than one-third of the amount authorized  
 42 in section 12.34 may be used for purposes of this  
 43 section.

44 Sec. \_\_\_\_\_. NEW SECTION. 12.46 APPLICATION  
 45 PROCESS.

46 Applicants shall be certified as eligible for  
 47 assistance prior to submitting applications to the  
 48 treasurer of state for loans under the main street  
 49 linked investment loan program. Administrative rules  
 50 pursuant to chapter 17A shall be adopted jointly by

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1 the department of economic development and by the  
 2 department of cultural affairs to require applicants  
 3 to do the following:

4 1. Show evidence of preliminary design assistance  
 5 from the Iowa main street program of the department of  
 6 economic development or the state historic  
 7 preservation office of the department of cultural  
 8 affairs.

9 2. Show evidence of preliminary design review  
 10 approval from the local design review committee.

11 3. Submit project plans and specifications  
 12 prepared by an architect with historic preservation  
 13 experience. The plans shall be submitted to a final

14 design review board comprised of representatives of  
15 the state historic preservation office, the Iowa main  
16 street program, and one private sector architect  
17 selected jointly by the directors of the departments  
18 of economic development and cultural affairs. The  
19 treasurer of state or the treasurer of state's  
20 designee shall serve as an ad hoc member of the design  
21 review board. The design review board shall provide  
22 certification of eligible projects to the treasurer of  
23 state following the review."  
24 \_\_\_\_\_. Title page, line 1, by inserting after the  
25 word "program" the following: "and creating a main  
26 street linked investments loan program".  
27 \_\_\_\_\_. Renumber as necessary."

Daggett of Adams rose on a point of order that amendment H—4453 was not germane.

The Speaker ruled the point well taken and amendment H—4453 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—4453.

A non-record roll call was requested.

The ayes were 55, nays 27.

The motion prevailed and the rules were suspended to consider amendment H—4453.

Brand of Benton moved the adoption of amendment H—4453, to the Senate amendment H—4444.

A non-record roll call was requested.

The ayes were 37, nays 6.

Amendment H—4453 was adopted.

On motion by Brand of Benton, the House concurred in the Senate amendment H—4444, as amended.

Brand of Benton 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. 140)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
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
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Teaford	Trent
Tyrrell	Van Maanen	Wise	Buhr
			Presiding

The nays were, none.

Absent or not voting, 4:

Hatch	Jochum	Sherzan	Tabor
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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 140)

Arnould of Scott asked and received unanimous consent that House File 140 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 5, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 166, a bill for an act relating to the authority of county conservation boards, by authorizing the charging of certain county park fees and by prohibiting the exclusive use of county parks by one or more organizations.

Also: That the Senate has on May 5, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 250, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty.

Also: That the Senate has, on May 5, 1989, insisted on its amendment to House File 271, a bill for an act relating to the repeal of a local option sales and services tax and providing an effective date, and the members of the conference committee, on the part of the Senate are: The Senator from Kossuth, Senator Priebe, Chair; the Senator from Tama, Senator Husak; the Senator from Woodbury, Senator Doyle; the Senator from Buena Vista, Senator Fuhrman; and the Senator from Polk, Senator Gentleman.

Also: That the Senate has on May 5, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 706, a bill for an act relating to the use of federal and state funding sources to finance job training through vocational education.

Also: That the Senate has on May 5, 1989, 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 772, a bill for an act relating to and making appropriations to the justice system.

Also: That the Senate has, on May 5, 1989, failed to adopt the conference committee report on House File 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties; and the members of the second conference committee on the part of the Senate are: The Senator from Linn, Senator Running, Chair; the Senator from Polk, Senator Palmer; the Senator from Polk, Senator Szymoniak; the Senator from Clayton, Senator Tieden; and the Senator from Black Hawk, Senator Lind.

Also: That the Senate has on May 5, 1989, adopted the conference committee report and passed Senate File 14, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters.

Also: That the Senate has on May 5, 1989, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 539, 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 a retroactive applicability date.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 11:23 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### CONFERENCE COMMITTEE APPOINTED (House File 271)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 271: Wise of Lee, Chair; Connolly of Dubuque, Metcalf of Polk, Rosenberg of Story and Schnekloth of Scott.

#### SECOND CONFERENCE COMMITTEE APPOINTED (House File 779)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning House File 779: Bisignano of Polk, Chair; Doderer of Johnson, Jochum of Dubuque, Garman of Story and Lundby of Linn.

### HOUSE INSISTED

Tabor of Jackson called up for consideration **Senate File 539**, 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 a retroactive applicability date, and moved that the House insist on its amendment, which motion prevailed.

#### CONFERENCE COMMITTEE APPOINTED (Senate File 539)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 539: Tabor of Jackson, Chair; Doderer of Johnson, Bisignano of Polk, Diemer of Black Hawk and Schnekloth of Scott.

#### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 14)

Renaud of Polk called up for consideration the report of the conference committee on Senate File 14 and moved the adoption of the conference committee report and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 14

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 14, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters, respectfully make the following report:

1. That the Senate recedes from its amendment, S—4103, to the House amendment, S—3706.

2. That the House recedes from its amendment, S—3706.

3. That Senate File 14, as amended, passed, and reprinted by the Senate, is amended as follows:

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

“Section 1. Section 147.80, subsection 14, Code 1989, is amended to read as follows:

14. License to practice cosmetology issued upon the basis of an examination given by the board of cosmetology examiners, license to practice cosmetology under a reciprocal agreement, renewal of a license to practice cosmetology, temporary permit to practice as a cosmetology trainee, original license to conduct a school of cosmetology, renewal of license to conduct a school of cosmetology, original license to operate a beauty salon, renewal of a license to operate a beauty salon, original license and examination to practice electrolysis, renewal of a license to practice electrolysis, original license to practice manicuring, renewal of a license to practice manicuring, annual inspection of a school of cosmetology, annual inspection of a beauty salon, original cosmetology school instructor's license, renewal of cosmetology school instructor's license.

Sec. 2. Section 157.2, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 7. Persons licensed as manicurists pursuant to this chapter, when manicuring the nails of any person.

NEW SUBSECTION. 8. Employees of a licensed barbershop when manicuring fingernails, if permitted under section 158.14, subsection 2.

NEW SUBSECTION. 9. Persons licensed as electrologists pursuant to section 157.5, when practicing electrolysis as described in that section.

Sec. 3. Section 157.5, Code 1989, is amended to read as follows:

#### 157.5 LICENSE TO PRACTICE ELECTROLYSIS.

An applicant for a license to practice cosmetology A person may obtain a license from the department for authority to remove superfluous hair by the use of the electric needle or electronic process by presenting to the board a diploma, or similar evidence, from a licensed school of cosmetology, or from any school in another state which is recognized by the board, which teaches a special course in the practice of the use of the electric needle or electronic process indicating that the applicant has successfully completed the special course, and by passing an examination prescribed by the board at least two hundred fifty hours of training relating to electrolysis. The board shall not require that a person be licensed as a cosmetologist in order to obtain a license to practice electrolysis. The applicant shall pay a license fee as determined by the board under section 147.80.

The rules of the board shall include a provision whereby a license to practice electrolysis may be granted by reciprocity or endorsement to a person who is licensed in another state to practice electrolysis.

Sec. 4. NEW SECTION. 157.16 MANICURISTS.

The department shall issue a license to practice manicuring to any person who submits proof of successful completion of a course of at least forty hours of training relating to manicuring in a licensed school of cosmetology or licensed barber school. The board shall adopt rules defining the course of study for a manicurist and the practices which a licensed manicurist may perform.

The applicant shall pay a license fee as determined by the board under section 147.80.

The rules of the board shall include a provision whereby a license to practice manicuring may be granted by reciprocity or endorsement to a person who is licensed in another state to practice manicuring.

Sec. 5. Section 158.14, Code 1989, is amended to read as follows:

158.14 MANICURISTS.

1. A licensed barbershop may employ a person who is not a licensed cosmetologist manicurist to manicure the fingernails of any person.

2. An unlicensed person who was employed by a licensed barbershop to manicure fingernails prior to the effective date of this Act may continue such employment without meeting licensing requirements under chapter 157.

Sec. 6. Section 714.18, subsection 1, Code 1989, is amended to read as follows:

1. A continuous corporate surety bond to the state of Iowa in the sum of fifty thousand dollars or ten percent of the total annual tuition collected, whichever is less, conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association, or corporation, or their salespersons; provided, however, that the. A person, firm, association, or corporation desiring to file a surety bond based on a percentage of annual tuition shall provide to the director of the department of education, in the form prescribed by the director, a notarized statement attesting to the total amount of tuition collected in the preceding twelve-month period. The director shall determine the sufficiency of the statement and the amount of the bond. Tuition information submitted pursuant to this subsection shall be kept confidential.

If the person, firm, association, or corporation has filed a performance bond with an agency of the United States government pursuant to federal law, the director of the department of education shall reduce the bond required by this subsection by an amount equal to the amount of the federal bond.

PARAGRAPH DIVIDED. The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, not exceed the sum of said the bond. The surety on the bond shall have the right to may cancel said the bond upon giving thirty days' written notice to the director of the department of education and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of said the cancellation.

The director of the department of education may accept a letter of credit from a bank in lieu of the corporate surety bond required by this subsection.

Sec. 7. Section 714.19, subsection 9, Code 1989, is amended by striking the subsection."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to regulation, including the regulation of educational services and of practice professions, and making penalties applicable."

ON THE PART OF THE HOUSE:

DENNIS RENAUD, Chair  
MINNETTE DODERER  
TERESA GARMAN  
JOHNIE HAMMOND  
PHIL TYRRELL

ON THE PART OF THE SENATE:

AL STURGEON, Chair  
H. KAY HEDGE  
RICHARD RUNNING  
RICHARD VANDE HOEF

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 14)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shultz	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 9:

Banks	Groninga	Halvorson, R. N.	Hanson, D. R.
Knapp	McKean	Plasier	Renken
Siegrist			

Absent or not voting, 1:

Hatch

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

Jay of Appanoose called up for consideration **House File 740**, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable, amended by the Senate amendment H — 4132 as follows:

H—4132

- 1 Amend House File 740, 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 728.4, Code 1989, is amended
- 6 to read as follows:
- 7 728.4 RENTAL OR SALE OF HARD CORE PORNOGRAPHY.
- 8 A person who knowingly rents, sells, or offers for
- 9 rental or sale material depicting a sex act involving
- 10 sadomasochistic abuse, excretory functions, or
- 11 bestiality, which the average adult taking the
- 12 material as a whole in applying statewide contemporary
- 13 community standards would find appeals to the prurient
- 14 interest and is patently offensive; and which
- 15 material, taken as a whole, lacks serious literary,
- 16 scientific, political, or artistic value, upon
- 17 conviction is guilty of an aggravated misdemeanor.
- 18 Charges under this section may only be brought by a
- 19 county attorney or by the attorney general.
- 20 Sec. 2. This Act, being deemed of immediate
- 21 importance, takes effect upon its enactment."
- 22 2. Title page, line 1, by striking the words "
- 23 providing penalties,".
- 24 3. Title page, line 2, by inserting after the
- 25 word "applicable" the following: "and providing an
- 26 effective date".

Jay of Appanoose offered the following amendment H—4343, to the Senate amendment H—4132, filed by Jay, et al., and moved its adoption:

H-4343

- 1 Amend the amendment, H-4132, to House File 740, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 26 and  
 5 inserting the following:  
 6 "\_\_\_\_\_. Page 3, by striking lines 15 through 18 and  
 7 inserting the following: "of the minor, but shall  
 8 report depictions involving a prohibited sexual act.  
 9 This section shall".  
 10 \_\_\_\_\_, Page 4, line 15, by inserting after the word  
 11 "felonies." the following: "As used in this  
 12 subsection, a "person" excludes any information-access  
 13 service provider that merely provides transmission  
 14 capacity without control over the content of the  
 15 transmission.""

Amendment H-4343 was adopted.

On motion by Jay of Appanoose, the House concurred in the Senate amendment H-4132, as amended.

Jay of Appanoose 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. 740)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning

Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Maulsby

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 728)**

Fogarty of Palo Alto called up for consideration the report of the conference committee on House File 728 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 728**

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 728, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase, respectfully make the following report:

1. That the Senate amendment, H—4363, to House File 728, as passed by the House, is amended as follows:

1. Page 1, by striking lines 23 through 32 and inserting the following:

"Sec. \_\_\_\_\_ . Section 445.39, Code 1989, is amended to read as follows:

**445.39 INTEREST AS PENALTY.**

If the first installment of taxes is not paid by the delinquent date specified in section 445.37, the installment shall become due and draw interest, as a penalty, of one and one-half percent per month until paid, from the delinquent date following the levy; and if the last half is not paid by April 1 following the levy, the same interest shall be charged from the date the last half became delinquent. However, after April 1 in a fiscal year when late certification of the tax list results in a penalty date later than October 1 for the first installment, penalties on delinquent first installments shall accrue as if certification were made on the previous June 30. The interest penalty imposed under this section shall be computed to the nearest whole dollar and the amount of interest shall not be less than one dollar."

2. Page 1, line 48, by inserting after the word "publication" the following: "in an official newspaper".

3. Page 2, line 18, by inserting after the word "publication" the following: "in an official newspaper".

4. Page 2, line 26, by inserting after the word "taxes," the following: "by revising the use of zoned editions of a newspaper,".

ON THE PART OF THE HOUSE:

DANIEL P. FOGARTY, Chair  
ROBERT D. FULLER  
JOEL W. BROWN  
ROBERT H. RENKEN  
BRADLY C. BANKS

ON THE PART OF THE SENATE:

ALVIN V. MILLER, Chair  
LARRY MURPHY  
BERL E. PRIEBE  
RICHARD VANDE HOEF  
MARK R. HAGERLA

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 728)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbaauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 5:

Branstad	Corbett	Halvorson, R. N.	Maulsby
Tyrrell			

Absent or not voting, 1:

Hatch

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

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 728 and 740 and Senate File 539.

The House stood at ease at 1:43 p.m., until the fall of the gavel.

The House resumed session at 2:28 p.m., Speaker Avenson in the chair.

### INTRODUCTION OF BILL

**House File 799**, by committee on appropriations, a bill for an act relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority.

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

### RULES SUSPENDED

Wise of Lee asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 441.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 441**, a bill for an act relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion of the Act, previously deferred and placed on the unfinished business calendar.

Johnson of Winneshiek offered the following amendment H—4455 filed by him from the floor and moved its adoption:

H—4455

- 1 Amend Senate File 441, as passed by the Senate, as
- 2 follows:

- 3 1. Page 1, by striking lines 5 through 8.  
4 2. Page 1, by striking line 19 and inserting the  
5 following:  
6 "\_\_\_\_\_. "Designated agent" means a person other than  
7 the state, designated by a county board of supervisors  
8 to review and confirm that a well has been properly  
9 plugged."
- 10 3. By striking page 1, line 35 through page 2,  
11 line 1.
- 12 4. Page 2, line 9, by inserting after the word  
13 "program." the following: "The schedule established  
14 by the department shall provide that to the fullest  
15 extent technically and economically feasible, all  
16 wells shall be properly plugged not later than July 1,  
17 2000."
- 18 5. Page 2, by striking lines 11 and 12, and  
19 inserting the following:  
20 "a. Class 1 wells shall be plugged by placing  
21 filling materials up to one foot below the static  
22 water level. At least one foot of sealing materials  
23 shall be placed on top of the filling materials up to  
24 the static water level, as a seal. Filling".
- 25 6. Page 2, line 17, by inserting after the word  
26 "with" the following: "at least one foot of".
- 27 7. Page 2, line 17, by inserting after the word  
28 "materials." the following: "Obstructions shall be  
29 removed from the top four feet of the ground surface  
30 and the top four feet shall be backfilled with soil  
31 and graded."
- 32 8. Page 2, by striking lines 20 and 21 and  
33 inserting the following: "static water level. At  
34 least four feet of sealing material shall be added on  
35 top of the filling material up to the original static  
36 water level. Filling materials shall be placed up to  
37 four feet below the ground surface and the well shall  
38 be capped with at least one foot of sealing material.  
39 However, sealing".
- 40 9. Page 2, line 29, by inserting after the word  
41 "by" the following: "placing sealing materials up to  
42 four feet below the ground surface and by".
- 43 10. By striking page 3, line 3 through page 4,  
44 line 22, and inserting the following:  
45 "5. An owner may, independent of a contractor,  
46 plug a well pursuant to this section subject to review  
47 and confirmation by a designated agent of the county  
48 or a well driller registered with the department."
- 49 11. Page 4, lines 25 and 26, by striking the  
50 words "an assisting agency or by the service" and

**Page 2**

- 1 inserting the following: "a designated agent or a

- 2 registered well driller".  
 3 12. Page 4, line 35, by inserting after the word  
 4 "assessed," the following: "The penalty shall not be  
 5 imposed upon a person for improperly plugging a well  
 6 until the department notifies the person of the  
 7 improper plugging."  
 8 13. Page 5, by striking lines 8 through 11.  
 9 14. By renumbering as necessary.

Amendment H—4455 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. 441)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
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
Hibbard	Holveck	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Jay                      Sherzan                      Tabor

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

The House stood at ease at 1:43 p.m., until the fall of the gavel.

The House resumed session at 2:47 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 May 5, 1989, adopted the conference committee report and passed Senate File 450, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes.

JOHN F. DWYER, Secretary

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 450)

Brand of Benton called up for consideration the report of the conference committee on Senate File 450 and moved the adoption of the conference committee report and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 450

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 450, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4320.
2. That the House amendment, S—3713, to Senate File 450, as passed by the Senate, is amended as follows:

1. Page 1, by striking lines 3 through 33, and inserting the following:

“ \_\_\_\_\_ . Page 2, by striking line 11, and inserting the following: “of time during the school day or be seeking to be excused in order to enroll in academic courses not otherwise available to the student.”

PARAGRAPH DIVIDED. ~~The student must seek to be~~ Students in grades nine through eleven may be”.

\_\_\_\_\_. Page 2, by striking lines 14 through 21, and inserting the following: “student if the board of directors of the school district in which the school is located, or the authorities in charge of the school, if the school is a nonpublic school, determine”

that students from the school may be permitted to be excused from the physical education requirement. A student may be excused by the principal of the school in which the student is enrolled, in consultation with the student's counselor, for up to one semester, trimester, or the equivalent of a semester or trimester, per year if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. The student seeking to be excused from the physical education requirement must, at some time during the period for which the excuse is sought, be a participant in an organized and supervised athletic program which requires at least as much time of participation per week as one-eighth unit of physical education.

PARAGRAPH DIVIDED. The principal of the school shall inform the”.

\_\_\_\_\_. Page 2, by inserting after line 26, the following:

“Sec. \_\_\_\_\_. Section 256.11, subsection 7, Code 1989, is amended to read as follows:

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 department of education, and the state board shall consider the recommendations of the child coordinating council and the department in developing the rules.”

\_\_\_\_\_. Page 3, line 9, by striking the word “Kindergarten” and inserting the following: “Kindergarten Public school kindergarten”.

\_\_\_\_\_. Page 3, line 10, by inserting before the word “prekindergarten” the following: “public and nonpublic school”.

\_\_\_\_\_. Page 3, by striking lines 18 through 20 and inserting the following: “ “resident” means a child who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

1. Is in the district for the purpose of making a home and not solely for school purposes.

2. Meets the definitional requirements of the term “homeless individual” under 42 U.S.C. § 11302(a) and (c).

3. Lives in a juvenile detention center, foster care facility, or residential facility in the district.”

\_\_\_\_\_. Page 3, line 31, by inserting after the figure “299.5,” the following: “or whose presence in school has been found to be injurious to the health of other pupils”.

\_\_\_\_\_. Page 4, by striking lines 15 through 17 and inserting the following: “ “resident” means a person who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

1. Is in the district for the purpose of making a home and not solely for school purposes.

2. Meets the definitional requirements of the term "homeless individual" under 42 U.S.C. § 11302(a) and (c).

3. Lives in a residential correctional facility in the district." "

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

" \_\_\_\_\_. Title page, by striking lines 1 through 4, and inserting the following: "An Act relating to educational standards, permitting waiver of student participation in physical education under certain circumstances if the student is participating on an athletic"."

ON THE PART OF THE HOUSE:

WILLIAM BRAND, Chair  
DENNIS COHOON  
ROBERT L. KISTLER  
TOM MILLER  
ARTHUR OLLIE

ON THE PART OF THE SENATE:

WALLY HORN, Chair  
JOHN P. KIBBIE  
LARRY MURPHY  
RAY TAYLOR

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 450)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Pony	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Bisignano  
Lundby

Doderer  
Ollie

Dvorsky  
Tabor

Johnson  
Teaford

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

### SENATE AMENDMENT CONSIDERED House Refused To Concur

Rosenberg of Story called up for consideration **House File 250**, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H—4456:

H—4456

- 1 Amend House File 250, 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. 80.40 CRIME
- 6 INFORMATION.
- 7 The department shall establish a program to
- 8 collect, classify, record, and disseminate information
- 9 relating to crimes motivated by bigotry and bias.
- 10 Planning for this project shall be completed and data
- 11 collection shall commence no later than January 1,
- 12 1991.
- 13 Sec. 2. Section 729.5, Code 1989, is amended to
- 14 read as follows:
- 15 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S
- 16 CIVIL RIGHTS — PENALTIES.
- 17 1. Persons within the state of Iowa have the right
- 18 to be free from any violence, or intimidation by
- 19 threat of violence, committed against their persons or
- 20 property because of their race, color, religion,
- 21 ancestry, national origin, political affiliation, or
- 22 sex.
- 23 2. A person who conspires with another person or
- 24 persons to injure, oppress, threaten, or intimidate,
- 25 or 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 assembles with one or more persons for the  
30 purpose of teaching or being instructed in any  
31 technique or means capable of causing property damage,  
32 bodily injury or death when the person or persons  
33 intend to employ those techniques or means in  
34 furtherance of the conspiracy, is on conviction,  
35 guilty of a class "D" "C" felony. Evidence of  
36 intimidation includes, but is not limited to, the  
37 burning of crosses and other symbols.

38 3. A person who maliciously and intentionally  
39 intimidates or interferes with another citizen because  
40 of that citizen's race, color, religion, ancestry,  
41 national origin, political affiliation, or sex and  
42 while doing so commits any of the following acts, is  
43 guilty of a class "D" felony:

44 a. Causes physical injury to that citizen.

45 b. By words or conduct places that citizen in  
46 reasonable fear of harm to self or property or harm to  
47 the person or property of a third person.

48 c. Causes physical damage to or destruction of the  
49 property of that citizen.

50 3 4. The fact that a person committed a felony or

**Page 2**

1 misdemeanor, or attempted to commit a felony, because  
2 of the victim's race, color, religion, nationality,  
3 country of ancestry, national origin, political  
4 affiliation, or sex, shall be considered a  
5 circumstance in aggravation of any crime in imposing a  
6 sentence and fine.

7 5. A victim who has suffered physical, emotional,  
8 or financial harm as a result of a violation of this  
9 section is entitled to injunctive relief, reasonable  
10 attorney fees, and costs.

11 4 6. This section does not make unlawful the  
12 teaching of any technique in self-defense.

13 5 7. This section does not make unlawful any  
14 activity of:

15 a. Law enforcement officials of this or any other  
16 jurisdiction while engaged in the lawful performance  
17 of their official duties;

18 b. Federal officials required to carry firearms  
19 while engaged in the lawful performance of their  
20 official duties;

21 c. Members of the armed forces of the United  
22 States or the national guard while engaged in the  
23 lawful performance of their official duties; or

24 d. Any conservation commission, law enforcement  
25 agency, or any agency licensed to provide security  
26 services, or any hunting club, gun club, shooting  
27 range, or other organization or entity whose primary

28 purpose is to teach the safe handling or use of  
 29 firearms, archery equipment, or other weapons or  
 30 techniques employed in connection with lawful sporting  
 31 or other lawful activity.”  
 32 2. Title page, lines 1 through 3 by striking the  
 33 words “by prohibiting interference with the  
 34 contractual or business relations of another  
 35 citizen.”.

The motion lost and the House refused to concur in the Senate amendment H—4456.

### IMMEDIATE MESSAGE (House File 250)

Arnould of Scott asked and received unanimous consent that House File 250 be immediately messaged to the Senate.

The House stood at ease at 3:05 p.m., until the fall of the gavel.

The House resumed session at 3:31 p.m., Speaker Avenson in the chair.

### ADOPTION OF SENATE CONCURRENT RESOLUTION 10

Fogarty of Palo Alto called up for consideration Senate Concurrent Resolution 10, relating to federal coal slurry pipeline legislation, and moved its adoption.

The motion prevailed and the resolution was adopted.

### ADOPTION OF SENATE CONCURRENT RESOLUTION 7

Connolly of Dubuque called up for consideration Senate Concurrent Resolution 7, urging the national economic commission to reject proposals to increase the federal motor fuel tax and to find other, more equitable and less damaging ways of reducing the federal budget deficit, 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 536, a bill for an act relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—4454** May 5, 1989.

**Committee Bill**, relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority.

Fiscal Note is not required.

Recommended **Do Pass** May 5, 1989.

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House File 799.

**Appropriations Calendar**

**House File 799**, a bill for an act relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority, was taken up for consideration.

Jochum of Dubuque offered the following amendment H—4457 filed by him from the floor:

H—4457

- 1 Amend House File 799 as follows:
- 2 1. Page 1, by inserting after line 6, the
- 3 following:
- 4 "\_\_\_\_\_. For one-time emergency grants to licensed
- 5 child care centers located in cities with a population
- 6 of less than five thousand to be used to assist the
- 7 centers in meeting staffing or other state licensing
- 8 requirements, on the condition that the maximum grant
- 9 is two thousand five hundred dollars and that any of
- 10 the funds not awarded or encumbered by May 15, 1989,
- 11 shall revert to the general fund:
- 12 .....\$ 25,000"
- 13 2. By renumbering as necessary.

The following amendment H—4458, to amendment H—4457, filed by Jochum of Dubuque from the floor was adopted by unanimous consent:

H—4458

- 1 Amend amendment H—4457, to House File 799 as
- 2 follows:
- 3 1. Page 1, by striking lines 9 through 11 and
- 4 inserting the following: "is two thousand five
- 5 hundred dollars:"

On motion by Jochum of Dubuque, amendment H—4457, as amended, 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?" (H.F. 799)

The ayes were, 92:

Adams	Arnould	Banks	Beatty
Bennett	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	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	Hester	Hibbard
Holveck	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teafor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Beaman	Bisignano	Connors	Fuller
Hermann	Jesse	Sherzan	Shoning

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

**IMMEDIATE MESSAGE**  
(House File 799)

Arnould of Scott asked and received unanimous consent that House File 799 be immediately messaged to the Senate.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 10

Osterberg of Linn called up for consideration House Concurrent Resolution 10, to urge and petition the congress of the United States, the president of the United States, the federal trade commission, the packers and stockyards administration of the United States department of agriculture, and the attorney general of the United States to take initiatives to prevent the monopolization of the meat packing industry, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 3:45 p.m., until the fall of the gavel.

The House resumed session at 5:08 p.m., Speaker Avenson in the chair.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 5, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 556, a bill for an act relating to increasing the penalty and providing for attorney fees for failure to acknowledge satisfaction of a mortgage within thirty days.

Also: That the Senate has on May 5, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 644, a bill for an act relating to institutions, programs, and funds for which the college aid commission acts as a guaranteeing agency.

Also: That the Senate has on May 5, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 790, a bill for an act relating to the voluntary certification of real estate appraisers, real estate appraisal standards, and providing for penalties.

Also: That the Senate has on May 5, 1989, 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 220, a bill for an act relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates.

Also: That the Senate has, on May 5, 1989, insisted on its amendment to Senate File 419, a bill for an act relating to energy efficiency and 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 Scott, Senator Deluhery; the Senator from Cerro Gordo, Senator Miller; the Senator from Muscatine, Senator Rife; and the Senator from Marshall, Senator Soorholtz.

Also: That the Senate has, on May 5, 1989, insisted on its amendment to Senate File 470, a bill for an act relating to waste minimization and disposal, 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 Miller; the Senator from Palo Alto, Senator Kibbie; the Senator from Linn, Senator Pate; and the Senator from Marshall, Senator Soorholtz.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED  
(Senate File 470)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 470: Rosenberg of Story, Chair; Schrader of Marion, Osterberg of Linn, Siegrist of Pottawattamie and Pellett of Cass.

CONFERENCE COMMITTEE APPOINTED  
(Senate File 419)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 419: Rosenberg of Story, Chair; Adams of Hamilton, Osterberg of Linn, McKean of Jones and Corbett of Linn.

SENATE AMENDMENTS CONSIDERED

Shoultz of Black Hawk called up for consideration **House File 753**, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters, amended by the Senate amendment H-4438 as follows:

H-4438

- 1 Amend House File 753, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 21, by inserting after the word
- 4 "includes" the following: "but is not limited to".
- 5 2. Page 4, line 6, by striking the word "results"
- 6 and inserting the following: "may result".
- 7 3. Page 4, line 33, by inserting after the word
- 8 "generated." the following: "The network shall

9 utilize existing recycling companies when possible.”

10 4. Page 6, line 1, by striking the figure “1990”  
11 and inserting the following: “1991”.

12 5. Page 6, line 2, by striking the word and  
13 figures “July 1, 1991” and inserting the following:  
14 “January 1, 1992”.

15 6. Page 7, line 5, by inserting after the word  
16 “refrigerant” the following: “, including the  
17 findings of nationwide industry surveys,”.

18 7. Page 7, by striking lines 9 through 31, and  
19 inserting the following:

20 “9. Identify products made from recycled or  
21 recovered materials and provide a list of these  
22 products to the department of general services and to  
23 all other state agencies to assist in the development  
24 and review of procurement specifications. The  
25 director shall also develop, in cooperation with the  
26 director of the department of general services, a  
27 program to promote the procurement of listed products  
28 and seek information from state agencies using  
29 products containing recycled or recovered materials to  
30 evaluate their performance. The program shall also  
31 provide that the director seek information from  
32 suppliers regarding product performance and recovered  
33 material content of products offered for sale. Based  
34 on the above evaluation, and information regarding the  
35 recyclability of the components of products and their  
36 longevity, and, where applicable, the energy  
37 efficiency of such products, the department shall  
38 publish information on recommended products for  
39 procurement. This information shall be provided to  
40 all state agencies as well as city and county  
41 purchasing agencies.”

42 8. Page 8, line 16, by inserting after the word  
43 “encourage” the following: “waste reduction, and  
44 the”.

45 9. Page 9, by striking lines 7 through 9 and in-  
46 serting the following: “to separate yard waste from  
47 other solid waste generated. Municipalities which  
48 provide a collection system for solid waste shall  
49 provide for a collection system for yard waste which  
50 is not composted.”

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1 10. Page 10, by striking line 26.

2 11. Page 10, line 27, by striking the words “of  
3 the vehicle”.

4 12. Page 10, line 28, by inserting after the word  
5 “vehicles,” the following: “the owner”.

6 13. Page 10, line 29, by striking the words  
7 “eleven dollars” and inserting the following: “one

8 dollar".

9 14. Page 10, line 31, by striking the words "the  
10 certificate of title and use tax fee" and inserting  
11 the following: "any other fees".

12 15. Page 11, line 1, by striking the words "waste  
13 volume reduction and recycling" and inserting the  
14 following: "road use tax".

15 16. Page 11, line 4, by inserting after the word  
16 "fund" the following: "to be used for waste volume  
17 reduction and recycling projects which projects may be  
18 done in cooperation with the efforts of other local  
19 units of government. The use of the moneys by the  
20 county for these projects may demonstrate an intent to  
21 comply with the requirements of section 455B.306 which  
22 would enable the county to be eligible for grants from  
23 the waste volume reduction and recycling fund under  
24 section 455D.15. In order for the county to ensure  
25 that the department will be aware of these projects,  
26 the county shall file an annual report with the  
27 department delineating the uses for which the moneys  
28 retained from the environmental assessment fee were  
29 spent."

30 17. Page 11, by inserting after line 8 the  
31 following:

32 "\_\_\_\_\_. Notwithstanding section 423.24, there is  
33 transferred to the waste volume reduction and  
34 recycling fund from revenues collected under chapter  
35 423, during each calendar year beginning on or after  
36 January 1, 1990, from the use tax imposed on motor  
37 vehicles, trailers, and motor vehicle accessories and  
38 equipment under section 423.7, the amount deposited  
39 into the road use tax fund under subsection 2 during  
40 the same calendar year."

41 18. Page 11, line 15, by inserting after the word  
42 "department." the following: "A sanitary landfill  
43 shall not refuse to accept a waste tire which has been  
44 properly processed."

45 19. Page 11, by striking lines 26 and 27 and  
46 inserting the following:

47 "d. The permitting of waste tire collection sites,  
48 waste tire processing facilities, and waste tire  
49 haulers."

50 20. Page 15, line 26, by striking the words "or

### Page 3

1 refuse-to-energy facilities".

2 21. Page 16, line 8, by striking the figure  
3 "1991" and inserting the following: "1992".

4 22. Page 16, by inserting after line 12 the  
5 following:

6 "Sec. \_\_\_\_\_. NEW SECTION. 455D.17 PLASTIC BAG AND

7 PACKAGE LABELING.

8 1. Effective July 1, 1992, a person shall not sell  
9 or offer for sale a disposable plastic bag or  
10 packaging material that does not comply with the  
11 labeling requirements of this section.

12 2. The commission shall adopt rules to establish  
13 the labeling requirements for disposable plastic bags  
14 and packaging materials. The labeling shall be  
15 designed to inform consumers and users of the products  
16 about the degradability of the bag or packaging  
17 material.

18 Sec. \_\_\_\_\_. NEW SECTION. 455D.18 NONDEGRADABLE  
19 GROCERY BAGS AND TRASH BAGS.

20 Effective July 1, 1992, a person shall not land  
21 dispose of nondegradable plastic grocery bags or trash  
22 bags in this state unless the department determines  
23 that degradable plastic bags pose an environmental  
24 hazard."

25 23. Page 16, by striking lines 28 through 31 and  
26 inserting the following: "substances at the  
27 university of northern Iowa."

28 24. Page 16, by inserting after line 31, the  
29 following:

30 "NEW SUBSECTION. 13. The director shall review  
31 and, where necessary, revise specifications used by  
32 state agencies to procure products including but not  
33 limited to lubricating oils, retread tires, building  
34 insulation materials, and recovered materials from  
35 waste tires to ensure that the specifications allow  
36 the procurement of items containing recovered  
37 materials. Specifications shall be revised if they  
38 restrict the use of alternative materials, exclude  
39 recovered materials, or require performance standards  
40 which exclude items containing recovered materials  
41 unless the agency seeking the item can document that  
42 the use of recovered materials will hamper the  
43 intended use of the item."

44 25. By striking page 16, line 32, through page  
45 17, line 4.

46 26. Page 18, by inserting after line 16 the fol-  
47 lowing:

48 "The rules adopted by the director shall provide  
49 for the continuation of existing state agency  
50 contracts which provide for alternative waste

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1 management not including incineration or land burial  
2 of agency waste paper."

3 27. Page 18, by striking lines 18 through 22, and  
4 inserting the following:

5 "RECYCLING - PROHIBITION.

6 The department of general services shall comply  
 7 with the recycling goal, recycling schedule, and  
 8 ultimate termination, of the purchase and use of  
 9 polystyrene products for the purpose of storing,  
 10 packaging, or serving food for immediate consumption  
 11 pursuant to section 455D.16."

12 28. Page 18, line 27, by inserting after the word  
 13 "paper" the following: ", with the exception of  
 14 specialized paper when no recyclable product is  
 15 available,".

16 29. By striking page 18, line 32, through page  
 17 19, line 5, and inserting the following: "and the  
 18 requirements of section 18.20; comply with, and the  
 19 institutions governed by the board shall also comply  
 20 with the recycling goal, recycling schedule, and  
 21 ultimate termination of purchase and use of  
 22 polystyrene products for the purpose of storing,  
 23 packaging, or serving food for immediate consumption  
 24 pursuant to section 455D.16; and shall, in accordance  
 25 with the requirements of section 18.6, require product  
 26 content statements, the provision of information  
 27 regarding on-site review of waste management in  
 28 product bidding and contract procedures, and  
 29 compliance with requirements regarding procurement  
 30 specifications."

31 30. Page 19, by striking lines 22 through 30, and  
 32 inserting the following: "section 18.20; shall comply  
 33 with the recycling goal, recycling schedule, and  
 34 ultimate termination of purchase and use of  
 35 polystyrene products for the purpose of storing,  
 36 packaging, or serving food for immediate consumption  
 37 pursuant to section 455D.16; and shall, in accordance  
 38 with section 18.6, require product content statements,  
 39 the provision of information regarding on-site review  
 40 of waste management in product bidding and contract  
 41 procedures, and compliance with requirements regarding  
 42 procurement specifications."

43 31. By striking page 21, line 32 through page 22,  
 44 line 7, and inserting the following: "complaints."

45 32. Page 23, line 9, by inserting after the words  
 46 "operators of" the following: "solid waste".

47 33. Page 23, line 12, by inserting after the word  
 48 "of" the following: "solid waste".

49 34. Page 27, by inserting after line 1, the  
 50 following:

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1 "Sec. \_\_\_\_\_. Section 455B.306, Code 1989, is amended  
 2 by adding the following new subsection:  
 3 NEW SUBSECTION. 6. Beginning January 1, 1989,  
 4 during any stage of the review process of a proposed

5 plan filed pursuant to this section, the proposed plan  
6 shall not be modified, unless, following modification,  
7 the proposed plan is resubmitted as a new proposal.”

8 35. Page 28, by striking lines 28 through 32, and  
9 inserting the following: “counties in investigation  
10 of complaints; and the next one hundred thousand  
11 dollars”.

12 36. By striking page 29, line 34 through page 30,  
13 line 6, and inserting the following: “comply with the  
14 recycling goal, recycling schedule, and ultimate  
15 termination of purchase and use of polystyrene  
16 products for the purpose of storing, packaging, or  
17 serving food for immediate consumption pursuant to  
18 section 455D.16; and, in accordance with section 18.6,  
19 require product content statements, the provision of  
20 information regarding on-site review of waste  
21 management in product bidding and contract procedures,  
22 and compliance with requirements regarding contract  
23 bidding.”

24 37. Page 30, by inserting after line 16 the  
25 following:

26 “Sec. \_\_\_\_\_. STATE AGENCIES – CONFLICTING RULES.

27 It is the intent of the general assembly that the  
28 department of natural resources make recommendations  
29 to state agencies regarding agency policies which  
30 conflict with the purposes of this Act. All state  
31 agencies shall review rules which govern the state  
32 agency, and, in accordance with recommendations made  
33 by the department of natural resources, and when  
34 possible, shall amend rules which conflict with the  
35 purposes of this Act.”

36 38. By renumbering, relettering, or redesignating  
37 and correcting internal references as necessary.

Shoultz of Black Hawk offered the following amendment H – 4462,  
to the Senate amendment H – 4438, filed by him from the floor and  
moved its adoption:

H – 4462

1 Amend the Senate amendment, H – 4438, to House File  
2 753, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 2, by striking lines 12 through 29, and  
5 inserting the following:

6 “\_\_\_\_\_. Page 11, by striking lines 1 through 4 and  
7 inserting the following: “the road use tax fund. The  
8 director of the”.

9 2. Page 2, line 35, by striking the words  
10 “calendar year” and inserting the following: “month”.

11 3. Page 2, line 40, by striking the words  
12 “calendar year.” and inserting the following: “month.”

13 One-half of the funds deposited in the waste volume  
14 reduction and recycling fund during each quarter  
15 beginning January 1, 1990, shall be allocated to each  
16 county based on the amount of the registration fees  
17 collected pursuant to this subsection and reported to  
18 the department of revenue and finance by that county.  
19 The allocation shall be deposited in the county's  
20 general fund to be used for waste volume reduction and  
21 recycling projects which projects may be done in  
22 cooperation with the efforts of other local units of  
23 government. The use of the moneys by the county for  
24 these projects may demonstrate an intent to comply  
25 with the requirements of section 455B.306 which would  
26 enable the county to be eligible for grants from the  
27 waste volume reduction and recycling fund under  
28 section 455D.15. In order for the county to ensure  
29 that the department will be aware of these projects,  
30 the county shall file an annual report with the  
31 department delineating the uses for which the moneys  
32 retained from the environmental assessment fee were  
33 spent."

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

36 "Sec. \_\_\_\_\_. Section 455B.306, Code 1989, is amended  
37 by adding the following new subsection:

38 NEW SUBSECTION. 6. When a proposed plan is  
39 subject to review and approval by several state and  
40 local agencies, if the plan is substantially modified  
41 after approval by an agency, the plan shall be  
42 resubmitted as a new proposal to all other agencies to  
43 ensure that all agencies have approved the same plan."

44 5. By renumbering as necessary.

Amendment H—4462 was adopted.

Shultz of Black Hawk moved that the House concur in the Senate amendment H—4438, as amended.

A non-record roll call was requested.

The ayes were 43, nays 22.

The motion prevailed and the House concurred in the Senate amendment H—4438, as amended.

Shultz 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. 753)

## The ayes were, 83:

Adams	Arnould	Banks	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	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	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

## The nays were, 17:

Beaman	Bennett	Branstad	Daggett
De Groot	Garman	Hermann	Hester
Kremer	Maulsby	Metcalf	Pellett
Renken	Schnekloth	Spenner	Stueland
Van Maanen			

Absent or not voting, none.

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

Halvorson of Clayton called up for consideration **House File 556**, a bill for an act relating to increasing the penalty and providing for attorney fees for failure to acknowledge satisfaction of a mortgage within thirty days, amended by the Senate, and moved that the House concur in the following Senate amendment H—4463:

H—4463

- 1 Amend House File 556, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 6, by striking the words "being
- 4 requested in writing" and inserting the following:
- 5 "being requested in writing after".
- 6 2. Page 1, by striking line 10, and inserting the
- 7 following: "dollars plus reasonable attorney fees

8 incurred by the mortgagor or grantee in securing the  
 9 release of the mortgage.  
 10 A mortgagor or grantee who has sought relief under  
 11 the provisions of section 535B.11 is not entitled to  
 12 attorney fees under this section. A penalty shall not  
 13 be assessed under this section if penalties have been  
 14 assessed pursuant to section 535B.11."

The motion prevailed and the House concurred in the Senate amendment H—4463.

Halvorson of Clayton 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. 556)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Blanshan	Haverland	Royer	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 MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 556 and 753.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 21

Arnould of Scott asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 21, to honor the late Honorable Herschel C. Loveless, former Governor of the State of Iowa, filed from the floor.

Poncy of Wapello moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

### IMMEDIATE MESSAGE (House Concurrent Resolution 21)

Arnould of Scott asked and received unanimous consent that House Concurrent Resolution 21 be immediately messaged to the Senate.

Connors of Polk in the chair at 5:35 p.m.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 5, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 685, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, subject to certain procedures and conditions, subjecting a bank acquired by a regional bank holding company to community reinvestment standards and disclosures as a condition of the deposit of public funds or the approval of actions of the bank by the superintendent, and other properly related matters, and making penalties applicable and providing penalties.

Also: That the Senate has on May 5, 1989, 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 686, a bill for an act establishing a science and technology foundation and providing an effective date.

Also: That the Senate has on May 5, 1989, adopted the conference committee report and passed House File 728, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase.

Also: That the Senate has on May 5, 1989, adopted the conference committee report and passed Senate File 524, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions.

Also: That the Senate has on May 5, 1989, adopted the conference committee report and passed Senate File 531, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application.

Also: That the members of the conference committee, on the part of the Senate, appointed May 5, 1989, to Senate File 539, 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 a retroactive applicability date are: The Senator from Marion, Senator Dieleman, Chair; the Senator from Polk, Senator Palmer; the Senator from Story, Senator Bruner; the Senator from Boone, Senator Nystrom; and the Senator from Muscatine, Senator Drake.

JOHN F. DWYER, Secretary

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 524)**

Connolly of Dubuque called up for consideration the report of the conference committee on Senate File 524 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 524**

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 524, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions, respectfully make the following report:

1. That the House recedes from its amendment, S-3991.

2. That Senate File 524, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"Section 1. NEW SECTION. 307D.1 DEFINITIONS.

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

1. "Board" means the Iowa highway research board of the state department of transportation.

2. "Department" means the state department of transportation.

Sec. 2. NEW SECTION. 307D.2 IOWA HIGHWAY RESEARCH BOARD.

There is created the Iowa highway research board for the purpose of providing for the ongoing research of materials, design, and maintenance of Iowa's highways as provided in this chapter.

Sec. 3. NEW SECTION. 307D.3 DUTIES AND OBJECTIVES.

The duties and objectives of the board are:

1. To supervise and coordinate research and development with the United States department of transportation and all other transportation research organizations. The research shall include, but not be limited to, the study of standards for road and bridge construction, design, and maintenance, and the development of new materials.

2. To acquire a knowledge of research and development needs of Iowa's roads and transportation systems.

3. To act as a clearinghouse for suggestions, problem statements, and proposals for highway research and development.

4. To make recommendations to the general assembly, the governor, Iowa's congressional delegation, the department and the United States department of transportation based upon research conducted and supervised by the board.

5. To monitor the progress of recommended projects and periodically evaluate each project's success and impact upon Iowa's highways.

6. To periodically report and publish the results of research conducted by the board.

7. To annually report by December 15 of each year to the general assembly and the governor regarding the board's activities and research.

Sec. 4. NEW SECTION. 307D.4 GOVERNING BOARD — STAFF.

The powers of the board shall be vested in and exercised by a governing board consisting of fourteen members appointed by the governor, subject to confirmation by the senate in accordance with section 2.32, and four members of the general assembly. The membership shall be qualified as follows:

1. Three members shall be county engineers or members of county boards of supervisors.

2. Three members shall be city engineers.

3. Three members shall be employed by the department in the administration of highways.

4. Five members shall be university representatives, two from the state university of Iowa, two from Iowa state university of science and technology, and one from the university of northern Iowa. One of the members from both the state university of Iowa and Iowa state university of science and technology shall be faculty members of the respective institution's engineering college; the other members shall be faculty members of any college or department excluding the engineering college of the respective institution.

5. Four members shall be members of the general assembly, one to be appointed by the speaker of the house from the membership of the house, one to be appointed by the minority leader of the house from the membership of the house, one to be appointed by the majority leader of the senate from the membership of the senate, and one to be appointed by the minority leader of the senate from the membership of the senate.

No more than a simple majority of the members of the board shall be of the same political party or same gender as provided in sections 69.16 and 69.16A.

Sec. 5. NEW SECTION. 307D.5 TERMS OF OFFICE – OFFICERS SELECTED.

The board shall be appointed for staggered terms of four years beginning and ending as provided in section 69.19. The legislative members of the board shall be appointed to staggered four-year terms of office, two of which shall expire every two years. A legislative member's tenure on the board is terminated if the board member ceases to be a member of the general assembly. Vacancies in the membership shall be filled for the unexpired term in the same manner as the original appointment. The board shall annually select from its membership a chairperson and a vice chairperson by a majority vote of the total membership. A member of the department, as selected by the board, shall serve as secretary.

Sec. 6. NEW SECTION. 307D.6 MEETINGS OF THE BOARD – EXPENSES.

The board shall meet at least six times each year and shall hold special meetings on the call of the chairperson. Except as otherwise provided, the members of the board shall serve without additional compensation to the salary and expenses authorized for the office or position held by the member. Members representing political subdivisions who are not elected officials shall receive forty dollars per diem and necessary and actual expenses incurred in the performance of their duties. Legislative members shall be paid for their actual and necessary expenses and, when the general assembly is not in session, per diem as provided in sections 2.10 and 2.12. The department's members of the board shall be reimbursed for their actual and necessary expenses from the funds appropriated pursuant to section 313.5.

Sec. 7. NEW SECTION. 307D.7 ADDITIONAL AUTHORITY.

The board may:

1. Do all things necessary, proper and expedient in executing and achieving the duties and objectives assigned to the board in this chapter.

2. Hold public hearings.

3. Enter into contracts, within the limits of funds made available to the board, with individuals, organizations, and institutions for services furthering the objectives of the board.

4. Accept grants of money, property, or other resources from the federal government or any other source, and upon its own order use the money, property, or other resources to accomplish the duties and objectives of the board.

Sec. 8. Section 310.10, Code 1989, is amended to read as follows:

**310.10 FARM-TO-MARKET ROAD SYSTEM DEFINED.**

The farm-to-market road system shall embrace those roads as defined in section 306.3, subsection 5. However, a road which is classified as being part of the arterial or arterial connector system under chapter 306 but whose jurisdiction still vests in the county in which it is located, shall be deemed to be part of the farm-to-market road system until the time the jurisdiction of the road is transferred to the department.

Sec. 9. Section 312.1, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the road use tax fund and the funds to which moneys from the road use tax fund are credited shall be credited to the respective funds which generated the interest or earnings road use tax fund.

Sec. 10. Section 312.2, subsections 1 through 4, Code 1989, are amended to read as follows:

1. To the primary road fund, forty-five forty-seven and one-half percent.
2. To the secondary road fund of the counties, twenty-eight twenty-four and one-half percent.
3. To the farm-to-market road fund, nine eight percent.
4. To the street construction fund of the cities, eighteen twenty percent.

Sec. 11. Section 312.2, subsection 14, Code 1989, is amended to read as follows:

14. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the revitalize Iowa's sound economy fund, created under section 315.2, the revenue accruing to the road use tax fund in the amount equal to two thirds of the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 324.3 except aviation gasoline:

(1) For the period July 1, 1985, through December 31, 1985, the amount of excise tax collected from two cents per gallon.

(2) From and after January 1, 1986, the amount of excise tax collected from three one and eleven-twentieths cents per gallon.

b. From the excise tax on special fuel for diesel engines:

(1) For the period July 1, 1985, through December 31, 1985, the amount of excise tax collected from one cent per gallon.

(2) For the period January 1, 1986, through December 31, 1986, the amount of excise tax collected from two cents per gallon.

(3) From and after January 1, 1987, the amount of excise tax collected from three one and eleven-twentieths cents per gallon.

Sec. 12. Section 312.2, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 14A.** The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the secondary road fund the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 324.3, except aviation gasoline, the amount of excise tax collected from nine-twentieths cent per gallon.

b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from nine-twentieths cent per gallon.

Sec. 13. Section 312.2, Code 1989, is amended by adding the following new subsections:

**NEW SUBSECTION. 19. a.** The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, credit from the road use tax fund two million dollars to the county bridge construction fund, which is hereby created. Moneys credited to the county bridge construction fund shall be allocated to counties by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

b. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, credit from the road use tax fund five hundred thousand dollars to the city bridge construction fund, which is hereby created. Moneys credited to the city bridge construction fund shall be allocated to cities by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

**NEW SUBSECTION. 20.** Subsections 1 through 4 do not apply during the fiscal period beginning July 1, 1989, through June 30, 1991. For the fiscal year beginning July 1, 1989, and the succeeding fiscal year, the treasurer of state, after making the other allotments provided for in this section, shall credit:

a. To the primary road fund, two hundred eighty-five million dollars less the combined amount of moneys credited in the fiscal year to the primary road fund under subsections 7 and 11 and moneys credited for the use of the department on primary road projects under section 315.4, subsection 1.

b. To the secondary road fund of the counties, one hundred forty-eight million dollars less the combined amount of moneys credited in the fiscal year to the secondary road fund under subsection 14A and moneys credited for the use of counties on secondary road projects under section 315.4, subsection 2.

c. To the farm-to-market road fund, forty-eight million dollars less the amount of moneys credited to the farm-to-market road fund under subsection 11.

d. To the street construction fund of the cities, one hundred twelve million dollars less the amount of moneys credited for the use of cities on city street projects under section 315.4, subsection 3.

e. If in a fiscal year there are insufficient moneys credited to the road use tax fund to fully credit to the respective funds the full amount appropriated under paragraphs "a" through "d", the treasurer of state shall reduce the amounts credited under paragraphs "a" through "d" by the amount of the shortfall among the respective funds in proportion to the allocation among the funds under subsections 1 through 4. Similarly, if in a fiscal year there are moneys credited to the road use tax fund in excess of those necessary to fully credit the respective funds with the amounts appropriated under paragraphs "a" through "d", the treasurer of state shall increase the amounts credited under paragraphs "a" through "d" by the amount of the additional available moneys among the respective funds in proportion to the allocation among the funds under subsections 1 through 4.

This subsection is repealed effective July 1, 1991.

Sec. 14. NEW SECTION. 312.3A STREET RESEARCH FUND.

Prior to the allocation to the cities under section 312.3, subsection 2, the department is authorized to set aside each year two hundred thousand dollars from the street construction fund of the cities in a fund to be known as the street research fund. The street research fund shall be used by the department solely for the purpose of financing engineering studies and research projects which have as their objective the more efficient use of funds and materials that are available for the construction and maintenance of city streets, including city street bridges and culverts. The research projects and engineering studies authorized shall be conducted in cooperation with the city engineers. On or before January 31 each year the department shall file a report with the governor, state transportation commission, city engineers, chief clerk of the house of representatives, and secretary of the senate showing the work accomplished and projects undertaken under this section.

Sec. 15. Section 312.16, Code 1989, is amended to read as follows:

312.16 DEFINITION DEFINITIONS.

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

1. "Department" means the state department of transportation.
2. "Fiscal year" means the period of twelve months beginning on July 1 and ending on June 30.

Sec. 16. Section 315.4, Code 1989, is amended to read as follows:

315.4 ALLOCATION OF FUND.

Moneys credited to the RISE fund shall be allocated as follows:

1. ~~Fifty percent~~ Twenty thirty-firsts for the use of the department on primary road projects exclusively for highways which are identified under section 307A.2 as being part of the network of commercial and industrial highways.
2. ~~Twenty-five percent~~ One thirty-first for the use of counties on secondary road projects.
3. ~~Twenty-five percent~~ Ten thirty-firsts for the use of cities on city street projects.

Commencing June 30, 1990, all uncommitted moneys in the RISE fund on June 30 of each year which are allocated under this section for the use of counties on secondary road projects shall be credited to the secondary road fund.

Sec. 17. Section 602.8106, subsection 4, Code 1989, is amended to read as follows:

4. The clerk shall remit all other fines and forfeited bail received from a magistrate to the treasurer of state to be credited to the general fund of the state, except that annually the first two million five hundred thousand dollars in fines which are imposed through vehicle violation citations issued by motor vehicle division personnel at portable and fixed weigh stations in the state which shall be credited to the road use tax fund.

Sec. 18. 1988 Iowa Acts, chapter 1019, sections 21, 23, and 24, are repealed.

Sec. 19. Except for the provisions of section 13 of this Act relating to the county bridge construction fund and the city bridge construction fund, it is the intent of the general assembly that no additional statutory off-the-top allocations from the road use tax fund shall be enacted by the general assembly.

Sec. 20. The legislative council shall appoint a study committee for the purpose of studying, and making recommendations for the allocation of secondary road fund moneys and farm-to-market road fund moneys among the counties. A majority of the members of the study committee shall be representatives of the counties. The recommendations shall be submitted to the governor, the chief clerk of the house, and the secretary of the senate not later than January 31, 1990.

Sec. 21. The Iowa highway research board created prior to the enactment of this Act by the state department of transportation shall advise the Iowa highway research board created under this Act.

Sec. 22. There is appropriated from the road use tax fund to the state department of transportation the sum of \$15,000 or so much thereof as is necessary, for the purpose of conducting a study, in consultation with the department of natural resources and representatives of cities and counties, to analyze and report on the impact of waterway opening and floodplain requirements existing in federal or state law, regulations, administrative rules or design guides, on current and future road and bridge requirements, costs, and needs. The analysis shall consider what economies the various road programs might achieve by modifying these requirements, including reducing or eliminating the liability a road jurisdiction might have with current or alternative future requirements for road and bridge features for waterways and floodplains, including analyzing the risk to and benefits for roads and bridges and the risks and costs to land, improvements, and human activity. The study shall recommend methods for reducing the future highway program costs for providing bridges in Iowa. The study shall be submitted to the governor, the chief clerk of the house, and the secretary of the senate not later than January 31, 1990.

Sec. 23. Section 17 of this Act takes effect July 1, 1990."

2. Title page, line 1, by inserting after the word "to" the following: "roads and".

3. Title page, line 2, by inserting after the word "jurisdictions" the following: "creating the county bridge construction fund and the city bridge construction fund, and creating the Iowa highway research board and providing for the board's compensation and expenses".

ON THE PART OF THE HOUSE:

MIKE CONNOLLY, Chair  
KENNETH R. DE GROOT  
DEO A. KOENIGS  
LOUIS J. MUHLBAUER  
GREGORY A. SPENNER

ON THE PART OF THE SENATE:

DON E. GETTINGS, Chair  
C. JOSEPH COLEMAN  
RICHARD F. DRAKE  
JOHN W. JENSEN  
ELAINE SZYMONIAK

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 524)

The ayes were, 75:

Adams	Arnould	Avenson, Spkr.	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Chapman	Clark
Cohoon	Connolly	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Haverland	Hermann
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKinney	Metcalf	Miller	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Swartz	Tabor	Trent
Van Maanen	Wise	Connors	
		Presiding	

The nays were, 24:

Banks	Beaman	Brand	Branstad
Brown	Carpenter	Daggett	Fuller
Garman	Hammond	Harper	Hester
Hibbard	Holveck	Maulsby	McKean
Mertz	Pellet	Plasier	Renken
Royer	Svoboda	Teaford	Tyrrell

Absent or not voting, 1:

Muhlbauer

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 531)**

Koenigs of Mitchell called up for consideration the report of the conference committee on Senate File 531 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 531**

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 531, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application, respectfully make the following report:

1. That the House amendment, S-4024, be amended to read as follows:

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

" \_\_\_\_\_. By striking page 3, line 32, through page 4, line 2."

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

" \_\_\_\_\_. Page 15, line 12, by inserting after the word "per" the following: "essential air service"."

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

" \_\_\_\_\_. Page 15, line 15, by inserting after the word "airports." the following: "From funds appropriated in this section, the state department of transportation may also award dollar-for-dollar matching grants up to \$10,000 for nonprofit community cultural programs and activities at essential air service airports."

\_\_\_\_\_. Page 15, by inserting after line 15 the following:

"Sec. \_\_\_\_\_. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For essential air service airport terminal improvements:

\$ 250,000

In selecting projects, the state department of transportation shall give preference to projects that will assist in maintaining and attracting air service. The state department of transportation shall provide funding for as many essential air service communities as possible based on merit and need. Priority shall be given to those airports with projects closest to completion. Those airports that use moneys from this program must complete their projects in the fiscal year beginning July 1, 1990. The state department of transportation shall notify essential air service airports of this program and make tentative selection of projects forty-five days from the effective date of this Act.

Notwithstanding section 8.33, unobligated and unencumbered funds remaining on November 30, 1990, from the funds appropriated in this section for the fiscal year beginning July 1, 1989, shall revert to the general fund of the state on November 30, 1990." "

4. Page 1, by striking lines 27 through 30.

5. Page 1, by inserting after line 32, the following:

" \_\_\_\_\_ . Page 15, by inserting after line 35, the following:

"Moneys appropriated to the Iowa air link transportation commission under this section shall be replaced by crediting the appropriated amount to the road use tax fund from the state aviation fund after moneys otherwise appropriated under this Act from the state aviation fund are provided." "

6. Page 1, by striking lines 33 and 34.

7. Page 2, line 7, by inserting after the figure "3." the following: "Moneys credited under this section shall not be used for the acquisition of property through condemnation."

8. By striking page 2, line 45, through page 3, line 46.

9. Page 4, by striking lines 18 through 28.

10. By striking page 4, line 29, through page 5, line 7.

11. Page 5, by inserting before line 8, the following:

" \_\_\_\_\_ . Page 18, by inserting before line 27 the following:

"Sec. \_\_\_\_\_ . Section 321.34, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 12. PEARL HARBOR PLATES. Effective January 1, 1990, the owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck or pickup who was at Pearl Harbor, Hawaii, as a member of the armed services of the United States on December 7, 1941, may, upon written application to the department, order special registration plates which shall bear the notation "PEARL HARBOR VETERAN". The special plates shall bear the identification "DEC 7" followed by a two digit identifying number. Each applicant applying for special registration plates under this subsection may purchase only one set of registration plates under this subsection. The application is subject to approval

by the department. Upon receipt of the special registration plates, the applicant shall surrender the regular registration plates to the county treasurer. The fee for the issuance of the special registration plates is twenty-five dollars which shall be in addition to the regular annual registration fee. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section with no additional registration fee being required other than the regular annual registration fee.

Sec. \_\_\_\_ . Section 321.190, subsection 1, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The fee for a nonoperator's identification card shall be five dollars and the card shall be valid for the purpose of identification for a period of four years from the date of issuance. A fee of five dollars shall be charged for the voluntary replacement of an identification card.

Sec. \_\_\_\_ . Section 321.195, Code 1989, is amended to read as follows:

321.195 DUPLICATE CERTIFICATES, MOTOR VEHICLE LICENSES, AND NONOPERATOR'S IDENTIFICATION CARDS.

In the event that an instruction permit, operator's, chauffeur's license, motorized bicycle a motor vehicle license, nonoperator's identification card, or extension certificate issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may upon payment of a fee of ~~two~~ three dollars for an ~~operator's or chauffeur's a motor vehicle license or nonoperator's identification card, or~~ one dollar for an extension certificate, ~~or motorized bicycle license, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit, the motor vehicle license, nonoperator's identification card, or extension certificate has been lost or destroyed.~~ A fee of one dollar shall be charged for the voluntary replacement of an instruction permit or an operator's or chauffeur's a motor vehicle license or nonoperator's identification card." "

12. Page 5, by striking line 44.

13. Page 5, by inserting before line 45, the following:

" \_\_\_\_ . Page 22, by inserting before line 7, the following:

"Sec. \_\_\_\_ . If because of any court decision, the abstract fee fund, its programs and functions are in jeopardy, the state department of transportation may request the executive council to charge to the road use tax fund the costs of purchasing motor vehicle licenses, as defined in section 321.1, subsection 77, and the department of public safety, division of criminal investigation and bureau of identification may request the executive council to charge to the general fund of the state the moneys appropriated to the division from the abstract fee fund under this Act. There is appropriated from the road use tax fund and the general fund of the state the moneys charged under this section. The state department of transportation and the department of public safety, division of criminal investigation and bureau of identification, shall provide a detailed accounting of the charges if this change in the method of funding is implemented." "

14. Page 5, by inserting after line 48, the following:

" \_\_\_\_ . Title page, line 6, by inserting after the word "funds," the following: "altering the fee for duplicate or replacement motor vehicle licenses and nonoperator's identification cards," "

15. By striking page 5, line 49, through page 6, line 7.

16. Page 6, by inserting before line 8, the following:

" \_\_\_\_\_. Title page, line 9, by inserting after the word "purchases," the following: "providing for the issuance of special Pearl Harbor registration plates,"."

ON THE PART OF THE HOUSE:

DEO KOENIGS, Chair  
JACK BEAMAN  
DENNIS COHOON  
MIKE CONNOLLY  
DON SHONING

ON THE PART OF THE SENATE:

DON E. GETTINGS, Chair  
EMIL J. HUSAK  
JIM LIND  
JACK NYSTROM  
JOE J. WELSH

A non-record roll call was requested.

The ayes were 50, nays 43.

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 531)

The ayes were, 62:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Blanshan	Brand
Branstad	Clark	Cohoon	Connolly
Daggett	Diemer	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Haverland	Hermann	Hester	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lykam
Maulsby	McKinney	Mertz	Miller
Muhlbauer	Ollie	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Royer	Schnekkloth	Shearer
Sherzan	Shoning	Siegrist	Spenner
Stromer	Stueland	Tabor	Trent
Tyrrell	Van Maanen		

The nays were, 34:

Beatty	Black	Brammer	Brown
Buhr	Carpenter	Corbett	De Groot
Doderer	Dvorsky	Eddie	Hammond
Harper	Hatch	Hibbard	Holveck
Lageschulte	Lundby	May	McKean
Metcalf	Neuhauser	Nielsen	Osterberg

Pellett  
Shoultz  
Wise

Plasier  
Spear  
Connors  
Presiding

Rosenberg  
Svoboda

Schrader  
Teaford

Absent or not voting, 4:

Avenson, Spkr.

Chapman

Hansen, S. D.

Swartz

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:

Shearer of Louisa, for the remainder of the day, on request of Brown of Lucas.

### IMMEDIATE MESSAGE

(House Concurrent Resolution 10)

Arnould of Scott asked and received unanimous consent that House Concurrent Resolution 10 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 536.

### Appropriations Calendar

**Senate File 536**, a bill for an act relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H—4454 filed by the committee on appropriations and moved its adoption:

H—4454

- 1 Amend Senate File 536, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by striking lines 18 through 21.
- 4 2. Page 5, line 10, by striking the word "full-
- 5 time".
- 6 3. Page 5, by striking line 28.
- 7 4. Page 6, by striking lines 15 through 17.
- 8 5. Page 6, line 22, by inserting after the word
- 9 "transportation," the following: "executive secretary
- 10 of the state board of regents,".

The committee amendment H — 4454 was adopted, placing out of order amendment H — 4416 filed by Peterson of Carroll and Harbor of Mills on May 4, 1989.

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. 536)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Sherzan	Shoning	Shultz
Siegrist	Spear	Spencer	Stromer
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, 3:

Lundby	Maulsby	Stueland
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Absent or not voting, 4:

Bisignano	Garman	Groninga	Shearer
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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 536)

Arnould of Scott asked and received unanimous consent that Senate File 536 be immediately messaged to the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story, until her return, on request of Corbett of Linn.

The House stood at ease at 6:37 p.m., until the fall of the gavel.

The House resumed session at 7:55 p.m., Speaker Avenson in the chair.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 5, 1989, 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 140, a bill for an act relating to the linked deposit program and providing an effective date.

Also: That the Senate has on May 5, 1989, 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 451, a bill for an act relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing an effective date.

Also: That the Senate has on May 5, 1989, 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 703, a bill for an act relating to the financing for the rural community 2000 program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program.

Also: That the Senate has on May 5, 1989, 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 472, a bill for an act relating to private and home education and providing a penalty.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT CONSIDERED House Refused To Concur

Wise of Lee called up for consideration **Senate File 220**, a bill for an act relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates, amended by the House, further amended by

the Senate and moved that the House concur in the following Senate amendment H-4464 to the House amendment:

H-4464

1 Amend the House amendment, S-4127, to Senate File  
2 220, as amended, passed, and reprinted by the Senate,  
3 as follows:

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

6 "\_\_\_\_\_. Page 1, line 25, by inserting after the  
7 word "wagering," the following: "The commission shall  
8 not authorize the simultaneous telecast or televising  
9 of and a licensee shall not simultaneously telecast or  
10 televise any horse or dog race for the purpose of  
11 conducting pari-mutuel wagering unless the  
12 simultaneous telecast or televising is done at the  
13 racetrack of the licensee on a day and during the  
14 time, when there is a horse or dog racing meet being  
15 held at the racetrack." "

16 2. Page 1, by inserting after line 6 the  
17 following:

18 "\_\_\_\_\_. Page 4, by inserting before line 14 the  
19 following:

20 "Sec. \_\_\_\_\_. Section 99D.14, Code 1989, is amended  
21 by adding the following new subsection:

22 NEW SUBSECTION. 6. Any property used in the  
23 operation of a racetrack which is not exempt from  
24 property tax on July 1 following the effective date of  
25 this Act or which becomes taxable property as a result  
26 of a court decision or change of ownership, or the  
27 construction of a new track that is not otherwise  
28 exempt shall be exempt from property taxation for  
29 three years beginning January 1 of the assessment year  
30 in which this Act becomes effective or beginning  
31 January 1 of the assessment year in which the property  
32 first becomes taxable as a result of a court decision  
33 or change in ownership, or the construction of a new  
34 track that is not otherwise exempt, whichever is  
35 applicable. During the last assessment year for which  
36 the property is exempt, the county board of  
37 supervisors shall present the question of the  
38 extension for an additional ten years of the tax  
39 exemption at a regular state election or a special  
40 election. If a majority of those voting on the  
41 question favor the tax exemption of the property, the  
42 property shall be exempt for an additional ten years.  
43 The exemption may be extended for additional ten-year  
44 periods in the same manner as was done for the first  
45 ten-year period." "

46 3. Page 1, by striking lines 21 through 44.

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

The motion lost and the House refused to concur in the Senate amendment H—4464 to the House amendment.

**IMMEDIATE MESSAGE**  
(Senate File 220)

Arnould of Scott asked and received unanimous consent that Senate File 220 be immediately messaged to the Senate.

**HOUSE INSISTED**

Jesse of Jasper called up for consideration **House File 686**, a bill for an act establishing a science and technology foundation and providing an effective date, and moved that the House insist on its amendment, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED**  
(House File 686)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 686: Swartz of Marshall, Chair; Jesse of Jasper, Hatch of Polk, Bennett of Ida and Metcalf of Polk.

The House stood at ease at 8:07 p.m., until the fall of the gavel.

The House resumed session at 8:30 p.m., Speaker Avenson in the chair.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 5, 1989, insisted on its amendment to House File 250, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty, and the members of the conference committee, on the part of the Senate are: The Senator from Johnson, Senator Varn, Chair; the Senator from Polk, Senator Mann; the Senator from Woodbury, Senator Doyle; the Senator from Hardin, Senator Taylor; and the Senator from Buena Vista, Senator Fuhrman.

Also: That the Senate has on May 5, 1989, 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 740, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable.

Also: That the Senate has on May 5, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 792, a bill for an act relating to transportation of hazardous materials and providing an effective date.

Also: That the Senate has on May 5, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 33, a concurrent resolution to urge the State Department of Transportation to continue studying the advisability of expanding the number of lanes of Interstate 235 in Polk County.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED  
(House File 250)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 250: Jochum of Dubuque, Chair; Rosenberg of Story, Brammer of Linn, Harbor of Mills and Shoning of Woodbury.

SENATE AMENDMENT CONSIDERED

Cohon of Des Moines called up for consideration **Senate File 472**, a bill for an act relating to private and home education and providing a penalty, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4468 to the House amendment:

H-4468

- 1 Amend the House amendment, S-3752, to Senate File
- 2 472, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 3, by inserting before line 20, the
- 5 following:
- 6 "\_\_\_\_\_. Page 9, by inserting after line 31, the
- 7 following:
- 8 "For the school years which begin and end during
- 9 the period commencing July 1, 1989, and ending
- 10 September 1, 1994, a parent or guardian who places a
- 11 child under instruction in a nonaccredited school
- 12 which employs instructors who are not certificated
- 13 teachers shall be deemed to have met the requirements
- 14 of this chapter and chapter 299, if the nonaccredited
- 15 school receives approval from the department of
- 16 education, based upon an annual report filed by the
- 17 nonaccredited school, that the school is making a good
- 18 faith effort to employ certificated instructional
- 19 personnel. The state board of education shall adopt
- 20 rules defining the term "good faith effort", which
- 21 shall include, but is not limited to, policies that
- 22 support and encourage noncertificated instructors to
- 23 become certificated, advertisements for positions that

24 state a preference for certificated persons or persons  
25 who can reasonably obtain certification by 1994, and  
26 evidence of the enrollment of noncertificated  
27 instructors in courses leading to certification.” ”

The motion lost and the House refused to concur in the Senate amendment H—4468, to the House amendment.

### IMMEDIATE MESSAGE

(Senate File 472)

Arnould of Scott asked and received unanimous consent that Senate File 472 be immediately messaged to the Senate.

### HOUSE INSISTED

Jay of Appanoose called up for consideration **House File 740**, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED

(House File 740)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 740: Jay of Appanoose, Chair; Hansen of Woodbury, Poncy of Wapello, Siegrist of Pottawattamie and Harbor of Mills.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee, on the part of the Senate, appointed May 5, 1989, to House File 740, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable are: The Senator from Woodbury, Senator Doyle, Chair; the Senator from Polk, Senator Mann; the Senator from Lee, Senator Fraise; the Senator from Hardin, Senator Taylor; and the Senator from Polk, Senator Gentleman.

Also: That the Senate has on May 5, 1989, 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 753, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters.

JOHN F. DWYER, Secretary

The House stood at ease at 8:33 p.m., until the fall of the gavel.

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

### SENATE AMENDMENT CONSIDERED

Wise of Lee called up for consideration **House File 644**, a bill for an act relating to institutions, programs, and funds for which the college aid commission acts as a guaranteeing agency, amended by the Senate, and moved that the House concur in the following Senate amendment H—4465:

H—4465

1 Amend House File 644, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 1, by striking lines 16 through 18, and  
4 inserting the following: "loan liquidity corporation.  
5 The other three such members, none of whom shall".

6 2. By striking page 1, line 27, through page 2,  
7 line 12, and inserting the following:  
8 "Sec. \_\_\_\_\_. Section 261.12, subsection 2, Code 1989,  
9 is amended by striking the subsection and inserting in  
10 lieu thereof the following: .

11 2. The amount of a tuition grant to a qualified  
12 part-time student enrolled in a course of study  
13 including at least three semester hours but fewer than  
14 twelve semester hours for the fall and spring  
15 semesters, or the trimester or quarter equivalent,  
16 shall be equal to the amount of a tuition grant that  
17 would be paid to a full-time student times a number  
18 which represents twelve semester hours, or the  
19 trimester or quarter equivalent, divided by the number  
20 of hours in which the part-time student is actually  
21 enrolled."

22 3. Page 2, line 24, by striking the word "ten"  
23 and inserting the following: "one".

24 4. Page 2, line 26, by striking the words "this  
25 chapter" and inserting the following: "section  
26 261.25".

27 5. Page 3, by inserting after line 16 the  
28 following:

29 "4. The commission shall annually report to the  
30 general assembly the methodology and manner in which  
31 the commission makes the determination of awards for  
32 programs for which funds are appropriated under  
33 section 261.25."

34 6. Page 4, line 4, by striking the words  
35 "guaranteed student stafford loan" and inserting the  
36 following: "guaranteed student loan and the Iowa  
37 guaranteed loan payment".

- 38 7. Page 4, by striking line 5 and inserting the  
 39 following: "~~program programs.~~"
- 40 8. Page 4, lines 18 and 19, by striking the words  
 41 "a guaranteed student an Iowa stafford" and inserting  
 42 the following: "a guaranteed student".
- 43 9. Page 4, by inserting after line 23, the  
 44 following:  
 45 "Sec. \_\_\_\_\_. Section 261.38, subsection 2, Code  
 46 1989, is amended to read as follows:  
 47 2. The general assembly shall appropriate moneys  
 48 from the loan reserve account of the commission to the  
 49 college aid commission for operating costs of the  
 50 guaranteed student loan program. Moneys appropriated

**Page 2**

- 1 from the loan reserve account for operating costs of  
 2 the guaranteed student loan program that are  
 3 unencumbered or unobligated on June 30 of a fiscal  
 4 year shall revert to the loan reserve account of the  
 5 commission.
- 6 Sec. \_\_\_\_\_. Section 261.42, Code 1989, is amended to  
 7 read as follows:  
 8 261.42 SHORT TITLE.  
 9 This division shall be known and may be cited as  
 10 the "Iowa Guaranteed Student Loan Program".
- 11 10. Page 4, line 27, by striking the words "IOWA  
 12 STAFFORD" and inserting the following: "GUARANTEED".
- 13 11. Page 4, line 29, by striking the words "Iowa  
 14 stafford" and inserting the following: "guaranteed".
- 15 12. Page 4, line 34, by inserting after the word  
 16 "program." the following: "Moneys appropriated for  
 17 the program shall be used to repay loans to students  
 18 demonstrating the greatest financial need and shall  
 19 not be prorated among all qualified applicants. If  
 20 moneys appropriated are insufficient to repay loans to  
 21 all qualified applicants, priority shall be given to  
 22 repayment of debts under the Iowa guaranteed student  
 23 loan program."
- 24 13. By striking page 4, line 35, through page 5,  
 25 line 8, and inserting the following:  
 26 "Sec. \_\_\_\_\_. Section 261.45, Code 1989, is amended  
 27 to read as follows:  
 28 261.45 GUARANTEED TEACHER LOAN PAYMENT PROGRAM  
 29 PAYMENTS.  
 30 There is established a guaranteed student loan  
 31 payment program to be administered by the commission.  
 32 An individual who meets all of the following  
 33 conditions is eligible for reimbursement payments  
 34 under the guaranteed loan payment program if the  
 35 individual meets all of the following conditions:

36 1. Is a teacher employed on a full-time basis  
 37 under sections 279.13 through 279.19 in a school  
 38 district in this state, is a teacher in an approved  
 39 nonpublic school in this state, or is a certified  
 40 teacher at the Iowa braille and sight-saving school or  
 41 the Iowa school for the deaf.

42 2. Has As of the beginning of a school year, has  
 43 an outstanding debt with an eligible lender under the  
 44 Iowa guaranteed student loan program as of the  
 45 beginning of a school year or the Iowa supplemental  
 46 loans for students program, has parents with an  
 47 outstanding debt with an eligible lender under the  
 48 Iowa PLUS loan program, or has an outstanding debt  
 49 under the Stafford loan program, the supplemental  
 50 loans for students program, or the PLUS loan program.

**Page 3**

1 3. Has never defaulted on a loan guaranteed by the  
 2 commission or by the federal government.

3 4. Teaches one or more of the following during  
 4 that school year:

5 a. A sequential mathematics course at the advanced  
 6 algebra level or higher.

7 b. A chemistry, advanced chemistry, physics, or  
 8 advanced physics course.

9 5. Graduated from college after January 1, 1983,  
 10 with a major in mathematics or science.

11 ~~The commission shall adopt rules under chapter 17A~~  
 12 ~~to provide for the administration of this program.~~

13 ~~There is appropriated from the general fund of the~~  
 14 ~~state to the Iowa college aid commission, the sum of~~  
 15 ~~eighty-five thousand dollars, or as much thereof as is~~  
 16 ~~necessary, for the fiscal year beginning July 1, 1987~~  
 17 ~~and each succeeding fiscal year, to make the~~  
 18 ~~reimbursement payments required under this section.~~

19 ~~Maximum~~ The maximum annual reimbursement payments  
 20 payment to an eligible teacher for loan repayments  
 21 made during a school year ~~shall be equal to~~ is one  
 22 thousand dollars or the remainder of a the teacher's  
 23 loan, whichever is less. Total payments for an  
 24 eligible teacher shall not exceed six thousand  
 25 dollars. If a teacher fails to complete a year of  
 26 instruction in a course listed in subsection 4, the  
 27 teacher shall not be reimbursed for loan repayments  
 28 made during that school year.

29 The commission may sign contracts with eligible  
 30 students at or after the time of loan origination to  
 31 assure loan repayment."

32 14. Page 5, line 15, by striking the words "Iowa  
 33 stafford" and inserting the following: "guaranteed".

34 15. Page 5, line 16, by striking the word  
35 "individual" and inserting the following: "individual  
36 therapist".

37 16. Page 5, by striking lines 24 through 28 and  
38 inserting the following:

39 "4. Has For the third and fourth years of an  
40 occupational therapist program, has an outstanding  
41 debt with an eligible lender under the Iowa guaranteed  
42 student loan program; or the Iowa supplemental loans  
43 for students program, or has parents with an  
44 outstanding debt with an eligible lender under the  
45 Iowa PLUS loan program, for the third and fourth years  
46 of an occupational therapist program or has an  
47 outstanding debt under the Stafford loan program, the  
48 supplemental loans for students program, or the PLUS  
49 loan program."

50 17. Page 5, line 31, by inserting after the word

**Page 4**

1 "reimbursement" the following: "payment".

2 18. Page 5, line 33, by striking the words "shall  
3 be equal to" and inserting the following: "shall be  
4 equal to is".

5 19. Page 5, line 34, by striking the word "a" and  
6 inserting the following: "a the therapist's".

7 20. Page 6, line 3, by striking the word  
8 "individual" and inserting the following: "individual  
9 therapist".

10 21. Page 6, by inserting after line 4 the  
11 following:

12 "The commission may sign contracts with eligible  
13 students at or after the time of loan origination to  
14 assure loan repayment.

15 Sec. \_\_\_\_\_. NEW SECTION. 261.47 NURSING LOAN  
16 PAYMENTS.

17 An individual is eligible for reimbursement  
18 payments under the guaranteed loan payment program if  
19 the individual meets all of the following conditions:

20 1. Is a registered nurse or a licensed practical  
21 nurse employed on a full-time basis in practice as a  
22 registered nurse or licensed practical nurse, for the  
23 fiscal year beginning July 1, 1989, and ending June  
24 30, 1990, in a hospital, state agency, agency of a  
25 political subdivision, or agency delivering home-based  
26 health care, or a health care facility in this state  
27 and, in subsequent years, anywhere in this state.

28 2. As of the beginning of the state fiscal year,  
29 has an outstanding debt with an eligible lender under  
30 the Iowa guaranteed student loan program or the Iowa  
31 supplemental loans for students program, has parents  
32 with an outstanding debt with an eligible lender under

33 the Iowa PLUS loan program, or has an outstanding debt  
34 under the Stafford loan program, the supplemental  
35 loans for students program, or the PLUS loan program.

36 3. Has never defaulted on a loan guaranteed by the  
37 commission or the federal government.

38 4. Has graduated from an approved registered nurse  
39 or licensed practical nurse program on or after April  
40 1, 1989.

41 The maximum annual reimbursement payment to an  
42 eligible registered nurse or licensed practical nurse  
43 for loan payments made during a year for loans  
44 qualifying under subsection 2 is one thousand dollars  
45 or the remainder of the individual's loan, whichever  
46 is less.

47 Total payments under this section are limited to a  
48 six-year period and shall not exceed six thousand  
49 dollars. If a registered nurse or licensed practical  
50 nurse fails to complete a year of employment in

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1 practice, the individual shall not be reimbursed for  
2 payments made during that year.

3 The commission may sign contracts with eligible  
4 students at or after the time of loan origination to  
5 assure loan repayment.

6 Sec. \_\_\_\_\_. NEW SECTION. 261.48 MINORITY TEACHER  
7 LOAN PAYMENTS.

8 . An individual is eligible for reimbursement  
9 payments under the guaranteed loan payment program if  
10 the individual meets all of the following conditions:

11 1. Is a teacher employed on a full-time basis  
12 under sections 279.13 through 279.19 in a school  
13 district in this state, is a teacher in an approved  
14 nonpublic school in this state, or is a certified  
15 teacher at the Iowa braille and sight-saving school or  
16 the Iowa school for the deaf.

17 2. Is a member of a minority.

18 3. Has never defaulted on a loan guaranteed by the  
19 commission.

20 4. Has an outstanding debt with an eligible lender  
21 under the Iowa guaranteed student loan program or the  
22 Iowa supplemental loans for students program, has  
23 parents with an outstanding debt with an eligible  
24 lender under the Iowa PLUS loan program, or has an  
25 outstanding debt under the Stafford loan program, the  
26 supplemental loans for students program, or the PLUS  
27 loan program.

28 5. Graduated from college after January 1, 1989.

29 The maximum annual reimbursement payment to an  
30 eligible teacher under this section for loan  
31 repayments made during a school year is one thousand

32 dollars or the remainder of the teacher's loan,  
33 whichever is less. Total payments under this section  
34 for an eligible teacher are limited to a six-year  
35 period and shall not exceed six thousand dollars. If  
36 a teacher fails to complete a year of employment on a  
37 full-time basis as provided in subsection 1, the  
38 teacher shall not be reimbursed for loan payments made  
39 during that school year. If the number of eligible  
40 applicants exceeds the funding available, the  
41 commission may accept applicants based on academic  
42 scholarship.

43 The commission may sign contracts with eligible  
44 students at or after the time of loan origination to  
45 assure loan repayment.

46 A teacher receiving a reimbursement payment under  
47 this section is not eligible for a reimbursement  
48 payment under section 261.45.

49 Sec. \_\_\_\_\_. NEW SECTION. 261.49 NATIONAL GUARD  
50 LOAN PAYMENTS.

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1 A member of the national guard is eligible for  
2 reimbursement payments under the guaranteed loan  
3 payment program if the individual meets all of the  
4 following conditions:

5 1. Is a member of the national guard who has  
6 completed basic military training, or is participating  
7 in the reserve officer training corps simultaneous-  
8 membership program as an advanced cadet.  
9 2. Has never defaulted on a loan guaranteed by the  
10 commission.

11 3. Is an Iowa resident whose membership in the  
12 Iowa national guard is in good standing.

13 4. Has an outstanding debt with an eligible lender  
14 under the Iowa guaranteed student loan program or the  
15 Iowa supplemental loans for students program, has  
16 parents with an outstanding debt with an eligible  
17 lender under the Iowa PLUS loan program, or has an  
18 outstanding debt under the Stafford loan program, the  
19 supplemental loans for students program, or the PLUS  
20 loan program.

21 The maximum annual reimbursement to an eligible  
22 national guard member during a year for loans  
23 qualifying under subsection 4 is two thousand dollars  
24 or the remainder of the member's loan, whichever is  
25 less. Total payments for an eligible national guard  
26 member are limited to a five-year period and shall not  
27 exceed a total of ten thousand dollars.

28 If a national guard member becomes separated from  
29 the national guard, the member shall not be reimbursed  
30 for payments made during the year that the member is

31 separated from the national guard.

32 The commission may sign contracts with eligible  
33 students at or after the time of loan origination to  
34 assure loan repayment.

35 Sec. \_\_\_\_\_. NEW SECTION. 261.50 PHYSICIAN LOAN  
36 PAYMENTS.

37 A physician is eligible for reimbursement payments  
38 under the guaranteed loan payment program if the  
39 physician meets all of the following conditions:

40 1. Is licensed to practice medicine under chapter  
41 148 or 150A.

42 2. Has never defaulted on a loan guaranteed by the  
43 commission.

44 3. Agrees to practice in an eligible community of  
45 fewer than five thousand population for a minimum  
46 period of four consecutive years.

47 4. Has an outstanding debt with an eligible lender  
48 under the Iowa guaranteed student loan program or the  
49 Iowa supplemental loans for students program, has  
50 parents with an outstanding debt with an eligible

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1 lender under the Iowa PLUS loan program, or has an  
2 outstanding debt under the Stafford loan program, the  
3 supplemental loans for students program, or the PLUS  
4 loan program.

5 The maximum annual reimbursement payment to an  
6 eligible physician during a year for loans qualifying  
7 under subsection 4 is five thousand dollars or the  
8 remainder of the loan, whichever is less. Total  
9 payments for an eligible physician are limited to a  
10 four-year period and shall not exceed a total of  
11 twenty thousand dollars.

12 If a physician fails to practice in an eligible  
13 community for a year or portion of a year during the  
14 four-year period, the individual shall not be  
15 reimbursed for payments made during that year.

16 The commission may sign contracts with eligible  
17 students at or after the time of loan origination to  
18 assure loan repayment."

19 22. Page 6, by striking line 16 and inserting the  
20 following: "the guaranteed student loan payment  
21 program."

22 23. Page 6, line 22, by inserting after the word  
23 "institutions" the following: ", and the part-time or  
24 full-time summer employment of students registered for  
25 classes at Iowa postsecondary institutions during the  
26 succeeding school year."

27 24. Page 6, line 25, by striking the word "under"  
28 and inserting the following: "under".

29 25. Page 6, by striking line 26 and inserting the  
30 following: "chapter 17A to carry out the program."

31 26. Page 7, line 4, by inserting after the word  
32 "corrections" the following: ", or is part of the  
33 Iowa heritage corps, if an Iowa heritage corps is  
34 created by the general assembly".

35 27. Page 7, line 9, by inserting after the word  
36 "impair" the following: "or affect".

37 28. Page 7, by inserting after line 9 the fol-  
38 lowing:

39 "Sec. \_\_\_\_\_. Section 261.84, subsection 3, Code  
40 1989, is amended to read as follows:

41 3. Demonstrate financial need. A student's need  
42 shall be determined on the basis of a need analysis  
43 system approved for use by the commission or under the  
44 federal work-study program.

45 Sec. \_\_\_\_\_. **NEW SECTION 261.86 LEGISLATIVE INTENT.**

46 It is the intent of the general assembly to renew  
47 the ethic of civic obligation and spread the  
48 responsibilities of citizenship more equitably by  
49 expanding opportunities to Iowa's young people to  
50 pursue educational, vocational, and professional

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1 objectives after secondary school and by mobilizing  
2 the same young people to deal with pressing social  
3 problems in the state including health, education,  
4 literacy, child care, hunger, adequate housing,  
5 homelessness, and conservation of natural resources.

6 Sec. \_\_\_\_\_. **NEW SECTION. 261.87 DEFINITIONS.**

7 1. "Academic semester" means an academic semester  
8 as defined in rules adopted by the college aid  
9 commission.

10 2. "Accredited private institution" means an  
11 institution of higher education as defined in section  
12 261.9, subsection 5.

13 3. "Commission" means the college aid commission.

14 4. "Cost of attendance" means the cost of tuition,  
15 room, and board at a public higher education  
16 institution attended by a volunteer or, in the case of  
17 attendance at an accredited private institution, the  
18 highest cost for tuition, room, and board for  
19 attendance at a regents' university.

20 5. "Department" means the department of human  
21 services.

22 6. "Eligible higher education institution" means  
23 an accredited private institution, merged area school,  
24 or regents' university.

25 7. "Merged area school" means an area school as  
26 defined under section 280A.2, subsection 10.

27 8. "Regents' university" means an institution  
28 governed by the state board of regents, as defined  
29 under section 262.7, subsections 1, 2, and 3.

30 9. "Volunteer" means a person who meets the  
31 eligibility requirements established by the commission  
32 and who has been accepted for participation in the  
33 Iowa work for college program.

34 10. "Voucher" means a service and education  
35 opportunity voucher issued by the commission.

36 Sec. \_\_\_\_\_. NEW SECTION. 261.88 IOWA WORK FOR  
37 COLLEGE PROGRAM.

38 An Iowa work for college program is established to  
39 be administered jointly by the college aid commission  
40 and the department of human services. The program  
41 shall be administered under the following conditions:

42 1. The commission, with the assistance of the  
43 department, shall contract with public or nonprofit  
44 entities to provide work opportunities for eligible  
45 volunteers. The commission, the department, and the  
46 public or nonprofit entities may be allotted up to two  
47 percent of the funds appropriated for administrative  
48 purposes and expenses of the program. The commission  
49 shall adopt rules and forms, as needed, for the  
50 administration of the program.

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1 2. The commission shall establish guidelines and  
2 procedures for application and acceptance to the  
3 program. Guidelines established shall be based on a  
4 person's financial need, the person's inability to  
5 attend college without acceptance into the program, or  
6 the likelihood that the person would incur heavy debt  
7 repayment obligations if the person attended college,  
8 given the person's anticipated financial assistance  
9 alternatives.

10 3. Program volunteers shall receive stipends  
11 equivalent to seven hundred dollars per month for each  
12 month of work completed under the program. The state  
13 shall contribute five hundred dollars per month and  
14 the employer shall either contribute two hundred  
15 dollars per month to the volunteer's stipend or  
16 provide the volunteer with room and board. The  
17 employer shall also contribute one hundred dollars per  
18 month to the education trust fund created pursuant to  
19 section 261.90. The volunteer may elect to defer  
20 receipt of the employer's stipend contribution and  
21 receive a single lump sum stipend amount upon  
22 completion of the period of service under the program.

23 4. Upon completion of the service, the volunteer  
24 shall receive vouchers entitling the volunteer to  
25 educational benefits. Each voucher shall have a value

26 equal to the cost of the volunteer's attendance for  
 27 one academic semester at an eligible higher education  
 28 institution. The volunteer participant shall receive  
 29 four vouchers for each year of service completed. The  
 30 vouchers may be redeemed at an eligible higher  
 31 education institution. Only one voucher may be  
 32 redeemed per semester of attendance by a program  
 33 participant. Vouchers must be redeemed within ten  
 34 years of the date of issuance and are not  
 35 transferable.

36 5. Volunteers may be assigned work for any public  
 37 or nonprofit entity for a period of either one or two  
 38 years. The volunteers shall agree to make a full-time  
 39 commitment to a work assignment as approved by the  
 40 commission and the department. The volunteers shall  
 41 be available to work at least forty hours per week  
 42 without regard to regular working hours and at all  
 43 times during their periods of work, except for  
 44 authorized periods of leave. The work assignments  
 45 shall not be made to replace regular employees or for  
 46 participation in religious or political activities.

47 6. The public or nonprofit entity to which an  
 48 individual is assigned shall supervise and direct that  
 49 individual in the same manner as other employees and  
 50 shall pay for all necessary work materials, supplies,

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1 and transportation costs. The state shall provide  
 2 general liability and workers compensation coverage  
 3 for the volunteers, under chapter 25A, as if the  
 4 volunteers were state employees. The volunteers are  
 5 exempt from chapter 96, under section 96.19,  
 6 subsection 6, paragraph "a", subparagraph (6), subpart  
 7 (e), and are exempt from chapters 19A, 97A, and 400.

8 Sec. \_\_\_\_\_. **NEW SECTION. 261.89 ACCEPTANCE AND**  
 9 **REDEMPTION OF VOUCHERS.**

10 Eligible higher education institutions shall accept  
 11 vouchers from students enrolled in the institutions  
 12 and shall remit any vouchers received to the  
 13 commission. The commission shall transmit an amount  
 14 to the institution which equals the cost of attendance  
 15 for the current semester. If a student discontinues  
 16 attendance before the end of a semester, the entire  
 17 amount of the refund that the student would be  
 18 eligible to receive if the student had paid the  
 19 tuition, room, and board, shall be repaid to the  
 20 commission and shall revert to the trust fund created  
 21 under section 261.90. The commission shall issue the  
 22 student a voucher equal in value to the amount of the  
 23 refund received by the trust fund. The commission  
 24 shall redeem the value of each voucher from the

25 employer contributions for that student, in accordance  
26 with the proportion that the voucher is to total  
27 number of vouchers earned by the student, and from the  
28 Iowa work for college funds which are appropriated by  
29 the general assembly and deposited into the trust fund  
30 under section 261.90.

31 Sec. \_\_\_\_\_. NEW SECTION. 261.90 IOWA COLLEGE TRUST  
32 FUND.

33 The Iowa college trust fund is created as a  
34 repository for deposits made by employers under the  
35 work for college program for volunteers under that  
36 program, state appropriations for the work for college  
37 program, and state appropriations and other moneys  
38 deposited into the trust fund for the education  
39 savings program. The fund is created as a separate  
40 fund in the state treasury, and any moneys remaining  
41 in the fund at the end of each fiscal year shall not  
42 revert to the general fund, notwithstanding section  
43 8.33, but shall remain in the Iowa college trust fund.  
44 Interest or other income earned by the fund shall be  
45 deposited in the fund. Moneys deposited by employers  
46 of volunteers in the work for college program shall be  
47 deposited and accounted for in the name of the  
48 volunteer for whom the money is deposited. Moneys  
49 deposited in the name of a person named by the trustor  
50 under the education savings program shall be accounted

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1 for separately from moneys deposited for the work for  
2 college program. Money in the fund may be distributed  
3 by the college aid commission to carry out the duties  
4 of administration of the work for college program and  
5 the education savings program and moneys in the fund  
6 are appropriated for those purposes."

7 Sec. \_\_\_\_\_. NEW SECTION. 261.91 EDUCATION SAVINGS  
8 PROGRAM.

9 1. An education savings program is established to  
10 be administered by the college aid commission. The  
11 program will provide funds to match moneys in  
12 education savings accounts established for qualifying  
13 individuals.

14 Not later than April 15 of each year, the  
15 commission shall receive applications for matching  
16 funds from trustors of education savings accounts.  
17 Matching funds shall be granted by the commission  
18 based upon the moneys appropriated by the general  
19 assembly for the program and the income of the  
20 applicants. Each applicant shall submit evidence to  
21 the commission of the amount of money deposited in the  
22 applicant's education savings account during the  
23 preceding calendar year and the applicant's adjusted

24 gross income during the preceding calendar year and  
25 other financial information deemed necessary by the  
26 commission.

27 The commission shall categorize the applicants  
28 based upon the income criteria and shall distribute  
29 matching funds, to the extent that the commission  
30 determines is appropriate to the category and to the  
31 extent that moneys are available for the program, on  
32 the following basis:

33 a. For an applicant whose income is less than one  
34 hundred fifty percent of the poverty level established  
35 by the federal office of management and budget, one  
36 dollar for each dollar deposited in an education  
37 savings account.

38 b. For an applicant whose income is between one  
39 hundred fifty and one hundred ninety-nine percent of  
40 the federal poverty level established by the federal  
41 office of management and budget, fifty cents for each  
42 dollar deposited in an education savings account.

43 c. For an applicant whose income is between two  
44 hundred and two hundred fifty percent of the federal  
45 poverty level established by the federal office of  
46 management and budget, twenty-five cents for each  
47 dollar deposited in an education savings account.

48 Matching funds for a year shall not exceed two  
49 thousand dollars if the beneficiary is not the  
50 trustor. If the beneficiary is the trustor, matching

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1 funds and funds contributed by the trustor shall not  
2 exceed two hundred dollars per year and the total  
3 matching funds and trustor contributions shall each  
4 not exceed two thousand dollars.

5 When the trustor submits evidence to the commission  
6 that distribution has been made from an education  
7 savings account and the distribution is used  
8 exclusively to pay certified eligible education  
9 expenses incurred by the trustor for the beneficiary,  
10 the college aid commission shall make distribution of  
11 moneys in the Iowa college trust fund that have been  
12 designated for the trustor in an amount not to exceed  
13 the difference between the certified eligible  
14 education expenses of the beneficiary for the year and  
15 the distribution from the education savings account.

16 When a beneficiary is no longer eligible for  
17 distribution of funds from an education savings  
18 account, any funds remaining in the Iowa college trust  
19 fund that have been designated for that beneficiary  
20 shall have the designation removed.

21 For the purposes of this subsection, an education  
22 savings account is a trust created or organized in the

23 United States for the exclusive benefit of the one  
24 individual named by the trustor.

25 2. The trust must meet the following requirements:

26 a. The trustee must be a bank, credit union,  
27 savings and loan association, or a person who  
28 demonstrates to the satisfaction of the director of  
29 the department of revenue and finance that the manner  
30 in which the person will administer the trust will be  
31 consistent with the requirements of this section.

32 b. The trust funds shall not be invested in life  
33 insurance contracts.

34 c. The interest of the trustor in the balance of  
35 the trust shall be nonforfeitable.

36 d. The assets of the trust shall not be commingled  
37 with other property except in a common trust fund or a  
38 common investment fund.

39 e. The books and records of the trust shall be  
40 kept in accordance with this subsection using the tax  
41 year of the trustor and the tax year shall be  
42 specified in the governing instrument.

43 f. The trust shall be created to be an education  
44 savings account for the benefit of one named  
45 individual, and the date of birth of the named  
46 individual shall be specified. A trustor may  
47 establish only one trust under this subsection.

48 g. Contributions shall be accepted only from the  
49 trustor.

50 h. Contributions shall be accepted only in cash.

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1 i. If the beneficiary is not the trustor, a  
2 balance in the account on the day after the day on  
3 which the beneficiary attains thirty years of age, or,  
4 if earlier, the date on which the beneficiary dies,  
5 shall be distributed on that date; ninety percent to  
6 the trustor and ten percent to the college aid trust  
7 fund established in section 261.90.

8 j. If the beneficiary is the trustor, a balance in  
9 the account on the day after the day on which the  
10 beneficiary attains sixty-five years of age, or, if  
11 earlier, the date on which the beneficiary retires or  
12 dies, shall be distributed on that date, ninety  
13 percent to the trustor, or the trustor's estate, and  
14 ten percent to the college aid trust fund established  
15 in section 261.90.

16 k. A beneficiary may be the named individual in  
17 only one education savings account.

18 3. For purposes of this section, the following  
19 definitions apply:

20 a. "Named individual" or "beneficiary" means an  
21 eligible individual specified in the written governing

- 22 instrument of an education savings account.  
 23 b. "Eligible individual" means an individual who  
 24 is the trustor of the account or is a son, daughter,  
 25 stepson, or stepdaughter of the trustor of the  
 26 account, or a descendant of any of the individuals  
 27 listed.
- 28 4. For purposes of this section, a custodial  
 29 account shall be treated as a trust if the assets of  
 30 the account are held by a bank, credit union, savings  
 31 and loan association, or another person who  
 32 demonstrates to the satisfaction of the director, that  
 33 the manner in which that person will administer the  
 34 account will be consistent with the requirements of  
 35 this subsection, and if the custodial account would,  
 36 except for the fact that it is not a trust, constitute  
 37 an education savings account. In the case of a  
 38 custodial account treated as a trust by reason of the  
 39 preceding sentence, the custodian of the account shall  
 40 be treated as the trustee of the account."
- 41 29. Page 7, by striking lines 10 through 24.  
 42 30. Page 7, line 27, by striking the word  
 43 "guaranteed".  
 44 31. Page 7, line 28, by striking the word  
 45 "stafford".  
 46 32. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4465.

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. 644)

The ayes were, 85:

Arnould	Avenson, Spkr.	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Chapman	Clark	Cohoon
Connolly	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Osterberg	Pavich	Pellett

Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Trent	Tyrrell	Wise
Connors			
Presiding			

The nays were, 13:

Adams	Banks	Carpenter	Fuller
Garman	Halvorson, R.N.	Hammond	Holveck
Maulsby	Ollie	Siegrist	Teaford
Van Maanen			

Absent or not voting, 2:

Halvorson, R.A. Shearer

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

#### CONFERENCE COMMITTEE REPORTS FILED

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

JOSEPH O'HERN  
Chief Clerk of the House

Senate File 419, a bill for an act relating to energy efficiency and providing effective dates.

ON THE PART OF THE HOUSE:

RALPH ROSENBERG, Chair  
JANET L. ADAMS  
RON J. CORBETT  
ANDREW J. McKEAN  
DAVID OSTERBERG

ON THE PART OF THE SENATE:

RICHARD J. VARN, Chair  
PAT DELUHERY  
ALVIN V. MILLER  
JACK RIFE  
JOHN E. SOORHOLTZ

Senate File 470, a bill for an act relating to waste minimization and disposal.

ON THE PART OF THE HOUSE:

RALPH ROSENBERG, Chair  
DAVID OSTERBERG  
WENDELL C. PELLETT  
DAVID SCHRADER  
J. BRENT SIEGRIST

ON THE PART OF THE SENATE:

PAT DELUHERY, Chair  
JOHN P. KIBBIE  
ALVIN V. MILLER  
PAUL D. PATE  
JOHN E. SOORHOLTZ

**GOVERNOR'S VETO MESSAGE**

A copy of the following communication was received and placed on file:

May 5, 1989

The Honorable Donald Avenson  
Speaker of the House  
State Capitol Building  
L O C A L

Dear Mr. Speaker:

House File 713, an act relating to the appointment of an environmental advocate and an environmental advocate advisory committee, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 713 creates a new autonomous state agency. This office of the environmental advocate is authorized to hire attorneys, scientists, legal assistants, secretaries and clerks and other employees in order to represent the public in all proceedings before governmental agencies making decisions on the environment. This office would also have the ability to institute litigation against the state or any other governmental agency or appear in state or federal court on the same basis. In effect, House File 713 appears to set up an independent and autonomous environmental litigator in state government and establishes the bureaucracy to accompany that litigator.

I know there has been a great deal of rhetoric surrounding this bill, and there will also be some who would like to make support for this bill a litmus test for environmentalists. However, an environmental group and a number of individuals strongly committed to the environment have expressed to me deep concerns about this legislation.

Indeed, when one peers beyond the rhetoric and carefully reviews the facts of this legislation several major concerns are identified.

First, House File 713 appears to set up a duplicate and redundant governmental structure. We now have a state agency — the Department of Natural Resources — which has substantial powers to protect the public's interest in the event of environmental problems. The Department of Natural Resources Commission and the Environmental Protection Commission already are composed of citizen members who are committed to protecting the environment. In addition, the state's Soil Conservation Committee in the Department of Agriculture is similarly designed to protect the public's interest on environmental issues. I believe these commissions have done commendable jobs under difficult circumstances. They should be given our support in their efforts to protect the environment.

In addition, the General Assembly in 1986 granted the Attorney General's Office the power to institute civil or criminal proceedings to enforce environmental regulations embodied in Chapter 455B. The legal authority granted to the office of environmental advocate under House File 713 would appear to duplicate some of that authority already granted to the Attorney General's office.

And finally, citizens who feel they are not being appropriately represented by our state environmental agencies have a right, under Chapter 718A of the Iowa Code, to petition those agencies for additional rule making. Thus, interested citizens can directly impact environmental agencies in order to achieve their environmental aims.

The second major concern relating to House File 713 relates to the extent to which it undoes the substantial reorganization of state government we achieved in 1986. At that time, we cut the number of state agencies from 68 to 24 and eliminated over 10 percent of all positions in state government under our direct control. However, I am concerned that the legislature with this action is creating a new and costly state bureaucracy. In addition, one must ask, where does this type of legislation ultimately lead?

If we need to create a whole new state agency to watch over the state's environmental agencies, then do we need an ombudsman agency for every existing agency in every other area of state government?

Such a tangled bureaucracy would be impossible to manage and is not affordable to the citizens of Iowa. Rather, we should direct our attentions to making certain that government does what it is designed to do — protect the interest of citizens and carry out laws that are passed by the General Assembly.

Moreover, creating a new agency in the environmental area would likely cause confusion. In government reorganization, we grouped the natural resources agencies into a Department of Natural Resources to provide greater attention and coordination to our environmental efforts. I believe the result has been a stronger, more effective environmental capacity at the state level. Creating a new agency would confuse the public as to where the focus of responsibility is for managing environmental matters in Iowa and could, in fact, weaken our coordinated efforts to protect the environment.

And finally, I object to the method of appointment of this environmental ombudsman. During the reorganization debate the legislature wisely decided to grant the governor the authority to make the direct appointments of all state agency heads. That approach makes good management sense — it ensures both responsibility and accountability to the citizens of Iowa. House File 713, on the contrary, requires the governor to pick from names given to him by the Academy of Science to fill the head of this office. While, as Governor, I would be willing to listen to suggestions from all appropriate groups, including the Academy of Science, I'm not willing to have my appointment hands bound by such legislation.

Finally, I am concerned about the philosophy of House File 713. It appears to be guided by an underlying assumption that litigation and lawsuits are the only way to effectively protect the environment. Certainly, if environmental rules and standards are being violated, appropriate legal action should and must be taken. However, in the long run, if we are to deal with our environmental problems in an effective way, we must look for mediation and consensus building to truly achieve significant environmental solutions. Playing only "cops and robbers" with polluters will allow us to stop only the few whom we catch in the act. Instead, we must work to prevent pollution in the first place. That is the only truly long-term, effective way to protect our sensitive environment. I am concerned, that House File 713 ignores that needed approach to environmental protection.

In summary, House File 713 sets up a redundant state bureaucracy with accountability to no one and unwisely directs our environmental protection policy to the courtroom instead of the mediation table. I believe that is the wrong approach to environmental protection. It could truly harm the environmental effort in the long run.

For the above reasons, I hereby respectfully disapprove House File 713.

Sincerely,  
Terry E. Branstad  
Governor

### GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

May 5, 1989

The Honorable Donald Avenson  
Speaker of the House  
State Capitol Building  
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 535, an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates.

House File 535 represents a historic step forward in Iowa's commitment to excellence in education. I commend the members of the General Assembly for the outstanding work embodied in this bill to give Iowans a school aid formula for the next decade and the next century that we can all be proud of.

This bill meets the school aid objectives that I set out in the beginning of the session.

- It's focus is on quality education for our children.
- It provides us with a student driven formula for the future.
- It maintains and increases the state's commitment to property tax replacement.
- It simplifies the formula and provides local school boards with some needed flexibility.
- It meets the future needs of schools in our state, and
- It treats all school districts with equity and fairness.

Just two days ago the U. S. Secretary of Education issued the report card for the nation's K-12 education system. His report card reaffirmed the fact that Iowa's education system is number one in the country. Not only do our children score number one in the country on tests of educational achievement, but our drop-out rate is also among the lowest in the country.

Despite that excellent record, we cannot afford to stand still. We must reduce our drop-out rate even further: we can't afford to let any of our children drop through the cracks of society. And this bill recognizes that fact by taking important steps to address the needs of at-risk children, particularly at an early age.

We also must make certain that our children are prepared to compete with children from all across the world for the jobs of the 21st century. To do that, we must increase our commitment to quality education. And this bill does that as well; in Fiscal Year 1991, for the first time, the state's support for K-12 education will exceed \$1 billion. It makes it clear to the nation and the world that Iowa will continue to be a national and a world leader in educating our children.

I want to salute Dr. William Lepley and his staff of the Department of Education, the staff of the Department of Management, the Legislative Service Bureau and the Fiscal Bureau, and the staffs of the major educational organizations in Iowa for putting in hundreds of hours to help make this bill a reality. Without their help, we in policy-making positions would not have been able to accomplish this.

House File 535 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 37 of House File 535. This section of the bill would change the way our Area Education Agencies are funded so that they would receive an additional \$4.2 million of property taxes. This is done by changing the weightings for educational and media services by AEAs. I understand that arguments can be made to provide additional money for these services. However, I believe it is premature and unwise at this time for the General Assembly to provide additional property tax dollars for this purpose. The Department of Education is conducting a major restructuring study of the AEAs that has been mandated by the General Assembly.

That report is due on January 1. The Department of Education is reviewing the entire organizational structure and finances of the AEAs. We should not be providing substantial additional property tax funds to the AEAs prior to the time that report is completed. Instead, I am willing to consider recommendations for adjustments to AEA funding once the report is completed so that we can ensure that the dollars we are providing for these services are directed to where they are most needed.

I am unable to approve the item designated as Section 99 of House File 535. Currently, Phase III of our educational excellence program provides additional funds for teachers who do additional work or participate in performance-based pay systems. I am a strong supporter of this program and have protected it with my veto.

This legislation appropriately provides allowable growth to Phase III funds that are used for performance-based pay. I recommended that change so that teachers who are demonstrating superior performance would be able to achieve significant salary growth.

However, Section 99 could destroy our performance-based pay system by creating enormous loopholes in the definition of performance-based pay. Specifically, the current definition requires that teachers demonstrate superior performance in completing assigned duties. However, the amended version would effectively define performance-based pay as supplemental pay — that is, any additional work the teacher does would be considered performance-based pay.

I believe it is wiser for us to stay with the original definitions of performance-based pay. The Phase III monitoring committee has not recommended any change in the definition of performance-based pay and has indicated to me a need to provide additional incentives for school districts to adopt performance-based pay systems. Providing allowable growth should do so, but changing definitions would only cause confusion in local school districts.

Already at least 100 districts have implemented performance-based pay under the current definitions. At least 80 percent of the districts are moving in that direction. We should not pull the rug out from under these efforts.

I am willing to work with educational groups in refining the definition of performance-based pay, within appropriate parameters. However, I do not think it is wise at this point to reverse the state's policy on this important issue and discourage school districts in the adoption of real performance-based pay systems.

All other sections of House File 535 are approved as written by the General Assembly. In short, House File 535 represents an historic step forward for education in Iowa and I commend the General Assembly for its excellent work and look forward to its implementation.

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 535 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

## 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 5th day of May, 1989: House Files 127, 313, 331, 513, 550, 641, 672, 678 and 729.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 5, 1989, he approved and transmitted to the Secretary of State the following bills:

House File 241, an act relating to the authority of fire chiefs and their officers at fire scenes and emergencies, and providing a penalty for violations.

House File 447, an act relating to petroleum underground storage tanks, by creating a state fund and an administrative board and procedures for the fund, authorizing the fund to expend moneys for remedial action, tank improvement loan guarantees, and

the offering of insurance to satisfy federal proof of financial responsibility requirements, imposing an environmental protection charge on petroleum diminution and providing for the collection of the charge, increasing the storage tank management fee, authorizing revenue bond issues and the creation of capital reserve funds to assure and facilitate timely payment of revenue bond obligations, authorizing a local option remedial action property tax credit, providing civil and criminal penalties, providing future automatic repeals, and providing effective dates.

House File 645, an act relating to mortgage brokers and mortgage bankers.

Senate File 408, an act relating to roads, including roads identified by the state transportation commission as a network of commercial and industrial highways, by establishing the purpose of the network, by providing the terms for the improvement of the network, and by altering concurrent jurisdiction of extensions of primary roads in municipalities.

Senate File 532, an act relating to the compensation and benefits for legislators, and other public officials and employees by specifying salary levels, by providing adjustments for salaries, by specifying properly related matters, by making appropriations, and by specifying effective dates for certain provisions.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Thursday morning, May 4, 1989. Had I been present, I would have voted "aye" on House Files 784, 791, 792, and Senate Files 215, 291, 522, 540, and 541.

DAGGETT of Adams

I was necessarily absent from the House chamber on May 4, 1989. Had I been present, I would have voted "aye" on House File 792 and Senate File 540.

KREMER of Buchanan

I was necessarily absent from the House chamber on May 3 and 4, 1989. Had I been present, I would have voted "aye" on House Files 791, 786, 549, 764, 769; and Senate Files 291 and 522.

OLLIE of Clinton

I was necessarily absent from the House chamber on May 4, 1989. Had I been present, I would have voted "aye" on House File 792 and Senate File 215.

PONCY of Wapello

### PRESENTATION OF VISITORS

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

Thirty-five students from Webster City, accompanied by Ms. Nelson and Mr. Moenk. By Adams of Hamilton.

Thirty students from Lincoln School, Webster City. By Adams of Hamilton.

Thirty-eight fifth grade students from Cooper Elementary School, Fort Dodge, accompanied by Doug Brightman. By Halvorson of Webster.

Seventy-five fourth and fifth grade students from Earlham Elementary School, Earlham, accompanied by Mike Richards. By Hibbard of Madison.

Twelve seventh grade students from St. Mary's Regional School, Panama. By Muhlbauer of Crawford.

Sixty eighth grade students from Van Buren Junior High School, Keosauqua. By Wise of Lee.

#### RESOLUTIONS FILED

**HCR 18**, by Harper, Adams, Dvorsky, Brammer, Mertz, Clark, Plasier, Halvorson of Webster, Connolly, Hammond, Neuhauser, Fey, Buhr, Hester, Brown and Teaford, a concurrent resolution urging the United States Congress to appropriate additional funding to accelerate understanding of the causes, cures, and prevention of, and the improved treatment of mental diseases.

Laid over under **Rule 25**.

**HCR 19**, by Hammond, a concurrent resolution relating to the commemoration of Cinco de Mayo day.

Laid over under **Rule 25**.

**HCR 20**, by Osterberg, a concurrent resolution requesting an interim study relating to the development of an adequate state-wide water supply.

Laid over under **Rule 25**.

**HCR 22**, by Metcalf, Banks, Beaman, Bennett, Branstad, Carpenter, Clark, Corbett, Daggett, De Groot, Diemer, Eddie, Garman, Halvorson of Clayton, Hanson of Delaware, Harbor, Hermann, Hester, Kistler, Kremer, Lageschulte, Lundby, Maulsby, McKean, Miller, Pellett, Petersen of Muscatine, Plasier, Renken, Royer, Schneklath, Shoning, Siegrist, Spenner, Stromer, Stueland, Trent, Tyrrell, Van Maanen, Adams, Arnould, Beatty, Bisignano, Black, Blanshan, Brammer, Brand, Brown, Buhr, Chapman, Cohoon, Connolly, Connors, Doderer, Dvorsky, Fey, Fogarty, Fuller, Groninga, Gruhn, Halvorson of Webster, Hammond, Hansen of Woodbury, Harper, Hatch, Haverland,

Hibbard, Holveck, Jay, Jesse, Jochum, Johnson, Knapp, Koenigs, Lykam, May, McKinney, Mertz, Muhlbauer, Neuhauser, Ollie, Osterberg, Pavich, Peters, Peterson of Carroll, Poncy, Renaud, Rosenberg, Schrader, Shearer, Sherzan, Shoultz, Spear, Svoboda, Swartz, Tabor, Teaford, Wise, Nielsen and Avenson, a concurrent resolution relating to the designation of May 29, 1989, as the "National Day of Remembrance for the Victims of the USS Iowa."

Laid over under **Rule 25**.

**HCR 23**, by Blanshan, Carpenter and Ollie, a concurrent resolution requesting the Legislative Council to authorize the creation of an interim study committee to study the establishment of a Sino-American Education Center in the People's Republic of China.

Laid over under **Rule 25**.

**HR 11**, by Schrader, Rosenberg, Shoultz, Dvorsky, Hatch, Osterberg, Jay and Johnson, a resolution relating to the Exxon oil spill.

Laid over under **Rule 25**.

**SCR 33**, by Gentleman, Szymoniak, Palmer, Kinley and Mann, a concurrent resolution to urge the State Department of Transportation to continue studying the advisability of expanding the number of lanes of Interstate 235 in Polk County.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-4459	S.F.	523	Halvorson of Webster Hanson of Delaware
H-4460	S.F.	523	Halvorson of Webster
H-4461	S.F.	523	Halvorson of Webster
H-4466	H.F.	685	Senate Amendment
H-4467	H.C.R.	22	Sherzan of Polk
H-4469	H.F.	685	Blanshan of Greene

On motion by Arnould of Scott, the House adjourned at 9:55 p.m., until 9:00 a.m., Saturday, May 6, 1989.

# JOURNAL OF THE HOUSE

One Hundred Eighteenth Calendar Day — Seventy-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Saturday, May 6, 1989

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

Prayer was offered by the Honorable Charles Poncy, state representative from Wapello County.

The Journal of Friday, May 5, 1989, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton on request of Harbor of Mills; 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 members of the conference committee, on the part of the Senate, appointed May 5, 1989, to House File 686, a bill for an act establishing a science and technology foundation and providing an effective date are: The Senator from Palo Alto, Senator Kibbie, Chair; the Senator from Decatur, Senator Boswell; the Senator from Linn, Senator Running; the Senator from Des Moines, Senator Hagerla; and the Senator from Buena Vista, Senator Fuhrman.

Also: That the Senate has on May 6, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 789, a bill for an act relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation.

Also: That the Senate has on May 6, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 791, a bill for an act relating to the decertification of a magistrate prior to commencement of the magistrate's term and providing an effective date.

Also: That the Senate has on May 6, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 795, a bill for an act relating to drought assistance, making appropriations, and providing effective dates.

Also: That the Senate has on May 6, 1989, adopted the conference committee report and passed Senate File 419, a bill for an act relating to energy efficiency and providing effective dates.

Also: That the Senate has on May 6, 1989, adopted the conference committee report and passed Senate File 470, a bill for an act relating to waste minimization and disposal.

Also: That the Senate has on May 6, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 536, a bill for an act relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date.

JOHN F. DWYER, Secretary

**IMMEDIATE MESSAGE**  
(Senate File 361)

Arnould of Scott asked and received unanimous consent that Senate File 361 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE**  
(Senate File 419)

Osterberg of Linn called up for consideration the report of the conference committee on Senate File 419 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 419**

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 419, a bill for an act relating to energy efficiency and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4225.
2. That the House amendment, H—3850, to Senate File 419, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 19 the following:

“ \_\_\_\_\_ . Page 4, by inserting after line 24 the following:

“Sec. \_\_\_\_\_ . Section 478A.7, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 4.** Notwithstanding subsection 1, commencing January 1, 1990, a person may sell or offer for sale in this state a decorative gas lamp manufactured after December 31, 1978, if the utilities board within the utilities division of the

department of commerce determines, after notice and an opportunity for interested persons to comment at an oral presentation, that the sale or offer for sale of decorative gas lamps does not violate the public interest.” ”

ON THE PART OF THE HOUSE:

RALPH ROSENBERG, Chair  
 JANET L. ADAMS  
 RON J. CORBETT  
 ANDREW J. McKEAN  
 DAVID OSTERBERG

ON THE PART OF THE SENATE:

RICHARD J. VARN, Chair  
 PAT DELUHERY  
 ALVIN V. MILLER  
 JACK RIFE  
 JOHN E. SOORHOLTZ

The motion prevailed and the conference committee report was adopted.

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

On the question “Shall the bill pass?” (S.F. 419)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 5:

Diemer	Maulsby	Renken	Schnekloth
Van Maanen			

Absent or not voting, 5:

Halvorson, R. A.    Hanson, D. R.  
Stromer

Hatch

Shearer

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  
(Senate File 470)**

Rosenberg of Story called up for consideration the report of the conference committee on Senate File 470 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 470**

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 470, a bill for an act relating to waste minimization and disposal, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4418.
2. That the House recedes from its amendment, S—4062.
3. That Senate File 470, as amended, passed, and reprinted by the Senate, is amended as follows:

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

“Sec. \_\_\_\_\_ . NEW SECTION. 455B.116 RESULTS OF ENVIRONMENTAL TESTS — PUBLIC RECORDS.

The results of any test, which test is relative to the purview of the department, and which test is conducted or performed by an independent entity at the request of a government body, as defined in section 22.1, or an agent or attorney for a government body, are public records pursuant to chapter 22.

A government body shall not be required to provide such test results to any person under this section until the agency head and agency's governing body have received a copy of the test results. A government body shall not be required to provide such test results if the confidentiality of such information is protected pursuant to section 22.7. However, following receipt of test results by an agency head and the agency's governing body, the agency head or agency's governing body shall not take action regarding such test results unless the test results have been made public knowledge for a period of not less than seven days.”

2. Page 1, line 2, by striking the word “paragraph” and inserting the following: “paragraphs”.

3. Page 1, by striking lines 12 and 13 and inserting the following: "generated in the state as a whole by twenty-five percent of the amount generated as of January 1, 1987, as reported in the biennial reports collected by the United States environmental protection agency. The twenty-five percent reduction goal shall be reached as expeditiously as possible and no later than July 1, 1994. In meeting the reduction goal, elements "a" through "d" of the hazardous waste management hierarchy shall be utilized. The department, in cooperation with the small business assistance center, shall reassess the twenty-five percent reduction goal in 1994."

4. Page 1, line 17, by striking the word "including" and inserting the following: "promote".

5. Page 1, line 19, by inserting after the word "goal." the following: "In the promotion of the goal, the following hazardous waste management hierarchy, in descending order of preference, is established by the department:

- a. Source reduction for waste elimination.
- b. On-site recycling.
- c. Off-site recycling.
- d. Waste treatment.
- e. Incineration.
- f. Land disposal.

NEW UNNUMBERED PARAGRAPH. Additionally, the department shall establish and distribute to generators a listing of hazardous waste materials which are currently being recycled. The department shall require that each hazardous waste generator in the state submit, with the biennial report submitted to the United States environmental protection agency, a report of hazardous waste materials currently designated as recyclable by the department which are not being recycled by the generator. The report shall include the reason why the generator is not recycling such products. A small generator which does not submit a biennial report to the United States environmental protection agency, shall provide the information required to be submitted under this paragraph on a form provided by the department, with the submittal of the small generator's hazardous waste permit fee.

NEW UNNUMBERED PARAGRAPH. The department shall consult with representatives of industries which generate hazardous waste and shall make recommendations to the general assembly by January 1, 1991, concerning the possible application of a front-end fee for substances which will result in the generation of hazardous waste, the role of state government in assisting the private sector in establishing permanent, on-site, internal audit functions, and other measures which state government may initiate to encourage and assist generators of hazardous waste in reducing the hazardous waste generated."

6. Page 2, line 1, by inserting after the word "generators." the following: "The department shall conduct educational and informational programs. The small business assistance center shall provide direct waste minimization technical assistance to small quantity hazardous waste generators."

7. Page 2, by striking lines 8 through 25.

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

ON THE PART OF THE HOUSE:

RALPH ROSENBERG, Chair  
DAVID OSTERBERG  
WENDELL C. PELLETT  
DAVID SCHRADER  
J. BRENT SIEGRIST

ON THE PART OF THE SENATE:

PAT DELUHERY, Chair  
JOHN P. KIBBIE  
ALVIN V. MILLER  
PAUL D. PATE  
JOHN E. SOORHOLTZ

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. 470)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Halvorson, R. A.    Hanson, D. R.                      Ollie                      Shearer

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

### RULE 25 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 25 for the immediate consideration of House Concurrent Resolution 22.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 22

Metcalf of Polk offered House Concurrent Resolution 22, relating to the designation of May 29, 1989, as the "National Day of Remembrance for the Victims of the USS Iowa."

Sherzan of Polk offered the following amendment H-4467 filed by him from the floor and moved its adoption:

H-4467

- 1 Amend House Concurrent Resolution 22 as follows:
- 2 1. Page 2, by inserting after line 14 the fol-
- 3 lowing:
- 4 "*Be It Further Resolved*, That copies of this
- 5 Resolution be sent to the Honorable George W. Bush,
- 6 President of the United States, and members of Iowa's
- 7 Congressional delegation."

Amendment H-4467 was adopted.

On motion by Metcalf of Polk, the resolution, as amended, was adopted.

### IMMEDIATE MESSAGE (House Concurrent Resolution 22)

Arnould of Scott asked and received unanimous consent that House Concurrent Resolution 22 be immediately messaged to the Senate.

The House stood at ease at 9:47 a.m., until the fall of the gavel.

The House resumed session at 10:52 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 May 6, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 758, a bill for an act permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine.

Also: That the Senate has on May 6, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 10, a concurrent resolution to urge and petition the congress of the United States, the president of the United States, the federal trade commission, the packers and stockyards administration of the United States department of agriculture, and the attorney general of the United States to take initiatives to prevent the monopolization of the meat packing industry.

Also: That the Senate has on May 5, 1989, insisted on its amendment to Senate File 472, a bill for an act relating to private and home education and providing a penalty, and the members of the conference committee, on the part of the Senate are: The Senator from Fayette, Senator Murphy, Chair; the Senator from Marion, Senator Dieleman; the Senator from Polk, Senator Szymoniak; the Senator from Hardin, Senator Taylor; and the Senator from Sioux, Senator Rensink.

Also: That the Senate has on May 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 547, a bill for an act making an appropriation from the general fund of the state to certain persons in settlement of claims made against the state.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT CONSIDERED

Jay of Appanoose called up for consideration **House File 791**, a bill for an act relating to the decertification of a magistrate prior to commencement of the magistrate's term and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-4470:

H-4470

- 1 Amend House File 791, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 46.14, Code 1989, is amended

6 to read as follows:

7 46.14 NOMINATION.

8 Each judicial nominating commission shall carefully  
9 consider the individuals available for judge, and  
10 within sixty days after receiving notice of a vacancy  
11 shall certify to the governor and the chief justice  
12 the proper number of nominees, in alphabetical order.  
13 Such nominees shall be chosen by the affirmative vote  
14 of a majority of the full statutory number of  
15 commissioners upon the basis of their qualifications  
16 and without regard to political affiliation. Nominees  
17 shall be members of the bar of Iowa, shall be  
18 residents of the state or district of the court to  
19 which they are nominated, and shall be of such age  
20 that they will be able to serve an initial and one  
21 regular term of office to which they are nominated  
22 before reaching the age of seventy-two years.  
23 Nominees for district judge shall file a certified  
24 application form, to be provided by the supreme court,  
25 with the chairperson of the district judicial  
26 nominating commission. No person shall be eligible  
27 for nomination by a commission as judge during the  
28 term for which the person was elected or appointed to  
29 that commission. Absence of a commissioner or vacancy  
30 upon the commission shall not invalidate a nomination.  
31 The chairperson of the commission shall promptly  
32 certify the names of the nominees, in alphabetical  
33 order, to the governor and the chief justice.

34 Sec. \_\_\_\_\_. Section 602.6305, subsection 2, Code  
35 1989, is amended to read as follows:

36 2. A person does not qualify for appointment to  
37 the office of district associate judge unless the  
38 person is at the time of application a resident of the  
39 county in which the vacancy exists, and unless the  
40 person is licensed to practice law in Iowa, and unless  
41 the person will be able, measured by the person's age  
42 at the time of appointment, to complete the initial  
43 term of office plus a four-year term of office prior  
44 to reaching age seventy-two. An applicant for  
45 district associate judge shall file a certified  
46 application form, to be provided by the supreme court,  
47 with the chairperson of the county magistrate  
48 appointing commission.

49 Sec. \_\_\_\_\_. Section 602.6403, subsection 2, Code  
50 1989, is amended to read as follows:

**Page 2**

1 2. The magistrate appointing commission for each  
2 county shall prescribe the contents of an application,  
3 in addition to any application form provided by the  
4 supreme court, for an appointment pursuant to this

5 section. The commission shall publicize notice of any  
6 vacancy to be filled in at least two publications in  
7 the official county newspaper. The commission shall  
8 accept applications for a minimum of fifteen days  
9 prior to making an appointment, and shall make  
10 available during that period of time any printed  
11 application forms the commission prescribes.”

12 2. Page 1, by inserting after line 13, the  
13 following:

14 “Sec. \_\_\_\_\_. Section 602.6404, subsection 2, Code  
15 1989, is amended to read as follows:

16 2. A person is not qualified for appointment as a  
17 magistrate unless the person files a certified  
18 application form, to be provided by the supreme court,  
19 with the chairperson of the county magistrate  
20 appointing commission. A person is not qualified for  
21 appointment as a magistrate unless the person can  
22 complete the entire term of office prior to reaching  
23 age seventy-two.”

24 3. Title page, line 1, by inserting after the  
25 words “relating to” the following: “the application  
26 process for judges and magistrates and”.

27 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4470.

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. 791)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser

Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Halvorson, R. A.    Hanson, D. R.    Shearer

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

### SENATE MESSAGE CONSIDERED

**Senate File 547**, by committee on appropriations, a bill for an act making an appropriation from the general fund of the state to certain persons in settlement of claims made against the state.

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

### CONFERENCE COMMITTEE APPOINTED

(Senate File 472)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 472: Cohoon of Des Moines, Chair; Ollie of Clinton, Hansen of Woodbury, Corbett of Linn and Daggett of Adams.

The House stood at ease at 11:19 a.m., until the fall of the gavel.

The House resumed session at 11:59 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 May 6, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 355, a bill for an act relating to travel agents and agencies by providing for registration and regulation, and providing for fees and penalties.

Also: That the Senate has on May 6, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 21, a concurrent resolution to honor the late Honorable Herschel C. Loveless, former Governor of the State of Iowa.

Also: That the Senate has on May 6, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 361, a bill for an act relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 11:59 a.m., until 12:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKean of Jones, for the remainder of the day, on request of Stromer of Hancock.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1989, insisted on its amendment to Senate File 220, a bill for an act relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates, and the members of the conference committee, on the part of the Senate are: The Senator from Fayette, Senator Murphy, Chair; the Senator from Polk, Senator Kinley; the Senator from Kossuth, Senator Priebe; the Senator from Montgomery, Senator Hultman; and the Senator from Black Hawk, Senator Lind.

Also: That the Senate has on May 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 546, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; increasing the size of the state revenue estimating council and the use of its estimates; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; repealing the authorization for intradepartmental transfers of appropriated funds; and extending the lottery.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED  
(Senate File 220)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 220: Bisignano of Polk, Chair; Wise of Lee, Brammer of Linn, Kremer of Buchanan and Royer of Page.

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 774)

Hatch of Polk called up for consideration the report of the conference committee on House File 774 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 774

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 774, 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 effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4341.

2. That House File 774, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, line 16, by striking the word "admnistration" and inserting the following: "administration".

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

" \_\_\_\_\_ . IOWA PEACE INSTITUTE

For allocation to the Iowa peace institute established in chapter 38:

.....\$ 250,000

As a condition, limitation, and qualification of the appropriation in this subsection, the Iowa peace institute shall expend the moneys appropriated in this subsection for programs which have a direct benefit to the state of Iowa, which have goals and objectives, and for which measurable results have been developed. The Iowa peace institute shall cooperate with public and private institutions of higher education to minimize duplication of programs."

3. By striking page 4, line 31, through page 5, line 5.

4. Page 5, by inserting after line 12, the following:

"Sec. 100. Notwithstanding section 8.33, moneys appropriated in 1988 Iowa Acts, chapter 1284, section 1, subsection 8, that remain unobligated and unencumbered on June 30, 1989, shall not revert to the general fund of the state, but shall remain available for expenditure for the purpose specified until June 30, 1990."

5. Page 6, by striking lines 33 and 34, and inserting the following: "assembly, for the".

6. Page 7, by striking lines 7 through 22 and inserting the following:

"As a condition, limitation, and qualification of the appropriation in this subsection, the college aid commission shall develop plans for administering the work for college program established in section 261.88. The college aid commission shall define a methodology for selecting participants, shall identify appropriate employment opportunities, and shall report its plans to the education appropriations subcommittee not later than January 15, 1990."

7. Page 7, by striking lines 26 and 27, and inserting the following: "program for grants to independent colleges and universities:".

8. Page 9, by striking lines 12 and 13, and inserting the following:

" ..... \$ 5,821,426  
..... FTEs 126.85".

9. Page 11, line 24, by inserting after the figure "15.255" the following: ", and 1989 Iowa Acts, House File 706, section 1, if House File 706 is enacted by the general assembly,".

10. Page 12, by striking lines 30 through 33 and inserting the following: "The media services divisions of the".

11. Page 13, line 9, by inserting after the word "Provide" the following: "a plan for".

12. Page 13, by striking lines 20 through 25.

13. Page 13, by inserting before line 26, the following:

"\_\_\_\_\_ . Develop and begin implementation of a program plan for administrative staff development for school corporation administrators. The plan shall include program goals, specific activities for meeting those goals, and an implementation process and delivery system, with consideration given to existing staff development efforts by area education agencies, school districts, institutions of higher education, and any federally funded projects established to develop leadership in educational administration. Incentives for encouraging administrators to participate in the program shall be identified.

Program goals for administrative staff development shall include but not be limited to training in the following areas: Instructional leadership and the management of change, assisting teachers with the implementation of new teaching models and instructional strategies and the enhancement of the role of teachers in the planning and development of those models and strategies, encouraging and assisting women and minorities to enter educational administration, and improving performance evaluation for instructional personnel.

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 employees of the department in fulfilling the requirements of this subparagraph."

14. Page 14, line 22, by striking the word "paragraph" and inserting the following: "subparagraph".

15. Page 16, by striking line 22, and inserting the following:  
".....\$ 368,413".

16. Page 16, line 33, by striking the word "fifteen" and inserting the following: "twenty".

17. Page 18, by inserting after line 3, the following:

"..... CAREER INFORMATION SYSTEM OF IOWA

For the purpose of providing educational information to students in public and nonpublic schools:

.....\$ 84,000

As a condition, limitation, and qualification of the appropriation in this subsection, the department of education shall review the effectiveness of the program funded in this subsection and report to the joint education appropriations subcommittee not later than December 15, 1989."

18. Page 18, by striking lines 10 through 25 and inserting the following: "amount of \$73,695,728 to be allocated as follows:

a. Merged Area I .....	\$ 3,377,042
b. Merged Area II .....	\$ 4,270,844
c. Merged Area III .....	\$ 3,969,647
d. Merged Area IV .....	\$ 1,990,251
e. Merged Area V .....	\$ 4,260,615
f. Merged Area VI .....	\$ 4,348,984
g. Merged Area VII .....	\$ 5,930,368
h. Merged Area IX .....	\$ 6,046,022
i. Merged Area X .....	\$ 9,621,155
j. Merged Area XI .....	\$ 9,768,509
k. Merged Area XII .....	\$ 4,445,006
l. Merged Area XIII .....	\$ 4,484,324
m. Merged Area XIV .....	\$ 1,921,503
n. Merged Area XV .....	\$ 5,816,633
o. Merged Area XVI .....	\$ 3,444,825

As a condition, limitation, and qualification of the appropriation in this subsection, the merged area schools shall expend from moneys appropriated in this subsection, a minimum of \$1,580,479 for additional salary increases for certificated, non-administrative faculty members of the merged area schools and \$419,521 for additional salary increases for classified and clerical employees of the merged area schools."

19. Page 23, by striking lines 17 and 18 and inserting the following: "shall prepare the regulatory flexibility analysis required in section 17A.31 for rules proposed or adopted under chapter 23A."

20. Page 26, by striking lines 4 through 7, and inserting the following:

"(2) Agricultural health and safety pilot programs:"

21. Page 26, by striking lines 25 and 26, and inserting the following: "educators enhancement program."

Notwithstanding section 8.33, as a condition, limitation, and qualification of the appropriation in this paragraph, unobligated and unencumbered funds from the appropriation remaining on June 30, 1990, shall not revert to the general fund of the state but shall remain available for expenditure during the fiscal year beginning July 1, 1990, for the same purpose or for other minority recruitment programs."

22. Page 26, by striking line 30, and inserting the following: "program."

23. By striking page 26, line 35, through page 27, line 1, and inserting the following: "economic success program."

24. Page 27, by striking line 15, and inserting the following:

" .....\$ 26,827,131".

25. Page 31, by striking lines 8 and 9, and inserting the following: "educators enhancement program."

Notwithstanding section 8.33, as a condition, limitation, and qualification of the appropriation in this paragraph, unobligated and unencumbered funds from the appropriation remaining on June 30, 1990, shall not revert to the general fund of the state but shall remain available for expenditure during the fiscal year beginning July 1, 1990, for the same purpose or for other minority recruitment programs."

26. Page 31, by striking line 13, and inserting the following: "program."

27. Page 31, by striking lines 18 and 19, and inserting the following: "economic success program."

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

" .....\$ 16,073,598".

29. Page 32, by striking line 2, and inserting the following:

" .....\$ 600,000".

30. Page 32, line 26, by striking the figure "375,000" and inserting the following: "275,000".

31. Page 32, line 32, by inserting after the word "salary." the following: "Moneys appropriated for teaching excellence awards shall not result in a negative impact upon a collective bargaining agreement between an employee organization and the university."

32. Page 33, by striking lines 19 and 20, and inserting the following: "educators enhancement program."

Notwithstanding section 8.33, as a condition, limitation, and qualification of the appropriation in this paragraph, unobligated and unencumbered funds from the appropriation remaining on June 30, 1990, shall not revert to the general fund of the state but shall remain available for expenditure during the fiscal year beginning July 1, 1990, for the same purpose or for other minority recruitment programs."

33. Page 33, by striking line 24, and inserting the following: "program."

34. Page 33, by striking lines 29 and 30, and inserting the following: "economic success program."

35. Page 34, line 26, by striking the word "allocated" and inserting the following: "designated".

36. Page 34, line 28, by striking the word "allocated" and inserting the following: "designated".

37. Page 34, line 33, by striking the word "allocated" and inserting the following: "designated".

38. Page 35, line 1, by striking the word "allocated" and inserting the following: "designated".

39. Page 37, line 4, by striking the word "The" and inserting the following: "The study shall be conducted by the legislative fiscal committee and the co-chairpersons and ranking members of the joint education appropriations subcommittee.

The".

40. Page 37, by inserting after line 13 the following:

"Sec. 110. Notwithstanding section 442.10, the amounts deducted from the portions of school district budgets that fund special education support services in an area education agency under section 442.10, for each of the fiscal years beginning July 1, 1988, and July 1, 1989, in an amount not exceeding \$500,000 for each fiscal year, shall not be deposited in the general fund of the state, but shall be paid to area education agencies that have fewer than three and one-half public school pupils per square mile, to be expended for special education support services of the area education agencies for the fiscal years beginning July 1, 1989, and July 1, 1990. If the total amount deducted from the area education agencies under section 442.10 for the school year beginning July 1, 1988, or July 1, 1989, to be deposited in the general fund of the state, is less than five hundred thousand dollars, there is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1989, and for the fiscal year beginning July 1, 1990, the difference between the total amount deducted for the previous fiscal year that would otherwise have been deposited in the general fund of the state, and five hundred thousand dollars, to be paid to area education agencies that have fewer than three and one-half public school pupils per square mile."

41. Page 37, by inserting after line 14, the following:

"Sec. \_\_\_\_\_. Section 18.133, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 3. "Public agency" means a state agency, a school corporation, a city library, a regional library as provided in chapter 303B, and a county library as provided in chapter 358B.

NEW SUBSECTION. 4. "Private agency" means accredited nonpublic schools and nonprofit institutions of higher education eligible for tuition grants.

Sec. \_\_\_\_\_. Section 18.134, Code 1989, is amended to read as follows:

18.134 LIMITATION OF COMMUNICATIONS POWERS – FACILITIES – LEASES.

1. The department of general services may purchase, lease-purchase, lease, and improve property, equipment, and services for telecommunications for public and private agencies, including the broadcast and narrowcast systems, and may dispose of

property and equipment when not necessary for its purposes. The However, the department of general services shall not provide or resell communications services to entities other than state public and private agencies. The public or private agency shall not provide communication services of the network to another entity at a cost greater than that charged to the agency pursuant to section 18.136, subsections 10 and 11. The department may arrange for joint use of available services and facilities, and may enter into leases and agreements with private and public agencies with respect to a state communications system, and public agencies are authorized to enter into leases and agreements with respect to the system for their use and operation. Rentals and other amounts due under the agreements or leases entered into pursuant to this section by a state agency are payable from funds annually appropriated by the general assembly or from other funds legally available. Other public agencies may pay the rental costs and other amounts due under an agreement or lease from their annual budgeted funds or other funds legally available or to become available. This section comprises a complete and independent authorization and procedure for a public agency, with the approval of the department, to enter into a lease or agreement and related security enhancement arrangements and this section is not a qualification of any other powers which a public agency may possess and the authorizations and powers granted under this section are not subject to the terms, requirements, or limitations of any other provisions of law. All moneys received by the department from agreements and leases entered into pursuant to this section with private and public agencies shall be deposited in the state communications network fund.

It is the intent of the general assembly that rental and other costs due under agreements and leases entered into pursuant to this section by state agencies be replaced by supplemental appropriations to the state agencies.

2. A political subdivision receiving communications services from the state as of April 1, 1986, may continue to do so but communications services shall not be provided or resold to additional political subdivisions other than a school corporation, a city library, a regional library as provided in chapter 303B, and a county library as provided in chapter 358B. The rates charged to the political subdivision shall be the same as the rates charged to state agencies.

Sec. \_\_\_\_\_. NEW SECTION. 18.136 STATE COMMUNICATIONS NETWORK.

1. Moneys in the state communications network fund are appropriated to the Iowa public broadcasting board for purposes of providing financing for the procurement, operation, and maintenance of a state communications network with sufficient capacity to serve the video, data, and voice requirements of state agencies and the educational telecommunications system. The state communications network consists of Part I, Part II, and Part III of the system.

2. For purposes of this section, unless the context otherwise requires:

a. "Part I of the system" means the communications connections between central switching and the regional switching centers for the remainder of the network.

b. "Part II of the system" means the communications connections between the regional switching centers and the secondary switching centers.

c. "Part III of the system" means the communications connection between the secondary switching centers and the agencies defined in section 18.133, subsections 3 and 4.

3. The financing for the procurement costs for the entirety of Part I of the system, and the video, data, and voice capacity for state agencies for Part II and Part III of the system, shall be provided by the state. The financing for the procurement costs for Part II of the systems shall be provided eighty percent from the state and twenty percent from the area schools for the areas in which Part II of the system is located. The basis for the state match is eighty percent of a single interactive video and interactive audio for Parts I and II of the system, and such data and voice capacity as is necessary. The financing for the procurement and maintenance costs for Part III of the systems shall be provided eighty percent from the state and twenty percent from the local school boards of the areas which receive transmissions from the system. The local school boards may meet all or part of the match requirements of Part III of the system through a cooperative arrangement with area schools. The basis for the state match is eighty percent of a single interactive audio and one-way video for Part III of the system, and such data and voice capacity as is necessary. The local school boards and area schools may meet the match requirements for Part II and Part III of the system from funds they have already spent for their systems, from funds available in the school budget, or from funds received from other nonstate sources. In the case of existing systems, in order to upgrade facilities to the specifications of the state communications network, the local school boards and area schools, in lieu of a cash match, may meet the match requirements from funds they have already spent for their systems provided that the state match does not exceed the lesser of eighty percent of the total cost of the upgraded system or eighty percent of the replacement cost of the system. The communications equipment used as a match shall not subsequently be used as a match by another educational entity or for another part of the system. A local school board may request the school budget review committee to adjust the allowable growth for the school district so that the resulting increase in budget could be used for the match. A local school board may also elect not to become part of the system. Such election shall be made on an annual basis. State matching funds shall not be provided for Part III of the system until Part I and Part II of the system have been completed.

4. The department of general services shall develop the requests for proposals that are needed for a state communications network with sufficient capacity to serve the video, data, and voice requirements of state agencies and the educational telecommunications applications required by the Iowa public broadcasting board. The department shall develop a request for proposals for each of the systems that will make up the network. The department may develop a request for proposals for each definitive component of Part I, Part II, and Part III of the system or the department may provide in the request for proposals for each such system that separate contracts may be entered into for each definitive component covered by the request for proposals. The requests for proposals may be for the purchase, lease-purchase, or lease of the component parts of the system, may require maintenance costs to be identified, and the resulting contract may provide for maintenance for parts of the system. The master contract may provide for electronic classrooms, satellite equipment, receiving equipment, studio and production equipment, and other associated equipment as required.

5. Prior to the awarding of a contract under this section, the department shall notify the legislative council and the department of management of the department's intent to award a contract and of the cost to the state. The department of management and the legislative council shall determine if the anticipated financial resources of the state are adequate to fund the expenditure during the fiscal years covered by the contract, and if so, the department of management shall certify the determination to the department. Upon certification, the department may enter into the contract.

6. The department of general services shall be responsible for the network system design and shall be responsible for the implementation of each component of the network as it is incorporated into the network system. The final design selected shall optimize the routing for all users in order to assure maximum utilization by all agencies of the state. Efficiencies achieved in the implementation of the network shall be used to fund further implementation and enhancement of the network, and shall be considered part of the operational cost of the network. The department shall be responsible for all management, operations, control switching, diagnostics, and maintenance functions of Part I and Part II of the system operations, except as designated in subsection 7. The performance of these duties are intended to provide optimal utilization of the facilities, and the assurance that future growth requirements will be provided for, and that sufficient network capacity will be available to meet the needs of all users. The telecommunications information management council, created by executive order of the governor, shall provide general oversight for these functions.

7. The Iowa public broadcasting board retains sole authority over the educational telecommunications applications of Part I of the system, and its authority shall include management and operational control, programming, budget, personnel, scheduling, and program switching of educational material carried by Part I of the system. The Iowa public broadcasting board, through its narrowcast system advisory committee, retains coordination authority over the educational telecommunications applications of Part II and Part III of the system. Area schools are responsible for scheduling and switching of educational materials carried by Part II and Part III of the system within their respective areas. Such responsibility may be accomplished by a chapter 28E agreement with the department of general services.

8. The procurement and maintenance of electronic equipment including, but not limited to, master receiver antenna systems, studio and production equipment, and broadcast system components shall be provided for under department of general services' contracts. The Iowa public broadcasting board and other educational entities within the state have the option to use their existing or replacement resources and agreements in the operation and maintenance of these systems.

9. In addition to the other evaluation criteria specified in the request for proposals issued pursuant to this section, the department of general services, in evaluating proposals, shall base up to two percent of the total possible points on the public benefit that can be derived from a given proposal due to the increased private telecommunications capacity available to Iowa citizens located in rural Iowa. For purposes of this subsection, an area of the state is considered rural if it is not part of a federally designated standard metropolitan statistical area.

10. The fees charged for use of the network shall be based on the ongoing operational costs of the network only.

11. The Iowa public broadcasting board, in consultation with its narrowcast system advisory committee, shall determine the fee to be charged per course or credit hour by the originating institution, and the fees shall be substantially the same for comparable courses.

12. Access to the network shall be offered on an equal basis to public and private agencies under subsection 7 if the private agency contributes an amount toward the match requirement comparable to its share of use for the part of the system in which it participates.

13. Notwithstanding chapter 476, the provisions of chapter 476 shall not apply to a public utility in furnishing a telecommunications service or facility to the department of general services for the state communications network.

Sec. \_\_\_\_\_. NEW SECTION. 18.137 STATE COMMUNICATIONS NETWORK FUND.

There is created in the office of the treasurer of state a temporary fund to be known as the state communications network fund. There is appropriated, contingent upon the certification from the department of management of financial resources adequate to fund the expenditure, to the state communications network fund for each fiscal year of the fiscal period beginning July 1, 1989, and ending June 30, 1994, the sum of ten million dollars from funds in the general fund of the state not otherwise appropriated. Any moneys remaining in the fund on June 30 of a fiscal year, of moneys appropriated from the general fund of the state for that fiscal year, shall revert to the general fund of the state, except that those funds needed to provide the state matching funds pursuant to section 18.136 shall not revert, notwithstanding section 8.33. There shall also be deposited into the state communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 18.136, matching funds received from the area schools and the local school boards, funds received from leases pursuant to section 18.134, and other moneys by law credited to or designated by a person for deposit into the fund.

The Iowa public broadcasting board shall use the net increase in the federal match awarded to the Iowa public broadcasting board as a result of this appropriation in order to meet the needs of the educational telecommunications system. These funds shall be deposited in a separate account within the state communications network fund, and shall be administered by the Iowa public broadcasting board for purposes of the fund.

Sec. \_\_\_\_\_. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For initial implementation stages of the network and for not more than four full-time equivalent positions for the purpose of assisting in the request for proposal:  
..... \$ 250,000

Sec. \_\_\_\_\_. Section 38.5, Code 1989, is amended to read as follows:

38.5 GIFTS — GRANTS FUNDING.

The institute may accept grants, gifts, and bequests, including but not limited to appropriations, federal funds, and other funding available for carrying out the purposes of the institute. The institute is a department for purposes of chapter 8.

Sec. \_\_\_\_\_. NEW SECTION. 74.9 PAYMENT IN CASE OF DEFAULT.

In the event a school corporation which has issued anticipatory warrants fails to pay principal or interest of its anticipatory warrants when due, upon certification by the trustee or the paying agent designated pursuant to section 76.10 to the director of the department of revenue and finance, the director of the department of revenue and finance shall withhold and directly apply, from any state appropriation to which the school corporation is entitled, so much as is certified to the trustee or the paying agent to the payment of the principal and interest on the anticipatory warrants of

the school corporation then due. The obligation of the director of revenue and finance to withhold and directly apply moneys from any state appropriation to which the school corporation is entitled does not create any moral or legal obligations of the state to pay, when due, the principal and interest on the anticipatory warrants of a school corporation. All appropriations for school corporations shall be subject to the provisions of this section."

42. Page 37, by inserting after line 27 the following:

"Sec. \_\_\_\_\_. Section 256.11, subsection 1, Code 1989, is amended to read as follows:

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 Except as otherwise provided in this subsection, 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.

Sec. \_\_\_\_\_. Section 256.11, subsection 1, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the board of directors of a school district contracts for the operation of a prekindergarten program, the program shall be under the oversight of an appropriately certificated teacher. If the program contracted with was in existence on the effective date of this Act, oversight of the program shall be provided by the district. If the program contracted with was not in existence on the effective date of this Act, the director of the program shall be a certificated teacher and the director shall provide program oversight. Any director of a program contracted with by a school district under this section who is not a certificated teacher is required to register with the department of education."

43. Page 38, by inserting after line 32, the following:

"Sec. \_\_\_\_\_. Section 261.9, subsection 5, paragraph c, Code 1989, is amended by striking the paragraph.

Sec. \_\_\_\_\_. Section 261.12, subsection 1, paragraph b, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

b. For the fiscal year beginning July 1, 1989, and for each following fiscal year, two thousand five hundred dollars."

44. Page 39, by striking lines 4 through 15.

45. Page 41, by striking line 11, and inserting the following: "eighty-two thousand seven five hundred sixty-five five dollars for".

46. Page 42, by striking lines 1 and 2.

47. Page 44, by inserting after line 32, the following:

#### "DIVISION VI

Sec. \_\_\_\_\_. NEW SECTION. 261.101 LEGISLATIVE INTENT.

The general assembly finds that the failure of many young Iowans to complete their education limits their opportunity for a life of fulfillment and hinders the state's efforts to provide a well-trained work force for business and industry in Iowa. The general assembly also declares that it is the policy of this state to apply positive measures to ensure that equal opportunities exist for minority persons to pursue their educational goals. Therefore, the "Iowa Minority Academic Grants for Economic Success" program is established to provide additional funding to the state board of regents' institutions and accredited private institutions in order to encourage resident minority students to remain in Iowa, to attend colleges and universities in Iowa, and to assure that a limited family income will not be a barrier for a minority person to pursue a postsecondary education.

Sec. \_\_\_\_ . NEW SECTION. 261.102 DEFINITIONS.

1. "Accredited private institution" means an institution of higher education as defined in section 261.9, subsection 5.

2. "Commission" means the college aid commission.

3. "Financial need" means the difference between the student's financial resources, including resources available from the student's parents and the student, as determined by a completed parents' financial statement and including any noncampus-administered federal or state grants and scholarships, and the student's estimated expenses while attending the institution. A student shall accept all available federal and state grants and scholarships before being considered eligible for grants under the Iowa minority academic grants for economic success program. Financial need shall be reconsidered on at least an annual basis.

4. "Full-time student" means an individual who is enrolled at an accredited private institution or board of regents' university for at least twelve semester hours or the trimester or quarter equivalent.

5. "Minority person" means an individual who is black, Hispanic, Asian, or a Pacific islander, American Indian, or an Alaskan native American.

6. "Part-time student" means an individual who is enrolled at an accredited private institution or board of regents' university in a course of study including at least three semester hours or the trimester or quarter equivalent of three semester hours.

7. "Program" means the Iowa minority academic grants for economic success program established in this division.

Sec. \_\_\_\_ . NEW SECTION. 261.103 PROGRAM QUALIFICATIONS.

1. A grant under the program may be awarded to any minority person who is a resident of Iowa, who is accepted for admission or is attending a board of regents' university or an accredited private institution, and who demonstrates financial need. Applicants who receive vouchers under section 262.92 shall be given priority in receiving grants under the program, but an applicant shall not be denied a grant because the applicant does not hold vouchers under the program in section 262.92. During the fiscal year commencing July 1, 1989, and ending June 30, 1990, grants shall be awarded to minority persons who are residents of Iowa. However, if after funds appropriated are distributed to all eligible resident minority persons, funds remain unexpended, those funds may be used to provide grants under the program to nonresident minority persons. For the fiscal year commencing July 1, 1990, and in subsequent years, grants shall be awarded to all minority persons, with priority to be given to those minority persons who are residents of Iowa.

2. Full-time students may receive grants for not more than eight semesters of undergraduate study or the trimester or quarter equivalent of eight semesters of undergraduate study. Part-time students may receive grants for not more than sixteen semesters of undergraduate study or the trimester or quarter equivalent of sixteen semesters of undergraduate study.

3. The amount of the grant shall not exceed a student's yearly financial need or three thousand five hundred dollars, whichever is less. If the student is attending or seeking to enroll in an accredited private institution, fifty percent of the amount of the grant shall be provided by the accredited private institution and fifty percent shall be provided by the commission from state funds appropriated for that purpose.

4. Grants shall be awarded on an annual basis and shall be credited by the institution against the student's tuition, fees, room, and board, at the beginning of each semester, trimester, or quarter in equal installments upon certification by the institution that the student is admitted and attending the institution.

5. If a student receiving a grant under the program discontinues attendance before the end of any academic period, but after receiving payment of grant moneys for the academic period, the entire amount of any refund due the student, up to the amount of any payments made by the state, shall be remitted by the private institution to the commission.

Sec. \_\_\_\_ . NEW SECTION. 261.104 POWERS OF THE COMMISSION.

In administering the program for the private institution, the commission shall:

1. Provide application forms to students enrolled and attending or seeking to enroll and attend accredited private institutions.

2. Develop and provide confidential financial statement forms to the parents or guardians of students applying for grants under this program.

3. Approve and award grants to private institutions under the program.

4. Adopt rules for determining financial need and residency for the purpose of awarding grants to qualified students, and any other rules necessary for the administration of the program.

5. Report annually to the governor and the general assembly on the progress and implementation of the program.

6. Require postsecondary institutions that receive moneys from students awarded grants under the program to furnish any information necessary for the implementation or administration of the program.

7. Solicit and receive private contributions and federal grants available for purposes of the program.

8. Maintain records on the recipients of vouchers under section 262.92 and adopt rules to provide for the giving of priority to students holding vouchers under that section.

9. Administer funds appropriated for the Iowa minority academic grants for economic success program to carry out the duties of the commission.

10. Provide for the proration of funds among qualified applicants if funds available are insufficient to pay all approved grants.

Sec. \_\_\_\_ . NEW SECTION. 261.105 DUTIES OF APPLICANT.

An applicant for a grant under the program shall:

1. Complete and file an application for a grant on forms provided by the commission or regents' institutions.

2. Submit the financial information required for evaluation of the applicant's financial need for a grant.

3. Comply with rules and information requests of the commission or regents' institutions made in relation to the program."

48. Page 45, line 14, by striking the word "subsection" and inserting the following: "subsections".

49. Page 45, by inserting after line 20, the following:

"NEW SUBSECTION. 21. Direct the administration of the Iowa minority academic grants for economic success program as established in section 261.101 for the institutions under its control."

50. Page 46, by inserting after line 5, the following:

"Sec. \_\_\_\_ . NEW SECTION. 262.81 LEGISLATIVE INTENT.

The general assembly recognizes that educational programs designed to enhance the interrelation and cooperation among cultural, racial, and ethnic groups in society require the contribution and active participation of all ethnic and racial groups. The general assembly also recognizes that failure to include minority representation at the faculty level at the state universities contributes to cultural, racial, and ethnic isolation of minority students and does not reflect the realities of a multicultural and diverse society. Therefore, the "Regents' Minority and Women Educators Enhancement" program is established to assist in the recruitment and retention of faculty that more adequately represents the diverse cultural, racial, and ethnic makeup of society and to improve the education of all students.

Sec. \_\_\_\_ . NEW SECTION. 262.82 REGENTS' MINORITY AND WOMEN EDUCATORS ENHANCEMENT PROGRAM.

The board of regents shall establish a program to recruit minority educators to faculty positions in the universities under the board's control. The program shall include, but is not limited to, the creation of faculty positions in all areas of academic pursuit.

The board of regents shall also establish a program to create faculty opportunities for women educators at the universities under the board's control. The program shall include, but is not limited to, the creation of faculty positions in targeted shortage areas. The board of regents shall also develop and implement, in consultation with appropriate faculty representatives, tenure, promotion, and hiring policies that recognize the unique needs of faculty members who are principal caregivers to dependents.

As used in this section, "minority educator" means an educator who is a minority person as defined in section 261.102.

Sec. \_\_\_\_ . NEW SECTION. 262.91 LEGISLATIVE INTENT.

The general assembly recognizes that universities must provide an environment that enables all students to have an equal opportunity to succeed. The general assembly also recognizes that, because of inequalities in educational preparation, economic factors, and social circumstances, not all young Iowans have the same degree of access to Iowa's higher education system. The general assembly further acknowledges that an early intervention system using public school districts, community agencies, and other state institutions can be useful in preparing young students to succeed in college. Therefore, the "College-bound" program is established to ensure that the state's universities and students' local communities become involved early in a student's life by promoting and informing students about the opportunities in higher education, so that lack of adequate personal resources is not a barrier to attending college for young Iowans.

Sec. \_\_\_\_ . NEW SECTION. 262.92 COLLEGE-BOUND PROGRAM.

1. The board of regents shall establish or contract to establish college-bound programs to provide Iowa minority students with information and experiences relating to opportunities offered at the regents' universities. Programs developed may include, but are not limited to, the following elements:

a. Reinforcement of efforts to attract undergraduate students from age groups currently served by traditional methods of outreach which use high school and community college services.

b. Extension of traditional student recruitment methods which are designed to encourage minority students in grades seven through twelve to pursue postsecondary academic courses of study.

c. Identification, at each of the regents' universities, of courses of study to be targeted for the recruitment of minority students.

d. Offerings at the regents' universities of innovative programs, which are experience oriented, for families with minority children.

2. The board of regents shall establish a voucher program for students in grades seven through twelve. Vouchers may be obtained by any qualified secondary student at any regents' university upon completion of a college-bound program provided under subsection 1. Students may receive one voucher for each program. One or more vouchers entitle a student to priority over other persons applying for grants under the Iowa minority academic grants for economic success program established in section 261.101. Vouchers shall be submitted with the grant application within one year after a student graduates from high school at any higher education institution which offers grants under the Iowa minority academic grants for economic success program. Vouchers earned can only be used by the person who participated in the college-bound voucher program and are not transferable. Vouchers issued by a university under this program shall be signed by the president of the university.

3. The board of regents shall adopt rules to establish program guidelines for the universities under the board's control and for the administration and coordination of program efforts. Rules adopted shall include methods of recording data relating to voucher recipients and making the data available to the college aid commission.

Sec. \_\_\_\_\_. NEW SECTION. 262.93 REPORTS TO GENERAL ASSEMBLY.

The college aid commission and the state board of regents each shall submit, by January 1 of each year, a report on the progress and implementation of the programs which they administer under sections 261.102 through 261.105, 262.82, and 262.92. The reports shall include, but are not limited to, the numbers of students participating in the programs and allocation of funds appropriated for the programs.

Sec. \_\_\_\_\_. DEPARTMENT OF EDUCATION STUDY. The department of education, in cooperation with the college aid commission, shall conduct a study of Iowa minority students' postsecondary educational needs and develop recommendations for programs, or additions to existing programs, which are designed to meet the needs of those students not currently served by existing recruitment, educational, and grant programs. The recommendations shall be submitted in a report to the general assembly which convenes in January of 1990."

51. Page 46, by inserting after line 28, the following:

"Sec. \_\_\_\_\_. Section 265.6, Code 1989, is amended to read as follows:

265.6 STATE AID APPLICABLE.

If the state board of regents has established a laboratory school, it the school shall count each pupil enrolled in the school and shall receive state aid pursuant to chapters 281 and 442 for each pupil enrolled in the laboratory school, as a result of open enrollment under section 282.18, in the same amount as the public school district in which the pupil resides would receive aid for that pupil and shall transmit the amount received to the institution of higher education at which the laboratory school has been established. If the board of a school district terminates a contract with the state board of regents for attendance of pupils in a laboratory school, the school district shall inform the state comptroller department of management of the number of these pupils who are enrolled in the district on the second third Friday of the following September. The state comptroller department of management shall pay to the school district, from funds appropriated in section 442.26, an amount equal to the amount of state aid paid for each pupil in that school district for that school year in payments made as provided in section 442.26. However, payments shall not be made for pupils for which an advance is received by the district under section 442.28."

52. Page 49, by inserting after line 10, the following:

"Sec. \_\_\_\_\_. Section 282.19, Code 1989, is amended to read as follows:

282.19 CHILD LIVING IN FOSTER CARE FACILITY.

A child who is living in a licensed child foster care facility as defined in section 237.1, in this state or in a facility that provides residential treatment as "facility" is defined in section 125.2, which is located in a school district other than the school district in which the child resided before receiving foster care may enroll in and attend an accredited school in the school district in which the child is living. The instructional costs for students who do not require special education shall be paid as provided in section 282.31, subsection 1, paragraph "b" or for students who require special education shall be paid as provided in section 282.31, subsections 2 or 3."

53. Page 49, by inserting after line 16, the following:

"Sec. \_\_\_\_\_. NEW SECTION. 298.14 BUILDING REPLACEMENT PROPERTY TAX.

In order to protect the health, safety, and well-being of the public school children in this state, the director of the department of education shall order closed temporary portable classrooms that have been in use by school districts in excess of twelve years if the school district has not approved the schoolhouse tax under section 278.1, subsection 7, has defeated at least one proposal to issue general obligation bonds under section 298.18 since July 1, 1979, and consists of more than five hundred square miles. The board of directors of a school district for which the temporary buildings have been ordered closed by the director of the department of education, shall certify for levy, for a period not exceeding ten years, a building replacement property tax of not exceeding sixty-seven and one-half cents per thousand dollars of assessed valuation in the school district. The proceeds of the building replacement property tax shall be used for construction or remodeling of school buildings to replace the classrooms provided by the temporary portable buildings."

54. Page 50, line 14, by striking the word "The" and inserting the following: "The Within fifteen days following certification by the state university of Iowa, the".

55. Page 50, by inserting after line 17 the following:

"Sec. \_\_\_\_\_. Section 303.16, subsection 7, Code 1989, is amended to read as follows:

7. The department may use ~~twenty-five thousand dollars~~ ten percent of the amount appropriated to the department, but in no event more than seventy-five thousand dollars for administration of the grant and loan program.

Sec. \_\_\_\_\_. Section 524.107, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding subsections 1 and 2, an organization formed for educational purposes in association with an accredited school which engages in the receipt of deposits of no more than twenty dollars per depositor, may use the words "educational bank", the use of which is otherwise restricted in subsection 2, and such an educational bank is not a bank within the meaning or scope of regulation of this chapter.

Sec. \_\_\_\_\_. 1989 Iowa Acts, Senate File 59, section 1, unnumbered paragraphs 2, 3, 4, 9, 10, 11, and 12, are amended to read as follows:

By September 15 of the preceding school year the parent or guardian shall informally notify the district of residence, and not later than November 1 of the preceding school year, the parent or guardian shall send notification to the district of residence and to the department of education on forms prescribed by the department of education that the parent or guardian intends to enroll the parent's or guardian's child in a public school in another school district. The parent or guardian shall describe the reason that exists for enrollment in the receiving district that is not present in the district of residence. The board of the district of residence shall transmit a copy of the form to the receiving school district within five days after its receipt. During the 1990-1991 school year, if the board of the district of residence determines that transmission of the request will result in a loss of greater than five percent of the district's certified enrollment for ~~that the~~ the previous year, the board of the district of residence may deny the request for the 1990-1991 school year. During the 1991-1992 school year, if the board of the district of residence determines that transmission of the request

will result in a loss of greater than ten percent of the district's certified enrollment for the previous year, the board of the district of residence may deny the request for the 1991-1992 school year. If, however, a failure to transmit a request will result in enrollment of students from the same nuclear family in different school districts, the request shall be transmitted to the receiving district for enrollment. The board of each school district shall adopt a policy relating to the order in which requests for enrollment in other districts shall be considered. The board of the receiving school district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district does not have classroom space for the pupil. In all districts involved with volunteer or court-ordered desegregation, minority and nonminority student ratios shall be maintained according to the desegregation plan or order. The superintendent of a district subject to volunteer or court-ordered desegregation may deny a request for transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order or plan. If, however, a transfer request would facilitate a voluntary or court-ordered desegregation plan, the district shall give priority to granting the request over other requests. A parent or guardian, whose request has been denied because of a desegregation order or plan, may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal under section 290.1.

Each district shall provide notification to the parent or guardian relating to the transmission or denial of the request. A district of residence shall provide for notification of transmission or denial to a parent or guardian within three days of board action on the request. A receiving district shall provide notification to a parent or guardian, within fifteen days of receipt of the request, of whether the child will be enrolled in that district or whether the request is to be denied.

A request under this section is for a period of not less than four years unless the pupil will graduate, the pupil's family moves to another school district, or the parent or guardian petitions the receiving district for permission to enroll the child in a different district, which may include the district of residence, within the four-year period. If the parent or guardian requests permission of the receiving district to enroll the child in a different district within the four-year period, the receiving district school board may transmit a copy of the request to the other school district within five days of the receipt of the request. The new receiving district shall enroll the pupil in a school in the district unless there is insufficient classroom space in the district or unless enrollment of the pupil would adversely affect court ordered or voluntary desegregation orders affecting a district. A denial of a request to change district enrollment within the four-year period shall be subject to appeal under section 290.1.

The board of directors of the district of residence shall pay to the receiving district the lower district cost per pupil of the two districts, plus any moneys received for the pupil as a result of non-English speaking weighting under section 442.4, subsection 6, for each school year. The district of residence shall also transmit the phase III moneys allocated to the district for the full-time equivalent attendance of the pupil, who is the subject of the request, to the receiving district specified in the request for transfer. However, if the district of residence has outstanding obligations on school bonds, has entered into a rental or lease arrangement under section 279.26, or has entered into a loan agreement in anticipation of the collection of the schoolhouse tax under section 297.36, only fifty percent of the property tax portion of the district cost

per pupil shall be paid to the receiving district for the first three years of the transfer, unless the debt is paid before the end of the three years. If the debt is paid in less than three years from the date of the transfer or if three years pass, from the date of the transfer, without retirement of the district of residence's debt obligation, whichever date is sooner, the full amount of the district cost per pupil shall then be paid to the receiving district. If a request filed under this section is for a child requiring special education under chapter 281, the request to transfer to the other district shall only be granted if the receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause the size of the class in that special education instructional program in the receiving district to exceed the maximum class size in rules adopted by the state board of education for that program. For pupils requiring special education, the board of directors of the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education. Quarterly payments shall be made to the receiving district. If the transfer of a pupil from one district to another results in a transfer from one area education agency to another, the sending district shall forward a copy of the request to the sending district's area education agency. The receiving district shall forward a copy of the request to the receiving district's area education agency. Any moneys received by the area education agency of the sending district for the child who is the subject of the request shall be forwarded to the receiving district's area education agency. Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. A receiving district shall not send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, unless, if the child meets the economic eligibility requirements, established under the federal National School Lunch and Child Nutrition Acts, 42 U.S.C. § 1751-1785, for free or reduced price lunches. If the child meets those requirements, the sending district shall be responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the child to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a child to a contiguous receiving district under this paragraph may withhold from the district cost per pupil amount, that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

A student who has been paying tuition and attending school on or before March 25, 1989, in a district other than the student's district of residence shall be permitted to attend school in the district where the student has been paying tuition, during the 1989-1990 school year, by filing a request to use the open enrollment option under this section by August 1, 1989.

If a student has been paying tuition and attending an accredited nonpublic school during the 1988-1989 school year, which is located in a public school district other than the student's public school district of residence, and the nonpublic school discontinues the grade or school which the student would have attended during the 1989-1990 school

year, after June 30, 1988, but before August 1, 1989, the student shall be permitted to attend a public school, located within the public school district where the nonpublic school was located, during the 1989-1990 school year if the receiving public school district agrees to accept the student and the student's parent or guardian files a request to use the open enrollment option under this section by August 1, 1989. The public school district where the nonpublic school was located shall count the student in the September 1989 enrollment count.

A student, whose district of residence, for the purposes of school attendance, changes during the by August 1, 1989-1990 school year, shall be permitted to attend school during the 1989-1990 school year in the district in which the student attended during the 1988-1989 school year if a request to use the open enrollment option under this section is filed by August 1, 1989.

If a child, for which a request to transfer has been filed with the a district of residence, has been suspended or expelled in the district of residence, the receiving district named in the request may refuse the request to transfer until the child has been reinstated in the sending district of residence.

A laboratory school under chapter 265 shall be exempt from the provisions of this section.

If a request under this section is for transfer to a laboratory school, as described in chapter 265, the student, who is the subject of the request, shall not be included in the basic enrollment of the student's district of residence, and the laboratory school shall report the enrollment of the student directly to the department of education, unless the number of students from the district attending the laboratory school during the current school year, as a result of open enrollment under this section, exceeds the number of students enrolled in the laboratory school from that district during the 1988-1989 school year. If the number of students enrolled in the laboratory school from a district during the current year exceeds the number of students enrolled from that district during the 1988-1989 school year, those students who represent the difference between the current and the 1988-1989 school year enrollment figures shall be included in the basic enrollment of the students' districts of residence and the districts shall retain any moneys received as a result of the inclusion of the student in the district enrollment. The total number of students enrolled at a laboratory school during a school year shall not exceed six hundred seventy students. The regents' institution operating the laboratory school shall develop a student transfer policy designed to protect and promote the quality and integrity of the teacher education program at the laboratory school and to indicate the order in which and reasons why requests to transfer to a laboratory school shall be considered. A laboratory school may deny a request for transfer under the policy. A denial of a request to transfer under this paragraph is not subject to appeal under section 290.1.

Sec. \_\_\_\_ . NOTIFICATION OF RECEIPT OF NONSTATE FUNDS. All constitutional and statutory offices, administrative departments, and independent agencies shall notify the department of management and the legislative fiscal bureau of any request for, approval of, or an award of federal or other nonstate funds, or of the loss of federal or other nonstate funds during the fiscal period beginning October 1, 1988, and ending September 30, 1989. The notification shall be made no later than December 15, 1989, and shall include the name of the grantor and of the funding grant, the estimated amount of funds, and the planned expenditures for the funds. The format of the notification shall be specified by the legislative fiscal bureau. This section applies

to the state board of regents except that notification is not required for funds requested, approved, or awarded for individual services performed by a member of the faculty or staff at an institution under the control of the board when those services are performed on that member's behalf."

56. Page 50, line 25, by striking the word and figure "and 24" and inserting the following: "24, 100, and 110".

57. Title page, line 4, by inserting after the word "state," the following: "providing for the imposition of a tax."

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

ON THE PART OF THE HOUSE:

JACK HATCH, Chair  
RUHL MAULSBY  
MARY NEUHAUSER  
DON SHOULTZ  
BRENT SIEGRIST

ON THE PART OF THE SENATE:

RICHARD J. VARN, Chair  
LARRY MURPHY  
WILMER RENSINK

A non-record roll call was requested.

The ayes were 72, nays 9.

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. 774)

The ayes were, 88:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cphoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Hatch
Hermann	Hester	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Shearer	Sherzan

Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 12:

Brand	Fey	Halvorson, R. A.	Hanson, D. R.
Harper	Haverland	Hibbard	Holveck
McKean	Osterberg	Plasier	Schrader

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 774)

Arnould of Scott asked and received unanimous consent that House File 774 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Knapp of Dubuque called up for consideration **House File 355**, a bill for an act relating to travel agents and agencies by providing for registration and regulation, and providing for fees and penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—4475:

H—4475

- 1 Amend House File 355, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 6 through 10, and
- 4 inserting the following:
- 5 "3. "Solicitation" means contact by a travel
- 6 agency or travel agent of a customer for the purpose
- 7 of selling or offering to sell travel services."
- 8 2. Page 2, line 1, by striking the word
- 9 "initial".
- 10 3. Page 2, lines 2 and 3, by striking the words
- 11 "by mail, telephone, or other form of
- 12 telecommunications".
- 13 4. Page 2, line 12, by striking the word
- 14 "initial".
- 15 5. Page 2, lines 12 and 13 by striking the words
- 16 "by mail, telephone, or other form of
- 17 telecommunications".
- 18 6. Page 3, by striking lines 12 and 13.
- 19 7. Page 3, line 35, by inserting after the word
- 20 "chapter" the following: ", but not to exceed fifteen

21 dollars per year per agency”.

22 8. Page 4, by striking lines 3 through 7, and  
23 inserting the following:

24 “A registrant shall submit to the secretary  
25 corrections to the information supplied in the  
26 registration statement within a reasonable time after  
27 a change in circumstances, which circumstances would  
28 be required to be reported in an initial registration  
29 statement, except travel agents names as required in  
30 subsection 5, paragraph “b”. The names of travel  
31 agents shall be updated at the time of annual  
32 registration.”

33 9. Page 4, by striking lines 12 through 17, and  
34 inserting the following:

35 “1. An application for a travel agency must be  
36 accompanied by a surety or cash performance bond in  
37 conformity with rules adopted by the secretary in the  
38 principal amount of ten thousand dollars, with an  
39 aggregate limit of ten thousand dollars. The bond  
40 shall be executed by a surety company authorized to do  
41 business in this state, and the bond shall be  
42 continuous in nature until canceled by the surety with  
43 not less than sixty days written notice to both the  
44 registrant and to the secretary. The notice shall  
45 indicate the surety’s intent to cancel the bond on a  
46 date at least sixty days after the date of the  
47 notice.”

48 10. Page 4, line 28, by striking the words “or  
49 other equitable relief”.

50 11. Page 5, line 19, by striking the word “a.”

**Page 2**

1 12. Page 5, by striking lines 26 through 32.

2 13. Page 6, line 26, by striking the word  
3 “initial”.

4 14. By renumbering, relettering, and  
5 redesignating as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4475.

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

On the question “Shall the bill pass?” (H.F. 355)

The ayes were, 89:

Adams  
Bennett

Arnould  
Bisignano

Beaman  
Black

Beatty  
Blanshan

Brammer	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Hatch	Haverland	Hester
Hibbard	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lykam	Maulsby
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 4:

Banks	Corbett	Garman	Lundby
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Absent or not voting, 7:

Brand	Halvorson, R. A.	Hanson, D. R.	Harper
Hermann	Holveck	McKean	

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

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 33

Connors of Polk asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 33, to urge the State Department of Transportation to continue studying the advisability of expanding the number of lanes of Interstate 235 in Polk County, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### SENATE MESSAGE CONSIDERED

**Senate File 546**, by committee on appropriations, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; increasing the size of the state revenue estimating council and the

use of its estimates; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; repealing the authorization for intradepartmental transfers of appropriated funds; and extending the lottery.

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

The House stood at ease at 1:37 p.m., until the fall of the gavel.

The House resumed session at 2:37 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 May 6, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 745, a bill for an act relating to the stopping, standing, and parking of vehicles including parking for handicapped persons and providing penalties and effective dates.

JOHN F. DWYER, Secretary

### CONFERENCE COMMITTEE REPORT FILED (Conferees Failed to Agree)

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

### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 538

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

We, the undersigned members appointed to resolve the differences between the Senate and the House of Representatives on Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making

appropriations to certain state agencies; and providing for other properly related matters, respectfully make the following report:

1. That the conference committee is unable to agree.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

JOHNIE HAMMOND, Chair  
DOROTHY CARPENTER  
TOM FEY  
JOAN HESTER  
TOM JOCHUM

CHARLES BRUNER, Chair  
JOY CORNING  
MAGGIE TINSMAN

SENATE AMENDMENTS CONSIDERED

Knapp of Dubuque called up for consideration **House File 789**, a bill for an act relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation, amended by the Senate amendment H—4471 as follows:

H—4471

1 Amend House File 789, as passed by the House, as  
2 follows:

3 1. Page 2, by striking lines 19 through 22, and  
4 inserting the following:

5 "g. For the implementation of a competitive grant  
6 program to provide weatherization assistance to low-  
7 income individuals, from the Exxon fund:

8 .....\$ 250,000

9 h. For the continuation of energy conservation  
10 measures to group residences operated by nonprofit  
11 organizations serving low-income persons and for the  
12 continuation of the partnership in low-income  
13 residential retrofit program, from the Stripper Well  
14 fund:

15 .....\$ 500,000".

16 2. Page 2, by striking lines 23 through 28, and  
17 inserting the following:

18 "i. For the establishment and implementation of  
19 not less than five model farm demonstration project  
20 areas, in geographically distinct portions of the  
21 state. The projects shall be located in southeast,  
22 south-central, southwest, northwest, and north-central  
23 portions of the state. The projects shall be designed  
24 to enhance the profitability and decrease the  
25 environmental impacts of row crop production, and to  
26 develop on-farm demonstration and education programs  
27 involving farms concentrated in a project area, such  
28 as the Big Spring demonstration project does in  
29 northeast Iowa. An advisory group shall assist the  
30 energy and geological resources division of the  
31 department of natural resources in the project design  
32 and implementation, with representation consisting of

33 the directors of the soil conservation division of the  
34 department of agriculture and land stewardship, and  
35 the cooperative extension service. From the Stripper  
36 Well fund:".

37 3. Page 2, by inserting after line 29, the  
38 following:

39 "j. For the development of the energy planning  
40 data base aspects of the natural resource geographic  
41 information system required by section 455E.8,  
42 subsection 6, in conjunction with the department of  
43 transportation, from the Exxon and Stripper Well  
44 funds:

45 .....\$ 750,000".

46 4. Page 2, line 31, by striking the figure

47 "300,000" and inserting the following: "200,000".

48 5. By renumbering, relettering, or redesignating  
49 and correcting internal references as necessary.

Schrader of Marion offered the following amendment H—4478, to the Senate amendment H—4471, filed by Knapp of Dubuque and him from the floor and moved its adoption:

H—4478

1 Amend the Senate amendment, H—4471, to House File  
2 789, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 3 through 8, and  
5 inserting the following:

6 "\_\_\_\_\_. Page 2, line 22, by striking the figure  
7 "500,000" and inserting the following: "300,000".

8 2. Page 1, by striking lines 9 through 15, and  
9 inserting the following:

10 "h. For the implementation of a competitive grant  
11 program to provide weatherization assistance for  
12 energy conservation resources to group residences  
13 operated by nonprofit organizations serving low-income  
14 persons, from the Exxon fund:

15 .....\$ 200,000".

16 3. Page 1, by inserting before line 16, the  
17 following:

18 "\_\_\_\_\_. For the continuation of energy conservation  
19 measures to group residences operated by nonprofit  
20 organizations serving low-income persons and for the  
21 continuation of the partnership in low-income  
22 residential retrofit program, from the Exxon fund:

23 .....\$ 103,000".

24 4. Page 1, line 45, by striking the figure "750,000"  
25 and inserting the following: "500,000".

26 5. Page 1, by striking lines 46 and 47.

27 6. Page 1, by inserting before line 46, the  
28 following:

29 "Sec. \_\_\_\_\_. Of the \$1,000,000 appropriated to the  
 30 department of natural resources for energy conservation  
 31 grants and contracts to be used to fund cost-effective  
 32 and environmentally sound energy conservation and  
 33 renewable resource projects which meet the guidelines  
 34 of one or more of the five energy programs specified in  
 35 Pub. L. No. 97-377, § 155, 96 Stat. 1830, 1919  
 36 (1982), pursuant to 1987 Iowa Acts, chapter 230, section  
 37 1, from the Exxon account, \$103,000 shall revert to the  
 38 energy conservation trust."

Amendment H—4478 was adopted.

On motion by Knapp of Dubuque, the House concurred in the Senate amendment H—4471, 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. 789)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Brown	Cphoon	Halvorson, R. A.	Hanson, D. R.
McKean	Tabor		

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

### HOUSE REFUSED TO CONCUR

Svoboda of Tama called up for consideration **House File 795**, a bill for an act relating to drought assistance, making appropriations, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—4472:

H—4472

- 1 Amend House File 795, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 16, by inserting after the words
- 4 "spraying of" the following: "residual".
- 5 2. Page 2, line 20, by inserting after the word
- 6 "feed." the following: "However, this section does
- 7 not prohibit the use of pesticides necessary to
- 8 control noxious weeds, as defined in section 317.1."
- 9 3. Page 2, by inserting after line 32, the
- 10 following:
- 11 "Sec. \_\_\_\_\_. Section 192.13, Code 1989, is amended
- 12 to read as follows:
- 13 192.13 TRADE SECRETS PROTECTED.
- 14 It shall be unlawful for any person who in an
- 15 official capacity obtains any information under the
- 16 provisions of this chapter or chapter 191 which is
- 17 entitled to protection as a trade secret, including or
- 18 nonactionable information as relating to quantity,
- 19 quality, source or disposition of milk or milk
- 20 products, or the nonactionable results of inspections
- 21 or tests thereof, to use such information to the
- 22 person's own advantage or to reveal it to any
- 23 unauthorized person."
- 24 4. Title page, line 1, by inserting after the
- 25 word "appropriations," the following: "providing for
- 26 confidentiality,".
- 27 5. By renumbering, relettering, or redesignating
- 28 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4472.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 789 and 795 be immediately messaged to the Senate.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1989, adopted the conference committee report and passed House File 774, 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 effective dates.

Also: That the Senate has on May 6, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 799, a bill for an act relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority.

Also: That the Senate has, on May 6, 1989, adopted the conference committee report and passed Senate File 517, a bill for an act relating to and making appropriations to various state agencies including certain state 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, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date.

Also: That the Senate has, on May 6, 1989, appointed a second conference committee on Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters, the members of the Senate are: The Senator from Story, Senator Bruner, Chair; the Senator from Polk, Senator Palmer; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Black Hawk, Senator Corning; and the Senator from Scott, Senator Tinsman.

JOHN F. DWYER, Secretary

The House stood at ease at 2:45 p.m., until the fall of the gavel.

The House resumed session at 4:07 p.m., Speaker Avenson in the chair.

**SECOND CONFERENCE COMMITTEE APPOINTED  
(Senate File 538)**

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning Senate File 538: Jochum of Dubuque, Chair; Peterson of Carroll, Fey of Scott, Hester of Pottawattamie and Plasier of Sioux.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 686)**

Jesse of Jasper called up for consideration the report of the conference committee on House File 686 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 686**

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 686, a bill for an act establishing a science and technology foundation and providing an effective date, respectfully make the following report:

1. That the House recedes from its amendment, S—4131.
2. That the Senate recedes from its amendment, H—4310.
3. That House File 686, as amended, passed, and reprinted by the House, is amended as follows:
  1. Page 1, by inserting before line 1 the following:

“Section 100. NEW SECTION. 18B.1 DEFINITIONS.

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

1. “Business” means a commercial enterprise engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate or intrastate commerce, or the production of agricultural products from farming as defined in section 175.2, but excludes retail, health, or professional services. “Business” includes a financial institution, including an insured bank as defined in section 524.103, a credit union is defined in section 533.1, and an association as defined in section 534.102.
2. “Executive director” means the executive director of the board as established in section 18B.8.
3. “Fund” means the international network on trade fund created in section 18B.11.
4. “INTERNET” means the International network on trade as established in section 18B.3.

Sec. 101. NEW SECTION. 18B.2 LEGISLATIVE FINDINGS.

The general assembly finds and declares that:

1. The economic viability of the state depends upon enhancing Iowa's participation in the emerging global economy.

2. Iowa's successful participation in international trade depends upon a commitment between public and private sectors and between public agencies to assist businesses in enhancing the export of Iowa products.

3. Successful participation in international trade depends upon public agencies reaching out to provide special assistance to small and medium sized businesses interested in beginning or increasing the export of Iowa products.

4. Successful participation in international trade depends upon fostering international business research and training to expand opportunities by Iowa businesses to increase trade in viable foreign markets.

5. Iowa businesses are in need of a simple nonbureaucratic mechanism which serves as a key for Iowa businesses to reach sources designed to assist businesses in accessing foreign markets or increasing foreign trade.

Sec. 102. NEW SECTION. 18B.3 ESTABLISHMENT OF INTERNET — MISSION. The international network on trade is established to conduct long-range research quantifying product and geographical opportunities for Iowa producers in the global marketplace, including determining actions necessary, by public or private sector groups, to successfully exploit those opportunities. Research shall be conducted in concert with private sector members of INTERNET, higher educational institutions, and existing export support resources, including but not limited to the department of economic development, the department of agriculture and land stewardship, and the United States department of commerce. INTERNET at all times shall avoid duplication of resource programs. INTERNET shall recommend a coordinated international trade policy designed to substantially increase Iowa's global trade benefits.

Sec. 103. NEW SECTION. 18B.4 AUTHORIZED CORPORATION. The international network on trade shall be incorporated under chapter 504A. INTERNET shall not be regarded as a state agency, except for purposes of chapter 17A. A member of the board of directors is not considered a state employee, except for purposes of chapter 25A. If the executive director is a natural person acting as a salaried employee of the board, the executive director is a state employee except for purposes of the merit system provisions of chapter 19A and chapter 20. A natural person hired by the executive director who is a salaried employee of the board is a state employee. However, if a person, including a staff member of INTERNET, is an independent contractor or an employee of an independent contractor, the person is not a state employee except for purposes of chapter 25A.

Sec. 104. NEW SECTION. 18B.5 BOARD OF DIRECTORS.

1. INTERNET shall be governed by a board of directors consisting of the following:

- a. The president of the university of Iowa, or the president's designee.
- b. The president of Iowa state university of science and technology, or the president's designee.
- c. The president of the university of northern Iowa, or the president's designee.

d. The director of the department of economic development, or the director's designee.

e. The chairperson of the agricultural products advisory council, who shall serve as an ex officio nonvoting member.

f. The secretary of agriculture or the secretary's designee.

g. Three designees of the Iowa association of independent colleges and universities. The association shall give preference to appointing designees representing schools which are members of INTERNET.

h. Three designees of the Iowa association of community college presidents. A designee shall not represent more than one community college.

i. Four designees who are elected from the business membership. The designees must be business persons actively engaged in international trade. At least two of the persons must have experience in exporting and at least one of the persons must have experience in international finance. No two members shall represent the same business.

j. Two designees who are elected from the business membership. The designees must represent associations operating not for profit to promote or facilitate international trade on a local or regional basis. No two designees shall be employees of the same association.

2. The voting members of the board shall serve staggered terms of four years except that of the first terms, seven voting members shall serve terms of two years. A person appointed to fill a vacancy for a director shall serve only for the unexpired portion of the term. A director is eligible for reappointment. A director may be removed from office by a two-thirds vote of the board for misfeasance, malfeasance, or willful neglect of duty or other just cause after notice and hearing, unless the notice and hearing is expressly waived by the director in writing.

3. In designating or electing persons to serve on the board, INTERNET members, to the extent practicable, shall designate or elect a board membership which is geographically and gender balanced.

4. Nine voting members constitute a quorum and the affirmative vote of a majority of the voting members is necessary for substantive action taken by the board. The majority shall not include a voting member who has a conflict of interest and a statement by a voting member that the voting has a conflict of interest is conclusive for this purpose. A vacancy in the board's membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

5. The directors actively engaged in international trade, the directors representing international trade associations, and the directors appointed by the Iowa association of independent colleges and universities are entitled to receive forty dollars per diem for each day spent in performance of duties as directors, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as directors.

6. The board shall elect a chairperson from among its directors.

7. Meetings of the board shall be held at the call of the chairperson or at the written request of four directors to the chairperson.

Sec. 105. NEW SECTION. 18B.6 GENERAL POWERS.

The board established pursuant to section 18.5 shall have all the general powers needed to carry out its mission and duties, including but not limited to the following powers:

1. To sue and be sued in its own name.
2. To adopt a corporate seal.
3. To adopt bylaws for its management consistent with the provisions of this chapter.
4. To make and execute agreements, contracts and other instruments, with any public or private entity, including but not limited to a federal or governmental agency, foreign nation, or another state in the union. All political subdivisions, other public agencies and state agencies may enter into contracts and otherwise cooperate with the board.
5. To procure insurance against any loss in connection with its operations and property interests.
6. To fix and collect fees and charges for its services.
7. To accept contributions, including but not limited to appropriations, gifts, grants, loans, services, or other aid or assistance from public or private entities. A record of all contributions, stating the type, amount, and donor, shall be clearly set forth in the board's annual report along with the record of other receipts.

Sec. 106. NEW SECTION. 18B.7 INTERNET MEMBERSHIP.

1. INTERNET shall include academic and business members.
  - a. The academic members shall include the following:
    - (1) The university of Iowa.
    - (2) Iowa state university of science and technology.
    - (3) The university of northern Iowa.
    - (4) Each area community college within a merged area as established in chapter 280A.
    - (5) A private college or university which agrees to participate as an INTERNET member and is a member of the Iowa association of independent colleges and universities.
  - b. The business members shall include any business actively involved in international trade, including export trade, export assistance, or international finance.
    2. a. The academic members shall cooperate with the board in accomplishing the mission and duties of the board as provided in this chapter. Each member shall execute a membership agreement with the board. A member under the terms of the agreement shall provide an annual contribution as provided by the board. The contribution shall relate to supporting programs administered by the board, and may include financial or in-kind assistance such as office space, personnel time, materials and supplies, or a combination of financial or in-kind assistance. A minimum contribution is required to become an academic member.

b. The business members shall cooperate with the board in accomplishing the mission and duties of the board as provided in a membership agreement executed between the board and the members. A member under the terms of the agreement shall make an annual contribution as provided by the board. The contribution shall relate to supporting programs administered by the board and may include financial or in-kind assistance such as office space, personnel time, materials and supplies or a combination of financial or in-kind assistance. A minimum contribution is required to become a business member.

3. A member, other than the university of Iowa, Iowa state university of science and technology, the university of northern Iowa, or a community college, may withdraw from membership and all commitments entered into between the board and the member after one year following written notice by the member delivered to the executive director. The terms of the membership agreement executed between the board and the member shall terminate one year following written notice of the member's withdrawal, unless the board and the member otherwise agree in writing.

Sec. 107. NEW SECTION. 18B.8 EXECUTIVE DIRECTOR.

1. Under the general direction of the board, the executive director shall do all of the following:

a. Manage and operate the INTERNET, including hiring and directing INTERNET staff whether salaried employees of the board or independent contractors.

b. Establish subcommittees of business and academic specialists as needed. The specialists shall be consulted as program areas are developed and individual projects are selected for funding.

c. Keep the membership of INTERNET informed of items of importance relating to programs or projects of INTERNET, INTERNET finances, and actions by the board.

d. Negotiate membership agreements, including terms relating to the contribution of a member, according to section 18B.7.

e. Advise the board on matters relating to the mission of INTERNET, including programs and projects under consideration or implementation by the board and finances of INTERNET.

f. Recommend bylaws, and rules to be adopted by the board.

g. Control INTERNET finances, including appropriations, and contributions, and approve expenses from the fund in a manner consistent with rules and procedures of the treasurer of state.

h. Report to the board the condition of INTERNET including programs, projects, and INTERNET finances, at least once each three months. The executive director shall prepare for board approval an annual report provided in section 18B.10.

2. The executive director shall not, directly or indirectly exert influence to induce any other officer or employee of the state to adopt a political view, or to favor a political candidate for office.

3. The executive director shall serve as secretary to the board, and shall be custodian of all documents, including books and papers filed with the authority of the minutes of board meetings. The executive director shall make copies of documents and provide certificates under seal that the copies are true copies and that all persons dealing with INTERNET may rely upon the certificates.

Sec. 108. DUTIES. 18B.9 BOARD DUTIES.

The board shall carry out the mission of INTERNET and shall have discretionary authority to perform the following duties:

1. To appoint and direct an executive director and employ INTERNET staff, including the executive director, as salaried employees of INTERNET or as independent contractors.

2. To approve the budget of INTERNET for each fiscal year.

3. To adopt goals and objectives of INTERNET, including recommendations to the general assembly and governor of a coordinated trade policy designed to substantially increase Iowa's global trade benefits.

4. To target for assistance businesses or products which indicate a high potential for expansion in foreign markets.

5. To provide special assistance to small and medium sized businesses interested in beginning or increasing the export of Iowa products.

6. To conduct special research projects, including product research in foreign markets.

7. To inventory and catalog international resources of information, including experts and programs, available to provide assistance to businesses interested in foreign trade.

8. To establish a clearinghouse of information to refer to appropriate resources businesses interested in accessing foreign markets or expanding foreign trade.

9. To establish criteria and award grants or loans based only on a competitive basis for programs relating to international training or research. In making financial awards, preference shall be given to members, as provided in section 18B.7.

10. To facilitate contact between businesses in search of assistance in entering or expanding foreign trade and persons able to assist the business.

11. To cooperate with Iowa universities and colleges, governmental agencies, and businesses where collaboration would add value to international trade programs or increase opportunities in foreign markets for increased trade.

12. To recruit business and colleges to become INTERNET members as provided in section 18B.7.

13. In order to leverage state funds appropriated to INTERNET, to actively seek financial support from nonstate sources, including from the federal government, and from businesses. The board may require a match from nonstate sources for programs, seek generic business support for INTERNET, seek support from business in one or more industries for programs which may benefit those businesses, or charge fees for services provided under the authority of INTERNET. The board shall use INTERNET resources to the maximum extent possible in order to seek matching funds, gifts, grants or additional assets, including funding sources.

14. To conduct international research according to requests from INTERNET members.

15. To regularly disseminate to INTERNET members information and issues relating to international trade, including data and findings from market studies.

16. To monitor changing world economic and political conditions.

17. To report annually about INTERNET to the governor and the general assembly as provided in section 18B.10.

18. To oversee the progress of programs and projects administered by INTERNET and monitor the status of INTERNET assets, including finances.

19. To approve membership agreements, including terms relating to contributions of members as provided in section 18B.7.

20. To approve any contract or agreement committing INTERNET to the substantial expenditure of INTERNET assets.

21. To adopt bylaws for INTERNET, approve other procedures relating to the day-to-day administration of INTERNET, and adopt rules consistent with chapter 17A.

Sec. 109. NEW SECTION. 18B.10 ANNUAL REPORT.

1. The board shall approve and submit to the governor and to the secretary of the senate and to the chief clerk of the house of representatives, not later than January 15 of each year, a report setting forth information relating to INTERNET, including all of the following:

a. Matters relating to operations and accomplishments.

b. A summary of receipts and expenditures during the fiscal year, in accordance with the classifications it establishes for its operating accounts.

c. A summary of assets and liabilities at the end of the fiscal year and the status of special accounts.

d. A statement of proposed and projected activities.

e. Recommendations to the general assembly and governor, including recommendations related to a coordinated trade policy designed to substantially increase Iowa's global trade benefits.

2. The annual report shall identify performance goals of INTERNET, and indicate the extent of progress during the reporting period, in attaining the goals.

Sec. 110. NEW SECTION. 18B.11 INTERNATIONAL NETWORK ON TRADE FUND.

There is created within the state treasury, an international network on trade fund. The fund is composed of money appropriated by the general assembly for that purpose, and moneys available to and obtained or accepted by the board under this chapter, including money from the United States, other states in the union, foreign nations, state agencies, political subdivisions, and private sources, and moneys from fees charged under this chapter.

The fund shall be a revolving fund from which moneys may be used for purposes described in this chapter, including loans, grants, matching financing, and administrative costs. All interest earned on proceeds in the fund shall remain in the fund.

The auditor of state shall conduct regular audits of the fund and shall make a certified report relating to the condition of the fund to the treasurer of state and to the executive director.

The board and executive director shall administer the fund as in accordance with procedures of the treasurer of state. In administering the fund, the board may do all of the following:

1. Contract, sue and be sued, and adopt rules necessary to carry out the provisions of this section, but the board shall not in any manner, directly or indirectly pledge the credit of the state.

2. Authorize payment from the fund, from fees and from any income received by investment of money in the fund, for cost, commissions, attorney fees, and other reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with the loans.

Section 8.33 shall not apply to moneys in the fund."

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

"Sec. \_\_\_\_\_. NEW SECTION. 28.151 WALLACE TECHNOLOGY TRANSFER FOUNDATION OF IOWA ESTABLISHED – MISSION."

3. Page 1, by striking lines 7 and 8 and inserting the following: "in the emerging world economy. A Wallace technology transfer foundation of Iowa is established to formulate and implement plans and".

4. Page 1, line 12, by inserting after the word "businesses" the following: "and farms".

5. Page 1, line 15, by inserting after the word "factory" the following: "and farm".

6. Page 1, line 29, by inserting after the word "innovation" the following: "and in the development of Iowa science infrastructure".

7. Page 2, line 1, by striking the words "A study of the need for" and inserting the following: "Establishment of".

8. Page 2, lines 5 and 6, by striking the words "The study shall include recommendations."

9. Page 2, line 10, by striking the words "The Iowa science and technology" and inserting the following: "A Wallace technology transfer foundation of Iowa".

10. Page 2, by inserting before line 25 the following:

"\_\_\_\_\_. A president of a merged area school, or the president's designee, appointed by the Iowa association of community college presidents.

\_\_\_\_\_. A president of an Iowa independent college or university, or the president's designee, appointed by the Iowa association of independent colleges and universities."

11. By striking page 2, line 29, through page 3, line 4, and inserting the following:

"\_\_\_\_\_. A shareholder member of the business development finance corporation elected by the business development finance corporation board.

\_\_\_\_\_. The secretary of agriculture or the secretary's designee.

\_\_\_\_\_. The governor's science advisor.

\_\_\_\_\_. Five persons appointed by the governor, subject to senate confirmation, three of whom shall be persons involved directly in research and development of technology-based industries or persons with experience in technology, and two of whom shall be directly involved in agriculture-related enterprises."

12. Page 3, line 6, by striking the figure "(1)".

13. Page 3, by striking lines 11 through 14.

14. Page 4, by striking lines 22 and 23, and inserting the following:

"14. To establish committees of business, agriculture, academic specialists, or others as deemed necessary."

15. Page 6, line 15, by inserting after the word "business" the following: "and agriculture".

16. Page 6, line 19, by inserting after the word "firms" the following: "and farms".

17. Page 6, line 24, by inserting after the word "industry" the following: "and agriculture".

18. Page 6, by inserting before line 27 the following:

"6. The plan shall include directions for participation by the foundation, through direct investment or in partnership or joint venture with a commercial investor or other financial source, in providing funds for development of existing or new businesses in Iowa engaged in commercial exploitation of products or technologies related to the research interests of the foundation."

19. Page 6, line 34, by inserting after the word "college" the following: ", community college,".

20. Page 7, line 12, by inserting after the word "industrial" the following: "and agricultural".

21. Page 7, by striking lines 15 through 20 and inserting the following:

"2. The foundation shall have authority over state funds appropriated to the foundation for research, development, and technology transfer projects. State funds awarded by the".

22. Page 8, line 17, by striking the words "and industry" and inserting the following: ", industry, and agriculture".

23. Page 8, by inserting before line 21 the following:

"Sec. \_\_\_\_\_. NEW SECTION. 28.158A BONDS AND NOTES – AUTHORITY.

1. The foundation may issue its own negotiable bonds and notes in principal amounts as, in the opinion of the foundation, are necessary to provide sufficient funds for achievement of its corporate purposes. The foundation shall coordinate the issuance of notes and bonds with the treasurer of state as set forth in section 12.30. The foundation shall issue bonds and notes to the extent not inconsistent with the limitations and restrictions of issuing bonds and notes under sections 220.26, 220.27, and 220.28.

2. Bonds and notes issued by the foundation are payable solely and only out of the moneys, assets, or revenues of the foundation, and as provided in the agreement with bondholders or noteholders pledging any particular moneys, assets, or revenues. Bonds or notes are not an obligation of this state or any political subdivision of this state other than the foundation within the meaning of any constitutional or statutory debt limitations, but are special obligations of the foundation payable solely and only from the sources provided in this section, and the foundation shall not pledge the credit or taxing power of this state or any political subdivision of this state other than the foundation, or make its debts payable out of any moneys except those of the foundation.

3. The foundation may create and establish one or more special funds, to be known as "bond reserve funds", and shall pay into each bond reserve fund any moneys appropriated and made available by the state for the purpose of the fund, any proceeds of sale of notes or bonds to the extent provided in the resolutions of the foundation authorizing their issuance, and any other moneys which may be available to the foundation for the purpose of the fund from any other sources. All moneys held in a bond reserve fund shall be used as required solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

4. The use of proceeds of the sale of bonds or notes shall be limited to the acquisition or lease-purchase of machinery and equipment relating to science and technology which is identified in the strategic plan prepared pursuant to section 28.157 and the use of proceeds shall be limited to not more than a total of one million dollars in any fiscal year unless authorized by a resolution of the general assembly and approved by the governor."

24. By striking page 8, line 33, through page 9, line 8, and inserting the following:

"a. Each member of the Iowa congressional delegation, or the member's designee.

b. Members appointed by the foundation upon consultation with the congressional delegation."

25. Page 9, line 17, by inserting after the word "businesses" the following: "and farms".

26. Page 9, line 18, by inserting after the words "strategies to" the following: "farms for more efficient production of agricultural commodities, or to".

27. Page 9, line 24, by inserting after the word "businesses" the following: "and farmers".

28. Page 9, by inserting before line 29 the following:

"Sec. 111. ORGANIZING BOARD OF INTERNET. The members of the board designated pursuant to section 18B.5, subsection 1, paragraphs "a" through "h", in conjunction with the members of the world trade institute study committee established pursuant to 1987 Acts, chapter 141, section 8, shall have all powers and duties necessary to organize the board, including the adoption of articles of incorporation, bylaws, and rules. The organizing board shall be chaired by the chairperson of the world trade institute study committee. The organizing board shall be staffed by the department of economic development. The organizing board may contract for additional legal or

other assistance as deemed necessary by the organizing board. The interdisciplinary working group on international business may cooperate by assisting the organizing board. The permanent board shall be organized not later than January 1, 1990. Procedures set forth in section 18B.5 shall be applicable to the organizing board. After January 1, 1990, the directors of the permanent board designated pursuant to section 18B.5, paragraphs "a" through "h", shall have all the powers necessary to carry out the mission of INTERNET, until the directors representing business members pursuant to section 18B.5, paragraphs "i" and "j" have been elected. The election shall be held as soon after January 1, 1990, as is reasonably practicable, but shall be held not later than June 30, 1990.

Sec. 112. WORLD TRADE INSTITUTE STUDY COMMITTEE.

1. All equipment purchased and materials produced under contracts between persons and the world trade institute study committee, established pursuant to 1987 Acts, chapter 141, section 8, shall be transferred to the custody of INTERNET.

2. The board of INTERNET shall consider the materials and recommendations produced by the world trade institute study committee. The board shall study methods to incorporate programs under study by the committee into permanent programs administered by the board."

29. Page 9, by inserting after line 32 the following:

"Sec. \_\_\_\_\_. Sections 100 through 112 of this Act, being deemed of immediate importance, take effect upon enactment."

30. Title page, by striking lines 1 and 2, and inserting the following: "An Act establishing an international network on trade, establishing the Wallace technology transfer foundation of Iowa, authorizing the issuance of bonds, and providing effective dates."

31. By renumbering as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

TOM SWARTZ, Chair  
GLEN D. JESSE  
JACK HATCH  
WAYNE BENNETT  
JANET METCALF

JOHN KIBBIE, Chair  
LEONARD L. BOSWELL  
RICHARD RUNNING  
MARK R. HAGERLA  
LINN FUHRMAN

The motion prevailed and the conference committee report was adopted.

Jesse 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. 686)

The ayes were, 83:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark

Cohoon	Connolly	Corbett	Daggett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 9:

De Groot	Fuller	Hermann	Maulsby
Renken	Royer	Schneklath	Stromer
Van Maanen			

Absent or not voting, 8:

Beaman	Connors	Halvorson, R. A.	Hanson, D. R.
McKean	Petersen, D. F.	Plasier	Teaford

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 4:26 p.m., until the fall of the gavel.

The House resumed session at 4:45 p.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1989, 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 789, a bill for an act relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation.

Also: That the Senate has on May 6, 1989, insisted on its amendment to House File 795, a bill for an act relating to drought assistance, making appropriations, and providing effective dates, and the members of the conference committee, on the part of the Senate are: The Senator from Decatur, Senator Boswell, Chair; the Senator from Lee, Senator Fraise; the Senator from Tama, Senator Husak; the Senator from Clayton, Senator Tieden; and the Senator from Bremer, Senator Jensen.

Also: That the Senate has on May 6, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 34, a concurrent resolution referring all resolutions and proposals requesting the establishment of legislative studies to the Legislative Council.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT CONSIDERED

Cohoon of Des Moines called up for consideration **House File 745**, a bill for an act relating to the stopping, standing, and parking of vehicles including parking for handicapped persons and providing penalties and effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—4477:

H—4477

- 1 Amend House File 745 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, by striking lines 30 through 34 and
- 4 inserting the following: "twenty-five dollars."
- 5 2. Page 10, line 11, by striking the word "shall"
- 6 and inserting the following: "may".
- 7 3. By renumbering, relettering, or redesignating
- 8 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4477.

Cohoon 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. 745)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte

Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royar
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Halvorson, R. A.    Hammond                      Hanson, D. R.                      McKean

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

#### CONFERENCE COMMITTEE APPOINTED (House File 795)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 795: Svoboda of Tama, Chair; McKinney of Dallas, Knapp of Dubuque, Branstad of Winnebago and Petersen of Muscatine.

#### IMMEDIATE MESSAGE (House File 686)

Arnould of Scott asked and received unanimous consent that House File 686 be immediately messaged to the Senate.

#### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 740)

Jay of Appanoose called up for consideration the report of the conference committee on House File 740 and moved the adoption of the conference committee report and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 740

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 740, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable, respectfully make the following report:

1. That the House recedes from its amendment, S—4144.

2. That the Senate recedes from its amendment, H—4132.

3. That House File 740, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, line 25, by striking the words “or describing”.

2. Page 1, line 26, by striking the words “or descriptions”.

3. Page 1, line 28, by striking the words “or descriptions”.

4. Page 3, by striking lines 15 through 18 and inserting the following: “of the minor, but shall report depictions involving a prohibited sexual act. This section shall”.

5. Page 4, line 15, by inserting after the word “felonies.” the following: “As used in this subsection, a “person” excludes any information-access service provider that merely provides transmission capacity without control over the content of the transmission.”

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

DANIEL J. JAY, Chair  
STEVEN HANSEN  
WILLIAM HARBOR  
CHARLES PONCY  
BRENT SIEGRIST

DONALD V. DOYLE, Chair  
EUGENE FRAISE  
THOMAS MANN, Jr.

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. 740)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalfe	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich

Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 6:

Branstad	Connors	Halvorson, R. A.	Hammond
Hanson, D. R.	McKean		

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 271)**

Wise of Lee called up for consideration the report of the conference committee on House File 271 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 271**

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 271, a bill for an act relating to the repeal of a local option sales and services tax and providing an effective date, respectfully make the following report:

1. That the Senate recede from its amendment, H—4374.
2. That House File 271, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by inserting before line 26 the following:

“Sec. \_\_\_\_\_. Section 422B.8, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A local sales and services tax at the rate of not more than one percent may be imposed by a county on the gross receipts taxed by the state under chapter 422, division IV. A local sales and services tax shall be imposed on the same basis as the state sales and services tax and may not be imposed on the sale of any property or on any service not taxed by the state, except the tax shall not be imposed on the gross receipts from the sale of motor fuel or special fuel as defined in chapter 324, on the gross receipts

from the rental of rooms, apartments, or sleeping quarters which are taxed under chapter 422A during the period the hotel and motel tax is imposed, on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts upon which sales tax is imposed only under section 422.43, subsection 12, on the gross receipts from the sale of equipment by the state department of transportation, and on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to chapter 99E. A local sales and services tax is applicable to transactions within those incorporated and unincorporated areas of the county where it is imposed and shall be collected by all persons required to collect state gross receipts taxes. All cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition."

2. Page 1, by inserting before line 28, the following:

"Sec. 100. A city with a population under six hundred located in a county with a population between ninety-five thousand and one hundred ten thousand, which has imposed a local option tax for more than one year and seeks to change the specific purpose for which the local option tax revenues are expended notwithstanding any other provisions of this chapter, shall by resolution change the specific purpose for which the local option tax revenues are expended. The resolution shall not be effective before the expiration of sixty days following the enactment of the resolution. Within thirty days of the enactment of the resolution, a referendum on the change of the specific purpose for which the local option tax revenues are expended may be requested by five percent of the citizens who voted in the last state general election."

3. Page 1, by inserting after line 29, the following:

"Sec. \_\_\_\_\_. Section 100 is repealed January 1, 1990."

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

ON THE PART OF THE HOUSE:

PHIL WISE, Chair  
MICHAEL CONNOLLY  
RALPH ROSENBERG  
JANET METCALF  
HUGO SCHNEKLOTH

ON THE PART OF THE SENATE:

BERL PRIEBE, Chair  
EMIL HUSAK  
DONALD DOYLE  
LINN FUHRMAN  
JULIA GENTLEMAN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 271)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poney
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Halvorson, R. A.	Hanson, D. R.	McKean	Plasier
Svoboda			

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  
(Senate File 517)**

Renaud of Polk called up for consideration the report of the conference committee on Senate File 517 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 517**

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 517, a bill for an act relating to and making appropriations to various state agencies including certain state 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, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4357.

2. That the House amendment, S—4015, to Senate File 517, as amended, passed, and reprinted by the Senate, is amended as follows:

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

“\_\_\_\_\_ . Page 2, line 2, by striking the figure “814,218” and inserting the following: “826,218”.”

2. Page 1, line 23, by striking the word “status” and inserting the following: “condition”.

3. Page 1, by striking line 24 and inserting the following: “systems, including but not limited to membership status, benefits paid, average age of members, annual compensation average, rate of contribution necessary to make the systems actuarially sound, and the actual rate of return against the expected rate of return. The Iowa public employees’ retirement system may use the most recent actuarial valuations conducted under sections 97A.5, subsection 11; 97B.61; 411.5, subsections 12 through 14; and 602.9116 in completing its studies. If the Iowa public employees’ retirement system requires an additional actuarial valuation of a local retirement system established pursuant to chapter 411 and the valuation is paid for by the local system, the conduct of the additional actuarial valuation shall constitute compliance with the next requirement for a valuation under section 411.5 for that system. The Iowa public employees’ retirement system shall develop recommendations”.

4. Page 1, line 35, by inserting after the word “board” the following: “, including but not limited to moneys from the respective retirement funds”.

5. By numbering and renumbering as necessary.

ON THE PART OF THE HOUSE:

DENNIS L. RENAUD, Chair  
JANET L. ADAMS  
EUGENE H. BLANSHAN

ON THE PART OF THE SENATE:

MICHAEL E. GRONSTAL, Chair  
BOB CARR  
JOY C. CORNING  
WILLIAM W. DIELEMAN  
NORMAN J. GOODWIN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 517)

The ayes were, 76:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Corbett	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	Lykam
May	McKinney	Mertz	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker Avenson

The nays were, 20:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot
Hermann	Kistler	Kremer	Maulsby
Metcalfe	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Shoning	Van Maanen

Absent or not voting, 4:

Halvorson, R. A.	Hanson, D. R.	McKean	Schrader
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 271 and 740.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date.

JOHN F. DWYER, Secretary

**CONFERENCE COMMITTEE REPORTS FILED**  
(Conferees Failed to Agree)

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

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

**REPORT OF THE CONFERENCE COMMITTEE**  
**ON SENATE FILE 472**

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 472, a bill for an act relating to private and home education and providing a penalty, respectfully make the following report:

1. That the conference committee is unable to agree.

**ON THE PART OF THE HOUSE:**

DENNIS COHOON, Chair  
RON CORBETT  
HORACE DAGGETT  
STEVEN HANSEN  
C. ARTHUR OLLIE

**ON THE PART OF THE SENATE:**

LARRY MURPHY, Chair  
WILLIAM DIELEMAN  
WILMER RENSINK  
ELAINE SZYMONIAK  
RAY TAYLOR

**REPORT OF THE CONFERENCE COMMITTEE**  
**ON SENATE FILE 539**

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 539, 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 a retroactive applicability date, respectfully make the following report:

1. That the conference committee is unable to agree.

**ON THE PART OF THE HOUSE:**

DAVID TABOR, Chair  
TONY BISIGNANO  
MARVIN DIEMER  
MINNETTE DODERER  
HUGO SCHNEKLOTH

**ON THE PART OF THE SENATE:**

WILLIAM DIELEMAN, Chair  
CHARLES BRUNER  
RICHARD DRAKE  
JACK NYSTROM  
WILLIAM PALMER

**MOTION TO OVERRIDE GOVERNOR'S VETO LOST**

Holveck of Polk called up for consideration **House File 713**, a bill for an act relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee, vetoed by the Governor on May 5, 1989.

The House stood at ease at 5:14 p.m., until the fall of the gavel.

The House resumed session and consideration of the Governor's veto to House File 713 at 6:05 p.m., Speaker Avenson in the chair.

Holveck of Polk moved that the House on reconsideration agree to pass House File 713, the objections of the Governor to the contrary notwithstanding. (See pages 2586 through 2588 of the House Journal for the Governor's Veto Message.)

On the question "Shall the House on reconsideration pass the bill, the objections of the Governor to the contrary notwithstanding?" (H.F. 713)

The ayes were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Buhr	Chapman	Cphoon	Connolly
Connors	Dvorsky	Fey	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Renzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

The nays were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Harbor	Hermann	Hester	Kistler
Kremer	Lageschulte	Lundby	Maulsby
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

Absent or not voting, 8:

Brammer	Doderer	Fogarty	Halvorson, R. A.
Hanson, D. R.	Haverland	McKean	Mertz

The motion having failed to receive a two-thirds majority is declared to have lost and the Governor's veto was sustained.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

May of Worth, for the remainder of the day, on request of Johnson of Winneshiek.

## MOTION TO OVERRIDE GOVERNOR'S ITEM VETO LOST

Ollie of Clinton called up for consideration **House File 535**, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates, item vetoed by the Governor on May 5, 1989, and moved that the House on reconsideration agree to pass House File 535, the objections of the Governor to the contrary notwithstanding. (See pages 2588 through 2590 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. 535)

The ayes were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Buhr	Chapman	Cphoon	Connolly
Connors	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	McKinney	Mertz	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Harbor	Hermann	Hester	Kistler
Kremer	Lageschulte	Lundby	Maulsby
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth

Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

Absent or not voting, 7:

Brammer	Doderer	Halvorson, R. A.	Hanson, D. R.
Haverland	May	McKean	

The motion having failed to receive a two-thirds majority is declared to have lost and the Governor's item vetoes are sustained.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 778)**

Johnson of Winneshiek called up for consideration the report of the conference committee on House File 778 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 778**

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 Senate and House of Representatives on House File 778, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4392.
2. That House File 778, as amended, passed, and reprinted by the House, is amended as follows:
  1. Page 1, line 11, by striking the figure "1,113,777" and inserting the following: "1,191,977".
  2. Page 1, line 29, by striking the figure "42.24" and inserting the following: "43.24".
  3. Page 1, by striking lines 30 and 31 and inserting the following:
 

"g. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$55,459 shall be allocated from the appropriation".
  4. Page 2, line 3, by inserting after the word "paragraph" the following: "and paragraph "a" ".
  5. Page 2, by striking lines 5 and 6 and inserting the following:
 

"h. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$50,000 shall be allocated from the appropriation".

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

"\_\_\_\_\_. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$50,000 shall be allocated from the appropriation to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

\_\_\_\_\_. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$16,200 shall be used by the administrative division for purposes of purchasing a videotape editing console, a desktop publishing system, and audio/video recording equipment."

7. Page 2, line 13, by striking the figure "1,028,381" and inserting the following: "1,308,381".

8. Page 2, line 14, by striking the figure "23.00" and inserting the following: "26.00".

9. Page 2, by striking lines 15 through 17 and inserting the following:

"b. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$346,379 shall be allocated from the appropriation to the horticulture division for the".

10. Page 2, line 21, by striking the word "An" and inserting the following:

"\_\_\_\_\_. As a condition, limitation, and qualification of the appropriation from the general fund under this section, an".

11. Page 2, by striking lines 27 through 30, and inserting the following: "ending June 30, 1990. The amount shall be used by the department for the support of two information specialist positions within the administrative division."

12. Page 2, by inserting before line 31 the following:

"\_\_\_\_\_. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$280,000 shall be used by the department of agriculture and land stewardship to establish and fund the position of agricultural trade specialist in each of the state's three foreign trade offices."

13. Page 2, line 31, by striking the word "FARMER'S" and inserting the following: "FARMERS'".

14. Page 2, line 34, by striking the word "farmer's" and inserting the following: "farmers'".

15. Page 3, line 1, by striking the word "farmer's" and inserting the following: "farmers'".

16. Page 3, line 9, by striking the figure "4,041,648" and inserting the following: "4,062,648".

17. Page 3, by striking lines 11 and 12 and inserting the following:

"b. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$11,250 shall be allocated from the appropriation".

18. Page 3, line 18, by inserting after the word "paragraph" the following: "and paragraph "a'".

19. Page 3, by inserting after line 19, the following:

"As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$6,000 shall be used by the regulatory division for purchase of computer equipment for the veterinary medical examiners board, and \$15,000 shall be used for the purchase of computer equipment for the brand registration unit."

20. Page 3, by striking lines 20 through 29.

21. Page 3, line 33, by striking the figure "778,571" and inserting the following: "799,671".

22. Page 4, by striking lines 8 and 9 and inserting the following:

"e. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$150,000 shall be allocated from the appropriation".

23. Page 4, by inserting after line 10, the following:

"As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$14,700 shall be used by the laboratory division for the purchase of computer equipment for the seed and entomology bureau, and \$6,400 shall be used for United States department certification training for four agriculture product inspectors."

24. Page 4, by striking lines 22 and 23, and inserting the following:

"b. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$303,436 shall be allocated from the appropriation to".

25. Page 4, by striking lines 26 and 27 and inserting the following:

"c. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$150,000 shall be allocated from the appropriation".

26. Page 5, by striking lines 3 and 4 and inserting the following:

"e. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "d" of this subsection, the following requirements apply to the funds appropriated by paragraph "d":"

27. Page 6, by striking lines 15 and 16, and inserting the following:

"As a condition, limitation, and qualification of the appropriation under this section, \$39,748 shall be allocated from the appropriation for the salary and support of a livestock".

28. Page 7, line 10, by striking the figure "37,400" and inserting the following: "62,400".

29. Page 7, by striking lines 11 through 14, and inserting the following:

"1. As a condition, limitation, and qualification of the appropriation from the general fund under this section, \$37,400 from the appropriation shall be transferred to the state

board of regents for the use of the department of plant pathology at Iowa state university of science and technology for purposes related to researching the multiflora rose virus.

2. a. As a condition, limitation, and qualification of the appropriation from the general fund under this section, \$25,000 shall be used from the appropriation by the department of agriculture and land stewardship for the purpose of partially reimbursing agricultural landowners or tenants for the cost of herbicide for controlling or eradicating the multiflora rose which has severely infested their agricultural land. Not more than five percent of the funds appropriated under this paragraph shall be used for administrative expenses.

b. A county board of supervisors desiring a share of the amount appropriated under paragraph "a" of this subsection shall, in conjunction with the county weed commissioner and the county soil conservation district commissioners, develop a plan to combat severe infestations of multiflora rose on privately owned land within the county. The plan shall be based upon partial reimbursement of individual landowner's costs for the purchase of herbicide from both state and county appropriations; however, the share of costs reimbursed by state funds shall not exceed one-fourth. The plan shall be submitted to the secretary of agriculture for approval or recommendations for modification.

c. A landowner or tenant whose agricultural land is severely infested by multiflora rose may apply to the soil conservation district commissioners of the county for partial reimbursement, according to the approved plan, for the cost of herbicide for controlling or eradicating the multiflora rose on the agricultural land. The county weed commissioner shall assist the soil conservation district commissioners in investigating the application and determining if the infestation is severe. The soil conservation district commissioners shall review and approve each application for partial cost reimbursement if the infestation is severe on the applicant's agricultural land. If the soil conservation district commissioners find the amount of reimbursement claimed to be excessive, the district commissioners may approve a lesser amount. The reasons for disapproval of an application or reduction of the amount of reimbursement shall be sent in writing to the applicant. The amount of reimbursement certified by the secretary shall be paid by warrant issued by the director of revenue and finance.

d. Federal lands and federal land tenants are not eligible for reimbursement under this subsection."

30. Page 7, line 24, by striking the figure "12,200,534" and inserting the following: "12,850,534".

31. Page 7, by striking lines 26 and 27, and inserting the following:

"b. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$30,000 shall be allocated from the appropriation for the position of".

32. Page 7, by striking lines 30 and 31, and inserting the following:

"c. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$78,000 shall be allocated from the appropriation for the purchase of".

33. By striking page 7, line 35, through page 8, line 1, and inserting the following:

"d. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$51,226 shall be allocated from the appropriation for general maintenance".

34. Page 8, by striking lines 3 and 4, and inserting the following:

"e. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$30,000 shall be allocated for the purchase of".

35. Page 8, by striking lines 6 and 7, and inserting the following:

"f. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$50,000 shall be allocated from the appropriation for the salary and".

36. Page 8, by striking lines 10 and 11, and inserting the following:

"g. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$37,500 shall be allocated from the appropriation for the salary and".

37. Page 8, by striking lines 15 and 16, and inserting the following:

"h. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$23,832 shall be allocated from the appropriation to reimburse the".

38. Page 8, line 22, by inserting after the word "paragraph" the following: "and paragraph "a"".

39. Page 8, by inserting after line 23 the following:

"\_\_\_\_\_. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, not more than the following amounts from the appropriation shall be expended and not more than the following full-time equivalent positions shall be authorized for the purposes designated:

(1)	Office of director	\$ 59,817
	.....	FTEs 5.95
(2)	Administrative services division	\$ 1,441,376
	.....	FTEs 126.15
(3)	Coordination and information division	\$ 808,340
	.....	FTEs 41.45
(4)	Energy and geological resources division	\$ 1,216,580
	.....	FTEs 59.12
(5)	Environmental protection division	\$ 2,175,061
	.....	FTEs 147.50

(6)	Forests and forestry division	\$ 1,441,438
		FTEs 54.64
(7)	Parks and preserves division	\$ 5,199,572
		FTEs 206.05

The amounts specified under this lettered paragraph do not include the amounts allocated in paragraphs "v" through "y" of this subsection.

If an amount is expended in excess of the amount designated for any purpose, including any division specified under this lettered paragraph, the department shall notify the legislative fiscal bureau, the chairpersons of the standing appropriations committees of the senate and house of representatives, and the chairpersons of the agriculture and natural resources appropriations subcommittee pursuant to section 8.39.

v. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$250,000 shall be allocated from the appropriation to restore and repair the dam on the Cedar river in the city of Nashua.

w. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$50,000 shall be allocated from the appropriation to contract for a study to investigate the feasibility of expanding and modernizing the public water supply system in Winterset, in order to increase the supply of water to serve the increasing demand of the city and to serve surrounding communities. The department shall report the findings and recommendations of the study to the governor and general assembly not later than February 1, 1990.

x. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$50,000 shall be allocated from the appropriation to contract with an Iowa-based consulting firm to investigate the feasibility of creating a destination center at a public lake area not less than eleven thousand acres in size. The department shall report the findings and recommendations of the study to the governor and general assembly not later than February 1, 1990.

y. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$300,000 shall be allocated from the appropriation for grants to counties for the purpose of conducting programs for properly closing abandoned rural water supply wells to supplement funds appropriated under section 455E.11, subsection 2, paragraph "b", subparagraph (3), subparagraph subdivision (b)."

40. By striking page 9, line 4 through page 10, line 4.

41. Page 10, line 26, by striking the word "Funds" and inserting the following:

"As a condition, limitation, and qualification of the appropriations under this section, funds".

42. Page 11, line 23, by striking the word "The" and inserting the following:

"As a condition, limitation, and qualification of the appropriations made under this section, the".

43. By striking page 11, line 30 through page 12, line 13, and inserting the following:

"Sec. \_\_\_\_ . IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND.

1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1989, and ending June 30, 1990, to the Iowa resources enhancement and protection fund, the amount of \$2,000,000 to be used as provided in chapter 455A.

2. For each fiscal year of the fiscal period beginning July 1, 1990, and ending June 30, 2000, there is appropriated from the general fund, to the Iowa resources enhancement and protection fund, the amount of \$20,000,000 to be used as provided in chapter 455A.

Section 8.33 does not apply to moneys appropriated under this section. Notwithstanding section 453.7, interest or earnings on moneys appropriated under this section shall be credited to the Iowa resources enhancement and protection fund.

3. This section shall become effective only if House File 769 is enacted by the Seventy-third General Assembly, 1989 Session.

4. County boards of supervisors of Jones, Lyon, Jasper, or Buena Vista counties may each enter into an agreement with the department of natural resources to restore and repair lowhead dams within their counties. The department shall use moneys appropriated to the county conservation account of the Iowa resources enhancement and protection fund under section 455A.19, subsection 1, paragraph "b", subparagraph (3), as provided in 1989 Iowa Acts, House File 769. Under an agreement, Jones county is eligible to receive \$50,000, Lyon county is eligible to receive \$50,000, Jasper county is eligible to receive \$25,000, and Buena Vista is eligible to receive \$25,000.

Under the agreement, moneys allocated to each county under this section shall be repaid to the county conservation account from moneys which would otherwise be allocated to them under section 455A.19, subsection 1, paragraph "b", subparagraphs (1) and (2), as provided in 1989 Iowa Acts, House File 769.

5. The Code editor is directed to codify subsection 2, if House File 769 is enacted by the Seventy-third General Assembly. The Code editor is authorized to include subsection 1 within chapter 455A as provided in House File 769 or any other chapter or section where provisions of House File 769 are codified.

Sec. 100. Moneys appropriated to the Iowa resource enhancement and protection fund for the year beginning July 1, 1988, and ending June 30, 1989, pursuant to Senate File 363 as enacted by the Seventy-third General Assembly, 1989 Session, shall not revert to the general fund pursuant to section 8.33, but shall remain in the fund to be used in the year beginning July 1, 1989, and ending June 30, 1990, as provided in House File 769.

This section shall become effective only if House File 769 is enacted by the Seventy-third General Assembly, 1989 Session.

Sec. \_\_\_\_ . The department of natural resources shall conduct a study of the disposal of municipal sewage sludge ash. The department shall report findings and recommendations of the study to the general assembly not later than March 1, 1990. Persons shall delay transporting municipal sewage sludge ash on highways beyond a fifty mile radius from the point of incineration, until the report is made.

**Sec. 200. BRUSHY CREEK CONSTRUCTION — LAND ACQUISITION.**

1. The department of natural resources shall award the necessary contracts to commence, as of May 1, 1990, the construction of a dam and related structures to create an artificial lake of approximately six hundred ninety acres in the Brushy Creek state recreation area. The department shall complete the necessary plans for the construction and development of the dam and water impoundment as soon as possible.

2. During the development of the necessary plans for the Brushy Creek dam and water impoundment, the department shall commence the acquisition of approximately one thousand seven hundred fifty acres of additional land south and west of the Brushy Creek state recreation area. The acquisition may be accomplished by means which include purchase, easement, lease-purchase, lease, gift, life estates, or other means. The acquisition shall be completed not later than July 1, 1994. The department shall before February 1 of each year, until the acquisition is completed, report to the chairpersons of the committees on appropriations in the senate and house of representatives, and the chairpersons of the agriculture and natural resources appropriations subcommittee.

The land shall be similar to the natural topography of the Brushy Creek stream valley and shall be developed and managed for multiple use recreation with special emphasis on equestrian activities, hiking, cross-country skiing, hunting, stream fishing, and wildlife enhancement. The construction of recreational facilities and amenities on the newly acquired land shall have equal priority with other facilities constructed at the recreational area and shall include trails, camping sites, shower and restroom facilities, roadways, and parking lots. Two equestrian campgrounds shall be established. One campground shall be in the northern area and one campground shall be in the southern area of the Brushy Creek recreation area.

3. In the implementation of any development plan for the Brushy Creek recreation area, including land adjacent to the area which is acquired by the state, the department shall provide for reforestation, habitat improvement, and wetland enhancement. Areas dedicated for reforestation, habitat improvement, or wetland enhancement shall be appropriately located and equal to a size capable of benefiting forest, upland, and wildlife species and of improving the aesthetic value of the area.

**Sec. 300. LEGISLATIVE STUDIES REQUESTED.**

1. The legislative council is requested to conduct a comprehensive study of the current and future needs for artificial and natural lakes and water recreation in this state. The study should include a review of existing natural and artificial lakes, water quality considerations, restoration and management needs of the existing lakes for the next twenty years, development needs of the existing lakes to provide for optimum public use, and the need for additional artificial lakes. The legislative council is requested to report findings and recommendations of the study to the governor and general assembly not later than January 1, 1991.

2. The legislative council is requested to conduct a comprehensive study of the current and future needs for state parks, forest, and recreation areas other than lakes and related water recreational areas in this state. The study should include a review of existing state parks and recreation areas, the restoration and management needs of the public parks, forests, and recreation areas, the development needs of the parks, forests, and recreation areas to provide optimum public use, and the need for the acquisition and development of additional parks, forests, and recreation areas. The legisla-

tive council is requested to report findings and recommendations of the study not later than January 1, 1991. The department shall not further implement any program or plan relating to the reorganization of state parks, including the plan entitled "A Management Plan for Iowa State Parks", until after findings and recommendations contained in the study provided for in this subsection are reported to the governor and general assembly. The department of natural resources shall consider the findings and recommendations before implementing a program or plan relating to the reorganization. This subsection shall not prohibit the department from employing, assigning, or transferring an employee necessary to carry out routine operations under chapter 455A.

Sec. \_\_\_\_\_. FUNDING FOR BRUSHY CREEK LAKE PROJECT. Notwithstanding the limitations imposed on the expenditure of funds for open spaces projects under section 455A.19, subsection 1, paragraph "a", as provided in House File 769, if enacted by the Seventy-third General Assembly, 1989 Session, or under sections 200 and 300 of this Act, the department shall have the authority to use any funds allocated to the open spaces account for the construction of a dam to create an artificial lake and for the acquisition of additional land south and west of the Brushy Creek state recreation area."

44. Page 12, line 19, by inserting after the word "practices" the following: ", pursuant to section 1, subsection 6, paragraph "e", subparagraph (2) of this Act".

45. Page 14, by inserting after line 10, the following:

"Sec. \_\_\_\_\_. 1987 Iowa Acts, chapter 233, section 204, subsection 5, is amended to read as follows:

5. It is the intention of the general assembly in adopting the appropriation under subsection 1 and this subsection to cease funding for the department's implementation of the federal Resource Conservation and Recovery Act permit program for hazardous waste facilities in this state. Section 455B.411, subsections 6, 9, and 10, section 455B.412, subsections 2 through 4, and sections 455B.413 through 455B.421 are suspended and do not apply as they pertain to that permit program, but are not suspended and do apply as they pertain to abandoned and uncontrolled sites, used oil, and site licensing under chapter 455B, division IV, part 6. The suspension provided by this subsection begins July 1, 1987 and ends June 30, ~~1989~~ 1990.

Sec. \_\_\_\_\_. Section 22.7, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 26. Financial information, which if released would give advantage to competitors and serve no public purpose, relating to commercial operations conducted or intended to be conducted by a person submitting records containing the information to the agricultural diversification bureau of the department of agriculture and land stewardship for the purpose of obtaining assistance in business planning.

Sec. \_\_\_\_\_. Section 172C.4, subsection 2, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. Agricultural land acquired for research or experimental purposes. Agricultural land is used for research or experimental purposes if any of the following apply:

a. Research and experimental activities are undertaken on the agricultural land and commercial sales of products produced from farming the agricultural land do not occur or are incidental to the research or experimental purposes of the corporation.

Commercial sales are incidental to the research or experimental purposes of the corporation when such sales are less than twenty-five percent of the gross sales of the primary product of the research.

b. The agricultural land is used for the primary purpose of testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock. Grain which is not sold as seed stock is an incidental sale and must be less than twenty-five percent of the gross sales of the primary product of the research and experimental activities.

c. The agricultural land is used by a corporation, including any trade or business which is under common control, as provided in 26 U.S.C. § 414 for the primary purpose of testing, developing, or producing animals for sale or resale to farmers as breeding stock. However, after the effective date of this Act, to qualify under this paragraph, the following conditions must be satisfied:

(1) The corporation must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. The corporation shall not renew a lease. The corporation shall not enter into a lease under this paragraph, if the corporation has ever entered into another lease under this paragraph "c", whether or not the lease is in effect. However, this subparagraph does not apply to a domestic corporation organized under chapter 504 or 504A.

(2) A term or condition of sale, including resale, of breeding stock must not relate to the direct or indirect control by the corporation of the breeding stock or breeding stock progeny subsequent to the sale.

(3) The number of acres of agricultural land held by the corporation must not exceed six hundred forty acres.

(4) The corporation must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease. However, this subparagraph does not apply to a domestic corporation organized under chapter 504 or 504A.

Culls and test animals may be sold under this paragraph "c". For a three-year period beginning on the date that the corporation acquires an interest in the agricultural land, the gross sales for any year shall not be greater than five hundred thousand dollars. After the three-year period ends, the gross sales for any year shall not be greater than twenty-five percent of the gross sales for that year of the breeding stock, or five hundred thousand dollars, whichever is less.

Sec. \_\_\_\_\_. NEW SECTION. 172C.6 LESSEES CONDUCTING RESEARCH OR EXPERIMENTS.

Lessees of agricultural land under section 172C.4, subsection 2, paragraph "c", for research or experimental purposes, shall file a report with the secretary of state on or before March 31 of each year on forms adopted pursuant to chapter 17A and supplied by the secretary of state. The report shall contain the following information for the last year:

1. The name and principal place of business of the lessee.
2. The location of the agricultural land used for research or experimental purposes.
3. The date that the lease became effective.

4. The name and address of each person purchasing breeding stock produced on the agricultural land.

5. The number or volume of breeding stock purchased by each person purchasing breeding stock produced on the agricultural land.

Sec. \_\_\_\_\_. Section 173.16, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In order to efficiently administer facilities and events on the state fairgrounds, and to promote Iowa's conservation ethic, the Iowa state fair board shall handle or dispose of waste generated on the state fair grounds under supervision of the waste management authority established under section 455B.483.

Sec. \_\_\_\_\_. NEW SECTION. 314.23 ENVIRONMENTAL PROTECTION.

It is declared to be in the general public welfare of Iowa and a highway purpose that highway maintenance, construction, reconstruction, and repair shall protect and preserve, by not causing unnecessary destruction, the natural or historic heritage of the state. In order to provide for the protection and preservation, the following shall be accomplished in the design, construction, reconstruction, relocation, repair, or maintenance of roads, streets, and highways:

1. WOODLANDS. Woodland removed shall be replaced by plantings as close as possible to the initial site, or by acquisition of an equal amount of woodland in the general vicinity for public ownership and preservation, or by other mitigation deemed to be comparable to the woodland removed, including, but not limited to, the improvement, development, or preservation of woodland under public ownership.

2. WETLANDS. Wetland removed shall be replaced by acquisition of wetland, in the same general vicinity if possible, for public ownership and preservation, or by other mitigation deemed to be comparable to the wetland removed, including, but not limited to, the improvement, development, or preservation of wetland under public ownership.

3. PUBLIC PARKS. Highways, streets, and roads constructed on or through publicly owned lands comprising parks, preserves, or recreation areas, shall be located and designed, in consultation with the public entity owning the land, so as to blend aesthetically with the areas and to minimize noise. When land is taken from the areas for highway construction and, if, in consultation with the public entity owning the land, mitigation is deemed necessary, the land shall be replaced by an equal or greater amount for public use, or by other mitigation, undertaken in consultation with the public entity owning the land, and deemed to be appropriate to the amount of land taken, including, but not limited to, the improvement, development, or preservation of the areas.

4. PRIME AGRICULTURAL LANDS. Topsoil removed may be utilized for landscaping and other necessary construction. Excess topsoil shall be made available to the former landowner or other landowners whose land was purchased for the construction or others, and if not acquired by one of these parties, it may be disposed.

Sec. \_\_\_\_\_. NEW SECTION. 455A.8 BRUSHY CREEK RECREATION AREA TRAILS ADVISORY BOARD.

1. The Brushy Creek recreation trails advisory board shall be organized within the parks and preserves division of the department and shall be composed of nine mem-

bers including the following: the director of the department or the director's designee who shall serve as a nonvoting ex officio member, the park ranger responsible for the Brushy Creek recreation area, a member of the state advisory board for preserves established under chapter 111B, a person appointed by the governor, and six persons appointed by the legislative council. Each person appointed by the governor or legislative council must actively participate in recreational trail activities such as hiking, an equestrian sport, or a winter sport at the Brushy Creek recreation area. The voting members shall elect a chairperson at the board's first meeting each year.

2. Each member of the board shall serve three years, and shall be eligible for reappointment. However, the park ranger responsible for Brushy Creek shall be replaced by the ranger's successor. The person representing the state advisory board for preserves shall serve at the pleasure of the board. The members, other than the director or the director's designee and the park ranger, are entitled to actual expenses incurred in performance of the duties of the board. A majority of members constitutes a quorum, and the affirmative vote of a majority present is necessary for any action taken by the board, except that a lesser number may adjourn a meeting. A vacancy in the membership of the board does not impair the rights of a quorum to exercise all rights and perform all duties of the board. The board shall meet as required, but at least twice a year. The board shall meet upon call of the chairperson, or upon written request of three members of the board. Written notice of the time and place of the meeting shall be given to each member.

3. The board shall advise the department and the natural resource commission regarding issues and recommendations relating to the development and maintenance of trails and related activities at or adjacent to the Brushy Creek recreation area."

46. Page 14, by inserting after line 28 the following:

"Sec. \_\_\_\_\_. Section 511.8, subsection 10, paragraph b, Code 1989, is amended to read as follows:

b. Any real estate acquired through foreclosure, or in settlement or satisfaction of any indebtedness. Any company or association may improve real estate so acquired or remodel existing improvements and exchange such real estate for other real estate or securities, and real estate acquired by such exchange may be improved or the improvements remodeled. ~~Any farm real estate acquired under this paragraph shall be sold within five years from the date of acquisition unless the commissioner of insurance shall extend the time for such period or periods as seem warranted by the circumstances.~~

Sec. \_\_\_\_\_. NEW SECTION. 511.8A AGRICULTURAL LAND.

Agricultural land, as defined in section 172C.1, acquired as provided in section 511.8, subsection 10, paragraph "b", by a life insurance company or association incorporated by or organized under the laws of this or any other state, shall be sold or otherwise disposed of by the company or association within five years after title is vested in the company or association. A life insurance company or association is a corporation for purposes of chapter 172C.

Sec. \_\_\_\_\_. Section 567.3, subsection 3, paragraph d, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

d. Agricultural land acquired for research or experimental purposes. Agricultural land is used for research or experimental purposes if any of the following apply:

(1) Research and experimental activities are undertaken on the agricultural land and commercial sales of products produced from farming the agricultural land do not occur or are incidental to the research or experimental purposes of the corporation. Commercial sales are incidental to the research or experimental purposes of the corporation when such sales are less than twenty-five percent of the gross sales of the primary product of the research.

(2) The agricultural land is used for the primary purpose of testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock. Grain which is not sold as seed stock is an incidental sale and must be less than twenty-five percent of the gross sales of the primary product of the research and experimental activities.

(3) Until July 1, 2001, the agricultural land is used for the primary purpose of testing, developing, or producing animals for sale or resale to farmers as breeding stock. However, after the effective date of this Act, to qualify under this paragraph, the following conditions must be satisfied:

(a) The nonresident alien, foreign business, or foreign government or an agent, trustee, or fiduciary of the alien, business, or government must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. A lessee shall not renew a lease entered into under this subparagraph (3). The lessee shall not enter into a lease under this paragraph, if another lease under this paragraph has been entered into by the lessee.

(b) A term or condition of sale, including resale, of seed stock or breeding stock must not relate to the direct or indirect control by the lessee of the breeding stock or breeding stock progeny subsequent to the sale.

(c) The number of acres of agricultural land held by the lessee must not exceed six hundred forty acres.

(d) The lessee must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease.

(4) Culls and test animals may be sold under subparagraph (3). For a three-year period beginning on the date that the lease takes effect, the gross sales for any year shall not be greater than five hundred thousand dollars. After the three-year period ends, the gross sales for any year shall not be greater than twenty-five percent of the gross sales for that year of the breeding stock, or five hundred thousand dollars, whichever is less. As used in subparagraph (3), "lessee" means a nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary acting on behalf of the nonresident alien, foreign business, or foreign government, or any other trade or business which is under the lessee's common control as provided in 26 U.S.C. § 414.

(5) Effective July 1, 2001, subparagraph (3) shall not be effective. However, a lessee may continue for the duration of the period of the lease to lease the agricultural land under subparagraph (3) if the lease was entered into prior to July 1, 2001.

(6) Effective July 1, 2001, a nonresident alien, foreign business, or foreign government or an agent, trustee, or fiduciary of the alien, business, or government shall not, except as provided in subparagraph (5), acquire or hold agricultural land used for the primary purpose of testing, developing, or producing animals.

Sec. \_\_\_\_ . NEW SECTION. 567.8A LESSEES CONDUCTING RESEARCH OR EXPERIMENTS.

Lessees of agricultural land under section 567.3, subsection 3, paragraph "d", subparagraph (3), for research or experimental purposes, shall file a report with the secretary of state on or before March 31 of each year on forms adopted pursuant to chapter 17A and supplied by the secretary of state. The report shall contain the following information for the last year:

1. The name and principal place of business of the lessee.
2. The location of the agricultural land used for research or experimental purposes.
3. The date that the lease became effective.
4. The name and address of each person purchasing breeding stock produced on the agricultural land.
5. The number or volume of breeding stock purchased by each person purchasing breeding stock produced on the agricultural land.

Sec. \_\_\_\_ . Section 567.3, subsection 3, paragraph d, subparagraph (5), as enacted in this Act, is amended by striking the subparagraph. This section takes effect July 1, 2013.

Sec. \_\_\_\_ . During the fiscal year for which funds are appropriated by section 6 of this Act, the department of natural resources shall not require the installation or use of equipment to control the emission of dust or other particulate matter on or by facilities for storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

Sec. 400. REPEAL.

1. Section 111.85, Code 1989, is repealed.
2. The county recorder shall continue to remit to the commission all fees collected pursuant to section 111.85 which were paid before the effective date of this section.
3. On and after July 1, 1989, moneys collected pursuant to section 111.85, including interest or earnings on investments or time deposits from the money within the state park, forest, and recreation area facilities improvement trust fund shall be used as follows:
  - a. The moneys shall be transferred to the management account in the Iowa resources enhancement and protection fund, if House File 769 is enacted by the Seventy-third General Assembly, 1989 Session.
  - b. The moneys shall be used by the department solely for renovation, replacement, and improvement of facilities otherwise acquired in state parks, forests, and recreation areas, if House File 769 is not enacted by the Seventy-third General Assembly, 1989 Session.
  - c. The moneys shall not be subject to a rebate or return to persons who have paid moneys pursuant to section 111.85.

Sec. \_\_\_\_ . Sections 100 and 400 of this Act, being deemed of immediate importance, take effect upon enactment."

47. Title page, line 4, by inserting after the word "protection," the following: "the acquisition and use of land,".

48. Title page, line 5, by inserting after the word "vegetation," the following: "providing for the repeal of fees,".

## ON THE PART OF THE HOUSE:

PAUL W. JOHNSON, Chair  
DENNIS H. BLACK  
MARVIN E. DIEMER  
DAVID SCHRADER  
VIC STUELAND

## ON THE PART OF THE SENATE:

JIM RIORDAN, Chair  
JACK W. HESTER  
EMIL J. HUSAK  
JACK RIFE  
KENNETH D. SCOTT

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 778)

The ayes were, 80:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brown	Buhr	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	McKinney
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Trent	Tyrrell	Wise	Mr. Speaker Avenson

The nays were, 13:

Banks	Brand	Branstad	Carpenter
Fogarty	Fuller	Garman	Maulsby
Mertz	Petersen, D. F.	Renken	Royer
Van Maanen			

Absent or not voting, 7:

Halvorson, R. A.	Hanson, D. R.	Haverland	May
McKean	Schnekloth	Teaford	

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 778)

Arnould of Scott asked and received unanimous consent that House File 778 be immediately messaged to the Senate.

The House stood at ease at 6:58 p.m., until the fall of the gavel.

The House resumed session at 7:37 p.m., Speaker Avenson in the chair.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1989, adopted the conference committee report and passed House File 271, a bill for an act relating to the repeal of a local option sales and services tax and providing an effective date.

Also: That the Senate has on May 6, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 690, a bill for an act relating to the protection of children, by modifying provisions relating to a child in need of assistance, child abuse, termination of parental rights, religious exemptions regarding children, and providing for a procedure relating to courtroom testimony of children.

Also: That the Senate has on May 6, 1989, adopted the conference committee report and passed House File 686, a bill for an act establishing a science and technology foundation and providing an effective date.

Also: That the Senate has on May 6, 1989, adopted the conference committee report and passed House File 740, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable.

Also: That the Senate has on May 6, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 22, a concurrent resolution relating to the designation of May 29, 1989, as the "National Day of Remembrance for the Victims of the USS Iowa."

Also: That the Senate has on May 6, 1989, adopted the conference committee report and passed Senate File 220, a bill for an act relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates.

Also: That the Senate has, on May 6, 1989, appointed a second conference committee on Senate File 539, 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 a retroactive applicability date, the members of the Senate

are: The Senator from Marion, Senator Dieleman, Chair; the Senator from Wapello, Senator Gettings; the Senator from Palo Alto, Senator Kibbie; the Senator from Muscatine, Senator Drake; and the Senator from Boone, Senator Nystrom.

JOHN F. DWYER, Secretary

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 220)**

Wise of Lee called up for consideration the report of the conference committee on Senate File 220 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 220**

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

We, the undersigned members of the conference committee appointed to resolve the difference between the Senate and the House of Representatives on Senate File 220, a bill for an act relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4464.
2. That the House recedes from its amendment, S—4127.
3. That Senate File 220, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. Page 1, by striking lines 21 through 23, and inserting the following: "commission shall limit a licensee to ten races a calendar year which races are chosen by the commission and which are the same for all licensees approved by the commission to".

2. Page 1, line 25, by inserting after the word "wagering," the following: "The commission shall not authorize the simultaneous telecast or televising of and a licensee shall not simultaneously telecast or televise any horse or dog race for the purpose of conducting pari-mutuel wagering unless the simultaneous telecast or televising is done at the racetrack of the licensee on a day and during the time, when there is a horse or dog racing meet being held at the racetrack."

3. Page 2, line 25, by inserting after the word "dog" the following: "or horse".
4. Page 4, by striking lines 7 through 13.
5. Page 4, by inserting before line 14 the following:

"Sec. \_\_\_\_\_. Section 99D.14, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION.** 6. Any property used in the operation of a racetrack which is not exempt from property tax on July 1 following the effective date of this Act or which becomes taxable property as a result of a court decision or change of ownership, or the construction of a new track that is not otherwise exempt shall be exempt

from property taxation for three years beginning January 1 of the assessment year in which this Act becomes effective or beginning January 1 of the assessment year in which the property first becomes taxable as a result of a court decision or change in ownership, or the construction of a new track that is not otherwise exempt, whichever is applicable. During the last assessment year for which the property is exempt, the county board of supervisors shall present the question of the extension for an additional ten years of the tax exemption at a regular state election or a special election. If a majority of those voting on the question favor the tax exemption of the property, the property shall be exempt for an additional ten years. The exemption may be extended for additional ten-year periods in the same manner as was done for the first ten-year period."

6. Page 6, by striking lines 23 through 25 and inserting the following:

"2. A contracted organization selected under subsection 1 shall, to the extent funding and space are available, identify dogs that are potential candidates for adoption. The contracting organization shall evaluate dogs referred to it under the program".

7. Page 8, by striking lines 3 through 5, and inserting the following:

"8. The state, state personnel, the contracting organization, and its personnel are not liable for any claim resulting from the implementation of this program."

8. Page 8, by striking line 13.

9. Page 8, by striking lines 21 through 23.

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

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

TONY BISIGNANO, Chair  
PHIL WISE  
PHIL BRAMMER  
JOSEPH KREMER  
BILL ROYER

LARRY MURPHY, Chair  
GEORGE KINLEY  
BERL PRIEBE  
CALVIN HULTMAN  
JIM LIND

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 220)

The ayes were, 55:

Adams	Arnould	Beaman	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Connolly
Corbett	Diemer	Dvorsky	Eddie
Fogarty	Harbor	Harper	Hester
Hibbard	Jay	Jochum	Johnson
Koenigs	Kremer	Lageschulte	Lundby

McKinney	Metcalf	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Royer
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spenner	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 32:

Banks	Beatty	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot
Doderer	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Hermann	Holveck	Jesse	Kistler
Knapp	Maulsby	Miller	Neuhauser
Nielsen	Osterberg	Renken	Schneklath
Schrader	Spear	Stueland	Van Maanen

Absent or not voting, 13:

Cohoon	Connors	Fey	Fuller
Halvorson, R. A.	Hanson, D. R.	Haverland	Lykam
May	McKean	Mertz	Muhlbauer
Rosenberg			

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

## SECOND CONFERENCE COMMITTEE APPOINTED (Senate File 539)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning Senate File 539: Tabor of Jackson, Chair; Groninga of Cerro Gordo, Chapman of Linn, Diemer of Black Hawk and Schneklath of Scott.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 124, a bill for an act to increase the fee for the wildlife habitat stamp.

Also: That the Senate has on May 6, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 688, a bill for an act relating to the protection of children, by providing for the grounds and procedures for child in need of assistance and termination of parental rights proceedings.

Also: That the Senate has on May 6, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 721, a bill for an act enacting the quad cities interstate metropolitan authority compact.

Also: That the Senate has, on May 6, 1989, adopted the conference committee report and passed House File 778, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates.

Also: That the Senate has on May 6, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 782, a bill for an act relating to the revocation of a motor vehicle license or nonresident operating privilege as the result of a conviction for certain vehicular homicide offenses.

JOHN F. DWYER, Secretary

The House stood at ease at 7:43 p.m., until the fall of the gavel.

The House resumed session at 9:06 p.m., Speaker Avenson in the chair.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 795)**

Svoboda of Tama called up for consideration the report of the conference committee on House File 795 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT ON THE CONFERENCE COMMITTEE  
ON HOUSE FILE 795**

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 795, a bill for an act relating to drought assistance, making appropriations, and providing effective dates, respectfully make the following report:

1. That the Senate amendment, H-4472, to House File 795, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 9 through 23 and inserting the following:

“ \_\_\_\_\_ . Page 1, by striking line 25 and inserting the following:

“It is the intent of the general assembly that the department administer an effective program for detecting aflatoxin in milk. The department shall establish a response level for aflatoxin in milk which is one-half the federal food and drug administration action level. The department shall implement a systematic program of testing raw

milk for aflatoxin. If any sample tested exceeds the response level, the department shall, through an aggressive program of follow-through testing, identify the source of the contaminant for remediation. Notwithstanding section 192.13, test results below the response level shall be disclosed only to persons authorized by the department.

The full-time equivalent positions specified under this".

2. Page 1, line 26, by striking the word "confidentiality," and inserting the following: "testing,".

ON THE PART OF THE HOUSE:

JANE E. SVOBODA, Chair  
CLIFFORD O. BRANSTAD  
DONALD J. KNAPP  
WAYNE H. McKINNEY, Jr.

ON THE PART OF THE SENATE:

LEONARD L. BOSWELL, Chair  
EMIL J. HUSAK  
EUGENE S. FRAISE  
JOHN W. JENSEN  
DALE L. TIEDEN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 795)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Eddie	Fey	Fogarty
Fuller	Garman	Gröninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Dvorsky                      Halvorson, R. A.                      Hanson, D. R.                      May  
McKean

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

### SENATE AMENDMENT CONSIDERED

Peterson of Carroll called up for consideration **House File 688**, a bill for an act relating to the protection of children, by providing for the grounds and procedures for child in need of assistance and termination of parental rights proceedings, amended by the Senate, and moved that the House concur in the following Senate amendment H—4487:

H—4487

- 1 Amend House File 688, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 35 through page 2,
- 4 line 13 and inserting the following: "delinquency as
- 5 provided in section 232.37."
- 6 2. Page 4, lines 33 and 34 by striking the words
- 7 "an unacceptable risk" and inserting the following:
- 8 "imminent danger".
- 9 3. Page 5, line 18, by inserting after the word
- 10 "institutionalized" the following: "for mental
- 11 illness, and presents a danger to self or others as
- 12 evidenced by prior acts".
- 13 4. Page 5, line 31 by inserting after the word
- 14 "problem" the following: ", and presents a danger to
- 15 self or others as evidenced by prior acts".

The motion prevailed and the House concurred in the Senate amendment H—4487.

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

On the question "Shall the bill pass?" (H.F. 688)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman

Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Halvorson, R. A.	Hanson, D. R.	May	McKean
McKinney	Sherzan		

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 250)

Jochum of Dubuque called up for consideration the report of the conference committee on House File 250 and moved the adoption of the conference committee report and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 250

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 Senate and House of Representatives on House File 250, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4456.

2. That House File 250, 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. NEW SECTION. 80.40 CRIME INFORMATION.

The department shall establish a program to collect, classify, and disseminate information relating to violations of section 729.5. Planning for this project shall be completed and data collection shall commence no later than January 1, 1991.

Sec. 2. Section 601A.2, subsection 10, unnumbered paragraph 1, Code 1989, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

"Public accommodation" means any person catering or offering services, facilities, or goods for a fee or charge to the general public provided that any person catering or offering services, facilities, or goods to the general public gratuitously shall be deemed a public accommodation if the person receives governmental support or subsidy. Public accommodation shall not mean any bona fide private club which is, by its nature, distinctly private, except that when such a club caters or offers services, facilities, or goods to nonmembers gratuitously or for a fee or charge, the club shall be deemed a public accommodation.

Sec. 3. Section 601A.6, subsection 1, paragraphs a and b, Code 1989, are amended to read as follows:

a. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, national origin, religion, ~~or~~ disability, or association with protected class members, of such applicant or employee, unless based upon the nature of the occupation. If a disabled person is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

b. Labor organization or the employees, agents or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, national origin, religion, ~~or~~ disability, or association with protected class members, of such applicant or member.

Sec. 4. Section 601A.7, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

It shall be an unfair or discriminatory practice for any ~~owner, lessee, sublessee, proprietor, manager, or superintendent~~ of any public accommodation or any agent or employee thereof:

Sec. 5. Section 601A.8, subsection 1, Code 1989, is amended to read as follows:

1. To refuse to sell, rent, lease, assign or sublease any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, sex, religion, national origin, ~~or~~ disability, or association with protected class members, of such person.

Sec. 6. Section 601A.15, subsection 1, Code 1989, is amended to read as follows:

1. Any person claiming to be aggrieved by a discriminatory or unfair practice may, ~~in person or by an attorney, either commence an action in district court, or make, sign, and file with the commission in person or by an attorney a verified, written complaint in triplicate~~ which shall state the name and address of the person, employer, employment agency, or labor organization alleged to have committed the discriminatory or unfair practice of which complained, shall set forth the particulars thereof, and shall contain such other information as may be required by the commission. The commission, a commissioner, or the attorney general may in like manner make, sign, and file such complaint.

Sec. 7. Section 601A.15, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 13. For purposes of this chapter, the commission has primary jurisdiction concerning a complaint which asserts that an agency action has resulted in a violation of a person's civil rights and such complaint is not subject to the exclusive review provisions of section 17A.19.

Sec. 8. Section 601A.16, subsections 1 and 2, Code 1989, are amended to read as follows:

1. A person claiming to be aggrieved by an unfair or discriminatory practice ~~must initially may either~~ seek an administrative relief by filing a complaint with the commission in accordance with section 601A.15, ~~or by commencing an action in district court.~~ This provision also applies to persons claiming to be aggrieved by an unfair or discriminatory practice committed by the state or an agency or political subdivision of the state, notwithstanding the terms of the Iowa administrative procedure Act. ~~A complainant after the proper filing of~~ If a person has filed a complaint with the commission, the person may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:

a. The complainant has timely filed the complaint with the commission as provided in section 601A.15, subsection 12; ~~and.~~

b. The complaint has been on file with the commission for at least ~~one hundred twenty three hundred sixty-five~~ days and the commission has issued a release to the complainant pursuant to subsection 2 ~~of this section.~~

2. ~~Upon a request by the complainant, and after~~ After the expiration of ~~one hundred twenty three hundred sixty-five~~ days from the timely filing of a complaint with the commission, ~~the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint by the administrative law judge charged with that duty under section 601A.15, subsection 3, or a conciliation agreement has been executed under section 601A.15, or the commission has served notice of hearing upon the respondent pursuant to section 601A.15, subsection 5~~ the complainant or respondent may file a petition for removal with the district court in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged unfair or discriminatory practice occurred. If the petition for removal is filed by the respondent, and the complainant is not represented by counsel, the district court may appoint counsel for the complainant upon a showing of indigency. If the respondent successfully defends the action, the court-appointed attorney fees shall be paid from the indigent

defense fund pursuant to chapter 815. If the complainant successfully prosecutes the action, the court-appointed attorney fees shall be taxed as court costs.

Sec. 9. Section 601A.16, subsections 3 and 4, Code 1989, are amended by striking the subsections.

Sec. 10. Section 601A.16, subsection 5, Code 1989, is amended to read as follows:

5. The district court may grant any relief in an action under this section which is authorized by section 601A.15, subsection 8 to be issued by the commission. A person is entitled to a trial by jury on any issue of fact in an action for recovery of amounts owing as a result of a violation of this chapter regardless of whether equitable relief is sought by any party to the action. The district court may also award the respondent reasonable attorney's fees and court costs when the court finds that the complainant's action was frivolous.

Sec. 11. NEW SECTION. 601A.20 DAMAGES. In all cases except where the complaint alleges discrimination in employment, exemplary damages may be awarded where the respondent acted with deliberate indifference or with willful or reckless disregard of the rights of the complainant.

Sec. 12. Section 729.5, subsections 1 through 3, Code 1989, are amended to read as follows:

1. Persons within the state of Iowa have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, ~~or~~ sex, sexual orientation, age, or disability.

2. A person who conspires with another person or persons to injure, oppress, threaten, or intimidate or interfere with any citizen in the free exercise or enjoyment of any right or privilege secured to that person by the constitution or laws of the state of Iowa or by the constitution or laws of the United States, and assembles with one or more persons for the purpose of teaching or being instructed in any technique or means capable of causing property damage, bodily injury or death when the person or persons intend to employ those techniques or means in furtherance of the conspiracy, is on conviction, guilty of a class "D" felony.

3. The fact that a person committed a felony or misdemeanor, or attempted to commit a felony, because of the victim's race, color, religion, ~~nationality, country of ancestry, national origin, political affiliation, or sex, sexual orientation, age, or disability,~~ shall be considered a circumstance in aggravation of any crime in imposing sentence and evidence of such fact includes, but is not limited to, the burning of crosses and other symbols, and a rebuttable presumption of the fact arises where such an act is shown to have been committed."

2. Title page, by striking lines 1 through 6 and inserting the following: "An Act relating to violations of an individual's civil rights, establishing a program to monitor civil rights violations, and providing a penalty."

ON THE PART OF THE HOUSE:

TOM JOCHUM, Chair  
RALPH ROSENBERG  
PHIL BRAMMER

ON THE PART OF THE SENATE:

RICHARD VARN, Chair  
TOM MANN, Jr.  
DONALD V. DOYLE

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?" (H.F. 250)

The ayes were, 68:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lykam
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Wise	Mr. Speaker Avenson

The nays were, 27:

Banks	Beaman	Bennett	Branstad
Corbett	Daggett	De Groot	Diemer
Garman	Harbor	Hermann	Hester
Kistler	Kremer	Lundby	Maulsby
Pellett	Petersen, D. F.	Renken	Royer
Schnekloth	Shoning	Stromer	Stueland
Trent	Tyrrrell	Van Maanen	

Absent or not voting, 5:

Halvorson, R. A.	Hanson, D. R.	May	McKean
Swartz			

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

### IMMEDIATE MESSAGES (House Files 250, 688 and 795)

Arnould of Scott asked and received unanimous consent that House Files 250, 688 and 795 be immediately messaged to the Senate.

The House stood at ease at 9:22 p.m., until the fall of the gavel.

The House resumed session at 10:30 p.m., Speaker Avenson in the chair.

### SENATE AMENDMENT CONSIDERED

Poncy of Wapello called up for consideration **House File 785**, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date, amended by the Senate amendment H—4481 as follows:

H—4481

1 Amend House File 785, 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 99E.32, subsection 1,  
6 paragraphs a and b, Code 1989, are amended to read as  
7 follows:  
8 a. In the fiscal year beginning July 1, 1986 the  
9 first three million four hundred thirty-eight thousand  
10 dollars, in the fiscal year beginning July 1, 1987 the  
11 first six million six hundred seventy-five thousand  
12 dollars, in the fiscal year beginning July 1, 1988 the  
13 first four million six hundred twenty-five thousand  
14 dollars and in the fiscal year beginning July 1, 1989  
15 the first three million seven hundred fifty thousand  
16 four million three hundred eighty-five thousand  
17 dollars to the jobs now capitals account.  
18 b. For the fiscal years beginning July 1, 1986,  
19 July 1, 1987, July 1, 1988, and July 1, 1989, after  
20 the allotment in paragraph "a", ten million dollars,  
21 ten million dollars, four million six hundred fifty  
22 thousand dollars, and ten million four million six  
23 hundred fifty thousand dollars respectively, to the  
24 community economic betterment account; for the fiscal  
25 years beginning July 1, 1986, July 1, 1987, July 1,  
26 1988, and July 1, 1989, eight million five hundred  
27 fifty thousand dollars, eight million three hundred  
28 seventy-five thousand dollars, nineteen million eight  
29 thousand dollars, and seven million nine hundred  
30 thousand twenty-eight million eight hundred fifty-four  
31 thousand dollars, respectively, to the jobs now  
32 account; and for the fiscal years beginning July 1,  
33 1986, July 1, 1987, July 1, 1988, and July 1, 1989,  
34 twelve million five hundred thousand dollars, seven  
35 million four hundred thousand dollars, seven million  
36 dollars, and eleven million two hundred fifty thousand  
37 seven million seven hundred twenty-one thousand  
38 dollars, respectively, to the education and

39 agriculture research and development account.  
40 Sec. 2. Section 99E.32, subsection 1, Code 1989,  
41 is amended by adding the following new paragraph:  
42 NEW PARAGRAPH. d. Notwithstanding paragraph "c",  
43 after the allotments have been made for the fiscal  
44 year beginning July 1, 1988, under paragraphs "a" and  
45 "b", the total excess is allotted to the surplus  
46 account.  
47 Sec. 3. Section 99E.32, subsection 2, paragraph a,  
48 subparagraph (9), unnumbered paragraph 1, Code 1989,  
49 is amended to read as follows:  
50 Notwithstanding any other provision, the moneys

**Page 2**

1 allocated to the community economic betterment account  
2 for the fiscal year beginning July 1, 1988, are  
3 appropriated to the department of economic development  
4 to be used only for the purposes of providing  
5 financial assistance for small business gap financing,  
6 new business opportunities, new product and  
7 entrepreneurial development, and comprehensive  
8 management assistance in the amounts, or so much  
9 thereof as may be necessary, as provided in section  
10 99E.33. These purposes may be accomplished by  
11 providing the following types of assistance:

12 Sec. 4. Section 99E.32, subsection 3, Code 1989,  
13 is amended to read as follows:

14 3. There are appropriated moneys in the jobs now  
15 account for each of the fiscal years beginning July 1,  
16 1986, July 1, 1987, July 1, 1988, and July 1, 1989, to  
17 the following funds, agencies, boards or commissions  
18 in the amounts, or so much thereof as may be  
19 necessary, as provided in section 99E.33 to be used  
20 for the following purposes:

21 a. To the department of natural resources for the  
22 purposes designated in section 99E.31, subsection 3,  
23 paragraph "a". For the fiscal year beginning July 1,  
24 1986, the amount appropriated is two million five  
25 hundred thousand dollars. For the fiscal year  
26 beginning July 1, 1987, the amount appropriated is two  
27 million dollars. For the fiscal year beginning July  
28 1, 1988, the amount appropriated is two million  
29 dollars, of which one hundred sixty thousand dollars  
30 shall be used for continuing projects to be matched  
31 with federal funds the sum of eight million dollars  
32 for the fiscal year beginning July 1, 1989, for  
33 deposit in an Iowa resources enhancement and  
34 protection fund and allocated pursuant to 1989 Iowa  
35 Acts, House File 769, if enacted. If House File 769  
36 is not signed by the governor then the department  
37 shall adopt rules and implement House File 769 as

38 passed by the Seventy-third General Assembly on May 4,  
39 1989.

40 b. To the Iowa product development fund for the  
41 purposes provided in section 28.89. For the fiscal  
42 year beginning July 1, 1987, the amount appropriated  
43 is one million five hundred thousand dollars. For the  
44 fiscal year beginning July 1, 1988, the amount  
45 appropriated is one million two hundred fifty thousand  
46 dollars. For the fiscal year beginning July 1, 1989,  
47 the amount appropriated is one million five hundred  
48 thousand dollars.

49 c. For the fiscal years beginning July 1, 1986,  
50 and July 1, 1987, to the department of cultural

**Page 3**

1 affairs, and for the fiscal years beginning July 1,  
2 1988, and July 1, 1989, to the arts division of the  
3 department of cultural affairs, for the purposes  
4 designated in section 99E.31, subsection 3, paragraph  
5 "d". For the fiscal year beginning July 1, 1987, the  
6 amount appropriated is six hundred seventy-five  
7 thousand dollars. For the fiscal year beginning July  
8 1, 1988, the amount appropriated is six hundred fifty  
9 thousand dollars of which forty thousand dollars shall  
10 be allocated to the John L. Lewis commission for the  
11 John L. Lewis museum in Lucas, Iowa, seventy thousand  
12 dollars for the Iowa town square project, seventy  
13 thousand dollars for the artist endowment program, and  
14 twelve thousand dollars is to be directed to the  
15 secretary of state for the restoration and display of  
16 the Iowa state constitution. For the fiscal year  
17 beginning July 1, 1989, the amount appropriated is six  
18 hundred fifty thousand dollars.

19 d. To the Iowa department of economic development  
20 for the purposes designated in section 99E.31,  
21 subsection 3, paragraph "e". For the fiscal year  
22 beginning July 1, 1986, the amount appropriated is two  
23 million six hundred thousand dollars. For the fiscal  
24 year beginning July 1, 1987, the amount appropriated  
25 is two million fifty thousand dollars. For the fiscal  
26 year beginning July 1, 1988, the amount appropriated  
27 is one million nine hundred eight thousand dollars.  
28 For the fiscal year beginning July 1, 1989, the amount  
29 appropriated is three million three hundred ninety-  
30 three thousand dollars to be used for the purposes and  
31 in the amounts as follows:

32 (1) Satellite centers under section 28.101, one  
33 million one hundred twenty-five thousand dollars of  
34 which fifty thousand dollars shall be used by the  
35 department to hire a rural development coordinator;  
36 forty-five thousand dollars for an informational

37 referral center; and ninety-five thousand dollars for  
38 model rural development projects. For the fiscal year  
39 beginning July 1, 1988, the amount appropriated is  
40 nine hundred thirty-five thousand dollars. Of the  
41 amount appropriated in the fiscal year beginning July  
42 1, 1988, only, thirty thousand dollars shall be  
43 awarded to each of the fifteen regional coordinating  
44 councils for annual salaries, support, and maintenance  
45 of the satellite centers and up to one hundred fifty  
46 thousand dollars may be used for supplemental grants  
47 to the satellite centers. Criteria for awarding the  
48 grants include the performance of the satellite center  
49 and the need for the supplemental funding. The  
50 department shall award at least four supplemental

**Page 4**

1 grants, but in no case shall the maximum supplemental  
2 grant exceed fifteen thousand dollars. For the fiscal  
3 year beginning July 1, 1989, the amount appropriated  
4 is one million five hundred forty-five thousand  
5 dollars. Of the amount appropriated for the fiscal  
6 year beginning July 1, 1989, only, seventy-five  
7 thousand dollars shall be awarded to each of the  
8 fifteen regional coordinating councils for annual  
9 salaries, support, and maintenance of the satellite  
10 centers. Of the amount appropriated for the fiscal  
11 year beginning July 1, 1989, the department shall  
12 employ three full-time equivalent positions for the  
13 community economic preparedness program.

14 (2) Federal procurement offices, one hundred  
15 thousand dollars. For the fiscal year beginning July  
16 1, 1988, the amount appropriated is one hundred  
17 thousand dollars. For the fiscal year beginning July  
18 1, 1989, the amount appropriated is eighty thousand  
19 dollars.

20 (3) Iowa main street program, two hundred seventy-  
21 five thousand dollars. For the fiscal year beginning  
22 July 1, 1988, the amount appropriated is three hundred  
23 ninety-three thousand dollars. For the fiscal year  
24 beginning July 1, 1989, the amount appropriated is  
25 three hundred forty-three thousand dollars.

26 (4) Technical assistance for businesses for  
27 purposes of the federal small business innovation  
28 research grants program, two hundred fifty thousand  
29 dollars of which fifty thousand dollars shall be  
30 expended to develop and operate a small business  
31 information center. For the fiscal year beginning  
32 July 1, 1988, no amount is appropriated. For the  
33 fiscal year beginning July 1, 1989, the amount  
34 appropriated is one hundred thousand dollars.

35 (5) Business incubators, three hundred thousand  
36 dollars. The funds shall be used to provide for  
37 operations of existing incubators and for the  
38 establishment of at least one new incubator in the  
39 fiscal year. The department will award grants to  
40 universities, community colleges, and local  
41 communities on an annual basis. In awarding the  
42 grants, the department shall consider the incubator's  
43 plan to become self-sufficient from the need for  
44 further grants within three years of its start-up.  
45 Future grants shall be contingent upon how the  
46 incubator is succeeding in becoming self-sufficient.  
47 The local community, university, or college is  
48 required to match the state's grant on a dollar-for-  
49 dollar basis. For the fiscal year beginning July 1,  
50 1988, the amount appropriated is two hundred fifty

Page 5

1 thousand dollars. For the fiscal year beginning July  
2 1, 1989, the amount appropriated is two hundred fifty  
3 thousand dollars.

4 (6) Rural incubators or technical assistance  
5 centers, one hundred fifty thousand dollars is  
6 appropriated for the fiscal year beginning July 1,  
7 1988. The funds shall be used for the establishment  
8 of incubators or technical assistance centers located  
9 in communities with a population of less than ten  
10 thousand. The department will award grants to  
11 universities, community colleges, and local  
12 communities on an annual basis. In awarding the  
13 grants, the department shall consider the incubator's  
14 or center's plan to become self-sufficient from the  
15 need for further grants within three years of its  
16 start-up. Future grants shall be contingent upon how  
17 the incubator or center is succeeding in becoming  
18 self-sufficient. The local community, university, or  
19 college is required to provide a twenty-five percent  
20 match of the state's grant. For the fiscal year  
21 beginning July 1, 1989, the amount appropriated is six  
22 hundred thousand dollars.

23 (7) For rural development programs, the sum of  
24 eighty thousand dollars is appropriated for the fiscal  
25 year beginning July 1, 1988. For the fiscal year  
26 beginning July 1, 1989, the amount appropriated is one  
27 hundred seventy-five thousand dollars.

28 (8) For council of governments assistance, the sum  
29 of three hundred thousand dollars is appropriated for  
30 the fiscal year beginning July 1, 1989. The funds  
31 shall be used to provide technical assistance to the  
32 political subdivisions of the state and to coordinate  
33 the delivery of local services of the council of

34 governments.

35 e. For the fiscal year beginning July 1, 1986  
36 only, the sum of two hundred thousand dollars for the  
37 targeted small business loan guarantee program  
38 established pursuant to section 220.111.

39 f. For the fiscal years beginning July 1, 1986 and  
40 July 1, 1987 only, to the Iowa conservation corps  
41 account the sum of one million dollars and seven  
42 hundred fifty thousand dollars, respectively. Of the  
43 funds appropriated under this paragraph, five hundred  
44 thousand dollars shall be used for a summer jobs  
45 program for young adults, as a part of the Iowa youth  
46 corps and designed to provide part-time public service  
47 employment to work on conservation-oriented projects.

48 g. For the fiscal years beginning July 1, 1988,  
49 and July 1, 1989, only to the Iowa department of  
50 economic development, eight hundred thousand dollars

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1 for purposes of administration of the Iowa  
2 conservation corps, established in section 15.225. Of  
3 the amount appropriated for the fiscal year beginning  
4 July 1, 1988, one hundred thousand dollars shall be  
5 used for minority youth employment. Moneys not used  
6 for minority youth employment are available for use  
7 for the purposes of the Iowa conservation corps.

8 h. For the fiscal years beginning July 1, 1987 and  
9 July 1, 1988, to the advance account of the area  
10 school job training fund established in section  
11 280C.6, one million dollars and seven hundred fifty  
12 thousand dollars, respectively. If 1988 Iowa Acts,  
13 chapter 1131, is enacted, the amount appropriated for  
14 the fiscal year beginning July 1, 1988, shall be to  
15 the revolving loan account of the area school job  
16 training fund.

17 i. For the fiscal year beginning July 1, 1987, to  
18 the department of agriculture and land stewardship the  
19 sum of three hundred thousand dollars for developing  
20 pilot public/private partnerships to assist Iowa  
21 producers of agricultural products in the promotion,  
22 marketing, and selling of agricultural products to  
23 local and regional markets. For the fiscal year  
24 beginning July 1, 1988, the amount appropriated is one  
25 hundred fifty thousand dollars. For the fiscal year  
26 beginning July 1, 1989, the amount appropriated is  
27 four hundred fifty thousand dollars which is to be  
28 used for funding of existing partnerships or for  
29 starting new ones.

30 j. For the fiscal year beginning July 1, 1987  
31 only, to the department of agriculture and land  
32 stewardship the sum of one hundred thousand dollars,

33 or so much as is necessary, to provide a grant to the  
34 organizers from the 1988 world ag expo in the Amana  
35 colonies.

36 k. For the fiscal year beginning July 1, 1988,  
37 there is appropriated to the department of economic  
38 development for labor management councils the sum of  
39 one hundred thousand dollars. For the fiscal year  
40 beginning July 1, 1989, there is appropriated to the  
41 department of economic development for labor  
42 management councils the sum of two hundred thousand  
43 dollars.

44 l. For the fiscal year years beginning July 1,  
45 1988, and July 1, 1989, to the Iowa department of  
46 economic development the sum of seven hundred thousand  
47 dollars and seven hundred thousand dollars,  
48 respectively, for the establishment of welcome centers  
49 as provided in sections 15.271 and 15.272. The funds  
50 appropriated shall be used for implementation of the

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1 recommendations of the statewide long-range plan for  
2 developing and operating welcome centers through the  
3 state.

4 m. (1) For the fiscal year years beginning July  
5 1, 1988, and July 1, 1989, to the department of  
6 agriculture and land stewardship the sum of one  
7 hundred thousand dollars and two hundred fifty  
8 thousand dollars, respectively, to fund pilot lamb and  
9 wool management education projects approved by the  
10 department at area schools selected as project sites.  
11 The selection of an area school as a project site  
12 shall be based upon the evaluation and recommendations  
13 of an advisory committee created by the department and  
14 composed of persons actively engaged in lamb and wool  
15 production, persons representing the agricultural  
16 experiment station of the Iowa state university of  
17 science and technology, and persons expert in  
18 postsecondary education. The committee shall conduct  
19 an evaluation of area schools applying to be selected  
20 as pilot project sites. The committee in formulating  
21 its recommendations shall assign a weight to and  
22 consider the following criteria:

23 (a) The area school's relevant and available  
24 educational facilities.

25 (b) The number of persons interested in beginning  
26 or expanding lamb and wool production in the area  
27 school's merged area.

28 (c) The current number of sheep in the area  
29 school's merged area.

30 (d) The increase in the number of sheep in the  
31 area school's merged area.

32 (e) The creation or expansion of lamb and wool  
33 production facilities in the area school's merged  
34 area.

35 (f) The size and number of lamb and wool producer  
36 groups in the area school's merged area, and the  
37 degree to which such groups promote lamb and wool  
38 production in the area.

39 (g) The qualifications of the person selected by  
40 the area school to direct the project, and the  
41 qualifications of persons selected by the area school  
42 to instruct producers participating in the project.

43 The committee shall be staffed by employees of the  
44 department as appointed by the director of the  
45 department. The evaluation and recommendations shall  
46 be submitted to the director not later than December  
47 30, 1988, or December 30, 1989, as applicable.

48 (2) An area school selected to be a pilot project  
49 site is entitled to regular disbursements of funds by  
50 the department to establish the project, and for

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1 salaries, support, maintenance, and other operational  
2 purposes according to a schedule which shall be  
3 established by the department. An area school shall  
4 not have less than thirty producers participating in  
5 the project, on or after December 30, 1990, or  
6 December 30, 1991, as applicable. If after that time,  
7 less than thirty producers participate in a project  
8 when the department is disbursing scheduled funds to  
9 the area school, the amount of funds to the school  
10 shall be reduced proportionately according to the  
11 number of producers participating in the project. The  
12 amount withheld shall be added equally to the amount  
13 disbursed to area schools having thirty or more  
14 producers participating in their respective projects.  
15 Only producers are eligible to participate in a  
16 project. The department may establish additional  
17 requirements for participation in the project,  
18 including a fee which shall be charged for producers  
19 participating in the project. A producer shall be  
20 charged the fee notwithstanding any other fee paid to  
21 the area school.

22 (3) For purposes of the projects, "producer" means  
23 a person actively engaged or seeking to become  
24 actively engaged in lamb or wool production.

25 n. For the fiscal year beginning July 1, 1988, the  
26 sum of nine million three hundred thousand dollars as  
27 follows:

28 (1) Four million six hundred fifty thousand  
29 dollars to the Iowa finance authority for the  
30 revolving fund for the community and rural development  
31 loan program established under 1988 Iowa Acts, chapter  
32 1217.

33 (2) Four million six hundred fifty thousand  
34 dollars to the business development finance  
35 corporation assistance fund established under 1988  
36 Iowa Acts, chapter 1207.  
37 (3) Up to one million dollars of the moneys  
38 allocated under subparagraph (1) and up to three  
39 million dollars of the moneys allocated under  
40 subparagraph (2) which are not used or dedicated may  
41 be transferred to and used for purposes of the  
42 community economic betterment account, as determined  
43 by the department of economic development with one-  
44 half of the amount to be transferred on October 1,  
45 1988, and one-half of the amount to be transferred on  
46 January 15, 1989. For the fiscal year beginning July  
47 1, 1989, the sum of two million six hundred fifty  
48 thousand dollars is appropriated to the business  
49 development finance corporation assistance fund  
50 established under section 28.148.

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1 o. For the fiscal year beginning July 1, 1988, to  
2 the department of economic development the sum of  
3 fifty thousand dollars for a local economic  
4 development pilot project for an area encompassing the  
5 cities and rural areas making up the area community  
6 commonwealth where the cities are represented on the  
7 board of directors of a nonprofit corporation set up  
8 for the purpose of aiding in the economic development  
9 of the area. In order for the area to receive moneys  
10 under this paragraph, the area shall be formed under  
11 an agreement entered into pursuant to chapter 28E for  
12 the sole purpose of providing for economic development  
13 projects for the area provided the agreement  
14 identifies an entity to receive the funds under this  
15 paragraph and all parties to the agreement shall be  
16 located within the same regional economic delivery  
17 area created pursuant to section 28.101. The moneys  
18 available to the chapter 28E area shall be used only  
19 for economic development initiatives as defined in  
20 section 99E.10, subsection 2. However, as used in  
21 this paragraph, economic development initiatives do  
22 not include the employment of professional staff or  
23 consultants. The chapter 28E area shall file an  
24 economic development plan with the department of  
25 economic development before application is made to  
26 receive funds under this paragraph. The area  
27 receiving funds under this paragraph shall submit an  
28 annual financial report within sixty days following  
29 the close of its fiscal year to the regional  
30 coordinating council created pursuant to section  
31 28.101 of the region in which the area is located.

32 p. For the fiscal year beginning July 1, 1988, to  
33 the division of soil conservation within the  
34 department of agriculture and land stewardship for  
35 deposit in the water protection fund created in 1988  
36 Iowa Acts, chapter 1189, section 5, the sum of five  
37 hundred thousand dollars for purposes of the fund.

38 q. For the fiscal year years beginning July 1,  
39 1988, and July 1, 1989, to the department of education  
40 the sum of seven hundred fifty thousand dollars and  
41 seven hundred fifty thousand dollars, respectively,  
42 for the purposes and under the conditions specified in  
43 section 99E.31, subsection 5, paragraph "c".

44 r. For the fiscal year beginning July 1, 1989, to  
45 the Iowa state university of science and technology  
46 for funding the small business development centers the  
47 sum of one million three hundred thousand dollars.

48 s. For the fiscal year beginning July 1, 1989, to  
49 the Iowa finance authority, the sum of one million  
50 three hundred ninety-five thousand dollars for the

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1 housing program fund as specified in section 220.40 to  
2 be used for purposes of the housing category under the  
3 community and rural development program.

4 t. For the fiscal year beginning July 1, 1989, to  
5 the Iowa finance authority, the sum of one hundred  
6 thousand dollars for the homeless assistance program.

7 u. For the fiscal year beginning July 1, 1989, to  
8 the Iowa finance authority, the sum of two million  
9 dollars for the housing assistance program to provide  
10 mortgage and finance assistance to individuals  
11 residing in communities with a population of less than  
12 five thousand for the purchase or acquisition of  
13 homes, including but not limited to, modular homes, as  
14 defined in section 135D.1, and manufactured homes as  
15 defined in 42 U.S.C. § 5403.

16 v. For the fiscal year beginning July 1, 1989, to  
17 the arts division of the department of cultural  
18 affairs, the sum of one hundred twenty thousand  
19 dollars for the town square program.

20 w. For the fiscal year beginning July 1, 1989, to  
21 the arts division of the department of cultural  
22 affairs, the sum of one hundred thousand dollars for  
23 the artists endowment program.

24 x. For the fiscal year beginning July 1, 1989, to  
25 the department of cultural affairs, the sum of two  
26 hundred seventy thousand dollars for an additional  
27 exhibit in the new historical building.

28 y. For the fiscal year beginning July 1, 1989, to  
29 the department of economic development for the sister  
30 state program the sum of eighty thousand dollars.

31 Funds appropriated for the sister state program shall  
32 be matched on a dollar-for-dollar basis by private  
33 sources. In-kind expenditures from the private sector  
34 may be considered as a portion of the dollar-for-  
35 dollar match. The department shall secure the  
36 necessary private participation from groups and  
37 organizations most appropriate for this program.  
38 z. For the fiscal year beginning July 1, 1989, to  
39 the department of economic development the sum of two  
40 hundred ninety-six thousand dollars for a rural main  
41 street program for communities with a population under  
42 five thousand.  
43 aa. For the fiscal year beginning July 1, 1989, to  
44 the department of economic development, the sum of  
45 four hundred thousand dollars for a rural enterprise  
46 fund for seed money for local community development  
47 organizations established for an area for the purpose  
48 of providing for economic and business development  
49 projects. The availability of the seed money, and the  
50 type of projects are similar to those envisioned in

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1 paragraph "o" of this subsection.  
2 ab. For the fiscal year beginning July 1, 1989,  
3 the sum of two million dollars to the department of  
4 economic development to establish a retraining program  
5 for existing Iowa businesses and employees to upgrade  
6 and modernize the skills of the employees.  
7 ac. To the revolving loan account of the area  
8 school job training fund established under section  
9 280C.6, the sum of one million dollars for the fiscal  
10 year beginning July 1, 1989.  
11 ad. For the fiscal year beginning July 1, 1989, to  
12 the department of economic development, the sum of one  
13 hundred fifty thousand dollars for a productivity  
14 enhancement program which will focus on transferring  
15 state-of-the-art manufacturing techniques to rural  
16 manufacturers.  
17 ae. To the department of human services the sum of  
18 two hundred fifty thousand dollars, or so much thereof  
19 as is necessary, for grants of financial aid, made  
20 pursuant to section 232.142, subsection 3, for  
21 purposes of establishing, improving, operating, and  
22 maintaining approved county and multicounty juvenile  
23 detention homes. The department shall encourage the  
24 recipients of the grants to serve the needs of  
25 juveniles in multicounty areas.  
26 Sec. 5. Section 99E.32, subsection 4, Code 1989,  
27 is amended to read as follows:  
28 4. There are appropriated moneys in the education  
29 and agriculture research and development account for

30 each of the fiscal years beginning July 1, 1986, July  
31 1, 1987, July 1, 1988, and July 1, 1989, to the  
32 following funds, agencies, boards or commissions in  
33 the amounts, or so much thereof as may be necessary,  
34 as provided in section 99E.33 to be used for the  
35 following purposes:

36 a. To the Iowa college aid commission for the  
37 forgivable loan program established in sections 261.71  
38 to 261.73. For the fiscal year beginning July 1,  
39 1986, the amount appropriated is seven hundred fifty  
40 thousand dollars. Notwithstanding subsection 7, any  
41 moneys not expended under this paragraph by June 30,  
42 1987 shall not be used for purposes of this paragraph  
43 but shall be transferred and used for the purposes  
44 described in paragraph "c" for the fiscal year  
45 beginning July 1, 1987. For the fiscal years  
46 beginning July 1, 1987, ~~and~~ July 1, 1988, and July 1,  
47 1989, no amount is appropriated.

48 b. To the Iowa department of economic development  
49 for the purposes and under the conditions specified in  
50 section 99E.31, subsection 4, paragraph "a".

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1 (1) For the fiscal year beginning July 1, 1986,  
2 the amount appropriated is ten million seven hundred  
3 fifty thousand dollars.

4 (2) For the fiscal year beginning July 1, 1987,  
5 the amount appropriated is seven million dollars of  
6 which five hundred thousand dollars shall be allocated  
7 to the Iowa State University of science and technology  
8 for the national center for food and industrial  
9 agricultural product development; and two hundred  
10 fifty thousand dollars shall be allocated to the  
11 University of Northern Iowa for the decision-making  
12 science institute.

13 (3) For the fiscal year beginning July 1, 1988,  
14 the amount appropriated is seven million dollars of  
15 which two hundred fifty thousand dollars shall be  
16 allocated to the University of Northern Iowa for the  
17 decision-making science institute; one hundred  
18 thousand dollars shall be allocated to the department  
19 of economic development for an economic development  
20 training program at the school of business at the  
21 University of Northern Iowa which shall use these  
22 funds in consultation with the department, the  
23 university, and the Iowa professional developers;  
24 forty thousand dollars shall be allocated to the state  
25 library within the department of cultural affairs to  
26 establish a patent depository library for the purpose  
27 of making university patents accessible to the public  
28 and private sectors by purchasing the twenty-year

29 backfile of patents and to train existing staff to  
30 work with users of the library; and three hundred  
31 sixty thousand dollars shall be allocated and used to  
32 establish a university and private industry research  
33 and development consortium at each of the state board  
34 of regents universities under chapter 262B. Of the  
35 three hundred sixty thousand dollars, one hundred  
36 twenty thousand dollars is allocated to each of the  
37 consortiums with eighty-five thousand dollars being  
38 appropriated to the department of economic development  
39 for providing staff and support to the marketing for  
40 the consortiums and thirty-five thousand dollars is  
41 allocated to each of the offices of vice president for  
42 research at the three board of regents institutions.  
43 Of the money allocated under this paragraph to the  
44 Iowa State University of science and technology for  
45 the fiscal year beginning July 1, 1988, two hundred  
46 thousand dollars shall be used to support  
47 collaborative research with the United States  
48 department of agriculture to improve reproductive  
49 performance and disease resistance in swine. After  
50 the first five million dollars appropriated for the

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1 fiscal year beginning July 1, 1988, has been  
2 allocated, the next one million dollars shall be  
3 allocated for proposals described in section 99E.31,  
4 subsection 4, paragraph "a", subparagraph (1) and the  
5 next one million dollars shall be allocated for  
6 applied research projects described in section 99E.31,  
7 subsection 4, paragraph "a", subparagraph (3) of which  
8 one hundred fifty thousand dollars shall be used for  
9 the water resource research institute under paragraph  
10 "e". The department may use any unexpended funds from  
11 the appropriation made under this paragraph for the  
12 fiscal year beginning July 1, 1987, as a prepayment of  
13 the allocations made for the fiscal year beginning  
14 July 1, 1988, for the decision-making science  
15 institute and the economic development leadership  
16 program, which prepayment shall be repaid as the  
17 fiscal year beginning July 1, 1988, allocation to such  
18 institute or program becomes available.

19 (4) For the fiscal year beginning July 1, 1989,  
20 the amount appropriated is six million four hundred  
21 thousand dollars. Of the amount appropriated for the  
22 fiscal year beginning July 1, 1989, forty thousand  
23 dollars shall be allocated to the state library within  
24 the department of cultural affairs for purposes of the  
25 patent depository library and three hundred sixty  
26 thousand dollars shall be allocated and used to  
27 establish a operate the university and private

28 industry research and development consortium at each  
 29 of the state board of regents universities established  
 30 under chapter 262B. Of the three hundred sixty  
 31 thousand dollars, one hundred twenty thousand dollars  
 32 is allocated to each of the consortiums with eighty-  
 33 five. The department of economic development and the  
 34 consortiums shall coordinate activities relating to  
 35 purposes of chapter 262B. Of the amount appropriated  
 36 in this subparagraph, sixty thousand dollars being is  
 37 appropriated to the department of economic development  
 38 for providing staff and support to the marketing for  
 39 the consortiums and thirty-five thousand dollars is  
 40 allocated to each of the offices of vice president for  
 41 research at the three board of regents institutions  
 42 identify development trends. Of the amount  
 43 appropriated in this subparagraph, five hundred  
 44 thousand dollars is allocated to the University of  
 45 Northern Iowa for the decision-making science  
 46 institute; one hundred thousand dollars is allocated  
 47 to the department of economic development for an  
 48 economic development training program at the school of  
 49 business at the University of Northern Iowa which  
 50 shall use these funds in consultation with the

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1 department, the university, and the professional  
 2 developers of Iowa; two hundred thousand dollars is  
 3 allocated to the decision-making science institute for  
 4 the emerging business opportunities program; six  
 5 hundred fifty thousand dollars is allocated to the  
 6 international network on trade fund of the INTERNET  
 7 foundation, established in 1989 Iowa Acts, House File  
 8 686, which shall transfer four hundred thousand  
 9 dollars of its allocation to the Wallace technology  
 10 transfer foundation of Iowa established in 1989 Iowa  
 11 Acts, House File 686; and three hundred thousand  
 12 dollars, to be allocated equally, for support of the  
 13 Iowa technology innovation centers at the University  
 14 of Iowa and the Iowa State University of science and  
 15 technology and the applied technology program at the  
 16 University of Northern Iowa.

17 c. To the Iowa college aid commission for the  
 18 purposes and under the conditions specified in section  
 19 99E.31, subsection 4, paragraph "b". For the fiscal  
 20 years beginning July 1, 1987, and July 1, 1988, no  
 21 amount is appropriated. However, the funds  
 22 transferred under paragraph "a" are available for use  
 23 under this paragraph for the fiscal years beginning  
 24 July 1, 1987, and July 1, 1988. For the fiscal year  
 25 years beginning July 1, 1988, and July 1, 1989, no  
 26 amount is appropriated.

27 d. For the fiscal year beginning July 1, 1987 only  
28 to the Iowa peace institute, the sum of two hundred  
29 fifty thousand dollars for salaries, support, and  
30 maintenance provided, and to the extent that, the  
31 appropriations are matched dollar for dollar by the  
32 Iowa peace institute. The peace institute shall not  
33 use any of the state funds for the construction or  
34 purchase of real property. For the fiscal year  
35 beginning July 1, 1988, the unobligated moneys left in  
36 the Iowa plan fund as a result of the appropriation  
37 made for the fiscal year beginning July 1, 1985,  
38 pursuant to section 99E.31, subsection 5, paragraphs  
39 "e" and "g", are appropriated for use under this  
40 paragraph. However, if the amount appropriated  
41 exceeds two hundred fifty thousand dollars the excess  
42 shall be reallocated under the account.

43 e. For the fiscal years beginning July 1, 1987 and  
44 July 1, 1989 to the Iowa State University of science  
45 and technology, the sum of one hundred fifty thousand  
46 dollars for each fiscal year for allocation to the  
47 Iowa State University water resource research  
48 institute for a subsurface water and nutrient  
49 management system. This research shall concentrate  
50 its efforts on providing optimum soil water table

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1 level throughout the growing season, reduction of  
2 nitrates in Iowa's surface and subsurface waters,  
3 reduction of Iowa's dependency on subsurface water for  
4 irrigation, and increasing productivity of selected  
5 Iowa soils for selected crops. The Iowa State  
6 University water resource research institute shall  
7 administer the research funds and report to the  
8 general assembly by February 1 of each year, on the  
9 program's progress and results.

10 f. For the fiscal year beginning July 1, 1989, to  
11 the department of economic development, the sum of two  
12 hundred twenty-one thousand dollars for the University  
13 of Iowa and two hundred fifty thousand dollars for the  
14 Iowa State University of science and technology for  
15 the operation and maintenance of the university  
16 related research parks.

17 g. For the fiscal year beginning July 1, 1989, to  
18 the Iowa cooperative extension service in agriculture  
19 and home economics at the Iowa State University of  
20 science and technology, the sum of two hundred  
21 thousand dollars to begin a three-year intensive  
22 effort of technology transfer for the livestock  
23 industry as provided in section 266.39A.

24 h. For the fiscal year beginning July 1, 1989, to  
25 the department of economic development the sum of five

26 hundred thousand dollars for the energy-related  
27 activities of the amorphous semiconductor project at  
28 Iowa State University of science and technology.

29 Sec. 6. Section 99E.32, subsection 5, paragraphs  
30 a, b, and j, Code 1989, are amended to read as  
31 follows:

32 a. There is appropriated from the allotment made  
33 to the jobs now capitals account under subsection 1  
34 for each of the fiscal years beginning July 1, 1986,  
35 and July 1, 1987, and ~~July 1, 1989~~ to the department  
36 of education the sum of one million dollars for the  
37 purposes and under the conditions specified in section  
38 99E.31, subsection 5, paragraph "c".

39 b. There is appropriated from the allotment made  
40 to the jobs now capitals account under subsection 1  
41 for the fiscal year beginning July 1, 1986 to the  
42 department of public safety for the acquisition and  
43 interface with a fingerprint computer the sum of four  
44 hundred thousand dollars. There is established an  
45 automated fingerprint identification system (AFIS)  
46 computer committee. This committee shall have the  
47 authority to prepare and implement guidelines, rules,  
48 and regulations pertaining to the placement, use, and  
49 access to the AFIS computer and any remote terminal  
50 designed to interface with the main computer located

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1 at the department of public safety. The AFIS  
2 committee will be chosen for two-year terms with four  
3 sheriffs chosen by the Iowa state sheriffs and  
4 deputies association and four chiefs of police chosen  
5 by the Iowa police executive forum. The commissioner  
6 of public safety, or the designee, will be chairperson  
7 of the AFIS committee.

8 After the initial committee is selected effective  
9 July 1, 1986, new members will serve staggered terms  
10 of two years. Beginning July 1, 1988, the Iowa state  
11 sheriffs and deputies association and the Iowa police  
12 executive forum will each choose two new members, who  
13 will make up the nine member AFIS committee.  
14 Thereafter, the staggered terms will take effect  
15 between the sheriffs' representatives and the police  
16 chiefs' representatives. Nothing herein shall limit  
17 the number of terms any one person may serve.

18 For the fiscal year beginning July 1, 1988, there  
19 is appropriated to the department of public safety the  
20 sum of two hundred fifty thousand dollars for the  
21 automated fingerprint identification system. For the  
22 fiscal year beginning July 1, 1989, there is  
23 appropriated to the department of public safety the  
24 sum of four hundred ten thousand dollars for four

25 remote automated fingerprint information system (AFIS)  
26 terminals.

27 j. There is appropriated from the allotment to the  
28 jobs now capitals account under subsection 1 for  
29 construction, equipment, renovation, and other costs  
30 associated with buildings in the capitol complex the  
31 sum of two million seven hundred fifty thousand  
32 dollars for each of the fiscal years beginning July 1,  
33 1987; and July 1, 1988; and July 1, 1989 to the  
34 department of general services. Of the total funds  
35 appropriated, seven hundred fifty thousand dollars  
36 shall be utilized to pay costs of equipping the new  
37 historical building and the costs of moving exhibits  
38 into that building; and the remaining funds shall be  
39 used for renovation and remodeling of buildings in the  
40 capitol complex. Notwithstanding the amount otherwise  
41 appropriated and the purpose for which appropriated  
42 under this paragraph, for the fiscal year beginning  
43 July 1, 1988, there is appropriated one million five  
44 hundred thousand dollars to the department of general  
45 services for construction, equipment, renovation, and  
46 other costs associated with buildings in the capitol  
47 complex, of which two hundred thousand dollars is  
48 allocated for Terrace Hill, one hundred twenty-five  
49 thousand is allocated for planning and construction of  
50 a parking garage, five hundred thousand is allocated

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1 for the planning for legislative office space, and up  
2 to ten thousand dollars shall be used for the purchase  
3 of POW/MIA flags to be flown on all public buildings  
4 of public bodies that apply for the flags.

5 Sec. 7. Section 99E.32, subsection 5, Code 1989,  
6 is amended by adding the following new lettered  
7 paragraphs:

8 NEW PARAGRAPH. p. There is appropriated from the  
9 allotment to the jobs now capitals account under  
10 subsection 1 for the fiscal year beginning July 1,  
11 1989, to the Iowa state fair board the sum of four  
12 hundred thousand dollars to provide facilities to  
13 house booths, displays, and other promotional  
14 activities for local tourism groups and organizations.

15 NEW PARAGRAPH. q. There is appropriated from the  
16 allotment to the jobs now capitals account under  
17 subsection 1 for the fiscal year beginning July 1,  
18 1989, to the department of cultural affairs the sum of  
19 one million dollars to be deposited in the historical  
20 resource revolving fund to be used for the historical  
21 resource development program under section 303.16.

22 NEW PARAGRAPH. r. There is appropriated from the  
23 allotment to the jobs now capitals account under

24 subsection 1 for the fiscal year beginning July 1,  
 25 1989, to the American Gothic House trust account the  
 26 sum of one hundred thousand dollars for the  
 27 acquisition and maintenance of Gothic House in Eldon.  
 28 NEW PARAGRAPH. s. There is appropriated from the  
 29 allotment to the jobs now capitals account under  
 30 subsection 1 for the fiscal year beginning July 1,  
 31 1989, to the Iowa department of public health the sum  
 32 of two hundred fifty thousand dollars to finance  
 33 research in the area of electromagnohydrodynamics  
 34 ventricular assist devices of the Iowa center for  
 35 applied sciences, a nonprofit corporation established  
 36 under the laws of Iowa. The department of public  
 37 health may enter into an agreement with the Iowa  
 38 product development corporation to provide technical  
 39 assistance and oversight for this project.  
 40 NEW PARAGRAPH. t. There is appropriated from the  
 41 allotment to the jobs now capitals account under  
 42 subsection 1 for the fiscal year beginning July 1,  
 43 1989, to the Iowa department of public health the sum  
 44 of one million five hundred thousand dollars to  
 45 provide grants, with the advice of the emergency  
 46 medical services council, to emergency medical service  
 47 providers for the purchase of emergency medical  
 48 service equipment. Criteria shall be established by  
 49 the department, with the advice of the council, two of  
 50 which shall be need and amount of local match.

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1 Preference shall be given to voluntary ambulance  
 2 service.  
 3 NEW PARAGRAPH. u. There is appropriated from the  
 4 allotment to the jobs now capitals account under  
 5 subsection 1 for the fiscal year beginning July 1,  
 6 1989, to a special events fund, the sum of one hundred  
 7 thousand dollars to be used as one-time funding to  
 8 assist in the start-up, promotion, continued  
 9 operation, and organization of local tourism,  
 10 recreational, or cultural special events. Not more  
 11 than twenty thousand dollars shall be awarded for any  
 12 event. Special events are those events of a nature  
 13 that occur not more than twice a year and include, but  
 14 are not limited to, hot air balloon races, fishing  
 15 tournaments, car racing meets, ethnic or seasonal  
 16 festivals, and concerts. Preference shall be given to  
 17 national events. In awarding grants priority shall be  
 18 given to those events where state funds will be  
 19 matched on at least a one-to-one basis with electronic  
 20 or other media advertising being provided to the  
 21 event.  
 22 NEW PARAGRAPH. v. There is appropriated from the

23 allotment to the jobs now capitals account under  
24 subsection 1 for the fiscal year beginning July 1,  
25 1989, to the Iowa department of transportation the sum  
26 of one hundred twenty-five thousand dollars, with  
27 eighty percent of the appropriation being credited to  
28 the city of Ventura and twenty percent of the  
29 appropriation being credited to the city of Clear  
30 Lake, for the completion of the road improvement  
31 connecting East Lake drive and North Shore drive.

32 NEW PARAGRAPH. w. (1) There is appropriated from  
33 the allotment to the jobs now capitals account under  
34 subsection 1 for the fiscal year beginning July 1,  
35 1989, to the department of human rights the sum of  
36 five hundred thousand dollars for the community-based  
37 recreational and educational grant program.

38 (2) Of the amount appropriated under subparagraph  
39 (1), four hundred thousand dollars shall be used as  
40 follows:

41 (a) To provide state funds to encourage and  
42 supplement recreational and educational activities for  
43 low-income youth grades K-12 by filling existing gaps  
44 and permitting expansion in the current system of  
45 community-based recreational and educational programs;  
46 establishing a comprehensive network of services that  
47 are continuous and year-round that focus on recreation  
48 and personal development education for low-income  
49 youth grades K-12; and providing  
50 recreational/educational programs for youth from

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1 families with incomes no more than twenty percent  
2 above the state poverty level.

3 (b) To be eligible for state funds under this sub-  
4 paragraph the applicant must be a nonprofit  
5 organization whose mission includes providing services  
6 for low-income youth grades K-12; the activities must  
7 be those not currently offered by the organization, or  
8 if currently offered is demonstrably underfunded; and  
9 the activities must be free of charge to all youth who  
10 meet the income requirements. A nominal fee, at cost,  
11 may be assessed to youth who do not meet the stated  
12 income requirements. Grants will be awarded based on  
13 the organization's demonstrated ability to provide  
14 organized recreational or educational programs or a  
15 combination of both.

16 (c) Eligible activities include, but are not  
17 limited to, the following:

18 (i) Recreation: arts and crafts, such as pottery,  
19 sewing, painting; swimming teams; bowling leagues;  
20 tumbling/gymnastics; and volleyball, softball,  
21 basketball, and tennis.

22 (ii) Education: Drama clubs; dance  
 23 lessons/troups; music lessons, such as piano, voice;  
 24 computer literacy; cultural enrichment reading;  
 25 creative writing; and employment skills.

26 (3) Of the amount appropriated under subparagraph  
 27 (1), one hundred thousand dollars shall be used for  
 28 exemplary social and community-organized projects  
 29 whose services are primarily targeted to minority  
 30 populations in the state.

31 NEW PARAGRAPH. x. There is appropriated from the  
 32 allotment to the jobs now capitals account under  
 33 subsection 1 for the fiscal year beginning July 1,  
 34 1989, to the Terrace Hill commission the sum of fifty  
 35 thousand dollars for landscaping, painting, equipment,  
 36 repairs, renovations and furnishings at Terrace Hill.

37 Sec. 8. Section 99E.32, Code 1989, is amended by  
 38 adding the following new subsection:

39 NEW SUBSECTION. 9. There is appropriated to the  
 40 agencies named for the fiscal year beginning July 1,  
 41 1988, and ending June 30, 1989, the remaining moneys  
 42 in the surplus account after repayment to the  
 43 permanent school fund in accordance with section  
 44 280C.8, to be used for the purposes designated:

45 a. To the Iowa state university of science and  
 46 technology for biodegradable plastics research, the  
 47 sum of three hundred ninety-eight thousand dollars.  
 48 As a condition, limitation, and qualification of the  
 49 appropriation made in this paragraph, one-third of the  
 50 funds appropriated in this paragraph shall be used for

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1 researching the health and environmental impacts of  
 2 biodegradable plastics.

3 b. To the state university of Iowa for  
 4 biodegradable plastics research, the sum of one  
 5 hundred eighty-three thousand dollars.

6 c. To the university of northern Iowa for polymer  
 7 and elastomer recycling research, the sum of one  
 8 hundred thirty-one thousand dollars.

9 d. To the department of agriculture and land  
 10 stewardship:

11 (1) For development of biodegradable plastics  
 12 standards, the sum of seventy-five thousand dollars.

13 (2) For marketing of biodegradable plastics, the  
 14 sum of seventy-five thousand dollars.

15 e. To the department of natural resources for the  
 16 purposes of holding toxic waste cleanup days during  
 17 the fall of 1989:

18 ..... \$ 400,000

19 To the extent practical, the department shall hold  
 20 at least one of the toxic cleanup days in each state

21 congressional district.

22 f. To the department of public safety or successor  
23 drug enforcement agency for promoting, equipping, and  
24 staffing a "Drug Tip Hotline":

25 .....\$ 50,000

26 Notwithstanding section 8.39, funds appropriated  
27 under this paragraph are not subject to transfer.

28 g. To the department of public safety for not more  
29 than the following full-time equivalent positions for  
30 the purpose of enforcing 1989 Iowa Acts, Senate File  
31 124:

32 .....\$ 300,000

33 ..... FTEs 12.0

34 h. To the state racing and gaming commission for  
35 not more than the following full-time equivalent  
36 positions for regulation activities required pursuant  
37 to 1989 Iowa Acts, Senate File 124:

38 .....\$ 100,000

39 ..... FTEs 4.25

40 Sec. 9. NEW SECTION. 266.39A TECHNICAL  
41 ASSISTANCE FOR LIVESTOCK INDUSTRY.

42 1. The general assembly finds that the livestock  
43 industry is one of Iowa's greatest agricultural  
44 strengths and perhaps the greatest value-added  
45 opportunity for the state. To assist in the  
46 revitalization of Iowa's livestock industry, the  
47 cooperative extension service in agriculture and home  
48 economics, in cooperation with the Iowa agriculture  
49 experiment station, shall begin a three-year intensive  
50 effort of technology transfer as described in this

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1 section.

2 2. The overall goal of technology transfer is to  
3 maximize the economic potential of Iowa's livestock  
4 industry by increasing efficiency and profitability of  
5 production while protecting the quality of Iowa's  
6 natural resources. Specific objectives are to:

7 a. Develop a broad base of technical resources to  
8 support livestock and poultry producers in the areas  
9 of business and finance, nutrition, health, marketing,  
10 facilities, and environmental management.

11 b. Enhance abilities of local resource persons to  
12 incorporate these broad-based technical resources into  
13 on-going private activities.

14 c. Develop recommendations for best design and  
15 animal waste management practices.

16 d. Demonstrate new technologies and best  
17 management practices.

18 To accomplish these specific objectives, extension  
19 specialists will employ four strategies.

20 3. The technical assistance service shall use  
21 paraprofessionals to provide one-on-one assistance to  
22 livestock producers in the areas of production records  
23 programs, financial records programs, data analysis,  
24 problem identification, and referrals to technical  
25 specialists. The technical assistance service shall  
26 identify a cadre of publicly supported and privately  
27 supported specialists in a multicounty area who can  
28 provide technical assistance in agricultural  
29 engineering, animal nutrition and management of  
30 ruminant, swine and poultry, animal health, farm  
31 financial management, marketing, and soil/water/waste  
32 management. These specialists shall become part of  
33 local assistance teams to address specific problems,  
34 with county and area extension staff providing  
35 coordination. On campus, extension specialists and  
36 researchers shall develop and apply new technologies  
37 to solve specific problems.

38 4. Intensive training programs are to be developed  
39 to improve management skills of livestock producers.  
40 Training programs should include topics such as animal  
41 nutrition, health, procurement and marketing,  
42 financing, taxes, records, facilities, waste  
43 management, contracts, labor, and feed mill  
44 operations. Application of methods taught during  
45 these programs should occur in actual livestock  
46 production settings.

47 5. An environmental study shall be conducted to  
48 examine implications of livestock and poultry  
49 production for human health, air quality, and ground  
50 and surface water quality. Two faculty members shall

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1 study and evaluate a sample of existing livestock and  
2 poultry facilities for odor, particulates, gas data,  
3 and other aspects of environmental control. Data  
4 shall be collected in northern Europe, Iowa, and other  
5 locations in the United States. Various types of  
6 livestock production units such as totally enclosed,  
7 partially enclosed and open lot systems, shall be  
8 compared. Results shall be shared in educational  
9 programs targeted to both animal producer groups and  
10 the general public.

11 6. Demonstrations of new technology shall take  
12 place and include on-farm trials or demonstrations to  
13 ensure that new technologies and best management  
14 practices are relevant to local producers.

15 Sec. 10. This Act, being deemed of immediate  
16 importance, takes effect upon enactment."

17 2. Title page, lines 1 and 2, by striking the  
18 words "supplemental appropriations to agencies" and  
19 inserting the following: "appropriations".

Ollie of Clinton in the chair at 10:36 p.m.

Van Maanen of Mahaska offered the following amendment H—4483, to the Senate amendment H—4481, filed by him from the floor:

H—4483

- 1 Amend Senate amendment H—4481 to House File 785, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 35 through 39 and
- 5 inserting the following: "Acts, House File 769, if
- 6 enacted."

Speaker Avenson in the chair at 10:55 p.m.

On motion by Van Maanen of Mahaska, amendment H—4483 was adopted.

Swartz of Marshall offered the following amendment H—4488, to the Senate amendment H—4481, filed by him from the floor and moved its adoption:

H—4488

- 1 Amend the Senate amendment, H—4481, to House File
- 2 785 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, line 6, by striking the words
- 5 "seventy-five" and inserting the following: "sixty-
- 6 five".
- 7 2. Page 4, line 11, by striking the word "shall"
- 8 and inserting the following: "may".
- 9 3. Page 4, lines 12 and 13, by striking the words
- 10 "the community economic preparedness program" and
- 11 inserting the following: "community outreach
- 12 programs".

Amendment H—4488 was adopted.

Swartz of Marshall offered amendment H—4493, to the Senate amendment H—4481, filed by him and Poncy of Wapello from the floor and requested division as follows:

H—4493

- 1 Amend the Senate amendment, H—4481, to House File
- 2 785, as amended, passed, and reprinted by the House,
- 3 as follows:

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4 1. Page 7, line 3, by inserting after the word  
5 "state." the following: "Of the amount appropriated  
6 for the fiscal year beginning July 1, 1989, twenty-  
7 five thousand dollars, or so much as is necessary, is  
8 appropriated to the department of agriculture and land  
9 stewardship to provide a grant to the heartland  
10 heritage center project for the development of living  
11 history farms near Des Moines. As a condition of the  
12 grant, the department of agriculture and land  
13 stewardship shall have representation on all boards  
14 dealing with the planning, development, design, and  
15 administration of the living history farms  
16 development."

17 2. Page 10, by striking lines 1 through 3, and  
18 inserting the following: "housing trust fund as  
19 specified in section 220.100 to be used for purposes  
20 of section 220.100, subsection 2, paragraphs "b" and  
21 "c"."

22 3. Page 10, line 6, by striking the words  
23 "homeless assistance program" and inserting the  
24 following: "operations, construction, or repairs of  
25 homeless assistance shelters".

26 4. Page 10, line 7, by inserting before the word  
27 "For" the following: "(1)".

28 5. Page 10, by striking lines 11 through 15, and  
29 inserting the following: "for the purchase or  
30 acquisition of homes. Of this amount one hundred  
31 thousand dollars shall be used to finance the purchase  
32 or acquisition, in communities with a population of  
33 less than five thousand, of modular homes, as defined  
34 in section 135D.1, and manufactured homes as defined  
35 in 42 U.S.C. § 5403.

36 (2) Funds provided under subparagraph (1) shall  
37 not be restricted to first-time home buyers but shall  
38 be for lower income and very low income families as  
39 defined in section 220.1. The assistance provided  
40 shall include at least one of the following kinds and  
41 may include others whether listed or not:

42 (a) Closing costs assistance.

43 (b) Down payment assistance.

44 (c) Home maintenance and repair assistance.

45 (d) Loan processing assistance through a loan  
46 endorser review contractor who would act on behalf of  
47 the authority in assisting lenders in processing loans  
48 that will qualify for government insurance or  
49 guarantee or for financing under the authority's  
50 mortgage revenue bond program.

## Page 2

H-4493A

- 1           (e) Mortgage insurance program.  
2           Not more than fifty percent of the assistance  
3 provided by the authority shall be provided under  
4 subparagraph subdivisions (d) and (e).
- 5           (3) Assistance provided under subparagraph (1)  
6 shall be limited to mortgages under thirty-five  
7 thousand dollars, except in those areas of the state  
8 where the median price of homes exceeds the state  
9 average. In providing the assistance, the authority  
10 shall require substantial seller participation of not  
11 less than two percent of the mortgage amount, which  
12 participation includes, but is not limited to, home  
13 ownership maintenance funding, down payment  
14 assistance, payment of closing costs, or  
15 rehabilitation costs."
- 16          6. Page 10, lines 26 and 27, by striking the  
17 words "an additional exhibit in the new historical  
18 building" and inserting the following: "the  
19 preservation, exhibition, or development of historic  
20 resources by the department".
- 21          7. Page 14, line 2, by striking the word "two"  
22 and inserting the following: "one".
- 23          8. Page 14, line 4, by striking the word  
24 "program" and inserting the following: "analysis".
- 25          9. Page 15, line 20, by striking the word "two"  
26 and inserting the following: "three".
- 27          10. Page 15, line 23, by striking the words "as  
28 provided in section 266.39A".
- 29          11. Page 17, line 40, by inserting before the  
30 word "There" the following: "(1)".
- 31          12. By striking page 17 line 43 through page 18,  
32 line 2 and inserting the following: "1989, to a  
33 special fund to be created in the office of the  
34 treasurer of state to be used for the acquisition of  
35 emergency medical services equipment as provided in  
36 this paragraph.
- 37          (2) The moneys in the special fund created  
38 pursuant to subparagraph (1) shall be allocated to  
39 each county based upon the apportionment of funds as  
40 follows:
- 41           (a) Fifty percent of the funds is apportioned  
42 based upon the area of a county to the total area of  
43 all counties.
- 44           (b) Twenty-five percent of the funds is  
45 apportioned based upon the population of the county to  
46 the total population of all counties.
- 47           (c) Twenty-five percent of the funds is  
48 apportioned based upon the rural population of the  
49 county to the total rural population of all counties.
- 50          (3) Each county EMS association shall propose a

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H—4493A

1 plan for spending the county's allocation and submit  
2 the plan to the regional EMS council for its review  
3 and comment. The regional EMS council shall review  
4 the plan and shall approve, modify, or deny it. If a  
5 request is denied the county EMS association may  
6 submit a new proposal. Upon approval of the regional  
7 EMS council, the treasurer of state shall remit the  
8 amount approved to each county treasurer. Each county  
9 treasurer shall disburse the funds to the award  
10 recipients. Each one dollar awarded to a county shall  
11 require a one-dollar match by the county or EMS  
12 provider. The Iowa department of public health shall  
13 provide assistance to the regional EMS council in  
14 reviewing the proposals and shall assist the office of  
15 the treasurer of state in implementing this paragraph.

16 (4) For purposes of this paragraph, unless the  
17 context otherwise requires:

18 (a) "Area", "county EMS association", "EMS  
19 provider", "regional EMS council", and "rural  
20 population" mean the same as defined in 641 IAC, ch.  
21 130.

22 (b) "Emergency medical services equipment" means  
23 defibrillators, nondisposable essential ambulance  
24 equipment, as defined by the American college of  
25 surgeons, communications pagers, radios, and base  
26 repeaters. "Emergency medical services equipment"  
27 does not include ambulances, automotive parts, or  
28 buildings.

29 (5) Notwithstanding section 8.33 or any other  
30 provision of law, funds appropriated by this paragraph  
31 which are unobligated or unencumbered on June 30,  
32 1989, shall not revert to any fund but shall remain in  
33 the special account until fully awarded to the  
34 appropriate counties."

35 13. Page 20, line 33, by striking the figure  
36 "12.0" and inserting the following: "16.0".

37 14. Page 20, by inserting after line 39, the  
38 following:

39 "Sec. \_\_\_\_\_ NEW SECTION. 220.107 INFRASTRUCTURE  
40 LOAN PROGRAM.

41 The authority may issue its bonds or notes for the  
42 purpose of pooling obligations of two or more cities,  
43 counties, or sanitary districts for the purpose of  
44 financing infrastructure as defined by sections 15.284  
45 and 15.285. Sections 220.103 through 220.106 shall  
46 apply with respect to the issuance of these bonds or  
47 notes or the disposition of proceeds of these bonds or  
48 notes."

49 15. By striking page 20, line 40 through page 22,  
50 line 14.

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H—4493B

- 1 16. Page 22, by inserting before line 15 the
- 2 following:
- 3 "Sec. \_\_\_\_\_. 1985 Iowa Acts, chapter 33, section
- 4 129, is repealed."

On motion by Swartz of Marshall, amendment H—4493A, to the Senate amendment H—4481, was adopted.

Stromer of Hancock offered the following amendment H—4489, to the Senate amendment H—4481, filed by him from the floor and moved its adoption:

H—4489

- 1 Amend the Senate amendment, H—4481, to House File
- 2 785, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 17, by inserting after line 27 the
- 5 following:
- 6 "NEW PARAGRAPH. s. There is appropriated from the
- 7 allotment to the jobs now capitals account under
- 8 subsection 1 for the fiscal year beginning July 1,
- 9 1989, to the Franklin county fair society the sum of
- 10 fifty thousand dollars for the construction of a new
- 11 grandstand at the Franklin county 4-H club
- 12 fairgrounds. This appropriation is conditioned upon
- 13 receipt of at least one hundred thousand dollars in
- 14 matching funds from private sources for the grandstand
- 15 construction project."
- 16 2. By relettering paragraphs as required.

A non-record roll call was requested.

The ayes were 34, nays 47.

Amendment H—4489 lost.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Stueland of Clinton, for the evening, on request of Eddie of Buena Vista.

Stromer of Hancock offered the following amendment H—4484, to the Senate amendment H—4481, filed by him from the floor:

H—4484

- 1 Amend the Senate amendment, H—4481, to House File  
 2 785 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 20, by inserting after line 39, the  
 5 following:  
 6 “Sec. \_\_\_\_\_. NEW SECTION. 724.28 APPLICABILITY OF  
 7 CHAPTER.  
 8 Except as provided in section 110.36, the  
 9 regulation of lawful ownership, possession,  
 10 registration, licensing, transfer, and transportation  
 11 of weapons are subject solely to this chapter.”  
 12 2. By renumbering as necessary.

Poncy of Wapello rose on a point of order that amendment H—4484 was not germane.

The Speaker ruled the point well taken and amendment H—4484 not germane.

Stromer of Hancock moved that the rules be suspended to consider amendment H—4484.

Roll call was requested by Stromer of Hancock and Corbett of Linn.

Rule 75 was invoked.

On the question “Shall the rules be suspended to consider amendment H—4484?” (H.F. 785)

The ayes were, 37:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Harbor	Hermann	Hester
Kistler	Kremer	Lageschulte	Maulsby
Metcalf	Miller	Pellett	Peters
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Schrader	Shoning	Siegrist
Spenner	Stromer	Trent	Tyrrell
Van Maanen			

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cphoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck

Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 6:

Halvorson, R. A.	Hanson, D. R.	Lundby	May
McKean	Stueland		

The motion to suspend the rules lost.

Corbett of Linn offered the following amendment H—4485, to the Senate amendment H—4481, filed by him from the floor:

H—4485

1 Amend the Senate amendment, H—4481, to House File  
 2 785, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 20, by inserting after line 39, the  
 5 following:  
 6 "Sec. \_\_\_\_\_. Section 106.14, Code 1989, is amended  
 7 by striking the section and inserting in lieu thereof  
 8 the following:  
 9 106.14 OPERATING A WATERCRAFT WHILE INTOXICATED —  
 10 IMPLIED CONSENT TO TEST.  
 11 1. As used in this section:  
 12 a. "Chemical test" means an analysis of a person's  
 13 blood, breath, urine, or other bodily substance for  
 14 the determination of the presence of alcohol, a  
 15 controlled substance, or a drug.  
 16 b. "Controlled substance" means controlled  
 17 substance as defined in section 204.101.  
 18 c. "Intoxicated" means the condition of a person  
 19 who is under the influence of alcohol, a controlled  
 20 substance, a drug other than alcohol or a controlled  
 21 substance, or any combination of alcohol, a controlled  
 22 substance, or a drug, which impairs thought and action  
 23 and loss of normal control of the person's faculties  
 24 to such an extent as to endanger any person.  
 25 d. "Peace officer" means peace officer as defined  
 26 in section 801.4.  
 27 e. "Prima facie evidence of intoxication" includes  
 28 evidence that, at the time of an alleged violation, a  
 29 person's blood contained ten hundredths (.10) percent,  
 30 or more, by weight of alcohol.

31 f. "Relevant evidence of intoxication" includes  
32 evidence that, at the time of the alleged violation, a  
33 person's blood contained at least five hundredths  
34 (.05) percent, but less than ten hundredths (.10)  
35 percent, by weight of alcohol.

36 g. "Watercraft" means a device for transportation  
37 by water including a vessel, water skis, surfboard, or  
38 similar device.

39 2. a. A person who operates a watercraft with ten  
40 hundredths (.10) percent, or more, by weight of  
41 alcohol in the person's blood, or while intoxicated,  
42 commits an aggravated misdemeanor.

43 b. A person who violates this section commits a  
44 class "D" felony in either of the following cases:

45 (1) If the person has a previous conviction under  
46 this section.

47 (2) If the offense results in serious bodily  
48 injury to another person and the court determines that  
49 the person who committed the offense caused the  
50 serious injury.

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1 c. A person who violates this section commits a  
2 class "C" felony if the crime results in the death of  
3 another person and the court determines that the  
4 person who committed the offense caused the death.

5 d. A person who operates a watercraft after the  
6 person has been ordered, pursuant to this section, not  
7 to operate a watercraft commits a simple misdemeanor.

8 3. a. In addition to a criminal penalty imposed  
9 for a misdemeanor under this section, the court shall  
10 order the person not to operate a watercraft for at  
11 least one year.

12 b. In addition to a criminal penalty imposed for a  
13 felony under this section, the court shall order the  
14 person not to operate a watercraft for at least two  
15 years.

16 4. a. A person who operates a watercraft in  
17 waters over which this state has jurisdiction  
18 impliedly consents to submit to the chemical test  
19 provisions of this section as a condition of operating  
20 a watercraft in this state. If a person refuses to  
21 submit to a chemical test under this section, the  
22 court shall order the person not to operate a  
23 watercraft for at least one year.

24 b. A peace officer who has probable cause to  
25 believe that a person has committed an offense under  
26 this section shall offer the person the opportunity to  
27 submit to a chemical test. However, it is not  
28 necessary for the peace officer to offer a chemical  
29 test to an unconscious person. A peace officer may

30 offer a person more than one chemical test under this  
31 section. However, all tests must be administered  
32 within three hours after the officer had probable  
33 cause to believe the person violated this section. A  
34 person must submit to each chemical test offered by a  
35 peace officer in order to comply with the implied  
36 consent provisions of this section.

37 c. If the chemical test results in relevant  
38 evidence that the person is intoxicated, the person  
39 may be arrested for an offense under this section. If  
40 the chemical test results in prima facie evidence that  
41 the person is intoxicated, the person shall be  
42 arrested for an offense under this section.

43 d. A person who refuses to submit to a chemical  
44 test may be arrested for an offense under this  
45 section.

46 e. At any proceeding under this section, a  
47 person's refusal to submit to a chemical test is  
48 admissible into evidence.

49 f. If a person refuses to submit to a chemical  
50 test under this section, the peace officer shall

**Page 3**

1 inform the person that the person's refusal will  
2 result in the suspension of the person's watercraft  
3 operation privileges.

4 5. At any proceeding concerning an offense under  
5 this section, evidence of the amount by weight of  
6 alcohol that was in the blood of the person charged  
7 with the offense at the time of the alleged violation,  
8 as shown by an analysis of the person's blood, breath,  
9 urine, or other bodily substance, is admissible."

Poncy of Wapello rose on a point of order that amendment  
H-4485 was not germane.

The Speaker ruled the point well taken and amendment H-4485  
not germane.

Corbett of Linn asked for unanimous consent to consider amend-  
ment H-4485.

Objection was raised.

Corbett of Linn moved that the rules be suspended to consider  
amendment H-4485.

Roll call was requested by Corbett of Linn and Royer of Page.

On the question "Shall the rules be suspended to consider amend-  
ment H-4485?" (H.F. 785)

The ayes were, 36:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Gruhn	Halvorson, R. N.	Harbor
Hermann	Kistler	Kremer	Lageschulte
Maulsby	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spenner
Stromer	Trent	Tyrrell	Van Maanen

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	McKinney	Mertz	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 7:

Halvorson, R. A.	Hanson, D. R.	Hester	Lundby
May	McKean	Stueland	

The motion to suspend the rules lost.

The House resumed consideration of amendment H—4493B, found on page 2711 of the House Journal.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—4493B.

On motion by Poncy of Wapello, the House concurred in the Senate amendment H—4481, as amended.

Poncy of Wapello 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. 785)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Halvorson, R. A.	Hanson, D. R.	Maulsby	May
McKean	Stueland		

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

### IMMEDIATE MESSAGES (House File 785 and Senate File 441)

Arnould of Scott asked and received unanimous consent that House File 785 and Senate File 441 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 88, a bill for an act providing for nonresident hunting licenses for deer and wild turkey.

Also: That the Senate has on May 6, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 794, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission.

Also: That the Senate has on May 6, 1989, adopted the conference committee report and passed House File 795, a bill for an act relating to drought assistance, making appropriations, and providing effective dates.

Also: That the Senate has on May 6, 1989, adopted the second conference committee report and passed Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters.

Also: That the Senate has on May 6, 1989, adopted the second conference committee report and passed Senate File 539, 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 a retroactive applicability date.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT CONSIDERED

Brammer of Linn called up for consideration **House File 690**, a bill for an act relating to the protection of children, by modifying provisions relating to a child in need of assistance, child abuse, termination of parental rights, religious exemptions regarding children, and providing for a procedure relating to courtroom testimony of children, amended by the Senate, and moved that the House concur in the following Senate amendment H — 4490:

H — 4490

- 1 Amend House File 690, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 9 through 11 and
- 4 inserting the following:
- 5 "(1) Conditions created by Mental injury caused by
- 6 the acts of the child's parent, guardian, or

7 custodian; or."

8 2. Page 1, by striking lines 22 through 31 and  
9 inserting the following:

10 "NEW SUBSECTION. 31A. "Mental injury" means a  
11 nonorganic injury to a child's intellectual or  
12 psychological capacity as evidenced by an observable  
13 and substantial impairment in the child's ability to  
14 function within the child's normal range of  
15 performance and behavior, considering the child's  
16 cultural origin."

17 3. By striking page 1, line 32 through page 2,  
18 line 9.

19 4. Page 2, line 17 by striking the word  
20 "inspection,".

21 5. Page 2, line 21, by inserting after the word  
22 "child." the following: "A department investigator is  
23 not precluded from recording visible evidence of  
24 abuse."

25 6. Page 2, by striking lines 22 through 32 and  
26 inserting the following:

27 "b. "Observation" means direct physical viewing of  
28 a child under the age of four by the department  
29 investigator where the viewing is limited to the  
30 child's body other than the genitalia and pubes.  
31 "Observation" also means direct physical viewing of a  
32 child age four or older by the department investigator  
33 without touching the child or removing an article of  
34 the child's clothing, and doing so without the consent  
35 of the child's parent, custodian, or guardian. A  
36 department investigator is not precluded from  
37 recording evidence of abuse obtained as a result of a  
38 child's voluntary removal of an article of clothing  
39 without inducement by the investigator. However, if  
40 prior consent of the child's parent or guardian, or an  
41 ex parte court order, is obtained, "observation" may  
42 include viewing the child's unclothed body other than  
43 the genitalia and pubes."

44 7. Page 4, by striking lines 3 through 5 and  
45 inserting the following: "parents. However, if the  
46 department".

47 8. Page 4, by striking lines 25 through 28 and  
48 inserting the following: "report and examination an  
49 interview or observation of the child may be  
50 conducted. If permission to enter the home or

## Page 2

1 ~~facility and to examine~~ interview or observe the child  
2 is refused, the juvenile court or".

3 9. Page 4, by striking line 31 and inserting the  
4 following: "~~facility and examine~~ interview or observe

5 the child.”

6 10. Page 5, line 10, by striking the words “and  
7 observing”.

8 11. Page 5, by striking lines 12 through 23 and  
9 inserting the following: “children for the purpose of  
10 conducting interviews in order to obtain relevant  
11 information. The investigator may observe a child  
12 named in a report in accordance with the provisions of  
13 section 232.68, subsection 3, paragraph “b”. A  
14 witness shall be present during an observation of a  
15 child. Any child age ten”.

16 12. Page 5, line 27, by inserting after the word  
17 “to” the following: “acts or omissions in good faith  
18 of”.

19 13. Page 7, line 8, by striking the word “to”.

20 14. Page 7, by striking line 9 and inserting the  
21 following: “, as defined in section 235A.13,  
22 subsection 9. Upon the department’s request, a  
23 multidisciplinary team shall”.

24 15. Page 7, by striking lines 11 through 15 and  
25 inserting the following: “disposition of a child  
26 abuse report.”

27 16. Page 7, line 17, by striking the words  
28 “paragraphs “a” and “b” ” and inserting the following:  
29 “paragraph “a” ”.

30 17. By striking page 7, line 35 through page 8,  
31 line 2.

32 18. Page 8, by striking line 15 and inserting the  
33 following: “~~guardian, or custodian~~ presents an  
34 imminent danger to the”.

35 19. Page 8, by striking lines 31 and 32 and  
36 inserting the following: “proceedings arising under  
37 this division. However, if there is disagreement  
38 between the department and the county attorney  
39 regarding the appropriate action to be taken, the”.

40 20. Page 9, by striking lines 19 and 20 and  
41 inserting the following: “proceedings arising under  
42 this division. However, if there is disagreement  
43 between the department and the county attorney  
44 regarding the appropriate action to be taken, the”.

45 21. By striking page 9, line 34, through page 10,  
46 line 10.

47 22. Page 11, by inserting after line 10, the  
48 following:

49 “Sec. \_\_\_\_\_. Section 622.84, Code 1989, is amended  
50 to read as follows:

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1 622.84 SUBPOENAS – ENFORCING OBEDIENCE.

2 1. When, by the laws of this or any other state or  
3 country, testimony may be taken in the form of

4 depositions to be used in any of the courts thereof,  
5 the person authorized to take ~~such the~~ depositions may  
6 issue subpoenas for witnesses, which must be served by  
7 the same officers and returned in the same manner as  
8 is required in district court, and obedience ~~thereto~~  
9 to the subpoenas may be enforced in the same way and  
10 to the same extent, or the person may report the  
11 matter to the district court who may enforce obedience  
12 as though the action was pending in said the district  
13 court.

14 2. If a witness is located in any other state or  
15 country and refuses to voluntarily submit to the  
16 deposition, the court of jurisdiction in this state  
17 may, upon the application of any party, petition the  
18 court of competent jurisdiction in the foreign  
19 jurisdiction where the witness is located to issue  
20 subpoenas or make other appropriate orders to compel  
21 the witness' attendance at the deposition."

22 23. By striking page 11, line 11 through page 12,  
23 line 7.

24 24. By striking page 12, line 8, through page 13,  
25 line 13, and inserting the following:

26 "Sec. \_\_\_\_\_. Section 910A.14, subsection 1,  
27 unnumbered paragraph 2, Code 1989, is amended by  
28 striking the paragraph.

29 Sec. \_\_\_\_\_. Section 910A.14, subsection 2, Code  
30 1989, is amended to read as follows:

31 2. The court may, upon its own motion or upon  
32 motion of a party, order that the testimony of a  
33 child, as defined in section 702.5, be taken by  
34 recorded deposition for use at trial, pursuant to rule  
35 of criminal procedure 12(2)(b). In addition to  
36 requiring that such testimony be recorded by  
37 stenographic means, the court may on motion and  
38 hearing, and upon a finding that the child is  
39 unavailable as provided in Iowa rules of evidence  
40 804(a), order the videotaping of the child's testimony  
41 for viewing in the courtroom by the court. The  
42 videotaping shall comply with the provisions of rule  
43 of criminal procedure 12(2)(b), and shall be  
44 admissible as evidence in the trial of the cause."

45 25. Page 13, by striking line 14.

46 26. Title page, lines 3 and 4 by striking the  
47 words "religious exemptions regarding children,".

48 27. Title page, line 5, by inserting after the  
49 word "children" the following: "in this state and the  
50 deposition testimony of witnesses in a foreign

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1 jurisdiction".

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

The motion prevailed and the House concurred in the Senate amendment H—4490.

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

On the question "Shall the bill pass?" (H.F. 690)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Halvorson, R. A.	Hanson, D. R.	May	McKean
Stueland			

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

Jochum of Dubuque called up for consideration **House File 799**, a bill for an act relating to and making appropriations to the department of human services, state board of regents, department of cul-

tural affairs, state department of transportation, department of personnel, and Iowa finance authority, amended by the Senate amendment H-4479 as follows:

H-4479

1 Amend House File 799, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, by inserting after line 35 the  
4 following:  
5 "Sec. \_\_\_\_\_. BONDING AUTHORIZATION. The general  
6 assembly declares that the state board of regents has  
7 met the requirements of section 262A.3 regarding the  
8 preparation and submission to the general assembly of  
9 the proposed ten-year building program for each  
10 institution of higher learning under the jurisdiction  
11 of the state board of regents, and the general  
12 assembly hereby approves that ten-year building  
13 program as submitted. The general assembly finds that  
14 the projects contained in the building program are  
15 deemed necessary for the proper performance of the  
16 instructional, research, and service functions of the  
17 institutions, pursuant to section 262A.4, and to  
18 further the educational objectives of the  
19 institutions, the general assembly authorizes the  
20 state board of regents during the fiscal year  
21 beginning July 1, 1989, to undertake, plan, construct,  
22 equip, and otherwise carry out at the institutions of  
23 higher learning under the jurisdiction of the board  
24 all of the projects listed in this section, and the  
25 general assembly authorizes the state board of regents  
26 to borrow money and to issue and sell negotiable  
27 revenue bonds in the manner provided in sections  
28 262A.5 and 262A.6 in order to pay all or any part of  
29 the cost of carrying out the projects at any  
30 institution, and the cost of issuance of bonds, in a  
31 total amount not exceeding \$43,015,000, the remaining  
32 cost of the projects to be financed by capital  
33 appropriations or by federal or other funds lawfully  
34 available. The negotiable revenue bonds shall be  
35 payable solely from and secured by an irrevocable  
36 pledge of a sufficient portion of the student fees and  
37 charges and institutional income received by the  
38 particular institution. No commitment is implied or  
39 intended by approval of the general assembly to fund  
40 any portion of the proposed ten-year building program  
41 submitted by the state board of regents beyond the  
42 projects listed in this section.  
43 During the biennium which commences July 1, 1989,  
44 and which ends June 30, 1991, the maximum amount of  
45 bonds which the state board of regents expects to  
46 issue under chapter 262A pursuant to this section,

47 unless additional bonding is authorized, is  
 48 \$43,015,000, all or any part of which may be issued  
 49 during the fiscal year ending June 30, 1990, and if  
 50 all of that amount should not be issued during that

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1 fiscal year, any remaining balance may be issued  
 2 during the fiscal year ending June 30, 1991.  
 3 The general assembly hereby approves the plan of  
 4 financing contained in this section and authorizes the  
 5 issuance of bonds under this section and chapter 262A  
 6 for the following projects in the following priority  
 7 order:  
 8 1. For agronomy building equipment at Iowa state  
 9 university of science and technology, in an amount not  
 10 exceeding \$1,000,000.  
 11 2. For McLean hall remodeling at the state  
 12 university of Iowa, in an amount not exceeding  
 13 \$1,275,000.  
 14 3. For classroom office building equipment at the  
 15 university of northern Iowa, in an amount not  
 16 exceeding \$1,000,000.  
 17 4. For planning for the academic building at the  
 18 state university of Iowa, in an amount not exceeding  
 19 \$1,000,000.  
 20 5. For construction and equipment for the academic  
 21 building at the state university of Iowa, in an amount  
 22 not exceeding \$22,100,000.  
 23 6. For the library addition new construction and  
 24 equipment at the university of northern Iowa, in an  
 25 amount not exceeding \$7,000,000.  
 26 7. For livestock units for swine and cattle at  
 27 Iowa state university of science and technology, in an  
 28 amount not exceeding \$2,000,000.  
 29 8. For Gilman hall remodeling and equipment at  
 30 Iowa state university of science and technology, in an  
 31 amount not exceeding \$7,040,000.  
 32 9. For pharmacy building planning at the  
 33 university of northern Iowa, in an amount not  
 34 exceeding \$600,000.  
 35 If the amount of bonds issued under this section  
 36 for a project exceeds the actual cost of that project  
 37 approved in this section, the amount of the difference  
 38 shall be used to pay the principal and interest due on  
 39 bonds issued under chapter 262A."  
 40 2. Page 3, by striking lines 6 through 8.  
 41 3. Page 3, line 9, by striking the figure "2".  
 42 4. Page 3, by striking lines 11 and 12.  
 43 5. Page 3, by inserting after line 27, the  
 44 following:  
 45 "PUBLIC BROADCASTING DIVISION

46 Sec. \_\_\_\_\_. There is appropriated from the general  
 47 fund of the state to the public broadcasting division  
 48 of the department of cultural affairs for the fiscal  
 49 year beginning July 1, 1989, and ending June 30, 1990,  
 50 the following amount, or so much thereof as is

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1 necessary, to be used for the purposes designated:  
 2 For implementation of a two-way audio and one-way  
 3 video educational telecommunications system in  
 4 southwest Iowa:

5 .....\$ 600,000

6 Moneys appropriated in this section shall be used  
 7 to match federal funds available for that purpose.  
 8 Notwithstanding the restrictions of section 18.136, if  
 9 1989 Iowa Acts, House File 774, is enacted by the  
 10 general assembly, moneys appropriated in this section  
 11 may be used for the purposes designated in this  
 12 section."

13 6. Page 8, by inserting after line 7 the  
 14 following:

15 "Sec. \_\_\_\_\_. For the purposes of section 18.136,  
 16 subsection 5, if House File 774 is enacted by the  
 17 general assembly, the department of management and the  
 18 legislative council shall determine that the  
 19 anticipated financial resources of the state are  
 20 adequate if there is an ending balance in the general  
 21 fund of the state for the fiscal year beginning July  
 22 1, 1988, of eighty million dollars or more."

23 7. Title page, line 4, by inserting after the  
 24 word "authority" the following: "and the  
 25 authorization for the issuance of revenue bonds".

Hatch of Polk offered the following amendment H-4491, to the Senate amendment H-4479, filed by him and Jochum of Dubuque from the floor and moved its adoption:

**H-4491**

1 Amend the Senate amendment, H-4479, to House File  
 2 799, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. By striking page 1, line 5, through page 2,  
 5 line 39, and inserting the following:

6 "Sec. 101. BOARD OF REGENTS PROJECTS. From funds  
 7 in the state treasury not otherwise appropriated that  
 8 are in excess of a fiscal year ending balance deemed  
 9 sufficient by the governor, based upon the June 30,  
 10 1989, fiscal year ending balance, there is  
 11 appropriated from the general fund of the state to the  
 12 state board of regents for the fiscal year beginning  
 13 July 1, 1989, and ending June 30, 1990, the amount in

14 excess of the ending balance deemed sufficient by the  
 15 governor, not exceeding \$33,940,000, for the following  
 16 projects:

- 17 1. For undergraduate education building planning  
 18 at the state university of Iowa:  
 19 ..... \$ 1,000,000
- 20 2. For pharmacy building addition planning and  
 21 pharmacy building addition construction and equipment  
 22 at the state university of Iowa:  
 23 ..... \$ 11,200,000
- 24 3. For McLean hall remodeling at the state  
 25 university of Iowa:  
 26 ..... \$ 1,000,000
- 27 4. For Gilman hall remodeling and equipment at  
 28 Iowa state university of science and technology:  
 29 ..... \$ 7,040,000
- 30 5. For agronomy building equipment at Iowa state  
 31 university of science and technology:  
 32 ..... \$ 1,000,000
- 33 6. For livestock units for swine and cattle at  
 34 Iowa state university of science and technology:  
 35 ..... \$ 2,000,000
- 36 7. For the library addition new construction and  
 37 equipment for the university of northern Iowa:  
 38 ..... \$ 7,000,000
- 39 8. For Wright hall remodeling at the university of  
 40 northern Iowa:  
 41 ..... \$ 2,700,000
- 42 9. For the classroom office building equipment for  
 43 the university of northern Iowa:  
 44 ..... \$ 1,000,000

45 If the ending fund balance is not deemed sufficient  
 46 by the governor to fund all of the projects listed in  
 47 this section, the governor shall determine, based upon  
 48 the ending fund balance, which projects shall be  
 49 funded and shall certify to the state board of regents  
 50 and to the department of revenue and finance the

**Page 2**

1 projects to be funded. A project not funded under  
 2 this section shall be funded under section 2 of this  
 3 Act.

4 The moneys appropriated in this section shall not  
 5 be committed by the state board of regents or paid,  
 6 either in full or in part, until the governor has  
 7 certified to the department of revenue and finance  
 8 that the estimated budget resources for the fiscal  
 9 year beginning July 1, 1989, are sufficient to pay all  
 10 other appropriations in full and are sufficient to pay  
 11 the appropriations made in this section for the  
 12 projects that the governor determines shall be funded.

13 Notwithstanding section 8.33, unobligated or  
14 unencumbered funds appropriated in this section for  
15 the fiscal year beginning July 1, 1989, and ending  
16 June 30, 1990, remaining on June 30, 1990, shall not  
17 revert to the general fund of the state until  
18 September 30, 1992. However, if a project for which  
19 the funds are appropriated is completed prior to June  
20 30, 1992, the remaining unobligated or unencumbered  
21 funds shall revert to the general fund of the state on  
22 September 30 following the end of the fiscal year in  
23 which the project is completed.

24 Sec. \_\_\_\_\_. BONDING AUTHORIZATION. If the excess in  
25 the ending general fund balance under section 101 of  
26 this Act is not sufficient to fund any or all of the  
27 projects listed in section 101 of this Act pursuant to  
28 the certification of the governor as provided in  
29 section 1 of this Act, the funding for the projects  
30 listed in section 101 of this Act shall be obtained  
31 using this section.

32 The general assembly declares that the state board  
33 of regents has met the requirements of section 262A.3  
34 regarding the preparation and submission to the  
35 general assembly of the proposed ten-year building  
36 program for each institution of higher learning under  
37 the jurisdiction of the state board of regents, and  
38 the general assembly hereby approves that ten-year  
39 building program as submitted. The general assembly  
40 finds that the projects contained in the building  
41 program are deemed necessary for the proper  
42 performance of the instructional, research, and  
43 service functions of the institutions, pursuant to  
44 section 262A.4, and to further the educational  
45 objectives of the institutions, the general assembly  
46 authorizes the state board of regents during the  
47 fiscal year beginning July 1, 1989, to undertake,  
48 plan, construct, equip, and otherwise carry out at the  
49 institutions of higher learning under the jurisdiction  
50 of the board all of the projects listed in section 1

**Page 3**

1 of this Act which are not funded under section 1 of  
2 this Act, and the general assembly authorizes the  
3 state board of regents to borrow money and to issue  
4 and sell negotiable revenue bonds in the manner  
5 provided in sections 262A.5 and 262A.6 in order to pay  
6 all or any part of the cost of carrying out the  
7 projects not funded under section 101 of this Act, and  
8 the cost of issuance of bonds, at any institution in a  
9 total amount not exceeding \$33,940,000, the remaining  
10 cost of the projects to be financed by capital  
11 appropriations or by federal or other funds lawfully

12 available. The negotiable revenue bonds shall be  
13 payable solely from and secured by an irrevocable  
14 pledge of a sufficient portion of the student fees and  
15 charges and institutional income received by the  
16 particular institution. No commitment is implied or  
17 intended by approval of the general assembly to fund  
18 any portion of the proposed ten-year building program  
19 submitted by the state board of regents beyond the  
20 projects listed in section 101 of this Act.

21 During the biennium which commences July 1, 1989,  
22 and which ends June 30, 1991, the maximum amount of  
23 bonds which the state board of regents expects to  
24 issue under chapter 262A pursuant to this section,  
25 unless additional bonding is authorized, is  
26 \$33,940,000, all or any part of which may be issued  
27 during the fiscal year ending June 30, 1990, and if  
28 all of that amount should not be issued during that  
29 fiscal year, any remaining balance may be issued  
30 during the fiscal year ending June 30, 1991. The  
31 general assembly hereby approves the plan of financing  
32 contained in this section and authorizes the issuance  
33 of bonds under this section and chapter 262A.

34 The state board of regents shall present the  
35 construction budgets developed for each of the state  
36 university of Iowa projects to the legislative council  
37 for approval prior to the commencement of construction  
38 on those projects.

39 If the amount of bonds issued under this section  
40 for a project exceeds the actual cost of that project  
41 provided in section 101 of this Act, the amount of the  
42 difference shall be used to pay the principal and  
43 interest due on bonds issued under chapter 262A."

44 2. By striking page 2, line 46, through page 3,  
45 line 12, and inserting the following:

46 "Sec. \_\_\_\_\_. Notwithstanding the funding  
47 restrictions, requirements relating to the development  
48 of a request for proposal, and certification by the  
49 department of management, contained in section 18.136,  
50 if 1989 Iowa Acts, House File 774, is enacted by the

#### Page 4

1 general assembly, of the moneys appropriated in  
2 section 18.137, if 1989 Iowa Acts, House File 774, is  
3 enacted by the general assembly, notwithstanding the  
4 certification requirement, \$600,000 may be used, if  
5 necessary, by the public broadcasting division of the  
6 department of cultural affairs, to match federal funds  
7 awarded prior to the enactment date of 1989 Iowa Acts,  
8 House File 774, for the implementation of an  
9 educational telecommunications system."

10 3. Page 3, by striking lines 13 through 22.

11 4. Page 3, by inserting before line 23 the  
12 following:

13 "Sec. \_\_\_\_\_. Section 261.103, subsection 1, if 1989  
14 Iowa Acts, House File 774, is enacted by the general  
15 assembly, is amended to read as follows:

16 1. A grant under the program may be awarded to any  
17 minority person who is a resident of Iowa, who is  
18 accepted for admission or is attending a board of  
19 regents' university or an accredited private  
20 institution, and who demonstrates financial need.  
21 Applicants who receive vouchers under section 262.92  
22 shall be given priority in receiving grants under the  
23 program, but an applicant shall not be denied a grant  
24 because the applicant does not hold vouchers under the  
25 program in section 262.92. During the fiscal year  
26 commencing July 1, 1989, and ending June 30, 1990,  
27 grants shall be awarded to minority persons who are  
28 residents of Iowa. ~~However, if after funds~~  
29 ~~appropriated are distributed to all eligible resident~~  
30 ~~minority persons, funds remain unexpended, those funds~~  
31 ~~may be used to provide grants under the program to~~  
32 ~~nonresident minority persons.~~ For the fiscal year  
33 commencing July 1, 1990, and in subsequent years,  
34 grants shall be awarded to all minority persons, with  
35 priority to be given to those minority persons who are  
36 residents of Iowa."

37 5. Page 3, by inserting before line 23 the  
38 following:

39 "Sec. 500. NATURAL HERITAGE PROMOTION. There is  
40 appropriated from the general fund of the state to the  
41 department of natural resources for the fiscal year  
42 beginning July 1, 1988, and ending June 30, 1989, the  
43 following amount, or so much thereof as is necessary,  
44 to support the convention of the outdoor writer's  
45 association of America in order to promote Iowa's  
46 natural heritage and state tourism:

47 .....\$ 20,000

48 The department of natural resources and the  
49 department of economic development shall cooperate in  
50 the implementation of this section.

**Page 5**

1 Sec. \_\_\_\_\_. Section 500 of this Act, being deemed of  
2 immediate importance, takes effect upon its  
3 enactment."

4 6. Page 3, line 24, by striking the words "and  
5 the" and inserting the following: ", the".

6 7. Page 3, line 25, by inserting after the word  
7 "bonds" the following: ", and providing an effective  
8 date".

Amendment H—4491 was adopted.

On motion by Jochum of Dubuque, the House concurred in the Senate amendment H—4479, as amended.

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

On the question "Shall the bill pass?" (H.F. 799)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	McKinney	Mertz	Metcalf
Miller	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 2:

Halvorson, R. N. Schnekloth

Absent or not voting, 9:

Brammer	Halvorson, R. A.	Hanson, D. R.	Hester
May	McKean	Muhlbauer	Neuhauser
Stueland			

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 799)

Arnould of Scott asked and received unanimous consent that House File 799 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 780)**

McKinney of Dallas called up for consideration the report of the conference committee on House File 780 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 780**

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 Senate and House of Representatives on House File 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4408.

2. That House File 780, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking page 1, line 1, through page 6, line 11, and inserting the following:

“Sec. \_\_\_\_ . NEW SECTION. 80E.1 DRUG ENFORCEMENT AND ABUSE PREVENTION COORDINATOR.

1. A drug enforcement and abuse prevention coordinator shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The governor shall fill a vacancy in the office in the same manner as the original appointment was made. The coordinator shall be selected primarily for administrative ability. The coordinator shall not be selected on the basis of political affiliation and shall not engage in political activity while holding the office. The salary of the coordinator shall be fixed by the governor.

2. The coordinator shall:

a. Coordinate and monitor all statewide narcotics enforcement efforts, coordinate and monitor all state and federal substance abuse treatment grants and programs, coordinate and monitor all statewide substance abuse prevention and education programs in communities and schools, and engage in such other related activities as required by law. The coordinator shall work in coordinating the efforts of the department of corrections, the department of education, the Iowa department of public health, the department of public safety, and the department of human services. The coordinator shall assist in the development and implementation of local and community strategies to fight substance abuse, including local law enforcement, education, and treatment activities.

b. Submit an annual report to the governor and general assembly by November 1 of each year concerning the activities and programs of the coordinator and other departments related to drug enforcement, substance abuse treatment programs, and substance abuse prevention and education programs. The report shall include an assessment of needs with respect to programs related to substance treatment and narcotics enforcement.

c. Submit an advisory budget recommendation to the governor and general assembly concerning enforcement programs, treatment programs, and education programs related to drugs within the various departments. The coordinator shall work with these departments in developing the departmental budget requests to be submitted to the legislative fiscal bureau and the general assembly.

Sec. \_\_\_\_ . NEW SECTION. 80E.2 DRUG ABUSE PREVENTION AND EDUCATION ADVISORY COUNCIL ESTABLISHED – MEMBERSHIP – DUTIES.

1. An Iowa drug abuse prevention and education advisory council is established which shall consist of the following nine members:

a. The drug enforcement and abuse prevention coordinator, who shall serve as chairperson of the council.

b. The director of the department of corrections, or the director's designee.

c. The director of the department of education, or the director's designee.

d. The director of the Iowa department of public health, or the director's designee.

e. The commissioner of public safety, or the commissioner's designee.

f. The director of the department of human services, or the director's designee.

g. A prosecuting attorney.

h. A licensed substance abuse treatment specialist.

i. A law enforcement officer.

The prosecuting attorney, licensed substance abuse treatment specialist, and law enforcement officer shall be appointed by the governor, subject to senate confirmation, for four-year terms beginning and ending as provided in section 69.19. A vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment was made.

2. The council shall make policy recommendations to the appropriate departments concerning the administration, development, and coordination of programs related to substance abuse education, prevention, and treatment.

3. The members of the council shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each member of the council may also be eligible to receive compensation as provided in section 7E.6.

4. The council shall meet at least quarterly throughout the year.

5. A majority of the members of the council constitutes a quorum, and a majority of the total membership of the council is necessary to act in any matter within the jurisdiction of the council.

Sec. \_\_\_\_ . NEW SECTION. 80E.3 NARCOTICS ENFORCEMENT ADVISORY COUNCIL.

1. An Iowa narcotics enforcement advisory council is established which shall consist of the following eight members:

a. The drug enforcement and abuse prevention coordinator who shall serve as chairperson.

b. Two members representing the Iowa association of chiefs of police and peace officers.

c. Two members representing the Iowa state policemen's association.

d. Two members representing the Iowa state sheriffs' and deputies' association.

e. The commissioner of public safety, or the commissioner's designee.

Members under paragraphs "b", "c", and "d" shall be appointed by the governor, subject to senate confirmation, for four-year terms beginning and ending as provided in section 69.19. These members shall not be serving as an officer within their respective associations at the time of appointment or at any time while serving on the advisory council. Appointments shall be made on the basis of experience, knowledge, and ability in the field of narcotics enforcement. A vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment was made. No more than four members shall belong to the same political party. The members of the council shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each member of the council may also be eligible to receive compensation as provided in section 7E.6.

2. The council shall adopt rules pursuant to chapter 17A.

3. The council shall recommend policy for the operation and conduct of the narcotics enforcement division of the department of public safety.

4. The council shall recommend policy changes and alternatives to the drug abuse prevention and education advisory council established in section 80E.3.

5. A majority of the members of the council constitutes a quorum, and a majority of the total membership of the council is necessary to act in any matter within the jurisdiction of the council.

Sec. \_\_\_\_\_. There is appropriated from the general fund of the state to the office of the governor for the fiscal year commencing July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salary, support, maintenance, and miscellaneous purposes of the drug enforcement and abuse prevention coordinator:

..... \$ 50,000

Sec. 200. The governor's alliance on substance abuse, created pursuant to executive order number 32 and in accordance with the federal Anti-Drug Abuse Act of 1986, Pub. L. No. 99-570, is transferred from the Iowa department of public health to the drug enforcement and abuse prevention coordinator and shall be under the control and supervision of the coordinator. All state funds shall be transferred to the coordinator and the coordinator shall be responsible for the preparation of federal grant applications for specific grant programs under the federal Anti-Drug Abuse Act of 1986, and the implementation and monitoring of grant programs pursuant to regulations adopted pursuant to the federal Anti-Drug Abuse Act of 1986."

2. Page 6, line 16, by striking the words "law enforcement academy" and inserting the following: "narcotics enforcement advisory council".

3. Page 6, line 23, by striking the word "academy" and inserting the following: "council".

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

"3. For the division of criminal investigation and bureau of identification, for the purchase and use of deoxyribonucleic acid recording equipment for purposes of DNA profiling, and not more than the following full-time equivalent positions:

.....	\$ 59,024
.....	FTEs 2.0".

5. By striking page 8, line 19, through page 9, line 11, and inserting the following:

"..... \$ 940,000

As a condition, limitation, and qualification of this appropriation, \$91,000 shall be used for the licensed substance abuse programs at the correctional facilities at Clarinda and Mt. Pleasant for the employment of an additional three full-time counselors; \$424,000 shall be used to provide staffing and support for twenty-five additional beds at the correctional facility at Newton for an intensive thirty-day substance abuse treatment program for parole and work release violators who have identified substance abuse problems, and for employment of four additional correctional officers, one additional transport officer, four additional counselors, and a half-time nurse; \$425,000 shall be used for the expansion of the treatment alternatives to street crime program currently existing in the first, fifth, and sixth judicial district departments of correctional services and for developing this program in the remaining judicial district departments of correctional services; and the department of corrections in consultation with the division of substance abuse in the Iowa department of public health shall conduct an assessment and evaluation of an attitude, motivation, and education program for offenders or ex-offenders, and submit a report of the findings of the assessment and evaluation to the general assembly on or before March 1, 1990.

Sec. \_\_\_\_\_. Section 123.46, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Upon the expiration of two years following conviction for a violation of this section, a person may petition the court to exonerate the person of the conviction, and if the person has had no other criminal convictions, other than simple misdemeanor violations of chapter 321 during the two-year period, the court shall order the person exonerated of the offense and the record expunged. Upon entry of an order exonerating the person of the conviction, the record of the conviction shall be expunged by the clerk of the district court."

6. Page 15, by striking line 7 and inserting the following: "indeterminate sentence prescribed by law.

Sec. \_\_\_\_\_. NEW SECTION. 256.40 FINDINGS.

It is the intent of the general assembly that greater collaboration and coordination is necessary among state agencies in addressing the many challenges faced by Iowa in assuring the full development of the state's youth into the productive work force necessary for the twenty-first century. Public policy attention must be placed upon the needs of at-risk adolescents and adolescents in at-risk communities. Iowa youth are at risk of a variety of personal and social problems including drug abuse and dependency, adult criminal activities, school dropout, juvenile delinquency, adolescent suicide, and adolescent pregnancy, all of which can lead to adult unemployment and welfare dependency. Approaches to such adolescent problems should be dealt with in a comprehensive and coordinated fashion that involves the family, schools, community programs serving youth, and the private sector in providing positive youth alternatives. The state should play a significant role in aiding in such collaborative efforts within local communities.

Sec. \_\_\_\_\_. NEW SECTION. 256.41 YOUTH 2000 COORDINATING COUNCIL CREATED.

A youth 2000 coordinating council is created within the department of education. The council consists of the following persons:

1. The director of the department of education, or the director's designee.
2. The administrator of the division of job training and entrepreneurship assistance of the department of economic development, or the administrator's designee.
3. The administrator of the division of children, youth and families in the department of human rights, or the administrator's designee.
4. The administrator of the division of substance abuse of the Iowa department of public health, or the administrator's designee.
5. The administrator of the division of criminal and juvenile justice planning in the department of human rights, or the administrator's designee.
6. The administrator of the division of children and youth programs within the department of human services, or the administrator's designee.
7. The president of the Iowa association of school boards, or the president's designee.
8. The president of the Iowa state education association, or the president's designee.
9. The drug enforcement and abuse prevention coordinator shall serve as an ex officio and nonvoting member.

Sec. \_\_\_\_\_. NEW SECTION. 256.42 COUNCIL RESPONSIBILITIES.

The youth 2000 coordinating council shall do all of the following:

1. Identify ways in which state agencies can coordinate the delivery of state services for youth within local communities, including ways in which local schools can coordinate services with other youth services programs.
2. Identify ways in which state policy should be modified to provide for greater collaboration in addressing youth problems and provide greater efficiency in meeting youth needs.
3. Identify program models for use in local communities for after school and summer youth employment efforts involving public-private partnerships to serve as alternatives to school dropout and drug use by youth.
4. Assist the department of education in providing oversight and assistance to the school-based youth services education program established pursuant to 1989 Iowa Acts, House File 535.
5. Subject to the availability of funds for this purpose, award community planning grants for collaborative efforts to establish local drug prevention and youth development programs.
6. Provide assistance to local communities and the Iowa department of public health in using substance abuse prevention funds available through federal and foundation funding sources.

7. Seek outside funding support for statewide and regional workshops and conferences on collaborative efforts to address youth problems.

8. Serve as a clearinghouse on collaborative efforts to provide youth development opportunities for at-risk youth and youth in at-risk communities.

9. Report annually to the governor on public policy options available in Iowa to reduce the use of drugs by Iowa's youth and to address other important youth issues.

Sec. 100. Section 422.7, subsection 12, paragraphs a, b, and c, and unnumbered paragraph 2, Code 1989, are amended by striking the paragraphs.

Sec. 101. Section 422.7, subsection 12, Code 1989, is amended by adding the following new paragraphs:

NEW PARAGRAPH. a. A handicapped individual domiciled in this state at the time of the hiring who meets any of the following conditions:

(1) Has a physical or mental impairment which substantially limits one or more major life activities.

(2) Has a record of that impairment.

(3) Is regarded as having that impairment.

NEW PARAGRAPH. b. An individual domiciled in this state at the time of the hiring who meets any of the following conditions:

(1) Has been convicted of a felony in this or any other state or the District of Columbia.

(2) Is on parole pursuant to chapter 906.

(3) Is on probation pursuant to chapter 907, for an offense other than a simple misdemeanor.

(4) Is in a work release program pursuant to chapter 246, division IX.

NEW PARAGRAPH. c. An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1 applies.

NEW UNNUMBERED PARAGRAPH. The amount of the additional deduction is equal to sixty-five percent of the wages paid to individuals, but shall not exceed twenty thousand dollars per individual, named in paragraphs "a", "b", and "c" who were hired for the first time by that business during the annual accounting period for work done in the state. This additional deduction is allowed for the wages paid to those individuals successfully completing a probationary period during the twelve months following the date of first employment by the business and shall be deducted at the close of the annual accounting period.

Sec. 102. Section 422.35, subsection 6, unnumbered paragraph 1, and paragraphs a, b, and c, Code 1989, are amended by striking the paragraphs.

Sec. 103. section 422.35, subsection 6, Code 1989, is amended by adding the following new paragraphs:

NEW UNNUMBERED PARAGRAPH. If the taxpayer is a small business corporation, subtract an amount equal to sixty-five percent of the wages paid to individuals,

but shall not exceed twenty thousand dollars per individual, named in paragraphs "a", "b", and "c" who were hired for the first time by the taxpayer during the tax year for work done in this state:

NEW PARAGRAPH. a. A handicapped individual domiciled in this state at the time of the hiring who meets any of the following conditions:

- (1) Has a physical or mental impairment which substantially limits one or more major life activities.
- (2) Has a record of that impairment.
- (3) Is regarded as having that impairment.

NEW PARAGRAPH. b. An individual domiciled in this state at the time of the hiring who meets any of the following conditions:

- (1) Has been convicted of a felony in this or any other state or the District of Columbia.
- (2) Is on parole pursuant to chapter 906.
- (3) Is on probation pursuant to chapter 907, for an offense other than a simple misdemeanor.
- (4) Is in a work release program pursuant to chapter 246, division IX.

NEW PARAGRAPH. c. An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1 applies."

7. Page 29, by inserting after line 14 the following:

"Sec. \_\_\_\_\_. The legislative council is requested to establish an interim study committee to study illegal drug activities in the state of Iowa and efforts to combat this growing problem. If established, the study committee shall study the appropriate aid to be provided to state and local law enforcement agencies for the apprehension of persons engaged in unlawful activities relating to drugs, the proper role for state government in coordinating these enforcement activities, the treatment of substance abusers, the relationship between the use of illegal drugs and the commission of criminal offenses not related to illegal drugs in Iowa, and other related matters. The study committee should report its findings and recommendations to the legislative council and the general assembly by January 15, 1990."

8. Page 29, by inserting after line 15 the following:

"Sec. \_\_\_\_\_. Sections 100 through 103 of this Act apply retroactively to January 1, 1989, for tax years beginning on or after that date.

Sec. \_\_\_\_\_. Section 200 of this Act is effective July 1, 1990."

9. Page 29, by striking lines 16 and 17.

10. Title page, line 2, by striking the words "and creating a new department of drug control."

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

## ON THE PART OF THE HOUSE:

WAYNE MCKINNEY, Chair  
 JACK BEAMAN  
 DANIEL J. JAY  
 MICHAEL K. PETERSON  
 BILL TRENT

## ON THE PART OF THE SENATE:

MICHAEL E. GRONSTAL, Chair  
 DONALD V. DOYLE  
 MARK R. HAGERLA  
 CALVIN O. HULTMAN  
 JOE WELSH

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 780)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 4:

Beatty	Hammond	Holveck	Rosenberg
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Absent or not voting, 7:

Brammer	Halvorson, R. A.	Hanson, D. R.	May
McKean	Royer	Stueland	

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 780)

Arnould of Scott asked and received unanimous consent that House File 780 be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE  
SECOND CONFERENCE COMMITTEE  
(Senate File 539)

Tabor of Jackson called up for consideration the report of the second conference committee on Senate File 539 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 539

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

We, the undersigned members of the second conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 539, 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 a retroactive applicability date, respectfully make the following report:

1. That the House recedes from its amendment, S-4116.
2. That Senate File 539, as amended, passed, and reprinted by the Senate, is amended as follows:
  1. Page 1, by striking lines 25 through 35.
  2. Page 2, line 32, by striking the word "sixty-two" and inserting the following: "fifty-five".
  3. Page 3, line 9, by striking the words "eight thousand" and inserting the following: "two thousand five hundred".
  4. Page 3, line 10, by striking the word "eleven" and inserting the following: "five".
  5. Page 3, by inserting before line 31 the following:

"Sec. \_\_\_\_\_. The legislative council is requested to study, review, and report to the general assembly by January 15, 1990, on the state income taxation of pensions."
  6. Page 3, by inserting after line 32 the following:

"Sec. \_\_\_\_\_. Section 8 of this Act is repealed effective January 1, 1990, for tax years beginning on or after that date."

7. By renumbering as necessary.

ON THE PART OF THE HOUSE:

DAVID TABOR, Chair  
KAY CHAPMAN  
JOHN GRONINGA

ON THE PART OF THE SENATE:

WILLIAM DIELEMAN, Chair  
RICHARD DRAKE  
DONALD E. GETTINGS  
JOHN P. KIBBIE  
JACK NYSTROM

The motion prevailed and the conference committee report was adopted.

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

Under the provisions of Rule 76, Spear of Lee refrained from voting.

On the question "Shall the bill pass?" (S.F. 539)

The ayes were, 64:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. N.
Harbor	Harper	Haverland	Hermann
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Kremer	Lundby	Lykam	McKinney
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Renaud	Renken	Schrader
Sherzan	Shoultz	Siegrist	Spenner
Stromer	Svoboda	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker
			Avenson

The nays were, 25:

Banks	Beaman	Branstad	Corbett
Daggett	De Groot	Diemer	Eddie
Fuller	Hammond	Hansen, S. D.	Hatch
Hester	Koenigs	Lageschulte	Maulsby
Mertz	Peters	Plasier	Poncy
Rosenberg	Schnekloth	Shearer	Shoning
Van Maanen			

Absent or not voting, 11:

Brammer	Halvorson, R. A.	Hanson, D. R.	May
McKean	Neuhauser	Pellett	Royer
Spear	Stueland	Tyrrell	

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

**ADOPTION OF THE REPORT OF THE  
SECOND CONFERENCE COMMITTEE  
(Senate File 538)**

Jochum of Dubuque called up for consideration the report of the second conference committee on Senate File 538 and moved the adoption of the second conference committee report and the amendments contained therein as follows:

**REPORT OF THE SECOND CONFERENCE COMMITTEE  
ON SENATE FILE 538**

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

We, the undersigned members of the second conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters, respectfully make the following report:

1. That the House recedes from its amendment, S-4108.

2. That Senate File 538, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 5, by striking line 23 and inserting the following: "federal Social Security Act, § 1902(1), or pursuant to section 249A.3, subsection 2, paragraph "g", the department shall".

2. Page 5, by striking line 26 and inserting the following: "section 255A.5, if in compliance with federal laws and regulations."

3. By striking page 8, line 16 through page 10, line 8, and inserting the following:

"Sec. 3000. NEW SECTION. 91E.1 DEFINITIONS.

As used in this chapter:

1. "Employee" means a person who is not self-employed, is an employee as defined in section 91A.2, and who:

a. Beginning July 1, 1991, works an average of at least thirty hours per week and at least six hundred hours in a calendar year.

b. Beginning July 1, 1992, works an average of at least twenty-five hours per week and at least five hundred hours per calendar year.

c. Beginning July 1, 1993, works an average of at least twenty hours per week and at least four hundred hours per calendar year.

2. "Employer" means an employer as defined in section 91A.2 who:

a. Beginning July 1, 1991, employs fifty or more employees.

b. Beginning July 1, 1992, employs forty or more employees.

c. Beginning July 1, 1993, employs twenty or more employees.

3. "Enrollee" means a person who purchases health care coverage through use of moneys expended by the state health care insurance plan pool.

4. "Self-insurance health plan" means a plan which provides health benefits to the employees of an employer, which is not a health insurance plan, and in which the employer is liable for actual costs of the health care service provided by the plan plus administrative costs.

5. "Third-party payor" means an entity, including but not limited to the medical assistance program, the federal Medicare program, or a provider of health insurance or service contracts under chapter 509, 514, or 514A.

Sec. 3001. NEW SECTION. 91E.2 HEALTH CARE INSURANCE PLAN ESTABLISHED.

1. Effective July 1, 1991, a health care insurance plan is established to provide primary and preventive health care insurance coverage to Iowans who are not otherwise covered by the medical assistance program, the federal Medicare program, a third-party payor plan, or other similar program or plan.

2. The plan shall provide for a schedule of premium contributions, copayments, coinsurance, and deductibles to be paid by enrollees in the health care insurance plan based upon a sliding fee scale which takes into account the enrollee's income, assets, and financial needs.

3. Provision of only the benefit package under the health care insurance plan shall not be subject to or considered part of a collective bargaining negotiation.

Sec. 3002. NEW SECTION. 91E.3 HEALTH CARE INSURANCE PLAN POOL ESTABLISHED.

1. Effective July 1, 1991, a health care insurance pool is established within the state treasury. Moneys within the pool shall be expended to provide health care insurance coverage to those enrollees under the health care insurance plan as established in section 91E.2.

2. Funds in the pool shall include, but are not limited to, revenues collected from employers who do not provide primary and preventive health care insurance or benefits coverage to their employees.

3. Contributions to the pool may come from the financial participation of employers, employees, and other funding sources and shall be used to provide a health care insurance benefit package to cover primary care benefits and hospitalization. Moneys in the pool shall not be expended to provide payment for services for which a person is eligible pursuant to chapter 249A, receives coverage through private health care insurance or benefits coverage, or through another responsible party.

Sec. 3003. EFFECTIVE DATE. Sections 3001 through 3002 of this Act take effect only after enactment by the general assembly of a funding mechanism for the health care insurance plan and pool, employer participation, employer responsibilities, and state responsibility for coverage of unemployed and low-income employed persons whose income is less than two hundred percent of the federal poverty level and who are not currently eligible for health insurance coverage through any federally financed health insurance program.

Sec. 3004. HEALTH CARE INSURANCE STUDY. The legislative council shall contract for a comprehensive study of the state's health insurance needs and means to meet lowans needs for health insurance, including an implementation proposal for mandatory employer-sponsored health insurance coverage. The legislative council shall appoint a steering committee which may include representatives of health professions, labor, business, insurance, government, and consumers to administer, oversee, and monitor the study. The study shall provide preliminary information and recommendations to the general assembly and the legislative council by February 1, 1990, and a final report containing information and recommendations by November 15, 1990, which shall include but not be limited to the following:

1. Collection and assembling of data describing the following:
  - a. Characteristics of employed persons who are uninsured and of unemployed persons who are uninsured.
  - b. Characteristics of employers who do and do not offer insurance to their employees.
  - c. Cost estimates for covering the unemployed who are not currently eligible for health insurance coverage through any federally financed health insurance program.
  - d. Characteristics of health insurance coverage and health insurance needs of farmers and other self-employed persons.
  - e. The impact of the uninsured population on rural hospitals and the university of Iowa hospitals and clinics and the impact of implementing mandatory, employer-subsidized coverage on those hospitals.
  - f. The impact upon employers of implementing mandatory, employer-subsidized coverage.
  - g. The potential savings to the state and its political subdivisions as a result of mandatory employer-sponsored health care.
  - h. The causes and financial effects of the choice by employees not to accept employer-offered health insurance coverage.

2. Development of a proposal to implement the health care insurance plan established in section 91E.2, including the following elements:

- a. A schedule to phase in coverage of all employees and every employer in the state.
- b. At least three options, with cost estimates, for a mandatory employer-sponsored primary and preventive health insurance benefit package provided to employees and dependents of employees.
- c. An additional option, with a cost estimate and an analysis of cost-effectiveness for a health insurance benefit package provided to employees and dependents of employees which includes but is not limited to major medical expenses, inpatient care, outpatient care, maternity and postnatal care, emergency care, and care for conditions related to nervous disorders, mental health, and substance abuse.
- d. Options regarding delivery of a health care insurance plan which include consideration of existing public and private insurance delivery systems, health maintenance organizations, preferred provider organizations, and other managed care options.
- e. A provision that the health care insurance plan operation and coverage issuance does not discriminate based upon sex or marital status.
- f. A provision to coordinate coverage under the health care insurance plan with the Iowa comprehensive health insurance association established under chapter 514E.
- g. A provision to enhance the coverage of employees who are underinsured.
- h. A provision to minimize the potential for adverse selection under the health care insurance plan.
- i. A provision for the eligibility of persons who are early retirees.
- j. Provisions for health care cost containment, coordination of benefits, health maintenance, quality of care, and prevention under the health care insurance plan.
- k. A provision to discourage employers who are offering health care insurance benefits to employees from reducing or eliminating benefits when health care insurance coverage becomes mandatory.
- l. A provision for the state to make available technical assistance to small businesses for the implementation of mandatory employer-sponsored health insurance.
- m. A provision setting a financial participation rate in the costs of health care coverage for employees as a minimum standard for employer compliance with requirements to provide health care coverage.
- n. A provision to subsidize the purchase of health insurance coverage for employed and unemployed low-income Iowans not covered under a qualifying health care insurance plan.
- o. Recommendations and options regarding methods to finance the plan.
- p. Recommendations regarding program administration, including the unit of state government to be assigned administrative responsibility.
- q. Recommendations regarding the coordination of health insurance coverage between two-earner families when both earners have health insurance coverage available through their employers.

r. A provision which considers an option for state responsibility for insurance premium assistance for employed persons whose income is less than two hundred percent of the federal poverty level.

3. Development of additional program options capable of implementation on a demonstration or statewide basis, including the following:

a. A program providing at least primary and preventive health services to children in working families, where the income level of the families does not exceed one hundred eighty-five percent of the federal poverty level.

b. A program providing state participation in the financing of health insurance coverage for employers of fewer than twenty employees who previously have not provided health coverage for their employees and who can demonstrate that the employer cannot otherwise provide such coverage. The program shall include participation by the employer in an amount equal to at least one-third of the cost of the employees' health care coverage.

c. A program for families previously participating in the aid to dependent children program whose reason for leaving the program was employment earnings, who have exhausted transitional medical assistance coverage, and who are still employed but who have no health care coverage. Such a program shall include a sliding fee schedule for participation.

d. A program for small employers that establishes a multiple employer trust accessible to employers, with or without state participation, to reduce the premiums charged for such trusts and increase the availability of such trusts.

e. A program to provide catastrophic health care coverage for employed persons who are currently uninsured or underinsured.

f. A program to provide support to uninsured and underinsured working families that recognizes ongoing health care expenditures for chronic conditions and that would provide protection against a requirement to completely spend-down on a monthly basis in order to be eligible for the medically needy program.

g. A program providing health insurance tax credits for employers. The employer must provide two-thirds of the premium payment of the health insurance plan for the employees enrolled in the plan. An employee enrolled in the plan must pay one-third of the premium for the individual employee under the health insurance plan. The amount of the tax credit provided shall be one-half of the premium paid by the employer. The tax credit shall be provided to an employer for a maximum of five years. Any tax credit provided in excess of the employer's tax liability during the first taxable year may be credited to the employer's tax liability for the remaining four years or until an excess no longer exists. An employer shall only be eligible for the tax credit provided if the health insurance plan provided has been selected by the insurance division of the department of commerce.

h. A program providing greater income tax recognition of the costs of health care for employers who are self-employed or part of a partnership, including tax recognition on a sliding scale based upon income.

The department of revenue and finance, the division of insurance of the department of commerce, the Iowa department of public health, and the department of human services, the department of employment services, other executive departments, and

the legislative fiscal bureau shall fully cooperate with the study in providing timely information necessary to identify costs and coverage levels related to the study."

4. By striking page 11, line 15, through page 12, line 11, and inserting the following:

#### DIVISION VI

Sec. \_\_\_\_\_. This division shall be known as the "Nonprofit Health Organization Division".

Sec. \_\_\_\_\_. Section 422.45, subsection 22, paragraph b, Code 1989, is amended to read as follows:

b. Residential facilities ~~for mentally retarded children~~ licensed by the department of human services pursuant to chapter 237, other than those maintained by individuals as defined in section 237.1, subsection 7.

Sec. \_\_\_\_\_. Section 422.45, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 41. The gross receipts from the sale of equipment and supplies if purchased by any of the following nonprofit health organizations which receive federal funds:

a. Community-based substance abuse treatment and prevention programs, as designated under section 125.12.

b. Child health clinics, as designated under section 135.11.

c. Maternal health clinics, as designated under section 135.11.

d. Well-elderly clinics, as designated under section 135.11.

e. Family planning clinics, as designated under section 234.21.

f. Area agencies on aging, as designated under section 249D.32.

g. Medicare certified hospice programs, as certified by the department of inspections and appeals or as certified under the federal Medicare program."

5. Page 12, line 21, by inserting after the word "agencies:" the following: "the department of human services,".

6. By striking page 13, line 21 through page 14, line 21 and inserting the following: "as provided in section 135B.33 and perform the duties required of the Iowa department of public health in section 135B.33."

7. Page 15, by striking lines 5 through 19 and inserting the following:

"d. For the purposes of this section, "Medicare" means the program of health insurance established under Title XVIII of the federal Social Security Act."

8. Page 16, by striking lines 12 through 18 and inserting the following:

"Sec. \_\_\_\_\_. NEW MEDICAL FACILITY LICENSURE CATEGORY RECOMMENDATIONS. In cooperation with the advisory committee to the office of rural health, the office of rural health of the Iowa department of public health shall make recommendations to the general assembly on or before February 1, 1990, regarding the development of a new medical facility licensure category to respond to the changing

health care needs of rural Iowa. The office of rural health through the advisory committee shall seek federal waivers and take additional action to permit federal reimbursement under the federal Medicare program and the medical assistance program for services provided in a facility licensed under the new category."

9. By striking page 16, line 21 through page 17, line 4 and inserting the following:

**"NEW UNNUMBERED PARAGRAPH.** The tax levy authorized by this section for operation and maintenance of the hospital may be available in whole or in part to any county with or without a county hospital organized under this chapter, to be used to enhance rural health services in the county. However, the tax levied may be expended for enhancement of rural health care services only following a local planning process. The Iowa department of public health shall establish guidelines to be followed by counties in implementing the local planning process which shall require legal notice, public hearings, and a referendum in accordance with sections 347.7 and 347.30 prior to the authorization of any new levy or a change in the use of a levy. Enhancement of rural health services for which the tax levy pursuant to this section may be used includes but is not limited to emergency medical services, health care services shared with other hospitals, rural health clinics, and support for rural health care practitioners and public health services. When alternative use of funds from the tax levy authorized by this section is proposed in a county with a county hospital organized under this chapter, use of the funds shall be agreed upon by the elected board of trustees of the county hospital. When alternative use of funds from the tax levy authorized by this section is proposed in a county without a county hospital organized under this chapter, use of the funds shall be agreed upon by the board of supervisors and any publicly elected hospital board of trustees within the county prior to submission of the question to the voters. Moneys raised from a tax levied in accordance with this paragraph shall be designated and administered by the board of supervisors in a manner consistent with the purposes of the levy."

10. Page 18, by inserting after line 11 the following:

"8. Support programs to enhance the agriculture-related safety of children."

11. Page 19, by striking lines 5 through 18.

12. By striking page 19, line 28 through page 21, line 27 and inserting the following:

"Sec. 1001. This division shall be known as the "Health Care Utilization Division".

Sec. 1002. HEALTH CARE UTILIZATION INFORMATION AND TASK FORCE.

1. The Iowa health data commission shall annually publish all of the following:

a. Comparisons between health care providers of charges, length of stay, and numbers of admissions for selected diagnoses or procedures utilized on an inpatient basis.

b. Comparisons between health care providers of charges and numbers of encounters for selected diagnoses and procedures utilized on an ambulatory care basis.

c. Comparisons across geographic areas of population-based admission or incidence rates for selected diagnoses and procedures.

d. Comparisons between health care providers using indicators which may include structure, process, and severity-adjusted outcome methodologies.

e. Information regarding research published concerning the medical efficacy of certain medical procedures and information regarding numbers of the procedures performed in Iowa.

f. A trends analysis which delineates cost increases in different components of the health care industry.

g. Recommendations to appropriate organizations and agencies regarding the potential uses of reports published pursuant to this subsection.

2. The Iowa health data commission shall contract for a health care utilization study to review, identify, and address issues related to the utilization of health care services in the state by comparing national data with Iowa data. The commission shall appoint a representative task force to oversee and review the study:

a. The study shall complete all of the following tasks:

(1) Collect and analyze existing research on the medical efficacy of certain medical procedures and study potential overutilization of the procedures in the state, and prepare a summary of procedures for which there is a significant level of usage in the state and for which substantial evidence from nationwide data suggests there is overutilization on a national level.

(2) Use information collected by the health data commission to evaluate variations in the utilization of diagnostic-related groups and assess the effects of the variations on patient outcomes and health care costs.

(3) Utilize findings developed under this section and analysis of actions taken in other states to identify protocols used in other states for the usage of procedures identified as having high coefficients of variation and as being subject to overutilization.

(4) Make recommendations to the commission and the representative task force regarding the use and potential application of the study findings by health care providers, educators, purchasers, governmental entities, insurers, consumers, and other interested constituencies.

b. The task force shall complete all of the following tasks:

(1) Make recommendations to appropriate agencies and organizations regarding protocol development and implementation, physician education, second opinions for procedures, and reimbursement limitations on procedures which have been identified as subject to overutilization.

(2) Make recommendations regarding other means of reducing health care costs by utilizing health care services more effectively.

(3) Report its findings relating to the duties established by this paragraph to the commission, the governor, and the general assembly on or before January 1, in the years 1991, 1992, and 1993.

3. This section is repealed effective January 30, 1993.

Sec. \_\_\_\_\_. Section 514E.1, subsection 2, Code 1989, is amended to read as follows:

2. "Association policy" means an individual or group policy issued by the association that provides the coverage specified in section 514E.4.

Sec. \_\_\_\_\_. Section 514E.2, subsection 2, Code 1989, is amended to read as follows:

2. The board of directors of the association shall consist of ~~not less than four nor more than eight~~ members selected by the members of the association, ~~subject to approval by the commissioner and a two of whom shall be representatives from corporations operating pursuant to chapter 514 on the effective date of this Act or any successors in interest, and two of whom shall be representatives of insurers providing coverage pursuant to chapter 509 or 514A; four public member members selected by the commissioner governor; the commissioner or the commissioner's designee from the division of insurance; and two members of the general assembly, one of whom shall be appointed by the speaker of the house and one of whom shall be appointed by the senate majority leader, who shall be ex officio and nonvoting members. The composition of the board of directors shall be in compliance with sections 69.16 and 69.16A. The governor's appointees shall be chosen from a broad cross-section of the residents of this state.~~

In order to select the initial board of directors and organize the association, the commissioner shall give notice to all carriers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting, each carrier member is entitled to one vote in person or by proxy. If the board of directors is not selected within sixty days after the organizational meeting, the commissioner shall appoint the initial board. In approving or selecting members of the board, the commissioner shall consider whether all carriers are fairly represented. Members of the board may be reimbursed from the moneys of the association for expenses incurred by them as members, but shall not be otherwise compensated by the association for their services.

Sec. \_\_\_\_\_. Section 514E.2, Code 1989, is amended by adding the following new subsection 10 and renumbering the subsequent subsections:

**NEW SUBSECTION. 10.** The association is subject to oversight by the legislative fiscal committee of the legislative council. Not later than April 30 of each year, the board of directors shall submit to the legislative fiscal committee a financial report for the preceding year in a form approved by the committee.

Sec. \_\_\_\_\_. Section 514E.2, subsection 12, Code 1989, is amended by striking the subsection."

13. Page 22, by striking lines 3 and 4 and inserting the following: "for not more than the following full-time equivalent positions:"

14. Page 22, by striking line 6 and inserting the following:  
 " ..... FTEs 12.5

Of the full-time equivalent positions authorized in this section, 11.5 FTEs are allocated to community services of which 3 FTEs are allocated to perform responsibilities related to section 249A.4, subsection 12, and 1.0 FTE is allocated to general administration."

15. Page 22, by striking lines 15 and 16 and inserting the following: "health services as provided under section 104 of this Act and to provide additional prevention services to women and children to decrease problems of pregnancy outcomes, to reduce the incidence of low birth weights, and to assist children with special health care needs:  
 ..... \$ 520,000

Sec. 5000. CHILD HEALTH CARE SERVICES PROVIDED. There is appropriated from the general fund of the state to the Iowa department of public health for

the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To provide, within funds appropriated in this section, physician services to children eligible for services provided in child health centers under 641 I.A.C. ch. 76:  
..... \$ 400,000

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide treatment of the children in a physician's office and shall include coverage of diagnostic procedures and prescription drugs required for the treatment. Services provided under this subsection shall be reimbursed according to Title XIX reimbursement rates."

16. Page 23, line 12, by striking the figure "205,000" and inserting the following: "275,000".

17. Page 24, by inserting after line 16 the following:

" \_\_\_\_\_ . Of the funds appropriated in this section, \$15,000 is allocated for a public purpose to support farm family rehabilitation management in continuing the project to develop rehabilitation services and adaptive devices for farmers.

\_\_\_\_\_ . Of the funds appropriated in this section \$15,000 is allocated to the institute of agricultural medicine and occupational health to develop program materials and program activities for farm families.

\_\_\_\_\_ . Of the funds appropriated in this section, \$15,000 is allocated for a public purpose to grant to a nonprofit safety education and disaster services organization located in central Iowa to offer between five and ten courses around the state for farm families and farm workers. The courses shall cover first aid, lifesaving, farm accident prevention behaviors, and proper methods of handling farm chemicals.

\_\_\_\_\_ . Of the funds appropriated in this section, \$25,000 is allocated to support the activities of a nonprofit grass-roots organization emphasizing farm safety for children."

18. Page 24, by striking lines 25 through 27 and inserting the following:

"1. Of the funds appropriated in this section, \$15,000 is allocated to support the surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the amount and severity of agricultural related injuries and diseases in the state, identifying causal factors associated with agricultural related injuries and diseases, and evaluating the effectiveness of intervention programs designed to reduce injuries and diseases. The department shall cooperate with the department of agriculture and land stewardship, Iowa state university of science and technology, and the college of medicine at the university of Iowa."

19. Page 25, by striking line 20 and inserting the following:

"For health care utilization information and a study as provided under".

20. By striking page 25, line 23 through page 27, line 4 and inserting the following:

"Sec. 1107. PRIMARY AND PREVENTIVE HEALTH CARE FOR CHILDREN. If division II and section 1101 of this Act are enacted, there is appropriated from the general fund of the state to the Iowa department of public health for the fiscal period

beginning October 1, 1989, and ending June 30, 1990, \$300,000 and in the fiscal years beginning July 1, 1990, and July 1, 1991, \$450,000, or so much thereof as is necessary, to be used for the purposes designated:

For the public purpose of providing a renewable grant, following a request for proposals, to a statewide charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code which was organized prior to April 1, 1989, and has as one of its purposes the sponsorship or support for programs designed to improve the quality, awareness, and availability of health care for the young, to serve as the funding mechanism for the provision of primary health care and preventive services to children in the state who are uninsured and who are not eligible under any public plan of health insurance, provided all of the following conditions are met:

1. The organization shall provide a match in advance of each state dollar provided as follows:

- a. In the fiscal year beginning July 1, 1989, two dollars.
- b. In the fiscal year beginning July 1, 1990, three dollars.
- c. In the fiscal year beginning July 1, 1991, four dollars.

2. The organization coordinates services with new or existing public programs and services provided by or funded by appropriate state agencies in an effort to avoid inappropriate duplication of services and ensure access to care to the extent as is reasonably possible. The organization shall work with the Iowa department of public health, family and community health division, to ensure duplication is minimized.

3. The organization's governing board includes in its membership representatives from the executive and legislative branches of state government.

4. Grant funds are available as needed to provide services and shall not be used for administrative costs of the department or the grantee.

5. Notwithstanding section 8.33, funds appropriated in this section which are unencumbered or unobligated on June 30, 1990, shall not revert to the general fund but shall remain available to the department for the provision of maternal and child health services.

6. The organization's purpose is consistent with the public policy stated in section 402 of this Act.

Sec. 1108. RURAL PILOT PROGRAM. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To implement, in consultation with the center for health services research of the university of Iowa, a pilot program or programs established in a rural hospital or hospitals serving a designated county or multicounty area in Iowa for the provision of primary and preventive health care and inpatient services to persons who are uninsured, based upon the same eligibility guidelines as those established for the indigent patient program at the university of Iowa hospitals and clinics and subject to program approval and oversight by the advisory committee to the office of rural health as provided under section 702 of this Act and subject to the following conditions:

1. The aggregate payments to providers of services under the pilot program shall not exceed the aggregate payments that would have been made if the recipients had been eligible for and received services pursuant to the medical assistance program. The pilot program established pursuant to this section shall not be interpreted to create any entitlement to services on behalf of any eligible individual except to the extent that funding is available pursuant to this section.

2. The funds appropriated for the pilot program or programs shall be used by the rural hospital or hospitals selected for additional patient care and not for defraying other costs including but not limited to capital expenditure costs or costs of services which were rendered by the hospital or hospitals and for which the hospital or hospitals have not been reimbursed.

3. The program or programs shall develop cooperative agreements with hospitals in the selected county or multicounty area for the delivery of services.

4. A county in which a program operates shall agree to maintain its existing level of support for indigent and charity health care.

5. The program shall work with the university of Iowa family practice program in the delivery of health care services under the program:

..... \$ 500,000".

21. Page 27, by striking lines 10 and 11 and inserting the following:

"Persons with disabilities division, including not more than the following full-time equivalent positions:

..... \$ 50,000  
..... FTEs 1.5".

22. Page 27, line 17, by inserting after the word "injuries." the following: "The advisory council shall conduct a survey designed to register persons who have an existing brain injury with the central registry for brain injuries, including persons who are institutionalized or in a residence."

23. Page 28, by inserting after line 26 the following:

"Sec. \_\_\_\_ . HEALTH CARE INSURANCE STUDY — APPROPRIATION. There is appropriated from the general fund of the state to the legislative council for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To contract with a consultant to implement a health care insurance study pursuant to section 3004 of this Act:

..... \$ 200,000".

24. Page 28, by striking lines 27 through 33 and inserting the following:

"Sec. \_\_\_\_ . PROGRAM EVALUATIONS REQUIRED. The Iowa department of public health shall perform evaluations of each of the pilot programs established pursuant to sections 5000, 1107, and 1108 of this Act. The evaluations shall include quarterly reports which detail program expenditures, services provided, and persons served according to demographic groupings. An evaluation report on each program shall be provided quarterly to the legislative fiscal committee and the legislative fiscal bureau."

25. Title page, line 7, by inserting after the word "access" the following: "and a study of health care insurance".

26. Title page, by striking lines 10 through 12, and inserting the following: "recipients of medical assistance; rural health systems delivery and related taxation and rural".

27. Title page, by striking lines 16 and 17, and inserting the following: "assistance program; health care utilization; operation of the Iowa comprehensive health insurance association; making appropriations to certain state".

28. Title page, line 18, by inserting after the word "agencies;" the following: "requiring certain employers to provide health insurance; providing a sales tax exemption to certain nonprofit health organizations;".

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

ON THE PART OF THE HOUSE:

THOMAS JOCHUM, Chair  
THOMAS FEY  
MICHAEL PETERSON

ON THE PART OF THE SENATE:

CHARLES BRUNER, Chair  
JOY CORNING  
JEAN LLOYD-JONES  
WILLIAM PALMER  
MAGGIE TINSMAN

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. 538)

The ayes were, 53:

Adams	Arnould	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Chapman	Cohoon	Connolly	Diemer
Dvorsky	Fey	Fogarty	Groninga
Gruhn	Hansen, S. D.	Harper	Hatch
Hibbard	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lykam
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 34:

Banks	Beaman	Beatty	Bennett
Buhr	Carpenter	Clark	Corbett
Daggett	De Groot	Doderer	Eddie
Fuller	Garman	Halvorson, R. N.	Hammond
Hester	Holveck	Jesse	Kistler
Kremer	Maulsby	Metcalf	Miller
Petersen, D. F.	Plasier	Renken	Rosenberg
Schneklloth	Siegrist	Stromer	Trent
Tyrrell	Van Maanen		

Absent or not voting, 13:

Brammer	Connors	Halvorson, R. A.	Hanson, D. R.
Harbor	Haverland	Hermann	Lundby
May	McKean	Pellett	Royer
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:

Pellett of Cass, for the remainder of the day, on request of Lageschulte of Bremer.

### 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.

The House stood at ease at 12:37 a.m., until the fall of the gavel.

The House resumed session at 1:22 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 May 7, 1989, adopted the conference committee report and passed House File 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date.

Also: That the Senate has on May 7, 1989, 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 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date.

Also: That the Senate has on May 7, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 441, a bill for an act relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion of the Act.

Also: That the Senate has on May 7, 1989, 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 537, a bill for an act relating to the standard deduction for state individual income tax purposes, limiting the deduction for net capital gain to the transfer of certain capital assets, providing an earned income tax credit, and providing retroactive applicability and effective dates.

Also: That the Senate has on May 7, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 548, a bill for an act to extend the moratorium for prosecuting persons in violation of the school attendance and certification requirements for equivalent instruction.

JOHN F. DWYER, Secretary

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer on request of Spenner of Henry.

### SENATE AMENDMENTS CONSIDERED

Black of Jasper called up for consideration **House File 88**, a bill for an act providing for nonresident hunting licenses for deer and wild turkey, amended by the Senate, and moved that the House concur in the following Senate amendment H-4495:

H-4495

- 1 Amend House File 88, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "nonresidents" the following: ", minimum fee".
- 5 2. Page 1, line 12, by striking the words "and
- 6 regulate" and inserting the following: "to five
- 7 hundred licenses".
- 8 3. Page 1, line 13, by inserting after the word
- 9 "licenses" the following: "for the year 1989".
- 10 4. Page 1, line 14, by inserting after the word
- 11 "procedures." the following: "For subsequent years,
- 12 the number of nonresident wild turkey hunting licenses
- 13 shall be determined as provided in section 109.38.

14 The commission shall allocate the nonresident wild  
 15 turkey hunting licenses issued among the zones based  
 16 on the populations of wild turkey, but nonresident  
 17 wild turkey hunting licenses shall not be issued for a  
 18 zone that has an estimated wild turkey population of  
 19 less than one hundred ten percent of the minimum  
 20 population required for a biological balance to exist.  
 21 The hunting zones for wild turkey shall be the same as  
 22 for deer."

23 5. Page 1, line 14, by inserting after the word  
 24 "procedures." the following: "A nonresident applying  
 25 for a wild turkey hunting license must exhibit proof  
 26 of having successfully completed a hunter safety and  
 27 ethics education program as provided in section 110.27  
 28 or its equivalent as determined by the department  
 29 before the license is issued."

30 6. Page 1, line 19, by striking the words "and  
 31 regulate" and inserting the following: "to one  
 32 thousand licenses".

33 7. Page 1, line 20, by inserting after the word  
 34 "licenses" the following: "for the year 1989".

35 8. Page 1, line 21, by inserting after the word  
 36 "procedures." the following: "For subsequent years,  
 37 the number of nonresident deer hunting licenses shall  
 38 be determined as provided in section 109.38. The  
 39 commission shall allocate the nonresident deer hunting  
 40 licenses issued among the zones based on the  
 41 populations of deer, but nonresident deer hunting  
 42 licenses shall not be issued for a zone that has an  
 43 estimated deer population of less than one hundred ten  
 44 percent of the minimum population required for a  
 45 biological balance to exist."

46 9. Page 1, line 21, by inserting after the word  
 47 "procedures." the following: "A nonresident applying  
 48 for a deer hunting license must exhibit proof of  
 49 having successfully completed a hunter safety and  
 50 ethics education program as provided in section 110.27

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1 or its equivalent as determined by the department  
 2 before the license is issued."

3 10. Page 1, by inserting after line 21 the  
 4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 110.25 USE OF  
 6 NONRESIDENT DEER AND WILD TURKEY HUNTING LICENSE FEES.

7 The revenue received from the nonresident deer and  
 8 wild turkey hunting license fees shall be used to  
 9 employ and maintain additional full-time conservation  
 10 officers. During the first fiscal year that  
 11 nonresident deer and wild turkey licenses are sold,  
 12 the department shall employ the number of new full-

13 time conservation officers which can be employed from  
 14 the revenue received. For each subsequent fiscal year  
 15 if revenues are sufficient, the department shall  
 16 employ an additional new full-time conservation  
 17 officer until there is at least one full-time  
 18 conservation officer assigned to each county. Any  
 19 moneys remaining after the employment of the  
 20 additional full-time conservation officers shall be  
 21 used to pay overtime to the full-time conservation  
 22 officers.

23 Sec. \_\_\_\_\_. NEW SECTION. 109.40 RECIPROCITY FOR  
 24 DEER AND WILD TURKEY HUNTING FEES.

25 A nonresident may purchase a nonresident deer or  
 26 wild turkey hunting license to hunt in this state for  
 27 the same fee as a resident of this state may purchase  
 28 a nonresident deer or wild turkey hunting license to  
 29 hunt in the state where the nonresident resides.  
 30 However, the nonresident deer hunting and wild turkey  
 31 hunting fees shall not be less than the fees specified  
 32 in section 110.1, subsection 2, paragraphs "e" and  
 33 "f". The minimum nonresident wild turkey hunting and  
 34 deer hunting fees apply to nonresidents of states  
 35 which do not offer nonresident wild turkey hunting or  
 36 nonresident deer hunting licenses to residents of this  
 37 state."

38 11. By renumbering, relettering, or redesignating  
 39 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4495.

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. 88)

The ayes were, 78:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Brand
Branstad	Brown	Buhr	Chapman
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Hibbard	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lundby	Lykam	Maulsby
McKinney	Mertz	Metcalf	Miller

Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Renaud	Renken
Rosenberg	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Stromer	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 7:

Carpenter	Clark	Fuller	Holveck
Poncy	Siegrist	Teaford	

Absent or not voting, 15:

Beatty	Blanshan	Brammer	Connors
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Jochum	Lageschulte	May	McKean
Pellett	Royer	Stueland	

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 794**, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission, amended by the Senate, and moved that the House concur in the following Senate amendment H—4496:

H—4496

1 Amend House File 794, 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 260.1, Code 1989, is amended  
 6 by striking the section and inserting in lieu thereof  
 7 the following:  
 8 260.1 DEFINITIONS.  
 9 1. "Administrator" means a person who is licensed  
 10 to coordinate, supervise, or direct an educational  
 11 program or the activities of other practitioners.  
 12 2. "Board" means the board of educational  
 13 examiners.  
 14 3. "Department" means the state department of  
 15 education.  
 16 4. "License" means the authority that is given to  
 17 allow a person to legally serve as a practitioner, a  
 18 school, an institution, or a course of study to  
 19 legally offer professional development programs, other  
 20 than those programs offered by practitioner

21 preparation schools, institutions, or courses of  
22 study.

23 5. "Practitioner" means an administrator, teacher,  
24 or other licensed professional who does not hold or  
25 receive a license from a professional licensing board  
26 other than the board of educational examiners and who  
27 provides educational assistance to students.

28 6. "Practitioner preparation program" means a  
29 program approved by the state board of education which  
30 prepares a person to obtain a license as a  
31 practitioner.

32 7. "Principal" means a licensed member of a  
33 school's instructional staff who serves as an  
34 instructional leader, coordinates the process and  
35 substance of educational and instructional programs,  
36 coordinates the budget of the school, provides  
37 formative evaluation for all practitioners and other  
38 persons in the school, recommends or has effective  
39 authority to appoint, assign, promote, or transfer  
40 personnel in a school building, implements the local  
41 school board's policy in a manner consistent with  
42 professional practice and ethics, and assists in the  
43 development and supervision of a school's student  
44 activities program.

45 8. "Professional development program" means a  
46 course or program which is offered by a person or  
47 agency for the purpose of providing continuing  
48 education for the renewal or upgrading of a  
49 practitioner's license.

50 9. "School" means a school under section 280.2, a

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1 merged area school, an area education agency, and a  
2 school operated by a state agency for special  
3 purposes.

4 10. "School service personnel" means those persons  
5 holding a practitioner's license who provide support  
6 services for a student enrolled in school or to  
7 practitioners employed in a school.

8 11. "Student" means a person who is enrolled in a  
9 course of study at a school or practitioner  
10 preparation program, or who is receiving direct or  
11 indirect assistance from a practitioner.

12 12. "Superintendent" means an administrator who  
13 promotes, demotes, transfers, assigns, or evaluates  
14 practitioners or other personnel, and carries out the  
15 policies of a governing board in a manner consistent  
16 with professional practice and ethics.

17 13. "Teacher" means a licensed member of a  
18 school's instructional staff who diagnoses,  
19 prescribes, evaluates, and directs student learning in

20 a manner which is consistent with professional  
21 practice and school objectives, shares responsibility  
22 for the development of an instructional program and  
23 any coordinating activities, evaluates or assesses  
24 student progress before and after instruction, and who  
25 uses the student evaluation or assessment information  
26 to promote additional student learning.

27 Sec. 2. Section 260.2, Code 1989, is amended by  
28 striking the section and inserting in lieu thereof the  
29 following:

30 260.2 BOARD OF EXAMINERS CREATED.

31 The board of educational examiners is created to  
32 exercise the exclusive authority to:

33 1. License practitioners, who do not hold or  
34 receive a license from another professional licensing  
35 board, and professional development programs, except  
36 for programs developed and offered by practitioner  
37 preparation institutions or area education agencies  
38 and approved by the state board of education.  
39 Licensing authority includes the authority to  
40 establish criteria for the licenses, including but not  
41 limited to, issuance and renewal requirements,  
42 creation of application and renewal forms, creation of  
43 licenses that authorize different instructional  
44 functions or specialties, development of a code of  
45 professional rights and responsibilities, practice,  
46 and ethics, and the authority to develop any other  
47 classifications, distinctions, and procedures which  
48 may be necessary to exercise licensing duties. A code  
49 of professional rights and responsibilities, practice,  
50 and ethics shall address but not be limited to the

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1 habitual failure of a practitioner to fulfill  
2 contractual obligations under section 279.13.

3 2. Establish, collect, and refund fees for a  
4 license.

5 3. Enter into reciprocity agreements with other  
6 equivalent state boards or a national certification  
7 board to provide for licensing of applicants from  
8 other states or nations.

9 4. Enforce rules adopted by the board through  
10 revocation or suspension of a license, or by other  
11 disciplinary action against a practitioner or  
12 professional development program licensed by the board  
13 of educational examiners.

14 5. Apply for and receive federal or other funds on  
15 behalf of the state for purposes related to its  
16 duties.

17 6. Evaluate and conduct studies of board  
18 standards.

- 19 7. Hire an executive director, legal counsel, and  
20 other personnel and control the personnel  
21 administration of persons employed by the board.  
22 8. Hear appeals regarding application, renewal,  
23 suspension, or revocation of a license. Board action  
24 is final agency action for purposes of chapter 17A.  
25 9. Establish standards for the determination of  
26 whether an applicant is qualified to perform the  
27 duties required for a given license.  
28 10. Issue statements of professional recognition  
29 to school service personnel who are licensed by  
30 another professional licensing board.  
31 11. Make recommendations to the state board of  
32 education concerning standards for the approval of  
33 professional development programs.  
34 12. Establish, under chapter 17A, rules necessary  
35 to carry out board duties, and establish a budget  
36 request.  
37 13. By January 1, 1991, adopt rules and establish  
38 classifications for temporary substitute teaching, for  
39 persons who hold a bachelor's degree from an  
40 accredited college or university, but who do not meet  
41 other requirements for licensure. Rules adopted shall  
42 provide that temporary substitute teaching licenses  
43 shall be valid for two years, or until the holder has  
44 completed an alternative training program, whichever  
45 occurs first. Temporary substitute teaching license  
46 holders, whose licenses expire because of completion  
47 of an alternative training program, shall be eligible  
48 for an appropriate standard license upon application  
49 and submission of proof of satisfactory completion of  
50 the alternative training program.

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- 1 Sec. 3. Section 260.3, Code 1989, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:  
4 260.3 MEMBERSHIP.  
5 The board of educational examiners consists of  
6 eleven members. Two must be members of the general  
7 public and the remaining nine must be licensed  
8 practitioners. One of the public members shall also  
9 be the director of the department of education, or the  
10 director's designee. The other public member shall be  
11 a person who does not hold a practitioner's license,  
12 but has a demonstrated interest in education. The  
13 nine practitioners shall be selected from the  
14 following areas and specialties of the teaching  
15 profession:  
16 1. Elementary teachers.  
17 2. Secondary teachers.

18 3. Special education or other similar teachers.

19 4. Counselors or other special purpose  
20 practitioners.

21 5. Merged area school faculty members.

22 6. Administrators.

23 7. School service personnel.

24 A majority of the licensed practitioner members  
25 shall be nonadministrative practitioners. Four of the  
26 members shall be administrators. Membership of the  
27 board shall comply with the requirements of sections  
28 69.16 and 69.16A. A quorum of the board shall consist  
29 of six members. The director of the department of  
30 education shall serve as the chairperson of the board.  
31 Members, except for the director of the department of  
32 education, shall be appointed by the governor and the  
33 appointments are subject to confirmation by the  
34 senate.

35 Sec. 4. NEW SECTION. 260.4. TERMS OF OFFICE.

36 Members, except for the director of the department  
37 of education, shall be appointed to serve staggered  
38 terms of four years. A member shall not serve more  
39 than two consecutive terms, except for the director of  
40 the department of education, who shall serve until the  
41 director's term of office expires. A member of the  
42 board, except for the two public members, shall hold a  
43 valid practitioner's license during the member's term  
44 of office. A vacancy exists when any of the following  
45 occur:

46 1. A nonpublic member's license expires, is  
47 suspended, or is revoked.

48 2. A nonpublic member retires or terminates  
49 employment as a practitioner.

50 3. A member dies, resigns, is removed from office,

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1 or is otherwise physically unable to perform the  
2 duties of office.

3 4. A member's term of office expires.

4 Terms of office for regular appointments begin on  
5 July 1, and for vacancies on the date of appointment.

6 Members may be removed for cause by a state court with  
7 competent jurisdiction after notice and opportunity  
8 for hearing. The board may remove a member for three  
9 consecutive absences or for cause.

10 Sec. 5. Section 260.5, Code 1989, is amended by  
11 striking the section and inserting in lieu thereof the  
12 following:

13 260.5 COMPENSATION.

14 Members shall be reimbursed for actual and  
15 necessary expenses incurred while engaged in their  
16 official duties and may be entitled to per diem

17 compensation as authorized under section 7E.6. For  
18 duties performed during an ordinary school day by a  
19 member who is employed by a school corporation or  
20 state university, the member shall also receive  
21 regular compensation from the school or university.  
22 However, the member shall reimburse the school or  
23 university in the amount of the per diem compensation  
24 received.

25 Sec. 6. Section 260.6, Code 1989, is amended by  
26 striking the section and inserting in lieu thereof the  
27 following:

28 260.6 QUALIFICATIONS FOR PRACTITIONERS.

29 The board shall determine whether an applicant is  
30 qualified to perform the duties for which a license is  
31 sought. Applicants shall be disqualified for any of  
32 the following reasons:

33 1. The applicant is less than twenty-one years of  
34 age. However, a student enrolled in a practitioner  
35 preparation program who meets board requirements for a  
36 temporary, limited-purpose license who is seeking to  
37 teach as part of a practicum or internship may be less  
38 than twenty-one years of age.

39 2. The applicant has been convicted of child abuse  
40 or sexual abuse of a child.

41 3. The applicant has been convicted of a felony.

42 4. The applicant's application is fraudulent.

43 5. The applicant's license or certification from  
44 another state is suspended or revoked.

45 6. The applicant fails to meet board standards for  
46 application for an initial or renewed license.

47 Qualifications or criteria for the granting or  
48 revocation of a license or the determination of an  
49 individual's professional standing shall not include  
50 membership or nonmembership in any teachers'

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1 organization.

2 Sec. 7. Section 260.7, Code 1989, is amended by  
3 striking the section and inserting in lieu thereof the  
4 following:

5 260.7 VALIDITY OF LICENSE.

6 A license issued under board authority is valid for  
7 the period of time for which it is issued, unless the  
8 license is suspended or revoked. A license issued by  
9 the board is valid until June 30 of the year in which  
10 the license expires. No permanent licenses shall be  
11 issued. A person employed as a practitioner shall  
12 hold a valid license for the type of service for which  
13 the person is employed. This section does not limit  
14 the duties or powers of a school board to select or  
15 discharge practitioners or to terminate practitioners'

16 contracts. A professional development program, except  
17 for a program offered by a practitioner preparation  
18 institution or area education agency and approved by  
19 the state board of education, must possess a valid  
20 license for the types of programs offered.

21 The executive director of the board may grant or  
22 deny license applications, applications for renewal of  
23 a license, and suspension or revocation of a license.  
24 A denial of an application for a license, the denial  
25 of an application for renewal, or a suspension or  
26 revocation of a license may be appealed by the  
27 practitioner to the board.

28 The board may issue emergency renewal or temporary,  
29 limited-purpose licenses upon petition by a current or  
30 former practitioner. An emergency renewal or a  
31 temporary, limited-purpose license may be issued for a  
32 period not to exceed two years, if a petitioner  
33 demonstrates, to the satisfaction of the board, good  
34 cause for failure to comply with board requirements  
35 for a regular license and provides evidence that the  
36 petitioner will comply with board requirements within  
37 the period of the emergency or temporary license.  
38 Under exceptional circumstances, an emergency license  
39 may be renewed by the board for one additional year.  
40 A previously unlicensed person is not eligible for an  
41 emergency or temporary license, except that a student  
42 who is enrolled in a licensed practitioner preparation  
43 program may be issued a temporary, limited-purpose  
44 license, without payment of a fee, as part of a  
45 practicum or internship program.

46 Sec. 8. Section 260.8, Code 1989, is amended by  
47 striking the section and inserting in lieu thereof the  
48 following:

49 260.8 LICENSE TO APPLICANTS FROM OTHER STATES OR  
50 COUNTRIES.

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1 The board may issue a license to an applicant from  
2 another state or country if the applicant files  
3 evidence of the possession of the required or  
4 equivalent requirements with the board. The executive  
5 director of the board may, subject to board approval,  
6 enter into reciprocity agreements with another state  
7 or country for the licensing of practitioners on an  
8 equitable basis of mutual exchange, when the action is  
9 in conformity with law.

10 Practitioner preparation and professional  
11 development programs offered in this state by out-of-  
12 state institutions must be approved by the board in  
13 order to fulfill requirements for licensure or renewal  
14 of a license by an applicant.

15 Sec. 9. Section 260.9, Code 1989, is amended by  
16 striking the section and inserting in lieu thereof the  
17 following:

18 260.9 CONTINUITY OF CERTIFICATES AND LICENSES.

19 A certificate which was issued by the board of  
20 educational examiners to a practitioner before the  
21 effective date of this Act, continues to be in force  
22 as long as the certificate complies with the rules and  
23 statutes in effect on the effective date of this Act.  
24 Requirements for the renewal of licenses, under this  
25 chapter, do not apply retroactively to renewal of  
26 certificates. However, this section does not limit  
27 the duties or powers of a school board to select or  
28 discharge practitioners or to terminate practitioners'  
29 contracts.

30 A practitioner who holds a certificate issued  
31 before the effective date of this Act shall, upon  
32 application and payment of a fee, be granted a license  
33 which will permit the practitioner to perform the same  
34 duties and functions as the practitioner was entitled  
35 to perform with the certificate held at the time of  
36 application. A practitioner shall be permitted to  
37 convert a permanent certificate to a term certificate,  
38 after the effective date of this Act, without payment  
39 of a fee.

40 A professional development program provided by a  
41 school district and approved by the state board of  
42 education before the effective date of this Act shall  
43 be permitted to continue until the term, for which the  
44 program was approved, expires.

45 Sec. 10. CONTINUITY OF RULES. Administrative  
46 rules adopted by the board of educational examiners or  
47 the professional teaching practices commission  
48 relating to licenses or professional practices in  
49 effect on April 15, 1989, remain in effect until  
50 modified or repealed by the board of educational

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1 examiners after the effective date of this Act.

2 Sec. 11. Section 260.10, Code 1989, is amended by  
3 striking the section and inserting in lieu thereof the  
4 following:

5 260.10 FEES.

6 It is the intent of the general assembly that  
7 licensing fees established by the board of educational  
8 examiners be sufficient to finance the activities of  
9 the board under this chapter.

10 Licensing fees are payable to the treasurer of  
11 state and shall be deposited with the executive  
12 director of the board. The executive director shall  
13 deposit the fees with the treasurer of state and the

14 fees shall be credited to the general fund of the  
15 state. The executive director shall keep an accurate  
16 and detailed account of fees received and paid to the  
17 treasurer of state.

18 Sec. 12. Section 260.11, Code 1989, is amended by  
19 striking the section and inserting in lieu thereof the  
20 following:

21 260.11 EXPENDITURES AND REFUNDS.

22 Expenditures and refunds made by the board under  
23 this chapter shall be certified by the executive  
24 director of the board to the director of revenue and  
25 finance, and if found correct, the director of revenue  
26 and finance shall approve the expenditures and refunds  
27 and draw warrants upon the treasurer of state from the  
28 funds appropriated for that purpose.

29 Sec. 13. Section 260.12, Code 1989, is amended by  
30 striking the section and inserting in lieu thereof the  
31 following:

32 260.12 HEARING PROCEDURES.

33 Hearings before the board shall be conducted in the  
34 same manner as contested cases under chapter 17A. The  
35 board may subpoena books, papers, records, and any  
36 other real evidence necessary for the board to decide  
37 whether it should institute a contested case hearing.  
38 At the hearing the board may administer oaths and  
39 issue subpoenas to compel the attendance of witnesses  
40 and the production of other evidence. Subpoenas may  
41 be issued by the board to a party to a hearing, if the  
42 party demonstrates that the evidence or witnesses'  
43 testimony is relevant and material to the hearing.  
44 Service of process and subpoenas for board hearings  
45 shall be conducted in accordance with the law  
46 applicable to the service of process and subpoenas in  
47 civil actions.

48 Witnesses subpoenaed to appear before the board  
49 shall be reimbursed for mileage and necessary expenses  
50 and shall receive per diem compensation by the board,

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1 unless the witness is an employee of the state or a  
2 political subdivision, in which case the witness shall  
3 receive reimbursement only for mileage and necessary  
4 expenses.

5 Sec. 14. Section 260.25, unnumbered paragraph 1,  
6 and subsections 1 and 5 through 9, Code 1989, are  
7 amended to read as follows:

8 Not later than January 1, ~~1990~~ 1991, the board of  
9 educational examiners state board of education shall  
10 adopt rules pursuant to chapter 17A to implement the  
11 following for approved teacher education practitioner  
12 preparation programs:

13 1. A requirement that each student admitted to an  
14 approved teacher education practitioner preparation  
15 program must participate in field experiences that  
16 include both observation and participation in teaching  
17 activities in a variety of school settings. These  
18 field experiences shall comprise a total of at least  
19 fifty hours' duration, at least forty hours of which  
20 shall occur after a student's admission to an approved  
21 teacher education practitioner preparation program.  
22 The student teaching experience shall be a minimum of  
23 twelve weeks in duration during the student's final  
24 year of the teacher education practitioner preparation  
25 program.

26 5. A requirement that each approved teacher  
27 education practitioner preparation or professional  
28 development institution annually offer a workshop of  
29 at least one day in duration for prospective  
30 cooperating teachers. The workshop shall define the  
31 objectives of the student teaching experience, review  
32 the responsibilities of the cooperating teacher, and  
33 provide the cooperating teacher other information and  
34 assistance the institution deems necessary.

35 6. A requirement that teacher education  
36 practitioner preparation students receive instruction  
37 in the use of electronic technology for classroom and  
38 instructional purposes.

39 7. A requirement that approved teacher education  
40 practitioner preparation institutions annually solicit  
41 the views of the education community regarding the  
42 institution's teacher education practitioner  
43 preparation programs.

44 8. A requirement that an approved teacher  
45 education practitioner preparation institution submit  
46 evidence that the college or department of education  
47 is communicating with other colleges or departments in  
48 the institution so that teacher education practitioner  
49 preparation students may integrate teaching  
50 methodology with subject matter areas of

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1 specialization.

2 9. A requirement that an approved teacher  
3 education practitioner preparation program submit  
4 evidence that the evaluation of the performance of a  
5 student teacher is a cooperative process that involves  
6 both the faculty member supervising the student  
7 teacher and the cooperating teacher. The rules shall  
8 require that each institution develop a written  
9 evaluation procedure for use by the cooperating  
10 teacher and a form for evaluating student teachers,  
11 and require that a copy of the completed form be

12 included in the student teacher's permanent record.

13 Sec. 15. Section 260.31, subsection 1, unnumbered  
14 paragraph 1, Code 1989, is amended to read as follows:

15 The minimum requirements for the board to award a  
16 coaching ~~authorization~~ license to an applicant are:

17 Sec. 16. Section 260.31, subsection 2, Code 1989,  
18 is amended to read as follows:

19 2. The board of educational examiners shall adopt  
20 rules under chapter 17A for coaching ~~authorizations~~  
21 licenses including, but not limited to, approval of  
22 courses, validity and expiration, fees, and suspension  
23 and revocation of ~~authorizations~~ licenses. The  
24 ~~director of the department state board~~ of education  
25 shall work with institutions of higher education,  
26 private colleges and universities, merged area  
27 schools, and area education agencies to ~~insure~~ ensure  
28 that the courses required under subsection 1 are  
29 offered throughout the state at convenient times and  
30 at a reasonable cost.

31 Sec. 17. Section 260.33, Code 1989, is amended to  
32 read as follows:

33 260.33 EVALUATOR APPROVAL LICENSE.

34 Effective July 1, 1990, in addition to ~~endorsements~~  
35 licenses required under rules adopted pursuant to this  
36 chapter, an individual employed as an administrator,  
37 supervisor, school service person, or teacher by a  
38 school district, area education agency, or area  
39 school, who conducts evaluations of the performance of  
40 individuals holding ~~certificates~~ licenses under this  
41 chapter, shall possess an evaluator approval license.

42 By July 1, ~~1987~~ 1990, the board of educational  
43 examiners shall adopt rules establishing requirements  
44 for an evaluator approval license including but not  
45 limited to ~~approval of courses~~, renewal requirements,  
46 fees, and suspension and revocation of evaluator  
47 ~~approvals~~ licenses. An approved program shall include  
48 provisions for determining that an applicant for  
49 evaluator approval license has satisfactorily  
50 completed the program. The ~~board of educational~~

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1 ~~examiners state board of education~~ shall work with  
2 institutions of higher education under the state board  
3 of regents, private colleges and universities, merged  
4 area schools, and area education agencies to ~~insure~~  
5 ensure that the courses required under subsection 1  
6 are offered throughout the state at convenient times  
7 and at reasonable cost. The requirements shall  
8 include completion of a program approved by the ~~board~~  
9 ~~of educational examiners state board of education~~ as

10 follows:

11 1. For evaluation of teachers, the development of  
12 skills including but not limited to analysis of lesson  
13 plans, classroom observation, analysis of data,  
14 performance improvement strategies, and communication  
15 skills.

16 2. For evaluation of ~~certificated~~ licensed  
17 employees other than teachers, the development of  
18 skills including but not limited to communication  
19 skills, analysis of employee performance, analysis of  
20 data, and performance improvement strategies.

21 An evaluator approval A license is valid for a  
22 period of five years from its issuance.

23 Sec. 18. Section 260.34, Code 1989, is amended to  
24 read as follows:

25 260.34 ELEMENTARY ENDORSEMENTS LICENSES.

26 The board of educational examiners in conjunction  
27 with the child development coordinating council, or  
28 other similar agency, shall develop appropriate  
29 endorsements licenses for teachers in the early  
30 elementary grades, taking into consideration  
31 recommendations from the child development  
32 coordinating council or other similar agency, the  
33 center for early development education, and teacher  
34 education personnel.

35 Sec. 19. Section 256.7, subsection 3, Code 1989,  
36 is amended by striking the subsection and inserting in  
37 lieu thereof the following:

38 3. Prescribe standards and procedures for the  
39 approval of practitioner preparation programs and  
40 professional development programs, offered by  
41 practitioner preparation institutions and area  
42 education agencies, in this state. Procedures  
43 provided for approval of programs shall include  
44 procedures for enforcement of the prescribed standards  
45 and shall not include a procedure for the waiving of  
46 any of the standards prescribed.

47 Sec. 20. Section 256.7, subsection 9, unnumbered  
48 paragraphs 1, 2, and 3, Code 1989, are amended to read  
49 as follows:

50 Adopt rules under chapter 17A for the use of

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1 telecommunications as an instructional tool for  
2 students enrolled in kindergarten through grade twelve  
3 and served by local school districts, accredited or  
4 approved nonpublic schools, area education agencies,  
5 merged area schools, institutions of higher education  
6 under the state board of regents, and independent  
7 colleges and universities in elementary and secondary  
8 school classes and courses. The rules shall include

9 but need not be limited to rules relating to programs,  
 10 educational policy, instructional practices, staff  
 11 development, use of pilot projects, curriculum  
 12 monitoring, and the accessibility of ~~certificated~~  
 13 licensed teachers.

14 When curriculum is provided by means of  
 15 telecommunications, it shall be taught by a  
 16 ~~certificated an appropriately licensed teacher who is~~  
 17 ~~properly endorsed or approved.~~ The teacher shall  
 18 either be present in the classroom, or be present at  
 19 the location at which the curriculum delivered by  
 20 means of telecommunications originates.

21 The rules shall provide that when the curriculum is  
 22 taught by a ~~certificated and properly endorsed or~~  
 23 ~~approved an appropriately licensed teacher at the~~  
 24 location at which the telecommunications originates,  
 25 the curriculum received shall be under the supervision  
 26 of a ~~certificated licensed~~ teacher. For the purposes  
 27 of this subsection, "supervision" means that the  
 28 curriculum is monitored by a ~~certificated licensed~~  
 29 teacher and the ~~certificated~~ teacher is accessible to  
 30 the students receiving the curriculum by means of  
 31 telecommunications.

32 Sec. 21. Section 256.7, subsections 10 and 11,  
 33 Code 1989, are amended to read as follows:

34 10. Rules adopted under this section shall provide  
 35 that telecommunications shall not be used by school  
 36 districts as the exclusive means to provide any course  
 37 which is required by the minimum educational standards  
 38 for ~~approval or accreditation.~~

39 11. Develop evaluation procedures that will  
 40 measure the effects of instruction by means of  
 41 telecommunications on student achievement,  
 42 socialization, intellectual growth, motivation, and  
 43 other related factors deemed relevant by the state  
 44 board, for the development of an educational data  
 45 base. The state board shall consult with the state  
 46 board of regents and the ~~teacher education~~  
 47 ~~practitioner preparation~~ departments at its  
 48 institutions, other ~~approved teacher education~~  
 49 ~~practitioner preparation~~ departments located within  
 50 private colleges and universities, educational

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1 research agencies or facilities, and other agencies  
 2 deemed appropriate by the state board, in developing  
 3 these procedures.

4 Sec. 22. Section 256.7, Code 1989, is amended by  
 5 adding the following new subsection:

6 NEW SUBSECTION. 13. Not later than January 1,  
 7 1991, adopt rules under chapter 17A for alternative

8 training programs for persons who hold a temporary  
9 substitute teaching license issued under chapter 260.  
10 Rules adopted shall provide that alternative training  
11 programs be offered by approved practitioner  
12 preparation programs. Rules adopted shall also  
13 provide that alternative training programs include an  
14 evaluation, conducted by an appropriately licensed  
15 practitioner who is not an employee of the school  
16 corporation participating in the alternative training  
17 program, of the performance of a person who holds a  
18 temporary substitute teaching license and is employed  
19 by a school corporation and that satisfactory  
20 completion of the evaluation be a condition precedent  
21 to obtaining a standard license under chapter 260.

22 Sec. 23. Section 256.11, subsections 1 and 2, Code  
23 1989, are amended to read as follows:

24 1. If a school offers a prekindergarten program,  
25 the program shall be designed to help children to work  
26 and play with others, to express themselves, to learn  
27 to use and manage their bodies, and to extend their  
28 interests and understanding of the world about them.  
29 The prekindergarten program shall relate the role of  
30 the family to the child's developing sense of self and  
31 perception of others. Planning and carrying out  
32 prekindergarten activities designed to encourage  
33 cooperative efforts between home and school shall  
34 focus on community resources. A prekindergarten  
35 teacher shall hold a certificiate license certifying  
36 that the holder is qualified to teach in  
37 prekindergarten. A nonpublic school which offers only  
38 a prekindergarten may, but is not required to, seek  
39 and obtain accreditation.

40 2. The kindergarten program shall include  
41 experiences designed to develop healthy emotional and  
42 social habits and growth in the language arts and  
43 communication skills, as well as a capacity for the  
44 completion of individual tasks, and protect and  
45 increase physical well-being with attention given to  
46 experiences relating to the development of life skills  
47 and human growth and development. A kindergarten  
48 teacher shall be certificiated licensed to teach in  
49 kindergarten. An accredited nonpublic school must  
50 meet the requirements of this subsection only if the

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1 nonpublic school offers a kindergarten program.

2 Sec. 24. Section 256.11, subsection 5, paragraph  
3 f, Code 1989, is amended to read as follows:

4 f. Four sequential units of one foreign language.

5 The department may waive the third and fourth years of  
6 the foreign language requirement on an annual basis

7 upon the request of the board of directors of a school  
 8 district or the authorities in charge of a nonpublic  
 9 school if the board or authorities are able to prove  
 10 that a ~~certificated~~ licensed teacher was employed and  
 11 assigned a schedule that would have allowed students  
 12 to enroll in a foreign language class, the foreign  
 13 language class was properly scheduled, students were  
 14 aware that a foreign language class was scheduled, and  
 15 no students enrolled in the class.

16 Sec. 25. Section 256.11, subsection 9, paragraph  
 17 b, Code 1989, is amended to read as follows:

18 b. Effective July 1, 1990, unless a waiver has  
 19 been obtained under section 256.11A, each school or  
 20 school district shall have a qualified school media  
 21 specialist who shall meet the ~~certification and~~  
 22 ~~approval~~ licensing standards prescribed by the  
 23 ~~department~~ board of educational examiners and shall be  
 24 responsible for supervision of the media centers.  
 25 Each school or school district shall establish a media  
 26 center, in each attendance center, which shall be  
 27 accessible to students throughout the school day.

28 Sec. 26. Section 256.11, subsection 9A, Code 1989,  
 29 is amended to read as follows:

30 9A. Each school or school district shall provide  
 31 an articulated sequential guidance program for grades  
 32 kindergarten through twelve. Until July 1, 1991, a  
 33 school or school district may obtain a waiver from  
 34 meeting the requirements of this subsection pursuant  
 35 to section 256.11A. The guidance counselor shall meet  
 36 the ~~certification and approval~~ licensing standards of  
 37 the ~~department~~ board of educational examiners.

38 Sec. 27. Section 256.16, Code 1989, is amended to  
 39 read as follows:

40 256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION  
 41 AND CERTAIN EDUCATORS.

42 Pursuant to section 256.7, subsection 5, the state  
 43 board shall adopt rules requiring all ~~approved teacher~~  
 44 ~~training institutions~~ higher education institutions  
 45 providing practitioner preparation to include in the  
 46 professional education program, preparation that  
 47 contributes to education of the handicapped and the  
 48 gifted and talented, which must be successfully  
 49 completed before graduation from the ~~teacher training~~  
 50 practitioner preparation program.

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1 A person initially applying for a ~~certificate,~~  
 2 ~~endorsement, or approval~~ license shall successfully  
 3 complete a professional education program containing  
 4 the subject matter specified in this section, before  
 5 the initial action by the ~~department~~ board of

6 educational examiners takes place.

7 Sec. 28. Section 256.17, unnumbered paragraph 1,  
8 Code 1989, is amended to read as follows:

9 The state board shall review the standards  
10 contained in section 256.11, shall review current  
11 literature relating to effective schools and learning  
12 environments, and shall consult with representatives  
13 from the higher education institutions, the board of  
14 educational examiners, area education agencies, school  
15 board members, school administrators, teachers,  
16 parents, students, members of business, industry, and  
17 labor, other governmental agencies, associations  
18 interested in education, and representatives of  
19 communities of various sizes to develop standards for  
20 accredited schools and school districts that  
21 encompass, but are not limited to the following  
22 general areas:

23 Sec. 29. Section 256.17, subsection 5, Code 1989,  
24 is amended to read as follows:

25 5. A performance evaluation process for its  
26 certificated staff licensed practitioners using staff  
27 members who possess an evaluator approval license  
28 under section 260.33 rules adopted by the board of  
29 educational examiners.

30 Sec. 30. Section 258.3A, subsection 3, Code 1989,  
31 is amended to read as follows:

32 3. Adopt rules prescribing standards for approval  
33 of schools, departments, and classes; area vocational-  
34 technical high schools and programs; and area  
35 vocational schools and programs; and teacher training  
36 practitioner preparation schools, departments, and  
37 classes, applying for federal and state moneys under  
38 this chapter.

39 Sec. 31. Section 258.4, subsections 5, 6, and 7,  
40 Code 1989, are amended to read as follows:

41 5. Enforce Make recommendations to the board of  
42 educational examiners relating to the enforcement of  
43 rules prescribing standards for teachers of subjects  
44 listed in subsection 2 in approved accredited schools,  
45 departments, and classes.

46 6. Co-operate in the maintenance of teachers  
47 training practitioner preparation schools,  
48 departments, and classes, supported and controlled by  
49 the public, for the training of teachers and  
50 supervisors of subjects listed in subsection 2.

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1 7. Annually inspect, as a basis of approval, all  
2 schools, departments, and classes, area vocational-  
3 technical high schools and programs, area vocational  
4 schools and programs and all teachers training

5 practitioner preparation schools, departments, and  
6 classes, applying for federal and state moneys under  
7 the provisions of this chapter.

8 Sec. 32. Section 258.5, Code 1989, is amended to  
9 read as follows:

10 258.5 FEDERAL AID – CONDITIONS.

11 ~~Whenever~~ If a school corporation maintains an  
12 approved vocational school, department, or classes in  
13 accordance with the rules adopted by the state board,  
14 and rules and standards adopted by the board of  
15 educational examiners, and the state plan for  
16 vocational education, adopted by ~~that~~ the board for  
17 vocational education and approved by the United States  
18 department of education, the director of the  
19 department of education shall reimburse the school  
20 corporation at the end of the fiscal year for its  
21 expenditures for salaries and authorized travel of  
22 vocational teachers from federal and state funds.  
23 However, a school corporation shall not receive from  
24 federal and state funds a larger amount than one-half  
25 the sum which has been expended by the school  
26 corporation for that particular type of program. If  
27 federal and state funds are not sufficient to make the  
28 reimbursement to the extent provided in this section,  
29 the director shall prorate the respective amounts  
30 available to the corporations entitled to  
31 reimbursement.

32 The director may use federal funds to reimburse  
33 approved teacher training practitioner preparation  
34 schools, departments, or classes for the training of  
35 teachers of agriculture, home economics, trades and  
36 industrial education, distributive education, and for  
37 the training of guidance counselors.

38 Sec. 33. Section 258.6, Code 1989, is amended to  
39 read as follows:

40 258.6 DEFINITIONS.

41 “Approved school, department, or class” shall mean  
42 means a school, department, or class approved by said  
43 the board as entitled under the provisions of this  
44 chapter to federal and state moneys for the salaries  
45 and authorized travel of teachers of vocational  
46 subjects. “Approved teachers training practitioner  
47 preparation school, department, or class” shall mean  
48 means a school, department, or class approved by the  
49 board as entitled under the provisions of this chapter  
50 to federal moneys for the training of teachers of

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1 vocational subjects.

2 Sec. 34. Section 273.3, subsections 5 and 11, Code  
3 1989, are amended to read as follows:

4 5. Be authorized, subject to rules and regulations  
5 of the state board of education, to provide directly  
6 or by contractual arrangement with public or private  
7 agencies for special education programs and services,  
8 media services, and educational programs and services  
9 requested by the local boards of education as provided  
10 in this chapter, including but not limited to  
11 contracts for the area education agency to provide  
12 programs or services to the local school districts and  
13 contracts for local school districts, other  
14 educational agencies, and public and private agencies  
15 to provide programs and services to the local school  
16 districts in the area education agency in lieu of the  
17 area education agency providing the services.  
18 Contracts may be made with public or private agencies  
19 located outside the state if the programs and services  
20 comply with the rules of the state board. Rules  
21 adopted by the state board of education shall be  
22 consistent with rules, adopted by the board of  
23 educational examiners, relating to licensing of  
24 practitioners.

25 11. Employ personnel to carry out the functions of  
26 the area education agency which shall include the  
27 employment of an administrator who shall possess a  
28 certificate license issued under section 260.9 chapter  
29 260. The administrator shall be employed pursuant to  
30 section 279.20 and sections 279.23, 279.24 and 279.25.  
31 The salary for an area education agency administrator  
32 shall be established by the board based upon the  
33 previous experience and education of the  
34 administrator. The provisions of section Section  
35 279.13 shall apply applies to the area education  
36 agency board and to all teachers employed by the area  
37 education agency. The provisions of sections Sections  
38 279.23, 279.24 and 279.25 shall apply to the area  
39 education board and to all administrators employed by  
40 the area education agency.

41 Sec. 35. Section 279.19B, Code 1989, is amended to  
42 read as follows:

43 279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

44 The board of directors of a school district shall  
45 offer an extracurricular contract for varsity head  
46 coach of the interscholastic athletic activities of  
47 football, basketball, track not including cross-  
48 country, baseball, softball, volleyball, gymnastics,  
49 hockey, and wrestling only to an individual possessing  
50 a teaching certificate license with a coaching

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1 endorsement issued pursuant to chapter 260.

2 The board of directors of a school district may

3 employ for head coach of other interscholastic  
 4 athletic activities or for assistant coach of any  
 5 interscholastic athletic activity, an individual who  
 6 possesses a coaching authorization issued by the  
 7 department of education board of educational  
 8 examiners. An individual who has been issued a  
 9 coaching authorization or who possesses a teaching  
 10 certificate license with a coaching endorsement but is  
 11 not issued a teaching contract under section 279.13  
 12 and who is employed by the board of directors of a  
 13 school district serves at the pleasure of the board of  
 14 directors and is not subject to sections 279.13  
 15 through 279.19, and 279.27. ~~Chapter 272A and~~  
 16 ~~subsection~~ Subsection 1 of section 279.19A apply  
 17 applies to coaching authorizations.

18 Sec. 36. Section 282.3, subsection 2, unnumbered  
 19 paragraph 2, Code 1989, is amended to read as follows:

20 ~~No~~ A child under the age of six years on the  
 21 fifteenth of September of the current school year  
 22 shall not be admitted to ~~any~~ a public school unless  
 23 the board of directors of the school ~~shall have has~~  
 24 adopted and put into effect courses of study for the  
 25 school year immediately preceding the first grade,  
 26 approved by the department of education, and ~~shall~~  
 27 ~~have has~~ employed a ~~teacher or teachers~~ practitioner  
 28 or practitioners for this work with standards of  
 29 training approved by the ~~department of education board~~  
 30 of educational examiners.

31 Sec. 37. Section 294.3, Code 1989, is amended to  
 32 read as follows:

33 294.3 STATE AID AND TUITION.

34 ~~No~~ A school shall not be deprived of its right to  
 35 be approved for state aid or approved for tuition by  
 36 reason of the employment of any ~~teacher~~ practitioner  
 37 as authorized under section ~~294.2~~ 260.9.

38 Sec. 38. Section 294A.2, subsections 3, 4, and 5,  
 39 Code 1989, are amended to read as follows:

40 3. "General training requirements" means  
 41 requirements prescribed by a board of directors that  
 42 provide for the acquisition of additional semester  
 43 hours of graduate credit from an institution of higher  
 44 education approved by the ~~board of educational~~  
 45 examiners state board of education or the completion  
 46 of staff development activities ~~approved~~ licensed by  
 47 the ~~department of education board of educational~~  
 48 examiners, except for programs developed by  
 49 practitioner preparation institutions, for renewal of  
 50 certificates licenses issued under chapter 260.

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1 4. "Specialized training requirements" means  
 2 requirements prescribed by a board of directors to  
 3 meet specific needs of the school district identified  
 4 by the board of directors that provide for the

5 acquisition of clearly defined skills through formal  
6 or informal education that are beyond the requirements  
7 necessary for initial ~~certification~~ licensing under  
8 chapter 260.

9 5. "Teacher" means an individual holding a  
10 teaching certificate practitioner's license issued  
11 under chapter 260, ~~letter of authorization~~, or a  
12 statement of professional recognition issued by the  
13 board of educational examiners, who is employed in a  
14 nonadministrative position by a school district or  
15 area education agency pursuant to a contract issued by  
16 a board of directors under section 279.13. A teacher  
17 may be employed in both an administrative and a  
18 nonadministrative position by a board of directors and  
19 shall be considered a part-time teacher for the  
20 portion of time that the teacher is employed in a  
21 nonadministrative position.

22 Effective July 1, 1988, "teacher" includes an  
23 individual employed on less than a full-time basis by  
24 a school district through a contract between the  
25 school district and an institution of higher education  
26 with an approved teacher education a practitioner  
27 preparation program in which the teacher is enrolled  
28 in a graduate teacher education practitioner  
29 preparation program.

30 Sec. 39. Section 321.180, subsection 1, Code 1989,  
31 is amended to read as follows:

32 1. A person who is at least fourteen years of age  
33 and who, except for the person's lack of instructions  
34 in operating a motor vehicle, would be qualified to  
35 obtain an operator's license, shall, upon meeting the  
36 requirements of section 321.186 other than a driving  
37 demonstration, and upon paying the required fee, be  
38 issued a temporary instruction permit by the  
39 department. Subject to the limitations in this  
40 subsection, a temporary instruction permit entitles  
41 the permittee, while having the permit in the  
42 permittee's immediate possession, to drive a motor  
43 vehicle upon the highways for a period of two years  
44 from the date of issuance. The permittee must be  
45 accompanied by a licensed operator or chauffeur who is  
46 at least eighteen years of age, who is an approved  
47 driver education instructor, or who is a prospective  
48 driver education instructor enrolled in and  
49 specifically designated by a teacher education  
50 institution practitioner preparation program with a

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1 safety education program approved by the department  
2 state board of education, and who is actually  
3 occupying a seat beside the driver. The temporary  
4 instruction permit issued to a person who is less than  
5 sixteen years of age entitles the permittee to drive a  
6 motor vehicle upon the highways only when accompanied

7 by a licensed operator or chauffeur who is the parent  
 8 or guardian of the permittee, an approved driver  
 9 education instructor, a prospective driver education  
 10 instructor who is enrolled in and has been  
 11 specifically designated by a ~~teacher education~~  
 12 institution practitioner preparation program with a  
 13 safety education program approved by the ~~department~~  
 14 state board of education, or a person who is twenty-  
 15 five years of age or more if written permission is  
 16 granted by the parent or guardian, and who is actually  
 17 occupying a seat beside the driver.

18 Sec. 40. Sections 232.69, 256.18, 256.19, 256.30,  
 19 261.51, 262.9, 275.56, 275.59, 279.12, 279.13,  
 20 279.19A, 279.49, 294A.9, 294A.10, 294A.15, 294A.24,  
 21 294A.25, and 808A.1, Code 1989, are amended by  
 22 striking the words "certificated" and  
 23 "noncertificated" and inserting in lieu thereof the  
 24 word "licensed" or "unlicensed".

25 Sec. 41. Sections 261.45, 281.2, and 299.1, Code  
 26 1989, are amended by striking the word "certified" and  
 27 inserting in lieu thereof the word "licensed".

28 Sec. 42. Sections 261.51, 261.52, and 279.19B,  
 29 Code 1989, are amended by striking the words  
 30 "certificate" and "certificates" and inserting in lieu  
 31 thereof the word "license" or "licenses".

32 Sec. 43. REPEALS. Sections 256.31, 260.12,  
 33 260.14, 260.15, 260.19, 260.20, 260.21, 260.23,  
 34 260.27, 260.28, and 294.2, and chapter 272A, Code  
 35 1989, are repealed.

36 Sec. 44. USE OF FUNDS. Funds appropriated to the  
 37 department of education for the purpose of operating  
 38 advisory committees for certification shall be made  
 39 available by the department for use by the board of  
 40 educational examiners created under this Act. Staff,  
 41 office equipment and materials, records, and other  
 42 assets currently held by the department for the  
 43 purpose of carrying out the state board of education's  
 44 duties as the board of educational examiners shall  
 45 also be made available for use by the board created  
 46 under this Act. Professional and nonprofessional  
 47 staff employed on the effective date of this Act whose  
 48 duties involve certification of practitioners shall be  
 49 reassigned as employees of the department of education  
 50 under the direction of the board created under this

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1 Act. However, the number of full-time equivalent  
 2 positions currently assigned to duties involving the  
 3 certification of practitioners shall not be reduced  
 4 below the level maintained by the department as of  
 5 January 1, 1989, for the board's operation after the  
 6 effective date of this Act."

The motion prevailed and the House concurred in the Senate amendment H—4496.

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

On the question "Shall the bill pass?" (H.F. 794)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	Maulsby	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 13:

Brammer	Connors	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Jochum	Lageschulte
May	McKean	Pellett	Royer
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 1:37 a.m., until the fall of the gavel.

The House resumed session at 2:00 a.m., Tabor of Jackson in the chair.

### HOUSE INSISTED

Poncy of Wapello called up for consideration **House File 785**, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date, and moved that the House insist on its amendment to the Senate amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED (House File 785)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 785: Poncy of Wapello, Chair; Swartz of Marshall, Brand of Benton, Branstad of Winnebago and Eddie of Buena Vista.

The House stood at ease at 2:03 a.m., until the fall of the gavel.

The House resumed session at 2:05 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 fifty-eight members present, forty-two absent.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shoning of Woodbury, for the remainder of the day, on request of Beaman of Clarke.

### ADOPTION OF THE REPORT OF THE SECOND CONFERENCE COMMITTEE (House File 779)

Bisignano of Polk called up for consideration the report of the second conference committee on House File 779 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 779

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

We the undersigned members of the second conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the

office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4351.

2. That House File 779, as amended, passed, and reprinted by the House, is amended as follows:

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

“As a condition, qualification, and limitation, of the funds appropriated, \$560,000 is allocated for 16 FTEs and necessary expenses in connection with the auditing of area community colleges; provided, however, that if 1989 Iowa Acts, House File 451, is enacted, any unexpended portion of the moneys allocated to conduct audits of area community colleges shall revert to the general fund except that the auditor may retain and expend up to \$46,500, of any moneys subject to this reversion, for 5.50 FTEs and necessary expenses in connection with the implementation and administration of generally accepted accounting principles acceleration.”

2. Page 2, line 24, by striking the figure “2,102,000” and inserting the following: “2,323,948”.

3. Page 2, line 25, by striking the figure “89.05” and inserting the following: “94.05”.

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

“As a condition, qualification, and limitation of the funds appropriated, \$197,948, or so much thereof as is necessary, shall be expended for five FTEs and necessary expenses, to be employed in connection with the enforcement of the Iowa minimum wage law. Enforcement of the Iowa minimum wage law shall not begin until January 1, 1990, though moneys may be expended and positions filled prior to January 1, 1990, to adopt required rules, and for training, organization, and other preparatory purposes.”

5. Page 7, line 31, by striking the figure “4,233,300” and inserting the following: “4,124,300”.

6. Page 7, line 32, by striking the figure “253.50” and inserting the following: “250.50”.

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

“Three FTEs responsible for conducting alcoholic beverage audits shall be transferred to the alcoholic beverage division of the department of commerce.”

8. Page 8, line 21, by striking the figure “75,000” and inserting the following: “150,000”.

9. Page 8, by inserting after line 21, the following:

“As a condition, limitation, and qualification of the funds appropriated in this subsection, the legal services corporation of Iowa shall maintain in operation all offices which were operating as of May 1, 1989, except that one office may be closed. If during the fiscal year of the appropriation the legal services corporation closes or ceases to operate more than one office of the offices which were operating as of May 1, 1989, the money appropriated in this subsection shall be immediately refunded to the general fund of the state.”

10. Page 11, line 30, by striking the figure "4,664,000" and inserting the following: "4,808,000".

11. Page 11, line 31, by striking the figure "83.86" and inserting the following: "87.86".

12. Page 11, by inserting after line 31, the following:

"Of the amount appropriated, \$144,000, or so much thereof as is necessary, shall be expended for four FTEs, and necessary expenses, including three FTEs transferred from the department of inspections and appeals, in connection with alcoholic beverage audits."

13. Page 16, line 19, by striking the figure "3,929,800" and inserting the following: "4,004,800".

14. Page 16, line 20, by striking the figure "92.33" and inserting the following: "93.33".

15. Page 16, by inserting after line 23, the following:

"Of the amount appropriated, \$75,000 shall be expended for the salary and reasonable and necessary expenses of the director of insurance development, who for budgetary purposes is under the division of insurance. The director of insurance development shall continue to maintain the director's office in its current location."

16. Page 16, by striking lines 24 through 33.

17. Page 20, by inserting after line 24, the following:

"Sec. \_\_\_\_\_ .

1. There is created in the office of the treasurer of state for the racing and gaming commission, an excursion boat gambling revolving fund.

2. There is appropriated from the general fund of the state to the racing and gaming commission, \$100,000, for deposit in the excursion boat gambling revolving fund.

3. The amount appropriated from the general fund of the state in subsection 2 is appropriated from the excursion boat gambling revolving fund to the treasurer of state, to be transferred to and deposited in the general fund of the state no later than June 30, 1991.

4. All license fees, fees, and penalties collected by the racing and gaming commission in connection with excursion boat gambling shall be deposited into the excursion boat gambling revolving fund.

5. There is appropriated from the excursion boat gambling revolving fund to the racing and gaming commission, for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for administration and enforcement of the excursion boat gambling laws:

.....	\$ 100,000
..... FTEs	2.00".

18. Page 22, by inserting after line 32, the following:

"Sec. \_\_\_\_\_. Section 88.8, subsection 3, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commissioner has unreviewable discretion to withdraw a citation charging an employer with violating this chapter. If the parties enter into a settlement agreement prior to a hearing, the employment appeal board shall enter an order affirming the agreement.

Sec. \_\_\_\_\_. Section 89.2, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 8. "Exhibition boiler" means a boiler which is operated in the state for nonprofit purposes including, but not limited to, exhibitions, fairs, parades, farm machinery shows, or any other event of an historical or educational nature. An "exhibition boiler" includes steam locomotives, traction and portable steam engines, and stationary boilers of the firetube, watertube, and returntube class, model or miniature, and may be riveted, riveted and welded, or all welded construction, if used within the state solely for nonprofit purposes.

Sec. \_\_\_\_\_. Section 89.3, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 11. An exhibition boiler does not require an annual inspection certificate but special inspections may be requested by the owner or an event's management to be performed by the commissioner. Upon the completion of an exhibition boiler inspection a written condition report shall be prepared by the commissioner regarding the condition of the exhibition boiler's boiler or pressure vessel. This report will be issued to the owner and the management of all events at which the exhibition boiler is to be operated. The event's management is responsible for the decision on whether the exhibition boiler should be operated and shall inform the division of labor of the event's management's decision. The event's management is responsible for any injuries which result from the operation of any exhibition boiler approved for use at the event by the event's management. A repair symbol, known as the "R" stamp, is not required for repairs made to exhibition boilers pursuant to the rules regarding inspections and repair of exhibition boilers as adopted by the commissioner, pursuant to chapter 17A.

Sec. \_\_\_\_\_. Section 135C.37, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon the request of a person filing a complaint under this section, the department shall mail to the person without charge, a copy of the report of the investigation performed in response to the complaint and a copy of the most recent final findings with respect to compliance with licensing requirements on the part of the facility against which the complaint was filed."

19. Page 22, by inserting before line 33, the following:

"Sec. \_\_\_\_\_. Section 476.6, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 17. WATER COSTS FOR FIRE PROTECTION IN CERTAIN CITIES.

a. Application. A city furnished water by a public utility subject to rate regulation may apply to the board for inclusion of all or a part of the costs of fire hydrants or other improvements, maintenance, and operations for the purpose of providing adequate water production, storage, and distribution for public fire protection in the rates or charges assessed to consumers covered by the applicant's fire protection service. The application shall be made in a form and manner approved by or as directed by the board. The applicant shall provide such additional information as the board may require to consider the application.

b. Review. The board shall review the application, and may in its discretion consider additional evidence, beyond that supplied in the application or provided by the applicant in response to a request for additional information pursuant to paragraph "a", including, but not limited to, soliciting oral or written testimony from other interested parties.

c. Notice. Written notice of a proposed rate increase shall be provided by the public utility pursuant to subsection 5, except that notice shall be provided within ninety days of the date of application. Costs of the notice shall be paid for by the applicant.

d. Conditions for approval. As a condition to approving an application to include water-related fire protection costs in the utility's rates or charges, the board shall make an affirmative determination that the following conditions will be met:

(1) That the service area currently charged for fire protection, either directly or indirectly, is substantially the same service area containing those persons who will pay for water-related fire protection through inclusion of such costs within the utility's rates or charges.

(2) That the inclusion of such costs within the utility's rates or charges will not cause substantial inequities among the utility's customers.

(3) That all or a portion of the costs sought to be included in the utility's rates or charges by the applicant are reasonable in the circumstances, and limited to the purposes specified in paragraph "a".

(4) That written notice has been provided pursuant to paragraph "c" and that the costs of the notice have been paid by the applicant.

e. Inclusion within rates or charges. If the board affirmatively determines that the conditions of paragraph "d" are or will be satisfied, the board shall include the reasonable costs in the rates or charges assessed to consumers covered by the applicant's fire protection service.

f. Written order. The board shall issue a written order within six months of the date of application. The written order shall include a recitation of the facts found pursuant to consideration of the application."

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

"Sec. 100. NEW SECTION. 477.9A DEREGULATED SERVICES.

A telegraph or telephone company whose services are deregulated by the board under section 476.1 may use public notice as a means of conveying terms and conditions to customers where identification of those customers is infeasible or impractical. Public notice may also be used to convey changes in terms and conditions, other than price increases or limitations of liability, to all other customers, but only if those

customers were put on notice that this means would be used to convey subsequent changes. Notwithstanding section 477.7, when services are deregulated by the board under section 476.1, a telegraph or telephone company, in any contract, agreement, or by means of public notice, may reasonably limit its liability under section 477.7 in the course of providing the deregulated communications services to its customers, except for acts of willful misconduct. However, this section shall not be construed to allow a greater limitation on liability than exists in any contract or approved tariff as of the effective date of the deregulation of the services.

Sec. \_\_\_\_\_. Section 507B.4, subsection 9, paragraph f, Code 1989, is amended to read as follows:

f. Not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear, or failing to include interest on the payment of claims when required under section 511.38."

21. Page 24, by inserting after line 33, the following:

"Sec. \_\_\_\_\_. NEW SECTION. 511.38 INTEREST ON DELAYED CLAIMS PAYMENTS.

1. When an insurance policy provides for the payment of its proceeds to a beneficiary upon the death of an individual and, without the written consent of the beneficiary, the company fails or refuses to pay the proceeds within thirty days after receipt of satisfactory proof of death, the company shall pay interest on the proceeds or any amount of the proceeds not paid within the thirty days, provided, however, if the policy requires a beneficiary to survive for a designated period after the death of the insured, the company shall pay interest on the proceeds or any amount of the proceeds not paid within thirty days after the designated period.

2. The interest owed on any amount of the proceeds of a policy under this section shall be computed from the date of receipt of the proof of death. The rate of interest shall be the higher of the following:

a. The effective rate of interest charged by the company on policy loans under section 511.36 on the date of receipt of proof of death.

b. The effective rate of interest paid by the company on death proceeds left on deposit with the company.

3. A payment of interest shall not be required under this section in any case in which the beneficiary elects to receive the proceeds under the policy by any means other than a lump sum payment."

22. Page 25, by inserting after line 6, the following:

"Sec. \_\_\_\_\_. Section 514G.7, subsection 2, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Provide coverage for skilled nursing care only, or provide significantly more coverage for skilled care in a facility than coverage for lower levels of care.

Sec. \_\_\_\_\_. Section 514G.7, subsection 4, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

#### 4. PRIOR HOSPITALIZATION — INSTITUTIONALIZATION.

a. Effective July 1, 1989, a long-term care insurance policy shall not be delivered or issued for delivery in this state if the policy does either of the following:

(1) Conditions eligibility for any benefits on a requirement of prior hospitalization.

(2) Conditions eligibility for benefits covering care provided in an institutional care setting on the receipt of a higher level of institutional care.

b. Effective July 1, 1989, a long-term care insurance policy containing any limitations or conditions for eligibility, other than those prohibited in paragraph 1, shall clearly label such limitations or conditions in a separate paragraph of the policy or certificate entitled "Limitations or Conditions on Eligibility for Benefits".

c. A long-term care insurance policy advertised, marketed, or offered as containing long-term care benefits at home shall not condition receipt of benefits on a requirement of prior hospitalization.

d. A long-term care insurance policy which conditions eligibility for noninstitutional benefits on the prior receipt of institutional care shall not require a prior institutional stay of more than thirty days for which benefits are paid.

Sec. \_\_\_\_\_. Section 514G.7, subsection 7, Code 1989, is amended to read as follows:

7. **OUTLINE OF COVERAGE.** An outline of coverage shall be delivered to an applicant for an individual long-term care insurance policy at the time of application. ~~In the case of direct response solicitations, the insurer shall deliver the outline of coverage upon the applicant's request, but regardless of request shall deliver the outline no later than at the time of policy delivery.~~ An outline of coverage must include all of the following:

a. A description of the principal benefits and coverage provided in the policy.

b. A statement of the principal exclusions, reductions, and limitations contained in the policy.

c. A statement of the renewal provisions, including any reservation in the policy of a right to change premiums. Continuation or conversion provisions of group coverage shall be specifically described.

d. A statement that the outline of coverage is a summary of the policy issued or applied for, not a contract of insurance, and that the policy or group master policy should be consulted to determine governing contractual provisions.

e. A description of the terms by which the policy or certificate may be returned and premium refunded.

f. A description of the cost of care and benefits."

23. Page 25, by striking lines 7 through 29.

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

"Sec. \_\_\_\_\_. Section 100 of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. \_\_\_\_\_. Section 477.9A, as enacted in this Act, is repealed effective May 1, 1990."

25. By renumbering as necessary.

ON THE PART OF THE HOUSE:

TONY BISIGNANÒ, Chair  
THOMAS JOCHUM  
MINNETTE DODERER  
TERESA GARMAN

ON THE PART OF THE SENATE:

RICHARD RUNNING, Chair  
JIM LIND  
WILLIAM PALMER  
ELAINE SZYMONIAK  
DALE TIEDEN

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?" (H.F. 779)

The ayes were, 83:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	Maulsby	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Schnekloth	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Stromer	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 3:

Jay                      Osterberg                      Rosenberg

Absent or not voting, 14:

Connors	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Jochum	Lageschulte	May
McKean	Pellett	Royer	Shoning
Stueland	Svoboda		

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

IMMEDIATE MESSAGE  
(House File 779)

Arnould of Scott asked and received unanimous consent that House File 779 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Hansen of Woodbury called up for consideration **Senate File 537**, a bill for an act relating to the standard deduction for state individual income tax purposes, limiting the deduction for net capital gain to the transfer of certain capital assets, providing an earned income tax credit, and providing retroactive applicability and effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4497 to the House amendment:

H—4497

1 Amend the House amendment, S—4106, to Senate File  
2 537, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. By striking page 1, line 5, through page 2,  
5 line 31, and inserting the following:  
6 "Sec. 300. Section 422.4, Code 1989, is amended by  
7 adding the following new subsection:  
8 **NEW SUBSECTION.** 18. a. "Annual standard  
9 deduction factor" means an index, expressed as a  
10 percentage, determined by the department by October 15  
11 of the calendar year preceding the calendar year for  
12 which the factor is determined, which reflects the  
13 purchasing power of the dollar as a result of  
14 inflation during the fiscal year ending in the  
15 calendar year preceding the calendar year for which  
16 the factor is determined. In determining the annual  
17 standard deduction factor, the department shall use  
18 the annual percent change, but not less than zero  
19 percent, in the implicit price deflator for the gross  
20 national product computed for the second quarter of  
21 the calendar year by the bureau of economic analysis  
22 of the United States department of commerce and shall  
23 add one-half of that percent change to one hundred  
24 percent. The annual standard deduction factor and the  
25 cumulative standard deduction factor shall each be  
26 expressed as a percentage rounded to the nearest one-  
27 tenth of one percent. The annual standard deduction  
28 factor shall not be less than one hundred percent.  
29 b. "Cumulative standard deduction factor" means  
30 the product of the annual standard deduction factor  
31 for the 1989 calendar year and all annual standard  
32 deduction factors for subsequent calendar years as

33 determined pursuant to this subsection. The  
34 cumulative standard deduction factor applies to all  
35 tax years beginning on or after January 1 of the  
36 calendar year for which the latest annual standard  
37 deduction factor has been determined.

38 c. The annual standard deduction factor for the  
39 1989 calendar year is one hundred percent.

40 Sec. 400. Section 422.5, subsection 1, paragraph  
41 k, unnumbered paragraph 2, Code 1989, is amended to  
42 read as follows:

43 The state alternative minimum taxable income of a  
44 taxpayer is equal to the taxpayer's state taxable  
45 income, as computed with the deductions in section  
46 422.9, ~~except for the net capital gain deduction~~, with  
47 the following adjustments:

48 Sec. 401. Section 422.5, Code 1989, is amended by  
49 adding the following new subsection:

50 NEW SUBSECTION. 10. In the case of income derived

**Page 2**

1 from the sale or exchange of livestock which qualifies  
2 under section 451(e) of the Internal Revenue Code  
3 because of drought, the taxpayer may elect to include  
4 the income in the taxpayer's net income in the tax  
5 year following the year of the sale or exchange in  
6 accordance with rules prescribed by the director.

7 Sec. 402. Section 422.7, Code 1989, is amended by  
8 adding the following new subsection:

9 "NEW SUBSECTION. 19. Subtract forty-five percent  
10 of the net capital gain from the following:".

11 2. Page 3, by inserting before line 30 the  
12 following:

13 "Sec. 403. Section 422.9, subsection 6, Code 1989,  
14 is amended by striking the subsection.

15 Sec. 301. NEW SECTION. 422.12B EARNED INCOME TAX  
16 CREDIT.

17 1. The taxes imposed under this division, less  
18 credits allowed under sections 422.10 through 422.12,  
19 shall be reduced by an earned income credit equal to  
20 five percent of the federal earned income credit  
21 received by the taxpayer under section 32(b) of the  
22 Internal Revenue Code. Any credit in excess of the  
23 tax liability is nonrefundable.

24 2. Married taxpayers electing to file separate  
25 returns or filing separately on a combined return may  
26 avail themselves of the earned income credit by  
27 allocating the earned income credit to each spouse in  
28 the proportion that each spouse's respective earned  
29 income bears to the total combined earned income.  
30 Taxpayers affected by the allocation provisions of  
31 section 422.8 shall be permitted a deduction for the

32 credit only in the amount fairly and equitably  
 33 allocable to Iowa under rules prescribed by the  
 34 director.”  
 35 3. By striking page 3, line 43 through page 4,  
 36 line 20, and inserting the following: “the 1990  
 37 calendar year and each subsequent calendar year the  
 38 annual and cumulative standard deduction factors to be  
 39 applied to tax years beginning on or after January 1  
 40 of that calendar year. The director shall compute the  
 41 new dollar amounts of the standard deductions  
 42 specified in section 422.9, subsection 1, by the  
 43 latest cumulative standard deduction factor and round  
 44 off the result to the nearest ten dollars. The annual  
 45 and cumulative standard deduction factors determined  
 46 by the director are not rules as defined in section  
 47 17A.2, subsection 7.  
 48 Sec. 404. Section 422.21, unnumbered paragraph 6,  
 49 Code 1989, is amended by striking the unnumbered  
 50 paragraph.

**Page 3**

1 Sec. \_\_\_\_\_. Sections 300, 301, and 104 of this Act  
 2 apply to tax years beginning on or after January 1,  
 3 1990.  
 4 Sec. \_\_\_\_\_. Sections 400, 401, 402, 403, and 404 of  
 5 this Act apply to tax years beginning on or after  
 6 January 1, 1990.  
 7 4. Page 4, line 23, by striking the words “tax  
 8 brackets and”.  
 9 5. Page 4, lines 24 and 25, by striking the words  
 10 “, increasing the amount of the standard deduction”  
 11 and inserting the following: “providing an earned  
 12 income tax credit”.

The motion prevailed and the House concurred in the Senate amendment H—4497, to the House amendment.

Wise of Lee 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. 537)

The ayes were, 85:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Clark	Cohoon
Connolly	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie

Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	Maulsby	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Renken	Rosenberg
Schnekloth	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Stromer	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 2:

Carpenter	Chapman
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Absent or not voting, 13:

Connors	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Lageschulte	May	McKean
Pellett	Royer	Shoning	Stueland
Svoboda			

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee, on the part of the Senate, appointed May 7, 1989, to House File 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date are: The Senator from Decatur, Senator Boswell, Chair; the Senator from Dubuque, Senator Welsh; the Senator from Palo Alto, Senator Kibbie; the Senator from Clayton, Senator Tieden; and the Senator from Black Hawk, Senator Lind.

JOHN F. DWYER, Secretary

### SENATE MESSAGE CONSIDERED

**Senate File 548**, by Hutchins and Hultman, a bill for an act to extend the moratorium for prosecuting persons in violation of the school attendance and certification requirements for equivalent instruction.

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

### MOTION TO WITHDRAW FROM COMMITTEE LOST

Stromer of Hancock moved that the rules be suspended to withdraw from committee for immediate consideration **Senate File 548**, a bill for an act to extend the moratorium for prosecuting persons in violation of the school attendance and certification requirements for equivalent instruction.

A non-record roll call was requested.

The ayes were 33, nays 48.

The motion lost.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 7, 1989, adopted the second conference committee report and passed House File 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties.

Also: That the Senate has on May 7, 1989, 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 799, a bill for an act relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority.

JOHN F. DWYER, Secretary

The House stood at ease at 2:39 a.m., until the fall of the gavel.

The House resumed session at 3:00 a.m., Speaker Avenson in the chair.

### COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Senate File 546**, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; increasing the size of the state revenue estimating council and the use of its estimates; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; repealing the authorization for intradepartmental transfers of appropriated funds; and extending the lottery.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—4498** May 7, 1989.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 546.

## Appropriations Calendar

**Senate File 546**, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; increasing the size of the state revenue estimating council and the use of its estimates; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; repealing the authorization for intradepartmental transfers of appropriated funds; and extending the lottery, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas offered the following amendment H—4498 filed by the committee on appropriations from the floor and moved its adoption:

H—4498

- 1 Amend Senate File 546, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the word "six" and
- 4 inserting the following: "ten".
- 5 2. Page 1, by inserting after line 15 the fol-
- 6 lowing:
- 7 "\_\_\_\_\_. Four members of the legislative council, one
- 8 appointed by the speaker of the house, one by the
- 9 majority leader of the senate, one by the minority
- 10 leader of the house, and one by the minority leader of
- 11 the senate."
- 12 3. Page 1, by inserting after line 18 the follow-

13 ing:

14 "Sec. \_\_\_\_\_. Section 2.46, subsection 2, Code 1989,  
15 is amended to read as follows:

16 2. EXAMINATION. Examine the reports and official  
17 acts of the executive council and of each officer,  
18 board, commission, and department of the state, in  
19 respect to the conduct and expenditures thereof and  
20 the receipts and disbursements of public funds  
21 thereby. All state departments and agencies are  
22 required to immediately notify the legislative fiscal  
23 committee of the legislative council and the director  
24 of the legislative fiscal bureau if any state  
25 facilities within their jurisdiction have been cited  
26 for violations of any federal, state, or local laws or  
27 regulations or have been decertified or notified of  
28 the threat of decertification from compliance with any  
29 state, federal, or other nationally recognized  
30 certification or accreditation agency or  
31 organization."

32 4. Page 7, line 11, by striking the words and  
33 figure "paragraphs 1 and" and inserting the following:  
34 "paragraph".

35 5. Page 7, line 12, by striking the word "are"  
36 and inserting the following: "is".

37 6. Page 7, by striking lines 13 through 19.

38 7. Page 22, by striking line 7.

39 8. Page 22, by striking lines 10 through 12.

40 9. Title page, by striking lines 4 and 5 and  
41 inserting the following: "and funding the projects;  
42 requiring the use of the most recent estimate of the  
43 revenue estimating conference in the budget process;".

44 10. Title page, by striking lines 9 and 10 and  
45 inserting the following: "federal or nonstate funds;  
46 and".

The committee amendment H—4498 was adopted.

Stromer of Hancock offered the following amendment H—4499  
filed by him from the floor:

H—4499

1 Amend Senate File 546, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 22, by inserting after line 6 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 99E.10, subsection 1, Code  
6 1989, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. e. The sum of one million two  
9 hundred thousand dollars for the fiscal year beginning  
10 July 1, 1989, to the department of general services

- 11 for the purchase of capital equipment necessary to  
 12 perform the ordinary and normal functions of the  
 13 department of general services.”  
 14 2. By renumbering sections.

Jochum of Dubuque rose on a point of order that amendment H—4499 was not germane.

The Speaker ruled the point well taken and amendment H—4499 not germane.

Miller of Cherokee offered the following amendment H—4500 filed by him from the floor and moved its adoption:

H—4500

- 1 Amend Senate File 546 as follows:  
 2 1. Page 22, by striking lines 8 and 9.  
 3 2. Title page, lines 10 and 11 by striking the  
 4 words “; and extending the lottery”.

Roll call was requested by Fey of Scott and Arnould of Scott.

On the question “Shall amendment H—4500 be adopted?”  
 (S.F. 546)

The ayes were, 15:

Banks	Branstad	Clark	Daggett
De Groot	Eddie	Holveck	Kistler
Maulsby	Miller	Petersen, D. F.	Renken
Schnekloth	Stromer	Van Maanen	

The nays were, 68:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connolly	Corbett
Diemer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Hibbard	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	Lykam
McKinney	Mertz	Metcalf	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker
			Avenson

Absent or not voting, 17:

Carpenter	Connors	Doderer	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Lageschulte	May	McKean	Muhlbauer
Pellett	Royer	Shoning	Stueland
Svoboda			

Amendment H—4500 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. 546)

The ayes were, 61:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connolly	Corbett	Diemer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Hibbard	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	McKinney	Mertz	Neuhauser
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Plasier	Pony	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Swartz	Teaford	Tyrrell	Wise
Mr. Speaker			
Avenson			

The nays were, 21:

Banks	Branstad	Carpenter	Clark
Daggett	De Groot	Eddie	Holveck
Kistler	Kremer	Lundby	Maulsby
Metcalf	Miller	Osterberg	Petersen, D. F.
Renken	Schnekloth	Stromer	Trent
Van Maanen			

Absent or not voting, 18:

Bisignano	Connors	Doderer	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Lageschulte	May	McKean	Muhlbauer
Pellett	Royer	Shoning	Stueland
Svoboda	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  
(House File 785)

Poncy of Wapello called up for consideration the report of the conference committee on House File 785 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 785

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 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date, respectfully make the following report:

1. That the House recedes from its amendment, S-4193.
2. That the Senate amendment, H-4481, to House File 785, as amended, passed, and reprinted by the House, is amended as follows:
  1. Page 1, line 16, by striking the words "three hundred eighty-five" and inserting the following: "four hundred thirty-five".
  2. Page 1, line 30, by striking the words "fifty-four" and inserting the following: "four".
  3. Page 2, by striking lines 35 through 39 and inserting the following: "Acts, House File 769, if enacted."
  4. Page 4, line 6, by striking the words "seventy-five" and inserting the following: "sixty-five".
  5. Page 4, line 11, by striking the word "shall" and inserting the following: "may".
  6. Page 4, lines 12 and 13, by striking the words "the community economic preparedness program" and inserting the following: "community outreach programs".
  7. Page 7, line 3, by inserting after the word "state." the following: "Of the amount appropriated for the fiscal year beginning July 1, 1989, twenty-five thousand dollars, or so much as is necessary, is appropriated to the department of agriculture and land stewardship to provide a grant to the heartland heritage center project for the development of living history farms near Des Moines. As a condition of the grant, the department of agriculture and land stewardship shall have representation on all boards dealing with the planning, development, design, and administration of the living history farms development."
8. Page 10, by striking lines 1 through 3, and inserting the following: "housing trust fund as specified in section 220.100 to be used for purposes of section 220.100, subsection 2, paragraphs "b" and "c.""
9. Page 10, line 6, by striking the words "homeless assistance program" and inserting the following: "operations, construction, or repairs of homeless assistance shelters".

10. Page 10, line 7, by inserting before the word “For” the following: “(1)”.

11. Page 10, by striking lines 11 through 15, and inserting the following: “for the purchase or acquisition of homes. Of this amount one hundred thousand dollars shall be used to finance the purchase or acquisition, in communities with a population of less than five thousand, of modular homes, as defined in section 135D.1, and manufactured homes as defined in 42 U.S.C. § 5403.”

(2) Funds provided under subparagraph (1) shall not be restricted to first-time home buyers but shall be for lower income and very low income families as defined in section 220.1. The assistance provided shall include at least one of the following kinds and may include others whether listed or not:

(a) Closing costs assistance.

(b) Down payment assistance.

(c) Home maintenance and repair assistance.

(d) Loan processing assistance through a loan endorser review contractor who would act on behalf of the authority in assisting lenders in processing loans that will qualify for government insurance or guarantee or for financing under the authority's mortgage revenue bond program.

(e) Mortgage insurance program.

Not more than fifty percent of the assistance provided by the authority shall be provided under subparagraph subdivisions (d) and (e).

(3) Assistance provided under subparagraph (1) shall be limited to mortgages under thirty-five thousand dollars, except in those areas of the state where the median price of homes exceeds the state average. In providing the assistance, the authority shall require substantial seller participation of not less than two percent of the mortgage amount, which participation includes, but is not limited to, home ownership maintenance funding, down payment assistance, payment of closing costs, or rehabilitation costs.”

12. Page 10, lines 26 and 27, by striking the words “an additional exhibit in the new historical building” and inserting the following: “the preservation, exhibition, or development of historic resources by the department”.

13. Page 14, line 2, by striking the word “two” and inserting the following: “one”.

14. Page 14, line 4, by striking the word “program” and inserting the following: “analysis”.

15. Page 15, line 20, by striking the word “two” and inserting the following: “three”.

16. Page 15, line 23, by striking the words “as provided in section 266.39A”.

17. Page 17, line 40, by inserting before the word “There” the following: “(1)”.

18. By striking page 17 line 43 through page 18, line 2 and inserting the following: “1989, to a special fund to be created in the office of the treasurer of state the sum of one million five hundred thousand dollars to be used for the acquisition of emergency medical services equipment as provided in this paragraph.

(2) The moneys in the special fund created pursuant to subparagraph (1) shall be allocated to each county based upon the apportionment of funds as follows:

(a) Fifty percent of the funds is apportioned based upon the area of a county to the total area of all counties.

(b) Twenty-five percent of the funds is apportioned based upon the population of the county to the total population of all counties.

(c) Twenty-five percent of the funds is apportioned based upon the rural population of the county to the total rural population of all counties.

(3) Each county EMS association shall propose a plan for spending the county's allocation and submit the plan to the regional EMS council for its review and comment. The regional EMS council shall review the plan and shall approve, modify, or deny it. If a request is denied the county EMS association may submit a new proposal. Upon approval of the regional EMS council, the treasurer of state shall remit the amount approved to each county treasurer. Each county treasurer shall disburse the funds to the award recipients. Each one dollar awarded to a county shall require a one-dollar match by the county or EMS provider. The Iowa department of public health shall provide assistance to the regional EMS council in reviewing the proposals and shall assist the office of the treasurer of state in implementing this paragraph.

(4) For purposes of this paragraph, unless the context otherwise requires:

(a) "Area", "county EMS association", "EMS provider", "regional EMS council", and "rural population" mean the same as defined in 641 IAC, ch. 130.

(b) "Emergency medical services equipment" means defibrillators, nondisposable essential ambulance equipment, as defined by the American college of surgeons, communications pagers, radios, and base repeaters. "Emergency medical services equipment" does not include ambulances, automotive parts, or buildings.

(5) Notwithstanding section 8.33 or any other provision of law, funds appropriated by this paragraph which are unobligated or unencumbered on June 30, 1989, shall not revert to any fund but shall remain in the special account until fully awarded to the appropriate counties."

19. Page 20, line 33, by striking the figure "12.0" and inserting the following: "16.0".

20. Page 20, by inserting after line 39, the following:

"Sec. \_\_\_\_\_. NEW SECTION. 220.107 INFRASTRUCTURE LOAN PROGRAM.

The authority may issue its bonds or notes for the purpose of pooling obligations of two or more cities, counties, or sanitary districts for the purpose of financing infrastructure as defined by sections 15.284 and 15.285. Sections 220.103 through 220.106 shall apply with respect to the issuance of these bonds or notes or the disposition of proceeds of these bonds or notes."

21. By striking page 20, line 40 through page 22, line 14.

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

ON THE PART OF THE HOUSE:

CHARLES N. PONCY, Chair  
THOMAS E. SWARTZ  
WILLIAM J. BRAND  
CLIFFORD O. BRANSTAD  
RUSSELL J. EDDIE

ON THE PART OF THE SENATE:

LEONARD L. BOSWELL, Chair  
JOE J. WELSH  
JOHN P. KIBBIE  
DALE TIEDEN  
JIM LIND

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?" (H.F. 785)

The ayes were, 84:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	Maulsby	McKinney	Mertz
Metcalf	Miller	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Schneklath
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Stromer
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 16:

Connors	Doderer	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Lageschulte
May	McKean	Muhlbauer	Pellett
Royer	Shoning	Stueland	Svoboda

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

#### IMMEDIATE MESSAGES (House File 785 and Senate File 546)

Arnould of Scott asked and received unanimous consent that House File 785 and Senate File 546 be immediately messaged to the Senate.

## REMARKS BY THE MINORITY LEADER

Stromer of Hancock offered the following remarks:

Thank you, Mr. Speaker, Ladies and Gentlemen of the House.

I'd like to say something about the great work of this General Assembly, but I feel that at this point in time I would have the same effect as Mr. Hatch has had several times during the session, where we were ready to cut him off.

Seriously, the session is winding down— probably without any of the animosity that I've seen sometimes in the last twenty years— probably without any of the great accolades that this was an outstanding session. Actually, I think each session is outstanding because the effort put forth by the people that served here is usually outstanding. All I'd like to do is thank my caucus for their great work and the Democrats for being cognizant that a minority is an important part of the process. Also that the floor clerks, the caucus staffs, the service and the fiscal bureaus, the pages and especially the chief clerk's staff and the journal room are very, very important parts of this process, and they're all doing a great job.

Have a good summer. I hope to see all of you in January.

## REMARKS BY THE MAJORITY LEADER

Arnould of Scott offered the following remarks:

Thank you, Mr. Speaker. Mr. Speaker, ladies and gentlemen of the House. I know the hour is late, so I will be brief. I would be remiss, as we end this session, if I did not take the time to thank the members of this body for a job well done and for the courtesy you have shown me, and the honor it's been to serve as majority leader.

This session certainly has had its moments of anxiety and tension and its moments of levity. But through it all, we have been able to come to agreement on a lot of important issues that affect the state and we did so while conducting ourselves in a manner which speaks very highly for this chamber.

Again this year, the gentleman from Hancock has helped me be a better floor manager by serving as my counterpart. Representative Stromer has certainly earned my respect for his commitment to his causes.

To the gentleman in the chair, my friend Don Avenson, go my special thanks. Many people have tried to label this man. Some call him a leader and a visionary. Others have used less flattering terms. Representative Avenson understands that it all goes with the job, but he will always be Mr. Speaker to me.

I want to thank all the members of this body for their untiring efforts. We took on a heavy agenda this year. Although the citizens of Iowa may never know the many hours of effort we put in, they will certainly appreciate the final outcome.

I especially want to thank the members of my caucus for the great job they've done this session, and it has been a pleasure watching the fine group of freshmen inject enthusiasm and vigor into their work and I expect great things from them in the coming years.

To all those others who serve with us, the staff, the people in the chief clerk's office, the service bureau, the pages and doorkeepers, the press and even those out

in the rotunda; to my own staff, especially to Bob Fleming, who's leaving for another job; I want you to know that I appreciate all of your tireless efforts. We could not bring a session to its fruitful conclusion without you.

Thank you very much.

### REMARKS BY THE SPEAKER

Speaker Avenson offered the following remarks:

In the Senate right now, the phrase "800 pound gorilla" is a nice thing to say about me. You're right, Mr. Arnould, I've been called a lot worse. It goes with the job and I even appreciate that. The press knows that I have tossed around phrases to try to describe this session, "epic", "trailblazing", "foresighted", "Ben Hurion", "George Pattonish"—I have had great problems doing that. As a matter of fact, in practicing this week, they gave me a thesaurus to find a more appropriate phrase. I really cannot find an appropriate phrase to describe the kind of work that you have done this year.

It always amazes me that farmers, workers, lawyers, teachers, and small business people can end up doing what we do each year. Coming from a hundred different locations and a hundred different family backgrounds, we end up with something that we are proud of. I think this year we are all much prouder than we have been in the past. We saw an extraordinary level of bipartisan cooperation, and I think that came about because we knew the significance of what we were doing.

The school aid formula is something you only rewrite every twenty years or so. The road use tax formula seemed like it was chiseled in stone. The problems with our environment many people said we couldn't tackle and we couldn't solve. We have passed new legislation providing additional health care benefits for our citizens, we have taken care of those who are the least amongst us, we've established some entirely new areas in education like open enrollment, where Iowa really is that single courageous state that I mentioned in my opening speech. We're trying every day to make this a better place. Rural Iowa 2000 is going to make our small towns a little easier to live in.

I think this general assembly had a lot of new sod, we passed a minimum wage for this state for the first time. I know some of you don't agree with it, but I think it truly will benefit those who work very hard all day long for very little. Instead of paying those people so little, we ought to be touting their education, their productivity, and we ought to be paying them more.

Again, I never cease to be amazed by how so many diverse people from so many diverse places can come together and in the end pass things we're proud of. I am extremely proud of this session. I think it truly was a kind of epic session, where we took on all of the tough ones at one time and came up with things that Representative Miller and Representative Rosenberg were both proud of. I want to thank you and wish you all the best wishes for the summer. Every one of you, legislators, staff, secretaries, pages, you are all absolutely essential people and I thank you very, very much.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 25

Arnould of Scott asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 25 as follows, and moved its adoption:

1           HOUSE CONCURRENT RESOLUTION 25  
 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, May 7, 1989, it shall be the final  
 8 adjournment of the First Session of the  
 9 Seventy-third General Assembly.

The motion prevailed and the resolution was adopted.

### 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

- |                    |   |
|--------------------|---|
| 1989-77            | Robert and Lorraine Bruner, Carroll — Recognition for their fiftieth wedding anniversary, April 22, 1989.   |
| 1989-78<br>1989-79 | Angela Peck, Sioux Valley Community School — For being named an Outstanding Science Award winner by the Iowa Academy of Science, and for being named to the 1989 Academic All-State Honor Roll. |
| 1989-80            | Francine Hinkeldey, Alta Community School — For being named to the 1989 Academic All-State Honor Roll.  |
| 1989-81            | Aimi Christiansen, Fonda Community School — For being named to the 1989 Academic All-State Honor Roll.  |
| 1989-82            | Jon Turnquist, Alta Community School — For being named an Outstanding Science Award winner by the Iowa Academy of Science.  |
| 1989-83            | Brenda Graham, Terril Community School — For being named to the 1989 Academic All-State Honor Roll.   |
| 1989-84            | Eric Peck, St. Mary's School, Storm Lake — For being named to the 1989 Academic All-State Honor Roll.   |
| 1989-85            | Drake Paul, Rembrandt Community School, Sioux Rapids — For being named to the 1989 Academic All-State Honor Roll.   |
| 1989-86            | Robert Pascal, Jr., Pocahontas Community School — For being named to the 1989 Academic All-State Honor Roll.  |
| 1989-87            | Kori Flaherty, Palmer Community School — For being named to the 1989 Academic All-State Honor Roll.   |

- 1989-88 Gordon Grau, Newell-Providence Community School — For being named to the 1989 Academic All-State Honor Roll.
- 1989-89 Keith Graff, Laurens-Marathon Community School — For being named to the 1989 Academic All-State Honor Roll.
- 1989-90 Beth Westholm, Albert City-Truesdale Community School — For being named to the 1989 Academic All-State Honor Roll.
- 1989-91 Jodi Wasson, Winfield-Mount Union High School — For being named to the 1989 Academic All-State Honor Roll.
- 1989-92 Stacy Farr, Danville — For being named to the 1989 Academic All-State Honor Roll.
- 1989-93 Jamey Cummings, Mediapolis — For being named to the 1989 Academic All-State Honor Roll.
- 1989-94 Andrew Howie, Mt. Pleasant — For being named to the 1989 Academic All-State Honor Roll.
- 1989-95 Eric Protzman, New London — For being named to the 1989 Academic All-State Honor Roll.
- 1989-96 Russell Wyse, Olds — For being named to the 1989 Academic All-State Honor Roll.
- 1989-97 Academic Decathlon Team, Thomas Jefferson High School, Council Bluffs — For winning twelfth place in the U.S. Academic Decathlon.
- 1989-98 Jeff Foust, Council Bluffs — For winning first place in the U.S. Academic Decathlon.
- 1989-99 Ted Cates, Council Bluffs — For placing second in the scholastic division of the U.S. Academic Decathlon.
- 1989-100 Mason City High School Concert Band, Mason City — For being awarded the "Sudler Flag of Honor" by the John Philip Sousa Foundation.

### RESOLUTIONS FILED

**HCR 24**, by Muhlbauer, Fogarty, Gruhn 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**.

**SCR 34**, by committee on rules and administration, a concurrent resolution referring all resolutions and proposals requesting the establishment of legislative studies to the Legislative Council.

Laid over under **Rule 25**.

## AMENDMENTS FILED

The following amendments were filed May 6, 1989:

H-4473	S.F.	523	Halvorson of Webster
H-4476	S.F.	523	Halvorson of Webster
H-4480	H.F.	685	Blanshan of Greene
H-4482	H.F.	685	Spear of Lee

The following amendment was filed May 7, 1989:

H-4501	S.F.	149	Senate Amendment
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The House stood at ease at 3:42 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 1989 Regular Session of the Seventy-third General Assembly will be considered to have **failed**:

By Hatch of Polk to House File 100, a bill for an act relating to mobile home parks by requiring termination of tenancies only for good cause, providing for minimum standards, and delegating enforcement and regulatory authority, filed on March 29, 1989, placing out of order amendment H-3738 filed by Hatch of Polk on March 30, 1989. (Bill failed)

By Hibbard of Madison to House File 142, a bill for an act relating to special health and accident insurance coverages, including individual and group accident and sickness insurance, nonprofit medical service corporation or hospital service corporation contracts, or health maintenance organization contracts, by prohibiting denial of insurance or other third-party payor contract or policy based upon an applicant's receipt of psychological counseling, filed on April 3, 1989, placing out of order the motion to reconsider filed by Halvorson of Clayton on April 3, 1989 and amendment H-3793 filed by Halvorson of Clayton, et al., on April 3, 1989.

By Van Maanen of Mahaska to House File 274, a bill for an act providing minimum qualifications for the office of county sheriff filed on February 16, 1989, placing out of order the motion to reconsider filed by Jay of Appanoose on February 16, 1989, and amendments H-3599 and H-3600 filed by Hammond of Story on March 23, 1989. (Bill failed)

By Knapp of Dubuque to House File 347, a bill for an act relating to the time within which a postconviction relief action may be brought

which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision, filed on March 2, 1989.

By Jay of Appanoose to House File 619, a bill for an act establishing scheduled violations relating to the regulation of open containers and public consumption of alcoholic beverages, and providing penalties, filed on March 29, 1989.

By Adams of Hamilton to House File 720, a bill for an act relating to joint financing of public works and facilities under chapter 28F. (Bill failed)

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1989, adopted the conference committee report and failed to pass House File 250, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty.

Also: That the Senate has on May 7, 1989, adopted the conference committee report and passed House File 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date.

Also: That the Senate has on May 7, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 25, a concurrent resolution to provide for adjournment sine die.

Also: That the Senate has on May 5, 1989, 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 149, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties.

Also: That the Senate has on May 6, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 474, a bill for an act to establish a pseudorabies control program and providing for penalties and the repeal of a chapter.

Also: That the Senate has on April 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 505, a bill for an act limiting tax increment financing of city urban renewal projects.

Also: That the Senate has on May 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 545, a bill for an act relating to those persons eligible to sue for relief under the Iowa competition law, providing for the Act's applicability, and providing an effective date.

Also: That the Senate has on May 7, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 546, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; requiring the use of the most recent estimate of the revenue estimating conference in the budget process; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; and extending the lottery.

JOHN F. DWYER, Secretary

## HOUSE AND SENATE FILES REREFERRED TO COMMITTEE

Under the provisions of House Rule 45, the following House and Senate Files are rereferred to the committees listed:

House Joint Resolution 8	Labor and Industrial Relations
House File 209	State Government
House File 429	Appropriations
House File 436	Judiciary and Law Enforcement
House File 680	Education
House File 760	Appropriations
House File 788	Appropriations
House File 793	Ways and Means
Senate File 150	State Government
Senate File 205	State Government
Senate File 294	Judiciary and Law Enforcement
Senate File 315	Judiciary and Law Enforcement
Senate File 344	Judiciary and Law Enforcement

Senate File 437	Energy and Environmental Protection
Senate File 503	Judiciary and Law Enforcement
Senate File 514	Ways and Means
Senate File 523	State Government

### 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 May, 1989: House Files 5, 20, 59, 71, 88, 98, 124, 140, 141, 146, 163, 166, 198, 199, 234, 271, 272, 273, 293, 343, 344, 355, 373, 402, 403, 448, 451, 459, 477, 490, 496, 522, 529, 549, 551, 556, 572, 573, 578, 579, 585, 623, 643, 644, 662, 663, 669, 674, 675, 686, 688, 690, 692, 700, 703, 706, 721, 722, 723, 728, 734, 735, 740, 745, 751, 753, 755, 758, 764, 765, 769, 770, 771, 772, 774, 775, 776, 777, 778, 779, 780, 782, 784, 785, 789, 790, 791, 792, 794, 795 and 799.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

### COMMITTEE TO NOTIFY THE GOVERNOR

Arnould of Scott moved that a committee of one be appointed to notify the Governor that the House was ready to adjourn in accordance with House Concurrent Resolution 25, duly adopted.

The motion prevailed and the Speaker appointed as such committee Bisignano of Polk.

### COMMITTEE TO NOTIFY THE SENATE

Arnould of Scott moved that a committee of one be appointed to notify the Senate that the House was ready to adjourn in accordance with House Concurrent Resolution 25, duly adopted.

The motion prevailed and the Speaker appointed as such committee Connors 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 24, 1989

The Honorable Donald Avenson  
Speaker of the House  
State Capitol

Dear Mr. Speaker:

The 1989 session of the General Assembly was presented with the challenge to help shape the future for Iowa. When I presented my program at the start of the session, I outlined that challenge: to build a state that people come to, not leave from; to offer the best education in the country; to become a model for others in protecting the environment; to keep dangerous criminals off the streets and out of our neighborhoods; to support our families; and to restore our state government to sound financial footings.

Those were the goals of the session. The result was mixed. Major issues were successfully resolved with bipartisan cooperation and hard work. Yet in areas where that cooperation broke down, nagging problems remain.

We worked together to build on our strength in education. The revised school aid formula will be remembered as the greatest accomplishment of the 1989 session. The open enrollment bill is also landmark legislation. We have shown our willingness to provide Iowa's children with a quality education system for the 1990's. We will help local schools achieve higher standards; address the needs of students, especially children at risk; and continue to cut our dependence on property taxes.

The bipartisan effort to reshape that \$2 billion formula was extraordinary. Leaders from both parties, both houses, and the legislative and executive branches of government rolled up their sleeves and went to work and reached a common goal: making a good education system even better. And our children and our children's children will be the beneficiaries of our dedication to that task.

We also took major steps to clean up our environment; add public lands for outdoor recreation; protect our lakes, streams and groundwater; develop degradable products; encourage recycling; and improve our parks. We can do all these things without raising taxes or fees.

Iowa can greet the 21st Century with the best environmental program in the country, with the cleanest air, richest soil and safest water in the nation. Biodegradables, recycling, groundwater protection, improved public lands and reforestation all are part of our plan for Iowa's environmental quality.

The General Assembly should also be proud of the outstanding bipartisan cooperation that forged new plans for the state's infrastructure. The revised road use tax formula is a good step forward to build the roads we need for the economic future of Iowa. And, the telecommunications plan passed in the closing hours of the session will help our state build the communication super highways of the future. In telecommunications, we will be the national leader.

I am concerned, however, by a trend that developed in this session to shift the primary focus of this General Assembly away from economic development. While our strategic plan is working, we cannot afford to shift our attention away from economic development. We need to maintain and increase the effort to diversify our economy by fostering a positive climate for job growth and development. The lingering drought and the rising value of the dollar should serve to remind us of the continued vulnerability of our economy. We must continue to take aggressive action on the economic development front; it must remain the top issue of our agenda.

The General Assembly missed the opportunity to provide meaningful incentives for entrepreneurs, small business and venture capital to finance products that will provide new jobs in the future. Frankly, investments in those areas is a weakness in our current economic efforts and we must be prepared to take action to improve the climate for investment in small business and entrepreneurs in our state. Tort liability limits are also needed for small business.

Nevertheless, I am pleased with the passage of the Science and Technology Foundation, the marketing funding and workers retraining programs. Each will pay large dividends for this state in the future.

Tough laws and more enforcement resources are key tools provided to fight the drug epidemic. While the Legislature approved 120 additional secure prison beds, today we need space for nearly 300 more medium security inmates. While I appreciate the General Assembly finally acting to add desperately needed beds to our prison system; the plan that was passed simply does not go far enough to keep dangerous criminals off the streets and out of our communities. We will be back next year to request further action.

Iowans must be concerned about this General Assembly's excessive spending. Next year's spending level is over \$35 million above my recommended level and if it is left unchecked, could leave the state facing a deficit in fiscal year 1991. I have already vetoed \$20 million in excessive spending in FY '89 to be sure that income taxpayers will not be forced into higher income tax brackets. I likely will be required to veto additional items of increased spending to prevent future tax increases. Ironically, while spending more, the General Assembly actually cut the tax on cigarettes against my recommendation.

I am pleased with the efforts made to reform our welfare and child protection system, and to allow the elderly to stay in their homes. Those are good steps for Iowans in need.

Finally, this General Assembly made at least one serious error of omission — failure to resolve the home and Christian school issue. Many conscientious home and Christian school parents will be faced with leaving the state or violating the law on July

1 because of this lack of action. The issue has been studied and debated; it is time to get it resolved. The State Board of Education will be developing recommendations on this problem over the summer. We should all commit to making the resolution of this issue the first order of business for the 1990 session.

In summary, the 1989 session tackled some big issues with bipartisan cooperation and a focused effort to move Iowa forward. Yet serious issues remain unresolved. Let's pledge to work together next session to resolve those issues for the good of all Iowans.

We cannot afford to lose our focus on economic development. The General Assembly missed the opportunity to provide meaningful incentives for entrepreneurs and venture capital to finance products that could provide new jobs in the future. We have been consistently working on a sound strategic plan for growth and diversification. The plan includes building on our strengths in agriculture and education; focusing our resources to create a transportation network to serve our state; improving our tax and business climate; investing in areas of growth potential; and marketing our state as a great place to live and work. Let's not forget that the economic recovery can be more broad-based and inclusive only if we continue to support economic growth.

Sincerely,  
Terry E. Branstad  
Governor

#### FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 25, duly adopted, the day of Sunday, May 7, 1989 having arrived, the Speaker of the House of Representatives declared the 1989 Regular Session of the Seventy-third General Assembly adjourned sine die.

### AMENDMENTS FILED

Amendments filed during the Seventy-third General Assembly,  
1989 Session, not otherwise printed in the House Journal:

H—3005

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 33, line 20, by inserting after the word
- 3 "question." the following: "Any member so voting
- 4 shall have the member's name asterisked when the
- 5 record roll call is printed in the house journal."

TYRRELL of Iowa

H—3022

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 17, line 16, by striking the words "at
- 3 the opening" and inserting the words "at the opening
- 4 by 9:00 a.m.".

HESTER of Pottawattamie

H—3025

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 35, by inserting after line 20 the
- 3 following:
- 4 "The presiding officer shall announce a vote no
- 5 later than three minutes after the call of the vote.
- 6 Upon request of any two members, the voting machine
- 7 shall be open for a maximum time of three minutes."

McKEAN of Jones

H—3029

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 6, line 6, by striking the word "counsel"
- 3 and inserting the following: "Counsel Counsels".
- 4 2. Page 6, line 7, by inserting after the word
- 5 "The" the following: "majority".
- 6 3. Page 6, line 8, by inserting after the word
- 7 "The" the following: "majority".
- 8 4. Page 6, by striking line 10 and inserting the
- 9 following: "house majority party, supervise the
- 10 majority legal counsel's office; approve clear".
- 11 5. Page 6, line 12, by inserting after the words
- 12 "assistance to" the following: "majority party
- 13 members of".
- 14 6. Page 6, by inserting after line 13 the
- 15 following:
- 16 "The minority legal counsel shall be a house
- 17 employee under the direction of the house minority

18 leader. The minority legal counsel shall serve as  
 19 chief legal officer of the minority party; supervise  
 20 the minority legal counsel's office; clear all bills,  
 21 resolutions, and amendments as to proper form prior to  
 22 introduction; and provide assistance to minority party  
 23 members of house committees."

TRENT of Muscatine

H-3033

1 Amend House Resolution 2 as follows:  
 2 1. Page 4, line 22, by striking the words "ten  
 3 minutes" and inserting the following: "ten minutes".  
 4 2. Page 4, line 24, by striking the word "house."  
 5 and inserting the following: "house as follows:  
 6 a. Fifteen minutes if electronic media is not  
 7 being used to provide either radio or television  
 8 coverage of the debate.  
 9 b. Ten minutes if electronic media is being used  
 10 only to provide radio coverage of the debate.  
 11 c. Five minutes if electronic media is being used  
 12 to provide television coverage of the debate."

DE GROOT of Lyon

H-3043

1 Amend House File 17 as follows:  
 2 1. Page 1, line 4, by striking the word  
 3 "annually".  
 4 2. Page 1, by striking line 5 and inserting the  
 5 following: "to \$3.85 on January 1 of 1990, \$4.40 on  
 6 January 1 of 1991, and \$5.00 on January 1 of 1992."  
 7 3. Page 1, by striking line 31.  
 8 4. Page 1, by inserting after line 34 the  
 9 following:  
 10 "3. A dispute between an employer and employee  
 11 concerning the amount of wages due shall be resolved  
 12 pursuant to chapter 91A."  
 13 5. By renumbering as necessary.

Committee on Labor and Industrial Relations

H-3048

1 Amend the amendment, H-3043, to House File 17, as  
 2 follows:  
 3 1. Page 1, by striking lines 5 and 6, and  
 4 inserting the following: "following: "to \$3.45 on  
 5 January 1 of 1990, \$3.60 on January 1 of 1991, and  
 6 \$3.80 on January 1 of 1992." "

HERMANN of Scott

H—3049

1 Amend House File 17 as follows:

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

4 "e. Employees employed in a retail or service  
5 establishment whose annual gross volume of sales made  
6 or business done is less than three hundred sixty-two  
7 thousand five hundred dollars, exclusive of excise  
8 taxes at the retail level which are separately  
9 stated."

LUNDBY of Linn

H—3050

1 Amend House File 17 as follows:

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

4 "b. Employees employed in agriculture or employees  
5 employed in any seasonal occupation which customarily  
6 operates only during a recurring period or periods of  
7 less than forty weeks in a calendar year. The  
8 department of employment services shall adopt rules to  
9 define agriculture and seasonal occupations and to  
10 administer this paragraph."

LUNDBY of Linn

H—3052

1 Amend House File 17 as follows:

2 1. Page 1, by inserting after line 34 the follow-  
3 ing new subsection:

4 "3. The hourly wage for attorneys shall not exceed  
5 four times the hourly wage authorized in subsection 1,  
6 paragraph "a."

HALVORSON of Clayton

H—3053

1 Amend House File 17 as follows:

2 1. Page 1, line 23, by striking the words "as  
3 defined in 29 U.S.C. § 213".

4 2. Page 1, line 26, by inserting after the word  
5 "persons" the following: ", as defined in 29 U.S.C. §  
6 213".

7 3. Page 1, line 30, by inserting after the word  
8 "labor" the following: ", as defined in 29 U.S.C. §  
9 213".

10 4. Page 1, line 34, by inserting after the word  
11 "infirm" the following: ", as defined in 29 U.S.C. §  
12 213".

HALVORSON of Clayton

H-3054

- 1 Amend House File 17 as follows:
- 2 1. Page 1, by inserting after line 34 the fol-
- 3 lowing:
- 4 "3. Notwithstanding any other provision of this
- 5 section, the amount that the state minimum wage
- 6 established by this section exceeds the federal
- 7 minimum wage established by 29 U.S.C. § 206 is not
- 8 subject to overtime pay requirements."

HALVORSON of Clayton  
HARBOR of Mills

H-3055

- 1 Amend House File 17 as follows:
- 2 1. Page 1, by inserting after line 34 the
- 3 following:
- 4 "3. This section does not become effective until
- 5 all contiguous states have a minimum wage equal or
- 6 greater than the Iowa minimum wage."

HARBOR of Mills

H-3056

- 1 Amend the amendment, H-3043, to House File 17, as
- 2 follows:
- 3 1. Page 1, by striking lines 5 and 6 and
- 4 inserting the following: "following: "to \$3.55 on
- 5 July 1, 1989, \$3.75 on July 1, 1990, and \$4.00 on July
- 6 1, 1991." "

HARBOR of Mills

H-3057

- 1 Amend House File 17 as follows:
- 2 1. Page 1, line 23, by striking the words "as
- 3 defined in 29 U.S.C. § 213".
- 4 2. Page 1, line 26, by inserting after the word
- 5 "persons" the following: ", as defined in 29 U.S.C. §
- 6 213".
- 7 3. Page 1, line 30, by inserting after the word
- 8 "labor" the following: ", as defined in 29 U.S.C. §
- 9 213".
- 10 4. Page 1, by inserting after line 31 the
- 11 following:
- 12 "\_\_\_\_\_. Employees who are students in any public or
- 13 private educational institution in the state."
- 14 5. Page 1, line 34, by inserting after the word
- 15 "infirm" the following: ", as defined in 29 U.S.C. §
- 16 213".
- 17 6. By relettering as necessary.

STROMER of Hancock

H-3058

- 1 Amend House File 17 as follows:  
 2 1. Page 1, line 23, by striking the following "as  
 3 defined in 29 U.S.C. § 213".  
 4 2. Page 1, line 26, by inserting after the word  
 5 "persons" the following: ", as defined in 29 U.S.C. §  
 6 213".  
 7 3. Page 1, line 30, by inserting after the word  
 8 "labor" the following: ", as defined in 29 U.S.C. §  
 9 213".  
 10 4. Page 1, line 34, by inserting after the word  
 11 "infirm" the following: ", as defined in 29 U.S.C. §  
 12 213".  
 13 5. Page 1, by inserting after line 34 the  
 14 following:  
 15 "e. Employees at a race track in a county with a  
 16 community of over two hundred thousand in population."

TYRRELL of Iowa

H-3059

- 1 Amend House File 17 as follows:  
 2 1. Page 1, line 23, by inserting after the figure  
 3 "213" the following: "for paragraphs "a" through  
 4 "d" ".  
 5 2. Page 1, by inserting after line 34 the  
 6 following:  
 7 "e. Trainees and apprentices. The department of  
 8 employment services shall adopt rules to define  
 9 trainees and apprentices and to administer this  
 10 section."

HARBOR of Mills

H-3060

- 1 Amend House File 17 as follows:  
 2 1. Page 1, by inserting after line 34 the follow-  
 3 ing:  
 4 "3. For purposes of this section there is estab-  
 5 lished a "training wage" for first time, new entrants  
 6 into the job market which shall be the equivalent of  
 7 seventy-five percent of the state minimum wage or  
 8 \$3.35 per hour, whichever is higher, for a maximum  
 9 period of one hundred twenty days from the date of  
 10 first employment with the first time, new entrant's  
 11 first employer."

HARBOR of Mills

H-3061

- 1 Amend House File 17 as follows:  
 2 1. Page 1, line 23, by striking the words and  
 3 figures "as defined in 29 U.S.C. § 213".

- 4 2. Page 1, line 26, by inserting after the word  
 5 "persons" the following: ", as defined in 29 U.S.C. §  
 6 213".  
 7 3. Page 1, line 30, by inserting after the word  
 8 "labor" the following: ", as defined in 29 U.S.C. §  
 9 213".  
 10 4. Page 1, line 34, by inserting after the word  
 11 "infirm" the following: ", as defined in 29 U.S.C. §  
 12 213".  
 13 5. Page 1, by inserting after line 34 the  
 14 following:  
 15 "e. Employees of fair concessionaires."

HARBOR of Mills

H-3062

- 1 Amend House File 17 as follows:  
 2 1. Page 1, line 23, by striking the words and  
 3 figures "as defined in 29 U.S.C. § 213".  
 4 2. Page 1, line 26, by inserting after the word  
 5 "persons" the following: ", as defined in 29 U.S.C. §  
 6 213".  
 7 3. Page 1, line 30, by inserting after the word  
 8 "labor" the following: ", as defined in 29 U.S.C. §  
 9 213".  
 10 4. Page 1, line 34, by inserting after the word  
 11 "infirm" the following: ", as defined in 29 U.S.C. §  
 12 213".  
 13 5. Page 1, by inserting after line 34 the  
 14 following:  
 15 "e. Employees who are retired from previous full-  
 16 time employment where the retiree is drawing a private  
 17 pension in excess of five hundred dollars per month."

HARBOR of Mills

H-3063

- 1 Amend House File 17 as follows:  
 2 1. Page 1, line 23, by striking the words and  
 3 figures "as defined in 29 U.S.C. § 213".  
 4 2. Page 1, line 26, by inserting after the word  
 5 "persons" the following: ", as defined in 29 U.S.C. §  
 6 213".  
 7 3. Page 1, line 30, by inserting after the word  
 8 "labor" the following: ", as defined in 29 U.S.C. §  
 9 213".  
 10 4. Page 1, line 34, by inserting after the word  
 11 "infirm" the following: ", as defined in 29 U.S.C. §  
 12 213".  
 13 5. Page 1, by inserting after line 34 the  
 14 following:  
 15 "e. Employees who are clients of a sheltered  
 16 workshop."

HARBOR of Mills

## H—3064

- 1 Amend House File 17 as follows:  
 2 1. Page 1, by inserting after line 34 the follow-  
 3 ing:  
 4 "3. This section is not applicable to any employer  
 5 having gross annual sales of under five hundred thou-  
 6 sand dollars."

CORBETT of Linn

## H—3065

- 1 Amend House File 17 as follows:  
 2 1. Page 1, line 23, by striking the words "as  
 3 defined in 29 U.S.C. § 213".  
 4 2. Page 1, line 26, by inserting after the word  
 5 "persons" the following: ", as defined in 29 U.S.C. §  
 6 213".  
 7 3. Page 1, line 30, by inserting after the word  
 8 "labor" the following: ", as defined in 29 U.S.C. §  
 9 213".  
 10 4. Page 1, line 31, by striking the word  
 11 "fifteen" and inserting the word "eighteen".  
 12 5. Page 1, line 34, by inserting after the word  
 13 "infirm" the following: ", as defined in 29 U.S.C. §  
 14 213".

HARBOR of Mills

## H—3066

- 1 Amend House File 17 as follows:  
 2 1. Page 1, line 23, by striking the words "as  
 3 defined in 29 U.S.C. § 213".  
 4 2. Page 1, line 26, by inserting after the word  
 5 "persons" the following: ", as defined in 29 U.S.C. §  
 6 213".  
 7 3. Page 1, line 30, by inserting after the word  
 8 "labor" the following: ", as defined in 29 U.S.C. §  
 9 213".  
 10 4. Page 1, line 34, by inserting after the word  
 11 "infirm" the following: ", as defined in 29 U.S.C. §  
 12 213".  
 13 5. Page 1, by inserting after line 34 the  
 14 following:  
 15 "e. Employees in communities with a state educa-  
 16 tional institution of higher learning."

HARBOR of Mills

## H—3067

- 1 Amend House File 17 as follows:  
 2 1. Page 1, by inserting after line 20 the

3 following:

4 "d. In administering and enforcing this section  
5 the labor commissioner shall recognize any and all  
6 exceptions, interpretations, and regulations  
7 applicable to 29 U.S.C. § 206."

CORBETT of Linn

H-3068

1 Amend House File 17 as follows:

- 2 1. Page 1, line 23, by striking the words "as  
3 defined in 29 U.S.C. § 213".
- 4 2. Page 1, line 26, by inserting after the word  
5 "persons" the following: ", as defined in 29 U.S.C. §  
6 213".
- 7 3. Page 1, line 30, by inserting after the word  
8 "labor" the following: ", as defined in 29 U.S.C. §  
9 213".
- 10 4. Page 1, line 34, by inserting after the word  
11 "infirm" the following: ", as defined in 29 U.S.C. §  
12 213".
- 13 5. Page 1, by inserting after line 34 the  
14 following:  
15 "e. Employees of dog and horse tracks."

HARBOR of Mills

H-3072

- 1 Amend amendment, H-3052, to House File 17 as  
2 follows:
- 3 1. Page 1, line 4, by inserting after the word  
4 "attorneys" the following: "and persons required to  
5 be licensed pursuant to chapter 522".

JAY of Appanoose

H-3075

- 1 Amend the amendment, H-3051, to House File 17 as  
2 follows:
- 3 1. Page 1, by striking lines 13 through 22 and  
4 inserting the following:  
5 "\_\_\_\_\_. Page 1, line 23, by inserting after the  
6 figure "213" the following: "for paragraphs "a"  
7 through "d" ".  
8 \_\_\_\_\_ Page 1, by inserting after line 34 the  
9 following:  
10 "e. Trainees and apprentices. The department of  
11 employment services shall adopt rules to define  
12 trainees and apprentices and to administer this  
13 section.  
14 3. For purposes of this section there is estab-  
15 lished a "training wage" for first time, new entrants

16 into the job market which shall be the equivalent of  
 17 seventy-five percent of the state minimum wage or  
 18 \$3.35 per hour, whichever is higher, for a maximum  
 19 period of one hundred twenty days from the date of  
 20 first employment with the first time, new entrant's  
 21 first employer." "

HARBOR of Mills  
 HALVORSON of Clayton

H-3084

1 Amend House File 1 as follows:

2 1. Page 2, by inserting after line 13, the  
 3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 220.202 AUTHORITY TO  
 5 ISSUE IOWA TANK ASSISTANCE BONDS.

6 1. The authority shall assist the Iowa  
 7 comprehensive petroleum underground storage tank fund  
 8 by issuing bonds required by the fund to assist owners  
 9 and operators of petroleum underground storage tanks  
 10 in complying with federal environmental protection  
 11 agency technical and financial responsibility  
 12 regulations. The authority may issue its bonds, or  
 13 series of bonds, for the purpose of defraying the cost  
 14 of underground storage tank remedial action, tank and  
 15 monitoring system improvement or replacement loans,  
 16 and an insurance program for tanks meeting current  
 17 federal technical standards.

18 2. As used in this division unless the context  
 19 otherwise requires:

20 a. "Authority" means the Iowa finance authority or  
 21 any corporation designated or established by the  
 22 authority to issue bonds or finance the Iowa  
 23 comprehensive petroleum underground storage tank fund  
 24 pursuant to section 220.203.

25 b. "Bond" means a bond, note, loan agreement,  
 26 lease, or other obligation of the authority.

27 c. "Fund's board" means the board of the Iowa  
 28 comprehensive petroleum underground storage tank fund.

29 d. "Fund" means the Iowa comprehensive petroleum  
 30 underground storage tank fund created in chapter 455B.

31 e. "Tank" means an underground storage tank for  
 32 which proof of financial responsibility is required to  
 33 be maintained pursuant to the federal Resource  
 34 Conservation and Recovery Act and the regulations from  
 35 time to time adopted pursuant to that Act or successor  
 36 Acts or amendments.

37 Sec. \_\_\_\_\_. NEW SECTION. 220.203 INDEPENDENT  
 38 CONTRACTORS TO BE RETAINED BY AUTHORITY.

39 The authority shall administer the issuance of  
 40 bonds for the fund.

41 In lieu of administering the bond issues, or in

42 conjunction with administering the bond issues, the  
 43 Iowa finance authority may designate an Iowa not-for-  
 44 profit corporation, or may cause a corporation to be  
 45 established, to be the bond issuer and administer the  
 46 bond issues to borrow money, issue bonds, make loans,  
 47 receive fees and moneys as determined by the fund's  
 48 board, and otherwise act as the entity to finance and  
 49 administer the bond issue as the designee of the Iowa  
 50 finance authority. Such corporation may exercise all

**Page 2**

1 the powers granted under sections 220.201 through  
 2 220.212, except powers granted exclusively to the Iowa  
 3 finance authority. Such corporation shall not have  
 4 power to adopt rules, establish a capital reserve  
 5 fund, or establish the rate of the remedial tank  
 6 charge. The authority may retain any independent  
 7 contractors or professionals as deemed necessary and  
 8 convenient by the authority to assist the authority in  
 9 administering or implementing the bond issue or any  
 10 portion of the fund responsibilities and powers  
 11 delegated to the authority.

12 A contract to retain a person under this section  
 13 may be individually negotiated, and is not subject to  
 14 public bidding requirements.

15 The authority may enter into a contract or an  
 16 agreement authorized under chapter 28E with the  
 17 department of natural resources, other departments,  
 18 agencies, or governmental subdivisions of this state,  
 19 another state, or the United States, in connection  
 20 with its administration and implementation of this  
 21 division.

22 Sec. \_\_\_\_\_. **NEW SECTION. 220.204 UNDERGROUND**  
 23 **STORAGE TANK BOND ISSUES BY AUTHORITY – GENERAL AND**  
 24 **SPECIFIC POWERS.**

25 In carrying out the responsibility and powers  
 26 delegated to it by chapter 455B or the fund's board,  
 27 the authority has all of the general powers reasonably  
 28 necessary and convenient to carry out its purposes and  
 29 duties\*and may do any of the following, subject to  
 30 express limitations contained in this division:

- 31 1. Provide that the interest on obligations may  
 32 vary in accordance with a base or formula.
- 33 2. The authority may issue its bonds in principal  
 34 amounts which, in the opinion of the authority, are  
 35 necessary to provide sufficient funds for achievement  
 36 of the fund's objective, the payment of interest on  
 37 its bonds, the establishment of reserves to secure its  
 38 bonds, the costs of issuance of its bonds, and all  
 39 other expenditures of the authority incidental to and  
 40 necessary or convenient to carry out the fund's

41 objective. The bonds are investment securities and  
42 negotiable instruments within the meaning of and for  
43 purposes of the uniform commercial code.

44 3. Bonds issued under this section are payable  
45 solely and only out of the moneys, assets, or revenues  
46 of the fund, all of which may be pledged by the  
47 authority to the payment thereof, and are not an  
48 indebtedness of this state or the Iowa finance  
49 authority, or charge against the general credit or  
50 general fund of the state or the Iowa finance

**Page 3**

1 authority, and the state shall not be liable for any  
2 financial undertakings with respect to the plan.  
3 Bonds issued under this chapter shall contain on their  
4 face a statement that the bonds do not constitute an  
5 indebtedness of the state or the Iowa finance  
6 authority.

7 4. The proceeds of bonds issued by the authority  
8 and not required for immediate disbursement may be  
9 invested in any investment approved by the authority  
10 and specified in the trust indenture, resolution, or  
11 other instrument pursuant to which the bonds are  
12 issued without regard to any limitation otherwise  
13 provided by law.

14 5. The bonds shall be:

15 a. In a form, issued in denominations, executed in  
16 a manner, and payable over terms and with rights of  
17 redemption, and be subject to such other terms and  
18 conditions as prescribed in the trust indenture,  
19 resolution, or other instrument authorizing their  
20 issuance.

21 b. Negotiable instruments under the laws of the  
22 state and may be sold at prices, at public or private  
23 sale, and in a manner, as prescribed by the authority.  
24 Chapters 23, 74, 74A and 75 do not apply to their sale  
25 or issuance.

26 c. Subject to the terms, conditions, and covenants  
27 providing for the payment of the principal, redemption  
28 premiums, if any, interest, and other terms,  
29 conditions, covenants, and protective provisions  
30 safeguarding payment, not inconsistent with this  
31 division and as determined by the trust indenture,  
32 resolution, or other instrument authorizing their  
33 issuance.

34 6. The bonds are securities in which public  
35 officers and bodies of this state; political  
36 subdivisions of this state; insurance companies and  
37 associations and other persons carrying on an  
38 insurance business; banks, trust companies, savings  
39 associations, savings and loan associations, and

40 investment companies; administrators, guardians,  
41 executors, trustees, and other fiduciaries; and other  
42 persons authorized to invest in bonds or other  
43 obligations of the state, may properly and legally  
44 invest funds, including capital, in their control or  
45 belonging to them.

46 7. Bonds must be authorized by a trust indenture,  
47 resolution, or other instrument of the authority.  
48 However, a trust indenture, resolution, or other  
49 instrument authorizing the issuance of bonds may  
50 delegate to an officer of the issuer the power to

**Page 4**

1 negotiate and fix the details of an issue of bonds.

2 8. Neither the resolution, trust agreement, nor  
3 any other instrument by which a pledge is created  
4 needs to be recorded or filed under the Iowa uniform  
5 commercial code to be valid, binding, or effective.

6 9. Bonds issued under the provisions of this  
7 section are declared to be issued for an essential  
8 public and governmental purpose and all bonds issued  
9 under this division shall be exempt from taxation by  
10 the state of Iowa and the interest on the bonds shall  
11 be exempt from the state income tax and the state  
12 trust and estate tax.

13 10. Moneys in the fund or fund accounts may be ex-  
14 pended for administration expenses, civil penalties,  
15 moneys paid under an agreement, stipulation, or  
16 settlement, and for the costs of any other activities  
17 as the authority may determine are necessary and  
18 convenient to facilitate compliance with and to  
19 implement the intent of federal laws and regulations  
20 and this division.

21 11. The authority shall be subject to the direct  
22 control and supervision of the fund's board and shall  
23 cooperate with the department of natural resources in  
24 the implementation and administration of this division  
25 to assure that in combination with existing state  
26 statutes and rules governing underground storage  
27 tanks, the state will be, and continue to be,  
28 recognized by the federal government as having an  
29 "approved state program" under the federal Resource  
30 Conservation and Recovery Act, especially by  
31 compliance with the Act's subtitle I financial  
32 responsibility requirements as enacted in the federal  
33 Superfund Amendments and Reauthorization Act of 1986  
34 and the financial responsibility regulations adopted  
35 by the United States environmental protection agency  
36 at 40 C.F.R. pts. 280 and 281. Whenever possible this  
37 division shall be interpreted to further the purposes  
38 of, and to comply, and not to conflict, with such

39 federal requirements.

40 12. The Iowa finance authority may adopt  
41 administrative rules under section 17A.4, subsection  
42 2, and section 17A.5, subsection 2, paragraph "b", to  
43 implement and administer this division for two years  
44 after the effective date of this section."

45 2. Page 2, by inserting after line 13, the  
46 following:

47 "Sec. \_\_\_\_\_. Section 455B.471, subsection 3, Code  
48 1989, is amended by adding the following new  
49 unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. "Owner" does not include

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1 a person, who, without participating in the management  
2 or operation of the underground storage tank or the  
3 tank site, holds indicia of ownership primarily to  
4 protect that person's security interest in the  
5 underground storage tank or the tank site property,  
6 prior to obtaining ownership or control through debt  
7 enforcement, debt settlement, or otherwise."

8 3. Page 4, line 8, by striking the word  
9 "paralleling" and inserting the following: "identical  
10 to".

11 4. Page 5, line 7, by inserting after the word  
12 "remedial" the following: "or loan".

13 5. Page 5, line 34, by inserting after the word  
14 "years." the following: "No more than one of the  
15 private members shall be of the same sex."

16 6. Page 7, by striking lines 8 through 20, and  
17 inserting the following: "ADMINISTRATOR FOR FUND –  
18 IOWA FINANCE AUTHORITY TO ISSUE FUND'S BONDS.

19 The board shall retain a professional administrator  
20 to administer the fund, except that bond issues shall  
21 be performed by the Iowa finance authority as provided  
22 in this section and chapter 220. The board may retain  
23 any additional independent contractors or  
24 professionals as deemed necessary and convenient by  
25 the board to assist in the administration and  
26 implementation of the fund or any portion of the fund.

27 A contract to retain a person under this section  
28 may be individually negotiated, and is not subject to  
29 public bidding requirements.

30 The board may enter into a contract or an agreement  
31 authorized under chapter 28E with the department of  
32 natural resources, other departments, agencies, or  
33 governmental subdivisions of this state, another  
34 state, or the United States, in connection with the  
35 fund's administration and implementation of this part  
36 of this division.

37 The Iowa finance authority shall issue bonds for

38 the fund as provided in chapter 220.”

39 7. Page 8, by inserting before line 10, the

40 following:

41 “3. TANKS SUBJECT TO REMEDIAL TANK FEE –  
42 EXEMPTIONS, DEFERRALS, AND EXCLUSIONS. An owner or  
43 operator of a petroleum underground storage tank  
44 required by federal law to maintain proof of financial  
45 responsibility for that underground storage tank shall  
46 annually pay the remedial tank fee as required by this  
47 division.

48 a. As of the effective date of this Act, tanks  
49 excluded by the federal Resource Conservation and  
50 Recovery Act, subtitle I, included the following:

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1 (1) A farm or residential tank of one thousand one  
2 hundred gallons or less capacity used for storing  
3 motor fuel for noncommercial purposes.

4 (2) A tank used for storing heating oil for  
5 consumptive use on the premises where stored.

6 (3) A septic tank.

7 (4) A pipeline facility, including gathering  
8 lines, regulated under:

9 (a) The federal Natural Gas Pipeline Safety Act of  
10 1968.

11 (b) The federal Hazardous Liquid Petroleum  
12 Pipeline Safety Act of 1979.

13 (c) State laws comparable to the provisions of the  
14 law referred to in subparagraph subdivision (a) or  
15 (b).

16 (5) A surface impoundment, pit, pond, or lagoon.

17 (6) A storm water or wastewater collection system.

18 (7) A flow-through process tank.

19 (8) A liquid trap or associated gathering lines  
20 directly related to oil or gas production and  
21 gathering operations.

22 (9) A storage tank situated in an underground  
23 area, such as a basement, cellar, mine working, drift,  
24 shaft, or tunnel, if the storage tank is situated upon  
25 or above the surface of the floor to permit inspection  
26 of its entire surface.

27 b. As of the effective date of this Act, tanks  
28 exempted or excluded by United States environmental  
29 protection agency financial responsibility  
30 regulations, 40 C.F.R. § 280.90, included the  
31 following:

32 (1) Underground storage tank systems removed from  
33 operation, pursuant to applicable department of  
34 natural resources rules, prior to the applicable  
35 federal compliance date established in 40 C.F.R. §  
36 280.91.

37 (2) Those owned or operated by state and federal  
 38 governmental entities whose debts and liabilities are  
 39 the debts and liabilities of a state or the United  
 40 States.

41 (3) Any underground storage tank system holding  
 42 hazardous wastes listed or identifiable under subtitle  
 43 C of the federal Solid Waste Disposal Act, or a  
 44 mixture of such hazardous waste and other regulated  
 45 substances.

46 (4) Any wastewater treatment tank system that is  
 47 part of a wastewater treatment facility regulated  
 48 under section 402 or 307(b) of the federal Clean Water  
 49 Act.

50 (5) Equipment or machinery that contains regulated

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1 substances for operational purposes such as hydraulic  
 2 lift tanks and reservoirs and electrical equipment  
 3 tanks.

4 (6) Any underground storage tank system whose  
 5 capacity is one hundred ten gallons or less.

6 (7) Any underground storage tank system that  
 7 contains a de minimis concentration of regulated  
 8 substances.

9 (8) Any emergency spill or overflow containment  
 10 underground storage tank system that is expeditiously  
 11 emptied after use.

12 (9) Any underground storage tank system that is  
 13 part of an emergency generator system at nuclear power  
 14 generation facilities regulated by the nuclear  
 15 regulatory commission under 10 C.F.R. pt. 50, appendix  
 16 A.

17 (10) Airport hydrant fuel distribution systems.

18 (11) Underground storage tank systems with field-  
 19 constructed tanks.

20 c. If and when federal law changes, the department  
 21 of natural resources shall adopt by rule such  
 22 additional requirements, exemptions, deferrals, or  
 23 exclusions as required by federal law. It is expected  
 24 that certain classes of tanks currently exempted or  
 25 excluded by federal regulation will be regulated by  
 26 the United States environmental protection agency in  
 27 the future."

28 8. Page 9, by striking lines 8 through 12, and  
 29 inserting the following:

30 "a. Corrective action for a release reported to  
 31 the department of natural resources after the  
 32 effective date of this Act and on or before October  
 33 26, 1990. Third-party liability is specifically  
 34 excluded from remedial account coverage. Corrective  
 35 action coverage provided pursuant to this paragraph

36 may be aggregated with other financial assurance  
 37 mechanisms as permitted by federal law to satisfy  
 38 required aggregate and per occurrence limits of  
 39 financial responsibility for both corrective action  
 40 and third-party liability, if the owner's or  
 41 operator's effective financial responsibility  
 42 compliance date is prior to October 26, 1990."

43 9. Page 10, by striking lines 21 through 25, and  
 44 inserting the following:

45 "4. MINIMUM CO-PAYMENT SCHEDULE FOR REMEDIAL  
 46 ACCOUNT BENEFITS. An owner or operator who reports a  
 47 release to the department of natural resources on or  
 48 before October 26, 1990, shall pay the greater of five  
 49 thousand dollars or twenty-five percent of the total  
 50 costs of corrective action for that release. The

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1 remedial account shall pay the remainder of the total  
 2 cost of the corrective action for that release."

3 10. Page 10, line 28, by striking the word "five"  
 4 and inserting the following: "fifteen".

5 11. Page 11, line 1, by inserting after the word  
 6 "site" the following: "plus interest beginning in  
 7 year five, equal to the interest for the most recent  
 8 twelve-month period for the most recent bond issue for  
 9 the fund, on the expenses incurred, compounded  
 10 annually. Expenses incurred by the fund are a lien  
 11 upon the property collectable in the same manner as  
 12 general taxes at the time of sale or transfer, subject  
 13 to the terms of this section".

14 12. Page 11, by inserting after line 1, the  
 15 following:

16 "This subsection shall not apply if the sale or  
 17 transfer is pursuant to a power of eminent domain, or  
 18 under threat of the exercise of a power of eminent  
 19 domain."

20 13. Page 11, line 6, by inserting after the word  
 21 "section." the following: "Coverage may be provided  
 22 to the owner or the operator, or to each separately.  
 23 The board is not required to resolve whether the owner  
 24 or operator, or both are responsible for a release  
 25 under the terms of any agreement between the owner and  
 26 operator."

27 14. Page 12, by inserting after line 30, the  
 28 following:

29 "7. INSTALLERS' INCLUSION IN FUND. The Iowa  
 30 comprehensive petroleum underground storage tank fund  
 31 board shall offer insurance coverage under the fund's  
 32 insurance account to an installer of a certified  
 33 underground storage tank installation within the state  
 34 for environmental hazard coverage in connection with

35 the certified installation as provided in this  
36 subsection. The board shall perform an actuarial  
37 study to determine the actuarially sound premiums,  
38 deductibles, terms, and conditions to be offered to  
39 installers for certified installations in Iowa. The  
40 insurance coverage offered to installers shall provide  
41 for no greater deductibles and the same or greater  
42 limits of coverage as offered to owners and operators  
43 of tanks. Coverage under this subsection shall be  
44 limited to environmental hazard coverage for both  
45 corrective action and third-party liability for a  
46 certified tank installation in Iowa in connection with  
47 a release from that tank.

48 The board shall adopt rules requiring certification  
49 of tank installations and require certification of a  
50 new tank installation as a precondition to offering

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1 insurance to an owner or operator or an installer  
2 after the effective date of the certification rules.  
3 Certification rules shall at minimum require that an  
4 installation be personally inspected by an independent  
5 licensed engineer or fire marshal qualified and  
6 authorized to perform the required inspection and that  
7 the tank and installation of the tank comply with  
8 applicable technical standards and manufacturer's  
9 instructions and warranty conditions. The insurance  
10 coverage shall be extended to premium paying  
11 installers on or before December 1, 1989. For the  
12 period from the effective date of this Act to and  
13 including the date that insurance coverage under the  
14 fund is extended to installers, the fund shall not  
15 seek third party recovery from an installer.

16 The study shall include, but is not limited to, the  
17 following topics:

18 a. Actuarial estimate of the per-tank premium  
19 necessary to provide actuarially sound coverage to a  
20 tank installer for that certified tank installation.  
21 The study may include available loss data on past  
22 installations for installers, existing claims against  
23 installers for corrective action and third-party  
24 liability, and other information deemed relevant by  
25 the board.

26 b. The type of certification standards and  
27 procedures or other preconditions to providing  
28 coverage to a tank installer.

29 c. The cost and availability of private insurance  
30 for installers.

31 d. The number of installers doing business in the  
32 state.

33 e. Suggested limits of coverage, deductible

34 levels, and other coverage features, terms, or  
35 conditions provided the same are no less favorable  
36 than that offered owners and operators under this  
37 section.

38 The results of the study shall be submitted to the  
39 division of insurance prior to the extension of  
40 coverage to installers under this subsection."

41 15. Page 18, by inserting after line 4, the  
42 following:

43 "Sec. \_\_\_\_\_. NEW SECTION. 455B.479M MERGED AREA  
44 SCHOOLS EDUCATION.

45 1. The board shall adopt certification procedures  
46 and standards for the following classes of persons as  
47 underground storage tank installation inspectors:

48 a. A licensed engineer, except that if underground  
49 storage tank installation is within the scope of  
50 practice of a particular class of licensed engineer,

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1 additional training shall not be required for that  
2 class. A licensed engineer for whom underground  
3 storage tank installation is within the scope of  
4 practice shall be an "authorized inspector", rather  
5 than a "certified inspector".

6 b. A fire marshal.

7 2. The board shall adopt approved curricula for  
8 training engineers and fire marshals as a precondition  
9 to certification as underground storage tank  
10 installation inspectors.

11 3. The board shall adopt approved curricula for  
12 training persons to install underground storage tanks  
13 in such a manner that the resulting installation may  
14 be certified under section 455B.479G, subsection 7.

15 4. The board shall provide adequate funds for  
16 establishing a fire marshal and an installer course of  
17 instruction where needed within the merged area school  
18 system. Additional funds shall be provided as needed  
19 to assure an adequate supply of trained inspectors and  
20 installers to facilitate timely implementation of the  
21 financial responsibility and technical rules. Funds  
22 for training programs shall come from the remedial  
23 program and the remedial tank fee.

24 5. The board shall require by rule that all  
25 certified or qualified underground storage tank  
26 inspectors register with the board and that all  
27 persons trained to perform or performing certified  
28 tank installations register with the board. A  
29 person's failure to register shall not affect the  
30 person's certification, or the certification of an  
31 otherwise eligible installation performed by that  
32 person, but rules may provide for a civil penalty of

33 no more than fifty dollars. The board may provide a  
34 list of registrants to any interested person."

35 16. Page 19, line 7, by striking the word "ten"  
36 and inserting the following: "twelve".

37 17. Page 20, by striking lines 2 through 11, and  
38 inserting the following:

39 "As a condition of eligibility for financial  
40 assistance under this chapter, a small business shall  
41 demonstrate satisfactory attempts to obtain financing  
42 from private lending sources. When applying for loan  
43 account assistance, the small business shall  
44 demonstrate good faith attempts to obtain financing  
45 from at least two financial institutions. The  
46 administrator shall first refer a tank owner or  
47 operator to a financial institution eligible to  
48 participate in the fund under section 455B.479L;  
49 however, if no such financial institution is currently  
50 willing and able to make the required loan, the small

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1 business shall determine if any of the previously  
2 contacted financial institutions would make the loan  
3 in participation with the loan account. The loan  
4 account may offer to buy-down the market rate of  
5 interest or to guaranty a loan, or provide other forms  
6 of financial assistance to facilitate a private loan.  
7 If private financing is not available the loan account  
8 may make a direct loan to the owner or operator  
9 subject to the limitations of this chapter."

10 18. Page 29, line 32, by striking the word "The"  
11 and inserting the following: "Except as provided in  
12 section 455B.479B, subsection 2, the".

13 19. By striking page 30, line 6 through page 31,  
14 line 6, and inserting the following:

15 "3. SECURITY FOR BONDS – CAPITAL RESERVE FUND –  
16 IRREVOCABLE CONTRACTS.

17 a. For the purpose of securing one or more issues  
18 of bonds for the fund, the board may authorize the  
19 establishment of one or more special funds, called  
20 "capital reserve funds". The board may pay into the  
21 capital reserve funds the proceeds of the sale of its  
22 bonds and other money which may be made available to  
23 the board from other sources for the purposes of the  
24 capital reserve funds. Except as provided in this  
25 section, money in a capital reserve fund shall be used  
26 only as required for any of the following:

27 (1) The payment of the principal of and interest  
28 on bonds or of the sinking fund payments with respect  
29 to those bonds.

30 (2) The purchase or redemption of the bonds.

31 (3) The payment of a redemption premium required

32 to be paid when the bonds are redeemed before  
33 maturity. However, money in a capital reserve fund  
34 shall not be withdrawn if the withdrawal would reduce  
35 the amount in the capital reserve fund to less than  
36 the capital reserve fund requirement, except for the  
37 purpose of making payment, when due, of principal,  
38 interest, redemption premiums on the bonds, and making  
39 sinking fund payments when other money pledged to the  
40 payment of the bonds is not available for the  
41 payments. Income or interest earned by, or increment  
42 to, a capital reserve fund from the investment of all  
43 or part of the fund may be transferred by the board to  
44 other funds or accounts of the board if the transfer  
45 does not reduce the amount of the capital reserve fund  
46 below the capital reserve fund requirement.

47 b. If the board decides to issue bonds secured by  
48 a capital reserve fund, the bonds shall not be issued  
49 if the amount in the capital reserve fund is less than  
50 the capital reserve fund requirement, unless at the

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1 time of issuance of the bonds the board deposits in  
2 the capital reserve fund from the proceeds of the  
3 bonds to be issued or from other sources, an amount  
4 which, together with the amount then in the fund, is  
5 not less than the capital reserve fund requirement.

6 c. In computing the amount of a capital reserve  
7 fund for the purpose of this section, securities in  
8 which all or a portion of the fund is invested shall  
9 be valued by a reasonable method established by the  
10 board. Valuation shall include the amount of interest  
11 earned or accrued as of the date of valuation.

12 d. In this section, "capital reserve fund  
13 requirement" means the amount required to be on  
14 deposit in the capital reserve fund as of the date of  
15 computation.

16 e. To assure maintenance of the capital reserve  
17 funds, the board shall, on or before July 1 of each  
18 calendar year, make and deliver to the governor the  
19 board's certificate stating the sum, if any, required  
20 to restore each capital reserve fund to the capital  
21 reserve fund requirement for that fund. Within thirty  
22 days after the beginning of the session of the general  
23 assembly next following the delivery of the  
24 certificate, the governor may submit to both houses  
25 printed copies of a budget including the sum, if any,  
26 required to restore each capital reserve fund to the  
27 capital reserve fund requirement for that fund. Any  
28 sums appropriated by the general assembly and paid to  
29 the board pursuant to this section shall be deposited  
30 in the applicable capital reserve fund.

31 f. All amounts paid by the state pursuant to this  
 32 section shall be considered advances by the state and,  
 33 subject to the rights of the holders of any bonds of  
 34 the board that have previously been issued or will be  
 35 issued, shall be repaid to the state without interest  
 36 from all available revenues of the fund in excess of  
 37 amounts required for the payment of bonds of the  
 38 board, the capital reserve fund, and operating  
 39 expenses.

40 g. If any amount deposited in a capital reserve  
 41 fund is withdrawn for payment of principal, premium,  
 42 or interest on the bonds or sinking fund payments with  
 43 respect to bonds thus reducing the amount of that fund  
 44 to less than the capital reserve fund requirement, the  
 45 board shall immediately notify the governor and the  
 46 general assembly of this event and shall take steps to  
 47 restore the capital reserve fund to the capital  
 48 reserve fund requirement for that fund from any  
 49 amounts designated as being available for such  
 50 purpose."

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1 20. By striking page 33, line 15 through page 34,  
 2 line 22.

3 21. Title page by striking lines 5 and 6 and  
 4 inserting the following: "authorizing the bond issues  
 5 to be performed by the Iowa finance authority, and  
 6 authorizing the creation of capital reserve funds to  
 7 assure timely payment of".

8 22. By renumbering as necessary.

Committee on Energy and Environmental Protection

**H-3085**

1 Amend House File 165 as follows:

2 1. Page 1, line 22, by striking the words "board  
 3 may grant the".

4 2. Page 1, line 23 and 24, by striking the words  
 5 "may the authority to" and inserting the following:  
 6 "may".

7 3. Title page, by striking lines 1 through 3 and  
 8 inserting the following: "An Act relating to the  
 9 exercise of law enforcement powers by the director and  
 10 certain employees of the county conservation board."

SPEAR of Lee

**H-3098**

1 Amend amendment, H-3093, to House File 5 as  
 2 follows:

3 1. Page 1, by striking lines 4 through 15 and  
 4 inserting the following:

5     “Section 1. Section 85.27, unnumbered paragraph  
6 4, Code 1989, is amended to read as follows:

7     For purposes of this section, the employer is  
8 obliged to furnish reasonable services and supplies to  
9 treat an injured employee, and has the right to choose  
10 the care within the first fourteen days after the  
11 injury occurred. The treatment must be offered  
12 promptly and be reasonably suited to treat the injury  
13 without undue inconvenience to the employee. If the  
14 employee has reason to be dissatisfied with the care  
15 offered given, the employee should communicate in  
16 writing the basis of such the dissatisfaction to the  
17 employer, in writing if requested, following which the  
18 employer and the employee may agree to alternate care  
19 reasonably suited to treat the injury. If the  
20 employer and employee cannot agree on such the  
21 alternate care, the industrial commissioner may, upon  
22 application and reasonable proofs of the necessity  
23 therefor for other care, allow and order other care.  
24 In an emergency, the employee may choose the  
25 employee's care at the employer's expense, provided  
26 the employer or the employer's agent cannot be reached  
27 immediately. Following the fourteenth day after the  
28 injury occurred, the employee may choose the care. If  
29 the employer has reason to be dissatisfied with the  
30 care given, the employer shall communicate in writing  
31 the basis of the dissatisfaction to the employee,  
32 following which the employer and the employee may  
33 agree to alternate care reasonably suited to treat the  
34 injury. If the employer and employee cannot agree on  
35 such alternate care, the industrial commissioner may,  
36 upon application and reasonable proofs of the  
37 necessity for other care, allow and order other  
38 care.”

CORBETT of Linn

H-3099

1     Amend the amendment, H-3093, to House File 5 by  
2 striking lines 4 through 15 and inserting the  
3 following:

4     “Section 1. Section 85.27, Code 1989, is amended  
5 to read as follows:

6     85.27 PROFESSIONAL AND HOSPITAL SERVICES –  
7 RELEASE OF INFORMATION – ABSOLVED FROM LIABILITY –  
8 CHARGES – PROSTHETIC DEVICES.

9     1. The employer, for all injuries compensable  
10 under this chapter or chapter 85A, shall furnish  
11 reasonable surgical, medical, dental, osteopathic,  
12 chiropractic, podiatric, physical rehabilitation,  
13 nursing, ambulance and hospital services and supplies  
14 therefor and shall allow reasonably necessary

15 transportation expenses incurred for such services.  
16 The employer shall also furnish reasonable and  
17 necessary crutches, artificial members and appliances  
18 but shall not be required to furnish more than one set  
19 of permanent prosthetic devices.

20 2. Any employee, employer or insurance carrier  
21 making or defending a claim for benefits agrees to the  
22 release of all information to which the employee,  
23 employer, or carrier has access concerning the  
24 employee's physical or mental condition relative to  
25 the claim and further waives any privilege for the  
26 release of the information. The information shall be  
27 made available to any party or the party's  
28 representative upon request. Any institution or  
29 person releasing the information to a party or the  
30 party's representative shall not be liable criminally  
31 or for civil damages by reason of the release of the  
32 information. If release of information is refused the  
33 party requesting the information may apply to the  
34 industrial commissioner for relief. The information  
35 requested shall be submitted to the industrial  
36 commissioner who shall determine the relevance and  
37 materiality of the information to the claim and enter  
38 an order accordingly.

39 3. Charges believed to be excessive or unnecessary  
40 may be referred to the industrial commissioner for  
41 determination, and the commissioner may, in connection  
42 therewith, utilize the procedures provided in sections  
43 86.38 and 86.39 and conduct such inquiry as the  
44 commissioner shall deem necessary. Any institution or  
45 person rendering treatment to an employee whose injury  
46 is compensable under this section agrees to be bound  
47 by such charges as allowed by the industrial  
48 commissioner and shall not recover in law or equity  
49 any amount in excess of that set by the commissioner.  
50 For purposes of this section, the employer is

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1 obliged to furnish reasonable services and supplies to  
2 treat an injured employee, and has the right to choose  
3 the care. The treatment must be offered promptly and  
4 be reasonably suited to treat the injury without undue  
5 inconvenience to the employee. If the employee has  
6 reason to be dissatisfied with the care offered, the  
7 employee should communicate the basis of such  
8 dissatisfaction to the employer, in writing if  
9 requested, following which the employer and the  
10 employee may agree to alternate care reasonably suited  
11 to treat the injury. If the employer and employee  
12 cannot agree on such alternate care, the commissioner  
13 may, upon application and reasonable proofs of the

14 necessity therefor, allow and order other care. In an  
15 emergency, the employee may choose the employee's care  
16 at the employer's expense, provided the employer or  
17 the employer's agent cannot be reached immediately.

18 4. The employer shall select and maintain a panel  
19 of physicians who are not employees of the employer  
20 and who are reasonably accessible to the employees of  
21 the employer. The panel selected and maintained by an  
22 employer with three hundred or fewer employees per  
23 site shall contain at least three physicians and the  
24 panel selected and maintained by an employer with more  
25 than three hundred employees per site shall contain at  
26 least seven physicians. The employer shall post the  
27 list of the physicians on the panel in a place  
28 accessible to the employees.

29 a. An employer required to select and maintain a  
30 panel of physicians may apply to the industrial  
31 commissioner for a total or partial waiver of the  
32 panel requirement. The application for waiver shall  
33 state the reasons for the submission of the  
34 application and that the employer has attempted to  
35 select and maintain the required panel. A copy of the  
36 application for waiver shall be posted in a place  
37 accessible to the employer's employees. The  
38 industrial commissioner may deny the waiver or grant  
39 the employer a partial or total waiver of the panel  
40 requirement. However, a total or partial waiver to  
41 the panel requirement shall only be granted if the  
42 employer can demonstrate that the community lacks a  
43 sufficient number of physicians who are located in or  
44 reasonably near the community in which the medical  
45 services are required and who are qualified to perform  
46 the medical services necessary to meet the needs of  
47 the employer's employees.

48 b. The industrial commissioner may order necessary  
49 changes in an employer's panel of physicians if the  
50 commissioner finds that the panel fails to contain a

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1 sufficient number of physicians who are conveniently  
2 available to or in the community in which medical  
3 services are required and who are qualified to perform  
4 the medical services necessary to meet the particular  
5 needs of the employer's employees. The commissioner  
6 may suspend or remove a physician from a panel of  
7 physicians under rules adopted by the commissioner  
8 pursuant to chapter 17A.

9 5. An employee may accept the medical services of  
10 a physician selected by the employer or may select a  
11 physician from the employer's panel of physicians.  
12 The employee may select an alternative physician from

13 the panel if the employee is not satisfied with the  
 14 physician first selected.

15 a. In an emergency, the employee may choose a  
 16 physician at the employer's expense, provided the  
 17 employer or the employer's agent cannot be reached  
 18 immediately.

19 b. The physician selected may arrange for a con-  
 20 sultation, referral, extraordinary or other  
 21 specialized medical services as the nature of the  
 22 injury requires.

23 c. The employer is not responsible for the charges  
 24 for medical services furnished or ordered by a  
 25 physician or other person selected by the employee in  
 26 disregard of the provisions of this subsection and the  
 27 employer is not responsible for compensation for an  
 28 aggravation of the employee's injury attributable to  
 29 improper medical services by the physician or other  
 30 person.

31 6. If an employer required to select and maintain  
 32 a panel of physicians has knowledge of an injury to an  
 33 employee and the necessity for medical services, and  
 34 fails to maintain a panel of physicians and a waiver  
 35 has not been granted, or fails to permit the injured  
 36 employee to select a physician from the panel, the  
 37 employee may select a physician to provide medical  
 38 services at the expense of the employer. A claim for  
 39 the medical services shall not be valid or enforceable  
 40 against the employer unless the physician providing  
 41 the services furnishes a report of the injury and  
 42 services to the employer within ten days following the  
 43 first services provided by the physician. However,  
 44 the commissioner, in the interests of justice, may  
 45 excuse the failure to furnish the report within the  
 46 ten days and may, upon application of a party in  
 47 interest, award the reasonable value of the medical  
 48 services provided to the employee.

49 7. When an artificial member or orthopedic  
 50 appliance, whether or not previously furnished by the

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1 employer, is damaged or made unusable by circumstances  
 2 arising out of and in the course of employment other  
 3 than through ordinary wear and tear, the employer  
 4 shall repair or replace it. When any crutch,  
 5 artificial member or appliance, whether or not  
 6 previously furnished by the employer, either is  
 7 damaged or made unusable in conjunction with a  
 8 personal injury entitling the employee to disability  
 9 benefits, or services as provided by this section or  
 10 is damaged in connection with employee actions taken  
 11 which avoid such personal injury, the employer shall

12 repair or replace it.

13 Sec. 2. Section 86.38, Code 1989, is amended to  
14 read as follows:

15 **86.38 EXAMINATION BY PHYSICIAN — FEE.**

16 The industrial commissioner may appoint a duly  
17 qualified, impartial physician to examine the injured  
18 employee and make a report. The fee for this service  
19 shall be five dollars, to be paid by the industrial  
20 commissioner, together with traveling expenses, but  
21 the commissioner may allow additional reasonable  
22 amounts in extraordinary cases. Any A physician so  
23 examining any an injured employee shall not be  
24 prohibited from testifying before the industrial  
25 commissioner, or any other another person, commission,  
26 or court, as to the results of the examination or the  
27 condition of the injured employee. The fee for  
28 services under this section shall be taxed as costs  
29 pursuant to section 86.40.

30 Sec. 3. This Act applies to injuries incurred on  
31 or after July 1, 1989."

32 2. Title page, by striking lines 1 and 2 and  
33 inserting the following: "An Act relating to the care  
34 provided to employees under workers' compensation  
35 medical benefits."

HALVORSON of Clayton  
HARBOR of Mills

H—3100

1 Amend House File 211 as follows:

2 1. Page 1, line 9, by inserting after the word  
3 "assembly" the following: "and interim and standing  
4 committees of the general assembly".

STROMER of Hancock

H—3101

1 Amend House File 195 as follows:

2 1. Page 1, line 11, by inserting after the word  
3 "amount" the following: "not to exceed thirty-five  
4 percent of the individual's benefits".

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

7 "Sec. \_\_\_\_\_. Section 96.3, subsection 9, paragraph  
8 c, unnumbered paragraph 2, Code 1989, is amended to  
9 read as follows:

10 Notwithstanding section 642.2, subsections 2, 3, 5,  
11 and 6 which restrict garnishments under chapter 642 to  
12 wages of public employees, the division may be  
13 garnisheed under chapter 642 by the child support  
14 recovery unit established in section 252B.2, pursuant  
15 to a judgment for child support against an individual

16 eligible for benefits under this chapter. The amount  
 17 which may be garnisheed under chapter 642 shall not  
 18 exceed thirty-five percent of the individual's  
 19 benefits."

20 3. Page 1, line 23, by inserting after the word  
 21 "chapter." the following: "The amount which may be  
 22 assigned to or garnisheed by the child support  
 23 recovery unit shall not exceed thirty-five percent of  
 24 the individual's benefits."

25 4. By renumbering as necessary.

PETERS of Woodbury

H-3102

1 Amend House File 178 as follows:

2 1. Page 12, by striking lines 4 through 10 and  
 3 inserting the following:

4 "3. 10-101 shall be amended so that the following  
 5 food service establishments are exempt from the  
 6 license requirement have the described exemptions:  
 7 a. Food service operations in schools are exempt  
 8 from the license fee requirement.

9 b. Places used by churches, fraternal societies,  
 10 and civic organizations which engage in the serving of  
 11 food not more often than ten times per month once per  
 12 week are exempt from the license requirement."

13 2. Page 14, line 8, by striking the word "may"  
 14 and inserting the following: "shall".

BISIGNANO of Polk

H-3103

1 Amend House File 191 as follows:

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

4 "Sec. \_\_\_\_\_. Section 321.285, subsection 8, Code  
 5 1989, is amended by adding the following new  
 6 unnumbered paragraph immediately following unnumbered  
 7 paragraph 1:

8 NEW UNNUMBERED PARAGRAPH. However, the speed limit  
 9 for a stinger-steered automobile transporter or a  
 10 vehicle in a truck tractor-semitrailer-semitrailer  
 11 combination on a fully controlled-access, divided,  
 12 multilaned highway is fifty-five miles per hour unless  
 13 a lower speed limit is established for the vehicles  
 14 traveling on the highway by the department or a city  
 15 under this subsection."

16 2. Title page, line 1, by inserting after the  
 17 word "of" the following: "and speed limit for".

CORBETT of Linn

H-3105

1 Amend House File 235 as follows:

2 1. Page 1, by inserting after line 32 the  
3 following:

4 "Sec. 4. Section 726.6, Code 1989, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 4. A person who commits child  
7 endangerment resulting in the death of a child or  
8 minor is guilty of a class "A" felony."

9 2. Title page, line 1, by striking the words  
10 "reporting of".

11 3. Title page, line 2, by inserting after the  
12 word "adults" the following: "by amending certain  
13 reporting provisions and providing a penalty."

CORBETT of Linn

H-3118

1 Amend House Resolution 6 as follows:

2 1. Page 1, line 19, by striking the word  
3 "legislation" and inserting the following:  
4 "~~legislation~~ legislative issues".

5 2. Page 1, line 21, by striking the word  
6 "legislation" and inserting the following:  
7 "legislative issues".

8 3. Page 1, line 26, by striking the word  
9 "legislation" and inserting the following:  
10 "~~legislation~~ legislative issues".

11 4. Page 1, line 28, by striking the word  
12 "legislation" and inserting the following:  
13 "legislative issues".

14 5. Page 2, line 4, by striking the word  
15 "legislation" and inserting the following:  
16 "~~legislation~~ legislative issues".

17 6. Page 2, line 6, by striking the word  
18 "legislation" and inserting the following:  
19 "legislative issues".

20 7. Page 2, line 28, by striking the word  
21 "legislation" and inserting the following:  
22 "~~legislation~~ legislative issues".

23 8. Page 3, line 24, by striking the word  
24 "legislation" and inserting the following:  
25 "~~legislation~~ legislative issues".

26 9. Page 9, line 16, by striking the word  
27 "legislation" and inserting the following:  
28 "~~legislation~~ legislative issues".

TRENT of Muscatine

## H—3124

- 1 Amend House Resolution 7 as follows:
- 2 1. Page 3, by striking lines 4 through 22.
- 3 2. By renumbering as necessary.

HANSON of Delaware

## H—3128

- 1 Amend the amendment, H—3117, to House File 5 as
- 2 follows:
- 3 1. By striking page 2, line 18 through page 3,
- 4 line 48 and inserting the following:
- 5 "4. A list of physicians shall be maintained with
- 6 the safety officer or the individual in charge of
- 7 safety. The list shall consist of three local
- 8 physicians. The names shall be listed in the
- 9 following order: a physician chosen by the employer,
- 10 a physician chosen by the employees' representative or
- 11 the employees, and a physician chosen by the workers'
- 12 compensation carrier. When an injury occurs, the
- 13 first physician on the list shall be chosen. When the
- 14 next injury occurs, the next physician on the list
- 15 shall be chosen on a rotating basis."

LUNDBY of Linn

## H—3136

- 1 Amend amendment, H—3122, to House File 5 as
- 2 follows:
- 3 1. Page 2, lines 36 and 37, by striking the words
- 4 "to only one parent" and inserting the following:
- 5 "simultaneously".

LUNDBY of Linn

## H—3139

- 1 Amend House File 255 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 48.20, unnumbered paragraph 1,
- 5 Code 1989, is amended to read as follows:
- 6 The registration forms provided in section 48.3
- 7 shall be available in all offices maintained by state
- 8 agencies. The officers and employees of those
- 9 agencies shall offer to each person doing business in
- 10 that office the opportunity to register, unless the
- 11 officer or employee is reasonably certain that a
- 12 person doing business in the office has already been
- 13 offered a registration form within the previous
- 14 twelve-month period.
- 15 PARAGRAPH DIVIDED. In the case of persons applying

16 to the state department of transportation for  
 17 operators' licenses, chauffeurs' licenses, or  
 18 nonoperators' identification cards, the employee of  
 19 the department who gives the person the application  
 20 form shall also, without exception, hand the person a  
 21 voter registration form. If the person does execute  
 22 executes the form, the form shall be sent to the  
 23 appropriate commissioner of registration."

- 24 2. Page 1, by striking lines 8 through 25.  
 25 3. By numbering and renumbering as necessary.

CARPENTER of Polk

H-3141

- 1 Amend House File 275 as follows:  
 2 1. Page 1, line 3, by inserting after the word  
 3 "person" and following: "under eighteen years of  
 4 age".

DIEMER of Black Hawk

H-3145

- 1 Amend the amendment, H-3139, to House File 255, as  
 2 follows:  
 3 1. Page 1, by striking lines 14 through 21 and  
 4 inserting the following: "twelve-month period. In  
 5 the case of persons applying to the state department  
 6 of transportation for operators' licenses, chauffeurs'  
 7 licenses, or nonoperators' identification cards, the  
 8 employee of the department who gives the person the  
 9 application form shall also hand the person a voter  
 10 registration form.  
 11 PARAGRAPH DIVIDED. If the person does execute".

CARPENTER of Polk

H-3149

- 1 Amend House File 201 as follows:  
 2 1. Page 1, by striking line 17, and inserting the  
 3 following: "lottery, game of chance, bingo game,  
 4 contest, or other promotional activity of a".

SPEAR of Lee

H-3151

- 1 Amend House File 201 as follows:  
 2 1. Page 1, line 21, by striking the word  
 3 "context" and inserting the following: "contest".

SPEAR of Lee

H-3161

- 1 Amend House File 271 as follows:  
 2 1. Page 1, line 5, by inserting after the word  
 3 "area" the following: "with a population of not less  
 4 than two hundred sixty and not more than three  
 5 hundred".

HARBOR of Mills

H-3166

- 1 Amend Senate File 150, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 19 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 99D.25A, subsection 6, Code  
 6 1989, is amended to read as follows:  
 7 6. Once a horse has been permitted the use of  
 8 lasix, it must be brought to the detention barn for  
 9 treatment not less than four hours prior to scheduled  
 10 post time for the race in which it is entered to  
 11 start. Once at the detention barn, a horse shall  
 12 remain there until it is taken to the paddock to be  
 13 saddled or harnessed for a race. If a horse is  
 14 brought to the detention barn late, the commission  
 15 shall assess a civil penalty of one hundred dollars  
 16 against the trainer and the horse shall not be allowed  
 17 to race."  
 18 2. By numbering and renumbering sections as  
 19 necessary.

OSTERBERG of Linn

H-3169

- 1 Amend House File 236 as follows:  
 2 1. Page 1, line 8, by inserting after the word  
 3 "health." the following: "The rules shall require  
 4 each local board of health to subcontract with a  
 5 nonprofit nurses' association, an independent  
 6 nonprofit agency, or a suitable local governmental  
 7 body to use the allocated funds to provide public  
 8 health nursing care."  
 9 2. Page 1, by striking lines 23 and 24 and  
 10 inserting the following: "supervisors and shall  
 11 specify that the funding be subcontracted only to a  
 12 nonprofit nurses' association, an independent  
 13 nonprofit agency, the department of human services, or  
 14 a suitable local governmental body to use the allo-  
 15 cated funds to provide homemaker-home health aid  
 16 services and chore services. The rules shall require  
 17 each".

BUHR of Polk  
 DE GROOT of Lyon  
 HAVERLAND of Polk

H-3178

- 1 Amend House File 289 as follows:  
 2 1. Page 1, line 18, by inserting after the letter  
 3 "d" the following: "or an institution accredited by  
 4 the state board of nursing".

DAGGETT of Adams

H-3181

- 1 Amend Senate File 150, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 1, line 16, by striking the word  
 4 "unsound,".  
 5 2. Page 1, line 17, by inserting after the word  
 6 "racetrack" the following: "and shall not allow the  
 7 horse to race in this condition, and shall certify the  
 8 horse to race when the commission veterinarian deems  
 9 the horse well, safe, and fit to race".  
 10 3. Page 1, by inserting after line 19 the  
 11 following:  
 12 "Sec. \_\_\_\_\_. Section 99D.25A, subsection 2, Code  
 13 1989, is amended to read as follows:  
 14 2. Phenylbutazone shall not be administered to a  
 15 horse in dosages which would result in concentrations  
 16 of more than two point two micrograms of the substance  
 17 or its metabolites per millimeter milliliter of  
 18 blood."  
 19 4. By numbering and renumbering as necessary.

Committee on State Government

H-3183

- 1 Amend House File 344 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. Section 125.2, subsection 5, Code  
 5 1989, is amended to read as follows:  
 6 5. "Substance abuser" means a person who  
 7 habitually lacks self-control as to the use of  
 8 chemical substances ~~or uses chemical substances to the~~  
 9 ~~extent that the person's health is substantially~~  
 10 ~~impaired or endangered or so that the person's social~~  
 11 ~~or economic function is substantially disrupted and~~  
 12 whose recent conduct as a result of habitual and  
 13 excessive use of chemical substances poses a  
 14 substantial likelihood of physical harm to self and  
 15 others as demonstrated by a recent attempt or threat  
 16 to physically harm self and others, evidence of recent  
 17 serious physical problems, or a failure to obtain  
 18 necessary food, clothing, shelter, or medical care."  
 19 2. By renumbering as necessary.

VAN MAANEN of Mahaska

H-3184

1 Amend Senate File 59 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, by striking lines 1 through 6 and  
 4 inserting the following:  
 5 "The board of directors of the district of  
 6 residence shall pay to the receiving school district  
 7 an amount which is equal to the lesser of the state  
 8 aid portion of the resident district's cost per pupil  
 9 or the state aid portion of the receiving district's  
 10 cost per pupil. For the purpose of this section,  
 11 "state aid portion of a district's cost per pupil" is  
 12 the state foundation aid for the budget year received  
 13 by the district under section 442.26 for regular  
 14 program costs divided by the district's basic  
 15 enrollment for the budget year. Quarterly payments  
 16 shall be made to the receiving".

MAULSBY of Calhoun

H-3185

1 Amend House File 235 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. Section 232.2, subsection 6,  
 5 paragraphs b, c, and h, Code 1989, are amended to read  
 6 as follows:  
 7 b. Whose parent, guardian ~~or~~, other custodian, or  
 8 other member of the household in which the child  
 9 resides has physically abused or neglected the child,  
 10 or is imminently likely to abuse or neglect the child.  
 11 c. Who has suffered or is imminently likely to  
 12 suffer harmful effects as a result of either of the  
 13 following:  
 14 (1) Conditions created by the child's parent,  
 15 guardian, custodian; ~~or~~.  
 16 (2) The failure of the child's parent, guardian,  
 17 ~~or custodian, or other member of the household in~~  
 18 which the child resides to exercise a reasonable  
 19 degree of care in supervising the child.  
 20 h. Who has committed a delinquent act as a result  
 21 of pressure, guidance, or approval from a parent,  
 22 guardian, ~~or custodian, or other member of the~~  
 23 household in which the child resides."  
 24 2. Title page, line 1, by striking the words  
 25 "reporting of".  
 26 3. Title page, line 2, by inserting after the  
 27 word "adults" the following: "by amending certain  
 28 reporting requirements and modifying the definition of  
 29 a child in need of assistance".

TYRRELL of Iowa

H-3192

- 1 Amend amendment, H-3180, to Senate File 59 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 5 through 7.
- 5 2. By renumbering as necessary.

MILLER of Cherokee

H-3195

- 1 Amend House File 206 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "contract" the following: ", direct levy, or
- 4 combination of both,".
- 5 2. Page 1, by striking line 20 and inserting the
- 6 following: "payments by contract or levy for the fire
- 7 protection comprise seventy-five percent or".
- 8 3. Page 2, lines 8 and 9, by striking the words
- 9 "which shall be renewed annually" and inserting the
- 10 following: "or direct levy by the district".
- 11 4. Page 2, line 23, by inserting after the figure
- 12 "384.1." the following: "If the district levies
- 13 directly against property within a city to provide
- 14 fire protection for that city, the city shall not be
- 15 responsible for providing fire protection as provided
- 16 in section 364.16, and shall have no liability for the
- 17 method, manner, or means in which the district
- 18 provides the fire protection."

Committee on Local Government

H-3200

- 1 Amend the amendment, H-3180, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 22 through 32.
- 5 2. By renumbering as necessary.

CORBETT of Linn  
SIEGRIST of Pottawattamie

H-3202

- 1 Amend Senate File 59, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, by striking lines 17 through 23.

CORBETT of Linn  
SIEGRIST of Pottawattamie

H-3206

- 1 Amend Senate File 59 as amended, passed, and
- 2 reprinted by the Senate as follows:

3 1. Page 3, line 6, by inserting after the word  
 4 "year." the following: "However, if the district of  
 5 residence has outstanding obligations on school bonds,  
 6 has entered into a rental or lease arrangement under  
 7 section 279.26, or has entered into a loan agreement  
 8 in anticipation of the collection of the schoolhouse  
 9 tax under section 297.36, only fifty percent of the  
 10 property tax portion of the district cost per pupil  
 11 shall be paid to the receiving district for the first  
 12 three years of the transfer, unless the debt is paid  
 13 before the end of the three years. If the debt is  
 14 paid in less than three years from the date of the  
 15 transfer or if three years pass, from the date of the  
 16 transfer, without retirement of the district of  
 17 residence's debt obligation, whichever date is sooner,  
 18 the full amount of the district cost per pupil shall  
 19 then be paid to the receiving district."

MAULSBY of Calhoun

H-3208

1 Amend Senate File 59 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, lines 5 and 6, by striking the words  
 4 "each succeeding school year" and inserting the  
 5 following: "ending June 30, 1990, if both the  
 6 district of residence and the receiving district agree  
 7 to participate in open enrollment".  
 8 2. Page 1, by inserting after line 9, the  
 9 following:  
 10 "For the school year commencing July 1, 1990, and  
 11 ending June 30, 1991, school districts with certified  
 12 enrollments of less than one thousand pupils are not  
 13 required to send and receive pupils under this  
 14 section. For the school year commencing July 1, 1991,  
 15 and for succeeding years, all school districts shall  
 16 be required to send and receive pupils under this  
 17 section."  
 18 3. Page 3, by inserting after line 23, the  
 19 following:  
 20 "Any district which agrees to participate in open  
 21 enrollment under this section shall not deny a  
 22 parent's or guardian's request to transfer a pupil to  
 23 or from the district if the district has either sent  
 24 or received pupils under this section, except where  
 25 there is insufficient class space or an adverse effect  
 26 on a desegregation order or plan."

METCALF of Polk  
 DE GROOT of Lyon

H-3213

1 Amend the amendment, H-3180, to Senate File 59 as  
 2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, by striking lines 5 through 7 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 1, line 26, by striking the word
- 7 "that" and inserting the following: "each"."
- 8 2. By renumbering as necessary.

OLLIE of Clinton  
MILLER of Cherokee

H-3214

- 1 Amend Senate File 59 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 11, by inserting after the word
- 4 "district." the following: "A parent or guardian
- 5 whose child transfers to another district under this
- 6 section shall not be eligible to vote on propositions
- 7 relating to the issuance of bonds or the levy of a
- 8 bond tax by the board of directors of the district of
- 9 residence under chapter 298."

GARMAN of Story

H-3215

- 1 Amend the amendment, H-3206, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 19, by inserting after the word
- 5 "district." the following: "A parent or guardian
- 6 whose child transfers to another district under this
- 7 section shall not be eligible to vote on propositions
- 8 relating to the issuance of bonds or the levy of a
- 9 bond tax by the board of directors of the district of
- 10 residence under chapter 298."

GARMAN of Story

H-3219

- 1 Amend amendment, H-3206, to Senate File 59 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 19, by inserting after the word
- 5 "district." the following: "A parent or guardian
- 6 whose child transfers to another district under this
- 7 section shall pay to the receiving district an amount
- 8 which equals the property tax amount that the parent
- 9 or guardian would have been assessed, for the purposes
- 10 of paying the principal of and interest on bonded
- 11 indebtedness of the receiving school district, if the
- 12 child's family lived in the receiving district."

GARMAN of Story

## H—3220

- 1 Amend the amendment, H—3184, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 10, by inserting after the word
- 5 "pupil" the following: ", plus any moneys received
- 6 for the pupil as a result of special education
- 7 weighting under section 442.4, subsection 6, for each
- 8 school year".

MAULSBY of Calhoun

## H—3221

- 1 Amend the amendment, H—3180, to Senate File 59 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 43, the
- 5 following:
- 6 "\_\_\_\_\_. Page 3, line 11, by inserting after the
- 7 word "district." the following: "A parent or guardian
- 8 whose child transfers to another district under this
- 9 section shall not be eligible to vote on propositions
- 10 relating to the issuance of bonds or the levy of a
- 11 bond tax by the board of directors of the district of
- 12 residence under chapter 298."

GARMAN of Story

## H—3224

- 1 Amend the amendment, H—3180, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 19 the fol-
- 5 lowing:
- 6 "\_\_\_\_\_. Page 3, line 17, by striking the words
- 7 "attends school" and inserting the following:
- 8 "attends a grade in grades nine through twelve"."

SPENNER of Henry

## H—3229

- 1 Amend the Committee amendment, H—3181, to Senate
- 2 File 150, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 1, line 16, by striking the words "two
- 5 point two" and inserting the following: "~~two~~ point
- 6 two zero".

GARMAN of Story

## H—3231

- 1 Amend the amendment, H—3180, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as

3 follows:  
 4 1. Page 1, line 31, by inserting after the word  
 5 "transfer." the following: "In addition, if the  
 6 receiving district specified in the request for the  
 7 transfer has approved the use of an additional  
 8 enrichment amount under section 442.14 and the  
 9 district of residence has not, the district of resi-  
 10 dence shall pay to the receiving district an amount  
 11 for the pupil that is equal to the additional  
 12 enrichment amount approved divided by the budget  
 13 enrollment for the budget year of the receiving  
 14 district."

HAMMOND of Story  
 ROSENBERG of Story

H-3232

1 Amend Senate File 150 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 34 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 99D.27 RECORDS PUBLIC.  
 6 The records of a nonprofit corporation or  
 7 association which obtains a license under this chapter  
 8 are public records for purposes of chapter 22 and the  
 9 nonprofit corporation or association shall provide  
 10 access to the records to the same extent and in the  
 11 same manner as if the nonprofit corporation or  
 12 association is a government body within the meaning of  
 13 chapter 22."

HAMMOND of Story  
 DODERER of Johnson  
 OSTERBERG of Linn  
 MILLER of Cherokee

H-3237

1 Amend Senate File 150 as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 20 through 34.

OSTERBERG of Linn  
 HAMMOND of Story  
 McKEAN of Jones

H-3238

1 Amend Senate File 150 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 19, by striking the words "by  
 4 striking the subsection." and inserting the following:  
 5 "to read as follows:

6 6. Phenylbutazone may not be administered to a  
7 horse within ~~ninety-six~~ forty-eight hours of the start  
8 of a race in which the horse is entered."

OSTERBERG of Linn  
HAMMOND of Story  
McKEAN of Jones

H—3251

1 Amend House File 54 as follows:  
2 1. Page 1, line 22, by striking the word  
3 "fifteen" and inserting the word "nine".  
4 2. Page 1, by striking lines 26 through 34 and  
5 inserting the following: "persons with head injuries  
6 and family members of persons with head injuries."  
7 3. Page 3, by inserting after line 18, the  
8 following:  
9 "Sec. \_\_\_\_\_. REPEAL. Section 601K.83 is repealed  
10 effective July 1, 1992."  
11 4. Page 3, line 28, by striking the word "eight"  
12 and inserting the following: "five".  
13 5. Page 3, line 31, by striking the word "seven"  
14 and inserting the following: "four".  
15 6. By renumbering as necessary.

Committee on Human Resources

H—3254

1 Amend the Committee amendment, H—3181, to Senate  
2 File 150, as amended, passed, and reprinted by the  
3 Senate, as follows:  
4 1. Page 1, by inserting after line 9 the  
5 following:  
6 "\_\_\_\_\_. Page 1, by inserting after line 19 the  
7 following:  
8 "Sec. \_\_\_\_\_. Section 99D.25, subsection 10, Code  
9 1989, is amended to read as follows:  
10 10. The commission shall conduct random tests of  
11 bodily substances of horses entered to race each day  
12 of a race meeting to aid in the detection of any  
13 unlawful drugging. The tests shall be conducted both  
14 prior to and after a race. However, at least thirty  
15 percent of the horses that enter the detention barn  
16 shall be tested prior to the race and at least thirty  
17 percent of the horses that ran in a race shall be  
18 tested after the race. The commission shall also test  
19 any horse that breaks down during a race and shall  
20 perform an autopsy on any horse that is killed or  
21 subsequently destroyed as a result of accident during  
22 a race.""

CARPENTER of Polk  
BLANSHAN of Greene

H—3258

- 1 Amend amendment, H—3251, to House File 54 as  
2 follows:  
3 1. Page 1, by inserting after line 14 the  
4 following:  
5 “\_\_\_\_\_. Title page, line 1, by striking the word  
6 “and”.  
7 \_\_\_\_\_. Title page, line 2, by inserting after the  
8 word “appropriation” the following: “and providing  
9 for a repeal”.  
10 2. By renumbering as necessary.

FEY of Scott

H—3259

- 1 Amend House File 291 as follows:  
2 1. Page 1, by striking lines 1 through 7.  
3 2. Page 1, by inserting before line 8 the  
4 following:  
5 “Sec. \_\_\_\_\_. Section 321.177, subsection 1, Code  
6 1989, is amended to read as follows:  
7 1. To any person, as an operator, who is under the  
8 age of eighteen years, without the person’s first  
9 having successfully completed an approved driver  
10 education course, in which case, the minimum age is  
11 sixteen years. However, the department may issue a  
12 school license as provided in section 321.194 to any  
13 person who is at least fifteen years of age, or and  
14 may issue a temporary instruction permit as provided  
15 in section 321.180, to any person who is at least  
16 fourteen years of age. The department may issue a  
17 license restricted for use only for motorized bicycles  
18 as provided in section 321.189, subsection 2.”  
19 3. Page 1, line 8, by striking the figure “2.”  
20 and inserting the following: “777.”  
21 4. Page 1, line 13, by striking the word  
22 “fourteen” and inserting the following: “fourteen  
23 fifteen”.  
24 5. Page 1, line 29, by striking the figure “2”  
25 and inserting the figure “777”.  
26 6. Title page, by striking lines 1 through 3 and  
27 inserting the following: “An Act relating to school  
28 license requirements by raising the minimum age to  
29 fifteen years for an applicant for a school license  
30 and by requiring successful”.  
31 7. By renumbering sections and correcting  
32 internal references as necessary.

KOENIGS of Mitchell  
CONNOLLY of Dubuque

H-3271

1 Amend Senate File 155 as passed by the Senate as  
2 follows:

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

5 "Sec. \_\_\_\_\_. Section 232.22, subsection 2, paragraph  
6 c, unnumbered paragraph 1, Code 1989, is amended to  
7 read as follows:

8 A room in a facility intended or used for the  
9 detention of adults if there is probable cause to  
10 believe that the child has committed a delinquent act  
11 which if committed by an adult would be a felony, or  
12 aggravated misdemeanor under section 708.2 or 709.11,  
13 a serious or aggravated misdemeanor under section  
14 321J.2, an act of domestic abuse as defined in section  
15 236.2, or a violation of section 123.46, and if all of  
16 the following apply:"

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

19 "Sec. \_\_\_\_\_. Section 236.12, subsection 3, Code  
20 1989, is amended to read as follows:

21 3. A peace officer is not civilly or criminally  
22 liable for actions pursuant to this section taken in  
23 furtherance of the policy of this chapter and taken in  
24 good faith. Failure to provide equal protection for  
25 an individual under this chapter shall be a basis for  
26 liability against the peace officer.

27 Sec. \_\_\_\_\_. NEW SECTION. 236.19 RULES FOR PEACE  
28 OFFICER BEHAVIOR.

29 The department of public safety shall develop  
30 guidelines for peace officers concerning the  
31 enforcement of this chapter. The guidelines shall be  
32 made available and distributed to all local law  
33 enforcement agencies by the department."

34 3. Title page, line 3, by inserting after the  
35 word "occurred" the following: "providing for the  
36 detention of juveniles who commit an act of domestic  
37 abuse, and relating to the enforcement of the domestic  
38 abuse law".

39 4. Renumber as necessary.

BRAMMER of Linn

H-3272

1 Amend the Committee amendment, H-3181, to Senate  
2 File 150, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 1, by striking lines 12 through 18 and  
5 inserting the following:

6 "Sec. \_\_\_\_\_. Section 99D.25A, subsection 2, Code  
7 1989, is amended to read as follows:

8 2. Phenylbutazone shall not be administered to a  
 9 horse in dosages which would result in concentrations  
 10 of more than ~~two point two zero~~ micrograms of the  
 11 substance or its metabolites per ~~millimeter~~ milliliter  
 12 of blood at the start of the race.  
 13 Sec. \_\_\_\_\_. Section 99D.25A, subsection 3, Code  
 14 1989, is amended by striking the subsection.””

GARMAN of Story

H-3279

1 Amend House File 433 as follows:  
 2 1. Page 1, by striking lines 1 through 7.  
 3 2. Page 1, by inserting before line 8 the  
 4 following:  
 5 “Sec. 711. Section 321.177, subsection 1, Code  
 6 1989, is amended to read as follows:  
 7 1. To any person, as an operator, who is under the  
 8 age of eighteen years, without the person’s first  
 9 having successfully completed an approved driver  
 10 education course, in which case, the minimum age is  
 11 sixteen years. However, the department may issue a  
 12 school license as provided in section 321.194 to any  
 13 person who is at least fifteen years of age, or and  
 14 may issue a temporary instruction permit as provided  
 15 in section 321.180, to any person who is at least  
 16 fourteen years of age. The department may issue a  
 17 license restricted for use only for motorized bicycles  
 18 as provided in section 321.189, subsection 2.”  
 19 3. Page 1, line 8, by striking the figure “2.”  
 20 and inserting the following: “777.”  
 21 4. Page 1, line 13, by striking the word  
 22 “fourteen” and inserting the following: “fourteen  
 23 fifteen”.  
 24 5. Page 1, line 29, by striking the words and  
 25 figure “Section 2 of this Act applies” and inserting  
 26 the following: “The education and minimum age  
 27 requirements for the issuance of school licenses  
 28 provided in sections 711 and 777 of this Act apply”.  
 29 6. Title page, by striking lines 1 through 3 and  
 30 inserting the following: “An Act relating to school  
 31 license requirements by raising the minimum age to  
 32 fifteen years for an applicant for a school license  
 33 and by requiring successful”.  
 34 7. By renumbering sections and correcting  
 35 internal references as necessary.

KOENIGS of Mitchell  
 CONNOLLY of Dubuque

H-3280

1 Amend House File 433 as follows:  
 2 1. Page 1, line 14, by inserting after the word

3 "course." the following: "However, the person shall  
 4 not be required to successfully complete an approved  
 5 driver education course prior to being issued a school  
 6 license if the person has not yet been allowed to take  
 7 an approved driver education course at the public  
 8 school for the school district in which the person  
 9 resides, provided that the person enrolls in and  
 10 passes the approved driver education course as soon as  
 11 the course is made available to the person."

12 2. Page 1, line 17, by striking the word "p.m."  
 13 and inserting the following: "p.m., or, in the case  
 14 in which a course of instruction or extracurricular  
 15 activity concludes after 9:00 p.m., during the hours  
 16 of 6:00 a.m. to one-half hour after the conclusion of  
 17 the course of instruction or extracurricular  
 18 activity.".

19 3. Page 1, line 29, by striking the word  
 20 "Section" and inserting the following: "The education  
 21 requirements for the issuance of school licenses  
 22 provided in section".

23 4. Title page, line 1, by inserting after the  
 24 word "education" the following: "and school license".

25 5. Title page, line 3, by striking the word  
 26 "courses" and inserting the following: "courses, by  
 27 expanding the hours of operation of a motor vehicle  
 28 under a school license,".

29 6. Title page, line 3, by inserting after the  
 30 word "requiring" the following: "in certain  
 31 circumstances".

RENAUD of Polk  
 SPENNER of Henry  
 ROYER of Page  
 HARBOR of Mills  
 PAVICH of Pottawattamie

H-3281

1 Amend House File 435 as follows:

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

4 "\_\_\_\_\_. This section does not apply to land owned  
 5 before July 1, 1989."

6 2. By renumbering subsections.

KOENIGS of Mitchell

H-3282

1 Amend House File 435 as follows:

2 1. By striking page 2, line 21 through page 3,  
 3 line 1.

4 2. By renumbering sections.

KOENIGS of Mitchell

H-3284

1 Amend Senate File 122 as passed by the Senate as  
2 follows:

3 1. Page 1, by inserting after line 32, the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 146A.1 DEFINITIONS.

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

8 1. "Abortion" means the use of any means to  
9 terminate the pregnancy of a woman known to be  
10 pregnant, with knowledge that the termination by those  
11 means will with reasonable likelihood cause the death  
12 of the fetus.

13 2. "Fetus" means an individual human organism at  
14 any stage from fertilization until birth.

15 3. "Minor" means a person under the age of  
16 eighteen.

17 4. "Parent" means the natural or adoptive mother  
18 and father of the pregnant woman if both are living,  
19 the mother or father if either is deceased or cannot  
20 be located through reasonably diligent effort, or the  
21 pregnant woman's guardian if neither parent is alive  
22 or capable of being located.

23 Sec. \_\_\_\_\_. NEW SECTION. 146A.2 CONSENT BY MINOR.

24 Subject to section 146A.3, a minor may give  
25 effective consent for medical, mental, and other  
26 health services to determine the presence of or treat  
27 pregnancy and related conditions, venereal disease, or  
28 alcohol and other drug abuse, and the consent of no  
29 other person is required.

30 Sec. \_\_\_\_\_. NEW SECTION. 146A.3 NOTIFICATION  
31 CONCERNING TERMINATION OF PREGNANCY - EXCEPTIONS.

32 1. Except as provided in subsection 2 or section  
33 146A.5, an abortion operation or procedure shall not  
34 be performed upon an unemancipated minor or upon a  
35 woman for whom a guardian has been appointed pursuant  
36 to chapter 633, until a minimum period of forty-eight  
37 hours has expired following service of notice of the  
38 pending operation or procedure. Service of notice  
39 shall be accomplished by either of the following  
40 methods:

41 a. The notice shall be addressed to the parent at  
42 the parent's mailing address and personally served  
43 upon the parent by the physician authorized to perform  
44 the operation or procedure, or may be served by the  
45 physician's agent.

46 b. The notice shall be addressed to the parent at  
47 the parent's mailing address and mailed to the parent  
48 by restricted certified mail pursuant to section  
49 618.15, subsection 2.

50 Service of the notice by mail pursuant to this

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1 section is complete upon receipt by the addressee.

2 2. Notice shall not be required under this section  
3 if any of the following apply:

4 a. The attending physician certifies in the  
5 pregnant woman's medical record that the abortion is  
6 necessary to prevent the woman's death and there is  
7 insufficient time to provide the required notice.

8 b. The abortion is authorized in writing by the  
9 person or persons entitled to notice under this  
10 chapter.

11 c. The pregnant woman declares in writing that she  
12 is a victim of sexual or domestic abuse. It is the  
13 responsibility of the pregnant woman to provide the  
14 attending physician with the declaration.

15 Sec. \_\_\_\_\_. NEW SECTION. 146A.4 PENALTIES.

16 Performance of an abortion in violation of this  
17 chapter is a serious misdemeanor and subjects the  
18 offender to civil action by the person denied  
19 notification. A person shall not be held criminally  
20 or civilly liable if the person establishes by  
21 sufficient evidence that the person reasonably and  
22 prudently relied upon the representations of the  
23 pregnant woman regarding information necessary to  
24 comply with this chapter, or the person has made  
25 diligent efforts to serve the required notice, but has  
26 been unable to do so.

27 Sec. \_\_\_\_\_. NEW SECTION. 146A.5 NOTIFICATION  
28 ENJOINED.

29 If a pregnant woman objects to notification of one  
30 or both parents or notification of the guardian, a  
31 district court judge shall, upon petition and hearing,  
32 authorize a physician to perform the abortion if the  
33 court finds that the pregnant woman is mature and her  
34 consent should be accepted without notification to one  
35 or both parents or notification of the guardian  
36 regarding the proposed abortion. If the court  
37 determines that the pregnant woman is not mature, or  
38 if the pregnant woman does not claim to be mature, the  
39 court shall determine whether the performance of an  
40 abortion without notification to the pregnant woman's  
41 parent or parents, or guardian, would be in the  
42 pregnant woman's best interests, and if the court so  
43 finds, shall authorize a physician to perform the  
44 abortion without such notification.

45 The pregnant woman may participate in the court  
46 proceedings on her own behalf, and the court may  
47 appoint a guardian ad litem for the pregnant woman.  
48 The court shall inform the pregnant woman of the right  
49 to counsel, and inquire whether the pregnant woman  
50 desires counsel. If so, and the pregnant woman is

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1 unable by reason of indigency to employ any, the court  
2 shall appoint counsel.

3 Proceedings in the court under this section shall  
4 be confidential and shall be given priority over other  
5 matters pending before the court in order to  
6 facilitate an expeditious decision. The court shall  
7 enter its order in writing, separately disposing of  
8 each ground or part of the petition. The order shall  
9 set forth the court's specific factual findings and  
10 legal conclusions.

11 An expedited confidential appeal shall be available  
12 to a pregnant woman denied an order of the court  
13 authorizing an abortion without notification. An  
14 order authorizing an abortion without notification is  
15 not subject to appeal.

16 Filing fees shall be waived for a pregnant woman  
17 filing a petition or appeal pursuant to this section.  
18 The trial and appellate court shall always be open for  
19 purposes of this section.

20 If a temporary or permanent order enjoining  
21 notification under section 146A.3, subsection 1, is  
22 stayed or terminated, or otherwise ceases to have  
23 effect, that subsection shall be enforced as it would  
24 have been before the order, and shall not be  
25 considered modified by the operation of this section.  
26 In that case, this section is not effective unless and  
27 until a subsequent order is entered, again enjoining  
28 the operation of section 146A.3, subsection 1."

29 2. Title page, by striking line 1 and inserting  
30 the following: "An Act relating to certain health-  
31 related conditions and practices and providing".

CORBETT of Linn  
HERMANN of Scott  
BANKS of Plymouth  
GARMAN of Story

H-3287

1 Amend House File 2 as follows:

2 1. Page 1, line 11, by striking the words  
3 "highway and street" and inserting the words "street,  
4 road, and highway".

SPEAR of Lee

H-3289

1 Amend House File 97 as follows:

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

4 "Section 1. Section 28F.1, unnumbered paragraph 2,

5 Code 1989, is amended to read as follows:

6 A city shall not join an entity created under this  
7 chapter for the purpose of financing electric power  
8 facilities unless that city had established a  
9 municipal electric utility as of July 1, 1984 1990.  
10 Power supplied by a municipal power agency shall not  
11 be furnished to a municipal utility not existing as of  
12 July 1, 1984 1990."

13 2. Title page, line 1, by striking the words "the  
14 striking of".

15 3. Title page, line 3, by striking the word  
16 "facilities," and inserting the following:  
17 "facilities and".

18 4. Title page, by striking lines 5 through 7 and  
19 inserting the following: "utility not existing as of  
20 a particular date."

DVORSKY of Johnson  
TRENT of Muscatine

H-3290

1 Amend House File 316 as follows:

2 1. Page 1, line 8, by striking the words "~~school~~  
3 ~~districts the~~" and inserting the following: "school  
4 districts. The rules of the state board shall also  
5 require that a multicultural, nonsexist approach is  
6 used by nonpublic".

Committee on Education

H-3294

1 Amend House File 435 as follows:

2 1. Page 3, line 14, by inserting after the word  
3 "designation." the following: "However, if the  
4 department of natural resources purchases agricultural  
5 land in row crop production and converts the land to  
6 qualify as protected wetland under chapter 108, the  
7 department shall pay annually an amount equivalent to  
8 consolidated property tax levy on the assessed value  
9 of the land to the county treasurer in the same manner  
10 as provided in section 111E.4 for open space  
11 acquisitions except in the same manner that the  
12 payment in lieu of property taxes on these wetlands  
13 shall be based on the assessed value of the land as  
14 agricultural land in row crop production."

GRUHN of Dickinson

H-3297

1 Amend Senate File 150, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, by striking lines 2 through 11 and

4 inserting the following: "amended by striking the  
5 subsection."

6 2. Page 1, by striking lines 18 through 34 and  
7 inserting the following:

8 "Sec. 10. Section 99D.25, subsection 1, paragraph  
9 a, Code 1989, is amended to read as follows:

10 a. "Drugging" means administering to a horse or  
11 dog any substance foreign to the natural horse or dog  
12 prior to the start of a race. ~~However, in counties~~  
13 ~~with a population of two hundred fifty thousand or~~  
14 ~~more, "drugging" does not include administering to a~~  
15 ~~horse the drugs lasix and phenylbutazone in accordance~~  
16 ~~with section 99D.25A and rules adopted by the~~  
17 ~~commission.~~

18 Sec. 11. Section 99D.25, subsections 7 and 9, Code  
19 1989, are amended by striking the subsections.

20 Sec. 12. Section 99D.25A, subsection 2, Code 1989,  
21 is amended to read as follows:

22 2. Phenylbutazone shall not be administered to a  
23 horse in dosages which would result in concentrations  
24 of more than ~~two point two zero~~ micrograms of the  
25 substance or its metabolites per millimeter milliliter  
26 of blood at the start of the race.

27 Sec. 13. Section 99D.25A, subsections 1, 3, 5, 6,  
28 7, and 8, Code 1989, are amended by striking the  
29 subsections.

30 Sec. 14. Sections 1, 10, 11, 12, and 13 of this  
31 Act take effect January 1, 1990, for horse races at  
32 tracks whose horse racing season ends on or after that  
33 date."

NEUHAUSER of Johnson

H-3306

1 Amend amendment, H-3270, to House File 398 as  
2 follows:

3 1. Page 1, by striking lines 2 through 8 and  
4 inserting the following:

5 "\_\_\_\_\_. Page 1, by inserting before line 1, the  
6 following:

7 "Section 1. Section 514E.1, subsection 2, Code  
8 1989, is amended to read as follows:

9 2. "Association policy" means an individual or  
10 group policy issued by the association that provides  
11 the coverage specified in section 514E.4."

12 \_\_\_\_\_. Page 1, by striking lines 4 through 7 and  
13 inserting the following: "of ~~not less than four nor~~  
14 ~~more than eight~~ members selected by the members of the  
15 association, ~~subject to approval by the commissioner~~  
16 ~~and a two of whom shall be representatives from~~  
17 corporations operating pursuant to chapter 514 on the  
18 effective date of this Act or any successors in

19 interest, and two of whom shall be representatives of  
 20 insurers providing coverage pursuant to chapter 509 or  
 21 514A, four public member members selected by the  
 22 commissioner governor, the commissioner or the  
 23 commissioner's designee".

24 \_\_\_\_\_. Page 1, line 11 by inserting after the  
 25 figure "69.16A." the following: "The governor's  
 26 appointees shall be chosen from a broad cross-section  
 27 of the residents of this state."

28 \_\_\_\_\_. Page 1, by striking lines 28 through 30 and  
 29 inserting the following:

30 "e. Commencing January 1, 1990, establish rates  
 31 which will be included within a maximum of five  
 32 unisexed bands."

33 \_\_\_\_\_. Page 2, by inserting after line 26 the  
 34 following:

35 "Sec. \_\_\_\_\_. Section 514E.7, subsection 2, Code  
 36 1989, is amended to read as follows:

37 2. A person is eligible to apply for an  
 38 association policy only if that person has been  
 39 rejected for similar health insurance coverage ~~or is~~  
 40 ~~only offered health insurance coverage at a rate~~  
 41 ~~exceeding the association rate."~~

42 \_\_\_\_\_. Page 2, by striking lines 27 through 30.

43 \_\_\_\_\_. Title page, by striking lines 1 through 9  
 44 and inserting the following: An Act relating to the  
 45 Iowa comprehensive health insurance association, by  
 46 amending the definition of association policy, by  
 47 modifying and regulating the composition of the  
 48 association's board of directors, eliminating the  
 49 agent's referral fee, providing for a uniform rate for  
 50 coverage, reducing the lifetime benefit, prohibiting

## Page 2

- 1 certain unfair discriminatory insurance practices
- 2 regarding association policies, providing for review
- 3 of the association's annual report, and modifying the
- 4 conditions of eligibility for an association policy.'" "
- 5 2. By renumbering as necessary.

BRAMMER of Linn  
 DODERER of Johnson  
 METCALF of Polk  
 BISIGNANO of Polk  
 RENKEN of Grundy

H—3309

1 Amend House File 209 as follows:

- 2 1. Page 1, line 4, by inserting after the word
- 3 "work" the following: "containing two hundred fifty  
 4 or more square feet of floor space".

5 2. Page 1, line 5, by inserting after the word  
6 "restaurants" the following: "with a seating capacity  
7 greater than twenty-five".

8 3. Page 1, line 5, by inserting after the word  
9 "stores," the following: "lobbies and malls,".

10 4. Page 1, by striking lines 6 through 8 and  
11 inserting the following: "offices containing three  
12 hundred or more square feet of floor space, including  
13 waiting rooms of three hundred or more square feet of  
14 floor space, and other commercial establishments;".

15 5. Page 1, by striking lines 19 through 21 and  
16 inserting the following: "the office may be visited  
17 by nonsmokers, lobbies and malls which encompass floor  
18 space of three hundred or less square feet, a room  
19 used primarily as the residence of students or".

20 6. Page 2, by inserting after line 3 the  
21 following:  
22 "Section 98A.1, Code 1989, is amended by adding the  
23 following new subsection:  
24 NEW SUBSECTION. 5. "Public address system" means  
25 an apparatus including a microphone and loudspeakers  
26 used for broadcasting to the public."

27 7. Page 2, by striking lines 10 through 20 and  
28 inserting the following: "following new unnumbered  
29 paragraph:  
30 NEW UNNUMBERED PARAGRAPH. All public places  
31 including retail shopping malls which have a public  
32 address system shall announce regularly the measures  
33 taken by the public place and what is expected of the  
34 persons using the public place to comply with this  
35 chapter."

Committee on State Government

H-3316

1 Amend Senate File 155 as passed by the Senate as  
2 follows:

3 1. Page 1, line 10, by striking the words "county  
4 treasury" and inserting the following: "county  
5 treasury victim reparation fund".

BRAMMER of Linn

H-3317

1 Amend House File 49 as follows:

2 1. Page 1, line 4, by striking the word "twenty"  
3 and inserting the following: "seventeen and one-  
4 half".

STROMER of Hancock

H-3318

- 1 Amend the amendment, H-3292, to House File 49 as
- 2 follows:
- 3 1. Page 1, by striking lines 11 through 19.

BENNETT of Ida

H-3321

- 1 Amend amendment, H-3310, to Senate File 155 as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 18, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 236.16, Code 1989, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 4. The department shall
- 8 coordinate the efforts and enlist the assistance of
- 9 all public and private agencies which provide services
- 10 to victims of domestic abuse in order to develop
- 11 sensitivity training courses to be offered to judges
- 12 and magistrates pursuant to section 602.1206."
- 13 2. By renumbering as necessary.

SVOBODA of Tama

H-3325

- 1 Amend the amendment, H-3290, to House File 316, as
- 2 follows:
- 3 1. Page 1, line 3, by inserting before the word
- 4 "school" the following: "public".
- 5 2. Page 1, line 4, by striking the word "also"
- 6 and inserting the following: "not".
- 7 3. Page 1, by inserting after line 6 the
- 8 following:
- 9 " \_\_\_\_\_. Page 1, line 8, by striking the words
- 10 "unless such".
- 11 \_\_\_\_\_. Page 1, by striking lines 9 and 10 and
- 12 inserting the following: ". The."
- 13 4. By renumbering as necessary.

VAN MAANEN of Mahaska

H-3326

- 1 Amend House File 316 as follows:
- 2 1. Page 1, by striking lines 8 through 10 and
- 3 inserting the following: "approach is used by public
- 4 school districts. The rules of the state board shall
- 5 not require that a multicultural, nonsexist approach
- 6 is used by nonpublic schools. The".

VAN MAANEN of Mahaska

H-3327

- 1 Amend House File 535 as follows:  
 2 1. Page 77, line 5, by striking the word "fifty"  
 3 and inserting the following: "thirty-three".  
 4 2. Page 77, line 7, by striking the word "fifty"  
 5 and inserting the following: "sixty-seven".  
 6 3. Page 77, by striking lines 8 through 13 and  
 7 inserting the following: "dollars of assessed valua-  
 8 tion in the district. The".

DAGGETT of Adams

H-3335

- 1 Amend House File 262 as follows:  
 2 1. Page 1, by inserting after line 6 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 724.28 APPLICABILITY OF  
 5 CHAPTER.  
 6 The regulation of lawful ownership, possession,  
 7 registration, licensing, transfer, and transportation  
 8 of weapons are subject solely to this chapter."

CORBETT of Linn  
 TYRRELL of Iowa

H-3347

- 1 Amend House File 535 as follows:  
 2 1. Page 2, lines 27 and 28, by striking the words  
 3 "five dollars and forty cents" and inserting the  
 4 following: "three dollars and thirty cents".  
 5 2. By striking page 2, line 31 through page 3,  
 6 line 26 and inserting the following:  
 7 "2. ADJUSTMENT OF TAX. For the budget year  
 8 beginning July 1, 1992, and each succeeding budget  
 9 year, if the foundation property tax revenues  
 10 collected during the base year are less than or  
 11 greater than the property tax revenues collected  
 12 during the year preceding the base year, the  
 13 department of management shall increase or decrease  
 14 the foundation property tax levied for the base year  
 15 such that the estimated revenues collected during the  
 16 budget year will equal the revenues collected during  
 17 the base year."  
 18 3. Page 27, by inserting after line 34 the  
 19 following:  
 20 "\_\_\_\_\_. PROPERTY TAX ADJUSTMENT AID FOR 1992-1993  
 21 AND SUCCEEDING YEARS. For the budget year beginning  
 22 July 1, 1992, and each succeeding budget year, the  
 23 department of education shall pay property tax adjust-  
 24 ment aid to a school district as provided in this  
 25 subsection. If the estimated amount of property tax

26 revenues to be collected during the budget year under  
 27 this chapter will exceed the amount of property tax  
 28 revenues collected during the base year under this  
 29 chapter by a percentage sum equal to the percent  
 30 increase in the consumer price index, published by the  
 31 United States department of labor, during the calendar  
 32 year ending prior to the budget year plus the percent  
 33 increase in the school district's real property  
 34 valuations, due to additions and deletions, on January  
 35 1 of the calendar year in which the budget year begins  
 36 over those valuations on January 1 of the calendar  
 37 year in which the base year began, the dollar amount  
 38 of this excess shall be the district's property tax  
 39 adjustment aid. The department of management shall  
 40 reduce the foundation property tax such that the  
 41 amount of property tax revenues collected under this  
 42 chapter shall not exceed the sum of those percentage  
 43 increases. For purposes of this chapter and other  
 44 chapters, the adjustment to the foundation property  
 45 tax under this subsection shall be disregarded."

46 4. Page 81, by inserting after line 26 the  
 47 following:

48 "Sec. 150. Section 422.9, subsection 1, Code 1989,  
 49 is amended to read as follows:

50 1. An optional standard deduction, after deduction

**Page 2**

1 of one-half of the federal income tax, equal to one  
 2 thousand two hundred thirty dollars for a married  
 3 person who files separately or a single person or  
 4 equal to three thousand thirty dollars for a husband  
 5 and wife who file a joint return, a surviving spouse,  
 6 or an unmarried head of household. The optional  
 7 standard deduction shall not exceed the amount  
 8 remaining after deduction of one-half of the federal  
 9 income tax.

10 However, for tax years beginning on or after  
 11 January 1, 1990, but before January 1, 1991, deduct  
 12 the total amount of federal income tax paid during the  
 13 tax year for the previous tax year. Federal income  
 14 tax paid in estimated tax payments during the tax year  
 15 for the previous tax year shall not be deducted. For  
 16 tax years beginning on or after January 1, 1990, but  
 17 before January 1, 1991, add the total amount of  
 18 federal income tax refund received during the tax year  
 19 to the extent that the federal income tax that was  
 20 refunded had been deducted on a return for a tax year  
 21 beginning prior to January 1, 1990. Married persons  
 22 who have filed a joint federal income tax return and  
 23 who have filed separate state returns shall divide the  
 24 federal income tax paid or the federal income tax

25 refund between the spouses in the ratio of the federal  
 26 adjusted gross income of each spouse to the adjusted  
 27 gross income of both spouses for the tax year which  
 28 resulted in the income tax payment or the income tax  
 29 refund.

30 Sec. 151. Section 422.9, subsection 2, paragraph  
 31 b, Code 1989, is amended to read as follows:

32 b. Add one-half of the amount of federal income  
 33 taxes paid or accrued as the case may be, during the  
 34 tax year, adjusted by one-half of any federal income  
 35 tax refunds. Provided, however, that where married  
 36 persons, who have filed a joint federal income tax  
 37 return, file separately, such the total shall be  
 38 divided between them according to the portion thereof  
 39 paid or accrued, as the case may be, by each.

40 For tax years beginning on or after January 1,  
 41 1990, but before January 1, 1991, add the total amount  
 42 of federal income tax paid during the tax year for the  
 43 previous tax year except for federal income tax paid  
 44 in estimated tax payments. For tax years beginning on  
 45 or after January 1, 1990, but before January 1, 1991,  
 46 subtract the total amount of federal income tax refund  
 47 received during the tax year to the extent that the  
 48 federal income tax that was refunded had been deducted  
 49 on a return for a tax year beginning prior to January  
 50 1, 1990. Married persons who have filed a joint

**Page 3**

1 federal income tax return and who have filed separate  
 2 state returns shall divide the federal income tax paid  
 3 or the federal income tax refund between the spouses  
 4 in the ratio of the federal adjusted gross income of  
 5 each spouse to the adjusted gross income of both  
 6 spouses for the tax year which resulted in the income  
 7 tax payment or the income tax refund."

8 5. Page 85, by inserting after line 27 the  
 9 following:

10 "Sec. \_\_\_\_\_. Sections 150 and 151 of this Act take  
 11 effect January 1, 1990, for the years beginning on or  
 12 after that date."

OSTERBERG of Linn

H-3349

1 Amend House File 535 as follows:

2 1. Page 29, by striking lines 28 and 29 and  
 3 inserting the following: "multiply the ratio of the  
 4 state's income tax per pupil to the district's  
 5 income tax per pupil by twenty-five hundredths and".

STROMER of Hancock

H-3354

1 Amend the amendment, H-3351, to House File 535 as  
2 follows:

3 1. By striking page 1, line 47, through page 3,  
4 line 18, and inserting the following:

5 "1. CALCULATION BY DEPARTMENT OF MANAGEMENT. On  
6 or before September 15, of each year, the department  
7 of management shall compute a state percent of growth  
8 for the next budget year.

9 2. BUDGET YEAR CALCULATION. For the budget year,  
10 the state percent of growth is an average of the  
11 difference in the percents of change in receipts of  
12 state general fund revenues, computed or estimated by  
13 the state revenue estimating conference created in  
14 section 8.22A as follows:

15 a. The percent of change between the revenues  
16 received during the second year preceding the base  
17 year and the revenues received during the year  
18 preceding the base year.

19 b. The percent of change between the revenues  
20 received during the year preceding the base year and  
21 the revenues received during the base year.

22 For the purpose of this subsection, receipts of  
23 state general fund revenues do not include one-time  
24 nonrecurring receipts or receipts that are accounting  
25 transactions made to meet the requirements of 1986  
26 Iowa Acts, chapter 1238, section 59.

27 3. NEGATIVE PERCENT. If the state percent of  
28 growth computed for a budget year is negative, that  
29 percent shall not be used and the state percent of  
30 growth shall be zero.

31 4. RECOMPUTATION. On or before September 15 of  
32 the base year, the department of management shall  
33 recompute the state percent of growth for the previous  
34 year using adjusted estimates and the actual figures  
35 available. The difference between the recomputed  
36 state percent of growth for the previous year and the  
37 original computation shall be added to or subtracted  
38 from the state percent of growth for the budget year.  
39 However, on or before September 15, 1990, the  
40 department of management shall recompute the state  
41 percent of growth for the previous year in the manner  
42 provided in section 442.7, Code 1989."

OLLIE of Clinton

H-3356

1 Amend House File 536 as follows:

2 1. Page 3, lines 18 through 20, by striking the  
3 words "and the directors of the legislative service  
4 bureau and the legislative fiscal bureau" and

5 inserting the following: "the dean of the college of  
6 medicine of the state university of Iowa, and the  
7 president of the university of osteopathic medicine  
8 and health sciences".

9 2. Page 3, line 21, by inserting after the word  
10 "agencies" the following: "or universities".

11 3. Page 4, line 1, by inserting after the word  
12 "head." the following: "Funds for reimbursement of  
13 expenses of the president of the university of  
14 osteopathic medicine and health sciences shall come  
15 from moneys appropriated to the department of public  
16 health."

17 4. Page 9, by inserting after line 32 the  
18 following:

19 "The legislative fiscal bureau and the legislative  
20 service bureau shall cooperate with the commission and  
21 the department of public health in providing staff  
22 services and guidance in connection with the  
23 implementation of this division."

GARMAN of Story

H-3357

1 Amend House File 536 as follows:

2 1. Page 10, by striking lines 18 through 21 and  
3 inserting the following: "as provided in this  
4 division. The donor shall not designate a particular  
5 commission study for which the grant or gift is to be  
6 used, nor exercise any control over the conduct of any  
7 study."

GARMAN of Story

H-3359

1 Amend House File 535 as follows:

2 1. Page 33, by inserting after line 33 the  
3 following:

4 "\_\_\_\_\_. For each of the budget years beginning July  
5 1, 1991, July 1, 1992, July 1, 1993, and July 1, 1994,  
6 the committee may establish a modified allowable  
7 growth by granting additional allowable growth to a  
8 district equal to the amount of additional allowable  
9 growth granted under section 300 of this Act for  
10 programs for gifted and talented pupils. The  
11 additional allowable growth granted by the committee  
12 for the budget year beginning July 1, 1994, is  
13 permanent."

14 2. Page 85, by inserting after line 12 the fol-  
15 lowing:

16 "Sec. 300. The school budget review committee may  
17 establish a modified allowable growth for the budget  
18 year beginning July 1, 1990, for those school

19 districts that used an increase in allowable growth  
 20 for the budget year beginning July 1, 1989, for  
 21 funding gifted and talented children programs under  
 22 section 442.35, Code 1989, and will receive less  
 23 funding under section 103 of this Act. The amount of  
 24 additional allowable growth granted by the committee  
 25 shall not exceed the difference between the amount of  
 26 revenues received from the additional allowable growth  
 27 for the budget year beginning July 1, 1989, and the  
 28 amount that will be received by the district for  
 29 programs for gifted and talented pupils under section  
 30 103 of this Act."

CARPENTER of Polk

H—3360

1 Amend House File 394 as follows:  
 2 1. Page 1, line 17, by striking the word "event  
 3 manager" and inserting the following: "event's  
 4 management".  
 5 2. Page 1, line 18, by striking the words "an  
 6 inspector" and inserting the following: "the  
 7 commissioner".  
 8 3. Page 1, line 20, by striking the word  
 9 "inspector" and inserting the following:  
 10 "commissioner".  
 11 4. Page 1, line 23, by striking the word "event  
 12 manager" and inserting the following: "event's  
 13 management".

SPENNER of Henry

H—3364

1 Amend House File 219 as follows:  
 2 1. Page 1, line 7, by striking the word "may" and  
 3 inserting the following: "shall".  
 4 2. Page 1, lines 8 and 9, by striking the words  
 5 "to supplement moneys appropriated in this section".  
 6 3. Page 1, line 10, by inserting after the word  
 7 "study." the following: "The appropriation in this  
 8 section shall be reduced by the amount of gifts or  
 9 grants the department receives from the federal  
 10 government or private nonprofit foundations."

Committee on Education

H—3366

1 Amend Senate File 124, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 7, line 31, by inserting after the word  
 4 "permit." the following: "However, if a lotto-type  
 5 game, scratch tickets, or pull-tab tickets are  
 6 authorized, the lotto-type game and tickets must be  
 7 licensed pursuant to chapter 99E."

CONNOLLY of Dubuque

H-3368

- 1 Amend House File 535 as follows:
- 2 1. Page 57, line 14, by striking the word "be"
- 3 and inserting the following: "go".
- 4 2. Page 57, by striking line 15 and inserting the
- 5 following: "to schools which demonstrate a need for
- 6 programs for at-risk students."
- 7 3. Page 57, line 16, by striking the word
- 8 "children."
- 9 4. Page 57, by inserting after line 27 the fol-
- 10 lowing:
- 11 "\_\_\_\_\_. There is appropriated from the general fund
- 12 of the state for each fiscal year to the department of
- 13 education to be administered by the child development
- 14 coordinating council an additional sum of two million
- 15 dollars, or so much thereof as is necessary, for
- 16 grants for programs for at-risk three and four year
- 17 old children."
- 18 5. Page 57, line 30, by striking the word "ten"
- 19 and inserting the following: "eight".
- 20 6. By renumbering as necessary.

NEUHAUSER of Johnson

H-3372

- 1 Amend Senate File 46, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 1, line 1 through page 2,
- 4 line 7, and inserting the following:
- 5 "Section 1. Section 732.1, Code 1989, is amended
- 6 to read as follows:
- 7 732.1 CONTRACTING TO BOYCOTT OR STRIKE IN
- 8 SYMPATHY.
- 9 It shall be unlawful for any labor union,
- 10 association or organization, or the officers,
- 11 representatives, agents or members thereof, to enter
- 12 into any contract, agreement, arrangement, combination
- 13 or conspiracy for the purpose of, by strikes or
- 14 threats of strikes, by violence or threats of
- 15 violence, by coercion, or by concerted refusal to
- 16 make, manufacture, assemble, or use, handle,
- 17 transport, deliver or otherwise deal with any
- 18 articles, products or materials:
- 19 1. To force or require any person, firm, state
- 20 agency, or corporation to cease using, selling,
- 21 handling, transporting or dealing in the goods or
- 22 products of any other person, firm, or corporation, or
- 23 2. To force or require any person, firm, state
- 24 agency, or corporation to cease selling, transporting
- 25 or delivering goods or products to any other person,
- 26 firm, or corporation, or

27 3. To force or require any employer ~~other than~~  
 28 ~~their own employer or state agency~~ to recognize, deal  
 29 with, comply with the demands of, or employ members of  
 30 any labor union, association or organization, or  
 31 4. To force or require any employer to break an  
 32 existing collective bargaining agreement which such  
 33 employer may have with any labor union, association or  
 34 organization.

35 Sec. 2. NEW SECTION. 732.1A COERCION AND  
 36 INTIMIDATION PROHIBITED.

37 It shall be unlawful for any person, labor  
 38 organization, or officer, agent or member thereof, or  
 39 employer, or officer or agent thereof, by any  
 40 threatened or actual intimidation of an employee or  
 41 prospective employee, including work release  
 42 prisoners, or the employee's parents, spouse,  
 43 children, grandchildren, or any other persons residing  
 44 in the employee's or prospective employee's home, or  
 45 by any damage or threatened damage to the employees  
 46 property, to compel or attempt to compel such employee  
 47 to join, affiliate with, or financially support a  
 48 labor organization or to refrain from doing so, or to  
 49 otherwise forfeit the employee's rights as guaranteed  
 50 by provisions of this chapter. It shall also be

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1 unlawful to cause such employee to be denied  
 2 employment or discharged from employment because of  
 3 support or nonsupport of a labor organization, or by  
 4 virtue of the employee's status as a work release  
 5 prisoner, by inducing or attempting to induce any  
 6 other person to refuse to work with such employee."

TYRRELL of Iowa  
 HERMANN of Scott  
 RENKEN of Grundy

H-3373

1 Amend the amendment, H-3324, to Senate File 216, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 6 through 8 and  
 5 inserting the following: "death must first be  
 6 determined by a county medical examiner and a permit  
 7 for cremation".  
 8 2. Page 1, by striking line 10 and inserting the  
 9 following:  
 10 "\_\_\_\_\_. Page 1, lines 22 through 24, by striking  
 11 the words "However, a permit is not required if the  
 12 deceased person was a member of an established

- 13 religion whose tenets are opposed to the inspection or  
14 examination of the body of a deceased person.” ”  
15 3. By numbering and renumbering as necessary.

MUHLBAUER of Crawford

H-3374

- 1 Amend House File 142 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 “Section 1. NEW SECTION. 514C.4 PSYCHOLOGICAL  
5 COUNSELING.  
6 1. A person offering a policy or contract  
7 providing for third-party payment or prepayment of  
8 health or medical expenses shall not refuse to issue a  
9 policy or contract to an applicant for the sole reason  
10 that the applicant has received psychological  
11 counseling if such counseling was received six months  
12 or more prior to the date of application, unless the  
13 person offering the policy or contract could refuse to  
14 issue a policy or contract to the applicant on the  
15 basis of the underlying mental or nervous disorder for  
16 which counseling was received, in accordance with  
17 sound actuarial principles.  
18 2. A person offering a policy or contract  
19 providing for third-party payment or prepayment of  
20 health or medical expenses may refuse to issue a  
21 policy or contract to an applicant for the sole reason  
22 that the applicant has received psychological  
23 counseling if such counseling was received within six  
24 months prior to the date of application. However, the  
25 applicant shall be allowed to reapply in six months,  
26 and the person offering the policy or contract shall  
27 not refuse to issue a policy or contract for the  
28 reason of psychological counseling unless it could do  
29 so on the basis of the underlying mental or nervous  
30 disorder for which counseling was received, in  
31 accordance with sound actuarial principles.  
32 3. This section does not prohibit a person  
33 offering coverage under subsection 1 from exempting,  
34 limiting, or rating coverage for psychological  
35 counseling or a claim relating to a covered person’s  
36 psychological counseling, under the same or similar  
37 terms which the third-party payor maintains for  
38 exempting, limiting, or rating coverage for other  
39 preexisting conditions, but only if the person has  
40 first requested, received, and analyzed information  
41 concerning the preexisting conditions for which the  
42 psychological counseling was sought.  
43 4. A person offering a policy or contract  
44 providing for third-party payment or prepayment of  
45 health or medical expenses, includes a person offering

- 46 any of the following:  
 47 a. An individual accident and sickness insurance  
 48 policy providing coverage on an expense-incurred  
 49 basis.  
 50 b. An individual hospital or medical service

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- 1 contract issued pursuant to chapter 509, 513, or 514A.  
 2 c. An individual health maintenance organization  
 3 contract regulated under chapter 514B."  
 4 2. Title page, by striking lines 2 through 7 and  
 5 inserting the following: "coverages by limiting the  
 6 denial of insurance or other third-party payor  
 7 contract or policy based upon an applicant's receipt  
 8 of psychological counseling."

BRAMMER of Linn

**H—3386**

- 1 Amend House File 356 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 425.17, subsection 5, Code  
 5 1989, is amended to read as follows:  
 6 5. "Claimant" means a person filing a claim for  
 7 credit or reimbursement under this division who has  
 8 attained the age of sixty-five years on or before  
 9 December 31 of the base year or who is a surviving  
 10 spouse or a woman not currently married having  
 11 attained the age of fifty-five years on or before  
 12 December 31, 1988, or who is totally disabled and was  
 13 totally disabled on or before December 31 of the base  
 14 year, and was domiciled in this state during the  
 15 entire base year and is domiciled in this state at the  
 16 time the claim is filed or at the time of the person's  
 17 death in the case of a claim filed by the executor or  
 18 administrator of the claimant's estate. "Claimant"  
 19 includes a vendee in possession under a contract for  
 20 deed and may include one or more joint tenants or  
 21 tenants in common. In the case of a claim for rent  
 22 constituting property taxes paid, the claimant shall  
 23 have rented the property during any part of the base  
 24 year. If a homestead is occupied by two or more  
 25 persons, and more than one person is able to qualify  
 26 as a claimant, the persons may determine among them  
 27 who will be the claimant. If they are unable to  
 28 agree, the matter shall be referred to the director of  
 29 revenue and finance not later than October 31 of each  
 30 year and the director's decision is final.  
 31 Sec. 2. Section 425.17, subsection 9, Code 1989,  
 32 is amended to read as follows:

33 9. "Property taxes due" means property taxes  
34 including any special assessments, but exclusive of  
35 delinquent interest and charges for services, due on a  
36 claimant's homestead in this state, but includes only  
37 property taxes for which the claimant is liable and  
38 which will actually be paid by the claimant. However,  
39 if the claimant is a person whose property taxes have  
40 been suspended under sections 427.8 and 427.9,  
41 "property taxes due" means property taxes including  
42 any special assessments, but exclusive of delinquent  
43 interest and charges for services, due on a claimant's  
44 homestead in this state, but includes only property  
45 taxes for which the claimant is liable and which would  
46 have to be paid by the claimant if the payment of the  
47 taxes has not been suspended pursuant to sections  
48 427.8 and 427.9. "Property taxes due" shall be  
49 computed with no deduction for any credit under this  
50 division or for any homestead credit allowed under

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1 section 425.1. Each claim shall be based upon the  
2 taxes due during the fiscal year next following the  
3 base year. If a homestead is owned by two or more  
4 persons as joint tenants or tenants in common, and one  
5 or more persons are not members of claimant's  
6 household, "property taxes due" is that part of  
7 property taxes due on the homestead which equals the  
8 ownership percentage of the claimant and the  
9 claimant's household. The county treasurer shall  
10 include with the tax receipt a statement that if the  
11 owner of the property is sixty-five years of age or  
12 over or is totally disabled, or is a surviving spouse  
13 or a woman not currently married who was fifty-five  
14 years of age on or before December 31, 1988, the  
15 person may be eligible for the credit allowed under  
16 this division. If a homestead is an integral part of  
17 a farm, the claimant may use the total property taxes  
18 due for the larger unit. If a homestead is an  
19 integral part of a multidwelling or multipurpose  
20 building the property taxes due for the purpose of  
21 this subsection shall be prorated to reflect the  
22 portion which the value of the property that the  
23 household occupies as its homestead is to the value of  
24 the entire structure. For purposes of this  
25 subsection, "unit" refers to that parcel of property  
26 covered by a single tax statement of which the  
27 homestead is a part."

H—3391

- 1 Amend House File 209 as follows:
- 2 1. Page 2, line 24, by striking the words “ten
- 3 fifty” and inserting the following: “ten”.

BISIGNANO of Polk

H—3392

- 1 Amend House File 209 as follows:
- 2 1. Page 2, line 30, by striking the word “not”.

BISIGNANO of Polk

H—3393

- 1 Amend amendment, H—3309, to House File 209 as
- 2 follows:
- 3 1. Page 1, line 7, by striking the word “twenty-
- 4 five” and inserting the following: “one hundred
- 5 fifty”.

BISIGNANO of Polk

H—3394

- 1 Amend the amendment, H—3309, to House File 209 as
- 2 follows:
- 3 1. Page 1, by striking lines 27 through 35.

BISIGNANO of Polk

H—3395

- 1 Amend House File 209 as follows:
- 2 1. Page 2, line 10, by striking the word
- 3 “paragraphs” and inserting the following:
- 4 “paragraph”.
- 5 2. Page 2, by striking lines 17 through 20.

BISIGNANO of Polk

H—3396

- 1 Amend amendment, H—3309, to House File 209 as
- 2 follows:
- 3 1. Page 1, by striking lines 8 and 9.
- 4 2. By renumbering as necessary.

BISIGNANO of Polk

H—3397

- 1 Amend House File 209 as follows:
- 2 1. Page 2, by striking lines 21 through 31.

BISIGNANO of Polk

H—3398

- 1 Amend House File 209 as follows:
- 2 1. Page 1, line 5, by striking the words "all
- 3 restaurants".

BISIGNANO of Polk

H—3399

- 1 Amend House File 209 as follows:
- 2 1. Page 2, by striking lines 4 through 8.
- 3 2. By renumbering as necessary.

BISIGNANO of Polk

H—3400

- 1 Amend House File 209 as follows:
- 2 1. By striking page 1, line 34, through page 2,
- 3 line 3, and inserting the following: "of payment,
- 4 meals are served at tables to the public."

BISIGNANO of Polk

H—3401

- 1 Amend House File 209 as follows:
- 2 1. Page 2, by striking lines 10 through 16 and
- 3 inserting the following: "following new unnumbered
- 4 paragraph:"

BISIGNANO of Polk

H—3402

- 1 Amend House File 209 as follows:
- 2 1. Page 1, line 33, by striking the word "fifty"
- 3 and inserting the following: "fifty twenty-five".

BISIGNANO of Polk

H—3403

- 1 Amend House File 209 as follows:
- 2 1. Page 1, line 14, by striking the words "a
- 3 restaurant" and inserting the following: "a
- 4 restaurant".

BISIGNANO of Polk

H—3404

- 1 Amend amendment, H—3309, to House File 209 as
- 2 follows:
- 3 1. Page 1, by striking lines 20 through 26.
- 4 2. By renumbering as necessary.

BISIGNANO of Polk

H-3405

- 1 Amend amendment, H-3309, to House File 209 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 4.
- 4 2. By renumbering as necessary.

BISIGNANO of Polk

H-3406

- 1 Amend House File 209 as follows:
- 2 1. Page 1, by striking lines 6 through 8 and
- 3 inserting the following: "~~offices containing three~~
- 4 ~~hundred or more square feet of floor space, including~~
- 5 ~~waiting rooms of three hundred or more square feet of~~
- 6 ~~floor space, and other commercial establishments;~~".

BISIGNANO of Polk

H-3412

- 1 Amend House File 535 as follows:
- 2 1. Page 82, by inserting after line 4 the
- 3 following:
- 4 "Sec. 425. NEW SECTION. 426B.1 SCHOOL DISTRICT
- 5 TAX CREDIT.
- 6 1. A school district tax credit fund is created.
- 7 There is appropriated annually from the general fund
- 8 of the state to the department of revenue and finance
- 9 to be credited to the school district tax credit fund,
- 10 an amount sufficient to implement this chapter.
- 11 The director of revenue and finance shall issue
- 12 warrants on the school district tax credit fund
- 13 payable to the county treasurers of the several
- 14 counties of the state under this chapter.
- 15 2. The school district tax credit fund shall be
- 16 apportioned each year so as to give a credit against
- 17 the tax levied on real property within the school
- 18 district.
- 19 3. The amount due each county shall be paid by the
- 20 the director of revenue and finance in two payments on
- 21 November 15 and March 15 of each fiscal year, drawn
- 22 upon warrants payable to the respective county
- 23 treasurers. The two payments shall be as nearly equal
- 24 as possible.
- 25 4. Annually the department of management shall
- 26 determine under section 426B.2 the total amount of
- 27 credits to be applied against the tax levied on all
- 28 real property within the school district and shall
- 29 certify to the county auditor of each county the total
- 30 credits in dollars for each school district. Each
- 31 county auditor shall then apportion, based on assessed
- 32 valuation, the credits against the tax levied on each

33 tract of real property in the school district payable  
34 during the ensuing year, designating on the tax lists  
35 the credit as being from the school district tax  
36 credit fund, and credit shall then be given to the  
37 several taxing districts in which such real property  
38 is located in an amount equal to the credits allowed  
39 on the taxes of such real property. The amount of  
40 credits shall be apportioned by each county treasurer  
41 to the several taxing districts as provided by law, in  
42 the same manner as though the amount of the credit had  
43 been paid by the owners of the real property.  
44 However, the several taxing districts shall not draw  
45 the funds so credited until after the semiannual  
46 allocations have been received by the county  
47 treasurer, as provided in this chapter. Each county  
48 treasurer shall show on each tax receipt the amount of  
49 credit received from the school district tax credit  
50 fund.

**Page 2**

1 5. The school district tax credit allowed in this  
2 chapter shall not exceed the actual amount of taxes  
3 payable on the real property, exclusive of any special  
4 assessments levied against the homestead.

5 Sec. 426. NEW SECTION. 426B.2 TOTAL AMOUNT OF  
6 CREDIT.

7 The department of management shall determine for  
8 each school district for each budget year the percent  
9 of its regular program budget that is funded by  
10 property taxes and the percent that is funded by state  
11 foundation aid and other state funding. If the  
12 property tax portion exceeds the maximum allowable  
13 percent for the budget year, a credit shall be given  
14 to each tract of real property located in the school  
15 district for the excess general fund property taxes  
16 imposed under chapters 257 and 298. The department of  
17 management shall determine the total amount of credits  
18 that are to be applied against the real property taxes  
19 levied on real property within the school district.  
20 The total amount of credits equal the product of the  
21 difference between the maximum allowable percent and  
22 the percent of the regular program budget funded by  
23 property taxes multiplied by the regular program  
24 budget.

25 For the purpose of this section, the maximum  
26 allowable percent for the budget year beginning July  
27 1, 1991, is seventy. For each succeeding budget year,  
28 the maximum allowable percent shall be reduced by ten,  
29 until for the budget year beginning July 1, 1996, and  
30 thereafter, the maximum allowable percent is twenty.

31 For the purposes of this section, "regular program

32 budget" includes the district cost of the district,  
 33 property tax adjustment aid, additional allowable  
 34 growth granted for approved dropout prevention  
 35 programs, additional allowable growth granted by the  
 36 school budget review committee, and revenues from the  
 37 management levy. Property tax credits received under  
 38 chapters 425, 426, and 426A during the year shall be  
 39 deducted from the property tax portion and shall be  
 40 considered state aid."

41 2. Page 86, line 2, by striking the word and  
 42 figure "and 102" and inserting the following: "102,  
 43 425, and 426".

HARBOR of Mills  
 HALVORSON of Clayton

H-3413

1 Amend House File 164 as follows:

- 2 1. Page 1, by striking lines 3 through 6 and  
 3 inserting the following:  
 4 "1. "Employee" means a person who is not self-  
 5 employed, is an employee as defined in section 91A.2,  
 6 and who:  
 7 a. Beginning July 1, 1991, works an average of at  
 8 least thirty hours per week and at least six hundred  
 9 hours in a calendar year.  
 10 b. Beginning July 1, 1992, works an average of at  
 11 least twenty-five hours per week and at least five  
 12 hundred hours per calendar year.  
 13 c. Beginning July 1, 1993, works an average of at  
 14 least twenty hours per week and at least four hundred  
 15 hours per calendar year."  
 16 2. Page 1, by striking lines 11 and 12 and  
 17 inserting the following:  
 18 "b. Beginning July 1, 1992, employs forty or more  
 19 employees.  
 20 c. Beginning July 1, 1993, employs twenty or more  
 21 employees."  
 22 3. Page 1, by striking lines 27 through 29 and  
 23 inserting the following:  
 24 "1. A health care insurance plan is established  
 25 to".  
 26 4. Page 1, line 30, by inserting after the word  
 27 "provide" the following: "primary and preventive".  
 28 5. Page 1, by striking line 34 and inserting the  
 29 following:  
 30 "2. The plan shall provide for a".  
 31 6. Page 2, by inserting after line 3 the  
 32 following:  
 33 "3. Provision of only the benefit package under  
 34 the health care insurance plan shall not be subject to  
 35 or considered part of a collective bargaining

36 negotiation.”

37 7. Page 2, by striking lines 6 and 7, and

38 inserting the following:

39 “1. A health care insurance pool is established  
40 within the state treasury. Moneys”.

41 8. Page 2, line 12, by inserting after the word  
42 “provide” the following: “primary and preventive”.

43 9. Page 2, by striking lines 14 through 24 and  
44 inserting the following:

45 “3. Contributions to the pool may come from the  
46 financial participation of employers, employees, and  
47 other funding sources and shall be used to provide a  
48 health care insurance benefit package to cover primary  
49 care benefits and hospitalization. Moneys in the pool  
50 shall not be expended to”.

**Page 2**

1 10. Page 2, by striking lines 29 through 35.

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

4 “Sec. 5. HEALTH CARE INSURANCE STUDY. The  
5 legislative council shall contract for a comprehensive  
6 study of the state's health insurance needs and  
7 implementation of mandatory employer-sponsored health  
8 insurance coverage pursuant to sections 91D.1, 91D.2,  
9 and 91D.3. To monitor the study, the legislative  
10 council shall appoint a steering committee which may  
11 include representatives of health professions, labor,  
12 business, insurance, government, and consumers to  
13 administer the study. The study shall provide  
14 information and recommendations to the general  
15 assembly and the legislative council on or before  
16 January 1, 1990, including but not limited to all of  
17 the following items:”

18 12. Page 3, line 5, by inserting after the word  
19 “uninsured” the following: “and of unemployed persons  
20 who are uninsured”.

21 13. Page 3, line 13, by inserting after the word  
22 “farmers” the following: “and other self-employed  
23 persons”.

24 14. Page 3, by inserting after line 18 the  
25 following:

26 “8. Provide a schedule to phase in coverage of all  
27 employees and every employer in the state.

28 9. At least three options with cost estimates, for  
29 a mandatory employer-sponsored primary and preventive  
30 health insurance benefit package provided to employees  
31 and dependents of employees which includes but is not  
32 limited to major medical expenses, inpatient care,  
33 outpatient care, maternity and postnatal care,  
34 emergency care, and care for conditions related to  
35 nervous disorders, mental health, and substance abuse.

36 10. Options regarding delivery of the health care  
37 insurance plan under section 91D.2 which include

38 consideration of existing public and private insurance  
39 delivery systems, health maintenance organizations,  
40 preferred provider organizations, and other managed  
41 care options.

42 11. A provision that the health care insurance  
43 plan operation and coverage issuance does not  
44 discriminate based upon sex or marital status.

45 12. A provision to coordinate coverage under the  
46 health care insurance plan with the Iowa comprehensive  
47 health insurance association established under chapter  
48 514E.

49 13. A provision to enhance the coverage of  
50 employees who are underinsured.

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1 14. A provision regarding the tax treatment under  
2 mandatory employer-sponsored health insurance of  
3 persons who are self-employed or part of a  
4 partnership.

5 15. A provision to minimize the potential for  
6 adverse selection under the health care insurance  
7 plan.

8 16. A provision for the eligibility of persons who  
9 are early retirees under the health care insurance  
10 plan.

11 17. Provisions for health care cost containment,  
12 coordination of benefits, health maintenance, quality  
13 of care, and prevention under the health care  
14 insurance plan.

15 18. A provision to discourage employers who are  
16 offering health care insurance benefits to employees  
17 from reducing or eliminating benefits when health care  
18 insurance coverage becomes mandatory.

19 19. A provision for the state to make available  
20 technical assistance to small businesses for the  
21 implementation of mandatory employer-sponsored health  
22 insurance.

23 20. Recommend a participation rate in the costs of  
24 health care insurance as a minimum standard for  
25 employer compliance with requirements to provide  
26 health care insurance coverage to employees.

27 21. A provision to subsidize the purchase of  
28 health insurance coverage for employed and unemployed  
29 low-income Iowans not covered under a qualifying  
30 health care insurance plan.

31 22. Make recommendations regarding methods to  
32 finance the health care insurance plan.

33 23. Provide recommendations for a unit of state  
34 government to be assigned administrative  
35 responsibility for the health care insurance plan  
36 established under section 91D.2."

37 15. Title page, by striking lines 2 through 4 and

38 inserting the following: "plan, a health care  
 39 insurance pool, and a study of health care insurance,  
 40 and providing an effective date."  
 41 16. By renumbering as necessary.

Committee on Human Resources

H-3419

1 Amend House File 268 as follows:  
 2 1. Page 1, by inserting after line 17 the  
 3 following:  
 4 "f. In any other case when the court determines  
 5 grandchild visitation to be in the best interests of  
 6 the child, provided there has not been a termination  
 7 of parental rights or an adoption of the child."  
 8 2. By striking page 1, line 33 through page 2,  
 9 line 33, and inserting the following: "the parent-  
 10 child relationship."  
 11 3. The court may modify an order granting or  
 12 denying".  
 13 3. Page 3, by inserting after line 2, the  
 14 following:  
 15 "4. Nothing in this section limits the rights and  
 16 responsibilities of a parent as legal custodian of the  
 17 child."

Committee on Judiciary and Law Enforcement

H-3420

1 Amend House File 429 as follows:  
 2 1. Page 1, by striking lines 9 through 12 and  
 3 inserting the following: "fiscal year. The estimate  
 4 shall also be submitted to the chairpersons of the  
 5 committees on appropriations. The general assembly  
 6 shall include this estimate without change in its  
 7 budget appropriations for the succeeding fiscal year.  
 8 Any person who modifies the estimate in violation of  
 9 this paragraph is guilty of a simple misdemeanor."

HALVORSON of Clayton  
 HARBOR of Mills

H-3421

1 Amend House File 429 as follows:  
 2 1. Page 1, by striking lines 10 through 12 and  
 3 inserting the following: "chairpersons of the  
 4 committees on appropriations who shall submit the  
 5 estimate received from the supreme court to their  
 6 respective chambers for appropriate and necessary  
 7 action. Any person who modifies the estimate prior to  
 8 its inclusion in the governor's proposed budget, or  
 9 prior to the submission of the estimate by a  
 10 chairperson of a committee on appropriations, on  
 11 behalf of the committee, to the chamber, is guilty of

12 a simple misdemeanor."

HALVORSON of Clayton  
HARBOR of Mills

H-3422

- 1 Amend House File 429 as follows:  
2 1. Page 1, by striking line 12 and inserting the  
3 following: "governor's proposed budget is guilty of a  
4 simple misdemeanor, however, the criminal penalty does  
5 not apply to a constitutional officer or the officer's  
6 designee in the exercise or performance of the  
7 officer's constitutional powers and responsibilities."

HALVORSON of Clayton  
HARBOR of Mills

H-3423

- 1 Amend Senate File 124, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. By striking page 14, line 20, through page 15,  
4 line 1, and inserting the following:  
5 "1. If an excursion gambling boat docks at only  
6 one city during an excursion, one-half of one percent  
7 of the adjusted gross receipts shall be remitted to  
8 the treasurer of the city in which the dock is located  
9 and shall be deposited in the general fund of the  
10 city. Another one-half of one percent of the adjusted  
11 gross receipts shall be remitted to the treasurer of  
12 the county in which the dock is located and shall be  
13 deposited in the general fund of the county.  
14 2. If an excursion gambling boat docks in more  
15 than one city, one-half of one percent of the adjusted  
16 gross receipts shall be allocated among the cities at  
17 which an excursion gambling boat docks during an  
18 excursion in the proportion that the number of  
19 passengers which embark at each city of embarkation is  
20 to the total number of passengers embarking at all  
21 cities during an excursion. The revenue shall be  
22 remitted to the treasurer of each city at which an  
23 excursion gambling boat docks and embarks passengers  
24 and shall be deposited in the general fund of the  
25 city. Another one-half of one percent of the adjusted  
26 gross receipts shall be remitted to the treasurer of  
27 each county having a city in which the excursion  
28 gambling boat docks to embark passengers in the  
29 proportion that the number of passengers embarking in  
30 the cities of each county is to the total number of  
31 passengers embarking at cities in all counties during  
32 the excursion. The revenue shall be credited to the  
33 county general fund.  
34 3. If an excursion gambling boat docks in only one  
35 county outside a city during an excursion, one-half of  
36 one percent of the adjusted gross receipts shall be

37 remitted to the treasurer of the county in which the  
 38 dock is located and shall be deposited in the general  
 39 fund of the county. Another one-half of one percent  
 40 of the adjusted gross receipts shall be remitted to  
 41 the treasurer of the Iowa city nearest to where the  
 42 dock is located and shall be deposited in the general  
 43 fund of the city.

44 4. If an excursion gambling boat docks in more  
 45 than one county outside a city, one-half of one  
 46 percent of the adjusted gross revenue shall be  
 47 remitted to the treasurer of the county in which the  
 48 excursion gambling boat docks outside a city to embark  
 49 passengers in the proportion that the number of  
 50 passengers embarking in a county outside a city is to

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1 the total number of passengers embarking in all  
 2 counties outside a city during an excursion. The  
 3 revenue shall be deposited in the general fund of the  
 4 county. Another one-half of one percent of the  
 5 adjusted gross receipts shall be remitted to the  
 6 treasurer of each Iowa city nearest to where the dock  
 7 is located in the same amount as determined in this  
 8 subsection to be allocated to the county."

9 2. By renumbering subsections as necessary.

HALVORSON of Clayton

H—3425

1 Amend House File 585 as follows:  
 2 1. By striking page 3, line 30, through page 4,  
 3 line 6.  
 4 2. By renumbering as necessary.

CLARK of Cerro Gordo

H—3429

1 Amend House File 350 as follows:  
 2 1. Page 1, line 5, by inserting after the word  
 3 "state." the following: "Additionally, the department  
 4 shall perform multiple fuel surveys in cities with  
 5 populations of over fifty thousand which establish a  
 6 statistical average of motor fuel prices for various  
 7 motor fuels provided in those individual cities."

CONNOLLY of Dubuque

H—3431

1 Amend Senate File 224, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by inserting after line 11 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 808A.1, subsection 4, paragraph  
 6 d, Code 1989, is amended to read as follows:  
 7 d. A school locker, desk, or other facility or

8 space issued or assigned to, or chosen by, the student  
 9 for the storage of personal belongings of any kind,  
 10 which the student locks or is permitted to lock.  
 11 School officials may conduct periodic inspections of  
 12 all school lockers. ~~However, the school district~~  
 13 ~~shall provide notice to the students, at least twenty-~~  
 14 ~~four hours prior to the inspection, of the date and~~  
 15 ~~time of the inspection.~~  
 16 Sec. \_\_\_\_\_. Section 808A.2, subsection 3, paragraph  
 17 c, Code 1989, is amended by striking the paragraph."  
 18 2. By renumbering as necessary.

SPENNER of Henry

H-3432

1 Amend the amendment, H-3416, to House File 535 as  
 2 follows:  
 3 1. By striking page 1, line 4 through page 68,  
 4 line 44 and inserting the following:  
 5 "Section 1. 1987 Iowa Acts, chapter 224, section  
 6 81, is repealed."  
 7 2. Page 68, by inserting after line 44 the  
 8 following:  
 9 "\_\_\_\_\_. Title page, by striking lines 2 through 7  
 10 and inserting the following: "districts and area  
 11 education agencies.""

STROMER of Hancock

H-3435

1 Amend House File 253 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 524.1805, Code 1989, is amended  
 5 to read as follows:  
 6 524.1805 OUT-OF-STATE HOLDING COMPANIES.  
 7 Nothing in this This division shall be construed to  
 8 does not authorize a bank holding company which is  
 9 with respect to the state of Iowa an "out-of-state  
 10 bank holding company", as defined or referred to in 12  
 11 U.S.C. § 1842(d), as amended to January 1, 1971, to  
 12 acquire any of the voting shares of, any interest in,  
 13 all or substantially all of the assets of, or power to  
 14 control in any manner the election of any of the  
 15 directors of any bank in this state, unless such bank  
 16 holding company was on January 1, 1971 registered with  
 17 the federal reserve board as a bank holding company,  
 18 and on that date owned at least two banks in this  
 19 state.  
 20 An alien bank holding company shall not acquire any  
 21 of the voting shares of, any interest in, all or  
 22 substantially all of the assets of, or power to

23 control in any manner the election of any of the  
 24 directors of any bank or bank holding company in this  
 25 state. For purposes of this section, "alien bank  
 26 holding company" means a bank holding company whose  
 27 banking subsidiaries' activities are principally  
 28 conducted in a nation other than the United States, or  
 29 an out-of-state bank holding company in which ten  
 30 percent or more of the voting shares, or other power  
 31 to control in any manner the election of any of its  
 32 directors, is owned or controlled, directly or  
 33 indirectly, by a nonresident alien."

34 2. By renumbering as necessary.

SPEAR of Lee

H—3438

1 Amend House File 152 as follows:

2 1. Page 1, line 19, by striking the word  
 3 "competent".

4 2. Page 1, line 20, by inserting after the word  
 5 "witnesses" the following: "at least eighteen years  
 6 of age."

SPEAR of Lee

H—3445

1 Amend House File 610 as follows:

2 1. Page 1, by striking lines 1 through 9 and  
 3 inserting the following:

4 "Section 1. Section 79.20, Code 1989, is amended  
 5 to read as follows:

6 79.20 EMPLOYEES DISABILITY PROGRAM.

7 1. A state employees disability insurance program  
 8 is created, which shall be administered by the  
 9 director of the department of personnel and which  
 10 shall provide disability benefits in an amount and for  
 11 the employees as provided in this section. The  
 12 monthly disability benefits shall provide twenty  
 13 percent of monthly earnings if employed less than one  
 14 year, forty percent of monthly earnings if employed  
 15 one year or more but less than two years, and sixty  
 16 percent of monthly earnings thereafter, reduced by all  
 17 of the following:

18 a. Monthly primary and family social security  
 19 determined at the time social security disability  
 20 payments commence, workers' compensation if  
 21 applicable, and any other state sponsored sickness or  
 22 disability benefits payable less monthly payments made  
 23 by the disabled employee to continue state health  
 24 insurance coverage. Subsequent social security  
 25 increases shall not be used to further reduce the  
 26 insurance benefits payable.

- 27 b. Workers' compensation, if applicable.  
 28 c. Any other state sponsored sickness or  
 29 disability benefits payable.  
 30 State employees shall receive credit for the time they  
 31 were continuously employed prior to and on July 1,  
 32 1974.
- 33 2. The following provisions apply to the employees  
 34 disability insurance program:
- 35 1. Waiting period \$..... ninety working days  
 36 of continuous sickness or accident disability or the  
 37 expiration of accrued sick leave, whichever is  
 38 greater.
- 39 a. Waiting period:
- 40 (1) For the initial occurrence of the disability,  
 41 ninety working days of continuous sickness or accident  
 42 disability or the expiration of accrued sick leave,  
 43 whichever is greater.
- 44 (2) For any subsequent occurrence, the expiration  
 45 of accrued sick leave.
- 46 2 b. Maximum period benefits paid for both  
 47 accident or sickness disability:
- 48 a. (1) If the disability occurs prior to the time  
 49 the employee attains the age of sixty-one years, the  
 50 maximum benefit period shall end sixty months after

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- 1 continuous benefit payments begin or on the date on  
 2 which the employee attains the age of sixty-five  
 3 years, whichever is later.
- 4 b. (2) If the disability occurs on or after the  
 5 time the employee attains the age of sixty-one years  
 6 but prior to age sixty-nine, the maximum benefit  
 7 period shall end sixty months after continuous benefit  
 8 payments begin or on the date on which the employee  
 9 attains the age of seventy years, whichever is  
 10 earlier.
- 11 e. (3) If the disability occurs on or after the  
 12 time the employee attains the age of sixty-nine years,  
 13 the maximum benefit period shall end twelve months  
 14 after continuous benefit payments begin.
- 15 3 c. Minimum and maximum benefits \$..... not  
 16 less than fifty dollars per month and not exceeding  
 17 two thousand dollars per month.
- 18 4 d. All permanent full-time state employees shall  
 19 be covered under the employees disability insurance  
 20 program, except board members and members of  
 21 commissions who are not full-time state employees, and  
 22 state employees who on July 1, 1974, are under another  
 23 disability program financed in whole or in part by the  
 24 state. For purposes of this section, members of the  
 25 general assembly serving on or after January 1, 1989,

26 are eligible for the plan during their tenure in  
27 office, on the basis of enrollment rules established  
28 for full-time state employees excluded from collective  
29 bargaining as provided in chapter 20.”

30 2. Title page, by striking lines 2 and 3 and  
31 inserting the following: “program.”

Committee on State Government

H—3447

1 Amend the amendment, H—3368, to House File 535 as  
2 follows:

3 1. Page 1, by striking lines 2 through 19 and  
4 inserting the following:

5 “\_\_\_\_\_. Page 47, by inserting after line 14 the  
6 following:

7 “Sec. \_\_\_\_\_. Section 256A.3, subsection 5, Code  
8 1989, is amended to read as follows:

9 5. Subject to the availability of funds  
10 appropriated or otherwise available for the purpose of  
11 providing child development services, award grants for  
12 programs that provide new or additional child  
13 development services to at-risk children and that  
14 provide programs for three and four year old children.

15 Sec. \_\_\_\_\_. Section 256A.3, Code 1989, is amended by  
16 adding the following new subsections:

17 NEW SUBSECTION. 9. Subject to a decision by the  
18 council to initiate the programs, develop criteria for  
19 and award grants under section 279.51, subsection 1,  
20 paragraph “b”.

21 NEW SUBSECTION. 10. Encourage the establishment  
22 of programs that will enhance the skills of parents in  
23 parenting and in providing for the learning and  
24 development of their children.”

25 \_\_\_\_\_. By striking page 57, line 8, through page  
26 58, line 4, and inserting the following:

27 “Sec. \_\_\_\_\_. NEW SECTION. 279.51 PROGRAMS FOR AT-  
28 RISK CHILDREN.

29 1. There is appropriated from the general fund of  
30 the state to the department of education for the  
31 fiscal year beginning July 1, 1990, the sum of eleven  
32 million two hundred thousand dollars. For each  
33 succeeding fiscal year, there is appropriated the  
34 amount appropriated for the previous fiscal year plus  
35 an additional amount equal to the state percent of  
36 growth as calculated in section 257.8 multiplied by  
37 the amount appropriated the previous fiscal year as  
38 follows:

39 a. Two hundred fifty thousand dollars of the funds  
40 appropriated shall be allocated to the area education  
41 agencies to assist school districts in developing  
42 program plans and budgets under this section and to

43 assist school districts in meeting other  
44 responsibilities in early childhood education.  
45 b. Six million one hundred fifteen thousand  
46 dollars of the funds appropriated shall be allocated  
47 to the child development coordinating council  
48 established in chapter 256A for the purposes set out  
49 in subsection 2 of this section and section 256A.3.  
50 c. For each of the fiscal years during the fiscal

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1 period beginning July 1, 1990, and ending June 30,  
2 1994, eight hundred thousand dollars of the funds  
3 appropriated shall be allocated for the school-based  
4 youth services education program established in  
5 subsection 3. Subject to the approval of the state  
6 board of education, the allocation made in this  
7 paragraph may be renewed for additional four-year  
8 periods of time.  
9 d. Four million dollars of the funds appropriated

10 shall be allocated as grants to school districts that  
11 have schools that demonstrate the greatest need for  
12 programs for at-risk students with preference given to  
13 innovative programs for the early elementary school  
14 years.

15 2. Funds allocated under subsection 1, paragraph

16 "b", shall be used by the child development

17 coordinating council to continue funding for programs

18 previously funded by grants awarded under section

19 256A.3.

20 3. A school-based youth services education program  
21 is established. The department of education, in  
22 consultation with the department of human services,  
23 the department of employment services, the Iowa  
24 department of public health, and the division of job  
25 training and entrepreneurship assistance of the  
26 department of economic development, shall develop a  
27 four-year demonstration grant program that commences  
28 in the fiscal year beginning July 1, 1990. The  
29 department shall provide grants to individual middle  
30 schools or high schools to establish school-based  
31 youth services programs based upon program plans filed  
32 by the board of directors of the school district.  
33 Priority shall be given to schools with student  
34 populations characterized by high rates of a number of  
35 the following: school dropout and absenteeism;  
36 teenage pregnancy; juvenile court involvement;  
37 unemployment; teenage suicide; and teenage mental  
38 health, substance abuse, and other health problems.  
39 The department shall evaluate proposed programs based  
40 upon the department's analysis of effectiveness in  
41 reducing these rates within the schools.

42 Additional objectives of the programs shall be: to  
43 increase the ability of existing agencies within the  
44 community to address the multiple problems of  
45 teenagers and to coordinate their activities, to  
46 provide an accessible and attractive center for  
47 teenagers in or near school that they are most likely  
48 to use, and to facilitate joint planning to make the  
49 most economic and innovative use of community  
50 resources. Programs shall at a minimum provide job

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1 training and employment services, mental health and  
2 family counseling services, and primary health care  
3 services that include but are not limited to physical  
4 examinations, immunizations, hearing and vision  
5 screening, and preventive and primary health care  
6 services, in the context of the educational needs of  
7 the students. The department shall give additional  
8 consideration to program proposals that provide access  
9 to the center after school, in the evening and on  
10 weekends, and during the summer; that provides a  
11 twenty-four hour telephone hotline or similar service;  
12 and that provides access to day care or on-site day  
13 care.

14 The plan shall include the appointment by the board  
15 of a local advisory board for each proposed program,  
16 which at a minimum shall include a representative of  
17 the private industry council serving the area, parents  
18 of children enrolled in the school, a teacher  
19 recommended by the local teachers association, a  
20 representative from the health and mental health com-  
21 munity in the area, teenagers enrolled in the school  
22 and recommended by the school student government, a  
23 representative from the nonprofit provider community,  
24 and a representative from the juvenile court system  
25 serving the area. Management of the program may be by  
26 the school, a single nonprofit organization, or a  
27 public organization that receives and administers  
28 funds.

29 Program proposals shall include a written  
30 commitment from the school principal and the board of  
31 directors that the school will work to coordinate and  
32 integrate existing school services and activities with  
33 the center and shall include letters of support for  
34 the proposal from the local teachers association;  
35 parent-teacher organizations; community organizations;  
36 nonprofit agencies providing social services, health,  
37 or employment services in the area; and the area  
38 private industry council.

39 Grants for the program shall not be used to  
40 construct a new facility, but up to ten percent of the

41 grant may be used to renovate an existing structure.  
 42 In addition, up to ten percent of the grant funds may  
 43 be used to provide each of the following service  
 44 categories: day care, transportation, and recreation.  
 45 Program proposals shall include a contribution of  
 46 at least twenty percent of the total costs of the  
 47 program, which can include "in-kind" services.  
 48 Partnerships between the public and private sectors  
 49 are particularly encouraged. The budget for a  
 50 proposed program shall not exceed two hundred thousand

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1 dollars per year.  
 2 4. The state board of education shall adopt rules  
 3 under chapter 17A for the administration of this  
 4 section." "

NEUHAUSER of Johnson

## H-3454

1 Amend the amendment, H-3416, to House File 535 as  
 2 follows:  
 3 1. Page 1, by striking lines 17 through 22 and  
 4 inserting the following:  
 5 "For the budget year commencing July 1, 1990, the  
 6 regular program foundation base per pupil is eighty-  
 7 three percent of the regular program state cost per  
 8 pupil. For each succeeding budget year, the regular  
 9 program foundation base shall increase five-tenths  
 10 percent per year until the foundation base reaches  
 11 eighty-five percent of the regular program state cost  
 12 per pupil. For the budget year commencing July 1,  
 13 1990, the special education support services  
 14 foundation base is eighty-three percent of the special  
 15 education support services state cost per pupil. The  
 16 combined foundation base is the sum".

BENNETT of Ida

## H-3464

1 Amend the amendment, H-3416, to House File 535 as  
 2 follows:  
 3 1. Page 23, lines 16 and 17, by striking the  
 4 words "assessed valuation in" and inserting the  
 5 following: "individual income tax paid by residents  
 6 of".  
 7 2. Page 23, lines 18 and 19, by striking the  
 8 words "assessed valuation" and inserting the  
 9 following: "income tax".  
 10 3. Page 23, lines 19 and 20, by striking the  
 11 words "assessed valuation in" and inserting the  
 12 following: "total individual income tax paid by

- 13 residents of".  
 14 4. Page 23, line 22, by striking the word  
 15 "valuation" and inserting the following: "income  
 16 tax".  
 17 5. Page 23, by striking line 24 and inserting the  
 18 following: "income tax per pupil to the district's  
 19 income tax per".

STROMER of Hancock

H-3471

- 1 Amend House File 209 as follows:  
 2 1. Page 2, line 10, by striking the word  
 3 "paragraphs" and inserting the following:  
 4 "paragraph".  
 5 2. Page 2, by striking lines 11 through 16.

SVOBODA of Tama

H-3477

- 1 Amend House File 164 as follows:  
 2 1. By striking page 1, line 1 through page 2,  
 3 line 35 and inserting the following:  
 4 "Section 1. HEALTH CARE ACCESS GOAL ESTABLISHED.  
 5 It is the goal of the state of Iowa to provide that  
 6 every citizen is included in a program which assures  
 7 adequate access to needed health care services. A  
 8 plan to achieve this goal shall be developed and  
 9 implementation of the plan shall begin by July 1,  
 10 1991."  
 11 2. Page 3, by striking lines 19 through 21.  
 12 3. Title page, by striking lines 1 through 4 and  
 13 inserting the following: "An Act relating to access  
 14 to health care services and providing for a study of  
 15 health care insurance."  
 16 4. By renumbering as necessary.

CARPENTER of Polk  
 PLASIER of Sioux  
 CLARK of Cerro Gordo  
 MERTZ of Kossuth

H-3479

- 1 Amend Senate File 124, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 11, by inserting after line 16 the  
 4 following:  
 5 "\_\_\_\_\_. The commission shall require that excursion  
 6 gambling boats use biodegradable garbage bags or  
 7 liners where garbage bags or liners are used on the  
 8 boats."  
 9 2. By numbering subsections as necessary.

SPENNER of Henry

H—3480

- 1 Amend Senate File 124, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 11, by inserting after line 16 the  
 4 following:  
 5 "\_\_\_\_\_. The commission shall prohibit the use of  
 6 nonbiodegradable plastic or styrofoam cups, plates, or  
 7 eating utensils on an excursion gambling boat."  
 8 2. By renumbering subsections as necessary.

SPENNER of Henry

H—3481

- 1 Amend Senate File 124, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 12, by striking lines 19 through 22 and  
 4 inserting the following:  
 5 "6. A person under the age of eighteen years shall  
 6 not be allowed on an excursion gambling boat."

SPENNER of Henry

H—3482

- 1 Amend Senate File 124, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 12, line 9, by inserting after the word  
 4 "dice." the following: "If playing cards are used in  
 5 a gambling game, only playing cards manufactured in  
 6 Iowa shall be used for that purpose."

SPENNER of Henry

H—3486

- 1 Amend Senate File 124, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 11, by inserting after line 16 the  
 4 following:  
 5 "\_\_\_\_\_. The commission shall require that at least  
 6 two peace officers are present in areas of the  
 7 excursion boat where gambling is being conducted. A  
 8 peace officer employed pursuant to this subsection  
 9 must have successfully completed law enforcement  
 10 training required under section 80B.11."  
 11 2. By numbering subsections as required.

SPENNER of Henry

H—3488

- 1 Amend Senate File 124, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 11, by inserting after line 16 the  
 4 following:

- 5 "\_\_\_\_\_. The commission shall require that excursion  
6 gambling boats play only Dixieland music or other  
7 music which is typical of music played on passenger  
8 riverboats during the nineteenth century."  
9 2. By renumbering as necessary.

SPENNER of Henry

H-3490

- 1 Amend House File 641 as follows:  
2 1. Page 2, by inserting after line 3 the  
3 following:  
4 "Sec. \_\_\_\_\_. Section 141.21, Code 1989, is amended  
5 by adding the following new subsection after  
6 subsection 3 and renumbering the subsequent  
7 subsections:  
8 NEW SUBSECTION. 4. "Emergency medical care  
9 provider" means a trained person who is authorized by  
10 federal statute, by the Code, or by rule to provide  
11 emergency medical assistance or treatment, including,  
12 but not limited to, any of the following persons:  
13 a. An ambulance attendant.  
14 b. An emergency first responder.  
15 c. An emergency medical technician.  
16 d. A firefighter.  
17 e. A peace officer.  
18 f. A nurse.  
19 g. A physician.  
20 h. A physician's assistant.  
21 Sec. \_\_\_\_\_. Section 141.21, Code 1989, is amended by  
22 adding the following new subsection:  
23 NEW SUBSECTION. 11. "Significant exposure" means  
24 any of the following:  
25 a. A penetrating wound from a needle or other  
26 sharp object which is visibly contaminated with  
27 another person's blood, blood components, or blood-  
28 containing fluids.  
29 b. Exposure of abraded skin to another person's  
30 blood, blood components, or blood-containing fluids.  
31 c. Exposure of mucous membrane to another person's  
32 blood, blood components, or blood-containing fluids."  
33 2. Page 2, line 5, by striking the word "subsec-  
34 tion" and inserting the following: "subsections".  
35 3. Page 2, by inserting after line 15 the  
36 following:  
37 "NEW SUBSECTION. 8. a. A health care provider,  
38 emergency medical care provider, or other person who  
39 receives a significant exposure shall notify the  
40 person's employer, if any, within twenty-four hours of  
41 the significant exposure. Upon notification of a  
42 significant exposure, the employer, if any, or the  
43 exposed person shall notify each health facility known

44 to be currently providing care for the person believed  
 45 to be the source of the significant exposure. The  
 46 notification shall include but is not limited to the  
 47 name of the person who received the significant  
 48 exposure and the name of the person believed to be the  
 49 source of the significant exposure. Upon notification  
 50 of a significant exposure, the health facility shall

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1 perform both of the following:

2 (1) Release to the exposed person any known  
 3 diagnosis of reportable infectious or contagious  
 4 disease in the medical record of the person believed  
 5 to be the source of the significant exposure.

6 (2) Notify the exposed person of the need to seek  
 7 appropriate medical attention.

8 b. Notification required under this subsection  
 9 shall be conducted in a manner that protects the  
 10 confidentiality of the person believed to be the  
 11 source of the significant exposure and of the exposed  
 12 person."

13 4. Page 2, by inserting after line 17 the  
 14 following:

15 "Sec. \_\_\_\_\_. Section 356.48, Code 1989, is amended  
 16 to read as follows:

17 356.48 REQUIRED TEST.

18 A person confined to a jail or a person in the  
 19 custody of or being taken into custody by a peace  
 20 officer, who bites another person, who causes an  
 21 exchange of bodily fluids with another person, or who  
 22 causes any bodily secretion to be cast upon another  
 23 person, shall submit to the withdrawal of a bodily  
 24 specimen for testing to determine if the person is  
 25 infected with a contagious infectious disease. The  
 26 bodily specimen to be taken shall be determined by the  
 27 attending physician of that jail or the county medical  
 28 examiner. The specimen taken shall be sent to the  
 29 state hygienic laboratory at the state university at  
 30 Iowa City or some other laboratory approved by the  
 31 Iowa department of public health. If a person to be  
 32 tested pursuant to this section refuses to submit to  
 33 the withdrawal of a bodily specimen, application may  
 34 be made by the sheriff, peace officer taking custody,  
 35 or person in charge of the jail to the district court  
 36 for an order compelling the person to submit to the  
 37 withdrawal and, if infected, to available treatment.  
 38 An order authorizing the withdrawal of a specimen for  
 39 testing may be issued only by a district judge or  
 40 district associate judge upon application by the  
 41 sheriff, peace officer taking custody, or person in  
 42 charge of the jail.

43 A person who fails to comply with an order issued  
 44 pursuant to this section is guilty of a serious  
 45 misdemeanor.  
 46 Personnel The person exposed shall be notified of  
 47 the test results and personnel at the jail shall be  
 48 notified if a person confined is found to have a  
 49 contagious infectious disease.  
 50 The sheriff, peace officer taking custody, or

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1 person in charge of the jail shall take any  
 2 appropriate measure to prevent the transmittal of a  
 3 contagious infectious disease to other persons,  
 4 including the segregation of a confined person who  
 5 tests positive for acquired immune deficiency syndrome  
 6 from other confined persons.  
 7 For purposes of this section, "infectious disease"  
 8 means any infectious condition which if spread by  
 9 contamination would place others at serious health  
 10 risk.

11 Sec. \_\_\_\_\_. **NEW SECTION. 356.49 HUMAN**  
 12 **IMMUNODEFICIENCY VIRUS-RELATED MATTERS — EXEMPTION.**

13 The provisions of chapter 141 relating to knowledge  
 14 and consent do not apply to a person tested pursuant  
 15 to section 356.48."  
 16 5. By renumbering as necessary.

RENAUD of Polk

H-3491

1 Amend Senate File 124, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 11, by inserting after line 16 the  
 4 following:  
 5 "\_\_\_\_\_. The commission shall prohibit the serving of  
 6 alcoholic beverages on an excursion gambling boat  
 7 within three hours of the conclusion of an excursion  
 8 trip."  
 9 2. By renumbering subsections as required.

SPENNER of Henry

H-3492

1 Amend Senate File 124, as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 11, by inserting after line 16 the  
 4 following:  
 5 "\_\_\_\_\_. The commission shall prohibit burlesque  
 6 shows on excursion gambling boats."  
 7 2. By renumbering as necessary.

SPENNER of Henry

H-3493

- 1 Amend Senate File 124, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 11, by inserting after line 16 the  
 4 following:  
 5 "\_\_\_\_\_. The commission shall prohibit fishing,  
 6 seining, or trolling from the decks of an excursion  
 7 gambling boat."  
 8 2. By renumbering subsections as required.

GRUHN of Dickinson

H-3505

- 1 Amend Senate File 124, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 10, line 25, by inserting after the word  
 4 "years." the following: "An excursion gambling boat  
 5 shall not pass through or operate in the waters of a  
 6 border county unless the border county has authorized  
 7 gambling as provided in this subsection."

SPENNER of Henry

H-3513

- 1 Amend Senate File 124, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 16, line 9, by striking the word and  
 4 figure "December 31" and inserting the following:  
 5 "June 30".  
 6 2. Page 22, by inserting after line 18 the  
 7 following:  
 8 "Sec. \_\_\_\_\_. Section 99D.21, Code 1989, is amended  
 9 to read as follows:  
 10 99D.21 ANNUAL REPORT OF COMMISSION.  
 11 The commission shall make an annual report to the  
 12 governor, for the period ending ~~December 31~~ June 30 of  
 13 each year. Included in the report shall be an account  
 14 of the commission's actions, its financial position  
 15 and results of operation under this chapter, the  
 16 practical results attained under this chapter, and any  
 17 recommendations for legislation which the commission  
 18 deems advisable."  
 19 3. By renumbering sections as required.

RENKEN of Grundy

H-3517

- 1 Amend House File 658 as follows:  
 2 1. Page 5, by striking lines 16 through 21 and  
 3 inserting the following: "association shall not use a  
 4 name in advertising in a manner which would not be

5 available to a federal association under the United  
 6 States Code and regulations adopted pursuant to the  
 7 United States Code."

SHERZAN of Polk

H-3524

1 Amend Senate File 124, as amended, passed, and  
 2 reprinted by the Senate, as following:  
 3 1. Page 11, by inserting after line 16 the  
 4 following:  
 5 "\_\_\_\_\_. The commission shall prohibit the location  
 6 of automated teller machines or point-of-sale  
 7 terminals on excursion gambling boats or within the  
 8 docking premises of the excursion gambling boats."  
 9 2. By numbering subsections as necessary.

SPENNER of Henry

H-3525

1 House File 142 is amended as follows:  
 2 1. By striking everything after the enactment  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 514C.4 PSYCHOLOGICAL  
 5 COUNSELING.  
 6 1. A person offering a policy or contract  
 7 providing for third-party payment or prepayment of  
 8 health or medical expenses shall not refuse to issue a  
 9 policy or contract to an applicant for the sole reason  
 10 that the applicant or a prospective insured family  
 11 member or dependent of the applicant has received  
 12 psychological counseling if the counseling was  
 13 received six months or more prior to the date of  
 14 application, unless the person offering the policy or  
 15 contract could refuse to issue a policy or contract to  
 16 the applicant on the basis of the underlying mental or  
 17 nervous disorder for which counseling was received, in  
 18 accordance with sound actuarial principles.  
 19 2. A person offering a policy or contract subject  
 20 to subsection 1 shall request, receive, and analyze  
 21 information concerning any condition for which  
 22 psychological counseling has been sought by the  
 23 applicant or prospective insured prior to making the  
 24 underwriting decision on the application.  
 25 3. A person offering a policy or contract subject  
 26 to subsection 1 may refuse to issue a policy or  
 27 contract to an applicant for the sole reason that the  
 28 applicant has received psychological counseling if the  
 29 counseling was received within six months prior to the  
 30 date of the application. However, the applicant shall  
 31 be allowed to reapply in six months, and the person  
 32 offering the policy or contract shall not then refuse

33 to issue a policy or contract for the reason of  
 34 psychological counseling unless it could do so under  
 35 subsection 1.  
 36 4. A person offering a policy or contract  
 37 providing for third-party payment or prepayment of  
 38 health or medical expenses includes a person offering  
 39 the following:  
 40 a. An individual accident and sickness insurance  
 41 policy providing coverage on an expense-incurred  
 42 basis.  
 43 b. An individual hospital or medical service  
 44 contract issued pursuant to chapter 509, 514, or 514A  
 45 for individual coverage, but not for group coverage.  
 46 c. An individual health maintenance organization  
 47 contract regulated under chapter 514B.  
 48 d. A group health insurance policy or contract for  
 49 which underwriting of individual prospective insureds  
 50 is required."

BRAMMER of Linn

H-3528

1 Amend Senate File 124, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 11, by inserting after line 16 the  
 4 following:  
 5 "\_\_\_\_\_. The commission shall require that if an  
 6 excursion gambling boat operates on Sunday, the  
 7 operator of the excursion gambling boat shall offer a  
 8 nondenominational church service on each gambling  
 9 excursion operated during that day."  
 10 2. By renumbering as necessary.

SPENNER of Henry

H-3533

1 Amend House File 600 as follows:  
 2 1. Page 3, line 14, by inserting after the word  
 3 "commission." the following: "For the purposes of  
 4 this section, "city" means a city with a population of  
 5 more than two thousand five hundred."

PETERSEN of Muscatine

H-3534

1 Amend House File 600 as follows:  
 2 1. Page 3, line 14, by inserting after the word  
 3 "commission." the following: "A county shall consult  
 4 with all cities with populations over two thousand  
 5 five hundred within the county while developing and  
 6 prior to implementing the program developed under this  
 7 section."

PETERSEN of Muscatine

H-3536

1 Amend Senate File 363, as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 3, by inserting after line 17 the follow-  
4 ing:

5 "\_\_\_\_\_. For one-time emergency grants to licensed  
6 child care centers located in cities with a population  
7 of less than five thousand to be used to assist the  
8 centers in meeting staffing or other state licensing  
9 requirements, on the condition that the maximum grant  
10 is two thousand five hundred dollars and that any of  
11 the funds not awarded or encumbered by May 15, 1989,  
12 shall revert to the general fund:

13 .....\$ 50,000"

14 2. By renumbering as necessary.

MERTZ of Kossuth

H-3537

1 Amend House File 362 as follows:

2 1. Page 4, line 28, by inserting after the word  
3 "service." the following: "However, a public utility  
4 may engage in activities otherwise restricted by this  
5 subsection in a city with a population of less than  
6 ten thousand, provided that both of the following  
7 conditions are satisfied:

8 a. The city is in a county which does not have any  
9 city with a population of ten thousand or more.

10 b. The public utility otherwise provides utility  
11 service to that city."

12 2. Page 4, line 32, by inserting after the word  
13 "affiliate." the following: "However, a public  
14 utility may engage in activities otherwise restricted  
15 by this subsection in a city with a population of less  
16 than ten thousand, provided that both of the following  
17 conditions are satisfied:

18 a. The city is in a county which does not have any  
19 city with a population of ten thousand or more.

20 b. The public utility otherwise provides utility  
21 service to that city."

KOENIGS of Mitchell

H-3538

1 Amend House File 638 as follows:

2 1. Page 2, line 17, by striking the word  
3 "products" and inserting the following:  
4 "commodities".

5 2. Page 2, line 22, by striking the word  
6 "products" and inserting the following:  
7 "commodities".

- 8 3. Title page, line 5, by striking the word  
 9 "products" and inserting the following:  
 10 "commodities".

PETERSEN of Muscatine

H-3540

- 1 Amend House File 600 as follows:  
 2 1. Page 3, line 14, by inserting after the word  
 3 "commission." the following: "For the purpose of this  
 4 section, a county shall implement the program required  
 5 under this section for cities within the county with  
 6 populations of less than two thousand five hundred,  
 7 provided that such cities participate in the  
 8 development of the program. A city with a population  
 9 of two thousand five hundred or greater shall develop  
 10 and implement the program required under this  
 11 section."

PETERSEN of Muscatine  
 JOHNSON of Winneshiek

H-3542

- 1 Amend Senate File 124, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 12, by inserting after line 30 the  
 4 following:  
 5 "\_\_\_\_\_. If the commission authorizes slot machines  
 6 and the game of twenty-one, at least one-third of the  
 7 slot machines shall only require a nickel or its  
 8 equivalent to play, and at least one-third of the  
 9 twenty-one game tables shall accept one dollar or its  
 10 equivalent per hand."

LAGESCHULTE of Bremer

H-3544

- 1 Amend House File 600 as follows:  
 2 1. Page 1, line 22, by striking the word "lake"  
 3 and inserting the following: "state-owned lake under  
 4 the jurisdiction of the department".  
 5 2. Page 2, line 1, by striking the word "lakes"  
 6 and inserting the following: "state-owned lakes under  
 7 the jurisdiction of the department".

SPEAR of Lee

H-3545

- 1 Amend the amendment, H-3486, to Senate File 124, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 10, by inserting after the figure

5 "80B.11." the following: "The salaries and fringe  
6 benefits of the peace officers shall be paid by the  
7 operator of the excursion gambling boat."

TYRRELL of Iowa

H-3546

1 Amend Senate File 124, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 15, line 24, by inserting after the word  
4 "licensee." the following: "The commission shall  
5 require that at least two individuals jointly count  
6 all gambling receipts."

TYRRELL of Iowa

H-3549

1 Amend Senate File 363, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. By striking page 18, line 20, through page 19,  
4 line 5, and inserting the following:  
5 "For capitol restoration:  
6 ..... \$ 6,970,000"

HARBOR of Mills  
HALVORSON of Clayton

H-3550

1 Amend amendment, H-3525, to House File 142, as  
2 follows:  
3 1. Page 1, by inserting after line 50 the  
4 following:  
5 "\_\_\_\_\_ Title page, by striking lines 2 through 7,  
6 and inserting the following: "coverages by limiting  
7 the denial of insurance or other third-party payor  
8 contract or policy, based upon an applicant's receipt  
9 of psychological counseling.""  
10 2. By renumbering as necessary.

BRAMMER of Linn

H-3555

1 Amend Senate File 124, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, by striking line 30 and inserting the  
4 following: "individual player during a twenty-four  
5 hour period."

HOLVECK of Polk

H-3556

1 Amend House File 433 as follows:  
2 1. Page 1, by inserting after line 28, the

3 following:

4 "Sec. \_\_\_\_\_. Section 321.194, unnumbered paragraph  
5 2, Code 1989, is amended to read as follows:

6 Each application shall be accompanied by a  
7 statement from the school board or superintendent of  
8 the applicant's school. The statement shall be upon a  
9 form provided by the department. The school board or  
10 superintendent shall certify that a need exists for  
11 the license and that the board and superintendent are  
12 not responsible for actions of the applicant which  
13 pertain to the use of the school license. The  
14 department of education shall adopt rules pursuant to  
15 chapter 17A establishing criteria for issuing a  
16 statement of necessity. Upon receipt of a statement  
17 of necessity, the department shall issue a school  
18 license. The fact that the applicant resides at a  
19 distance less than one mile from the applicant's  
20 schools of enrollment is prima-facie evidence of the  
21 nonexistence of necessity for the issuance of a  
22 license. A school license shall not be issued for  
23 purposes of attending a public school in a school  
24 district other than the district of residence of the  
25 parent or guardian of the student, if the student is  
26 enrolled in the public school which is not the school  
27 district of residence through open enrollment under  
28 section 282.18."

29 2. Title page, by striking line 1 and inserting  
30 the following: "An Act relating to the operation of  
31 motor vehicles and knowledge of the operation of motor  
32 vehicles, by prohibiting the issuance of school  
33 licenses for purposes of attending certain public  
34 schools, by requiring".

WISE of Lee

H—3558

1 Amend House File 531 as follows:

2 1. Page 7, by inserting after line 15 the  
3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 579A.1 LIEN.

5 A person, including an owner of a livery or feed  
6 stable, a livestock herder, or a livestock producer,  
7 who has entered into a contract to care for and feed  
8 livestock on behalf of a contract feeder as defined in  
9 section 579A.5, shall have a first lien on all  
10 property in the person's possession owned or con-  
11 trolled by the contract feeder. The lien shall be for  
12 all charges relating to the care and feeding of the  
13 livestock.

14 Sec. \_\_\_\_\_. NEW SECTION. 579A.2 PUBLIC AUCTION.

15 A person who has a lien for charges relating to the  
16 care and feeding of livestock under section 579A.1 may

17 sell property subject to the lien at a public auction,  
 18 after at least ten days' notice of the sale. The  
 19 notice shall be delivered by certified mail or  
 20 restricted certified mail to the contract feeder. The  
 21 notice shall set the time and place of the sale. The  
 22 person shall also publish notice of the sale in a  
 23 newspaper of general circulation in the township where  
 24 the livestock were cared for and fed or where the  
 25 property was received.

26 Sec. \_\_\_\_\_. NEW SECTION. 579A.3 PROCEEDS FROM SALE  
 27 AT AUCTION.

28 The proceeds from a sale under section 579A.2 shall  
 29 be distributed as follows:

30 1. The person who has a lien under chapter 579A.1  
 31 shall be paid first for all charges relating to the  
 32 care and feeding of the livestock.

33 2. The contract feeder shall be paid the balance  
 34 of the proceeds subject to any prior liens.

35 Sec. \_\_\_\_\_. NEW SECTION. 579A.4 WAIVER.

36 A waiver of the lien created by this chapter shall  
 37 not be enforceable. A written contract under which a  
 38 person is to care for and feed livestock under this  
 39 chapter must contain a statement in boldface type of a  
 40 minimum size of ten point declaring the following: "I  
 41 understand that pursuant to Iowa law I have a  
 42 statutorily created lienholder's interest in the  
 43 property in my possession owned or controlled by the  
 44 entity for which I am to care for and feed livestock  
 45 pursuant to the terms of this contract. I cannot  
 46 voluntarily give up my right to the protection of this  
 47 lienholder interest with respect to the livestock to  
 48 be cared for and fed under this contract."

49 Sec. \_\_\_\_\_. NEW SECTION. 579A.5 CONTRACT FEEDER.

50 As used in this chapter, "contract feeder" means a

**Page 2**

1 person owning in any year more than one thousand head  
 2 of cattle or sheep, two thousand five hundred head of  
 3 swine, or five thousand head of poultry, if the  
 4 livestock are subject to a contract or contracts for  
 5 care and feeding by a person or persons other than the  
 6 owner, on land which is not owned, leased, or held by  
 7 the owner of the livestock."

8 2. Title page, line 1, by striking the words  
 9 "landholdings by" and inserting the following:  
 10 "property held by persons, including but not limited  
 11 to".

H-3559

- 1 Amend Senate File 369 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 2, line 31 through page 3,  
 4 line 3.  
 5 2. Title page, line 3, by striking the words "and  
 6 to continue the ethanol truck project".

Committee on Appropriations

H-3560

- 1 Amend Senate File 52, as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by striking lines 8 through 12, and  
 4 inserting the following: "student is justified if the  
 5 contact is reasonable and necessary under the  
 6 circumstances for the proper control, training, or  
 7 education of the student, and is not for the  
 8 intentional physical punishment of the student."

WISE of Lee

H-3567

- 1 Amend House File 528 as follows:  
 2 1. Page 1, by inserting before line 1 the fol-  
 3 lowing:  
 4 "Sec. \_\_\_\_\_. Section 422B.1, subsection 4, Code  
 5 1989, is amended to read as follows:  
 6 4. The county commissioner of elections shall  
 7 submit the question of imposition of a local option  
 8 tax at a state general election or at a special  
 9 election held at any time other than the time of a  
 10 city regular election which may not be held sooner  
 11 than sixty days after publication of notice of the  
 12 ballot proposition. The question of imposition of a  
 13 local option sales and services tax shall not be  
 14 submitted at an election in an area of the county  
 15 where the question was submitted and defeated in that  
 16 area of the county within the previous twelve months.  
 17 The ballot proposition shall specify the type and rate  
 18 of tax and in the case of a vehicle tax the classes  
 19 that will be exempt and in the case of a local sales  
 20 and services tax the date it will be imposed. The  
 21 ballot proposition shall also specify the approximate  
 22 amount of local option tax revenues that will be used  
 23 for property tax relief and shall contain a statement  
 24 as to the specific purpose or purposes for which the  
 25 revenues shall otherwise be expended. The rate of the  
 26 vehicle tax shall be in increments of one dollar per  
 27 vehicle as set by the petition seeking to impose the  
 28 tax. The rate of a local sales and services tax shall

29 not be more than one percent as set by the governing  
 30 body. The state commissioner of elections shall  
 31 establish by rule the form for the ballot proposition  
 32 which form shall be uniform throughout the state."  
 33 2. Title page, line 1, by inserting after the  
 34 word "repeal" the following: "and the submission of  
 35 the question of imposition".

GRONINGA of Cerro Gordo

H-3570

1 Amend House File 715 as follows:  
 2 1. Page 10, by inserting before line 3 the  
 3 following:  
 4 "Sec. \_\_\_\_\_, 1988 Iowa Acts, chapter 1019, sections  
 5 21, 23, and 24, are repealed."

CONNOLLY of Dubuque

H-3571

1 Amend House File 715 as follows:  
 2 1. Page 2, line 11, by striking the word and  
 3 figure "through 4" and inserting the word and figure  
 4 "through 3".  
 5 2. Page 2, line 15, by striking the word "twenty-  
 6 three" and inserting the word "twenty-four".  
 7 3. Page 2, line 16, by striking the word "seven"  
 8 and inserting the word "eight".  
 9 4. Page 2, by striking lines 17 and 18.

KOENIGS of Mitchell

H-3572

1 Amend House File 716 as follows:  
 2 1. Page 3, by inserting after line 35 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 56.15A REPRESENTATIONS  
 5 BY CANDIDATE FOR GENERAL ASSEMBLY.  
 6 A candidate for the office of state representative  
 7 or state senator shall not advertise, publicly state,  
 8 or otherwise indicate during a political campaign that  
 9 the candidate does not receive contributions from  
 10 political action committees, if the candidate receives  
 11 contributions from any source, including a state or  
 12 county statutory political committee, which has  
 13 received moneys or contributions from any political  
 14 action committee.  
 15 As used in this section, "political action  
 16 committee" means a political committee other than a  
 17 state or county statutory political committee."  
 18 2. By numbering and renumbering as necessary.

TYRRELL of Iowa

H—3573

1 Amend House File 715 as follows:

- 2 1. Page 10, by inserting before line 3 the fol-  
 3 lowing:  
 4 "Sec. \_\_\_\_\_. There is appropriated from the road use  
 5 tax fund to state department of transportation the sum  
 6 of \$15,000 or so much thereof as is necessary, for the  
 7 purpose of conducting a study, in consultation with  
 8 the department of natural resources and  
 9 representatives of cities and counties, to analyze and  
 10 report on the impact of waterway opening and  
 11 floodplain requirements existing in federal or state  
 12 law, regulations, administrative rules or design  
 13 guides, on current and future road and bridge  
 14 requirements, costs, and needs. The analysis shall  
 15 consider what economies the various road programs  
 16 might achieve by modifying these requirements,  
 17 including reducing or eliminating liability the road  
 18 jurisdiction might have with any current or  
 19 alternative future provision of road and bridge  
 20 features for waterways and floodplains, including  
 21 analyzing the risk to and benefits for roads and  
 22 bridges and the risks and costs to land, improvements,  
 23 and human activity. The study shall recommend methods  
 24 for reducing the future highway program costs for  
 25 providing bridges in Iowa. The study shall be  
 26 submitted to the governor, the chief clerk of the  
 27 house, and the secretary of the senate not later than  
 28 January 31, 1990."  
 29 2. By renumbering as necessary.

DE GROOT of Lyon  
 CONNOLLY of Dubuque

H—3575

1 Amend House File 715 as follows:

- 2 1. Page 2, line 13, by striking the word "fifty"  
 3 and inserting the word "forty-eight".  
 4 2. Page 2, line 15, by striking the word "twenty-  
 5 three" and inserting the word "twenty-five".

DE GROOT of Lyon

H—3577

1 Amend House File 621 as follows:

- 2 1. Page 2, line 13, by inserting after the word  
 3 "assets" the following: "to heirs at law or devisees  
 4 under a will".

MUHLBAUER of Crawford

H-3582

1 Amend House File 497 as follows:  
 2 1. Page 1, by striking everything after the  
 3 enacting clause and inserting the following:  
 4 "Section 1. Section 20.17, Code 1989, is amended  
 5 by adding the following subsection:  
 6 NEW SUBSECTION. 11. A collective bargaining  
 7 agreement and a grievance settlement or arbitration  
 8 award made pursuant to section 20.18 or 20.22, are  
 9 complete and controlling with respect to all public  
 10 employees covered by the collective bargaining  
 11 agreement, grievance settlement, or arbitration award,  
 12 and the terms of the collective bargaining agreement,  
 13 grievance settlement, or arbitration award supersede  
 14 all conflicting provisions of sections 331.757 and  
 15 331.904 relating to reclassification matters and other  
 16 extraordinary circumstances."

CONNORS of Polk  
 BISIGNANO of Polk

H-3583

1 Amend the Senate amendment, H-3498, to House File  
 2 447 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 14, line 40, by inserting after the word  
 5 "Act" the following: ", or a release reported prior  
 6 to April 1, 1988, if the release was discovered in the  
 7 course of installing monitoring wells to comply with  
 8 state mandated monitoring requirements".

PELLETT of Cass

H-3586

1 Amend House File 733 as follows:  
 2 1. Title page, line 2, by striking the word  
 3 "expending" and inserting the word "expanding".

GRUHN of Dickinson

H-3590

1 Amend House File 715 as follows:  
 2 1. Page 7, by inserting after line 5, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 313.4, Code 1989, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 6. The general assembly shall  
 7 annually appropriate moneys from the primary road fund  
 8 to the department of public safety, division of  
 9 highway safety and uniformed force, for support and  
 10 miscellaneous purposes including federal Highway  
 11 Safety Act programs."

VAN MAANEN of Mahaska

H—3594

- 1 Amend House File 718 as follows:
- 2 1. Page 6, by striking lines 12 through 20.
- 3 2. By renumbering as necessary.

SHERZAN of Polk

H—3597

- 1 Amend House File 704 as follows:
- 2 1. Page 1, line 34, by inserting after the word
- 3 "state." the following: "All fees collected from
- 4 purchasers of records or other data pursuant to this
- 5 section shall be transmitted to the department of
- 6 general services."

HANSON of Delaware

H—3598

- 1 Amend House File 704 as follows:
- 2 1. Page 1, line 22, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 1, by inserting after line 34 the
- 6 following:
- 7 "NEW SUBSECTION. 6. All forms, records, and other
- 8 data prepared and made available pursuant to this
- 9 section shall be printed in a format which does not
- 10 include the name of any elected official."

HANSON of Delaware

H—3599

- 1 Amend House File 274 as follows:
- 2 1. Page 2, by inserting after line 3 the
- 3 following:
- 4 "4. Notwithstanding subsections 2 and 3, if a
- 5 person who files nomination papers for the office of
- 6 county sheriff is ineligible to serve as sheriff only
- 7 for lack of law enforcement officer training as
- 8 required under subsection 1, paragraph c, the person's
- 9 name shall be placed on the applicable ballots for the
- 10 primary and general elections. The Iowa law
- 11 enforcement academy shall accept the candidate for
- 12 enrollment in the first basic training class or other
- 13 training course necessary for recognition or
- 14 certification which begins after the date of filing
- 15 the nomination papers. The candidate may be nominated
- 16 and elected to the office of sheriff, but the
- 17 candidate is ineligible to serve until recognized or
- 18 certificated by the Iowa law enforcement academy
- 19 council as a law enforcement officer."

HAMMOND of Story

H—3600

1 Amend House File 274 as follows:

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

4 "Section 1. Section 39.17, unnumbered paragraph 1,  
5 Code 1989, is amended to read as follows:

6 There shall be elected in each county at the  
7 general election to be held in the year 1976 and every  
8 four years thereafter, an auditor and a sheriff, each  
9 to hold office for a term of four years.

10 Sec. 2. Section 44.7, Code 1989, is amended to  
11 read as follows:

12 44.7 HEARING BEFORE COMMISSIONER.

13 Objections filed with the commissioner shall be  
14 considered by the county auditor, county treasurer,  
15 and county attorney, and a majority decision shall be  
16 final; but if the objection is to the certificate of  
17 nomination of one or more of the above named county  
18 officers, the officer or officers objected to shall  
19 not pass upon the objection, but their places shall be  
20 filled, respectively, by the chairperson of the board  
21 of supervisors, ~~the sheriff~~ another member of the  
22 board of supervisors selected by the chairperson, and  
23 the county recorder.

24 Sec. 3. Section 97B.49, subsection 8, paragraph a,  
25 subparagraph (1), Code 1989, is amended to read as  
26 follows:

27 (1) As a county sheriff as defined in section  
28 ~~39.17~~ 331.651.

29 Sec. 4. Section 331.651, subsections 1 and 2, Code  
30 1989, are amended to read as follows:

31 1. The office of sheriff is an ~~elective~~ appointive  
32 office except that if a vacancy occurs in the office,  
33 the first deputy shall assume the office after  
34 qualifying as provided in this section and shall hold  
35 the office until a successor is appointed to the  
36 unexpired term as provided in chapter 69. If a  
37 sheriff is suspended from office, the district court  
38 may appoint a sheriff until a temporary appointment is  
39 made by the board as provided in section 66.19.

40 2. A person ~~elected or~~ appointed to the office of  
41 sheriff shall qualify by taking the oath of office as  
42 provided in section 63.10 and give bond as provided in  
43 section 64.8.

44 Sec. 5. Section 331.651, subsection 3, Code 1989,  
45 is amended by striking the subsection and inserting in  
46 lieu thereof the following:

47 3. The board shall appoint the county sheriff to a  
48 term of office of four years."

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

## Page 2

1 "Sec. 6. Section 331.905, subsection 1, paragraphs  
2 a and b, Code 1989, are amended to read as follows:

3 a. ~~Two~~ Three members shall be appointed by the  
4 board of supervisors.

5 b. One member shall be appointed by each of the  
6 following county officers: the county auditor, county  
7 attorney, county recorder, and county treasurer, ~~and~~  
8 county sheriff.

9 Sec. 7. EFFECTIVE DATE — TRANSITION.

10 1. The effective date of this Act is July 1, 1989;  
11 however, a county sheriff serving an unexpired term of  
12 office immediately before July 1, 1989, may continue  
13 to serve the unexpired term. Notwithstanding section  
14 331.651, a vacancy occurring in the office of county  
15 sheriff on or after July 1, 1989, shall be filled for  
16 the unexpired term by appointment of the board of  
17 supervisors. Thereafter, a county sheriff shall be  
18 appointed to a four-year term.

19 2. The member of the county compensation board  
20 appointed by the county sheriff before July 1, 1989,  
21 may continue to serve the unexpired term of office as  
22 a member of the county compensation board. A vacancy  
23 occurring on or after July 1, 1989, in the position on  
24 the county compensation board which was filled by  
25 appointment of the county sheriff, shall be filled for  
26 the unexpired term by appointment of the board of  
27 supervisors. Thereafter, the position shall be filled  
28 by appointment of the board of supervisors for a four-  
29 year term."

30 3. Page 2, line 4, by striking the words "This  
31 Act" and inserting the following: "Section 331.651A".

32 4. Title page, line 1, by inserting after the  
33 word "for" the following: ", and appointment of,".

34 5. By renumbering as necessary.

HAMMOND of Story

H-3601

1 Amend House File 656 as follows:

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

4 "Section 1. Section 18.18, subsection 1, Code  
5 1989, is amended to read as follows:

6 1. When purchasing paper products, the department  
7 of general services shall, whenever the price is  
8 reasonably competitive and the quality intended,  
9 purchase the recycled product. The According to the  
10 schedule established in this subsection, the  
11 department of general services shall also purchase,  
12 ~~whenever the price is reasonably competitive and the~~

13 quality intended, and in keeping with the schedule  
14 established in this subsection, soybean-based or  
15 refrain from purchasing paper, inks, and starch-based  
16 plastics, including but not limited to starch-based  
17 plastic garbage can liners.

18 a. By July 1, 1989, a minimum of fifty percent of  
19 the purchases of inks which are used for newsprint  
20 printing services performed internally or contracted  
21 for by the department of general services shall be  
22 soybean-based. The percentage of purchases by the  
23 department of soybean-based inks used for newsprint  
24 printing services shall increase by July 1, 1990, to  
25 one hundred percent of the total purchases of inks  
26 used for newsprint printing services.

27 b. By July 1, 1989, a minimum of fifteen percent  
28 of the purchases of garbage can liners made by the  
29 department of general services shall be starch-based  
30 plastic garbage can liners. The percentage purchased  
31 shall increase by five percent annually until fifty  
32 percent of the purchases of garbage can liners are  
33 purchases of starch-based plastic garbage can liners.

34 e b. The department of general services shall  
35 report to the general assembly on January February 1  
36 of each year the plastic following:

37 (1) Plastic products which are regularly purchased  
38 by the department of general services and other state  
39 agencies for which starch-based product alternatives  
40 are available. The report shall also include the cost  
41 of the plastic products purchased and the cost of the  
42 starch-based product alternatives.

43 (2) Information relating to soybean-based inks  
44 regularly purchased by the department and other state  
45 agencies. The report shall include the cost of  
46 purchasing soybean-based inks, the percentage of inks  
47 purchased which are soybean-based, and methods of  
48 disposing of the inks.

49 Sec. 3. Section 262.9, subsection 4, Code 1989, is  
50 amended to read as follows:

## Page 2

1 4. Manage and control the property, both real and  
2 personal, belonging to the institutions. The board  
3 shall purchase or require the purchase of, whenever  
4 the price is reasonably competitive and the quality  
5 intended, and in keeping with According to the  
6 schedule established in this subsection, soybean-based  
7 the board shall purchase or refrain from purchasing  
8 inks and starch-based plastics, including but not  
9 limited to starch-based plastic garbage can liners.

10 a. By July 1, 1989, a minimum of fifty percent of  
11 the purchases of inks which are used for newsprint

12 paper for printing services performed internally or  
 13 contracted for by the board shall be soybean-based.  
 14 The percentage of purchases by the board of soybean-  
 15 based inks used for newsprint printing services shall  
 16 increase by July 1, 1990, to one hundred percent of  
 17 the total purchases of inks used for newsprint  
 18 printing services.

19 b. By July 1, 1989, a minimum of fifteen percent  
 20 of the purchases of garbage can liners made by the  
 21 board shall be starch-based plastic garbage can  
 22 liners. The percentage purchased shall increase by  
 23 five percent annually until fifty percent of the  
 24 purchases of garbage can liners are purchases of  
 25 starch-based plastic garbage can liners.

26 e b. The board shall report to the general  
 27 assembly on department of general services by January  
 28 1 of each year, the plastic following:

29 (1) Plastic products which are regularly purchased  
 30 by the board for which starch-based product  
 31 alternatives are available. The report shall also  
 32 include the cost of the plastic products purchased and  
 33 the cost of the starch-based product alternatives.

34 (2) Information relating to soybean-based inks  
 35 regularly purchased by the board. The report shall  
 36 include the cost of purchasing soybean-based inks, the  
 37 percentage of inks purchased which are soybean-based,  
 38 and methods of disposing of the inks.

39 Sec. 4. Section 262.9, subsection 4, Code 1989, is  
 40 amended by adding the following new paragraphs:

41 NEW PARAGRAPH. d. The department of general  
 42 services, in conjunction with the department of  
 43 natural resources, shall review the procurement  
 44 specifications currently used by the board to  
 45 eliminate, wherever possible, discrimination against  
 46 the procurement of products manufactured with starch-  
 47 based plastics and soybean-based inks.

48 NEW PARAGRAPH. e. The department of natural  
 49 resources shall assist the board in locating suppliers  
 50 of starch-based plastics and soybean-based inks and

### Page 3

1 collecting data on starch-based plastic and soybean-  
 2 based ink purchases.

3 NEW PARAGRAPH. g. The board, in conjunction with  
 4 the department of natural resources, shall adopt rules  
 5 to carry out the provisions of this section.

6 NEW PARAGRAPH. h. The department of general  
 7 services and the department of natural resources shall  
 8 cooperate with the board in all phases of implementing  
 9 this section.

10 Sec. 5. Section 307.21, subsection 4, Code 1989,

11 is amended to read as follows:

12 4. a. Provide centralized purchasing services for  
 13 the department, in co-operation with the department of  
 14 general services. The administrator shall, whenever  
 15 the price is reasonably competitive and the quality  
 16 intended, purchase soybean-based or refrain from  
 17 purchasing inks and starch-based plastics, including  
 18 but not limited to starch-based garbage can liners,  
 19 and shall purchase these items in accordance with the  
 20 schedule established in section 18.18.

21 b. The department shall report to the department  
 22 of general services by January 1 of each year, the  
 23 following:

24 (1) Plastic products which are regularly purchased  
 25 by the board for which starch-based product  
 26 alternatives are available. The report shall also  
 27 include the cost of the plastic products purchased and  
 28 the cost of the starch-based product alternatives.

29 (2) Information relating to soybean-based inks and  
 30 starch-based garbage can liners regularly purchased by  
 31 the department. The report shall include the cost of  
 32 purchasing soybean-based inks, the percentage of inks  
 33 purchased which are soybean-based, and methods of  
 34 disposing of the inks.

35 Sec. 6. Section 601L.3, subsection 12, Code 1989,  
 36 is amended to read as follows:

37 12. Whenever the price is reasonably competitive  
 38 and the quality intended, and in keeping with Manage  
 39 and control the property, both real and personal,  
 40 belonging to the department. The commission shall,  
 41 according to the schedule established in this  
 42 subsection, purchase soybean-based or refrain from  
 43 purchasing inks and starch-based plastics, including  
 44 but not limited to starch-based garbage can liners.

45 a. By July 1, 1989, a minimum of fifty percent of  
 46 the purchases of inks which are used for newsprint  
 47 paper for printing services performed internally or  
 48 contracted for by the commission shall be soybean-  
 49 based. The percentage of purchases by the commission  
 50 of soybean-based inks used for newsprint printing

Page 4

1 services shall increase by July 1, 1990, to one  
 2 hundred percent of the total purchases of inks used  
 3 for newsprint printing services.

4 b. By July 1, 1989, a minimum of fifteen percent  
 5 of the purchases of garbage can liners made by the  
 6 commission shall be starch-based plastic garbage can  
 7 liners. The percentage purchased shall increase by  
 8 five percent annually until fifty percent of the  
 9 purchases of garbage can liners are purchases of

10 starch-based plastic garbage can liners.

11 e b. The commission shall report to the general  
12 assembly department of general services on January 1  
13 of each year, the plastic following:

14 (1) Plastic products which are regularly purchased  
15 by the commission for which starch-based product  
16 alternatives are available. The report shall also  
17 include the cost of the plastic products purchased and  
18 the cost of the starch-based product alternatives.

19 (2) Information relating to soybean-based inks  
20 regularly purchased by the commission. The report  
21 shall include the cost of purchasing soybean-based  
22 inks, the percentage of inks purchased which are  
23 soybean-based, and methods of disposing of the inks.

24 Sec. 7. Section 601L.3, subsection 12, Code 1989,  
25 is amended by adding the following new paragraphs:

26 NEW PARAGRAPH. d. The department of general  
27 services, in conjunction with the department of  
28 natural resources, shall review the procurement  
29 specifications currently used by the commission to  
30 eliminate, wherever possible, discrimination against  
31 the procurement of products manufactured with starch-  
32 based plastics and soybean-based inks.

33 NEW PARAGRAPH. e. The department of natural  
34 resources shall assist the commission in locating  
35 suppliers of starch-based plastics and soybean-based  
36 inks, and collecting data on recycled content, starch-  
37 based plastic, and soybean-based ink purchases.

38 NEW PARAGRAPH. f. The commission, in conjunction  
39 with the department of natural resources, shall adopt  
40 rules to carry out the provisions of this section.

41 NEW PARAGRAPH. g. The department of general  
42 services and the department of natural resources shall  
43 cooperate with the commission in all phases of  
44 implementing this section.

45 Sec. 8. If there is a conflict between any  
46 provision of this Act, as enacted, and 1989 Iowa Acts,  
47 House File 476 or Senate File 487, as enacted, the  
48 provision contained in 1989 Iowa Acts, House File 476  
49 or Senate File 487, shall control."

MILLER of Cherokee

H-3603

1 Amend Senate File 52 as amended, passed, and  
2 reprinted by the Senate as follows:

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

5 "Sec. \_\_\_\_\_. Section 808A.1, subsection 4, paragraph  
6 d, Code 1989, is amended to read as follows:

7 d. A school locker, desk, or other facility or  
8 space issued or assigned to, or chosen by, the student

- 9 for the storage of personal belongings of any kind,  
 10 which the student locks or is permitted to lock.  
 11 School officials may conduct periodic inspections of  
 12 all school lockers. ~~However, the school district~~  
 13 ~~shall provide notice to the students, at least twenty-~~  
 14 ~~four hours prior to the inspection, of the date and~~  
 15 ~~time of the inspection.~~  
 16 Sec. \_\_\_\_\_. Section 808A.2, subsection 3, paragraph  
 17 c, Code 1989, is amended by striking the paragraph."  
 18 2. Title page, line 1, by striking the words "to  
 19 prohibit" and inserting the following: "relating to  
 20 searches at and".  
 21 3. By renumbering as necessary.

SPENNER of Henry

H-3605

- 1 Amend House File 718 as follows:  
 2 1. Page 8, by striking lines 8 through 14.  
 3 2. By striking page 9, line 34, through page 10,  
 4 line 7.  
 5 3. Title page, lines 14 and 15, by striking the  
 6 words: "requiring certain persons to wear helmets and  
 7 providing a penalty;"  
 8 4. By renumbering as necessary.

PETERS of Woodbury  
 KISTLER of Jefferson  
 HIBBARD of Madison  
 BLACK of Jasper  
 COHOON of Des Moines  
 SHEARER of Louisa  
 PETERSON of Carroll  
 RENKEN of Grundy

BROWN of Lucas  
 JAY of Appanoose  
 PAVICH of Pottawattamie  
 SIEGRIST of Pottawattamie  
 RENAUD of Polk  
 LYKAM of Scott  
 MUHLBAUER of Crawford  
 BEATTY of Warren  
 SCHRADER of Marion  
 SVOBODA of Tama

H-3611

- 1 Amend House File 715 as follows:  
 2 1. Page 2, line 13, by striking the word "fifty"  
 3 and inserting the word "forty-nine".  
 4 2. Page 2, line 15, by striking the word "twenty-  
 5 three" and inserting the word "twenty-four".  
 6 3. Page 2, line 16, by striking the word "seven"  
 7 and inserting the word "eight".  
 8 4. Page 2, line 18, by striking the word "twenty"  
 9 and inserting the word "nineteen".

FULLER of Hardin

H-3612

- 1 Amend House File 715 as follows:  
 2 1. Page 1, by striking lines 3 through 26 and

3 inserting the following:

4 "NEW SUBSECTION. 2A. a. Commencing July 1, 1990,  
5 the jurisdiction and control over an extension of the  
6 trunk or trunk collector system within a city with a  
7 total population of less than one thousand persons  
8 vests in the county board of supervisors unless the  
9 city certifies by January 1, 1990, to the department  
10 that the city by ordinance or resolution has elected  
11 to exercise its option of having the jurisdiction and  
12 control over the extension vest with the city.

13 If after July 1, 1990, a city wishes to exercise  
14 its option of having the jurisdiction and control over  
15 the extension vest with the city, or wishes to rescind  
16 its election of having jurisdiction and control over  
17 the extension vest with the city, it shall certify  
18 that the city has by ordinance or resolution so  
19 elected or rescinded, and the effective date of the  
20 election or rescission shall be July 1 following a  
21 five-year period from the date of the certification of  
22 the election or rescission with the department.  
23 However, the jurisdictional and control change shall  
24 be effective at an earlier date if the city and all  
25 affected counties agree to an earlier transition date.

26 b. The population of a city for purposes of this  
27 subsection, shall be the total population of the city  
28 and shall be determined in the same manner as provided  
29 in section 312.3, subsections 2 through 5. If  
30 application of paragraph "a" changes for a city due to  
31 a new federal census, a boundary annexation, or a  
32 consolidation, the effective date of the changed  
33 application of paragraph "a" shall commence July 1  
34 following the five-year period from the date of the  
35 taking of the new federal census or the date of the  
36 annexation or consolidation. However, the  
37 jurisdictional and control change shall be effective  
38 at an earlier date if the city and all affected  
39 counties agree to an earlier transition date. If the  
40 change in application is such that the exercise of  
41 jurisdiction and control is at the option of the city,  
42 the jurisdiction and control of the extension shall  
43 vest with the county board of supervisors unless the  
44 city elects to have the jurisdiction and control vest  
45 with the city as provided in paragraph "a".

46 If the jurisdiction and control of an extension  
47 vests in the county board of supervisors under this  
48 subsection and the city extends into more than one  
49 county, each county board of supervisors shall  
50 exercise jurisdiction and control of the extension

**Page 2**

1 within their own county."

H-3613

- 1 Amend House File 715 as follows:  
2 1. Page 2, by striking lines 13 through 20 and  
3 inserting the following:  
4 "1. To the primary road fund, ~~forty-five~~ forty-  
5 eight percent.  
6 2. To the secondary road fund of the counties,  
7 ~~twenty-eight~~ twenty-five percent.  
8 3. To the farm-to-market road fund, ~~nine~~ seven  
9 percent.  
10 4. To the street construction fund of the cities,  
11 ~~eighteen~~ twenty percent.  
12 Sec. \_\_\_\_\_, Section 312.2, subsection 7, Code 1989,  
13 is amended to read as follows:  
14 7. The treasurer of state, before making the  
15 allotments provided in this section, shall credit  
16 annually to the primary road fund from the road use  
17 tax fund the sum of ~~seven~~ thirteen million ~~one~~ hundred  
18 thousand dollars."

DE GROOT of Lyon

H-3615

- 1 Amend House File 715 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 312.2, Code 1989, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 19. The treasurer of state,  
7 before making the allotments provided for in this  
8 section, shall credit monthly from the road use tax  
9 fund the revenue accruing to the road use tax fund  
10 from the amount of excise tax collected from four  
11 cents per gallon under the excise tax on motor fuel  
12 and special fuel except aviation gasoline under  
13 section 324.3 and the excise tax on special fuel for  
14 diesel engines under section 324.34, allocated in the  
15 following manner:  
16 a. To the primary road fund, ~~forty-two~~ percent.  
17 b. To the secondary road fund of the counties,  
18 ~~thirty~~ percent.  
19 c. To the farm-to-market road fund, ~~six~~ percent.  
20 d. To the street construction fund of the cities,  
21 ~~twenty-two~~ percent.  
22 Sec. 2. 1988 Iowa Acts, chapter 1019, sections 21,  
23 23, and 24, are repealed."  
24 2. Title page, lines 2 and 3, by striking the  
25 words "and providing effective dates".

STROMER of Hancock

H—3616

- 1 Amend House File 715 as follows:
- 2 1. By striking page 3, line 28 through page 4,
- 3 line 23.
- 4 2. By striking page 5, line 32 through page 6,
- 5 line 31.
- 6 3. Page 9, by striking lines 28 through 33.

STROMER of Hancock

H—3619

- 1 Amend House File 715 as follows:
- 2 1. Page 2, line 13, by striking the word "fifty"
- 3 and inserting the word "forty-seven".
- 4 2. Page 2, line 15, by striking the word "twenty-
- 5 three" and inserting the word "twenty-six".

SVOBODA of Tama

H—3620

- 1 Amend House File 715 as follows:
- 2 1. Page 2, line 13, by striking the word "fifty"
- 3 and inserting the word "forty-eight".
- 4 2. Page 2, line 15, by striking the word "twenty-
- 5 three" and inserting the word "twenty-five".

SVOBODA of Tama

H—3621

- 1 Amend House File 715 as follows:
- 2 1. Page 1, by striking lines 3 through 26 and
- 3 inserting the following:
- 4 "NEW SUBSECTION. 2A. a. Commencing July 1, 1990,
- 5 the jurisdiction and control over an extension of the
- 6 trunk or trunk collector system within a city with a
- 7 total population of less than five hundred persons
- 8 vests in the county board of supervisors.
- 9 b. Commencing July 1, 1990, the jurisdiction and
- 10 control over an extension of the trunk or trunk
- 11 collector system within a city with a total population
- 12 of at least five hundred persons but less than one
- 13 thousand persons vests in the county board of
- 14 supervisors unless the city certifies by January 1,
- 15 1990, to the department that the city by ordinance or
- 16 resolution has elected to exercise its option of
- 17 having the jurisdiction and control over the extension
- 18 vest with the city.
- 19 If after July 1, 1990, a city wishes to exercise
- 20 its option of having the jurisdiction and control over
- 21 the extension vest with the city, or wishes to rescind
- 22 its election of having jurisdiction and control over

23 the extension vest with the city, it shall certify  
 24 that the city has by ordinance or resolution so  
 25 elected or rescinded, and the effective date of the  
 26 election or rescission shall be July 1 following a  
 27 five-year period from the date of the certification of  
 28 the election or rescission with the department.  
 29 However, the jurisdictional and control change shall  
 30 be effective at an earlier date if the city and all  
 31 affected counties agree to an earlier transition date.

32 c. The population of a city for purposes of this  
 33 subsection, shall be the total population of the city  
 34 and shall be determined in the same manner as provided  
 35 in section 312.3, subsections 2 through 5. If  
 36 application of paragraph "a" or "b" changes for a city  
 37 due to a new federal census, a boundary annexation, or  
 38 a consolidation, the effective date of the changed  
 39 application of paragraphs "a" and "b" shall commence  
 40 July 1 following the five-year period from the date of  
 41 the taking of the new federal census or the date of  
 42 the annexation or consolidation. However, the  
 43 jurisdictional and control change shall be effective  
 44 at an earlier date if the city and all affected  
 45 counties agree to an earlier transition date. If the  
 46 change in application is such that the exercise of  
 47 jurisdiction and control is at the option of the city,  
 48 the jurisdiction and control of the extension shall  
 49 vest with the county board of supervisors unless the  
 50 city elects to have the jurisdiction and control vest

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1 with the city as provided in paragraph "b".  
 2 If the jurisdiction and control of an extension  
 3 vests in the county board of supervisors under this  
 4 subsection and the city extends into more than one  
 5 county, each county board of supervisors shall  
 6 exercise jurisdiction and control of the extension  
 7 within their own county."

KOENIGS of Mitchell

## H—3633

1 Amend House File 164 as follows:  
 2 1. Page 3, line 17, by inserting after the word  
 3 "mandatory" the following: "state and".

PLASIER of Sioux

## H—3634

1 Amend the amendment, H—3413, to House File 164 as  
 2 follows:  
 3 1. Page 2, line 49, by striking the word  
 4 "enhance" and inserting the following: "provide a

- 5 definition and methods for enhancing".
- 6 2. Page 2, line 50, by striking the word
- 7 "employees" and inserting the following: "persons".

PLASIER of Sioux

H-3635

- 1 Amend House File 164 as follows:
- 2 1. Page 3, line 6, by inserting after the word
- 3 "employers" the following: "and employment".

PLASIER of Sioux

H-3636

- 1 Amend the amendment, H-3413, to House File 164 as
- 2 follows:
- 3 1. Page 2, by striking lines 29 through 35 and
- 4 inserting the following: "a primary and preventive
- 5 health insurance benefit package."

PLASIER of Sioux

H-3638

- 1 Amend House File 749 as follows:
- 2 1. Page 1, by striking lines 13 and 14, and
- 3 inserting the following:
- 4 "c. A dog which, while not on the owner's
- 5 property, kills a domestic animal."
- 6 2. Page 4, line 22, by striking the word
- 7 "another" and inserting the following: "a".
- 8 3. Page 6, line 5, by striking the word "another"
- 9 and inserting the following: "a".
- 10 4. Page 8, line 24, by inserting after the word
- 11 "be" the following: "quarantined and".
- 12 5. Page 8, line 30, by striking the word "be" and
- 13 inserting the following: "after a hearing be
- 14 quarantined and".
- 15 6. Page 8, line 35, by inserting after the word
- 16 "shall" the following: "after a hearing".
- 17 7. Page 8, line 35, by inserting after the word
- 18 "immediately" the following: "quarantined and".
- 19 8. Page 9, line 35, by striking the word
- 20 "another" and inserting the following: "a".

SPEAR of Lee

H-3639

- 1 Amend House File 715 as follows:
- 2 1. Page 4, line 11, by striking the word "eighty"
- 3 and inserting the following: "seventy percent, for
- 4 the fiscal year beginning July 1, 1991, is eighty
- 5 percent, for the fiscal year beginning July 1, 1992,

6 is ninety”.

7 2. Page 4, line 12, by striking the figure “1991”  
8 and inserting the figure “1993”.

9 3. Page 4, line 21, by striking the word “twenty”  
10 and inserting the following: “thirty percent, for the  
11 fiscal year beginning July 1, 1991, is twenty percent,  
12 and for the fiscal year beginning July 1, 1992, is  
13 ten”.

14 4. Page 6, line 24, by striking the word “eighty”  
15 and inserting the following: “seventy percent, for  
16 the fiscal year beginning July 1, 1991, is eighty  
17 percent, for the fiscal year beginning July 1, 1992,  
18 is ninety”.

19 5. Page 6, line 25, by striking the figure “1991”  
20 and inserting the figure “1993”.

21 6. Page 6, line 29, by striking the word “twenty”  
22 and inserting the following: “thirty percent, for the  
23 fiscal year beginning July 1, 1991, is twenty percent,  
24 and for the fiscal year beginning July 1, 1992, is  
25 ten”.

KOENIGS of Mitchell

H—3640

1 Amend House File 720 as follows:

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

4 “Sec. \_\_\_\_\_. Section 28F.11, Code 1989, is amended  
5 to read as follows:

6 28F.11 EMINENT DOMAIN.

7 ~~Any A~~ public agency participating in an agreement  
8 authorizing the joint exercise of governmental powers  
9 pursuant to this chapter may exercise its power of  
10 eminent domain to acquire interests in property, under  
11 provisions of law then in effect and applicable to the  
12 public agency, for the use of the entity created to  
13 carry out the agreement; ~~provided that~~. However, the  
14 power of eminent domain ~~is~~ shall not be used to  
15 acquire interests in property which is part of a  
16 system of facilities in existence, under construction,  
17 or planned, for the generation, transmission or sale  
18 of electric power, except for a dam or hydroelectric  
19 power facility, which was completed and in service  
20 prior to January 1, 1914, and located in the waters of  
21 or on land adjacent to either side of the Mississippi  
22 river. Any interests in property acquired are  
23 acquired for a public purpose of the condemning public  
24 agency, and the payment of the costs of the  
25 acquisition may be made pursuant to the agreement or  
26 to ~~any~~ a separate agreement between the public agency  
27 and the entity or the other public agencies

28 participating in the entity or any of them. Upon  
 29 payment of costs, any property acquired is the  
 30 property of the entity."

ADAMS of Hamilton  
 WISE of Lee

H-3648

1 Amend House File 600 as follows:  
 2 1. Page 1, line 22, by inserting after the word  
 3 "lake." the following: "Upon application to the  
 4 county assessor for an assessment year, property tax  
 5 shall not be assessed against property affected by  
 6 this section within a distance of one rod from the  
 7 ordinary high water mark of any stream segment or  
 8 sovereign lake."

BENNETT of Ida

H-3649

1 Amend the amendment, H-3490, to House File 641, as  
 2 follows:  
 3 1. Page 1, line 50, by inserting after the word  
 4 "facility" the following: ", or if the health  
 5 facility is a skilled nursing facility or an  
 6 intermediate care facility as defined in section  
 7 135C.1, a resident's physician".

RENAUD of Polk

H-3650

1 Amend amendment, H-3622, to House File 700 as  
 2 follows:  
 3 1. Page 1, by inserting after line 21 the  
 4 following:  
 5 "\_\_\_\_\_. Page 7, by inserting after line 29 the  
 6 following:  
 7 "Sec. \_\_\_\_\_. Sections 236.15, 236.16, 236.17, and  
 8 236.18, Code 1989, are repealed." "

JAY of Appanoose

H-3651

1 Amend amendment, H-3444, to House File 46 as  
 2 follows:  
 3 1. Page 1, by inserting after line 4 the  
 4 following:  
 5 "\_\_\_\_\_. Page 1, by inserting after line 8 the  
 6 following:  
 7 "Sec. \_\_\_\_\_. Section 44.1, Code 1989, is amended to  
 8 read as follows:  
 9 44.1 POLITICAL NONPARTY ORGANIZATIONS.

10 Any convention or caucus of eligible electors  
 11 representing a political organization which is not a  
 12 political party as defined by law, may, for the state,  
 13 or for any division or municipality thereof, or for  
 14 any county, or for any subdivision thereof, for which  
 15 such convention or caucus is held, make one nomination  
 16 of a candidate for each office to be filled therein at  
 17 the general election. However, in order to qualify  
 18 for any nomination made for a state-wide elective  
 19 office by such a political organization there shall be  
 20 in attendance at the convention or caucus where the  
 21 nomination is made a minimum of two hundred fifty  
 22 eligible electors including at least one eligible  
 23 elector from each of twenty-five counties. In order  
 24 to qualify for any nomination to the office of United  
 25 States representative there shall be in attendance at  
 26 the convention or caucus where the nomination is made  
 27 a minimum of fifty one hundred eligible electors who  
 28 are residents of the congressional district including  
 29 at least one eligible elector from each of at least  
 30 one-half of the counties of the congressional  
 31 district. In order to qualify for any nomination to  
 32 an office to be filled by the voters of a county or of  
 33 a city there shall be in attendance at the convention  
 34 or caucus where the nomination is made a minimum of  
 35 ~~ten~~ fifty eligible electors who are residents of the  
 36 county or city, as the case may be, including at least  
 37 one eligible elector from at least one-half of the  
 38 voting precincts in that county or city. In order to  
 39 qualify for any nomination made for the general  
 40 assembly there shall be in attendance at the  
 41 convention or caucus where the nomination is made a  
 42 minimum of ~~ten~~ fifty eligible electors who are  
 43 residents of the representative district or ~~twenty~~  
 44 seventy-five eligible electors who are residents of  
 45 the senatorial district, as the case may be, with at  
 46 least one eligible elector from one-half of the voting  
 47 precincts in the district in each case. The names of  
 48 all delegates in attendance at such convention or  
 49 caucus and such fact shall be certified to the state  
 50 commissioner together with the other certification

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- 1 requirements of this chapter."
- 2 \_\_\_\_\_. Title page, line 1, by inserting after the
- 3 word "the" the following: "nomination of candidates
- 4 for public office, including the"."

HARBOR of Mills  
 TEAFORD of Black Hawk

HALVORSON of Webster  
 HANSON of Delaware  
 RENKEN of Grundy  
 PAVICH of Pottawattamie

H—3652

- 1 Amend House File 712 as follows:  
 2 1. Page 1, line 29, by inserting after the word  
 3 "permit." the following: "The only penalty for a  
 4 violation of this subsection shall be the scheduled  
 5 fine provided for in section 805.8, subsection 12,  
 6 except that the violator shall be ordered to clean up  
 7 and properly dispose of the waste dumped or  
 8 deposited."  
 9 2. Page 1, line 35, by striking the word "five"  
 10 and inserting the following: "five".  
 11 3. Page 2, line 1, by striking the words "~~hundred~~  
 12 ~~one thousand~~" and inserting the following: "hundred".  
 13 4. Page 2, by inserting after line 4, the  
 14 following:  
 15 "Sec. \_\_\_\_\_. Section 805.8, Code 1989, is amended by  
 16 adding the following new subsection:  
 17 NEW SUBSECTION. 12. SOLID WASTE DISPOSAL  
 18 VIOLATIONS. For violations of section 455B.307,  
 19 subsection 1, the scheduled fine is five hundred  
 20 dollars."  
 21 5. Renumber as necessary.

GARMAN of Story

H—3653

- 1 Amend House File 600 as follows:  
 2 1. Page 1, line 22, by inserting after the word  
 3 "lake." the following: "The division of soil  
 4 conservation shall pay for the cost of seeding  
 5 protected areas under this subsection."

ROYER of Page

H—3658

- 1 Amend House File 685 as follows:  
 2 1. Page 14, line 24, by striking the word "two"  
 3 and inserting the following: "five".

RENKEN of Grundy  
 McKEAN of Jones  
 KREMER of Buchanan  
 BANKS of Plymouth

H—3659

- 1 Amend amendment, H—3310, to Senate File 155 as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, by inserting after line 18, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 236.16, Code 1989, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 4. The department shall  
 8 coordinate the efforts and enlist the assistance of  
 9 all public and private agencies which provide services  
 10 to victims of domestic abuse in order to develop

- 11 sensitivity training courses which shall be offered to
- 12 judges and magistrates pursuant to section 602.1206."
- 13 2. By renumbering as necessary.

SVOBODA of Tama

H-3665

- 1 Amend House File 685 as follows:
- 2 1. Page 11, by striking lines 12 and 13, and
- 3 inserting the following: "company may maintain the
- 4 interest acquired prior to the determination of
- 5 invalidity, but must divest itself of all Iowa assets
- 6 within two years of the date of the final
- 7 determination of invalidity."

RENKEN of Grundy  
 HALVORSON of Clayton  
 HANSON of Delaware  
 KREMER of Buchanan

BLANSHAN of Greene  
 HIBBARD of Madison  
 HARBOR of Mills  
 TYRRELL of Iowa  
 SHEARER of Louisa  
 VAN MAANEN of Mahaska

H-3675

- 1 Amend House File 262 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 248A.7 RIGHTS NOT
- 5 RESTORABLE.
- 6 Notwithstanding any other provision of this
- 7 chapter, a person who has been convicted of a forcible
- 8 felony or a violation of chapter 204 or 724 shall not
- 9 have the person's rights of citizenship restored to
- 10 the extent of allowing the person to receive,
- 11 transport, or possess firearms."
- 12 2. Title page, line 1, by inserting after the
- 13 word "weapons" the following: "and firearms".
- 14 3. By renumbering as necessary.

ROSENBERG of Story  
 JAY of Appanoose

H-3682

- 1 Amend House File 715 as follows:
- 2 1. Page 3, by inserting after line 27 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 312.2, Code 1989, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 19. a. The treasurer of state,
- 7 before making the allotments provided in this section,
- 8 shall annually credit to the secondary road fund an
- 9 amount to hold harmless the secondary road fund from
- 10 changes in the allocation formula incorporated in this

11 Act. The amount credited under this paragraph shall  
 12 equal the amount, if any, by which the base year  
 13 amount exceeds the amount of moneys credited to the  
 14 secondary road fund under subsection 2. For purposes  
 15 of this paragraph, the "base year amount" is one  
 16 hundred fifty-four million five hundred thousand  
 17 dollars.

18 b. The treasurer of state, before making the  
 19 allotments provided in this section, shall annually  
 20 credit to the farm-to-market road fund an amount to  
 21 hold harmless the farm-to-market road fund from  
 22 changes in the allocation formula incorporated in this  
 23 Act. The amount credited under this paragraph shall  
 24 equal the amount, if any, by which the base year  
 25 amount exceeds the amount of moneys credited to the  
 26 farm-to-market road fund under subsection 3. For  
 27 purposes of this paragraph, the "base year amount" is  
 28 fifty million two hundred thousand dollars.

29 c. This subsection is repealed effective July 1,  
 30 1991."

KOENIGS of Mitchell

H-3683

1 Amend House File 749 as follows:

2 1. Page 1, by striking lines 13 and 14, and  
 3 inserting the following:

4 "c. A dog which, while not on the owner's  
 5 property, kills a domestic animal."

6 2. Page 4, line 22, by striking the word  
 7 "another" and inserting the following: "a".

8 3. Page 6, line 5, by striking the word "another"  
 9 and inserting the following: "a".

10 4. Page 8, line 35, by inserting after the word  
 11 "immediately" the following: "quarantined and".

12 5. Page 9, line 35, by striking the word  
 13 "another" and inserting the following: "a".

SPEAR of Lee

H-3689

1 Amend House File 715 to read as follows:

2 1. Page 9, line 19, by striking the figure "1989"  
 3 and inserting the figure "1990".

4 2. Page 10, by inserting before line 3 the  
 5 following:

6 "Sec. \_\_\_\_\_. Sections 4, 5, 6, 7, 8, 11, 14, 16, 17,  
 7 18, and 20, take effect July 1, 1990."

DVORSKY of Johnson

H-3690

1 Amend House File 715 as follows:  
2 1. Page 7, by inserting after line 5, the  
3 following:  
4 "Sec. \_\_\_\_\_. Section 313.4, Code 1989, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 6. The general assembly shall  
7 annually appropriate moneys from the primary road fund  
8 to the department of public safety, division of  
9 highway safety and uniformed force, for support and  
10 miscellaneous purposes including federal Highway  
11 Safety Act programs, and the state's contributions to  
12 the peace officers' retirement, accident, and  
13 disability system provided in chapter 97A in the  
14 amount of sixteen percent of the salaries for which  
15 the funds are appropriated. However, the unfunded  
16 liability of the peace officers' retirement, accident,  
17 and disability system, as of July 1, 1986, shall not  
18 be considered a liability of the road use tax fund."

VAN MAANEN of Mahaska

H-3691

1 Amend Senate File 52, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 7 through 12 and  
4 inserting the following: "student. The following do  
5 not constitute intentional physical punishment or  
6 physical abuse, nor is a school or area education  
7 agency employee prohibited from doing the following:  
8 a. Using reasonable force to quell a disturbance  
9 or prevent an act that threatens physical harm to any  
10 person.  
11 b. Using reasonable force to obtain possession of  
12 a weapon or other dangerous object within a student's  
13 control.  
14 c. Using reasonable force for the purposes of  
15 self-defense or defense of others as provided under  
16 section 704.3.  
17 d. Using reasonable force for the protection of  
18 property as provided under section 704.4.  
19 e. Using reasonable force to remove a disruptive  
20 student from school premises or from school-sponsored  
21 activities off school premises.  
22 f. Using reasonable force to protect a student  
23 from self-inflicted harm.  
24 g. Using reasonable force to protect the safety of  
25 others.  
26 h. Using incidental, minor, or reasonable physical  
27 contact to maintain order and control.  
28 2. In determining whether the force used is

29 reasonable, the following factors shall be considered:  
 30 a. The nature of the student's conduct which led  
 31 to physical contact with a school employee.  
 32 b. The size and physical condition of the student.  
 33 c. Any weapon or dangerous object used in the  
 34 physical contact.  
 35 d. The motivation of the employee at the time the  
 36 physical contact took place.  
 37 e. Any other relevant facts and circumstances  
 38 surrounding an incident."

DAGGETT of Adams

H-3706

1 Amend the amendment, H-3431, to Senate File 224, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 12, by inserting after the word  
 5 "lockers" the following: "and may conduct, in the  
 6 presence of qualified medical personnel, blood tests,  
 7 urine analyses, and strip searches".

BROWN of Lucas

H-3715

1 Amend House File 740 as follows:  
 2 1. Page 1, by striking lines 6 through 13 and in-  
 3 serting the following:  
 4 "c. Fondling or touching the pubes or genitals of  
 5 a child; minor for the purpose of arousing or  
 6 satisfying the sexual desires of a person who may view  
 7 a depiction of the act.  
 8 d. Fondling or touching the pubes or genitals of a  
 9 person by a child; minor for the purpose of arousing  
 10 or satisfying the sexual desires of a person who may  
 11 view a depiction of the act.  
 12 e. Sadomasochistic abuse of a child for the  
 13 purpose of arousing or satisfying the sexual desires  
 14 of a person who may view a depiction of the abuse;  
 15 f. Sadomasochistic abuse of a person by a child  
 16 minor for".  
 17 2. Page 1, line 16, by striking the letter "g."  
 18 and inserting the following: "g f."  
 19 3. Page 3, line 10, by inserting after the word  
 20 "bestiality," the following: "lewd".

ROSENBERG of Story

H-3724

1 Amend House File 715 as follows:  
 2 1. Page 9, by inserting after line 17 the  
 3 following:

4 "Sec. \_\_\_\_\_. Section 331.423, subsection 2, Code  
5 1989, is amended to read as follows:  
6 2. For rural county services, ~~three dollars and~~  
7 ~~ninety-five~~ seventy-five cents per thousand dollars of  
8 the assessed value of taxable property in the county  
9 outside of incorporated city areas."

MAULSBY of Calhoun

H-3727

1 Amend Senate File 365, 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 56.6, subsection 1, paragraph  
6 e, is amended to read as follows:  
7 e. Committees for municipal and school elective  
8 offices and local ballot issues shall file their first  
9 reports five days prior to any election in which the  
10 name of the candidate or the local ballot issue which  
11 they support or oppose appears on the printed ballot  
12 and shall file their next report on the first day of  
13 the month following the final election in a calendar  
14 year in which the candidate's name or the ballot issue  
15 appears on the ballot. A committee supporting or  
16 opposing a candidate for a municipal or school  
17 elective office or a local ballot issue shall ~~continue~~  
18 ~~to also file a disclosure report~~ reports on the first  
19 day of every month twentieth day of January and  
20 October of each year in which the candidate or ballot  
21 issue does not appear on the ballot and on the  
22 twentieth day of January, May, and July of each year  
23 in which the candidate or ballot issue appears on the  
24 ballot, until the committee dissolves. These  
25 reports shall be current to five days prior to the  
26 filing deadline and are considered timely filed if  
27 mailed bearing a United States postal service postmark  
28 one or more calendar days preceding the due date."

HALVORSON of Webster

H-3728

1 Amend the amendment, H-3645, to House File 724 as  
2 follows:

3 1. Page 1, by striking lines 2 through 7 and  
4 inserting the following:  
5 "\_\_\_\_\_. Page 9, by striking lines 11 through 15 and  
6 inserting the following: "definite and unequivocal  
7 identification of the property lines or boundaries.  
8 The description shall commence at or relate to a  
9 physically monumented corner or boundary line of  
10 record."

- 11 \_\_\_\_\_. Page 9, line 18, by striking the word "and"  
 12 and inserting the following: "or".  
 13 \_\_\_\_\_. By striking page 12, line 29 through page  
 14 34, line 7.  
 15 \_\_\_\_\_. By striking page 34, line 14, through page  
 16 36, line 7.  
 17 \_\_\_\_\_. Page 36, line 19, by striking the figures  
 18 "409.17 409A.26" and inserting the following:  
 19 "409.17".  
 20 \_\_\_\_\_. By striking page 36, line 20, through page  
 21 37, line 9, and inserting the following:  
 22 "Sec. \_\_\_\_\_. REPEAL. Chapter 355, Code 1989, is  
 23 repealed." "  
 24 2. Title page, by striking lines 2 and 3 and  
 25 inserting the following: "land surveying and the  
 26 preparation and recording of plats."  
 27 3. By renumbering as necessary.

JAY of Appanoose

H-3734

- 1 Amend amendment, H-3703, to House File 720 as  
 2 follows:  
 3 1. Page 3, by inserting after line 12 the  
 4 following:  
 5 "\_\_\_\_\_. Page 1, by inserting before line 9 the  
 6 following:  
 7 "Sec. \_\_\_\_\_. Section 28F.14, unnumbered paragraph 3,  
 8 Code 1989, is amended to read as follows:  
 9 In addition to other powers, the governing body of  
 10 a hydroelectric utility may purchase all or part of  
 11 any power plant and may purchase all or part of the  
 12 capacity, power or energy associated with any power  
 13 plant owned by, or contract to sell all or part of the  
 14 hydroelectric utility's power and energy including any  
 15 surplus to, a public agency or private agency or an  
 16 entity created to carry out an agreement authorizing  
 17 the joint exercise of any of the governmental powers  
 18 enumerated in section 28F.1. Any such entity, public  
 19 agency, or hydroelectric utility may enter into  
 20 contracts for the purchase or supply, from any source,  
 21 of all or a portion of the capacity, power and energy  
 22 requirements of the entity, public agency or  
 23 hydroelectric utility on terms and conditions as the  
 24 governing body of the entity, public agency or  
 25 hydroelectric utility deems fit, subject to section  
 26 476.43. The terms may include provisions for the  
 27 payment for capacity or output of a facility whether  
 28 the facility is completed or operating, and for  
 29 establishing the rights and obligations of all parties  
 30 to the contract in the event of default. Payments  
 31 made by an entity, public agency or hydroelectric

32 utility under contracts constitute operating expenses  
 33 of the entity, public agency or hydroelectric utility  
 34 payable from the revenues derived from the electric  
 35 power plant and systems of the entity, public agency  
 36 or hydroelectric utility.””

CHAPMAN of Linn  
 HANSON of Delaware  
 HAVERLAND of Polk

H—3735

1 Amend amendment, H—3703, to House File 720 as  
 2 follows:  
 3 1. Page 2, line 37, by inserting after the word  
 4 “entity” the following: “or upon defeasance of the  
 5 city’s outstanding obligations to the entity in a  
 6 manner approved by the governing body of the entity”.

JAY of Appanoose  
 FOGARTY of Palo Alto

H—3738

1 Amend the amendment, H—3385, to House File 100, as  
 2 follows:  
 3 1. By striking page 1, line 2, through page 2, line  
 4 5, and inserting the following:  
 5 “\_\_\_\_\_. By striking page 1, line 6, through page 3,  
 6 line 26, and inserting the following:  
 7 “1. TERMINATION OR DENIAL OF RENEWAL “FOR GOOD  
 8 CAUSE” ONLY. A tenancy shall not be terminated or  
 9 renewal of a tenancy refused except for good cause and  
 10 upon giving of a written notice to the tenant as provided  
 11 in this section. If there is good cause as defined in  
 12 this section for termination or nonrenewal of the rental  
 13 agreement, the landlord may deliver a written notice to  
 14 the tenant specifying that good cause and that the rental  
 15 agreement will terminate upon a date not less than thirty  
 16 days after receipt of the notice or will not  
 17 be renewed if the act or omission  
 18 claimed to be good cause is not remedied in fourteen  
 19 days.  
 20 2. “GOOD CAUSE” DEFINED. For purposes of this  
 21 section, “good cause” means one or more of the following:  
 22 a. Failure of a tenant to comply with a local  
 23 ordinance or state law relating to mobile homes after the  
 24 tenant has received notice of noncompliance from the  
 25 appropriate government agency.  
 26 b. Material breach by the tenant of a reasonable  
 27 rule of the park as contained in the written lease or a  
 28 material breach of the rental agreement.  
 29 c. Conduct by the tenant, upon the park premises,  
 30 which constitutes a substantial annoyance to other

31 tenants.

32 d. Nonpayment of rent, utility charges, or  
 33 reasonable incidental service charges, if the amount due  
 34 has been unpaid for a period of at least five days from  
 35 its due date and the tenant fails to pay rent within  
 36 three days after written notice to the tenant by the  
 37 landlord of nonpayment and of the landlord's intention to  
 38 terminate the rental agreement if the rent is not paid  
 39 within three days. If rent remains unpaid at the  
 40 expiration of the three days, the landlord may provide  
 41 written notice that the lease will terminate in thirty  
 42 days, unless within fourteen days, the tenant pays the  
 43 amount due or vacates the tenancy. Payment by the  
 44 tenant prior to the expiration of the fourteen days shall  
 45 cure a default under this paragraph and shall cancel the  
 46 related thirty-day notice of termination. If rent is due  
 47 and unpaid and the tenant fails to pay the rent within  
 48 the fourteen-day period to cure, the landlord may  
 49 terminate the rental agreement upon the expiration of the  
 50 thirty-day termination notice period.

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1 e. Material noncompliance of the tenant with  
 2 section 562B.18.

3 f. Condemnation of the tenant's lot by the exercise  
 4 of eminent domain or by order of state or local  
 5 government agencies.

6 g. Change of use by the mobile home park owner is  
 7 good cause for nonrenewal of a lease; however, sixty days'  
 8 notice shall be provided the tenant of the park owner's  
 9 intent not to renew a lease.

10 3. RIGHT TO CURE. a. The tenant may avoid  
 11 termination or denial of renewal by correcting the  
 12 violation or noncompliance under subsection 2, paragraphs  
 13 "a" through "e", within fourteen days of receiving the  
 14 notice to cure or vacate.  
 15 If the breach is remediable by repair or  
 16 the payment of damages or otherwise, and the tenant  
 17 adequately remedies the breach prior to the expiration of  
 18 fourteen days, the rental agreement shall not be  
 19 terminated at the expiration of thirty days. The  
 20 written notice shall explain the right to cure the  
 21 alleged violation or noncompliance within fourteen days and  
 22 detail the required remedy.

23 b. Nothing in this section relieves the park owner  
 24 from the obligation to demonstrate that a rule is  
 25 reasonable and has in fact been violated.

26 4. Except as otherwise provided in this chapter,  
 27 the landlord may recover damages, obtain injunctive  
 28 relief, or recover possession of the mobile home space  
 29 pursuant to an action in forcible detainer for good

- 30 cause.  
 31 5. The remedy provided in subsection 4  
 32 is in addition to any right of the landlord  
 33 arising under subsection 1." "  
 34 2. By striking page 2, line 19, through page 4,  
 35 line 15.  
 36 3. Page 4, by inserting after line 15, the  
 37 following:  
 38 "\_\_\_\_\_. By striking page 5, line 16, through page 6,  
 39 line 34.  
 40 \_\_\_\_\_. Page 7, line 13, by striking the word  
 41 and figure "or 562B.35."

HATCH of Polk

H-3748

- 1 Amend House File 702 as follows:  
 2 1. Page 2, by striking lines 11 through 14.  
 3 2. Page 4, by striking lines 24 through 28.  
 4 3. By striking page 4, line 29, through page 5,  
 5 line 14.  
 6 4. Page 6, by striking lines 15 through 22.  
 7 5. By striking page 6, line 23, through page 7,  
 8 line 2.  
 9 6. Page 7, by striking lines 3 through 8.  
 10 7. By renumbering as necessary.

ROSENBERG of Story

H-3757

- 1 Amend House File 262 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 248A.7 RIGHTS NOT  
 5 RESTORABLE.  
 6 Notwithstanding any other provision of this  
 7 chapter, a person who has been convicted of a forcible  
 8 felony, a felony violation of chapter 204 involving a  
 9 firearm, or a felony violation of chapter 724 shall  
 10 not have the person's rights of citizenship restored  
 11 to the extent of allowing the person to receive,  
 12 transport, or possess firearms."  
 13 2. Title page, line 1, by inserting after the  
 14 word "weapons" the following: "and firearms".  
 15 3. By renumbering as necessary.

ROSENBERG of Story  
 JAY of Appanoose

H-3763

- 1 Amend House File 715 as follows:  
 2 1. Page 9, by inserting after line 17 the

3 following:

4 "Sec. \_\_\_\_\_. Section 331.423, subsection 1, Code  
5 1989, is amended to read as follows:

6 1. For general county services, ~~three~~ six dollars  
7 and ~~fifty~~ seventy cents per thousand dollars of the  
8 assessed value of all taxable property in the county.

9 Sec. \_\_\_\_\_. Section 331.429, subsection 1, paragraph  
10 a, Code 1989, is amended to read as follows:

11 a. Transfers from the general fund not to exceed  
12 in any year the dollar equivalent of a tax of ~~sixteen~~  
13 three dollars and thirty-six and seven-eighths cents  
14 per thousand dollars of assessed value on all taxable  
15 property in the county multiplied by the ratio of  
16 current taxes actually collected and apportioned for  
17 the general basic levy to the total general basic levy  
18 for the current year, and an amount equivalent to the  
19 moneys derived by the general fund from military  
20 service tax credits under chapter 426A, mobile home  
21 taxes under section 135D.22, and delinquent taxes for  
22 prior years collected and apportioned to the general  
23 basic fund in the current year, multiplied by the  
24 ratio of ~~sixteen~~ three dollars and thirty-six and  
25 seven-eighths cents to ~~three~~ six dollars and ~~fifty~~  
26 seventy cents."

MAULSBY of Calhoun

H-3764

1 Amend the amendment, H-3309, to House File 209, as  
2 follows:

- 3 1. Page 1, by striking lines 2 through 4.
- 4 2. Page 1, by striking lines 10 through 19.
- 5 3. By renumbering as necessary.

LUNDBY of Linn

H-3765

1 Amend the amendment, H-3309, to House File 209, as  
2 follows:

- 3 1. Page 1, line 32, by striking the word
- 4 "regularly" and inserting the following: "hourly".

LUNDBY of Linn

H-3766

1 Amend House File 209 as follows:

- 2 1. Page 2, line 15, by inserting after the word
- 3 "place." the following: "All public conveyances, not
- 4 otherwise exempted by federal law, shall provide
- 5 smoking areas."

LUNDBY of Linn

H-3767

- 1 Amend House File 209 as follows:
- 2 1. Page 2, by striking lines 30 and 31 and
- 3 inserting the following: "section 804.1. The
- 4 complainant shall pay the cost of any filing fee."

LUNDBY of Linn

H-3768

- 1 Amend House File 209 as follows:
- 2 1. Page 2, line 24, by striking the words "ten
- 3 fifty" and inserting the following: "ten".

LUNDBY of Linn

H-3769

- 1 Amend House File 209 as follows:
- 2 1. Page 2, line 24, by striking the word "fifty"
- 3 and inserting the following: "twenty-five".

LUNDBY of Linn

H-3770

- 1 Amend House File 209 as follows:
- 2 1. Page 2, by inserting after line 20, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 98A.4, Code 1989, is amended to
- 5 read as follows:
- 6 98A.4 AREAS POSTED.
- 7 A person having custody or control of a public
- 8 place or public meeting shall cause signs to be posted
- 9 within the appropriate areas of the facility advising
- 10 patrons of smoking and no-smoking areas. All areas
- 11 designated as no-smoking areas shall be easily
- 12 accessible. In addition the statement "Smoking
- 13 prohibited except in designated areas" shall be
- 14 conspicuously posted on all major entrances to the
- 15 public place or public meeting."
- 16 2. By renumbering as necessary.

LUNDBY of Linn

H-3771

- 1 Amend House File 209 as follows:
- 2 1. Page 2, by inserting after line 20, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 98A.4, Code 1989, is amended to
- 5 read as follows:
- 6 98A.4 AREAS POSTED.
- 7 A person having custody or control of a public
- 8 place or public meeting shall cause signs to be posted
- 9 within the appropriate areas of the facility advising

- 10 patrons of smoking and no-smoking areas. The signs  
 11 shall be posted at intervals of no less than seventy-  
 12 five feet. In addition the statement "Smoking  
 13 prohibited except in designated areas" shall be  
 14 conspicuously posted on all major entrances to the  
 15 public place or public meeting. All signs posted  
 16 under this section shall be eighteen inches square.  
 17 The department of inspections and appeals shall  
 18 provide the required signs to a person required to  
 19 post such a sign, at no cost to the person."  
 20 2. By renumbering as necessary.

LUNDBY of Linn

## H-3772

- 1 Amend the amendment, H-3309, to House File 209, as  
 2 follows:  
 3 1. Page 1, line 7, by striking the words "twenty-  
 4 five" and inserting the following: "fifty".

LUNDBY of Linn

## H-3773

- 1 Amend House File 680 as follows:  
 2 1. Page 2, line 15, by inserting after the word  
 3 "board" the following: "in a manner consistent with  
 4 professional practice and ethics".  
 5 2. Page 3, line 2, by inserting after the word  
 6 "rights" the following: "and responsibilities".  
 7 3. Page 4, line 6, by inserting after the word  
 8 "specialists" the following: "or school service  
 9 personnel".  
 10 4. Page 8, lines 10 and 11, by striking the words  
 11 "which are in effect on the effective date of this  
 12 Act" and inserting the following: "in effect on April  
 13 15, 1989,".  
 14 5. Page 9, line 18, by inserting after the word  
 15 "reimbursement" the following: "only".  
 16 6. Page 9, line 19, by striking the word "only".

HARPER of Black Hawk

## H-3774

- 1 Amend Senate File 363, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 19, by inserting after line 27 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 144.29A TERMINATION OF  
 6 PREGNANCY REPORTING.  
 7 1. A health care provider who identifies a  
 8 spontaneous termination of pregnancy or who induces a  
 9 termination of pregnancy shall file with the

10 department a report for each termination within thirty  
11 days of the occurrence. The report shall contain all  
12 of the following information with respect to each  
13 termination:

- 14 a. Health care provider.
- 15 b. Health facility.
- 16 c. Patient number.
- 17 d. The state of residence and, if this state, the  
18 county of residence of the patient.
- 19 e. Race of the patient.
- 20 f. Age of the patient.
- 21 g. Marital status of the patient.
- 22 h. Educational level of the patient.
- 23 i. Month and year in which the termination  
24 occurred.
- 25 j. The number of weeks since the patient's last  
26 menstrual period.
- 27 k. Complications, if any.
- 28 l. Cause of termination, if known.
- 29 2. The information shall be collected in a manner  
30 which the department shall specify by rule, pursuant  
31 to chapter 17A, and which ensures the anonymity of the  
32 patient who experiences a termination of pregnancy,  
33 the health care provider who identifies or induces a  
34 termination of pregnancy, and the hospital, clinic, or  
35 other health facility in which a termination of  
36 pregnancy is identified or induced by eliminating  
37 names and other identifying characteristics and  
38 utilizing a number. The department shall publish  
39 annually demographic summaries of the information  
40 obtained pursuant to this section, except that the  
41 department shall not disclose any information obtained  
42 pursuant to this section which reveals the identity of  
43 any patient, health care provider, or hospital,  
44 clinic, or other health facility, and shall ensure  
45 anonymity in the following ways:
- 46 a. The department may use information concerning  
47 the patient or specific reporting hospital, clinic, or  
48 other health facility number only for purposes of  
49 information collection. The department shall not  
50 reproduce this information for any purpose, and shall

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1 not extrapolate this information for any purposes  
2 other than for use in annually publishing the  
3 demographic summary under this section.  
4 b. The department shall immediately destroy all  
5 reports submitted after information is extrapolated  
6 from the reports for use in annually publishing the  
7 demographic summary under this section."  
8 2. Title page, line 10, by inserting after the

9 word "and" the following: "requires the reporting of  
 10 terminations of pregnancy to the Iowa department of  
 11 public health for the state system of vital statistics  
 12 and".

CORBETT of Linn

H-3775

1 Amend House File 654 as follows:  
 2 1. Page 1, by striking lines 2 through 13.  
 3 2. Page 5, by striking lines 7 through 21.  
 4 3. Page 6, by striking lines 17 through 34.  
 5 4. By renumbering as necessary.

VAN MAANEN of Mahaska

H-3776

1 Amend House File 654 as follows:  
 2 1. Page 4, line 25, by inserting after the word  
 3 "purposes." the following: "Not more than two percent  
 4 of funds appropriated in any fiscal year may be used  
 5 by the commission for administrative costs of the Iowa  
 6 minority academic grants for economic success program  
 7 in that fiscal year."

VAN MAANEN of Mahaska

H-3777

1 Amend House File 654 as follows:  
 2 1. Page 3, line 5, by inserting after the word  
 3 "institution" the following: "or regents'  
 4 university".

VAN MAANEN of Mahaska

H-3778

1 Amend House File 654 as follows:  
 2 1. Page 2, line 32, by inserting after the word  
 3 "paid" the following: "to the institution, and  
 4 credited by the institution against the student's  
 5 tuition, fees, room, and board,".

VAN MAANEN of Mahaska

H-3782

1 Amend House File 738 as follows:  
 2 1. Page 1, line 10, by striking the word "rate-  
 3 regulated".  
 4 2. Page 1, by inserting after line 23 the  
 5 following:  
 6 "Sec. \_\_\_\_\_. Section 476.1B, subsection 1, Code  
 7 1989, is amended by adding the following new

- 8 paragraph:  
9 NEW PARAGRAPH. j. Affiliates.”  
10 3. Page 2, line 17, by striking the word “rate-  
11 regulated”.  
12 4. Page 2, line 19, by striking the word “rate-  
13 regulated”.  
14 5. Page 5, lines 31 and 32, by striking the word  
15 “rate-regulated”.  
16 6. Page 6, line 34, by striking the word “rate-  
17 regulated”.  
18 7. Page 7, line 11, by striking the word “rate-  
19 regulated”.  
20 8. By striking page 7, line 35 through page 8,  
21 line 3.

HANSON of Delaware  
BISIGNANO of Polk

H-3786

- 1 Amend House File 620 as follows:  
2 1. Page 1, line 10, by inserting after the word  
3 “subdivisions” the following: “and only when the  
4 state board is meeting to decide a case. The local  
5 representatives shall not serve as members of the  
6 state board at hearings or meetings held by a deputy  
7 of the state board to investigate or receive informa-  
8 tion regarding a written protest”.

SPEAR of Lee

H-3787

- 1 Amend House File 724 as follows:  
2 1. Page 9, by striking lines 11 through 15 and  
3 inserting the following: “definite and unequivocal  
4 identification of the property lines or boundaries.  
5 The description shall commence at or relate to a  
6 physically monumented corner or boundary line of  
7 record.”  
8 2. Page 9, line 18, by striking the word “and”  
9 and inserting the following: “or”.  
10 3. By striking page 12, line 29 through page 34,  
11 line 7.  
12 4. By striking page 34, line 14, through page 36,  
13 line 7.  
14 5. Page 36, line 19, by striking the figures  
15 “409.17 409A.26” and inserting the following:  
16 “409.17”.  
17 6. By striking page 36, line 20, through page 37,  
18 line 9, and inserting the following:  
19 “Sec. \_\_\_\_\_. REPEAL. Chapter 355, Code 1989, is  
20 repealed.”  
21 7. Title page, by striking lines 2 and 3 and

22 inserting the following: "land surveying and the  
 23 preparation and recording of plats."  
 24 8. By renumbering as necessary.

JAY of Appanoose

H-3793

1 Amend House File 142 as follows:

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

4 "Section 1. NEW SECTION. 514C.4 PSYCHOLOGICAL  
 5 COUNSELING.

6 1. A person offering a policy or contract  
 7 providing for third-party payment or prepayment of  
 8 health or medical expenses shall not refuse to issue a  
 9 policy or contract to an applicant for the sole reason  
 10 that the applicant or a prospective insured family  
 11 member or dependent of the applicant has received  
 12 psychological counseling if the counseling was  
 13 terminated at least six consecutive months prior to  
 14 the date of application, unless the person offering  
 15 the policy or contract could refuse to issue a policy  
 16 or contract to the applicant on the basis of the  
 17 underlying mental or nervous disorder for which  
 18 counseling was received, in accordance with sound  
 19 actuarial principles related to actual or reasonably  
 20 anticipated experience.

21 2. A person offering a policy or contract subject  
 22 to subsection 1 may refuse to issue a policy or  
 23 contract to an applicant for the sole reason that the  
 24 applicant is receiving psychological counseling or  
 25 that the counseling was terminated within six months  
 26 prior to the date of the application. However, the  
 27 applicant, after a period of at least six consecutive  
 28 months has elapsed from the termination of the  
 29 counseling, shall be allowed to reapply, and the  
 30 person offering the policy or contract shall not  
 31 refuse to issue a policy or contract for the reason of  
 32 psychological counseling unless the person can do so  
 33 under subsection 1.

34 3. Prior to making any underwriting decision in  
 35 accordance with the provisions of subsection 1 or 2, a  
 36 person offering a policy or contract shall request,  
 37 receive, and analyze any necessary information  
 38 concerning any condition for which psychological  
 39 counseling has been sought by the applicant or  
 40 prospective insured.

41 4. A person offering a policy or contract  
 42 providing for third-party payment or prepayment of  
 43 health or medical expenses includes a person offering  
 44 the following:

45 a. An individual accident and sickness insurance

46 policy providing coverage on an expense-incurred  
 47 basis.  
 48 b. An individual hospital or medical service  
 49 contract issued pursuant to chapter 509, 514, or 514A  
 50 for individual coverage, but not for group coverage.

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1 c. An individual health maintenance organization  
 2 contract regulated under chapter 514B.  
 3 d. A group health insurance policy or contract for  
 4 which underwriting of individual prospective insureds  
 5 is required."  
 6 2. Title page, by striking lines 2 through 7 and  
 7 inserting the following: "coverages by limiting the  
 8 denial of insurance or other third-party payor  
 9 contracts or policies, based upon an applicant's or  
 10 prospective insured's receipt of psychological  
 11 counseling."

HALVORSON of Clayton  
 HARBOR of Mills  
 RENKEN of Grundy

H-3799

1 Amend Senate File 428, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 5, by striking the words "each  
 4 county" and inserting the following: "each enhanced  
 5 911 service area".

Committee on Local Government

H-3801

1 Amend House File 749 as follows:  
 2 1. Page 2, by striking lines 9 and 10.

HESTER of Pottawattamie

H-3803

1 Amend House File 694 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 476.75 ALTERNATIVE  
 5 OPERATOR SERVICES.  
 6 1. DEFINITIONS. As used in this section, unless  
 7 the context otherwise requires:  
 8 a. "Alternative operator services company" means a  
 9 nongovernmental company which receives more than half  
 10 of its Iowa intrastate telecommunications services  
 11 revenues from calls placed by end-user customers from  
 12 telephones other than ordinary residence or business  
 13 telephones. The definition is further limited to

14 include only companies which provide operator  
 15 assistance, either through live or automated  
 16 intervention, on calls placed from other than ordinary  
 17 residence or business telephones, and does not include  
 18 services provided under contract to rate-regulated  
 19 local exchange utilities.

20 b. "Contracting entity" means an entity providing  
 21 telephones other than ordinary residence or business  
 22 telephones for use by end-user customers which has  
 23 contracted with an alternative operator services  
 24 company to provide telecommunications services to  
 25 those telephones.

26 c. "End-user customer" means a person who places a  
 27 local or toll call.

28 d. "Other than ordinary residence or business  
 29 telephones" means telephones other than the residence  
 30 or business telephones of the customary users of the  
 31 telephones, including but not limited to pay  
 32 telephones and telephones in motel, hotel, hospital,  
 33 and college dormitory rooms.

34 2. JURISDICTION. Notwithstanding any finding by  
 35 the board that a service or facility is subject to  
 36 competition and should be deregulated pursuant to  
 37 section 476.1, all intrastate telecommunications  
 38 services provided by alternative operator services  
 39 companies to end-user customers, using other than  
 40 ordinary residence or business telephones, are subject  
 41 to the jurisdiction of the board and shall be rendered  
 42 pursuant to tariffs approved by the board.

43 Alternative operator services companies shall be  
 44 subject to all requirements and sanctions provided in  
 45 this chapter. Contracting entities shall be subject  
 46 to the requirements of any board regulations  
 47 concerning telecommunications services provided by  
 48 alternative operator services companies.

49 3. REQUIREMENTS. The board shall adopt and  
 50 enforce requirements for the provision of services by

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1 alternative operator services companies and  
 2 contracting entities.

3 4. BILLING BY LOCAL EXCHANGE UTILITIES.  
 4 Notwithstanding any finding by the board that a  
 5 service or facility is subject to competition and  
 6 should be deregulated pursuant to section 476.1, a  
 7 regulated local exchange utility shall not perform  
 8 billing and collection functions relating to regulated  
 9 telecommunications services provided by an alternative  
 10 operator services company, unless the alternative  
 11 operator services company has filed a statement with  
 12 the local exchange utility signed by a corporate

13 officer, or other authorized person having personal  
 14 knowledge, that all regulated telecommunications  
 15 services to be billed shall be rendered pursuant to  
 16 tariffs approved by the board.

17 Sec. 2. This Act, being deemed of immediate  
 18 importance, takes effect upon enactment."

19 2. Title page, by striking line 2 and inserting  
 20 the following: ", making civil penalties applicable,  
 21 and providing for an effective date".

Committee on Small Business and Commerce

H-3811

1 Amend House File 727 as follows:

2 1. Page 2, by striking lines 21 through 28, and  
 3 inserting the following:

4 "1. A financial institution that offers or makes  
 5 alternative mortgage loans shall take reasonable steps  
 6 under the circumstances to promote or disclose the  
 7 availability of alternative mortgage loans. The  
 8 administrator may".

METCALF of Polk  
 HIBBARD of Madison

H-3812

1 Amend House File 164 as follows:

2 1. Page 3, by inserting after line 18 the fol-  
 3 lowing:

4 "\_\_\_\_\_. The basis for nonutilization of health in-  
 5 surance by employees for whom an employer provides  
 6 health insurance coverage.  
 7 \_\_\_\_\_. The cost to employers of providing health in-  
 8 surance coverage to employees who do not use the  
 9 health insurance offered."

10 2. By renumbering as necessary.

HESTER of Pottawattamie

H-3816

1 Amend House File 680 as follows:

2 1. Page 22, by striking line 29, and inserting  
 3 the following: "by the department of education state  
 4 board of education,".

5 2. Page 23, by striking lines 4 and 5, and  
 6 inserting the following: "education program approved  
 7 by the department of education state board of  
 8 education, or a person who is twenty-five".

MAULSBY of Calhoun

H—3817

- 1 Amend House File 680 as follows:
- 2 1. Page 1, line 20, by striking the word
- 3 "licensed".
- 4 2. Page 1, line 21, by inserting after the word
- 5 "program" the following: "which has been approved by
- 6 the state board of education and".
- 7 3. Page 2, lines 30 and 31, by striking the words
- 8 ", practitioner preparation programs,".
- 9 4. Page 3, line 12, by striking the words "
- 10 practitioner preparation program,".
- 11 5. Page 6, by striking lines 13 through 15, and
- 12 inserting the following: "contracts."
- 13 6. Page 6, line 24, by striking the words "or a
- 14 practitioner preparation".
- 15 7. Page 6, line 34, by striking the words "or
- 16 program".
- 17 8. Page 7, by striking line 17, and inserting the
- 18 following:
- 19 "Professional development".
- 20 9. Page 9, lines 23 and 24, by striking the words
- 21 "board of educational examiners" and inserting the
- 22 following: "state board of education".
- 23 10. Page 12, line 33, by inserting after the word
- 24 "subsections" the following: "and inserting in lieu
- 25 thereof the following:
- 26 3. Prescribe standards for the approval of
- 27 practitioner preparation programs in this state."

MAULSBY of Calhoun

H—3818

- 1 Amend House File 680 as follows:
- 2 1. Page 4, line 12, by inserting after the word
- 3 "practitioners." the following: "One
- 4 nonadministrative practitioner shall be employed in a
- 5 school district with a certified enrollment of fewer
- 6 than four hundred pupils; one nonadministrative
- 7 practitioner shall be employed in a school district
- 8 with a certified enrollment between four hundred and
- 9 five hundred ninety-nine; one nonadministrative
- 10 practitioner shall be employed in a school district
- 11 with a certified enrollment between six hundred and
- 12 nine hundred ninety-nine; one nonadministrative
- 13 practitioner shall be employed in a school district
- 14 with a certified enrollment between one thousand and
- 15 two thousand four hundred ninety-nine; and one
- 16 nonadministrative practitioner shall be employed in a
- 17 school district with a certified enrollment equal to
- 18 or greater than two thousand five hundred."

MILLER of Cherokee

H—3819

1 Amend House File 680 as follows:

2 1. Page 2, by striking lines 28 and 29, and  
3 inserting the following:

4 "The board of educational examiners is created to  
5 make recommendations to assist the state board of  
6 education to:"

7 2. Page 3, by striking lines 17 through 19.

8 3. Page 4, by inserting after line 16, the  
9 following:

10 "Sec. \_\_\_\_\_. NEW SECTION. 260.3A EXECUTIVE  
11 DIRECTOR.

12 The director of the department of education shall  
13 serve as the executive director of the board of  
14 educational examiners. The executive director shall  
15 have the authority to hire legal counsel and other  
16 personnel to perform the duties associated with the  
17 board of educational examiners."

18 4. Page 5, line 19, by striking the word "board"  
19 and inserting the following: "state board of  
20 education".

21 5. Page 6, line 4, by striking the words "under  
22 board authority" and inserting the following: "by the  
23 state board of education".

24 6. Page 6, line 6, by striking the word "board"  
25 and inserting the following: "state board of  
26 education".

27 7. Page 6, line 21, by striking the word "board"  
28 and inserting the following: "state board of  
29 education".

30 8. Page 6, line 22, by striking the word "board"  
31 and inserting the following: "state board of  
32 education".

33 9. Page 7, line 9, by striking the word "board"  
34 and inserting the following: "state board of  
35 education".

36 10. Page 7, line 13, by striking the words "board  
37 approval" and inserting the following: "approval by  
38 the state board of education".

39 11. Page 7, line 19, by striking the word "board"  
40 and inserting the following: "state board of  
41 education".

42 12. By striking page 7, line 21 through page 8,  
43 line 13.

44 13. Page 8, line 27, by striking the word "board"  
45 and inserting the following: "state board of  
46 education".

47 14. Page 9, lines 23 and 24, by striking the  
48 words "board of educational examiners" and inserting  
49 the following: "state board of educational examiners  
50 education".

**Page 2**

- 1 15. Page 11, line 4, by striking the word "board"  
2 and inserting the following: "state board of  
3 education".
- 4 16. Page 11, line 8, by striking the words "board  
5 of educational examiners" and inserting the following:  
6 "state board of educational examiners education".
- 7 17. Page 11, line 30, by striking the words  
8 "board of educational examiners" and inserting the  
9 following: "state board of educational examiners  
10 education".
- 11 18. Page 12, line 9, by striking the words "board  
12 of educational examiners" and inserting the following:  
13 "state board of educational examiners education".
- 14 19. Page 12, line 25, by striking the words  
15 "board of educational examiners" and inserting the  
16 following: "state board of educational examiners  
17 education".
- 18 20. Page 12, by striking line 33, and inserting  
19 the following: "are amended by striking the  
20 subsections and inserting in lieu thereof the  
21 following:  
22 3. Adopt rules under chapter 17A for carrying out  
23 the responsibilities of the state board, in  
24 cooperation with the board of educational examiners,  
25 under chapter 260."
- 26 21. Page 15, line 24, by striking the words  
27 "board of educational examiners" and inserting the  
28 following: "state board of education".
- 29 22. Page 16, lines 2 and 3, by striking the words  
30 "board of educational examiners" and inserting the  
31 following: "state board of education".
- 32 23. Page 17, by striking lines 11 through 14, and  
33 inserting the following: "programs; and teacher  
34 training practitioner preparation schools,  
35 departments, and classes,".
- 36 24. Page 17, by striking lines 18 and 19, and  
37 inserting the following:  
38 "5. Enforce rules".
- 39 25. Page 18, by striking lines 3 and 4, and  
40 inserting the following: "the rules adopted by the  
41 state board and the state".
- 42 26. Page 19, by striking lines 19 through 22, and  
43 inserting the following: "services comply with the  
44 rules of the state board."
- 45 27. Page 20, lines 16 and 17 by striking the  
46 words "board of educational examiners" and inserting  
47 the following: "state board of education".
- 48 28. Page 21, lines 1 and 2, by striking the words  
49 "board of educational examiners" and inserting the  
50 following: "state board of education".

Page 3

- 1 29. Page 21, line 18, by striking the words
- 2 "board of educational examiners" and inserting the
- 3 following: "state board of education".
- 4 30. By striking page 23, line 22, through page
- 5 24, line 7.
- 6 31. By renumbering as necessary.

MAULSBY of Calhoun

H-3820

- 1 Amend House File 680 as follows:
- 2 1. Page 3, line 31, by striking the word "eleven"
- 3 and inserting the following: "seven".
- 4 2. By striking page 3, line 33 through page 4,
- 5 line 16, and inserting the following: "remaining five
- 6 shall be licensed practitioners. One of the public
- 7 members shall also be a member of the state board of
- 8 education. The five practitioners shall be
- 9 administrators. Membership of the board shall comply
- 10 with the requirements of sections 69.16 and 69.16A. A
- 11 quorum of the board shall consist of four members.
- 12 Members shall be appointed by the governor."

MILLER of Cherokee

H-3822

- 1 Amend House File 680 as follows:
- 2 1. Page 4, line 12, by inserting after the word
- 3 "practitioners." the following: "One of the licensed
- 4 practitioner members shall be a practitioner at a
- 5 private practitioner preparation institution."

DAGGETT of Adams

H-3823

- 1 Amend House File 680 as follows:
- 2 1. Page 4, line 12, by inserting after the word
- 3 "practitioners." the following: "One of the licensed
- 4 practitioner members shall be a practitioner in an ac-
- 5 credited nonpublic school."

DAGGETT of Adams

H-3824

- 1 Amend House File 680 as follows:
- 2 1. Page 3, line 31, by striking the word "eleven"
- 3 and inserting the following: "thirteen".
- 4 2. By striking page 3, line 33 through page 4,
- 5 line 16, and inserting the following: "remaining
- 6 eleven must be licensed practitioners. Nine of the
- 7 licensed practitioners shall be administrators and of

8 the remaining two practitioners, one shall be an  
 9 elementary teacher and one shall be a secondary  
 10 teacher. Membership of the board shall comply with  
 11 the requirements of sections 69.16 and 69.16A. A  
 12 quorum of the board shall consist of seven members.  
 13 Members shall be appointed by the governor."

MILLER of Cherokee

H—3825

1 Amend House File 680 as follows:  
 2 1. Page 3, line 31, by striking the word "eleven"  
 3 and inserting the following: "five".  
 4 2. By striking page 3, line 33 through page 4,  
 5 line 16, and inserting the following: "remaining  
 6 three shall be licensed practitioners. The two public  
 7 members shall also be members of the state board of  
 8 education. The licensed practitioners shall also be  
 9 administrators. Members shall be appointed by the  
 10 governor. Membership of the board shall comply with  
 11 the requirements of sections 69.16 and 69.16A. A  
 12 quorum of the board shall consist of three members."

MILLER of Cherokee

H—3826

1 Amend House File 680 as follows:  
 2 1. Page 12, by inserting after line 31 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 260.35 EXAMINATIONS.  
 5 The board shall consult with state associations and  
 6 state agencies interested in education in this state  
 7 in adopting basic skills assessment and professional  
 8 and subject matter proficiency examinations required  
 9 by this chapter. The board may consult with officials  
 10 from other states that administer similar examinations  
 11 for practitioners.  
 12 The board may contract with an institution of  
 13 higher education or an educational testing service to  
 14 develop, score, and provide appropriate analyses of  
 15 the examinations.  
 16 Sec. \_\_\_\_\_. NEW SECTION. 260.36 BASIC SKILLS  
 17 ASSESSMENT EXAMINATION.  
 18 An applicant for a license shall present evidence  
 19 to the board that the applicant has successfully  
 20 completed the basic skills assessment examination  
 21 adopted by the board demonstrating competency in the  
 22 basic skills required for teaching. The basic skills  
 23 examination shall be administered each year beginning  
 24 with the fiscal year commencing July 1, 1990, and is  
 25 required for licenses issued on or after October 1,  
 26 1991. The examination shall be administered by the

27 board at least once a year and may be given initially  
 28 to students during their sophomore year in college.

29 The examination shall test all of the following:

30 1. The ability to write in a logical and concise  
 31 style with appropriate grammar and sentence structure.

32 2. The ability to read, comprehend, and interpret  
 33 professional and other written material.

34 3. The ability to comprehend and work with  
 35 fundamental mathematical concepts.

36 An applicant for a license who is from another  
 37 state, but who otherwise meets the requirements of  
 38 this section, shall take the examinations in the  
 39 manner prescribed by the board.

40 Sec. \_\_\_\_\_. NEW SECTION. 260.37 PROFESSIONAL AND  
 41 SUBJECT MATTER PROFICIENCY EXAMINATIONS.

42 An applicant for a license shall present evidence  
 43 to the board that the applicant has successfully  
 44 completed a professional and subject matter  
 45 proficiency examination for any subject area in which  
 46 the license applied for would permit the applicant to  
 47 teach. The examination shall test knowledge of  
 48 subject matter and education philosophy and concepts.

49 The board may administer as many examinations per  
 50 year as are necessary, but shall administer the

**Page 2**

1 examination for each subject matter proficiency at  
 2 least once a year. The scope of the examinations and  
 3 the methods of procedure shall be prescribed by the  
 4 board.

5 The board may withdraw approval of the practitioner  
 6 preparation program at an institution of higher  
 7 education in this state if, during each of three  
 8 consecutive years, more than fifty percent of its  
 9 students, taking the professional and subject matter  
 10 proficiency examination before graduation, receive  
 11 failing scores.

12 The examination shall be administered each year  
 13 beginning with the fiscal year commencing July 1,  
 14 1991, and is required for licenses issued on or after  
 15 October 1, 1992. The examination may be given to  
 16 students during their senior year in college.

17 An applicant for a license who is from another  
 18 state, but who otherwise meets the requirements of  
 19 this section, shall take the examination in the manner  
 20 prescribed by the board.

21 Sec. \_\_\_\_\_. NEW SECTION. 260.38 EXAMINATION  
 22 PROCEDURE.

23 An examination may be conducted by representatives  
 24 of the board. The identity of the person taking the  
 25 examination shall be concealed until after the

26 examination has been graded. An applicant who has  
 27 failed the examination once shall be allowed to take  
 28 the examination at the next scheduled time. An  
 29 applicant who has failed the examination more than  
 30 once shall be allowed to take the examination at the  
 31 discretion of the board. An applicant who has failed  
 32 the examination may make a written request for  
 33 information from the board concerning the applicant's  
 34 examination grade and questions which the applicant  
 35 failed to answer correctly. If, however, the board  
 36 administers a standardized examination, the board  
 37 shall only be required to provide the examination  
 38 grade and other information concerning the applicant's  
 39 examination results that are available to the board."  
 40 2. By renumbering as necessary.

DAGGETT of Adams

H—3827

1 Amend House File 680 as follows:  
 2 1. By striking page 3, line 32 through page 4,  
 3 line 12, and inserting the following: "members. Six  
 4 must be members of the general public and the  
 5 remaining five must be licensed practitioners. A  
 6 public member may also be a member of the state board  
 7 of education. The five practitioners shall be  
 8 selected from different areas and specialties of the  
 9 education professions and shall represent school  
 10 districts with differing enrollments. Membership of  
 11 the board".

MAULSBY of Calhoun

H—3828

1 Amend House File 680 as follows:  
 2 1. Page 3, lines 1 and 2, by striking the words  
 3 "development of a code of professional rights,  
 4 practice, and ethics,".  
 5 2. Page 3, by striking line 12 and inserting the  
 6 following: "against a practitioner, if recommended by  
 7 the professional teaching practices commission,  
 8 practitioner preparation program, or".  
 9 3. Page 8, by striking lines 8 through 10, and  
 10 inserting the following: "adopted by the board of  
 11 educational examiners relating to licenses which are  
 12 in effect on the".  
 13 4. Page 23, line 24, by striking the words and  
 14 figure "and chapter 272A,".  
 15 5. By renumbering as necessary.

MAULSBY of Calhoun

H-3830

- 1 Amend House File 680 as follows:  
 2 1. Page 12, by inserting after line 31 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 260.39 CRITERIA OF  
 5 PROFESSIONAL PRACTICES.  
 6 The board shall develop criteria for professional  
 7 practices of practitioners including, but not limited  
 8 to, such areas as:  
 9 1. Contractual obligations.  
 10 2. Competent performance of all members of the  
 11 teaching profession.  
 12 3. Ethical conduct toward other members of the  
 13 profession, parents, students, and the community.  
 14 Membership or nonmembership in a practitioners'  
 15 organization is not a criterion of an individual's  
 16 professional standing. A violation, as determined by  
 17 the board following a hearing, of any of the criteria  
 18 adopted for professional practices constitutes  
 19 unprofessional practice and may be a legal basis for  
 20 the suspension or revocation of a practitioner's  
 21 license by the board. Failure to fulfill a  
 22 contractual obligation under chapter 279 is an  
 23 unprofessional practice and the license of a  
 24 practitioner who fails to fulfil a contract under this  
 25 section shall be suspended for a period of not less  
 26 than one year. The license of a practitioner who is  
 27 found guilty of child abuse or sexual abuse shall be  
 28 permanently revoked.  
 29 After a hearing, the board, in carrying out the  
 30 duties of this chapter, shall exonerate, warn, or  
 31 reprimand the member of the profession or may suspend  
 32 or revoke a license under section 260.2."  
 33 2. By renumbering as necessary.

MAULSBY of Calhoun

H-3831

- 1 Amend House File 680 as follows:  
 2 1. Page 13, line 16, by striking the word  
 3 "taught" and inserting the following: "taught  
 4 reviewed".  
 5 2. Page 13, by striking line 18 and inserting the  
 6 following: "shall either need not be present in the  
 7 classroom, ~~or~~ but shall be present at the".

DAGGETT of Adams

H-3832

- 1 Amend House File 680 as follows:  
 2 1. By striking page 13, line 30, through page 14,

- 3 line 1, and inserting the following:  
 4 "Sec. \_\_\_\_\_. Section 256.7, subsection 10, Code  
 5 1989, is amended by striking the subsection.  
 6 Sec. \_\_\_\_\_. Section 256.7, subsection 11, Code 1989,  
 7 is amended to read as follows:"  
 8 2. By renumbering as necessary.

DAGGETT of Adams

H--3833

- 1 Amend House File 680 as follows:  
 2 1. Page 2, line 1, by striking the word  
 3 "licensed".  
 4 2. Page 2, line 2, by inserting after the word  
 5 "which" the following: "has been approved by the  
 6 state board of education and".  
 7 3. Page 2, line 30, by striking the word  
 8 "practitioners," and inserting the following:  
 9 "practitioners and".  
 10 4. Page 2, line 31, by striking the words ", and  
 11 professional development programs".  
 12 5. Page 3, by striking lines 12 and 13, and  
 13 inserting the following: "against a practitioner, or  
 14 practitioner preparation program."  
 15 6. Page 6, lines 13 and 14, by striking the words  
 16 "or professional development".  
 17 7. Page 6, lines 24 and 25, by striking the words  
 18 "or professional development".  
 19 8. Page 6, line 34, by inserting after the word  
 20 "or" the following: "practitioner preparation".  
 21 9. Page 7, line 17, by striking the words "and  
 22 professional development".  
 23 10. Page 10, line 5, by striking the words "or  
 24 professional development".  
 25 11. Page 12, line 33 by inserting after the word  
 26 "subsections" the following: "and inserting in lieu  
 27 thereof the following:  
 28 3. Prescribe standards for the approval of  
 29 professional development programs in this state."  
 30 12. By renumbering as necessary.

MAULSBY of Calhoun

H--3834

- 1 Amend House File 680 as follows:  
 2 1. Page 3, line 31, by striking the word "eleven"  
 3 and inserting the following: "seven".  
 4 2. By striking page 3, line 33, through page 4,  
 5 line 14, and inserting the following: "remaining five  
 6 shall represent various areas of the education  
 7 profession. One of the remaining five members shall  
 8 be the director of the department of education, or the

9 director's designee. Two of the remaining five  
 10 members shall be teachers. One of the remaining five  
 11 shall be a current or former member of a board of a  
 12 school district, and one shall be an administrator.  
 13 Membership of the board shall comply with the  
 14 requirements of sections 69.16 and 69.16A. A quorum  
 15 of the board shall consist of four members."

DAGGETT of Adams

H-3835

1 Amend House File 680 as follows:  
 2 1. Page 1, by striking lines 15 and 16.  
 3 2. Page 5, by striking lines 7 through 15, and  
 4 inserting the following: "section 7E.6."  
 5 3. By numbering and renumbering as necessary.

MILLER of Cherokee

H-3836

1 Amend House File 680 as follows:  
 2 1. Page 3, line 31, by striking the word "eleven"  
 3 and inserting the word "twelve".  
 4 2. Page 4, by inserting after line 10 the  
 5 following:  
 6 "The director of the department of education shall  
 7 be an ex officio member of the board."  
 8 3. Page 4, line 14, by striking the word "six"  
 9 and inserting the following: "seven".  
 10 4. Page 4, line 19, by inserting after the word  
 11 "years" the following: ", except for the director of  
 12 the department of education, who shall serve until the  
 13 director's term of office expires".

MILLER of Cherokee

H-3837

1 Amend House File 680 as follows:  
 2 1. Page 3, line 31, by striking the word "eleven"  
 3 and inserting the word "twelve".  
 4 2. Page 4, by inserting after line 10 the  
 5 following:  
 6 "The director of the department of education shall  
 7 be a member of the board and shall also serve as the  
 8 chairperson of the board."  
 9 3. Page 4, line 14, by striking the word "six"  
 10 and inserting the following: "seven".  
 11 4. Page 4, line 15, by inserting after the word  
 12 "Members" the following: ", except for the director  
 13 of the department of education,".  
 14 5. Page 4, line 19, by inserting after the word

15 "years" the following: ", except for the director of  
 16 the department of education, who shall serve until the  
 17 director's term of office expires".

MILLER of Cherokee

H—3838

1 Amend House File 680 as follows:  
 2 1. Page 3, line 35, by inserting after the word  
 3 "practitioners" the following: "shall have been  
 4 employed as practitioners in Iowa for at least five  
 5 years preceding their appointment and".

MILLER of Cherokee

H—3839

1 Amend House File 680 as follows:  
 2 1. By striking page 23, line 25, through page 24,  
 3 line 7, and inserting the following:  
 4 "Sec. 42. TRANSFER OF FUNDS. Staff, office  
 5 equipment and materials, records, and other assets  
 6 currently held by the department of education for the  
 7 purpose of carrying out the duties of the state board  
 8 of education which are transferred to the board of  
 9 educational examiners under this Act shall be  
 10 transferred to the board of educational examiners in  
 11 the proportion for which those resources were used by  
 12 the department or state board of education for those  
 13 duties prior to the effective date of this Act."

MILLER of Cherokee

H—3840

1 Amend House File 680 as follows:  
 2 1. By striking page 3, line 32 through page 4,  
 3 line 12, and inserting the following: "members. Five  
 4 must be members of the general public, one must be a  
 5 representative from an independent college, one must  
 6 be a representative from an institution governed by  
 7 the state board of regents, and the remaining four  
 8 must be licensed practitioners. A public member may  
 9 also be a member of the state board of education. The  
 10 four practitioners shall be selected from different  
 11 areas and specialties of the education professions and  
 12 shall be representative of the differing enrollments  
 13 of the school districts. Membership of the board".

MILLER of Cherokee

H—3841

1 Amend House File 681 as follows:  
 2 1. Page 1, line 14, by inserting after the word  
 3 "property" the words "from willing sellers".

SCHNEKLOTH of Scott

H—3846

1 Amend House File 680 as follows:

2 1. Page 1, by striking lines 20 through 22.

3 2. Page 2, by striking lines 1 through 4.

4 3. Page 2, by striking lines 30 and 31 and in-

5 serting the following:

6 "1. License practitioners. Licensing".

7 4. Page 3, by striking lines 12 and 13 and in-

8 serting the following: "against a practitioner."

9 5. Page 6, by striking lines 13 through 15 and

10 inserting the following: "contracts."

11 6. Page 6, by striking lines 24 and 25 and in-

12 serting the following: "practitioner. An emergency

13 renewal or a temporary,".

14 7. Page 6, line 34, by striking the words "or

15 program".

16 8. Page 7, by striking lines 17 through 20.

17 9. Page 9, lines 23 and 24, by striking the words

18 "board of educational examiners" and inserting the

19 following: "board of educational examiners state

20 board of education".

21 10. Page 9, line 25, by striking the word

22 "approved" and inserting the following: "approved".

23 11. Page 9, line 26, by striking the word

24 "licensed".

25 12. Page 9, line 28, by striking the words "a li-

26 censed" and inserting the following: "an approved".

27 13. Page 9, line 34, by striking the words "a

28 licensed" and inserting the following: "an approved".

29 14. Page 10, line 5, by striking the word

30 "licensed" and inserting the following: "approved".

31 15. Page 10, line 16, by striking the word

32 "licensed" and inserting the following: "approved".

33 16. Page 10, lines 20 and 21, by striking the

34 words "a licensed" and inserting the following: "an

35 approved".

36 17. Page 10, lines 27 and 28, by striking the

37 words "a licensed" and inserting the following: "an

38 approved".

39 18. Page 11, by striking lines 12 and 13 and in-

40 serting the following: "authorizations licenses. The

41 director of the department of education shall work

42 with".

43 19. Page 11, lines 32 and 33, by striking the

44 words "approval of courses," and inserting the

45 following: "approval of courses,".

46 20. Page 12, line 2, by striking the words "board

47 of educational examiners" and inserting the following:

48 "board of educational examiners state board of

49 education".

50 21. Page 12, line 9, by striking the words "board

## Page 2

1 of educational examiners" and inserting the following:  
 2 "board of educational examiners state board of  
 3 education".

4 22. Page 12, by striking lines 32 and 33 and  
 5 inserting the following:

6 "Sec. 19. Section 256.7, subsection 3, Code 1989,  
 7 is amended by striking the subsection and inserting in  
 8 lieu thereof the following:

9 3. Prescribe standards for the approval of practi-  
 10 tioner preparation programs and professional  
 11 development programs in this state."

12 23. Page 16, by striking line 8 and inserting the  
 13 following:

14 "Pursuant to section 256.7, subsection 5".

15 24. Page 16, line 9, by striking the figure "1".

16 25. Page 16, line 20, by inserting after the word  
 17 "board" the following: "of educational examiners".

18 26. Page 17, by striking lines 11 through 14 and  
 19 inserting the following: "programs; and teacher  
 20 training practitioner preparation schools,  
 21 departments, and classes,".

22 27. Page 18, line 34, by striking the word  
 23 "licensed".

24 28. Page 21, lines 15 and 16, by striking the  
 25 words "board of educational examiners" and inserting  
 26 the following: "board of educational examiners state  
 27 board of education".

28 29. Page 21, line 18, by striking the words  
 29 "board of educational examiners" and inserting the  
 30 following: "state board".

NEUHAUSER of Johnson  
 HAMMOND of Story  
 TABOR of Jackson

H-3851

1 Amend Senate File 205, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 8 and 9 and  
 4 inserting the following:

5 "Persons who are not certified under this chapter  
 6 but who perform respiratory care as defined by  
 7 sections 135F.2 and 135F.3 shall comply with the".

8 2. Page 3, by inserting after line 12 the  
 9 following:

10 "This section does not apply to persons who are  
 11 licensed to practice a health profession covered by  
 12 chapter 147 or to any person who performs respiratory  
 13 care procedures as a first responder, emergency rescue  
 14 technician, emergency medical technician-ambulance,

- 15 advanced emergency medical care provider, or other  
16 person functioning as part of a rescue unit or in a  
17 hospital as authorized by chapter 147A."  
18 3. Page 3, by striking lines 13 through 32.  
19 4. By renumbering as necessary.

Committee on State Government

H—3852

1 Amend House File 715 as follows:

2 1. Page 1, by inserting before line 27 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 309.10, unnumbered paragraph 2,  
5 Code 1989, is amended to read as follows:

6 A county shall not use farm-to-market road funds as  
7 described in this section unless the total combined  
8 funds that the county transferred or provided to the  
9 county's secondary road fund during the prior fiscal  
10 year pursuant to section 331.429, subsection 1,  
11 paragraphs "a", "b", "d", and "e", and chapters 422A,  
12 and 422B, are at least seventy-five percent of the  
13 maximum funds the county could have transferred in the  
14 prior fiscal year pursuant to section 331.429,  
15 subsection 1, paragraphs "a" and "b."

16 2. Page 2, by inserting before line 21 the  
17 following:

18 "Sec. \_\_\_\_\_. Section 312.2, subsection 8, Code 1989,  
19 is amended to read as follows:

20 8. The treasurer of state, before making any  
21 allotments to counties under this section, shall  
22 reduce the allotment to a county for the secondary  
23 road fund by the amount by which the total combined  
24 funds that the county transferred or provided to the  
25 county's secondary road fund during the prior fiscal  
26 year under section 331.429, subsection 1, paragraphs  
27 "a", "b", "d", and "e", and chapters 422A and 422B,  
28 are less than seventy-five percent of the maximum  
29 funds that the county could have transferred in the  
30 prior fiscal year under section 331.429, subsection 1,  
31 paragraphs "a" and "b". Funds remaining in the  
32 secondary road fund of the counties due to a reduction  
33 of allocations to counties for failure to maintain a  
34 minimum local tax effort shall be reallocated to  
35 counties that are not reduced under this subsection  
36 pursuant to the allocation provisions of section  
37 312.3, subsection 1, based upon the needs and area of  
38 the county. Information necessary to make allocations  
39 under this subsection shall be provided by the state  
40 department of transportation or the director of the  
41 department of management upon request by the treasurer  
42 of state."

SCHNEKLOTH of Scott

H-3853

- 1 Amend House File 680 as follows:
- 2 1. Page 6, line 16, by striking the words
- 3 "executive director of the".
- 4 2. Page 6, line 21, by striking the word "board"
- 5 and inserting the following: "state board of
- 6 education".

GARMAN of Story

H-3856

- 1 Amend House File 680 as follows:
- 2 1. By striking page 3, line 32, through page 4,
- 3 line 12, and inserting the following: "members.
- 4 Three must be members of the general public, three
- 5 must be teachers, three must be administrators, one
- 6 must be a representative from a private college, and
- 7 one must be a representative from a regents'
- 8 university. Membership of the board".

EDDIE of Buena Vista

H-3858

- 1 Amend the amendment, H-3846, to House File 680, as
- 2 follows:
- 3 1. Page 2, line 9, by inserting after the word
- 4 "standards" the following: "and procedures".
- 5 2. Page 2, line 11, by inserting after the word
- 6 "state." the following: "Procedures provided for
- 7 approval of programs shall include procedures for
- 8 enforcement of the prescribed standards and shall not
- 9 include a procedure for the waiving of any of the
- 10 standards prescribed."

NEUHAUSER of Johnson

H-3859

- 1 Amend House File 753 as follows:
- 2 1. Page 12, by striking lines 28 through 33.
- 3 2. By renumbering as necessary.

TYRRELL of Iowa

H-3871

- 1 Amend House File 757 as follows:
- 2 1. Page 1, line 2, by striking the words and
- 3 figure "NEW SECTION. 261.101".
- 4 2. Page 4, line 28, by striking the words and
- 5 figure "NEW SECTION. 262.81".
- 6 3. Page 5, line 28, by striking the words and
- 7 figure "NEW SECTION. 262.91".
- 8 4. By renumbering as necessary.

VAN MAANEN of Mahaska

H-3872

- 1 Amend House File 620 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "subdivisions" the following: "which are no closer
- 4 than fifty miles from the political subdivision whose
- 5 budget is being appealed".

SCHNEKLOTH of Scott

H-3873

- 1 Amend House File 680 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 256.7, subsections 3 and 8,
- 5 Code 1989, are amended by striking the subsections and
- 6 inserting in lieu thereof the following:
- 7 3. Prescribe standards for the approval of
- 8 practitioner preparation programs and professional
- 9 development programs in this state and provide a
- 10 procedure for approval of those programs.
- 11 For the purposes of this section, "professional
- 12 development program" and "practitioner preparation
- 13 program" mean "professional development program" and
- 14 "practitioner preparation program" as defined in
- 15 section 260.1.
- 16 8. Review and accept or reject rules proposed by
- 17 the board of educational examiners under chapter 260.
- 18 Sec. 2. Section 256.7, subsection 9, unnumbered
- 19 paragraphs 1, 2, and 3, Code 1989, are amended to read
- 20 as follows:
- 21 Adopt rules under chapter 17A for the use of
- 22 telecommunications as an instructional tool for
- 23 students enrolled in kindergarten through grade twelve
- 24 and served by local school districts, accredited or
- 25 approved nonpublic schools, area education agencies,
- 26 merged area schools, institutions of higher education
- 27 under the state board of regents, and independent
- 28 colleges and universities in elementary and secondary
- 29 school classes and courses. The rules shall include
- 30 but need not be limited to rules relating to programs,
- 31 educational policy, instructional practices, staff
- 32 development, use of pilot projects, curriculum
- 33 monitoring, and the accessibility of ~~eertified~~
- 34 licensed teachers.
- 35 When curriculum is provided by means of
- 36 telecommunications, it shall be taught by a
- 37 ~~eertified~~ an appropriately licensed teacher who is
- 38 ~~properly endorsed or approved~~. The teacher shall
- 39 either be present in the classroom, or be present at
- 40 the location at which the curriculum delivered by
- 41 means of telecommunications originates.

42 The rules shall provide that when the curriculum is  
43 taught by a ~~certificated and properly endorsed or~~  
44 ~~approved an appropriately licensed~~ teacher at the  
45 location at which the telecommunications originates,  
46 the curriculum received shall be under the supervision  
47 of a ~~certificated licensed~~ teacher. For the purposes  
48 of this subsection, "supervision" means that the  
49 curriculum is monitored by a ~~certificated licensed~~  
50 teacher and the ~~certificated~~ teacher is accessible to

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1 the students receiving the curriculum by means of  
2 telecommunications.

3 Sec. 3. Section 256.7, subsections 10 and 11, Code  
4 1989, are amended to read as follows:

5 10. Rules adopted under this section shall provide  
6 that telecommunications shall not be used by school  
7 districts as the exclusive means to provide any course  
8 which is required by the minimum educational standards  
9 for ~~approval or~~ accreditation.

10 11. Develop evaluation procedures that will  
11 measure the effects of instruction by means of  
12 telecommunications on student achievement,  
13 socialization, intellectual growth, motivation, and  
14 other related factors deemed relevant by the state  
15 board, for the development of an educational data  
16 base. The state board shall consult with the state  
17 board of regents and the ~~teacher education~~  
18 ~~practitioner preparation~~ departments at its  
19 institutions, other ~~approved teacher education~~  
20 ~~practitioner preparation~~ departments located within  
21 private colleges and universities, educational  
22 research agencies or facilities, and other agencies  
23 deemed appropriate by the state board, in developing  
24 these procedures.

25 Sec. 4. Section 256.11, subsections 1 and 2, Code  
26 1989, are amended to read as follows:

27 1. If a school offers a prekindergarten program,  
28 the program shall be designed to help children to work  
29 and play with others, to express themselves, to learn  
30 to use and manage their bodies, and to extend their  
31 interests and understanding of the world about them.  
32 The prekindergarten program shall relate the role of  
33 the family to the child's developing sense of self and  
34 perception of others. Planning and carrying out  
35 prekindergarten activities designed to encourage  
36 cooperative efforts between home and school shall  
37 focus on community resources. A prekindergarten  
38 teacher shall hold a ~~certificated license~~ certifying  
39 that the holder is qualified to teach in  
40 prekindergarten. A nonpublic school which offers only

41 a prekindergarten may, but is not required to, seek  
 42 and obtain accreditation.  
 43 2. The kindergarten program shall include  
 44 experiences designed to develop healthy emotional and  
 45 social habits and growth in the language arts and  
 46 communication skills, as well as a capacity for the  
 47 completion of individual tasks, and protect and  
 48 increase physical well-being with attention given to  
 49 experiences relating to the development of life skills  
 50 and human growth and development. A kindergarten

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1 teacher shall be ~~certificated~~ licensed to teach in  
 2 kindergarten. An accredited nonpublic school must  
 3 meet the requirements of this subsection only if the  
 4 nonpublic school offers a kindergarten program.  
 5 Sec. 5. Section 256.11, subsection 5, paragraph f,  
 6 Code 1989, is amended to read as follows:  
 7 f. Four sequential units of one foreign language.  
 8 The department may waive the third and fourth years of  
 9 the foreign language requirement on an annual basis  
 10 upon the request of the board of directors of a school  
 11 district or the authorities in charge of a nonpublic  
 12 school if the board or authorities are able to prove  
 13 that a ~~certificated~~ licensed teacher was employed and  
 14 assigned a schedule that would have allowed students  
 15 to enroll in a foreign language class, the foreign  
 16 language class was properly scheduled, students were  
 17 aware that a foreign language class was scheduled, and  
 18 no students enrolled in the class.  
 19 Sec. 6. Section 256.11, subsection 9, paragraph b,  
 20 Code 1989, is amended to read as follows:  
 21 b. Effective July 1, 1990, unless a waiver has  
 22 been obtained under section 256.11A, each school or  
 23 school district shall have a qualified school media  
 24 specialist who shall meet the ~~certification and~~  
 25 ~~approval~~ licensing standards prescribed by the  
 26 ~~department~~ board of educational examiners and shall be  
 27 responsible for supervision of the media centers.  
 28 Each school or school district shall establish a media  
 29 center, in each attendance center, which shall be  
 30 accessible to students throughout the school day.  
 31 Sec. 7. Section 256.11, subsection 9A, Code 1989,  
 32 is amended to read as follows:  
 33 9A. Each school or school district shall provide  
 34 an articulated sequential guidance program for grades  
 35 kindergarten through twelve. Until July 1, 1991, a  
 36 school or school district may obtain a waiver from  
 37 meeting the requirements of this subsection pursuant  
 38 to section 256.11A. The guidance counselor shall meet  
 39 the ~~certification and approval~~ licensing standards of

40 the department board of educational examiners.

41 Sec. 8. Section 256.16, Code 1989, is amended to

42 read as follows:

43 256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION  
44 AND CERTAIN EDUCATORS.

45 Pursuant to section 256.7, subsection 5, the state  
46 board shall adopt rules requiring all approved teacher  
47 training institutions higher education institutions  
48 providing practitioner preparation to include in the  
49 professional education program, preparation that  
50 contributes to education of the handicapped and the

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1 gifted and talented, which must be successfully  
2 completed before graduation from the teacher training  
3 practitioner preparation program.

4 A person initially applying for a certificate,  
5 endorsement, or approval license shall successfully  
6 complete a professional education program containing  
7 the subject matter specified in this section, before  
8 the initial action by the department board of  
9 educational examiners takes place.

10 Sec. 9. Section 256.17, unnumbered paragraph 1,  
11 Code 1989, is amended to read as follows:

12 The state board shall review the standards  
13 contained in section 256.11, shall review current  
14 literature relating to effective schools and learning  
15 environments, and shall consult with representatives  
16 from the higher education institutions, the board of  
17 educational examiners, area education agencies, school  
18 board members, school administrators, teachers,  
19 parents, students, members of business, industry, and  
20 labor, other governmental agencies, associations  
21 interested in education, and representatives of  
22 communities of various sizes to develop standards for  
23 accredited schools and school districts that  
24 encompass, but are not limited to the following  
25 general areas:

26 Sec. 10. Section 256.17, subsection 5, Code 1989,  
27 is amended to read as follows:

28 5. A performance evaluation process for its  
29 certificated staff licensed practitioners using staff  
30 members who possess evaluator approval under section  
31 260.33 rules adopted by the board of educational  
32 examiners under chapter 260.

33 Sec. 11. Section 258.3A, subsection 3, Code 1989,  
34 is amended to read as follows:

35 3. Adopt rules prescribing standards for approval  
36 of schools, departments, and classes; area vocational-  
37 technical high schools and programs; area vocational  
38 schools and programs; and teacher training

39 practitioner preparation schools, departments, and  
40 classes, applying for federal and state moneys under  
41 this chapter.

42 Sec. 12. Section 258.4, subsections 5, 6, and 7,  
43 Code 1989, are amended to read as follows:

44 5. Enforce Make recommendations to the board of  
45 educational examiners relating to the enforcement of  
46 rules prescribing standards for teachers of subjects  
47 listed in subsection 2 in approved accredited schools,  
48 departments, and classes.

49 6. Co-operate in the maintenance of teachers  
50 training practitioner preparation schools,

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1 departments, and classes, supported and controlled by  
2 the public, for the training of teachers and  
3 supervisors of subjects listed in subsection 2.  
4 7. Annually inspect, as a basis of approval, all  
5 schools, departments, and classes, area vocational-  
6 technical high schools and programs, area vocational  
7 schools and programs and all teachers training  
8 practitioner preparation schools, departments, and  
9 classes, applying for federal and state moneys under  
10 the provisions of this chapter.

11 Sec. 13. Section 258.5, Code 1989, is amended to  
12 read as follows:

13 258.5 FEDERAL AID — CONDITIONS.

14 Whenever If a school corporation maintains an  
15 approved vocational school, department, or classes in  
16 accordance with the rules adopted by the state board,  
17 and rules and standards adopted by the board of  
18 educational examiners under chapter 260, and the state  
19 plan for vocational education, adopted by that the  
20 board for vocational education and approved by the  
21 United States department of education, the director of  
22 the department of education shall reimburse the school  
23 corporation at the end of the fiscal year for its  
24 expenditures for salaries and authorized travel of  
25 vocational teachers from federal and state funds.  
26 However, a school corporation shall not receive from  
27 federal and state funds a larger amount than one-half  
28 the sum which has been expended by the school  
29 corporation for that particular type of program. If  
30 federal and state funds are not sufficient to make the  
31 reimbursement to the extent provided in this section,  
32 the director shall prorate the respective amounts  
33 available to the corporations entitled to  
34 reimbursement.

35 The director may use federal funds to reimburse  
36 approved teacher training approved practitioner  
37 preparation schools, departments, or classes for the

38 training of teachers of agriculture, home economics,  
 39 trades and industrial education, distributive  
 40 education, and for the training of guidance  
 41 counselors.

42 Sec. 14. Section 258.6, Code 1989, is amended to  
 43 read as follows:

44 258.6 DEFINITIONS.

45 "Approved school, department, or class" shall mean  
 46 means a school, department, or class approved by said  
 47 the board as entitled under the provisions of this  
 48 chapter to federal and state moneys for the salaries  
 49 and authorized travel of teachers of vocational  
 50 subjects. "Approved teachers training practitioner

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1 preparation school, department, or class" shall mean  
 2 means a school, department, or class approved by the  
 3 board as entitled under the provisions of this chapter  
 4 to federal moneys for the training of teachers of  
 5 vocational subjects.

6 Sec. 15. Section 260.1, Code 1989, is amended by  
 7 striking the section and inserting in lieu thereof the  
 8 following:

9 260.1 DEFINITIONS.

10 1. "Administrator" means a person who is licensed  
 11 to coordinate, supervise, or direct an educational  
 12 program or the activities of other practitioners.

13 2. "Board" means the board of educational  
 14 examiners.

15 3. "Department" means the state department of  
 16 education.

17 4. "License" means the authority that is given to  
 18 allow a person to legally serve as a practitioner.

19 5. "Practitioner" means an administrator, teacher,  
 20 or other licensed professional who provides  
 21 educational assistance to students.

22 6. "Practitioner preparation program" means a  
 23 program which prepares a person to obtain a license as  
 24 a practitioner.

25 7. "Principal" means a licensed member of a  
 26 school's instructional staff who serves as an  
 27 instructional leader, coordinates the process and  
 28 substance of educational and instructional programs,  
 29 coordinates the budget of the school to which the  
 30 principal is assigned, provides formative evaluation  
 31 for all practitioners and other persons in the school  
 32 to which the principal is assigned, recommends or has  
 33 effective authority to appoint, assign, promote, or  
 34 transfer personnel in the school to which the  
 35 principal is assigned, implements the local school  
 36 board's policy in a manner consistent with the

37 professional practice and ethics, and assists in the  
 38 development and supervision of a school's student  
 39 activities program.

40 8. "Profession of teaching" or "teaching  
 41 profession" means the group of persons who hold  
 42 licenses issued by the board.

43 9. "Professional development program" means a  
 44 course or program approved by the state board of  
 45 education which is offered by a person or agency for  
 46 the purpose of providing continuing education for the  
 47 renewal or upgrading of a practitioner's license.

48 10. "School" means a school under section 280.2, a  
 49 merged area school, an area education agency, and a  
 50 school operated by a state agency for special

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1 purposes.

2 11. "Student" means a person who is enrolled in a  
 3 course of study at a school or practitioner  
 4 preparation program, or who is receiving direct or  
 5 indirect assistance from a practitioner.

6 12. "Superintendent" means an administrator who  
 7 promotes, demotes, transfers, assigns, or evaluates  
 8 practitioners or other personnel, and carries out the  
 9 policies of a governing body.

10 13. "Teacher" means a licensed member of a  
 11 school's instructional staff who diagnoses,  
 12 prescribes, evaluates, and directs student learning in  
 13 a manner which is consistent with professional  
 14 practice and school objectives, shares responsibility  
 15 for the development of an instructional program and  
 16 any coordinating activities, evaluates or assesses  
 17 student progress before and after instruction, and who  
 18 uses the student evaluation or assessment information  
 19 to promote additional student learning.

20 Sec. 16. Section 260.2, Code 1989, is amended by  
 21 striking the section and inserting in lieu thereof the  
 22 following:

23 **260.2 DUTIES OF BOARD OF EDUCATIONAL EXAMINERS.**

24 The board of educational examiners shall:

25 1. Establish licenses for practitioners and issue  
 26 licenses to practitioners meeting the requirements of  
 27 the board of educational examiners. Licensing shall  
 28 include but not be limited to criteria for the  
 29 issuance and renewal of licenses, the creation of  
 30 licenses that authorize different instructional  
 31 functions or specialties, the creation of application  
 32 and renewal forms, and the establishment of other  
 33 procedures which may be necessary to exercise  
 34 licensing duties.

35 2. Establish, collect, and refund fees for a

36 license.

37 3. Enter into reciprocity agreements with other  
38 equivalent state boards or a national certification  
39 board to provide for licensing of applicants from  
40 other states or nations.

41 4. Develop criteria of professional practices, and  
42 suspend or revoke a license or take other disciplinary  
43 action against a practitioner.

44 5. Apply for and receive federal or other funds on  
45 behalf of the state for purposes related to its  
46 duties.

47 6. Evaluate and conduct studies of board  
48 standards.

49 7. Adopt rules under chapter 17A for carrying out  
50 the responsibilities of the board.

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1 Prior to filing a notice of intended action, a  
2 rule, or emergency rule under section 17A.4, the board  
3 of educational examiners shall submit a proposed rule  
4 to the state board of education. The state board of  
5 education shall review a proposed rule and may accept  
6 or reject the proposed rule. If the state board of  
7 education accepts the proposed rule, the board of  
8 educational examiners may file the proposed rule under  
9 chapter 17A. If the state board of education rejects  
10 the proposed rule, the board of educational examiners  
11 may modify and resubmit the proposed rule to the state  
12 board of education or may withdraw the proposed rule.

13 Sec. 17. Section 260.3, Code 1989, is amended by  
14 striking the section and inserting in lieu thereof the  
15 following:

16 260.3 MEMBERSHIP.

17 The board of educational examiners consists of  
18 seven members. The members shall include the  
19 following:

20 1. The director of the department of education who  
21 shall serve as the chair of the board.

22 2. Three members who shall be selected from the  
23 following areas and specialties of the teaching  
24 profession: elementary teachers, secondary teachers,  
25 special education or other similar teachers,  
26 counselors or other special purpose practitioners,  
27 merged area school faculty members, or area education  
28 agency specialists.

29 3. Two members who are school administrators. One  
30 member shall be a principal and one member shall be a  
31 superintendent.

32 4. One member of the general public who may be a  
33 member of the state board of education or the board of  
34 directors of a local school district.

35 Membership of the board shall comply with the  
 36 requirements of sections 69.16 and 69.16A. A quorum  
 37 of the board shall consist of four members. Members,  
 38 except for the director of the department of  
 39 education, shall be appointed by the governor and the  
 40 appointments are subject to confirmation by the  
 41 senate.

42 Sec. 18. NEW SECTION. 260.4 TERMS OF OFFICE.

43 Members shall be appointed to serve staggered terms  
 44 of four years. A member shall not serve more than two  
 45 consecutive terms. A member of the board who is a  
 46 school administrator or is a member of the teaching  
 47 profession shall hold a valid practitioner's license  
 48 during the member's term of office. A vacancy exists  
 49 when any of the following occur:

50 1. The license of a member appointed under section

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1 260.3 subsection 2 or 3 expires, is suspended, or is  
 2 revoked.

3 2. A member appointed under section 260.3,  
 4 subsection 2 or 3 retires or terminates employment as  
 5 a practitioner.

6 3. A member dies, resigns, is removed from office,  
 7 or is otherwise physically unable to perform the  
 8 duties of office.

9 4. A member's term of office expires.

10 Terms of office for regular appointments begin on  
 11 July 1, and for vacancies on the date of appointment.  
 12 Members may be removed for cause by the district court  
 13 after notice and opportunity for hearing. The board  
 14 may remove a member for three consecutive absences or  
 15 for cause.

16 Sec. 19. Section 260.5, Code 1989, is amended by  
 17 striking the section and inserting in lieu thereof the  
 18 following:

19 260.5 COMPENSATION.

20 Members shall be reimbursed for actual and  
 21 necessary expenses incurred while engaged in their  
 22 official duties and may be entitled to per diem  
 23 compensation as authorized under section 7E.6.

24 Sec. 20. Section 260.6, Code 1989, is amended by  
 25 striking the section and inserting in lieu thereof the  
 26 following:

27 260.6 QUALIFICATIONS FOR PRACTITIONERS.

28 1. The board shall determine whether an applicant  
 29 is qualified to perform the duties for which a license  
 30 is sought. Applicants shall be disqualified for any  
 31 of the following reasons.

32 a. The applicant is less than twenty-one years of  
 33 age. However, a student enrolled in a practitioner

34 preparation program who meets board requirements for a  
 35 temporary, limited-purpose license who is seeking to  
 36 teach as part of a practicum or internship may be less  
 37 than twenty-one years of age.

38 b. The applicant has been convicted of child abuse  
 39 or sexual abuse of a child.

40 c. The applicant has been convicted of a felony.

41 d. The applicant's application is fraudulent.

42 e. The applicant's license or certification from  
 43 another state is suspended or revoked.

44 f. The applicant fails to meet board standards for  
 45 application for an initial or renewed license.

46 2. The board shall develop other criteria of  
 47 professional practices including, but not limited to,  
 48 such areas as:

49 a. Contractual obligations.

50 b. Competent performance of all members of the

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1 teaching profession.

2 c. Ethical practice toward other members of the  
 3 profession, parents, students, and the community.

4 Membership or nonmembership in a practitioners'  
 5 organization is not a criterion of an individual's  
 6 standing in the teaching profession.

7 Sec. 21. Section 260.7, Code 1989, is amended by  
 8 striking the section and inserting in lieu thereof the  
 9 following:

10 260.7 VALIDITY OF LICENSE.

11 A license issued under board authority is valid for  
 12 the period of time for which it is issued, unless the  
 13 license is suspended or revoked. A license issued by  
 14 the board is valid until June 30 of the year in which  
 15 the license expires. No permanent licenses shall be  
 16 issued. A person employed as a practitioner shall  
 17 hold a valid license for the type of service for which  
 18 the person is employed. This section does not limit  
 19 the duties or powers of a school board to select or  
 20 discharge practitioners or to terminate practitioner  
 21 contracts.

22 The board may grant or deny license applications or  
 23 applications for renewal of a license.

24 A failure to fulfill any of the criteria  
 25 established under section 260.6 is an unprofessional  
 26 practice and a legal basis for the suspension or  
 27 revocation of a license. After a hearing, the board,  
 28 in administering its responsibilities under this  
 29 section, shall exonerate, warn, or reprimand the  
 30 member of the teaching profession or may suspend or  
 31 revoke a license under section 260.2.

32 A denial of an application for a license or an

33 application for renewal of a license, or a suspension  
 34 or revocation of a license may be appealed to the  
 35 state board of education.

36 The board may issue emergency renewal or temporary,  
 37 limited-purpose licenses upon the petition of a  
 38 current or former practitioner. An emergency renewal  
 39 or a temporary, limited-purpose license may be issued  
 40 for a period not to exceed two years, if a petitioner  
 41 demonstrates, to the satisfaction of the board, good  
 42 cause for failure to comply with board requirements  
 43 for a regular license and provides evidence that the  
 44 petitioner will comply with board requirements within  
 45 the period of the emergency or temporary license.  
 46 Under exceptional circumstances, an emergency license  
 47 may be renewed by the board for one additional year.  
 48 A previously unlicensed person is not eligible for an  
 49 emergency or temporary license, except that a student  
 50 who is enrolled in a licensed practitioner preparation

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1 program may be issued temporary, limited-purpose  
 2 license, without payment of a fee, as part of a  
 3 practicum or internship program.

4 Sec. 22. Section 260.8, Code 1989, is amended by  
 5 striking the section and inserting in lieu thereof the  
 6 following:

7 260.8 LICENSE TO APPLICANTS FROM OTHER STATES OR  
 8 COUNTRIES.

9 The board may issue a license to an applicant from  
 10 another state or country if the applicant files  
 11 evidence of the possession of the required or  
 12 equivalent requirements with the board. The board may  
 13 enter into reciprocity agreements with another state  
 14 or country for the licensing of practitioners on an  
 15 equitable basis of mutual exchange, when the action is  
 16 in conformity with law.

17 Sec. 23. Section 260.9, Code 1989, is amended by  
 18 striking the section and inserting in lieu thereof the  
 19 following:

20 260.9 CONTINUITY OF CERTIFICATES AND LICENSES.

21 A certificate which was issued by the board of  
 22 educational examiners to a practitioner before the  
 23 effective date of this Act, continues to be in force  
 24 until it expires or until the board adopts rules under  
 25 this chapter for the issuance and renewal of licenses,  
 26 whichever is later.

27 Sec. 24. CONTINUITY OF RULES. Administrative  
 28 rules adopted by the board of educational examiners or  
 29 the professional teaching practices commission  
 30 relating to licenses or professional practice which  
 31 are in effect on the effective date of this Act remain

32 in effect until modified or repealed by the board of  
33 educational examiners after the effective date of this  
34 Act. All actions, appeals, or cases under chapters  
35 260 and 272A prior to the effective date of this Act  
36 shall be disposed of in the manner prescribed by those  
37 sections prior to the effective date of this Act.

38 Sec. 25. Section 260.10, Code 1989, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:

41 260.10 FEES.

42 Licensing fees are payable to the treasurer of  
43 state and shall be deposited with the director of the  
44 department of education. The director shall deposit  
45 the fees with the treasurer of state and the fees  
46 shall be credited to the general fund of the state.  
47 The director shall keep an accurate and detailed  
48 account of fees received and paid to the treasurer of  
49 state.

50 Sec. 26. Section 260.11, Code 1989, is amended by

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

3 260.11 EXPENDITURES AND REFUNDS.

4 Expenditures and refunds made by the board under  
5 this chapter shall be certified by the director of the  
6 department of education to the director of revenue and  
7 finance, and if found correct, the director of revenue  
8 and finance shall approve the expenditures and refunds  
9 and draw warrants upon the treasurer of state from the  
10 funds appropriated for that purpose.

11 Sec. 27. Section 260.12, Code 1989, is amended by  
12 striking the section and inserting in lieu thereof the  
13 following:

14 260.12 HEARING PROCEDURES.

15 Hearings before the board shall be conducted in the  
16 same manner as contested cases under chapter 17A. The  
17 board may subpoena books, papers, records, and any  
18 other real evidence necessary for the board to decide  
19 whether it should institute a contested case hearing.  
20 At the hearing the board may administer oaths and  
21 issue subpoenas to compel the attendance of witnesses  
22 and the production of other evidence. Subpoenas may  
23 be issued by the board to a party to a hearing.  
24 Service of process and subpoenas for board hearings  
25 shall be conducted in accordance with the law  
26 applicable to the service of process and subpoenas in  
27 civil actions.

28 Witnesses subpoenaed to appear before the board  
29 shall be reimbursed for mileage and necessary expenses  
30 and shall receive per diem compensation by the board,

31 unless the witness is an employee of the state or  
 32 political subdivision, in which case the witness shall  
 33 receive reimbursement for mileage only and necessary  
 34 expenses.

35 Sec. 28. Section 260.25, unnumbered paragraph 1,  
 36 subsection 1 and subsections 5 through 9, Code 1989,  
 37 are amended to read as follows:

38 Not later than January 1, 1990, the ~~board of~~  
 39 ~~educational examiners state board of education~~ shall  
 40 adopt rules pursuant to chapter 17A to implement the  
 41 following for approved teacher education practitioner  
 42 preparation programs:

43 1. A requirement that each student admitted to an  
 44 approved teacher education practitioner preparation  
 45 program must participate in field experiences that  
 46 include both observation and participation in teaching  
 47 activities in a variety of school settings. These  
 48 field experiences shall comprise a total of at least  
 49 fifty hours' duration, at least forty hours of which  
 50 shall occur after a student's admission to an approved

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1 teacher education practitioner preparation program.  
 2 The student teaching experience shall be a minimum of  
 3 twelve weeks in duration during the student's final  
 4 year of the teacher education practitioner preparation  
 5 program.

6 5. A requirement that each approved teacher  
 7 education practitioner preparation institution  
 8 annually offer a workshop of at least one day in  
 9 duration for prospective cooperating teachers. The  
 10 workshop shall define the objectives of the student  
 11 teaching experience, review the responsibilities of  
 12 the cooperating teacher, and provide the cooperating  
 13 teacher other information and assistance the  
 14 institution deems necessary.

15 6. A requirement that teacher education  
 16 practitioner preparation students receive instruction  
 17 in the use of electronic technology for classroom and  
 18 instructional purposes.

19 7. A requirement that approved teacher education  
 20 practitioner preparation institutions annually solicit  
 21 the views of the education community regarding the  
 22 institution's teacher education practitioner  
 23 preparation programs.

24 8. A requirement that an approved teacher  
 25 education practitioner preparation institution submit  
 26 evidence that the college or department of education  
 27 is communicating with other colleges or departments in  
 28 the institution so that teacher education practitioner  
 29 preparation students may integrate teaching

30 methodology with subject matter areas of  
31 specialization.

32 9. A requirement that an approved teacher  
33 education practitioner preparation program submit  
34 evidence that the evaluation of the performance of a  
35 student teacher is a cooperative process that involves  
36 both the faculty member supervising the student  
37 teacher and the cooperating teacher. The rules shall  
38 require that each institution develop a written  
39 evaluation procedure for use by the cooperating  
40 teacher and a form for evaluating student teachers,  
41 and require that a copy of the completed form be  
42 included in the student teacher's permanent record.

43 Sec. 29. Section 260.33, Code 1989, is amended to  
44 read as follows:

45 260.33 EVALUATOR APPROVAL LICENSE.

46 Effective July 1, 1990, in addition to endorsements  
47 licenses required under rules adopted pursuant to this  
48 chapter, an individual employed as an administrator,  
49 supervisor, school service person, or teacher by a  
50 school district, area education agency, or area

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1 school, who conducts evaluations of the performance of  
2 individuals holding certificates licenses under this  
3 chapter, shall possess an evaluator approval license.

4 By July 1, 1987 1990, the board of educational  
5 examiners shall adopt rules establishing requirements  
6 for an evaluator approval license including but not  
7 limited to approval of courses, renewal requirements,  
8 fees, and suspension and revocation of evaluator  
9 approvals licenses. An approved program shall include  
10 provisions for determining that an applicant for  
11 evaluator approval license has satisfactorily  
12 completed the program. The board of educational  
13 examiners state board of education shall work with  
14 institutions of higher education under the state board  
15 of regents, private colleges and universities, merged  
16 area schools, and area education agencies to insure  
17 ensure that the course required under subsection 1 are  
18 offered throughout the state at convenient times and  
19 at reasonable cost. The requirements shall include  
20 completion of a program approved by the board of  
21 educational examiners state board of education as  
22 follows:

23 1. For evaluation of teachers, the development of  
24 skills including but not limited to analysis of lesson  
25 plans, classroom observation, analysis of data,  
26 performance improvement strategies, and communication  
27 skills.

28 2. For evaluation of certificated licensed

29 employees other than teachers, the development of  
30 skills including but not limited to communication  
31 skills, analysis of employee performance, analysis of  
32 data, and performance improvement strategies.

33 An evaluator approval license is valid for a period  
34 of five years from its issuance.

35 Sec. 30. Section 260.34, Code 1989, is amended to  
36 read as follows:

37 260.34 ELEMENTARY ENDORSEMENTS LICENSES.

38 The board of educational examiners in conjunction  
39 with the child development coordinating council, or  
40 other similar agency, shall develop appropriate  
41 endorsements licenses for teachers in the early  
42 elementary grades, taking into consideration  
43 recommendations from the child development  
44 coordinating council or other similar agency, the  
45 center for early development education, and teacher  
46 education personnel.

47 Sec. 31. Section 273.3, subsections 5 and 11, Code  
48 1989, are amended to read as follows:

49 5. Be authorized, subject to rules and regulations  
50 of the state board of education, to provide directly

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1 or by contractual arrangement with public or private  
2 agencies for special education programs and services,  
3 media services, and educational programs and services  
4 requested by the local boards of education as provided  
5 in this chapter, including but not limited to  
6 contracts for the area education agency to provide  
7 programs or services to the local school districts and  
8 contracts for local school districts, other  
9 educational agencies, and public and private agencies  
10 to provide programs and services to the local school  
11 districts in the area education agency in lieu of the  
12 area education agency providing the services.  
13 Contracts may be made with public or private agencies  
14 located outside the state if the programs and services  
15 comply with the rules of the state board. Rules  
16 adopted by the state board of education shall be  
17 consistent with rules, adopted by the board of  
18 educational examiners, relating to licensing of  
19 practitioners.

20 11. Employ personnel to carry out the functions of  
21 the area education agency which shall include the  
22 employment of an administrator who shall possess a  
23 certificate license issued under section 260.9 chapter  
24 260. The administrator shall be employed pursuant to  
25 section 279.20 and sections 279.23, 279.24 and 279.25.  
26 The salary for an area education agency administrator  
27 shall be established by the board based upon the

28 previous experience and education of the  
 29 administrator. ~~The provisions of section~~ Section  
 30 279.13 shall apply applies to the area education  
 31 agency board and to all teachers employed by the area  
 32 education agency. ~~The provisions of sections~~ Sections  
 33 279.23, 279.24 and 279.25 shall apply to the area  
 34 education board and to all administrators employed by  
 35 the area education agency.

36 Sec. 32. Section 279.19B, Code 1989, is amended to  
 37 read as follows:

38 279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

39 The board of directors of a school district shall  
 40 offer an extracurricular contract for varsity head  
 41 coach of the interscholastic athletic activities of  
 42 football, basketball, track not including cross-  
 43 country, baseball, softball, volleyball, gymnastics,  
 44 hockey, and wrestling only to an individual possessing  
 45 a teaching ~~certificate~~ license with a coaching  
 46 endorsement issued pursuant to chapter 260.

47 The board of directors of a school district may  
 48 employ for head coach of other interscholastic  
 49 athletic activities or for assistant coach of any  
 50 interscholastic athletic activity, an individual who

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1 possesses a coaching authorization issued by the  
 2 ~~department of education board of educational~~  
 3 ~~examiners~~. An individual who has been issued a  
 4 coaching authorization or who possesses a teaching  
 5 ~~certificate~~ license with a coaching endorsement but is  
 6 not issued a teaching contract under section 279.13  
 7 and who is employed by the board of directors of a  
 8 school district serves at the pleasure of the board of  
 9 directors and is not subject to sections 279.13  
 10 through 279.19, and 279.27. ~~Chapter 272A and~~  
 11 ~~subsection~~ Subsection 1 of section 279.19A apply  
 12 applies to coaching authorizations.

13 Sec. 33. Section 282.3, subsection 2, unnumbered  
 14 paragraph 2, Code 1989, is amended to read as follows:

15 ~~No~~ A child under the age of six years on the  
 16 fifteenth of September of the current school year  
 17 shall not be admitted to any a public school unless  
 18 the board of directors of the school shall have has  
 19 adopted and put into effect courses of study for the  
 20 school year immediately preceding the first grade,  
 21 approved by the department of education, and shall  
 22 have has employed a teacher or teachers practitioner  
 23 or practitioners for this work with standards of  
 24 training approved by the department of education board  
 25 of educational examiners.

26 Sec. 34. Section 294.3, Code 1989, is amended to

27 read as follows:

28 294.3 STATE AID AND TUITION.

29 No A school shall not be deprived of its right to  
30 be approved for state aid or approved for tuition by  
31 reason of the employment of any teacher practitioner  
32 as authorized under section ~~294.2~~ 260.9.

33 Sec. 35. Section 294A.2, subsections 3, 4, and 5,  
34 Code 1989, are amended to read as follows:

35 3. "General training requirements" means  
36 requirements prescribed by a board of directors that  
37 provide for the acquisition of additional semester  
38 hours of graduate credit from an institution of higher  
39 education approved by the board of educational  
40 examiners state board of education or the completion  
41 of staff development activities approved by the  
42 department state board of education for renewal of  
43 certificates licenses issued under chapter 260.

44 4. "Specialized training requirements" means  
45 requirements prescribed by a board of directors to  
46 meet specific needs of the school district identified  
47 by the board of directors that provide for the  
48 acquisition of clearly defined skills through formal  
49 or informal education that are beyond the requirements  
50 necessary for initial certification licensing under

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1 chapter 260.

2 5. "Teacher" means an individual holding a  
3 teaching certificate practitioner's license issued  
4 under chapter 260, letter of authorization, or a  
5 statement of professional recognition issued by the  
6 board of educational examiners, who is employed in a  
7 nonadministrative position by a school district or  
8 area education agency pursuant to a contract issued by  
9 a board of directors under section 279.13. A teacher  
10 may be employed in both an administrative and a  
11 nonadministrative position by a board of directors and  
12 shall be considered a part-time teacher for the  
13 portion of time that the teacher is employed in a  
14 nonadministrative position.

15 Effective July 1, 1988, "teacher" includes an  
16 individual employed on less than a full-time basis by  
17 a school district through a contract between the  
18 school district and an institution of higher education  
19 with an approved teacher education a practitioner  
20 preparation program in which the teacher is enrolled  
21 in a graduate teacher education practitioner  
22 preparation program.

23 Sec. 36. Section 321.180, subsection 1, Code 1989,  
24 is amended to read as follows:

25 1. A person who is at least fourteen years of age

26 and who, except for the person's lack of instructions  
 27 in operating a motor vehicle, would be qualified to  
 28 obtain an operator's license, shall, upon meeting the  
 29 requirements of section 321.186 other than a driving  
 30 demonstration, and upon paying the required fee, be  
 31 issued a temporary instruction permit by the  
 32 department. Subject to the limitations in this  
 33 subsection, a temporary instruction permit entitles  
 34 the permittee, while having the permit in the  
 35 permittee's immediate possession, to drive a motor  
 36 vehicle upon the highways for a period of two years  
 37 from the date of issuance. The permittee must be  
 38 accompanied by a licensed operator or chauffeur who is  
 39 at least eighteen years of age, who is an approved  
 40 driver education instructor, or who is a prospective  
 41 driver education instructor enrolled in and  
 42 specifically designated by a teacher education  
 43 institution practitioner preparation program with a  
 44 safety education program approved by the department of  
 45 education state board of education, and who is  
 46 actually occupying a seat beside the driver. The  
 47 temporary instruction permit issued to a person who is  
 48 less than sixteen years of age entitles the permittee  
 49 to drive a motor vehicle upon the highways only when  
 50 accompanied by a licensed operator or chauffeur who is

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1 the parent or guardian of the permittee, an approved  
 2 driver education instructor, a prospective driver  
 3 education instructor who is enrolled in and has been  
 4 specifically designated by a teacher education  
 5 institution practitioner preparation program with a  
 6 safety education program approved by the department of  
 7 education state board of education, or a person who is  
 8 twenty-five years of age or more if written permission  
 9 is granted by the parent or guardian, and who is  
 10 actually occupying a seat beside the driver.

11 Sec. 37. Sections 232.69, 256.18, 256.19, 256.30,  
 12 261.51, 262.9, 275.56, 275.59, 279.12, 279.13,  
 13 279.19A, 279.49, 294A.9, 294A.10, 294A.15, 294A.24,  
 14 294A.25, and 808A.1, Code 1989, are amended by  
 15 striking the words "certificated" and  
 16 "noncertificated" and inserting in lieu thereof the  
 17 word "licensed" or "unlicensed".

18 Sec. 38. Sections 261.45, 281.2, and 299.1, Code  
 19 1989, are amended by striking the word "certified" and  
 20 inserting in lieu thereof the word "licensed".

21 Sec. 39. Sections 261.51 and 261.52, Code 1989,  
 22 are amended by striking the words "certificate" and  
 23 "certificates" and inserting in lieu thereof the word  
 24 "license" or "licenses".

25 Sec. 40. REPEALS. Sections 256.31, 260.12,  
 26 260.14, 260.15, 260.19, 260.20, 260.21, 260.23,  
 27 260.27, 260.28, and 294.2, and chapter 272A, Code  
 28 1989, are repealed."

STROMER of Hancock

H-3874

1 Amend House File 753 as follows:  
 2 1. Page 9, by striking lines 11 through 33 and  
 3 inserting the following:  
 4 "2. Proceeds derived from the payment of taxes  
 5 provided for under section 98.6, subsection 2, which  
 6 are credited to the general fund and remitted to the  
 7 waste volume reduction and recycling fund, shall be  
 8 used to fund waste tire abatement efforts prescribed  
 9 under this section."  
 10 2. Page 16, by inserting after line 16 the  
 11 following:  
 12 "Sec. \_\_\_\_\_. Section 98.6, subsection 2, Code 1989,  
 13 is amended to read as follows:  
 14 2. Notwithstanding subsection 1, there is imposed  
 15 and shall be collected and paid to the department a  
 16 tax on all cigarettes used or otherwise disposed of in  
 17 this state for any purpose at the rate of seventeen  
 18 mills on each cigarette for the period beginning March  
 19 1, 1988, and ending June 30, 1989, and at the rate of  
 20 fifteen and one-half mills on each cigarette beginning  
 21 July 1, 1989. Beginning July 1, 1989, of the moneys  
 22 collected and paid for deposit in the general fund,  
 23 one and one-half mills shall be remitted to the waste  
 24 volume reduction and recycling fund to fund waste tire  
 25 abatement efforts prescribed pursuant to section  
 26 455D.11."  
 27 3. By renumbering as necessary.

SCHNEKLOTH of Scott

H-3878

1 Amend the amendment, H-3873, to House File 680 as  
 2 follows:  
 3 1. Page 14, line 17, by striking the word  
 4 "course" and inserting the following: "courses".  
 5 2. Page 17, line 23, by inserting after the word  
 6 and figure "subsection 1," the following: "unnumbered  
 7 paragraph 1,".  
 8 3. Page 17, line 25, by striking the figure "1."

STROMER of Hancock

H-3879

1 Amend the amendment, H-3431, to Senate File 224, as  
 2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, by striking lines 15 through 17 and
- 5 inserting the following: "time of the inspection." "

SPENNER of Henry

H-3880

1 Amend the amendment, H-3424, to Senate File 224, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

- 4 1. Page 2, by inserting after line 24 the
- 5 following:
- 6 "Sec. \_\_\_\_\_. Section 808A.1, subsection 4, paragraph
- 7 d, Code 1989, is amended to read as follows:
- 8 d. A school locker, desk, or other facility or
- 9 space issued or assigned to, or chosen by, the student
- 10 for the storage of personal belongings of any kind,
- 11 which the student locks or is permitted to lock.
- 12 School officials may conduct periodic inspections of
- 13 all school lockers. ~~However, the school district~~
- 14 ~~shall provide notice to the students, at least twenty-~~
- 15 ~~four hours prior to the inspection, of the date and~~
- 16 ~~time of the inspection."~~
- 17 2. By renumbering as necessary.

SPENNER of Henry

H-3881

1 Amend Senate File 344, as amended, passed, and  
2 reprinted by the Senate, as follows:

- 3 1. Page 2, by striking lines 15 through 21.
- 4 2. Page 3, by striking lines 1 through 4 and
- 5 inserting the following: "pursuant to chapter 668A."
- 6 3. Renumber as necessary.

Committee on Judiciary and Law Enforcement

H-3885

1 Amend House File 680 as follows:

- 2 1. Page 12, by inserting after line 31, the fol-
- 3 lowing:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 260.35 STATE ADVISORY
- 5 COUNCIL.
- 6 A state educational examiners advisory council is
- 7 established to give advice and assistance to the board
- 8 of educational examiners on practitioner preparation,
- 9 practitioner licensing and the renewal of
- 10 practitioner's licenses, and other matters related to
- 11 the duties of the board. The council shall consist of
- 12 seven public members who are citizens interested and
- 13 knowledgeable about education issues.
- 14 The members shall be appointed by the governor and

15 the appointments are subject to confirmation by the  
 16 senate. Membership of the council shall comply with  
 17 the requirements of sections 69.16 and 69.16A.  
 18 Members shall be reimbursed for actual and necessary  
 19 expenses incurred while engaged in their official  
 20 duties. Staffing for the council shall be provided by  
 21 the department of education."  
 22 2. By renumbering as necessary.

SWARTZ of Marshall

H-3887

1 Amend Senate File 502, as passed by the Senate, as  
 2 follows:  
 3 1. By striking page 134, line 24, through page  
 4 137, line 10.  
 5 2. By renumbering as necessary.

SCHNEKLOTH of Scott

H-3888

1 Amend the amendment, H-3851, to Senate File 205 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting before line 3 the  
 5 following:  
 6 "\_\_\_\_\_. Page 1, by striking line 30 through page 2,  
 7 line 3."  
 8 2. Page 1, line 17, by inserting after the figure  
 9 "147A" the following: ", or to persons whose function  
 10 with respect to respiratory care is limited to the  
 11 home delivery and connection of oxygen tanks".

BEATTY of Warren

H-3890

1 Amend House File 436 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. Section 554.9307, Code 1989, is  
 5 amended by adding the following new subsection:  
 6 NEW SUBSECTION. 7. A secured party may request  
 7 the buyer to issue any check for payment or partial  
 8 payment of a good subject to a security interest  
 9 jointly in the name of both the seller and the secured  
 10 party only if the secured party has included in the  
 11 documents creating the security interest a written  
 12 provision that a joint check would be requested or  
 13 required and if the provision has been specifically  
 14 signed and dated by the person granting the security  
 15 interest. The amount of the joint check shall not be

- 16 greater than seventy-five percent of the amount of the  
 17 security interest.”  
 18 2. By renumbering as necessary.

SVOBODA of Tama

H—3891

- 1 Amend House File 436 as follows:  
 2 1. Page 1, by striking line 4 and inserting the  
 3 following:  
 4 “All execution sales heretofore had wherein the”.  
 5 2. Page 1, by striking lines 14 and 15 and  
 6 inserting the following: “law as required by sections  
 7 11664 to 11668.1 [Code 1939], both inclusive, had been  
 8 in all respects strictly and”.  
 9 3. Page 1, by striking line 20 and inserting the  
 10 following:  
 11 “All execution sales of real estate heretofore had  
 12 in which”.

SVOBODA of Tama

H—3892

- 1 Amend House File 436 as follows:  
 2 1. Page 2, by striking lines 4 through 21.

SVOBODA of Tama

H—3893

- 1 Amend the amendment, H—3846, to House File 680 as  
 2 follows:  
 3 1. Page 2, by inserting after line 11 the  
 4 following:  
 5 “For purposes of this subsection, “practitioner  
 6 preparation program” means a program which prepares a  
 7 person to obtain a license as a practitioner and  
 8 “professional development program” means a course or  
 9 program which is offered by a person or agency to  
 10 provide a practitioner with continuing education for  
 11 the renewal or upgrading of the practitioner’s  
 12 license.”

NEUHAUSER of Johnson

H—3894

- 1 Amend House File 436 as follows:  
 2 1. Page 1, line 4, by inserting after the word  
 3 “wherein” the following: “completed prior to January  
 4 1, 1989,”  
 5 2. Page 1, line 16, by inserting after the word  
 6 “with” the following: “, unless prior to the  
 7 effective date of this Act a suit has been initiated”

- 8 complaining of the error, or the error has been raised  
 9 in the course of another suit”.  
 10 3. Page 1, line 20, by inserting after the word  
 11 “which” the following: “completed prior to January 1,  
 12 1989,”.  
 13 4. Page 2, line 3, by inserting after the word  
 14 “sales” the following: “, unless prior to the  
 15 effective date of this Act a suit has been initiated  
 16 complaining of the error, or the error has been raised  
 17 in the course of another suit”.

OSTERBERG of Linn

H—3895

- 1 Amend Senate File 389 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 4, by striking the figure “1990”  
 4 and inserting the following: “1991”.  
 5 2. Page 3, line 4, by inserting before the word  
 6 “judicial” the following: “person shall not bring a”.  
 7 3. Page 3, line 5, by striking the word  
 8 “process,” and inserting the following: “process or”.  
 9 4. Page 3, line 6, by striking the words “shall  
 10 not be brought”.  
 11 5. Page 3, line 8, by inserting after the word  
 12 “of” the following: “a”.

GRUHN of Dickinson

H—3898

- 1 Amend House File 436 as follows:  
 2 1. Page 2, line 14, by striking the word “may”  
 3 and inserting the following: “may shall”.

SVOBODA of Tama

H—3899

- 1 Amend House File 436 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 “Section 1. Section 554.9307, Code 1989, is  
 5 amended by adding the following new subsection:  
 6 **NEW SUBSECTION. 7.** A secured party may request  
 7 the buyer to issue any check for payment or partial  
 8 payment of a good subject to a security interest  
 9 jointly in the name of both the seller and the secured  
 10 party only if the secured party has included in the  
 11 documents creating the security interest a written  
 12 provision that a joint check would be requested or  
 13 required and if the provision has been specifically  
 14 signed and dated by the person granting the security  
 15 interest. The amount of the joint check shall not be

16 greater than seventy-five percent of the amount of the  
17 security interest."

18 2. Title page, line 1, by striking the words "the  
19 foreclosure and sale of real property" and inserting  
20 the following: "property subject to a secured  
21 interest."

22 3. By renumbering as necessary.

SVOBODA of Tama

H-3900

1 Amend House File 436 as follows:

2 1. By striking everything after the enacting  
3 clause.

4 2. Title page, by striking line 1.

SVOBODA of Tama

H-3902

1 Amend House File 436 as follows:

2 1. Page 1, line 5, by inserting after the word  
3 "failed" the following: "on or before December 31,  
4 1988,".

SVOBODA of Tama  
PETERS of Woodbury

H-3908

1 Amend Senate File 323, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 8, by inserting after the word  
4 "that" the following: "fully interactive".

5 2. Page 1, by striking lines 12 through 31 and  
6 inserting the following:

7 "Rules adopted under this subsection shall provide  
8 that telecommunications may only be used to provide  
9 instruction in courses suitable for interactive  
10 telecommunication broadcasts and that adequate  
11 supervision must be provided at the location at which  
12 the curriculum is delivered. For purposes of this  
13 subsection, "courses suitable for interactive  
14 telecommunications" does not include courses with a  
15 laboratory component or courses in which more than ten  
16 students are enrolled."

Committee on Education

H-3915

1 Amend Senate File 416, 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 80A.1, subsection 6, Code  
6 1989, is amended by adding the following new  
7 paragraphs:

8 NEW PARAGRAPH. i. The repossession of property  
9 sold pursuant to a security agreement or conditional  
10 sales contract, or the repossession of property  
11 pledged as security pursuant to a security agreement.

12 NEW PARAGRAPH. j. The business of serving  
13 subpoenas or other process.

14 NEW PARAGRAPH. k. The business of collecting bad  
15 debts or dishonored financial instruments."

16 2. Page 1, by inserting after line 26 the  
17 following:

18 "Sec. \_\_\_\_\_. Section 80A.15, Code 1989, is amended  
19 by adding the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. The commissioner shall  
21 adopt rules pursuant to chapter 17A establishing  
22 minimum standards of mental fitness to govern the  
23 recruitment, selection, and license of private  
24 investigators. The rules shall include, but are not  
25 limited to, a series of psychological tests to  
26 determine cognitive skills, personality  
27 characteristics, and the suitability of an applicant  
28 to engage in the private investigation business. An  
29 applicant shall not be licensed if the applicant does  
30 not possess sufficient cognitive skills or personality  
31 characteristics, or is not suitable for a career as a  
32 private investigator. The commissioner shall  
33 designate qualified persons who can be hired to  
34 interpret the examinations.

35 Sec. \_\_\_\_\_. NEW SECTION. 80A.19 MANDATORY TESTING.

36 All persons licensed to engage in the private  
37 investigation business pursuant to this chapter shall  
38 submit to the same cognitive and psychological  
39 examinations as administered pursuant to section  
40 80B.11, subsection 5, in order to be eligible for  
41 license renewal. The person's license shall not be  
42 renewed if it is determined that the person lacks  
43 sufficient cognitive skills, personality  
44 characteristics or suitability to continue as a  
45 private investigator. The licensee shall be  
46 responsible for paying the costs of such examinations,  
47 with the costs to be determined by the commissioner."

48 3. Title page, line 1, by striking the word "of"  
49 and inserting the following: "and testing of  
50 certain".

**Page 2**

1 4. Title page, by striking line 2 and inserting  
2 the following: "law enforcement and the private  
3 investigative business."

4 5. By renumbering as necessary.

H-3916

1 Amend Senate File 24, 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. There is appropriated from the general  
6 fund of the state to the department of natural  
7 resources for the fiscal year beginning July 1, 1989,  
8 and ending June 30, 1990, the following amounts, or so  
9 much thereof as is necessary, to be used for the  
10 purposes designated:

11 1. FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT  
12 ADMINISTRATION

13 For salaries, support, maintenance, and  
14 miscellaneous purposes, necessary for the  
15 administration of the duties delegated to or assumed  
16 by the department of natural resources under the  
17 federal Resource Conservation and Recovery Act and for  
18 not more than the following full-time equivalent  
19 positions:

20 ..... \$ 700,000  
21 ..... FTEs 20

22 2. It is the intention of the general assembly in  
23 making the appropriation under subsection 1 and under  
24 this subsection to resume funding for the department's  
25 implementation of the federal Resource Conservation  
26 and Recovery Act permit program for hazardous waste  
27 facilities in this state. Section 455B.411,  
28 subsections 6, 9, and 10, section 455B.412,  
29 subsections 2 through 4, and sections 455B.413 through  
30 455B.421 are no longer suspended, and now apply as  
31 they pertain to abandoned and uncontrolled sites, used  
32 oil, and site licensing under chapter 455B, division  
33 IV, part 6, notwithstanding 1987 Iowa Acts, chapter  
34 233, section 204, subsection 5.

35 Sec. 2. This Act is effective January 1, 1990."

36 2. Title page, by striking lines 1 through 3 and  
37 inserting the following: "An Act relating to  
38 restoring authority to the department of natural  
39 resources to administer portions of the federal  
40 Resource Conservation and Recovery Act, providing an  
41 appropriation to the department, and providing a  
42 special effective date."

Committee on Energy and Environmental Protection

H-3917

1 Amend House File 436 as follows:

2 1. Page 2, by inserting after line 21 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 654A.6, subsection 1, Code

5 1989, is amended to read as follows: -

6 1. A creditor subject to this chapter desiring to  
7 initiate a proceeding to enforce a debt against  
8 agricultural property which is real estate under  
9 chapter 654, to forfeit a contract to purchase  
10 agricultural property under chapter 656, to enforce a  
11 secured interest in agricultural property under  
12 chapter 554, or to otherwise garnish, levy on, execute  
13 on, seize, or attach agricultural property, shall file  
14 a request for mediation with the farm mediation  
15 service, or to enter into an agreement under section  
16 654.19. The creditor shall not begin the proceeding  
17 subject to this chapter until the creditor receives a  
18 mediation release, or until the court determines after  
19 notice and hearing that the time delay required for  
20 the mediation would cause the creditor to suffer  
21 irreparable harm. Title to land that is agricultural  
22 property is not affected by the failure of any  
23 creditor to receive a mediation release regardless of  
24 its validity. The time period for the notice of right  
25 to cure provided in section 654.2A shall run  
26 concurrently with the time period for the mediation  
27 period provided in this section and section 654A.10.

28 Sec. \_\_\_\_\_. Section 654A.8, subsection 1, Code 1989,  
29 is amended to read as follows:

30 1. Unless the borrower waives mediation, within  
31 twenty-one days after receiving a mediation request  
32 the farm mediation service shall send a mediation  
33 meeting notice to the borrower and to all known  
34 creditors of the borrower setting a time and place for  
35 an initial mediation meeting between the borrower, the  
36 creditors, and a mediator directed by the farm  
37 mediation service to assist in mediation. The  
38 borrower and creditor shall not execute an agreement  
39 under section 654.19 until after an initial mediation  
40 meeting has been held. An initial mediation meeting  
41 shall be held within twenty-one days of the issuance  
42 of the mediation meeting notice.”

43 2. By renumbering as necessary.

SVOBODA of Tama

H-3918

1 Amend House File 436 as follows:

2 1. Page 2, line 14, by inserting after the word  
3 “parties.” the following: “Before the agreement is  
4 executed, the mortgagee must obtain a mediation  
5 release under chapter 654A.”

SVOBODA of Tama

H—3919

1 Amend House File 436 as follows:

- 2 1. Page 2, line 19, by inserting after the word  
3 “mortgagee.” the following: “If within one year after  
4 the year in which the agreement is recorded, the  
5 mortgagee proposes to sell or otherwise dispose of the  
6 land, in a transaction other than a public auction,  
7 the mortgagee shall first offer the mortgagor the  
8 opportunity to repurchase the land on the same terms  
9 the mortgagee proposes to sell or dispose of the land  
10 pursuant to section 654.16.”

SVOBODA of Tama

H—3921

1 Amend Senate File 437, as passed by the Senate, as  
2 follows:

- 3 1. Page 2, line 4, by striking the word  
4 “landfill” and inserting the following: “landfill  
5 disposal project”.  
6 2. Page 2, line 5, by striking the word  
7 “landfill” and inserting the following: “sanitary  
8 disposal project”.  
9 3. Page 2, line 9, by striking the word “land-  
10 fill” and inserting the following: “landfill disposal  
11 project”.  
12 4. Page 2, line 10, by striking the word  
13 “landfill” and inserting the following: “sanitary  
14 disposal project”.  
15 5. Page 2, line 14, by striking the word  
16 “landfill” and inserting the following: “landfill  
17 disposal project”.  
18 6. Page 2, line 16, by striking the word  
19 “landfill” and inserting the following: “sanitary  
20 disposal project”.  
21 7. Page 3, line 9, by striking the word and  
22 figure “through 3” and inserting the following:  
23 “through 4”.  
24 8. Page 4, by inserting after line 30 the fol-  
25 lowing:  
26 “4. The comprehensive plan shall provide details  
27 of a local recycling program which shall contain a  
28 methodology for meeting the state volume reduction  
29 goal pursuant to section 455B.490A, and a methodology  
30 for implementing a program of separation of wastes  
31 including but not limited to glass, plastic, paper,  
32 and metal.  
33 4 5. In addition to the above requirements, the  
34 following specific areas must be addressed in detail  
35 in the a comprehensive plan filed in conjunction with  
36 the issuance, renewal, or reissuance of a permit for a

- 37 sanitary disposal project:  
 38 9. By striking page 4, line 31, through page 5,  
 39 line 2.

Committee on Energy and Environmental Protection

H-3924

- 1 Amend House File 209 as follows:  
 2 1. Page 1, line 1, by inserting after the word  
 3 "subsections" the following: "1,"  
 4 2. Page 1, by inserting after line 2 the  
 5 following:  
 6 "1. "Smoking" means the carrying of or control  
 7 over a lighted cigar, cigarette, pipe, or other  
 8 lighted smoking equipment or the chewing of tobacco."

LUNDBY of Linn

H-3925

- 1 Amend Senate File 503, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 6 and 7 and  
 4 inserting the following: "period of time not to  
 5 exceed a period of time equal to the duration of the  
 6 marriage, unless the parties".  
 7 2. Page 1, line 13, by striking the word "thirty"  
 8 and inserting the following: "twenty".

Committee on Judiciary and Law Enforcement

H-3930

- 1 Amend the amendment, H-3843, to Senate File 488 as  
 2 passed by the Senate, as follows:  
 3 1. Page 2, line 1, by striking the words "five  
 4 hundred" and inserting the following: "one thousand".

PETERSEN of Muscatine

H-3932

- 1 Amend the amendment, H-3309, to House File 209 as  
 2 follows:  
 3 1. Page 1, by inserting after line 1, the  
 4 following:  
 5 "\_\_\_\_\_. Page 1, line 1, by inserting after the word  
 6 "subsections" the following: "1,".  
 7 "\_\_\_\_\_. Page 1, by inserting after line 2, the  
 8 following:  
 9 "1. "Smoking" means the carrying of or control  
 10 over a lighted cigar, cigarette, pipe, or other  
 11 lighted smoking equipment or the chewing of tobacco."  
 12 2. By renumbering as necessary.

LUNDBY of Linn

H—3934

- 1 Amend Senate File 294, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 11, by striking the words "the
- 4 offenses of" and inserting the following: "felony
- 5 offenses involving".
- 6 2. Page 4, line 13, by striking the words ", or
- 7 in bookmaking, as defined in section 725.13".

Committee on Judiciary and Law Enforcement

H—3940

- 1 Amend Senate File 502, as passed by the Senate, as
- 2 follows:
- 3 1. Page 125, line 22, by inserting after the
- 4 figure "491," the following: "a telephone company
- 5 organized as a corporation under chapter 491
- 6 qualifying pursuant to an internal revenue service
- 7 letter ruling under I.R.C. § 501(c)(12) as a nonprofit
- 8 corporation entitled to distribute profits in the same
- 9 manner as a chapter 499 corporation,".

KREMER of Buchanan

H—3945

- 1 Amend Senate File 502, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 134, line 24, through page
- 4 137, line 10.
- 5 2. By renumbering as necessary.

VAN MAANEN of Mahaska

H—3947

- 1 Amend House File 436 as follows:
- 2 1. By striking page 1, line 1, through page 2,
- 3 line 3.
- 4 2. By renumbering as necessary.

PETERSON of Carroll

H—3948

- 1 Amend House File 436 as follows:
- 2 1. Page 2, by inserting before line 4 the follow-
- 3 ing:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 591.18 INTEREST ON
- 5 ACCOUNTS.
- 6 A bank, as defined in section 524.103, a credit
- 7 union, as defined in section 533.1, or an association,
- 8 as defined in section 534.102, shall on and after July
- 9 1, 1989, pay interest to a depositor on funds in a
- 10 checking, time, interest, or savings account

11 regardless of actions by the depositor, including  
12 withdrawals, the incurrance of debt, or payments  
13 ordered from the account. The amount of interest to  
14 be paid shall be calculated by considering the balance  
15 of the account to be the highest balance in the  
16 account which existed during the year the interest is  
17 paid."

18 2. Title page, line 1, by striking the words  
19 "foreclosure and sale of real" and inserting the  
20 following: "transfers of".

SVOBODA of Tama

H-3949

1 Amend House File 436 as follows:

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

4 "Sec. \_\_\_\_\_. NEW SECTION. 591.18 OVERDRAFTS.

5 An instrument including a check, share draft,  
6 draft, or written order, demanding payment on an  
7 insured bank, as defined in section 524.103, a credit  
8 union, as defined in section 533.1, or an association,  
9 as defined in section 534.102, shall be honored on and  
10 after July 1, 1989, by the bank, credit union, or  
11 association even though the maker of the instrument  
12 does not have sufficient funds to satisfy the demand."

13 2. Title page, line 1, by striking the words  
14 "foreclosure and sale of real" and inserting the  
15 following: "transfer of".

SVOBODA of Tama

H-3950

1 Amend House File 436 as follows:

2 1. Page 2, line 18, by inserting after the word  
3 "lessee." the following: "The execution of the  
4 agreement shall be recorded on video tape, at the  
5 expense of the mortgagee. The video tape shall be  
6 transferred to the custody of the mortgagor within  
7 five days from the date of execution of the  
8 agreement."

SVOBODA of Tama

H-3952

1 Amend the amendment, H-3848, to Senate File 149, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 21 the  
5 following:

6 "\_\_\_\_\_. Page 3, by inserting after line 7 the fol-  
7 lowing:

8 "8. Who is attending a noncertified home education  
 9 or noncertified school program provided for at least  
 10 one hundred eighty days per calendar year. Attendance  
 11 in a noncertified home education or noncertified  
 12 private school program shall be for at least one  
 13 hundred forty-eight days each year, and shall be met  
 14 by attendance for at least thirty-seven days each  
 15 school quarter, or a similar distribution of  
 16 attendance throughout the calendar year.

17 For purposes of this subsection, "noncertified home  
 18 education program" means an educational program  
 19 provided in a home by a noncertificated teacher, who  
 20 holds a minimum of a high school diploma or its  
 21 equivalent under chapter 259A, who is a parent or  
 22 guardian to one or more students, who have reached the  
 23 age of six and are under sixteen years of age by  
 24 September 15, and who are siblings.

25 For purposes of this subsection, "noncertified  
 26 private school program" means an educational program  
 27 provided in a nonpublic school, which is not  
 28 accredited by the state board of education under  
 29 section 256.11 and which employs persons to provide  
 30 instruction who do not possess a teacher's certificate  
 31 issued under chapter 260, but who hold a minimum of a  
 32 bachelor's degree."

CORBETT of Linn

H—3954

- 1 Amend Senate File 205 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 1, line 30 through page 2,  
 4 line 3.  
 5 2. By renumbering as necessary.

BEATTY of Warren

H—3955

- 1 Amend House File 738 as follows:  
 2 1. Page 3, line 33, by inserting after the figure  
 3 "476.70." the following: "Also, a public utility may  
 4 engage in activities otherwise restricted by this  
 5 subsection in a city with a population of less than  
 6 ten thousand, provided that both of the following  
 7 conditions are satisfied:  
 8 a. The city is in a county which does not have any  
 9 city with a population of ten thousand or more.  
 10 b. The public utility otherwise provides utility  
 11 service to that city."

KOENIGS of Mitchell

H-3958

1 Amend House File 760 as follows:

2 1. Page 5, by inserting after line 9 the fol-  
3 lowing:  
4 "24. The examination of a health insurance tax  
5 credit for employers who employ fewer than twenty  
6 employees, and for those employers who are self-  
7 insured. The employer must provide two-thirds of the  
8 premium payment of the health insurance plan for the  
9 employees enrolled in the plan. An employee enrolled  
10 in the plan must pay one-third of the premium for the  
11 individual employee under the health insurance plan.  
12 The amount of the tax credit provided shall be one-  
13 half of the premium paid by the employer. The tax  
14 credit shall be provided to an employer for a maximum  
15 of five years. Any tax credit provided in excess of  
16 the employer's tax liability during the first taxable  
17 year may be credited to the employer's tax liability  
18 for the remaining four years or until an excess no  
19 longer exists. An employer shall only be eligible for  
20 the tax credit provided if the health insurance plan  
21 provided has been selected by the insurance division  
22 of the department of commerce."

DE GROOT of Lyon  
JOCHUM of Dubuque

H-3960

1 Amend Senate File 502, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 19, by inserting after the word  
4 "state" the following: "and filed and recorded in the  
5 office of the county recorder".  
6 2. By striking page 130, line 16, through page  
7 131, line 20.  
8 3. Page 134, by striking lines 24 through 28.  
9 4. Page 137, by striking lines 6 through 10.  
10 5. By renumbering as necessary.

VAN MAANEN of Mahaska

H-3961

1 Amend the amendment, H-3874, to House File 753 as  
2 follows:

3 1. Page 1, line 23, by inserting after the word  
4 "mills" the following: "on each cigarette".

SCHNEKLOTH of Scott

H-3962

1 Amend Senate File 498, 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 602.6403, subsection 2, Code  
 6 1989, is amended to read as follows:  
 7 2. The magistrate appointing commission for each  
 8 county shall prescribe the contents of an application  
 9 for an appointment pursuant to this section. The  
 10 commission shall publicize notice of any vacancy to be  
 11 filled in at least two publications in the official  
 12 county newspaper newspapers. The commission shall  
 13 accept applications for a minimum of fifteen days  
 14 prior to making an appointment, and shall make  
 15 available during that period of time any printed  
 16 application forms the commission prescribes."  
 17 2. By renumbering as necessary.

HIBBARD of Madison  
 JAY of Appanoose

H-3966

- 1 Amend Senate File 205, 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 "Sec. \_\_\_\_\_. Section 135F.2, Code 1989, is amended  
 6 by adding the following new unnumbered paragraph after  
 7 subsection 5:  
 8 **NEW UNNUMBERED PARAGRAPH.** "Respiratory care as a  
 9 practice" does not include the delivery, assembly,  
 10 setup, testing, or demonstration of respiratory care  
 11 equipment upon the order of a licensed physician. As  
 12 used in this paragraph, "demonstration" does not  
 13 include the actual teaching, administration, or  
 14 performance of the respiratory care procedures."  
 15 2. By numbering and renumbering as necessary.

BEATTY of Warren  
 HANSON of Delaware

H-3968

- 1 Amend House File 436 as follows:  
 2 1. Page 2, by inserting after line 3, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. **NEW SECTION. 654.2E NOTICE OF**  
 5 **TRANSFER OF MORTGAGES OR DEEDS OF TRUST.**  
 6 A person with an interest in a debt secured by a  
 7 mortgage or deed of trust shall notify the mortgagor  
 8 at least thirty days before the date of a transfer to  
 9 a person residing outside the state, of information  
 10 relating to the transfer, including the name and  
 11 address of the transferee, and the date that the  
 12 transfer will take effect."  
 13 2. By renumbering as necessary.

SVOBODA of Tama

H-3970

1 Amend Senate File 124, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 4, line 34, by inserting after the word  
4 "chapter." the following: "The commission shall set  
5 the payout rate for all slot machines."

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

8 "\_\_\_\_\_. To define the duration of an excursion which  
9 shall be at least three hours during the excursion  
10 season. For the off season, the commission shall  
11 adopt rules limiting times of admission to excursion  
12 gambling boats consistent with maximum loss per player  
13 per gambling excursion specified in subsection 4.

14 \_\_\_\_\_ To provide for the continuous video-taping of  
15 all gambling activities on an excursion gambling boat.

16 \_\_\_\_\_ To provide for adequate security aboard each  
17 excursion gambling boat.

18 \_\_\_\_\_ To provide that gambling games shall be  
19 conducted only during the same hours when alcoholic  
20 beverages are lawfully sold or dispensed as provided  
21 in section 123.49."

22 3. Page 7, by striking lines 12 through 20 and  
23 inserting the following:

24 "8. The licensee or a holder of an occupational  
25 license shall consent to the search, without a  
26 warrant, by agents of the division of criminal  
27 investigation of the department of public safety or  
28 commission employees designated by the secretary of  
29 the commission, of the licensee's or holder's person,  
30 personal property, and effects, and premises which are  
31 located on the excursion gambling boat or adjacent  
32 facilities under control of the licensee, in order to  
33 inspect or investigate for violations of this chapter  
34 or rules adopted by the commission pursuant to this  
35 chapter."

36 4. Page 7, lines 27 and 28, by striking the words  
37 "for a period of not more than five years".

38 5. Page 9, line 5, by striking the number "18"  
39 and inserting the following: "twenty-one".

40 6. Page 10, line 1, by inserting after the word  
41 "character" the following: "or if the applicant has  
42 plead guilty to, or has been convicted of, a felony".

43 7. Page 10, by striking lines 29 and 30 and  
44 inserting the following: "electorate, the licenses  
45 issued by the commission after a referendum approving  
46 gambling games on excursion gambling boats shall  
47 remain valid and are subject to renewal for a total of  
48 nine years from the date of original issue unless the  
49 commission revokes a license at an earlier date as  
50 provided in this chapter.

## Page 2

1 c. If, after the effective date of this Act,  
 2 section 99F.1, subsection 5, 99F.4, subsection 4, or  
 3 99F.9, subsection 2 is amended, the board of  
 4 supervisors of a county in which excursion boat  
 5 gambling has been approved, shall submit to the county  
 6 electorate a proposition to approve or disapprove the  
 7 conduct of gambling games on excursion gambling boats  
 8 at a special election at the earliest practicable  
 9 time. If excursion boat gambling is not approved at  
 10 the election, paragraph b does not apply to the  
 11 licenses and the commission shall cancel the licenses  
 12 issued for the county within sixty days of the  
 13 unfavorable referendum."

14 8. Page 12, line 19, by striking the word  
 15 "eighteen" and insert the following: "twenty-one".

16 9. Page 15, line 19, by inserting after the word  
 17 "activities." the following: "The gross receipts and  
 18 adjusted gross receipts from gambling shall be  
 19 separately handled and accounted for from all other  
 20 moneys received from the operation of an excursion  
 21 gambling boat."

22 10. Page 15, line 19, by striking the word "may"  
 23 and inserting the following: "shall".

24 11. Page 15, line 21, by inserting after the word  
 25 "boat" the following: ", who shall directly supervise  
 26 the handling and accounting of all gross receipts and  
 27 adjusted gross receipts from gambling,".

28 12. Page 15, line 23, by striking the word "the"  
 29 and inserting the following: "a".

30 13. Page 16, line 26, by striking the word  
 31 "eighteen" and inserting the following: "twenty-one".

CONNORS of Polk  
 TRENT of Muscatine  
 SHEARER of Louisa

## H—3971

1 Amend the amendment, H—3908, to Senate File 323, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, line 4, by striking the word "fully".

5 2. Page 1, by striking lines 15 and 16 and  
 6 inserting the following: "laboratory component."

FOGARTY of Palo Alto  
 GRUHN of Dickinson  
 EDDIE of Buena Vista  
 DAGGETT of Adams

H—3972

- 1 Amend Senate File 502, as passed by the Senate, as
- 2 follows:
- 3 1. Page 125, line 22, by inserting after the
- 4 figure "491," the following: "a telephone company
- 5 organized as a corporation under chapter 491
- 6 qualifying pursuant to an internal revenue service
- 7 letter ruling under I.R.C. § 501(c)(12) as a nonprofit
- 8 corporation entitled to distribute profits in a manner
- 9 similar to a chapter 499 corporation,".

KREMER of Buchanan

H—3973

- 1 Amend the amendment, H—3966, to Senate File 205, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 11, by inserting after the word
- 5 "equipment" the following: "in the home".

HANSON of Delaware

H—3978

- 1 Amend the amendment, H—3970, to Senate File 124, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 13, by inserting after the number
- 5 "4." the following: "An excursion gambling boat shall
- 6 operate only between the hours of twelve noon of a day
- 7 and one a.m. of the following day."
- 8 2. Page 1, by striking lines 17 through 21 and
- 9 inserting the following: "excursion gambling boat."

TYRRELL of Iowa

H—3981

- 1 Amend Senate File 344, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 2, by striking lines 22 through 32.
- 4 2. Title page, line 4, by striking the words "the
- 5 right to a jury trial,".
- 6 3. Renumber as necessary.

TRENT of Muscatine  
 NEUHAUSER of Johnson

H—3984

- 1 Amend amendment, H—3970, to Senate File 124, as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 36 and 37.
- 5 2. By striking page 1, line 43 through page 2,

6 line 1, and inserting the following:  
 7 "7. Page 10, by inserting after line 30 the  
 8 following:  
 9 "c. If, after the effective date of this Act,""

HOLVECK of Polk

H—3987

1 Amend Senate File 315, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by striking lines 1 through 3 and  
 4 inserting the following:  
 5 "Section 1. Section 204.401, Code 1989, is amended  
 6 by striking the section and inserting in lieu thereof  
 7 the following:  
 8 204.401 PROHIBITED ACTS — MANUFACTURERS —  
 9 POSSESSORS — CONTROLLED SUBSTANCES — COUNTERFEIT  
 10 SUBSTANCES — SIMULATED CONTROLLED SUBSTANCES —  
 11 PENALTIES.  
 12 1. Except as authorized by this chapter, it is  
 13 unlawful for any person to manufacture, deliver, or  
 14 possess with the intent to manufacture or deliver, a  
 15 controlled substance, a counterfeit substance, or a  
 16 simulated controlled substance, or to act with, enter  
 17 into a common scheme or design with, or conspire with  
 18 one or more other persons to manufacture, deliver, or  
 19 possess with the intent to manufacture or deliver, a  
 20 controlled substance, a counterfeit substance, or a  
 21 simulated controlled substance.  
 22 a. Violation of this subsection, with respect to  
 23 the following controlled substances, counterfeit  
 24 substances, or simulated controlled substances is a  
 25 class "B" felony, and notwithstanding section 902.9,  
 26 subsection 1, shall be punished by confinement for no  
 27 more than fifty years and a fine of not less than ten  
 28 thousand dollars nor more than one million dollars:  
 29 (1) More than one kilogram of a mixture or  
 30 substance containing a detectable amount of heroin.  
 31 (2) More than five kilograms of a mixture or  
 32 substance containing a detectable amount of any of the  
 33 following:  
 34 (a) Coca leaves, except coca leaves and extracts  
 35 of coca leaves from which cocaine, ecgonine, and  
 36 derivatives of ecgonine or their salts have been  
 37 removed.  
 38 (b) Cocaine, its salts, optical and geometric  
 39 isomers, and salts of isomers.  
 40 (c) Ecgonine, its derivatives, their salts,  
 41 isomers, and salts of isomers.  
 42 (d) Any compound, mixture, or preparation which  
 43 contains any quantity of any of the substances  
 44 referred to in subparagraph subdivisions (a) through

- 45 (c).  
46 (3) More than fifty grams of a mixture or  
47 substance described in subparagraph 2 which contains  
48 cocaine base.  
49 (4) More than one hundred grams of phencyclidine  
50 (PCP) or one kilogram or more of a mixture or

**Page 2**

- 1 substance containing a detectable amount of  
2 phencyclidine (PCP).  
3 (5) More than ten grams of a mixture or substance  
4 containing a detectable amount of lysergic acid  
5 diethylamide (LSD).  
6 (6) More than one thousand kilograms of a mixture  
7 or substance containing a detectable amount of  
8 marijuana.  
9 b. Violation of this subsection with respect to  
10 the following controlled substances, counterfeit  
11 substances, or simulated controlled substances is a  
12 class "B" felony, and in addition to the provisions of  
13 section 902.9, subsection 1, shall be punished by a  
14 fine of not less than five thousand dollars nor more  
15 than one hundred thousand dollars:  
16 (1) More than one hundred grams but not more than  
17 one kilogram of a mixture or substance containing a  
18 detectable amount of heroin.  
19 (2) More than five hundred grams but not more than  
20 five kilograms of any of the following:  
21 (a) Coca leaves, except coca leaves and extracts  
22 of coca leaves from which cocaine, ecgonine, and  
23 derivatives of ecgonine or their salts have been  
24 removed.  
25 (b) Cocaine, its salts, optical and geometric  
26 isomers, and salts of isomers.  
27 (c) Ecgonine, its derivatives, their salts,  
28 isomers, and salts of isomers.  
29 (d) Any compound, mixture, or preparation which  
30 contains any quantity of any of the substances  
31 referred to in subparagraph subdivisions (a) through  
32 (c).  
33 (3) More than five grams but not more than fifty  
34 grams of a mixture or substance described in  
35 subparagraph (2) which contains cocaine base.  
36 (4) More than ten grams but not more than one  
37 hundred grams of phencyclidine (PCP) or more than one  
38 hundred grams but not more than one kilogram of a  
39 mixture or substance containing a detectable amount of  
40 phencyclidine (PCP).  
41 (5) Not more than ten grams of lysergic acid  
42 diethylamide (LSD).  
43 (6) More than one hundred kilograms but not more

44 than one thousand kilograms of marijuana.  
45 c. Violation of this subsection with respect to  
46 the following controlled substances, counterfeit  
47 substances, or simulated controlled substances is a  
48 class "C" felony, and in addition to the provisions of  
49 section 902.9, subsection 3, shall be punished by a  
50 fine of not less than one thousand dollars nor more

**Page 3**

1 than fifty thousand dollars:  
2 (1) One hundred grams or less of a mixture or  
3 substance containing a detectable amount of heroin.  
4 (2) Five hundred grams or less of any of the  
5 following:  
6 (a) Coca leaves, except coca leaves and extracts  
7 of coca leaves from which cocaine, ecgonine, and  
8 derivatives of ecgonine or their salts have been  
9 removed.  
10 (b) Cocaine, its salts, optical and geometric  
11 isomers, and salts of isomers.  
12 (c) Ecgonine, its derivatives, their salts,  
13 isomers, and salts of isomers.  
14 (d) Any compound, mixture, or preparation which  
15 contains any quantity of any of the substances  
16 referred to in subparagraph subdivisions (a) through  
17 (c).  
18 (3) Five grams or less of a mixture or substance  
19 described in subparagraph (2) which contains cocaine  
20 base.  
21 (4) Ten grams or less of phencyclidine (PCP) or  
22 one hundred grams or less of a mixture or substance  
23 containing a detectable amount of phencyclidine (PCP).  
24 (5) More than fifty kilograms but not more than  
25 one hundred kilograms of marijuana.  
26 (6) Any other controlled substance classified in  
27 schedule I, II, or III.  
28 d. Violations of this subsection, with respect to  
29 any other controlled substances, counterfeit  
30 substances, or simulated controlled substances  
31 classified in schedule IV or V, or less than fifty  
32 kilograms of marijuana, or any other amount of such  
33 substances, is a class "D" felony, and in addition to  
34 the provisions of section 902.9, subsection 4, shall  
35 be punished by a fine of not less than one thousand  
36 dollars nor more than five thousand dollars.  
37 e. A person in the immediate possession or control  
38 of a firearm while participating in a violation of  
39 this subsection shall be sentenced to two times the  
40 term otherwise imposed by law, and no such judgment,  
41 sentence, or part thereof shall be deferred or  
42 suspended.

43 f. A person in the immediate possession or control  
44 of an offensive weapon, as defined in section 724.1,  
45 while participating in a violation of this subsection,  
46 shall be sentenced to three times the term otherwise  
47 imposed by law, and no such judgment, sentence, or  
48 part thereof shall be deferred or suspended.

49 2. It is unlawful for any person knowingly or  
50 intentionally to possess a controlled substance,

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1 counterfeit substance, or simulated controlled  
2 substance unless such substance was obtained directly  
3 from or pursuant to a valid prescription or order of a  
4 practitioner while acting in the course of the  
5 practitioner's professional practice, or except as  
6 otherwise authorized by this chapter. A person who  
7 violates this subsection with respect to possession of  
8 the following substances is guilty of the following:

9 a. Marijuana in an amount less than one ounce, is  
10 guilty of a serious misdemeanor. Punishment shall be  
11 imprisonment in the county jail for not more than six  
12 months or a fine of not less than one hundred dollars  
13 nor more than one thousand dollars, or by both such  
14 imprisonment and fine.

15 b. Marijuana in an amount of one ounce or more, or  
16 any amount of any other controlled substance  
17 classified in schedule I, II, III, IV, or V is guilty  
18 of an aggravated misdemeanor.

19 c. Any of the following controlled substances,  
20 counterfeit substances, or simulated controlled  
21 substances in the following amounts is guilty of a  
22 class "D" felony:

23 (1) One hundred grams or more of a mixture or  
24 substance containing a detectable amount of heroin.

25 (2) Five hundred grams or more of any of the  
26 following:

27 (a) Coca leaves, except coca leaves and extracts  
28 of coca leaves from which cocaine, ecgonine, and  
29 derivatives of ecgonine or their salts have been  
30 removed.

31 (b) Cocaine, its salts, optical and geometric  
32 isomers, and salts of isomers.

33 (c) Ecgonine, its derivatives, their salts,  
34 isomers, and salts of isomers.

35 (d) Any compound, mixture, or preparation which  
36 contains any quantity of any of the substances  
37 referred to in subparagraph subdivisions (a) through  
38 (c).

39 (3) Five grams or more of a mixture or substance  
40 described in subparagraph (2) which contains cocaine  
41 base.

42 (4) Ten grams or more of phencyclidine (PCP) or  
 43 more than one hundred kilograms of a mixture or  
 44 substance containing a detectable amount of  
 45 phencyclidine (PCP).

46 (5) Ten grams or more of lysergic acid  
 47 diethylamide (LSD).

48 d. Marijuana in an amount of one ounce or more, or  
 49 any amount of any other controlled substance  
 50 classified in schedule I, II, III, IV, or V, if the

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1 person violating this subsection has previously been  
 2 convicted of a violation of the laws of this or any  
 3 other jurisdiction proscribing delivery, sale,  
 4 manufacturing, or possession with the intent to  
 5 deliver or manufacture any controlled substance,  
 6 counterfeit substance, or simulated controlled  
 7 substance, is guilty of a class "D" felony.

8 3. If the same person commits two or more acts  
 9 which are in violation of this section and the acts  
 10 occur in approximately the same location or time  
 11 period so that the acts can be attributed to a single  
 12 scheme, plan, or conspiracy, the acts may be  
 13 considered a single violation and the weight of the  
 14 controlled substances, counterfeit substances, or  
 15 simulated controlled substances involved may be  
 16 combined for purposes of charging the offender.

17 Sec. 2. Section 204.406, Code 1989, is amended by  
 18 striking the section and inserting in lieu thereof the  
 19 following:

20 204.406 DISTRIBUTION TO PERSON UNDER AGE EIGHTEEN.

21 1. A person who is eighteen years of age or older  
 22 who:

23 a. Unlawfully distributes a substance listed in  
 24 schedule I or II, which is a narcotic or cocaine, to a  
 25 person under eighteen years of age commits a class "B"  
 26 felony and shall serve a minimum term of confinement  
 27 of five years. However, if the substance was  
 28 distributed in or on, or within one thousand feet of,  
 29 the real property comprising a public or private  
 30 elementary or secondary school, the person shall serve  
 31 a minimum term of confinement of ten years.

32 b. Unlawfully distributes a controlled substance  
 33 other than a narcotic or cocaine listed in schedule I,  
 34 II, or III to a person under eighteen years of age who  
 35 is at least three years younger than the violator  
 36 commits a class "C" felony.

37 c. Unlawfully distributes a controlled substance  
 38 listed in schedule IV or V to a person under eighteen  
 39 years of age who is at least three years younger than  
 40 the violator commits an aggravated misdemeanor.

41 2. A person who is eighteen years of age or older  
42 who:

43 a. Unlawfully distributes a counterfeit substance  
44 listed in schedule I or II which is a narcotic or  
45 cocaine, or a simulated controlled substance  
46 represented to be a narcotic or cocaine classified in  
47 schedule I or II, to a person under eighteen years of  
48 age commits a class "B" felony. However, if the  
49 substance was distributed in or on, or within one  
50 thousand feet of, the real property comprising a

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1 public or private elementary or secondary school, the  
2 person shall serve a minimum term of confinement of  
3 ten years.

4 b. Unlawfully distributes a counterfeit substance  
5 other than a narcotic or cocaine listed in schedule I,  
6 II, or III, or a simulated controlled substance  
7 represented to be any substance listed in schedule I,  
8 II, or III, to a person under eighteen years of age  
9 who is at least three years younger than the violator  
10 commits a class "C" felony.

11 c. Unlawfully distributes a counterfeit substance  
12 listed in schedule IV or V, or a simulated controlled  
13 substance represented to be a substance listed in  
14 schedule IV or V, to a person under eighteen years of  
15 age who is at least three years younger than the  
16 violator commits an aggravated misdemeanor.

17 3. It is unlawful for a person to deliver".

18 2. Page 1, by inserting after line 10, the  
19 following:

20 Sec. \_\_\_\_\_. Section 204.409, subsection 1, Code  
21 1989, is amended to read as follows:

22 1. Whenever a person who has not previously been  
23 convicted of an offense under this chapter or an  
24 offense under a state or federal statute relating to  
25 narcotic drugs or cocaine, marijuana, or stimulant,  
26 depressant, or hallucinogenic drugs, pleads guilty to  
27 or is found guilty of possession of a controlled  
28 substance under section 204.401, subsection 3 2, or is  
29 sentenced pursuant to section 204.410, the court,  
30 without entering a judgment of guilt and with the  
31 consent of the accused, may defer further proceedings  
32 and place the accused on probation upon terms and  
33 conditions as it requires. When a person is placed on  
34 probation under this subsection, the person's  
35 appearance bond may be discharged at the discretion of  
36 the court. Upon violation of a term or condition, the  
37 court may enter an adjudication of guilt and proceed  
38 as otherwise provided. Upon fulfillment of the terms  
39 and conditions, the court shall discharge the person

40 and dismiss the proceedings against the person.  
 41 Discharge and dismissal under this section shall be  
 42 without court adjudication of guilt and is not a  
 43 conviction for purposes of this section or for  
 44 purposes of disqualifications or disabilities imposed  
 45 by law upon conviction of a crime, including the  
 46 additional penalties imposed for second or subsequent  
 47 convictions under section 204.410. Discharge and  
 48 dismissal under this section may occur only once with  
 49 respect to any person.  
 50 Sec. \_\_\_\_\_. Section 204.410, Code 1989, is amended

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1 to read as follows:  
 2 204.410 ACCOMMODATION OFFENSE.  
 3 In a prosecution for unlawful delivery or  
 4 possession with intent to deliver marijuana, if the  
 5 prosecution proves that the defendant violated the  
 6 provisions of section 204.401, subsection 1, by  
 7 proving that the defendant delivered or possessed with  
 8 intent to deliver one ounce or less of marijuana, the  
 9 defendant is guilty of an accommodation offense and  
 10 rather than being sentenced as if convicted for a  
 11 violation of section 204.401, subsection 1, paragraph  
 12 "b" "d", shall be sentenced as if convicted of a  
 13 violation of section 204.401, subsection 3 2. An  
 14 accommodation offense may be proved as an included  
 15 offense under a charge of delivering or possessing  
 16 with the intent to deliver marijuana in violation of  
 17 section 204.401, subsection 1. This section does not  
 18 apply to hashish, hashish oil, or other derivatives of  
 19 marijuana as defined in section 204.101, subsection  
 20 17.

21 Sec. \_\_\_\_\_. Section 204.411, subsection 3, Code 1989,  
 22 is amended to read as follows:

23 3. This section does not apply to offenses under  
 24 section 204.401, subsection 3 2.

25 Sec. \_\_\_\_\_. Section 204.413, unnumbered paragraph 1,  
 26 Code 1989, is amended to read as follows:

27 A person sentenced pursuant to section 204.401,  
 28 subsection 1, paragraph "a" or "b" shall is not be  
 29 eligible for parole until the person has served a  
 30 minimum period of confinement of one-third of the  
 31 maximum indeterminate sentence prescribed by law  
 32 imposed by the court.

33 A person sentenced pursuant to section 204.401,  
 34 subsection 1, paragraph "e" or "f", is not eligible  
 35 for parole until the person has served a minimum  
 36 period of confinement of one-third of each term  
 37 imposed.

38 Sec. \_\_\_\_\_. Section 907.3, unnumbered paragraph 1,

39 Code 1989, is amended to read as follows:  
 40 Pursuant to section 901.5, the trial court may,  
 41 upon a plea of guilty, a verdict of guilty, or a  
 42 special verdict upon which a judgment of conviction  
 43 may be rendered, exercise any of the options contained  
 44 in subsections 1 and 2 of this section. However, this  
 45 section shall not apply to a forcible felony or  
 46 violations of section 204.401, subsection 1.  
 47 Sec. \_\_\_\_\_. Section 204.414, Code 1989, is  
 48 repealed."  
 49 3. Title page, by striking lines 1 and 2 and  
 50 inserting the following: "An Act prohibiting the

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1 unauthorized manufacture, delivery, possession with  
 2 intent to manufacture or deliver, or possession of a  
 3 controlled substance, a counterfeit substance, or a  
 4 simulated controlled substance, and providing  
 5 penalties."  
 6 4. By renumbering as necessary.

GARMAN of Story	TRENT of Muscatine
BRANSTAD of Winnebago	KOENIGS of Mitchell
SHONING of Woodbury	MUHLBAUER of Crawford
BANKS of Plymouth	PAVICH of Pottawattamie
SVOBODA of Tama	METCALF of Polk
TYRRELL of Iowa	HERMANN of Scott
MAULSBY of Calhoun	MAY of Worth
HIBBARD of Madison	LAGESCHULTE of Bremer
VAN MAANEN of Mahaska	BLACK of Jasper
	BEAMAN of Clarke
	SPENNER of Henry

H-3989

1 Amend Senate File 315, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 204.406, subsection 1, Code  
 6 1989, is amended to read as follows:  
 7 1. A person who is eighteen years of age or over  
 8 who violates section 204.401, subsection 1, by  
 9 distributing a substance listed in schedule I or II,  
 10 which is a narcotic drug or cocaine, to a person under  
 11 eighteen years of age, is guilty of a class "B"  
 12 felony; ~~however the and shall serve a minimum term of~~  
 13 ~~confinement of time to be served before parole may be~~  
 14 ~~granted is five years. However, if the substance was~~  
 15 ~~distributed in or on, or within one thousand feet of,~~  
 16 ~~the real property comprising a public or private~~  
 17 ~~elementary or secondary school, the person shall serve~~

18 a minimum term of confinement of ten years. A person  
 19 who is eighteen years of age or over who violates  
 20 section 204.401, subsection 1, by distributing any  
 21 other controlled substance listed in schedule I, II,  
 22 or III to a person under eighteen years of age who is  
 23 at least three years younger than the violator who  
 24 guilty of a class "C" felony. A person who is  
 25 eighteen years of age or over who violates section  
 26 204.401, subsection 1 by distributing a controlled  
 27 substance listed in schedule IV or V to a person under  
 28 eighteen years of age who is at least three years  
 29 younger than the violator is guilty of an aggravated  
 30 misdemeanor.  
 31 2. By renumbering as necessary.

CORBETT of Linn

H-4016

1 Amend House File 760 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 91D.1 DEFINITIONS.  
 5 As used in this chapter:  
 6 1. "Employee" means an employee as defined in  
 7 section 91A.2. A person who is self-employed is not  
 8 considered to be an employee.  
 9 2. "Employer" means an employer as defined in  
 10 section 91A.2 who employs two or more employees.  
 11 Sec. 2. NEW SECTION. 91D.2 PROVISION OF HEALTH  
 12 CARE INSURANCE REQUIRED.  
 13 An employer shall provide access to a group health  
 14 insurance plan or plans for its employees and their  
 15 dependents beginning January 1, 1990. Participation  
 16 by an employee in a group health insurance plan shall  
 17 be optional and an employee participating in a group  
 18 health insurance plan may be responsible for payment  
 19 of all or part of the premiums and copayments under  
 20 the plan selected."  
 21 2. Title page, by striking lines 1 through 4, and  
 22 inserting the following: "An Act relating to the  
 23 required provision of access to group health insurance  
 24 to employees of certain employers."

TRENT of Muscatine  
RENKEN of Grundy  
METCALF of Polk

H-4025

1 Amend Senate File 371, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 15, by inserting after line 13 the  
 4 following:

5 "Sec. \_\_\_\_\_. Section 49.4, subsection 2, Code 1989,  
6 is amended to read as follows:

7 2. Counties using alternative supervisor  
8 representation plans plan "two" or "three", as  
9 described in section 331.206, shall be apportioned  
10 into single-member supervisor districts on the basis  
11 of population. In counties using representation plan  
12 "three", the The boundaries of supervisor districts  
13 shall follow the boundaries of election precincts."

14 2. Page 30, by inserting after line 35 the  
15 following:

16 "Sec. \_\_\_\_\_. Section 331.203, subsection 2,  
17 paragraph b, Code 1989, is amended to read as follows:

18 b. If plan "two" or plan "three" as defined in  
19 section 331.206 is in effect, the board shall divide  
20 the county into five equal-population districts by  
21 December 15 of the year preceding the year of the next  
22 general election and at that general election, five  
23 board members shall be elected, two for initial terms  
24 of two years and three for four-year terms. The terms  
25 of the three incumbent supervisors shall expire on the  
26 date that the five-member board becomes effective.

27 Sec. \_\_\_\_\_. Section 331.206, subsection 1, paragraph  
28 b, Code 1989, is amended by striking the paragraph.

29 Sec. \_\_\_\_\_. Section 331.206, subsection 1, paragraph  
30 c, Code 1989, is amended to read as follows:

31 e b. Plan "three." "two." Election from single-  
32 member equal-population districts, in which the  
33 electors of each district shall elect one member who  
34 must reside in that district.

35 Sec. \_\_\_\_\_. Section 331.207, subsection 3,  
36 paragraphs 4 and 5, Code 1989, are amended to read as  
37 follows:

38 Plan "two." At large but with equal-population  
39 district residence requirements for the members.

40 Plan "three." "two." From single-member equal-  
41 population districts in which the electors of each  
42 district shall elect one member who must reside in  
43 that district.

44 Sec. \_\_\_\_\_. Section 331.207, subsection 4, Code  
45 1989, is amended to read as follows:

46 4. If the plan adopted by a plurality of the  
47 ballots cast in the special election is not the  
48 supervisor representation plan currently in effect in  
49 the county, the terms of the county supervisors  
50 serving at the time of the special election shall

**Page 2**

1 continue until the first day in January which is not a  
2 Sunday or holiday following the next general election,  
3 at which time the terms of the members shall expire

4 and the terms of the members elected under the  
 5 requirements of the new supervisor representation plan  
 6 at the general election as specified in section  
 7 331.208, or 331.209 or ~~331.210~~ shall commence.

8 Sec. \_\_\_\_\_. Section 331.209, subsections 1 and 2,  
 9 Code 1989, are amended to read as follows:

10 1. Before December 15 of the nonelection year  
 11 following each federal decennial census the board  
 12 shall divide the county into a number of supervisor  
 13 districts corresponding to the number of supervisors  
 14 in the county. However, if the plan is selected  
 15 pursuant to section 331.207, the board shall divide  
 16 the county before March 15 of the election year. The  
 17 supervisor districts shall be drawn, to the extent  
 18 applicable, in compliance with the redistricting  
 19 standards provided for legislative and congressional  
 20 districts in section 42.4. The boundaries of  
 21 supervisor districts shall follow voting precinct  
 22 lines. If more than one incumbent supervisor resides  
 23 in the same supervisor district after the districts  
 24 have been redrawn following the federal decennial  
 25 census, the terms of office of those supervisors shall  
 26 expire on the first day of January that is not a  
 27 Sunday or a holiday following the next general  
 28 election.

29 2. Each supervisor must reside in a separate  
 30 supervisor district ~~but shall be and each candidate~~  
 31 ~~for the office shall be nominated and elected by the~~  
 32 ~~electors of the county at large only the electors of~~  
 33 ~~the district which that candidate seeks to represent.~~  
 34 Election ballots shall be prepared to specify the  
 35 district which each candidate seeks to represent and  
 36 each elector may cast a vote for one candidate from  
 37 each district for which a supervisor is to be chosen  
 38 in the general election."

39 3. Page 33, by striking line 10 and inserting the  
 40 following:

41 "Sec. \_\_\_\_\_. Sections 50.14 and 331.210, Code 1989,  
 42 are repealed."

43 4. By numbering and renumbering as necessary.

BLANSHAN of Greene

H-4026

1 Amend the amendment, H-3911, to Senate File 470, 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 321.450, Code 1989, is amended  
 7 by adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Municipal sewage sludge

9 ash is deemed to be a potentially hazardous waste.  
 10 Municipal sewage sludge ash shall not be transported  
 11 by a person on the highways beyond a fifty mile radius  
 12 from its point of incineration."  
 13 2. By renumbering as necessary.

BROWN of Lucas

H-4027

1 Amend House File 488 as follows:  
 2 1. Page 1, line 23 by striking the words "vacant  
 3 or".

HANSON of Delaware

H-4028

1 Amend Senate File 323, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. TELECOMMUNICATIONS STUDY. The  
 6 department of education shall conduct a study to  
 7 determine the appropriateness of using  
 8 telecommunications as the exclusive means to provide  
 9 instruction for courses required by the minimum  
 10 educational standards under section 256.11. Factors  
 11 to be considered may include, but are not limited to,  
 12 the age of the students under instruction, whether the  
 13 form of telecommunications used contains fully  
 14 interactive audio and video systems, the course  
 15 curriculum content, class sizes, and methods for  
 16 demonstration of student achievement. The department  
 17 shall submit its findings together with any  
 18 recommendations in a report to the general assembly by  
 19 January 1, 1990."  
 20 2. Title page, by striking lines 1 through 4 and  
 21 inserting the following: "An Act relating to  
 22 telecommunications to provide courses required by the  
 23 state's minimum educational standards."

SHOULTZ of Black Hawk

H-4033

1 Amend House File 763 as follows:  
 2 1. Page 11, by inserting before line 15 the fol-  
 3 lowing:  
 4 "Sec. \_\_\_\_\_. There is appropriated from the road use  
 5 tax fund to the state department of transportation the  
 6 sum of \$15,000 or so much thereof as is necessary, for  
 7 the purpose of conducting a study, in consultation  
 8 with the department of natural resources and  
 9 representatives of cities and counties, to analyze and

10 report on the impact of waterway opening and  
11 floodplain requirements existing in federal or state  
12 law, regulations, administrative rules or design  
13 guides, on current and future road and bridge  
14 requirements, costs, and needs. The analysis shall  
15 consider what economies the various road programs  
16 might achieve by modifying these requirements,  
17 including reducing or eliminating the liability a road  
18 jurisdiction might have with current or alternative  
19 future requirements for road and bridge features for  
20 waterways and floodplains, including analyzing the  
21 risk to and benefits for roads and bridges and the  
22 risks and costs to land, improvements, and human  
23 activity. The study shall recommend methods for  
24 reducing the future highway program costs for  
25 providing bridges in Iowa. The study shall be  
26 submitted to the governor, the chief clerk of the  
27 house, and the secretary of the senate not later than  
28 January 31, 1990."

29 2. By renumbering as necessary.

DE GROOT of Lyon  
CONNOLLY of Dubuque

H-4034

1 Amend Senate File 199, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 19 and 20, and  
4 inserting the following:  
5 "Sec. 3. Section 237A.3, subsections 1 and 2, Code  
6 1989, are amended to read as follows:  
7 1. A person who operates or establishes a family  
8 day care home may shall apply to the department for  
9 registration under this chapter. The department shall  
10 issue a certificate of registration upon receipt of a  
11 statement from the family day care home that the home  
12 complies with rules adopted by the department. The  
13 registration certificate shall be posted in a  
14 conspicuous place in the family day care home, shall  
15 state the name of the registrant, the number of  
16 individuals who may be received for care at any one  
17 time and the address of the home, and shall include a  
18 check list of registration compliances. No greater  
19 number of children than is authorized by the  
20 certificate shall be kept in the family day care home  
21 at any one time. The registration process may be  
22 repeated on an annual basis. A facility which is not  
23 a family day care home by reason of the definition of  
24 child day care in section 237A.1, subsection 7, but  
25 which provides care, supervision or guidance to a

- 26 child may be issued a certificate of registration  
 27 under this chapter."  
 28 2. Title page, line 2, by inserting after the  
 29 word "for" the following: "family and".

CORBETT of Linn

H—4035

- 1 Amend House File 763 as follows:  
 2 1. Page 3, line 3, by striking the word "forty-  
 3 eight" and inserting the following: "forty-seven".  
 4 2. Page 3, line 6, by striking the word "twenty-  
 5 four" and inserting the following: "twenty-five".  
 6 3. Page 3, by inserting after line 9 the  
 7 following:  
 8 "Sec. \_\_\_\_\_. Section 312.2, subsection 11, Code  
 9 1989, is amended to read as follows:  
 10 11. The treasurer of state, before making the  
 11 other allotments provided for in this section, shall  
 12 credit annually to the primary road fund from the road  
 13 use tax fund the sum of four five million four nine  
 14 hundred thousand dollars ~~and to the farm-to-market~~  
 15 ~~road fund from the road use tax fund the sum of one~~  
 16 ~~million five hundred thousand dollars~~ for partial  
 17 compensation of allowing trucks to operate on the  
 18 roads of this state as provided in section 321.463."  
 19 4. Page 4, lines 25 and 26, by striking the words  
 20 "thirty-nine million eight" and inserting the  
 21 following: "forty-six million one".  
 22 5. Page 4, line 35, by striking the word "forty-  
 23 six" and inserting the following: "forty-eight".

KOENIGS of Mitchell  
 BRANSTAD of Winnebago  
 ROYER of Page  
 MAULSBY of Calhoun  
 PETERSEN of Muscatine  
 EDDIE of Buena Vista  
 MAY of Worth

MUHLBAUER of Crawford  
 FOGARTY of Palo Alto  
 HARBOR of Mills  
 FULLER of Hardin  
 BENNETT of Ida  
 GRUHN of Dickinson  
 PELLETT of Cass  
 BLACK of Jasper

H—4037

- 1 Amend House File 345, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 4, by striking the words "that  
 4 part" and inserting the following: "one-half".

Senate Amendment

H—4048

- 1 Amend Senate File 502, as passed by the Senate, as  
 2 follows:

- 3 1. Page 131, by inserting after line 5, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 499.81 VOLUNTARY  
 6 CONVERSION.  
 7 A telephone company organized as a corporation  
 8 under chapter 491 qualifying pursuant to an internal  
 9 revenue service letter ruling under I.R.C. §  
 10 501(c)(12) as a nonprofit corporation entitled to  
 11 distribute profits in a manner similar to a chapter  
 12 499 corporation, may voluntarily convert to a chapter  
 13 499 corporation by adoption of a resolution of the  
 14 board of directors endorsing the conversion and by  
 15 action of the board and shareholders adopting articles  
 16 of incorporation under chapter 499 in the same manner  
 17 as required for an amendment of the telephone  
 18 company's chapter 491 articles of incorporation."  
 19 2. By renumbering as necessary.

KREMER of Buchanan

H-4053

- 1 Amend Senate File 363, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 18, by striking lines 20 through 23 and  
 4 inserting the following:  
 5 "For capitol restoration, renovation of the Lucas  
 6 building, design of a parking ramp in the".

CARPENTER of Polk

H-4054

- 1 Amend Senate Concurrent Resolution 19, as passed by  
 2 the Senate, as follows:  
 3 1. Page 1, line 27, by striking the word "erodable"  
 4 and inserting the word "erodible".

OSTERBERG of Linn

H-4060

- 1 Amend House File 760 as follows:  
 2 1. Page 3, line 13, by inserting after the word  
 3 "employers" the following: "and employment".  
 4 2. Page 3, by inserting after line 16 the  
 5 following:  
 6 "\_\_\_\_\_. The number of Iowans who cannot access  
 7 health care when needed due to a lack of financial  
 8 resources."  
 9 3. Page 3, by striking lines 20 and 21 and  
 10 inserting the following:  
 11 "5. An explanation providing reasons why farmers  
 12 and other self-employed persons do not acquire health  
 13 insurance coverage. The explanation shall consider

14 the results of a survey which shall be conducted after  
 15 May 1, 1989, of self-employed uninsured Iowans. The  
 16 survey shall be designed to determine why self-  
 17 employed Iowans have not acquired health insurance  
 18 coverage and the financial capacity of self-employed  
 19 Iowans to obtain the coverage."

20 4. Page 3, line 26, by inserting after the word  
 21 "care." the following: "The cost to employers of  
 22 mandatory employer-sponsored health care."

23 5. Page 3, by striking lines 27 and 28.

24 6. Page 3, by striking lines 29 through 32 and  
 25 inserting the following:

26 "9. A definition for the term "primary and  
 27 preventive health insurance benefit package". A  
 28 recommendation proposing a minimum, a preferred, and  
 29 an optimum primary and preventive health insurance  
 30 benefit package provided to employees and dependents  
 31 of employees. The recommended benefit packages may  
 32 include but shall not be limited to major".

33 7. Page 4, by striking lines 13 and 14 and  
 34 inserting the following:

35 "13. A definition of the term "underinsured" and  
 36 recommendations to enhance health insurance coverage  
 37 of persons who are underinsured."

38 8. Page 4, by inserting after line 28 the  
 39 following:

40 "\_\_\_\_\_. In regard to self-insurance health plans, as  
 41 defined in section 91D.1, in the state, determine the  
 42 number of existing plans in the state, the range of  
 43 expenses covered under the identified plans, and  
 44 identify existing rules which regulate self-insurance  
 45 plans and make recommendations as to additional rules  
 46 necessary to regulate self-insurance plans."

47 9. By renumbering as necessary.

PLASIER of Sioux

H-4061

1 Amend House File 718 as follows:

2 1. Page 7, line 14, by inserting after the word  
 3 "NURSE" the following: " - LICENSED PRACTICAL NURSE -  
 4 ."

5 2. Page 7, line 16, by inserting after the word  
 6 "nurse" the following: "or licensed practical nurse".

7 3. Page 7, line 18, by inserting after the word  
 8 "nurse" the following: "or licensed practical nurse".

9 4. Page 7, line 22, by inserting after the word  
 10 "nurse" the following: "or licensed practical nurse".

11 5. Page 7, line 23, by inserting after the word  
 12 "nurse" the following: "or licensed practical nurse".

13 6. Page 7, line 29, by inserting after the word  
 14 "nurse" the following: "or licensed practical nurse".

- 15 7. Page 7, line 32, by inserting after the word  
 16 "nurse" the following: "or licensed practical nurse".  
 17 8. Title page, line 16, by inserting after the  
 18 word "nurses" the following: ", licensed practical  
 19 nurses,".

DAGGETT of Adams  
 BEAMAN of Clarke

H-4066

- 1 Amend House File 753 as follows:  
 2 1. Page 9, line 26, by inserting after the word  
 3 "fund" the following: "in a separate account which  
 4 shall be used solely for funding the waste tire  
 5 abatement program established pursuant to this section  
 6 and programs related to the disposal of waste oil and  
 7 lead acid batteries".

CHAPMAN of Linn

H-4067

- 1 Amend Senate File 389, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 4 the fol-  
 4 lowing:  
 5 "Sec. \_\_\_\_\_. Section 535.13, Code 1989, is amended  
 6 by adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. However, land is used  
 8 for an agricultural purpose, and is defined in this  
 9 section as such, only if the value of that part of the  
 10 land plus improvements, including buildings, used for  
 11 residential purposes does not exceed fifty percent of  
 12 the total value of the land, including the part of the  
 13 land and improvements used for residential purposes  
 14 plus the land used for agricultural production."  
 15 2. Title page, line 1, by striking the words  
 16 "farm crisis relief" and inserting the following:  
 17 "agricultural credit".  
 18 3. Title page, line 2, by inserting after the  
 19 word "provisions," the following: "amending the  
 20 definition of agricultural purpose,".

MUHLBAUER of Crawford

H-4070

- 1 Amend House File 753 as follows:  
 2 1. Page 9, by striking lines 11 through 33 and  
 3 inserting the following:  
 4 "2. Proceeds derived from the payment of taxes  
 5 provided for under section 98.6, subsection 2, which  
 6 are credited to the general fund and remitted to the  
 7 waste volume reduction and recycling fund, shall be

8 used to fund waste tire abatement efforts prescribed  
9 under this section.”

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

12 “Sec. \_\_\_\_\_. Section 98.6, subsection 2, Code 1989,  
13 is amended to read as follows:

14 2. Notwithstanding subsection 1, there is imposed  
15 and shall be collected and paid to the department a  
16 tax on all cigarettes used or otherwise disposed of in  
17 this state for any purpose at the rate of seventeen  
18 mills on each cigarette ~~for the period beginning March~~  
19 ~~1, 1988, and ending June 30, 1989, and at the rate of~~  
20 ~~fifteen and one-half mills on each cigarette beginning~~  
21 ~~July 1, 1989. Beginning July 1, 1989, of the moneys~~  
22 collected and paid for deposit in the general fund,  
23 one and one-half mills on each cigarette shall be  
24 remitted to the waste volume reduction and recycling  
25 fund to fund waste tire abatement efforts prescribed  
26 pursuant to section 455D.11.”

27 3. By renumbering as necessary.

SCHNEKLOTH of Scott

H-4075

1 Amend Senate File 294 as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 “\_\_\_\_\_. An order entered pursuant to section 808B.5  
6 shall not authorize the interception of an otherwise  
7 privileged wire communication or oral communication.”

8 2. By renumbering as necessary.

HIBBARD of Madison

H-4094

1 Amend House File 763 as follows:

2 1. Page 2, by inserting before line 17 the  
3 following:

4 “Sec. \_\_\_\_\_. Section 309.10, unnumbered paragraph 2,  
5 Code 1989, is amended to read as follows:

6 A county shall not use farm-to-market road funds as  
7 described in this section unless the total funds that  
8 the county transferred or provided during the prior  
9 fiscal year pursuant to section 331.429, subsection 1,  
10 paragraphs “a”, “b”, “d”, and “e”, are at least  
11 ~~seventy-five~~ ninety percent of the maximum funds the  
12 county could have transferred in the prior fiscal year  
13 pursuant to section 331.429, subsection 1, paragraphs  
14 “a” and “b”.”

15 2. Page 3, by inserting after line 9 the  
16 following:

17 "Sec. \_\_\_\_\_. Section 312.2, subsection 8, Code 1989,  
18 is amended to read as follows:

19 8. The treasurer of state, before making any  
20 allotments to counties under this section, shall  
21 reduce the allotment to a county for the secondary  
22 road fund by the amount by which the total funds that  
23 the county transferred or provided during the prior  
24 fiscal year under section 331.429, subsection 1,  
25 paragraphs "a", "b", "d", and "e", are less than  
26 seventy-five ninety percent of the maximum funds that  
27 the county could have transferred in the prior fiscal  
28 year under section 331.429, subsection 1, paragraphs  
29 "a" and "b". Funds remaining in the secondary road  
30 fund of the counties due to a reduction of allocations  
31 to counties for failure to maintain a minimum local  
32 tax effort shall be ~~reallocated~~ credited to the  
33 special bridge fund, which is hereby created, for use  
34 of counties that are not reduced under this subsection  
35 pursuant to the allocation provisions of section  
36 312.3, subsection 1, based upon the needs and area of  
37 the county transferred or provided during the prior  
38 fiscal year under section 331.429, subsection 1,  
39 paragraphs "a", "b", "d", and "e", not less than  
40 ninety-six percent of the maximum funds that the  
41 county could have transferred in the prior fiscal year  
42 under section 331.429, subsection 1, paragraphs "a"  
43 and "b". Moneys credited to the special bridge fund  
44 shall be distributed to qualifying counties for bridge  
45 projects in accordance with rules adopted by the state  
46 department of transportation which shall require  
47 matching funds to be provided by the county toward  
48 approved bridge projects.  
49 PARAGRAPH DIVIDED. Information necessary to make  
50 allocations under this subsection shall be provided by

**Page 2**

1 the state department of transportation or the director  
2 of the department of management upon request by the  
3 treasurer of state."

KOENIGS of Mitchell  
CONNOLLY of Dubuque

H-4095

1 Amend Senate File 363, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 19, by inserting after line 14 the  
4 following:  
5 "DEPARTMENT OF PERSONNEL  
6 Sec. \_\_\_\_\_. There is appropriated from the general  
7 fund of the state to the department of personnel for

8 the fiscal year beginning July 1, 1988, and ending  
 9 June 30, 1989, the following amount, or so much  
 10 thereof as is necessary, to be used for the purposes  
 11 designated:

12 For site purchase, planning, design, and site  
 13 preparation to establish a child care center at the  
 14 capitol complex:

15 ..... \$ 300,000

16 1. The department of personnel shall survey the  
 17 state employees located at the capitol complex to  
 18 determine interest in on-site child day care services.  
 19 The survey shall include but is not limited to an  
 20 assessment of all of the following items:

21 a. The number and ages of children of employees  
 22 who express an intent to utilize a child care center  
 23 established at the capitol complex.

24 b. The time of day during which child day care  
 25 services are desired.

26 c. The work location of interested employees.

27 d. The potential impact of establishing child day  
 28 care services at the capitol complex upon private  
 29 child day care providers.

30 2. By October 1, 1989, the department shall report  
 31 the results of the child day care survey to the state  
 32 employees child care council which is created in the  
 33 department of personnel. The council shall determine  
 34 the level of need for a capitol complex child care  
 35 center and shall monitor the planning to establish a  
 36 child care center in the capitol complex. The  
 37 membership of the council shall include  
 38 representatives of each of the unions representing  
 39 state employees and the directors of the following  
 40 departments or the directors' designees: the  
 41 department of general services, the department of  
 42 personnel, the department of human services, the state  
 43 department of transportation, and the Iowa department  
 44 of public health. The council shall determine its own  
 45 operating procedures.

46 3. If the survey of capitol complex employees  
 47 identifies an intent for twenty or more children to  
 48 utilize child day care services, the department of  
 49 personnel shall commence efforts to establish a child  
 50 care center at the capitol complex, including

**Page 2**

1 commencement of the transfer of moneys appropriated in  
 2 this section to the department of general services in  
 3 an amount sufficient to purchase and prepare a site,  
 4 develop a design, and plan for the establishment of a  
 5 child care center located within the capitol complex  
 6 with sufficient capacity for the number of children to

7 be provided day care services as determined by the  
8 state employees child care council.

9 4. Unencumbered or unobligated funds remaining  
10 from the appropriation made by this section on June  
11 30, 1990, shall revert to the general fund of the  
12 state on September 30, 1990.

#### 13 DEPARTMENT OF HUMAN SERVICES

14 Sec. \_\_\_\_\_. There is appropriated from the general  
15 fund of the state to the department of human services  
16 for the fiscal year beginning July 1, 1988, and ending  
17 June 30, 1989, the following amount, or so much  
18 thereof as is necessary, to be used for the purposes  
19 designated:

20 For outreach, recruitment, and training of new  
21 child day care providers:  
22 .....\$ 200,000

23 1. Of the funds appropriated in this section up to  
24 \$25,000 may be used to develop and distribute start-up  
25 kits for establishing child day care services. The  
26 use of the remaining funds shall include the  
27 recruitment of new child day care providers and the  
28 training of family and group day care home providers  
29 and of child care center administrators and other  
30 staff.

31 2. Notwithstanding section 8.33, unencumbered or  
32 unobligated funds remaining from the appropriation  
33 made by this section shall not revert to the general  
34 fund until September 30, 1990."

35 2. Title page, line 9, by inserting after the  
36 word "transportation," the following: "department of  
37 personnel,".

38 3. By renumbering as necessary.

TEAFORD of Black Hawk  
HAMMOND of Story  
BLANSHAN of Greene

H-4096

1 Amend House File 680 as follows:

2 1. Page 3, lines 34 and 35, by striking the words  
3 "a member of the state board of education" and  
4 inserting the following: "the director of the  
5 department of education, or the director's designee".

6 2. Page 4, line 14, by inserting after the word  
7 "members." the following: "The director of the  
8 department of education shall serve as the chairperson  
9 of the board."

10 3. Page 4, line 15, by inserting after the word  
11 "Members" the following: ", except for the director  
12 of the department of education,".

13 4. Page 4, line 18, by inserting after the word  
14 "Members" the following: ", except for the director of

- 15 the department of education.”  
 16 5. Page 4, line 20, by inserting after the word  
 17 “terms” the following: “, except for the director of  
 18 the department of education, who shall serve until the  
 19 director's term of office expires”.  
 20 6. Page 23, line 25, by striking the word  
 21 “TRANSFER” and inserting the following: “USE”.  
 22 7. Page 23, line 27, by striking the words  
 23 “transferred to” and inserting the following: “made  
 24 available by the department for use by”.  
 25 8. Page 23, line 32, by striking the words  
 26 “transferred to” and inserting the following: “made  
 27 available for use by”.  
 28 9. Page 23, line 35, by striking the words “have  
 29 the option of”.  
 30 10. Page 24, by striking lines 1 and 2, and  
 31 inserting the following: “shall be reassigned as  
 32 employees of the department of education under the  
 33 direction of the board. However, the”.

SIEGRIST of Pottawattamie

H-4098

- 1 Amend House File 760 as follows:  
 2 1. Page 4, by inserting after line 24 the  
 3 following:  
 4 “\_\_\_\_\_. The impact of advertising on the cost of  
 5 health care and a definition of what constitutes  
 6 excessive or inappropriate advertising by a health  
 7 care provider. The study report shall suggest  
 8 appropriate standards to regulate the cost and content  
 9 of advertising by health care providers.”  
 10 2. By renumbering as necessary.

PLASIER of Sioux  
 HAVERLAND of Polk

H-4099

- 1 Amend House File 680 as follows:  
 2 1. Page 1, line 18, by inserting after the word  
 3 “professional” the following: “, other than a  
 4 physical or occupational therapist.”.

HAMMOND of Story  
 SIEGRIST of Pottawattamie  
 BEATTY of Warren  
 HARBOR of Mills

H-4102

- 1 Amend Senate File 525, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by inserting after line 29, the

4 following:

5 "Sec. \_\_\_\_\_. Section 99F.7, subsection 10, paragraph  
6 a, as enacted by the 1989 Iowa Acts, Senate File 124,  
7 section 7, is amended by striking the paragraph and  
8 inserting in lieu thereof the following:

9 a. A license to conduct gambling games on an  
10 excursion gambling boat in a county shall be issued  
11 only if the county electorate approves the conduct of  
12 the gambling games as provided in this subsection.  
13 The board of supervisors, upon receipt of a valid  
14 petition meeting the requirements of section 331.306,  
15 shall direct the commissioner of elections to submit  
16 to the qualified voters of the county a proposition to  
17 approve or disapprove the conduct of gambling games on  
18 an excursion gambling boat in the county. The  
19 proposition shall be submitted at a general election  
20 or at a special election called for that purpose. To  
21 be submitted at a general election, the petition must  
22 be received by the board of supervisors at least sixty  
23 days before the election. If a majority of the voters  
24 in each township of the county voting on the  
25 proposition favor the conduct of gambling games, the  
26 commission may issue one or more licenses as provided  
27 in this chapter. If the township voters voting on the  
28 proposition do not favor the conduct of gambling  
29 games, a license to conduct gambling games in the  
30 county shall not be issued. After a referendum has  
31 been held, another referendum requested by petition  
32 shall not be held for at least two years."

TYRRELL of Iowa

H—4104

1 Amend the Senate amendment, H—4050, to House File  
2 643 as follows:

3 1. Page 1, line 14, by striking the words  
4 "employment services," and inserting the following:  
5 "employment services."

6 2. Page 1, by striking lines 15 through 17 and  
7 inserting the following: "The surety bond shall be  
8 executed by a surety company authorized to do business  
9 in this state, and the bond shall continue until  
10 canceled by the surety with not less than thirty days'  
11 written notice to the contractor and to the division  
12 of labor services of the department of employment  
13 services indicating the surety's desire to cancel the  
14 bond. The bond shall be in the sum of the greater of  
15 the following:"

16 3. By striking page 1, line 49 through page 2,  
17 line 1, and inserting the following: "amount of taxes  
18 payable or the amount of the bond, whichever is less.  
19 For purposes of this".

TYRRELL of Iowa

H-4110

1 Amend the amendment, H-4105, to Senate File 363, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 7, line 50, by striking the figure  
5 "5,000,000" and inserting the following: "5,000,000  
6 The moneys appropriated in this section to the  
7 revolving fund, which are allocated under the program  
8 to the traditional and new infrastructure categories,  
9 shall be used exclusively for assistance to  
10 communities to meet the water needs of those  
11 communities that have suffered as a result of the  
12 drought conditions that have existed during the past  
13 two years. A community may apply for assistance under  
14 the program on behalf of a benefited water district  
15 formed under chapter 357 or on behalf of a rural water  
16 district incorporated and organized under chapter  
17 357A. Assistance shall only be provided to those  
18 communities which demonstrate a substantial local  
19 effort to assist in community development as defined  
20 by rules of the department of economic development."

SWARTZ of Marshall

H-4115

1 Amend House File 760 as follows:  
2 1. By striking page 3, line 29 through page 4,  
3 line 1, and inserting the following:  
4 "9. At least three options with cost estimates,  
5 for a minimum employer-sponsored health benefit  
6 package."

CARPENTER of Polk

H-4118

1 Amend the amendment, H-4105, to Senate File 363, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 4, by striking line 23 and inserting the  
5 following: "construction of an expansion in prison".  
6 2. Page 4, by striking lines 26 through 45 and  
7 inserting the following:  
8 "a. Construction of one hundred twenty dormitory-  
9 style beds and necessary support facilities at the  
10 Iowa medical and classification centers.  
11 b. Construction of eighty dormitory-style beds and  
12 necessary support facilities at the Clarinda  
13 correctional facility.  
14 c. Construction of sixty-six dormitory-style beds  
15 and necessary support facilities at the north central  
16 correctional facility at Rockwell City.

- 17 d. Renovation of sixty-five dormitory-style beds  
 18 at the Fort Madison farm II correctional facility.  
 19 e. Construction of seventy-five community  
 20 residential-style beds in the sixth judicial  
 21 district.  
 22 f. Addition of ten new community corrections  
 23 residential beds in the third judicial district."

ROYER of Page  
 DAGGETT of Adams  
 MAULSBY of Calhoun

## H-4119

- 1 Amend Senate File 363, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 11, by striking lines 25 and 26.

HARBOR of Mills

## H-4121

- 1 Amend the amendment, H-3911, to Senate File 470, 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. 100. Section 321.450, Code 1989, is amended  
 7 by adding the following new unnumbered paragraph:  
 8 NEW UNNUMBERED PARAGRAPH. Municipal sewage sludge  
 9 ash is deemed to be a potentially hazardous waste.  
 10 Municipal sewage sludge ash shall not be transported  
 11 by a person on the highways beyond a fifty mile radius  
 12 from its point of incineration."  
 13 2. Page 2, line 8, by inserting after the figure  
 14 "25" the following: "and inserting the following:  
 15 "Sec. \_\_\_\_\_. Section 100 of this Act is repealed,  
 16 July 1, 1994.""  
 17 3. By renumbering as necessary.

BROWN of Lucas

## H-4125

- 1 Amend House File 768 as follows:  
 2 1. Page 2, line 22, by striking the words  
 3 "paragraph b,".  
 4 2. Page 2, by striking lines 24 through 35 and  
 5 inserting the following: "amended by adding the  
 6 following new paragraph:  
 7 NEW PARAGRAPH. c. If, after the effective date of  
 8 1989 Iowa Acts, Senate".

HOLVECK of Polk

H-4127

1 Amend Senate File 525, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, line 30, by striking the words  
4 "paragraph b,".

5 2. By striking page 2, line 32 through page 3,  
6 line 8, and inserting the following: "amended by  
7 adding the following paragraph:"

8 NEW PARAGRAPH. c. If, after the effective date of  
9 1989 Iowa Acts, Senate".

HOLVECK of Polk

H-4134

1 Amend Senate File 532, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 17, line 9, through page 19,  
4 line 16.

TYRRELL of Iowa

H-4136

1 Amend Senate File 185, as passed by the Senate, as  
2 follows:

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

5 "Sec. \_\_\_\_\_. Section 422.61, subsection 1, Code  
6 1989, is amended to read as follows:

7 1. "Financial institution" means a state bank as  
8 defined in section 524.103, subsection 19, a state  
9 bank chartered under the laws of any other state, a  
10 national banking association having its principal  
11 office within this state, a trust company, a federally  
12 chartered savings and loan association, an out-of-  
13 state state chartered savings bank, a financial  
14 institution chartered by the federal home loan bank  
15 board, a non-Iowa chartered savings and loan  
16 association, an association incorporated or authorized  
17 to do business under chapter 534, or a production  
18 credit association."

19 2. Title page, line 1, by inserting after the  
20 word "relating" the following: "to the franchise tax  
21 and".

TABOR of Jackson

H-4138

1 Amend the amendment, H-3773, to House File 680, as  
2 follows:

3 1. Page 1, by striking lines 7 through 9, and  
4 inserting the following:

5 "\_\_\_\_\_. Page 4, by inserting after line 10, the  
6 following:  
7 "9. School service personnel." "

HARPER of Black Hawk

H—4142

1 Amend House File 680 as follows:  
2 1. Page 1, by striking lines 11 through 14, and  
3 inserting the following: "person to legally serve as  
4 a practitioner, a school, an institution, or a course  
5 of study to legally offer professional development  
6 programs, other than those programs offered by  
7 practitioner preparation schools, institutions, or  
8 courses of study."  
9 2. Page 1, line 20, by striking the word  
10 "licensed".  
11 3. Page 1, line 21, by inserting after the word  
12 "program" the following: "approved by the state board  
13 of education".  
14 4. Page 2, line 1, by striking the word  
15 "licensed".  
16 5. Page 2, line 2, by inserting after the words  
17 "or agency" the following: ", other than a  
18 practitioner preparation institution,".  
19 6. Page 2, by striking lines 30 and 31 and in-  
20 serting the following:  
21 "1. License practitioners and professional  
22 development programs, except for programs developed  
23 and offered by practitioner preparation institutions  
24 and approved by the state board of education.  
25 Licensing".  
26 7. Page 3, line 12, by striking the words "  
27 practitioner preparation program,".  
28 8. Page 3, line 13, by inserting after the word  
29 "program" the following: "licensed by the board of  
30 educational examiners".  
31 9. Page 6, by striking lines 13 through 15 and  
32 inserting the following: "contracts. A professional  
33 development program, except for a program offered by a  
34 practitioner preparation institution and approved by  
35 the state board of education, shall hold a valid  
36 license for the types of programs offered."  
37 10. Page 6, by striking lines 24 and 25 and in-  
38 serting the following: "practitioner. An emergency  
39 renewal or a temporary,".  
40 11. Page 6, line 34, by striking the words "or  
41 program".  
42 12. Page 9, lines 23 and 24, by striking the  
43 words "board of educational examiners" and inserting  
44 the following: "board of educational examiners state  
45 board of education".

- 46 13. Page 9, line 25, by striking the word  
 47 "~~approved~~" and inserting the following: "approved".  
 48 14. Page 9, line 26, by striking the word  
 49 "licensed".  
 50 15. Page 9, line 28, by striking the words "a li-

**Page 2**

- 1 censed" and inserting the following: "an approved".  
 2 16. Page 9, line 34, by striking the words "a  
 3 licensed" and inserting the following: "an approved".  
 4 17. Page 10, line 5, by striking the word  
 5 "licensed" and inserting the following: "approved".  
 6 18. Page 10, line 16, by striking the word  
 7 "licensed" and inserting the following: "approved".  
 8 19. Page 10, lines 20 and 21, by striking the  
 9 words "a licensed" and inserting the following: "an  
 10 approved".  
 11 20. Page 10, lines 27 and 28, by striking the  
 12 words "a licensed" and inserting the following: "an  
 13 approved".  
 14 21. Page 11, lines 32 and 33, by striking the  
 15 words "approval of courses," and inserting the  
 16 following: "approval of courses,".  
 17 22. Page 12, line 2, by striking the words "board  
 18 of educational examiners" and inserting the following:  
 19 "board of educational examiners state board of  
 20 education".  
 21 23. Page 12, line 9, by striking the words "board  
 22 of educational examiners" and inserting the following:  
 23 "board of educational examiners state board of  
 24 education".  
 25 24. Page 12, by striking lines 32 and 33 and  
 26 inserting the following:  
 27 "Sec. 19. Section 256.7, subsection 3, Code 1989,  
 28 is amended by striking the subsection and inserting in  
 29 lieu thereof the following:  
 30 3. Prescribe standards and procedures for the  
 31 approval of practitioner preparation programs and  
 32 professional development programs, offered by  
 33 practitioner preparation institutions, in this state.  
 34 Procedures provided for approval of programs shall  
 35 include procedures for enforcement of the prescribed  
 36 standards and shall not include a procedure for the  
 37 waiving of any of the standards prescribed."  
 38 25. Page 16, by striking line 8 and inserting the  
 39 following:  
 40 "Pursuant to section 256.7, subsection 5".  
 41 26. Page 16, line 9, by striking the figure "1".  
 42 27. Page 16, line 20, by inserting after the word  
 43 "board" the following: "of educational examiners".  
 44 28. Page 17, by striking lines 11 through 14 and

- 45 inserting the following: "programs; and teacher  
 46 training practitioner preparation schools,  
 47 departments, and classes,".  
 48 29. Page 18, line 34, by striking the word  
 49 "licensed".  
 50 30. Page 21, lines 15 and 16, by striking the

**Page 3**

- 1 words "board of educational examiners" and inserting  
 2 the following: "board of educational examiners state  
 3 board of education".  
 4 31. Page 21, line 17, by striking the word  
 5 "approved" and inserting the following: "approved  
 6 licensed".  
 7 32. Page 21, line 18, by inserting after the word  
 8 "examiners" the following: ", except for programs  
 9 developed by practitioner preparation institutions,".

NEUHAUSER of Johnson  
 HAMMOND of Story  
 TABOR of Jackson

**H-4143**

- 1 Amend House File 760 as follows:  
 2 1. By striking page 1, line 1, through page 2,  
 3 line 33, and inserting the following:  
 4 "Section 1. HEALTH CARE ACCESS GOAL ESTABLISHED.  
 5 It is the goal of the state of Iowa to provide that  
 6 every citizen is included in a program which assures  
 7 adequate access to needed health care services. A  
 8 plan to achieve this goal shall be developed and  
 9 implementation of the plan shall begin by July 1,  
 10 1991."  
 11 2. Page 5, by striking lines 19 through 21.  
 12 3. Title page, by striking lines 1 through 4 and  
 13 inserting the following: "An Act relating to access  
 14 to health care services, providing for a study of  
 15 health care insurance, and making an appropriation."  
 16 4. By renumbering as necessary.

CARPENTER of Polk

**H-4144**

- 1 Amend amendment, H-4111, to Senate File 524, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, by striking lines 32 through 39 and  
 5 inserting the following:  
 6 "Sec. \_\_\_\_\_. Section 312.2, subsections 1, 2, and 4,  
 7 Code 1989, are amended to read as follows:  
 8 1. To the primary road fund, forty-five forty-four

9 percent.  
 10 2. To the secondary road fund of the counties,  
 11 ~~twenty-eight~~ twenty-seven percent."

BROWN of Lucas  
 HIBBARD of Madison  
 BRAND of Benton  
 JESSE of Jasper  
 MERTZ of Kossuth  
 SHEARER of Louisa

H-4145

1 Amend amendment, H-4111, to Senate File 524, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 7, by inserting after line 5, the  
 5 following:  
 6 "Sec. \_\_\_\_\_. NEW SECTION. 314.22 NATURAL AND  
 7 HISTORIC PRESERVATION.  
 8 Cities, counties, and the department shall to the  
 9 extent practicable preserve and protect the natural  
 10 and historic heritage of the state in the design,  
 11 construction, reconstruction, relocation, repair, or  
 12 maintenance of roads, streets, or highways.  
 13 Destruction or damage to natural areas, including but  
 14 not limited to prime agricultural land, parks,  
 15 preserves, woodlands, wetlands, recreation areas,  
 16 greenbelts, historical sites, or archaeological sites  
 17 shall be avoided, if reasonable alternatives are  
 18 available for the location of roads, streets, or  
 19 highways at no significantly greater cost. In  
 20 implementing this section, cities, counties, and the  
 21 department shall make a diligent effort to identify  
 22 and examine the comparative cost of utilizing  
 23 alternative locations for roads, streets, or  
 24 highways."

FULLER of Hardin  
 SVOBODA of Tama  
 BROWN of Lucas

H-4151

1 Amend House File 760 as follows:  
 2 1. Page 5, by inserting after line 9 the fol-  
 3 lowing:  
 4 "24. The basis for nonutilization of health in-  
 5 surance by employees for whom an employer provides  
 6 health insurance coverage.  
 7 25. The cost to employers of providing health in-  
 8 surance coverage to employees who do not use the  
 9 health insurance offered."

HESTER of Pottawattamie

H-4152

1 Amend Senate File 531, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 13, by inserting after line 16 the  
 4 following:  
 5 "\_\_\_\_\_. For an integrated roadside vegetation  
 6 management coordinator and staff to administer the  
 7 state department of transportation's integrated  
 8 roadside vegetation management plan and program, and  
 9 for not more than the following full-time equivalent  
 10 positions:  
 11 .....\$ 50,000  
 12 ..... FTEs 1.5"

CONNOLLY of Dubuque

H-4153

1 Amend Senate File 153, as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 3, by striking the words  
 4 "INVESTIGATIONS DIVISION, DEPARTMENT OF" and inserting  
 5 the following: "INVESTIGATIONS DEBT SET OFF".  
 6 2. Page 1, by striking line 4.  
 7 3. Page 1, line 6, by inserting after the word  
 8 "appeals" the following: "and the department of human  
 9 services".  
 10 4. Page 1, line 16, by inserting after the figure  
 11 "21" the following: "in regard to money owed to the  
 12 state for public assistance overpayments and in regard  
 13 to collections by the child support recovery unit and  
 14 the foster care recovery unit".  
 15 5. Page 5, by striking lines 26 through 31.

Committee on Ways and Means

H-4157

1 Amend House File 680 as follows:  
 2 1. Page 2, line 30, by inserting after the word  
 3 "practitioners" the following: "who do not receive a  
 4 license from another professional licensing board".  
 5 2. Page 3, by inserting after line 25, the  
 6 following:  
 7 "\_\_\_\_\_. Issue statements of professional recognition  
 8 to school service personnel who are licensed by  
 9 another professional licensing board."  
 10 3. Page 4, by striking line 6.  
 11 4. By renumbering as necessary.

HARPER of Black Hawk  
HAMMOND of Story

H—4159

1 Amend the amendment, H—3873, to House File 680 as  
2 follows:

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

5 "Prior to filing a notice of intended action,  
6 regarding a rule, or an emergency rule to prescribe  
7 standards for the approval of practitioner preparation  
8 programs and professional development programs under  
9 this subsection and section 17A.4, the state board of  
10 education shall submit a proposed rule to the board of  
11 educational examiners."

12 2. Page 7, by striking line 24, and inserting the  
13 following:

14 "A board of educational examiners, which shall be  
15 included in the department of education for  
16 administrative purposes, is created to do all of the  
17 following:"

18 3. Page 7, by inserting after line 50, the  
19 following:

20 "8. Make recommendations to the state board of  
21 education concerning practitioner preparation programs  
22 and professional development programs, and review  
23 rules proposed by the state board of education under  
24 section 256.7, subsection 3.

25 9. Hire an executive director and legal counsel to  
26 perform duties as directed by the board."

27 4. Page 8, line 22, by striking the word "Three"  
28 and inserting the following: "Four".

29 5. Page 8, by striking lines 32 through 34.

30 6. By renumbering as necessary.

STROMER of Hancock

H—4164

1 Amend amendment, H—4142, to House File 680 as  
2 follows:

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

5 "\_\_\_\_\_. Page 3, by inserting after line 27, the  
6 following:

7 "11. By January 1, 1991, adopt rules and establish  
8 classifications for temporary teaching and  
9 administrative licenses, for persons who hold a  
10 bachelor's degree from an accredited college or  
11 university, but who do not meet other requirements  
12 for licensure. Rules adopted shall provide that  
13 temporary licenses shall be valid for two years, or  
14 until the holder has completed an alternative  
15 training program, whichever occurs first. Temporary  
16 license holders, whose licenses expire because of

17 completion of an alternative training program,  
 18 shall be eligible for an appropriate standard  
 19 license upon application and submission of proof of  
 20 satisfactory completion of the alternative training  
 21 program.” ”  
 22 2. Page 2, by inserting after line 37, the  
 23 following:  
 24 “\_\_\_\_\_. Page 14, by inserting after line 13, the  
 25 following:  
 26 “Sec. \_\_\_\_\_. Section 256.7, Code 1989, is amended by  
 27 adding the following new subsection:  
 28 “NEW SUBSECTION. 13. Not later than January 1,  
 29 1991, adopt rules under chapter 17A for alternative  
 30 training programs for persons who hold a temporary  
 31 license issued under chapter 260. Rules adopted  
 32 shall provide that alternative training programs be  
 33 offered by school corporations in cooperation with  
 34 an approved practitioner preparation program.  
 35 Rules adopted shall also provide that alternative  
 36 training programs include an evaluation, conducted  
 37 by an appropriately licensed practitioner who is  
 38 not an employee of the school corporation offering  
 39 the alternative training program, of the  
 40 performance of a person who holds a temporary  
 41 license and is employed by a school corporation and  
 42 that satisfactory completion of the evaluation be a  
 43 condition precedent to obtaining a standard license  
 44 under chapter 260.” ”

HAVERLAND of Polk

H-4177

1 Amend Senate File 531, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 18, by inserting after line 26, the  
 4 following:  
 5 “Sec. \_\_\_\_\_. NEW SECTION. 314.23 NATURAL AND  
 6 HISTORIC PRESERVATION.  
 7 Cities, counties, and the department shall to the  
 8 extent practicable preserve and protect the natural  
 9 and historic heritage of the state in the design,  
 10 construction, reconstruction, relocation, repair, or  
 11 maintenance of roads, streets, or highways.  
 12 Destruction or damage to natural areas, including but  
 13 not limited to prime agricultural land, parks,  
 14 preserves, woodlands, wetlands, recreation areas,  
 15 greenbelts, historical sites, or archaeological sites  
 16 shall be avoided, if reasonable alternatives are  
 17 available for the location of roads, streets, or  
 18 highways at no significantly greater cost. In  
 19 implementing this section, cities, counties, and the  
 20 department shall make a diligent effort to identify

21 and examine the comparative cost of utilizing  
22 alternative locations for roads, streets, or  
23 highways."  
24 2. Title page, line 6, by inserting after the  
25 word "funds," the following: "providing for the  
26 preservation of natural areas and historic sites in  
27 road design, construction, and maintenance,".

FULLER of Hardin

H-4189

1 Amend House File 774 as follows:  
2 1. Page 4, by inserting after line 30 the  
3 following:  
4 "Sec. \_\_\_\_\_. Notwithstanding 1986 Iowa Acts, chapter  
5 1246, section 102 and section 103, as amended by 1987  
6 Iowa Acts, chapter 228, section 7, moneys appropriated  
7 in those sections that remain unobligated and  
8 unencumbered on June 30, 1989, shall not revert to the  
9 general fund, but shall remain available for  
10 expenditure for the purposes specified until June 30,  
11 1991."  
12 2. By renumbering as necessary.

DE GROOT of Lyon

H-4215

1 Amend amendment, H-4142, to House File 680 as  
2 follows:  
3 1. Page 1, by inserting after line 30 the  
4 following:  
5 "\_\_\_\_\_. Page 3, by inserting after line 27, the  
6 following:  
7 "11. By January 1, 1991, adopt rules and establish  
8 classifications for temporary substitute teaching, for  
9 persons who hold a bachelor's degree from an  
10 accredited college or university, but who do not meet  
11 other requirements for licensure. Rules adopted shall  
12 provide that temporary substitute teaching licenses  
13 shall be valid for two years, or until the holder has  
14 completed an alternative training program, whichever  
15 occurs first. Temporary substitute teaching license  
16 holders, whose licenses expire because of completion  
17 of an alternative training program, shall be eligible  
18 for an appropriate standard license upon application  
19 and submission of proof of satisfactory completion of  
20 the alternative training program." "  
21 2. Page 2, by inserting after line 37, the  
22 following:  
23 "\_\_\_\_\_. Page 14, by inserting after line 13, the  
24 following:  
25 "Sec. \_\_\_\_\_. Section 256.7, Code 1989, is amended by

26 adding the following new subsection:

27 NEW SUBSECTION. 13. Not later than January 1,  
 28 1991, adopt rules under chapter 17A for alternative  
 29 training programs for persons who hold a temporary  
 30 substitute teaching license issued under chapter 260.  
 31 Rules adopted shall provide that alternative training  
 32 programs be offered by approved practitioner  
 33 preparation programs. Rules adopted shall also  
 34 provide that alternative training programs include an  
 35 evaluation, conducted by an appropriately licensed  
 36 practitioner who is not an employee of the school  
 37 corporation participating in the alternative training  
 38 program, of the performance of a person who holds a  
 39 temporary substitute teaching license and is employed  
 40 by a school corporation and that satisfactory  
 41 completion of the evaluation be a condition precedent  
 42 to obtaining a standard license under chapter 260." "

SHOULTZ of Black Hawk  
 HAVERLAND of Polk

H—4235

1 Amend Senate File 531, as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. Page 18, by inserting before line 22 the  
 4 following:

5 "Sec. \_\_\_\_\_. Section 312.2A, subsection 1, Code  
 6 1989, is amended by striking the subsection.

7 Sec. \_\_\_\_\_. Section 312.2A, subsection 2, Code 1989,  
 8 is amended to read as follows:

9 2. The treasurer of state, before making the  
 10 allotments provided for in section 312.2, shall credit  
 11 for the fiscal year period beginning July 1, 1988, and  
 12 ending June 30, ~~1989~~ 1990, to the state department of  
 13 transportation one hundred thousand dollars from the  
 14 road use tax fund from revenue credited to the road  
 15 use tax fund under section 423.24, subsection 1,  
 16 paragraph "b". The state department of transportation  
 17 shall may expend the moneys to carry out the statewide  
 18 trails development plan provided for in section 111F.2  
 19 and to acquire land and other property to complete  
 20 parts of existing recreational trails including, but  
 21 not limited to, the Cedar Valley nature trail, the  
 22 Heritage trail, the Grundy county nature trail, and  
 23 the Comet trail as provided in section 111F.2,  
 24 subsection 3."

BLACK of Jasper  
 DIEMER of Black Hawk  
 CONNOLLY of Dubuque

H—4240

- 1 Amend amendment, H—4111, to Senate File 524, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 6, by striking lines 8 through 46.

SHEARER of Louisa  
 BROWN of Lucas  
 MERTZ of Kossuth  
 BRAND of Benton  
 HIBBARD of Madison

H—4241

- 1 Amend amendment, H—4111, to Senate File 524, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 4, by striking lines 13 through 46.

SHEARER of Louisa  
 MERTZ of Kossuth  
 BRAND of Benton  
 HIBBARD of Madison  
 BROWN of Lucas

H—4242

- 1 Amend the amendment, H—4111, to Senate File 524, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, lines 34 and 35, by striking the word  
 5 "forty-eight" and inserting the following: "forty-  
 6 six".  
 7 2. Page 2, line 37, by striking the word "twenty-  
 8 four" and inserting the following: "twenty-six".

SHEARER of Louisa  
 MERTZ of Kossuth  
 BRAND of Benton  
 HIBBARD of Madison  
 BROWN of Lucas

H—4253

- 1 Amend Senate File 517, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 17, by inserting after line 4 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 422.45, subsection 7,  
 6 unnumbered paragraph 1, Code 1989, is amended to read  
 7 as follows:  
 8 A private nonprofit educational institution in this  
 9 state or a tax-certifying or tax-levying body or  
 10 governmental subdivision of the state, including the

11 state board of regents, state department of human  
 12 services, state department of transportation, a  
 13 municipally owned solid waste facility which sells all  
 14 or part of its processed waste as fuel to a  
 15 municipally owned public utility, a historical society  
 16 of the state, a county, or a city, or any combination  
 17 of these, and all divisions, boards, commissions,  
 18 agencies or instrumentalities of state, federal,  
 19 county or municipal government which do not have  
 20 earnings going to the benefit of an equity investor or  
 21 stockholder may make application to the department for  
 22 the refund of the sales, services, or use tax upon the  
 23 gross receipts of all sales of goods, wares or  
 24 merchandise, or from services rendered, furnished, or  
 25 performed, to a contractor, used in the fulfillment of  
 26 a written contract with the state of Iowa, any  
 27 political subdivision of the state, or a division,  
 28 board, commission, agency or instrumentality of the  
 29 state or a political subdivision, or a private  
 30 nonprofit educational institution in this state, or a  
 31 historical society of the state, a county, or a city,  
 32 or any combination of these, if the property becomes  
 33 an integral part of the project under contract and at  
 34 the completion of the project becomes public property,  
 35 or is devoted to historical or educational uses;  
 36 except goods, wares or merchandise or services  
 37 rendered, furnished, or performed used in the  
 38 performance of any contract in connection with the  
 39 operation of any municipal utility engaged in selling  
 40 gas, electricity, or heat to the general public; and  
 41 except goods, wares, and merchandise used in the  
 42 performance of a contract for a "project" under  
 43 chapter 419 as defined in that chapter other than  
 44 goods, wares or merchandise used in the performance of  
 45 a contract for a "project" under chapter 419 for which  
 46 a bond issue was or will have been approved by a  
 47 municipality prior to July 1, 1968, or for which the  
 48 goods, wares, or merchandise becomes an integral part  
 49 of the project under contract and at the completion of  
 50 the project becomes public property or is devoted to

**Page 2**

- 1 historical or educational uses."
- 2 2. Title page, line 11, by inserting after the
- 3 word "state," the following: "providing sales tax
- 4 exemptions in connection with certain historical
- 5 societies,".
- 6 3. By numbering and renumbering as necessary.

H—4258

- 1 Amend Senate File 517, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 11 through 24.
- 4 2. Page 18, by striking lines 9 through 14.
- 5 3. By renumbering as necessary.

KREMER of Buchanan

H—4266

- 1 Amend amendment, H—3181, to Senate File 150, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 9, the
- 5 following:
- 6 “\_\_\_\_\_. Page 1, by inserting after line 19, the
- 7 following:
- 8 “Sec. \_\_\_\_\_. Section 99D.25, Code 1989, is amended
- 9 by adding the following new subsection:
- 10 NEW SUBSECTION. 12. The owners of a horse that is
- 11 to run at the racetrack licensed under this chapter
- 12 shall give proof to the track veterinarian that the
- 13 horse has been tested for drugs not less often than
- 14 once every four days during the current racing
- 15 season.””

NEUHAUSER of Johnson

H—4267

- 1 Amend Senate File 532, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, line 13, by striking the words
- 4 “leaders of the senate and house” and inserting the
- 5 following: “leaders of the senate and house leader of
- 6 each house”.
- 7 2. Page 18, lines 13 and 14, by striking the
- 8 words “leaders of the senate and house” and inserting
- 9 the following: “leader of each house”.

HAMMOND of Story

H—4271

- 1 Amend amendment, H—3181, to Senate File 150, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 “\_\_\_\_\_. Page 1, line 14, by inserting after the word
- 7 “shall” the following: “certify in writing that each
- 8 horse is well, safe, and fit to race, and shall”.

NEUHAUSER of Johnson

H—4281

- 1 Amend Senate File 532, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 20, by inserting after line 24 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 722.2A REFUSAL TO ACCEPT  
 6 PAY RAISE.  
 7 It is not a violation of section 722.1 or 722.2 for  
 8 a member of the general assembly to return to the  
 9 state, after receipt as required by Iowa Constitution,  
 10 Art. III, § 25, all or a portion of an increase in  
 11 compensation or allowances."  
 12 2. By renumbering as necessary.

BISIGNANO of Polk

H—4283

- 1 Amend amendment, H—3911, to Senate File 470, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 28, the  
 5 following:  
 6 "\_\_\_\_\_. Page 1, line 17, by striking the word  
 7 "including" and inserting the following: "promote".  
 8 \_\_\_\_\_. Page 1, line 18, by inserting after the word  
 9 "center" the following: "to businesses which generate  
 10 hazardous substances as provided pursuant to section  
 11 268.4".  
 12 2. Page 2, line 6, by striking the word "small".  
 13 3. Page 2, line 7, by inserting after the word  
 14 "generators" the following: "as required of the  
 15 center pursuant to section 268.4".

SWARTZ of Marshall

H—4284

- 1 Amend Senate File 532, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 20, by inserting after line 24 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 722.2A REFUSAL TO ACCEPT  
 6 PAY RAISE.  
 7 It is not a violation of section 722.1, 722.2, or  
 8 722.4, for a member of the general assembly to return,  
 9 or to promise to return, to the state, after receipt  
 10 as required by Iowa Constitution, Art. III, § 25, all  
 11 or a portion of an increase in compensation or  
 12 allowances."  
 13 2. By renumbering as necessary.

BISIGNANO of Polk

H-4285

1 Amend amendment, H-3166, to Senate File 150, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 11, by inserting after the word  
5 "start." the following: "If a horse in the detention  
6 barn prior to the race is discovered to have lasix in  
7 the blood prior to the administration of the legal  
8 dosage, the trainer shall be assessed by the  
9 commission of a civil penalty of two thousand five  
10 hundred dollars."

NEUHAUSER of Johnson

H-4286

1 Amend amendment, H-3297, to Senate File 150, 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 "Sec. \_\_\_\_\_. Section 99D.25A, subsection 1,  
7 paragraph a, subparagraph (3), Code 1989, is amended  
8 by striking the subparagraph."

NEUHAUSER of Johnson

H-4293

1 Amend Senate File 517 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 17, by inserting after line 4, the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 331.234, subsection 3, Code  
6 1989, is amended to read as follows:  
7 3. The board shall provide office space, rooms,  
8 supplies, and equipment for the commission and shall  
9 pay the necessary expenses of the commission including  
10 compensation for secretarial, clerical, professional,  
11 and consultant services. The total expenses from  
12 public funds shall not exceed one hundred thousand  
13 dollars. The commission may employ staff as  
14 necessary."  
15 2. By numbering and renumbering as necessary.

HATCH of Polk

H-4294

1 Amend Senate File 520, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting before line 28 the  
4 following:  
5 "As a condition, limitation, and qualification of

6 this appropriation, the department of economic  
 7 development shall cause the targeted small business  
 8 program to operate in its normal manner. It is the  
 9 intent of the general assembly that as a condition,  
 10 limitation, and qualification of this appropriation,  
 11 the department of economic development shall cooperate  
 12 in the compilation of the necessary data so that the  
 13 Iowa targeted small business program will continue in  
 14 compliance with the conditions of the United States  
 15 supreme court decision in City of Richmond v. J.A.  
 16 Crosron Co.”

DODERER of Johnson  
 HANSEN of Woodbury  
 SHONING of Woodbury

BRAMMER of Linn  
 BISIGNANO of Polk  
 TRENT of Muscatine  
 JOCHUM of Dubuque  
 PONCY of Wapello

H—4326

1 Amend amendment H—4314 to Senate amendment H—4045  
 2 to House File 490, as passed by the House, as  
 3 follows:  
 4 1. Page 3, by striking lines 3 through 6.

GARMAN of Story

H—4327

1 Amend the amendment, H—4314, to the Senate  
 2 amendment, H—4045, to House File 490, as passed  
 3 by the House, as follows:  
 4 1. Page 3, line 20, by striking the word  
 5 “county” and inserting the word “land”.

BLACK of Jasper

H—4340

1 Amend House File 680 as follows:  
 2 1. Page 3, lines 34 and 35, by striking the words  
 3 “a member of the state board of education” and  
 4 inserting the following: “the director of the  
 5 department of education, or the director’s designee”.  
 6 2. Page 4, line 14, by inserting after the word  
 7 “members.” the following: “The director of the  
 8 department of education shall serve as the chairperson  
 9 of the board.”  
 10 3. Page 4, line 15, by inserting after the word  
 11 “Members” the following: “, except for the director  
 12 of the department of education,”.  
 13 4. Page 4, line 18, by inserting after the word  
 14 “Members” the following: “, except for the director of  
 15 the department of education,”.  
 16 5. Page 4, line 20, by inserting after the word

17 "terms" the following: ", except for the director of  
 18 the department of education, who shall serve until the  
 19 director's term of office expires".

20 6. Page 5, by inserting after line 35, the  
 21 following:

22 "Qualifications or criteria for the granting or  
 23 revocation of a license or the determination of an  
 24 individual's professional standing shall not include  
 25 membership or nonmembership in any teachers'  
 26 organization."

27 7. Page 23, line 25, by striking the word  
 28 "TRANSFER" and inserting the following: "USE".

29 8. Page 23, line 27, by striking the words  
 30 "transferred to" and inserting the following: "made  
 31 available by the department for use by".

32 9. Page 23, line 32, by striking the words  
 33 "transferred to" and inserting the following: "made  
 34 available for use by".

35 10. Page 23, line 35, by striking the words "have  
 36 the option of".

37 11. Page 24, by striking lines 1 and 2, and  
 38 inserting the following: "shall be reassigned as  
 39 employees of the department of education under the  
 40 direction of the board. However, the".

SIEGRIST of Pottawattamie  
 HARPER of Black Hawk

H-4353

1 Amend Senate File 150, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 35 the  
 4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 99D.27 PREGNANCY TEST.

6 Once a mare enters the facilities of a licensee,  
 7 the owner or trainer shall, within fourteen days of  
 8 such event, have the mare tested to determine if the  
 9 mare is in foal. The test may be done by the track  
 10 veterinarian or any other licensed veterinarian who  
 11 shall certify to the commission the results of the  
 12 test. A mare in foal is not allowed to race at a  
 13 licensed racetrack in this state after the first one  
 14 hundred twenty days of gestation. A mare that is not  
 15 tested is not allowed to race at a licensed racetrack  
 16 in this state.

17 A person in violation of this section is guilty of  
 18 an aggravated misdemeanor."

HOLVECK of Polk  
 LUNDBY of Linn  
 TEAFORD of Black Hawk  
 CARPENTER of Polk

H—4354

1 Amend Senate File 150, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting before line 35 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 99D.25A, Code 1989, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 9. Notwithstanding this section  
 8 or other provision of law, a mare in foal shall not be  
 9 administered lasix or phenylbutazone while stabled on  
 10 the racetrack under the jurisdiction of the  
 11 commission."

HOLVECK of Polk  
 LUNDBY of Linn  
 TEAFORD of Black Hawk  
 CARPENTER of Polk

H—4368

1 Amend the amendment, H—4349, to Senate File 537, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 18, by striking the word "ten"  
 5 and inserting the following: "five".  
 6 2. Page 1, line 23, by striking the word "ten"  
 7 and inserting the following: "five".

STROMER of Hancock

H—4375

1 Amend Senate File 523, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. By striking page 1, line 1 through page 9,  
 4 line 21.  
 5 2. Page 10, by striking lines 1 and 2 and insert-  
 6 ing the following:  
 7 "(3) Payment of salaries, fringe benefits, and ap-  
 8 plicable payroll taxes for services provided by the  
 9 candidate's campaign staff."  
 10 3. Page 10, by inserting after line 4 the fol-  
 11 lowing:  
 12 "A candidate may lease a motor vehicle during the  
 13 duration of the campaign if the vehicle will be used  
 14 for campaign purposes. If a vehicle is leased,  
 15 detailed records shall be kept on the use of the  
 16 vehicle and the cost of nonpolitically related usage  
 17 shall not be paid from campaign funds. Candidates and  
 18 campaign workers may be reimbursed for actual mileage  
 19 for politically related travel at a rate not to exceed  
 20 the current rate of reimbursement allowed under the  
 21 standard mileage rate method for computation of

22 business expenses pursuant to the Internal Revenue  
 23 Code as defined in section 422.3.

24 As used in this subparagraph, "lodging" does not  
 25 include expenses for mortgage payments, rental  
 26 payments, furnishings, or renovation or improvement  
 27 expenses for a permanent residence of a candidate or  
 28 family member, including a residence in the state  
 29 capital during a term of office or legislative  
 30 session."

31 4. Page 10, line 13, by inserting after the word  
 32 "office" the following: ", but payments for these  
 33 purposes are not legitimate campaign expenses if the  
 34 campaign office is located in a facility owned by the  
 35 candidate or a member of the candidate's immediate  
 36 family".

37 5. Page 10, line 15, by inserting after the word  
 38 "including" the following: "the fair market value  
 39 of".

40 6. Page 10, by striking lines 17 and 18 and  
 41 inserting the following: "bank charges, election  
 42 records, and parking costs."

43 7. Page 10, line 19, by inserting before the word  
 44 "contract" the following: "the fair market value of".

45 8. By striking page 11, line 21, through page 15,  
 46 line 2.

47 9. Page 19, line 1, by striking the words "public  
 48 financing,".

49 10. Page 19, by inserting after line 2 the  
 50 following:

**Page 2**

1 "Sec. \_\_\_\_\_. NEW SECTION. 56.34 HONORARIUM OR  
 2 OTHER FEE PROHIBITED UNDER CERTAIN CIRCUMSTANCES.

3 A candidate or holder of an elective office shall  
 4 not accept an honorarium or other fee for speaking at  
 5 or attending a meeting of a person or organization  
 6 which is interested in passing or defeating  
 7 legislation that will come before the body of which  
 8 the speaker is or will be a member."

9 11. Page 19, by striking lines 7 through 12 and  
 10 inserting the following:

11 "Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act, being  
 12 deemed of immediate importance, takes effect upon  
 13 enactment."

14 12. Title page, by striking lines 1 through 15  
 15 and inserting the following: "An Act relating to  
 16 political campaigns, restricting the use of campaign  
 17 funds and disposition of campaign property, amending  
 18 provisions relating to treasurers of committees,  
 19 providing additional requirements with respect to  
 20 disclosures, restricting the acceptance of an

- 21 honorarium under certain circumstances, providing that  
 22 the lieutenant governor is not considered a separate  
 23 candidate for campaign finance purposes, providing  
 24 penalties, providing other properly related matters,  
 25 and providing effective and applicability dates.”  
 26 13. By numbering and renumbering as necessary.

Committee on State Government

H—4385

- 1 Amend the amendment, H—4375, to Senate File 523, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 45, by striking the words and  
 5 figures “page 11, line 21,” and inserting the  
 6 following: “page 13, line 17.”

HALVORSON of Webster

H—4398

- 1 Amend amendment, H—4381, to Senate File 538, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. By striking page 8, line 14, through page 9,  
 5 line 1.

METCALF of Polk

H—4407

- 1 Amend Senate File 539, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, by inserting after line 30 the  
 4 following:  
 5 “Sec. \_\_\_\_\_. IPERS SPECIAL BUY-BACK PROGRAM.  
 6 1. A person who meets all of the following  
 7 requirements is eligible for the Iowa public  
 8 employees’ retirement system special buy-back program  
 9 provided in subsection 2:  
 10 a. Is an active member of the Iowa public  
 11 employees’ retirement system on the effective date of  
 12 this section.  
 13 b. Has at least ten consecutive years of  
 14 membership service in the Iowa public employees’  
 15 retirement system immediately preceding the effective  
 16 date of this section.  
 17 c. Is at least sixty-two years of age.  
 18 d. Was a member of the Iowa public employees’  
 19 retirement system for a period of at least ten  
 20 consecutive years between January 1, 1964, and  
 21 December 31, 1974, and received a refund of  
 22 contributions for that entire period of membership  
 23 service.

24 2. A person who qualifies pursuant to subsection 1  
 25 may, not later than August 1, 1989, elect in writing  
 26 to the department of personnel to make contributions  
 27 to the system for the period of membership service for  
 28 which the refund of contributions was made as  
 29 described in subsection 1, paragraph "d". The  
 30 contributions repaid by the member shall be equal to  
 31 the accumulated contributions, as defined in section  
 32 97B.41, subsection 12, received by the member for the  
 33 described period of membership service, plus the  
 34 interest on the contributions that would have accrued  
 35 from the date of receipt by the member to the date of  
 36 repayment equal to two percent plus the interest  
 37 dividend rate applicable for each year compounded  
 38 annually.

39 3. This section, being deemed of immediate  
 40 importance, takes effect upon enactment."

41 2. Title page, line 1, by inserting after the  
 42 word "the" the following: "benefits and".

43 3. By renumbering as necessary.

STROMER of Hancock

H-4414

1 Amend Senate File 514, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 10, by striking the words "used  
 4 for the delivery of services".

5 2. Page 1, line 14, by inserting after the word  
 6 "programs" the following: ", as designated under  
 7 section 125.12".

8 3. Page 1, line 15, by inserting after the word  
 9 "clinics" the following: ", as designated under  
 10 section 135.11".

11 4. Page 1, line 16, by inserting after the word  
 12 "clinics" the following: ", as designated under  
 13 section 135.11".

14 5. Page 1, line 17, by inserting after the word  
 15 "clinics" the following: ", as designated under  
 16 section 135.11".

17 6. Page 1, line 18, by inserting after the word  
 18 "clinics" the following: ", as designated under  
 19 section 234.21".

20 7. Page 1, line 19, by inserting after the word  
 21 "aging" the following: ", as designated under section  
 22 249D.32".

23 8. Page 1, line 20, by inserting after the word  
 24 "programs" the following: ", as certified by the  
 25 department of inspections and appeals or as certified  
 26 under the federal Medicare program".

Committee on Ways and Means

H-4415

- 1 Amend Senate File 514, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "clinics" the following: ", except family planning
- 5 clinics which provide referral services for abortions
- 6 or perform abortions".

GARMAN of Story  
 HERMANN of Scott  
 MUHLBAUER of Crawford  
 BRANSTAD of Winnebago

H-4416

- 1 Amend Senate File 536, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 5, by striking line 28.
- 4 2. Page 6, by striking lines 15 through 17.
- 5 3. Page 6, line 22, by inserting after the word
- 6 "transportation," the following: "executive secretary
- 7 of the state board of regents,".

PETERSON of Carroll  
 HARBOR of Mills

H-4422

- 1 Amend the Senate amendment, H-4411, to House File
- 2 772, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 6, by inserting after line 27 the
- 5 following:
- 6 "\_\_\_\_\_ Page 12, by inserting after line 4 the
- 7 following:
- 8 "Sec. \_\_\_\_\_. There is appropriated from the general
- 9 fund of the state to the department of human services
- 10 for the fiscal year beginning July 1, 1989, and ending
- 11 June 30, 1990, the following amounts, or so much
- 12 thereof as is necessary, to be used for the purposes
- 13 designated:
- 14 For capital improvements at the juvenile
- 15 institutions:
- 16 .....\$ 1,200,000
- 17 The department of human services shall expend the
- 18 funds appropriated in this subsection at the following
- 19 named facilities for the projects designated with
- 20 similar projects being grouped and funded at the same
- 21 time:
- 22 FACILITY PROJECT
- 23 1. Eldora Facility engineering/design
- 24 and program analysis
- 25 2. Eldora Asbestos removal (phase 1)

26	3.	Eldora	Fire detection and alarm -
27			various buildings
28	4.	Eldora	Auditorium elevator and
29			school ramp for 504 compliance
30	5.	Toledo	Asbestos removal (phase 1)
31	6.	Toledo	Update fire alarm systems -
32			campus wide
33	7.	Toledo	Vent system upgrade—center
34			kitchen
35	8.	Eldora	Test 33 transformers and oil
36			switches for PCB
37	9.	Eldora	Remove underground fuel tank
38	10.	Toledo	Test 15 electrical transformers
39			for PCB
40	11.	Toledo	Replace 4 underground tanks
41	12.	Eldora	Repair copper roof deck and
42			spot tuckpoint—gym
43	13.	Toledo	Electric system reconstruction -
44			school admin. building
45	14.	Toledo	Tuckpoint and waterproof -
46			school admin. building
47	15.	Toledo	Reroof Arnold cottage
48	16.	Toledo	Roof replacement—Bryant cottage
49	17.	Toledo	Roof replacement—Palmer cottage
50	18.	Toledo	Repair gym walls

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1	19.	Toledo	Replace gutters, downspouts -
2			Dugan, Chapel, Roberts
3	20.	Toledo	Replace dietary building elevator
4	21.	Toledo	Reroof—shop, power plant,
5			dietary buildings
6	22.	Toledo	Reconstruct tunnel sections”.”

STROMER of Hancock

H—4429

- 1 Amend the amendment, H—4415, to Senate File 514, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, lines 5 and 6 by striking the words
- 5 “provide referral services for abortions or”.

GARMAN of Story

H—4432

- 1 Amend the Senate amendment, H—4411, to House File
- 2 772, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 6, by inserting after line 27 the
- 5 following:
- 6 “\_\_\_\_\_ Page 12, by inserting after line 4 the

7 following:

8 "Sec. \_\_\_\_\_. There is appropriated from the general  
9 fund of the state to the department of corrections for  
10 the fiscal year beginning July 1, 1989, and ending  
11 June 30, 1990, the following amount, or so much  
12 thereof as is necessary, to be used for the purpose  
13 designated:

14 1. For capital and major maintenance projects at  
15 correctional institutions:

16 ..... \$ 3,900,000

17 Notwithstanding section 8.39, funds appropriated in  
18 this section shall be used for the purposes designated  
19 and are not subject to transfer.

20 2. The department of corrections shall expend the  
21 funds appropriated in this section in the following  
22 priority at the following named facilities for the  
23 capital and major maintenance projects designated:

24 a. CAPITALS:

25	FACILITY	PROJECT
26	(1) Luster Heights	For repairs/upgrade of a sewer lagoon, materials for construction of an industries program building, remodeling/rewiring original dorm, and kitchen sanitation equipment
27		
28		
29		
30		
31		
32		
33	(2) Fort Madison	Water main system
34	(3) Mount Pleasant	Sewer update
35	(4) All facilities	Asbestos removal
36	(5) Newton	Security monitoring
37	(6) Mitchellville	City water hook-up
38	(7) Rockwell City	Individual heating and hot water
39		
40	(8) Fort Madison	Water main replacement
41	(9) Mitchellville	Emergency generator
42	(10) Mount Pleasant	Switchgear and transformers
43	(11) Mitchellville	Freezer
44	(12) Anamosa	Sign shop addition
45	(13) Fort Madison	Fire alarm extension
46	(14) Rockwell City	Surface perimeter road
47	(15) Fort Madison	Alarm system
48	(John Bennett)	
49	(16) Oakdale	Water treatment building
50	(17) Rockwell City	Electrical distribution and

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1 rewiring and connection to  
2 the city sewer system

3 b. MAJOR MAINTENANCE:

4	FACILITY	PROJECT
5	(1) Fort Madison	Perimeter tuckpoint

6	(2)	Anamosa	Fire escapes
7	(3)	Oakdale	Kitchen ventilation
8	(4)	Mount Pleasant	Boom truck
9	(5)	Newton	Roof repair — dorms
10	(6)	Rockwell City	Replace slate roof
11	(7)	Mitchellville	Rework fire alarm
12	(8)	Clarinda	Water main loop
13	(9)	Fort Madison	Tuckpoint CH 18 and 19
14	(10)	Anamosa	Fire doors CH 3
15	(11)	Oakdale	Precast panel repair
16	(12)	Mount Pleasant	Radio conversion
17	(13)	Newton	Lock system for dorm
18	(14)	Rockwell City	Lock system for dorm
19	(15)	Mitchellville	Replace locks
20	(16)	Clarinda	Tuckpointing”.”

MAULSBY of Calhoun

H—4433

- 1 Amend the amendment, H—4414, to Senate File 514, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 19, by inserting after the figure
- 5 “234.21” the following: “except family planning
- 6 clinics which perform abortions”.

GARMAN of Story  
 BANKS of Plymouth  
 HERMANN of Scott  
 McKEAN of Jones  
 MUHLBAUER of Crawford

H—4450

- 1 Amend Senate File 523 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 56.4, Code 1989, is amended by
- 6 adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. When a candidate for
- 8 state representative or state senator files a
- 9 disclosure report with the commission, copies of the
- 10 report shall also be delivered to all of the following
- 11 to be made available for public inspection and
- 12 copying:
- 13 1. The commissioner of elections in each county
- 14 which is included, in whole or in part, in the
- 15 candidate's representative or senatorial district.
- 16 2. Three or more public libraries located within
- 17 the candidate's representative or senatorial district,
- 18 as designated in the statement of organization of the
- 19 candidate's committee.

20 Sec. 2. Section 56.5, subsection 2, Code 1989, is  
 21 amended by adding the following new paragraph:  
 22 NEW PARAGRAPH. i. In the case of a candidate's  
 23 committee of a candidate for state representative or  
 24 state senator, the names and addresses of at least  
 25 three public libraries within the candidate's  
 26 representative or senatorial district where copies of  
 27 the candidate's disclosure reports will be deposited.  
 28 If possible, the libraries listed shall be located in  
 29 cities other than the county seats of the counties  
 30 included in the district.

31 Sec. 3. Section 56.6, Code 1989, is amended by  
 32 adding the following new subsection:

33 NEW SUBSECTION. 7. When a report under this  
 34 section discloses contributions from a political  
 35 committee, the report shall also state whether the  
 36 political committee is a recipient of contributions  
 37 from another political committee other than a state or  
 38 county statutory political committee.

39 Sec. 4. NEW SECTION. 56.12A REPRESENTATIONS BY  
 40 CANDIDATE.

41 1. A candidate shall not represent that the  
 42 candidate refuses to accept contributions from  
 43 political committees other than state or county  
 44 statutory political committees, if the candidate  
 45 knowingly has accepted contributions from sources that  
 46 have accepted such contributions.

47 2. A candidate who makes a representation in  
 48 violation of subsection 1 shall refund all  
 49 contributions received from sources that have accepted  
 50 contributions from political committees other than

**Page 2**

1 state or county statutory political committees. The  
 2 criminal penalty of section 56.16 does not apply if  
 3 the candidate complies with this subsection.

4 Sec. 5. NEW SECTION. 56.31 CANDIDATE FOR  
 5 LIEUTENANT GOVERNOR NOT CONSIDERED A SEPARATE  
 6 CANDIDATE.

7 For purposes of this chapter, a candidate for  
 8 lieutenant governor shall not be considered a separate  
 9 candidate, but shall be considered part of a team of  
 10 candidates for governor and lieutenant governor. The  
 11 commission shall adopt rules for the application of  
 12 this section with respect to accounting, reporting,  
 13 limitations, and other requirements imposed by this  
 14 chapter.

15 Sec. 6. NEW SECTION. 56.35 LIMITATIONS ON  
 16 CONTRIBUTIONS BY POLITICAL COMMITTEES.

17 1. A political committee, other than a candidate's  
 18 committee, state or county statutory political

19 committee, or national political party central  
 20 committee, shall not do any of the following:  
 21 a. Make contributions to the campaigns of  
 22 candidates for state representative in a particular  
 23 representative district which aggregate more than two  
 24 hundred fifty dollars during the election cycle for  
 25 the office.  
 26 b. Make contributions to the campaigns of  
 27 candidates for state senator in a particular  
 28 senatorial district which aggregate more than five  
 29 hundred dollars during the election cycle for the  
 30 office.  
 31 c. Make contributions to the campaigns of  
 32 candidates for secretary of agriculture which  
 33 aggregate more than one thousand dollars during the  
 34 election cycle for the office.  
 35 d. Make contributions to the campaigns of  
 36 candidates for attorney general which aggregate more  
 37 than one thousand dollars during the election cycle  
 38 for the office.  
 39 e. Make contributions to the campaigns of  
 40 candidates for auditor of state which aggregate more  
 41 than one thousand dollars during the election cycle  
 42 for the office.  
 43 f. Make contributions to the campaigns of  
 44 candidates for secretary of state which aggregate more  
 45 than one thousand dollars during the election cycle  
 46 for the office.  
 47 g. Make contributions to the campaigns of  
 48 candidates for treasurer of state which aggregate more  
 49 than one thousand dollars during the election cycle  
 50 for the office.

**Page 3**

1 h. Make contributions to the campaigns of  
 2 candidates for governor and lieutenant governor which  
 3 aggregate more than five thousand dollars during the  
 4 election cycle for the office.  
 5 2. The commission shall adopt rules for  
 6 determining the applicable election cycle for each  
 7 office for purposes of subsection 1. The rules shall  
 8 include provisions for taking into account the  
 9 occurrence of a special election.

10 **Sec. 7. NEW SECTION. 56.36 CONTRIBUTIONS BY**  
 11 **POLITICAL COMMITTEES RESTRICTED TO ONE CANDIDATE PER**  
 12 **RACE.**

13 A political committee, other than a candidate's  
 14 committee, state or county statutory political  
 15 committee, or national political party central  
 16 committee, shall not do any of the following:  
 17 1. Make contributions to the campaign of more than

18 one of the candidates seeking the nomination of a  
 19 particular political party for each of the following  
 20 offices at the primary election:  
 21 a. State representative in a particular  
 22 representative district.  
 23 b. State senator in a particular senatorial  
 24 district.  
 25 c. Secretary of agriculture.  
 26 d. Attorney general.  
 27 e. Auditor of state.  
 28 f. Secretary of state.  
 29 g. Treasurer of state.  
 30 h. Governor.  
 31 2. Make contributions to the campaign of more than  
 32 one of the candidates seeking election to each of the  
 33 following offices at the general election:  
 34 a. State representative in a particular  
 35 representative district.  
 36 b. State senator in a particular senatorial  
 37 district.  
 38 c. Secretary of agriculture.  
 39 d. Attorney general.  
 40 e. Auditor of state.  
 41 f. Secretary of state.  
 42 g. Treasurer of state.  
 43 h. Governor and lieutenant governor seeking  
 44 election as a team.  
 45 Sec. 8. NEW SECTION. 56.37 OUT-OF-STATE  
 46 CONTRIBUTIONS PROHIBITED.  
 47 A candidate or candidate's committee shall not  
 48 accept campaign contributions from any person or  
 49 political committee which is not a resident of or  
 50 organized in this state.

**Page 4**

1 However, this prohibition does not apply to a  
 2 national political party central committee. The  
 3 commission shall adopt rules for determining whether a  
 4 person or political committee is a resident of or  
 5 organized in this state.  
 6 Sec. 9. NEW SECTION. 56.38 CONTRIBUTIONS DURING  
 7 LEGISLATIVE SESSION.  
 8 A lobbyist registered with the secretary of the  
 9 senate or the chief clerk of the house of  
 10 representatives or a political committee, other than a  
 11 candidate's committee, state or county statutory  
 12 political committee, or national political party  
 13 central committee, shall not make contributions to the  
 14 candidate's committee of a candidate for the office of  
 15 state representative or state senator or to any  
 16 political committee, other than a candidate's

17 committee of a candidate for a nonlegislative office,  
 18 a state or county statutory political committee, or a  
 19 national political party central committee, during a  
 20 legislative session. However, this prohibition does  
 21 not apply in the case of a candidate to be elected at  
 22 a special election to fill a vacancy as provided in  
 23 section 69.14, if the special election is held during  
 24 the legislative session.

25 Sec. 10. Sections 11 through 14 of this Act are  
 26 created as a new division of chapter 56.

27 Sec. 11. NEW SECTION. 56.40 CAMPAIGN FUNDS.

28 As used in this division, "campaign funds" means  
 29 contributions to a candidate or candidate's committee  
 30 which are required by this chapter to be deposited in  
 31 a separate campaign account.

32 Sec. 12. NEW SECTION. 56.41 USES OF CAMPAIGN  
 33 FUNDS.

34 1. A candidate and the candidate's committee shall  
 35 use campaign funds only for the purpose of winning and  
 36 retaining public office, and shall not use campaign  
 37 funds for personal expenses or, in the case of a  
 38 candidate who is an officeholder, for expenses related  
 39 strictly to the official duties of public office.

40 2. Campaign funds shall not be used for any of the  
 41 following purposes:

42 a. Payment of civil or criminal penalties.

43 However, payment of civil penalties relating to  
 44 campaign finance and disclosure requirements is  
 45 permitted.

46 b. Satisfaction of personal debts, other than  
 47 campaign loans.

48 c. Personal services, including the services of  
 49 attorneys, accountants, physicians, and other  
 50 professional persons. However, payment for personal

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1 services directly related to campaign activities is  
 2 permitted.

3 d. Clothing or laundry expense of a candidate or  
 4 members of the candidate's family.

5 e. Purchase of or installment payments for a motor  
 6 vehicle. However, a candidate may lease a motor  
 7 vehicle during the duration of the campaign if the  
 8 vehicle will be used for campaign purposes. If a  
 9 vehicle is leased, detailed records shall be kept on  
 10 the use of the vehicle and the cost of noncampaign  
 11 usage shall not be paid from campaign funds.

12 Candidates and campaign workers may be reimbursed for  
 13 actual mileage for campaign-related travel at a rate  
 14 not to exceed the current rate of reimbursement  
 15 allowed under the standard mileage rate method for

- 16 computation of business expenses pursuant to the  
 17 Internal Revenue Code.
- 18 f. Mortgage payments, rental payments,  
 19 furnishings, or renovation or improvement expenses for  
 20 a permanent residence of a candidate or family member,  
 21 including a residence in the state capital during a  
 22 term of office or legislative session.
- 23 g. Payment for office supplies or expenses, staff,  
 24 or office furnishings for the candidate's official  
 25 office if the candidate is an officeholder. Office  
 26 equipment and supplies may be purchased for a  
 27 campaign, but the equipment shall not be used in the  
 28 officeholder's official office. The cost of personal  
 29 or other noncampaign office usage shall not be paid  
 30 from campaign funds.
- 31 h. Membership in professional organizations.
- 32 i. Membership in service organizations, except  
 33 those organizations which the candidate joins solely  
 34 for the purpose of enhancing the candidacy.
- 35 j. Subscriptions to newspapers and periodicals,  
 36 except those to which the candidate subscribes solely  
 37 for the purpose of enhancing the candidacy.
- 38 k. Meals, groceries, or other food expense, except  
 39 for tickets to meals that the candidate attends solely  
 40 for the purpose of enhancing the candidacy. However,  
 41 payment for food and drink purchased for official  
 42 campaign functions and for entertainment of campaign  
 43 volunteers is permitted.
- 44 l. Payments clearly in excess of the fair market  
 45 value of the item or service purchased.
- 46 Sec. 13. NEW SECTION. 56.42 TRANSFER OF CAMPAIGN  
 47 FUNDS.
- 48 1. In addition to the uses permitted under section  
 49 56.41, a candidate's committee may transfer campaign  
 50 funds in one or more of the following ways:

**Page 6**

- 1 a. Contributions to charitable organizations.
- 2 b. Contributions to national, state, or local  
 3 political party central committees.
- 4 c. Transfers to the treasurer of state for deposit  
 5 in the general fund of the state.
- 6 d. Return of contributions to contributors on a  
 7 pro rata basis, except that any contributor who  
 8 contributed five dollars or less may be excluded from  
 9 the distribution.
- 10 2. If an unexpended balance of campaign funds  
 11 remains when a candidate ceases to be a candidate or  
 12 the candidate's committee dissolves, the unexpended  
 13 balance shall be transferred pursuant to subsection 1.
- 14 3. A candidate or candidate's committee making a

15 transfer of campaign funds pursuant to subsection 1 or  
16 2 shall not place any requirements or conditions on  
17 the use of the campaign funds transferred.

18 4. A candidate or candidate's committee shall not  
19 transfer campaign funds except as provided in this  
20 section.

21 5. A candidate or candidate's committee shall not  
22 transfer campaign funds with the intent of  
23 circumventing the requirements of this section.

24 Sec. 14. NEW SECTION. 56.43 CAMPAIGN PROPERTY.

25 1. Equipment, supplies, or other materials  
26 purchased with campaign funds are campaign property.  
27 Campaign property belongs to the candidate's committee  
28 and not to the candidate.

29 2. Upon dissolution of the candidate's committee,  
30 a report accounting for the disposition of all items  
31 of campaign property having a residual value of  
32 twenty-five dollars or more shall be filed with the  
33 commission. Each item of campaign property having a  
34 residual value of twenty-five dollars or more shall be  
35 disposed of by one of the following methods:

36 a. Sale of the property at fair market value, in  
37 which case the proceeds shall be treated the same as  
38 other campaign funds.

39 b. Donation of the property under one of the  
40 options for transferring campaign funds set forth in  
41 section 56.42.

42 Sec. 15. APPLICABILITY.

43 1. The restrictions imposed by sections 12 and 13  
44 of this Act apply to all campaign funds held in  
45 campaign accounts on and after the effective date of  
46 those sections.

47 2. The limitations imposed by section 6 of this  
48 Act apply retroactively to contributions made on or  
49 after January 1, 1989.

50 Sec. 16. EFFECTIVE DATE.

**Page 7**

1 1. This Act, being deemed of immediate importance,  
2 takes effect upon enactment, except as otherwise  
3 provided in subsection 2.

4 2. Sections 1 through 4 and 9 through 14 of this  
5 Act take effect July 1, 1989."

6 2. Title page, by striking lines 1 through 15 and  
7 inserting the following: "An Act relating to campaign  
8 finance, providing additional requirements with  
9 respect to disclosures and representations, imposing  
10 restrictions relating to campaign contributions,  
11 restricting the uses of campaign funds, providing for  
12 the transfer of campaign funds, providing for the  
13 ownership and disposition of campaign property,

- 14 providing other properly related matters, making  
 15 penalties applicable, providing effective dates, and  
 16 providing a retroactive applicability date.”

METCALF of Polk  
 TRENT of Muscatine  
 PLASIER of Sioux  
 DE GROOT of Lyon  
 CLARK of Cerro Gordo

HANSON of Delaware  
 CARPENTER of Polk  
 GARMAN of Story  
 McKEAN of Jones  
 SIEGRIST of Pottawattamie  
 HALVORSON of Clayton

H—4451

1 Amend Senate amendment, H—4436, to House File 703,  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, by striking lines 18 through 24 and  
 5 inserting the following:

6 “Sec. \_\_\_\_\_. Section 15.286, subsection 2, as  
 7 amended by 1989 Iowa Acts, Senate File 112, section 8,  
 8 is amended to read as follows:

9 2. Applicants must be seeking funds to assist in  
 10 meeting the area needs of ~~low lower and moderate~~ very  
 11 low income persons families in pursuit of decent  
 12 housing or in meeting the purposes of the housing  
 13 trust fund program as described in section 220.100,  
 14 subsection 2.”

15 2. Page 1, by striking lines 38 through 42 and  
 16 inserting the following:

17 “Sec. \_\_\_\_\_. Section 15.286, subsection 4, paragraph  
 18 b, subparagraph (3), as amended by 1989 Iowa Acts,  
 19 Senate File 112, section 9, is amended to read as  
 20 follows:

21 (3) ~~A program~~ Programs to assist ~~low income~~  
 22 ~~persons and lower income,~~ the disadvantaged, ~~or the~~  
 23 ~~disabled.”~~

SWARTZ of Marshall

H—4459

1 Amend Senate File 523 as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. Page 10, line 9, by inserting after the word  
 4 “candidate” the following: “, but such contributions  
 5 to the candidate’s committee of any particular  
 6 candidate shall not exceed two hundred dollars during  
 7 the election cycle for the office sought by the other  
 8 candidate”.

9 2. Page 11, lines 17 and 18, by striking the  
 10 words “to the candidate’s committee of another  
 11 candidate or”.

HALVORSON of Webster  
 HANSON of Delaware

H-4460

1 Amend the amendment, H-4375, to Senate File 523, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by inserting after line 46 the  
 5 following:

6 "\_\_\_\_\_. Page 15, by inserting before line 3 the  
 7 following:

8 "DIVISION \_\_\_\_\_ - LIMITATIONS ON CONTRIBUTIONS

9 Sec. 100. Sections 101 through 104 of this Act are  
 10 created as a new division of chapter 56.

11 Sec. 101. NEW SECTION. 56.81 DEFINITIONS.

12 As used in this division, unless the context  
 13 requires otherwise:

14 1. "General election period" means the period  
 15 beginning on the eleventh day after the date of a  
 16 primary election for the nomination of candidates for  
 17 governor and other statewide offices and ending on  
 18 December 31 following the date of the general election  
 19 for those offices.

20 2. Except as otherwise provided by law for the  
 21 primary election in June 1990, "primary election  
 22 period" means the period beginning on January 1 of the  
 23 calendar year following a general election for  
 24 governor and other statewide offices and ending on the  
 25 tenth day after the date of the next primary election  
 26 for those offices.

27 Sec. 102. NEW SECTION. 56.82 CONTRIBUTIONS TO  
 28 GUBERNATORIAL CANDIDATES.

29 1. a. An individual shall not make contributions  
 30 to the campaign of a particular candidate for governor  
 31 which exceed one thousand dollars during a primary  
 32 election period.

33 b. The candidate's committee of a candidate for  
 34 governor shall not accept contributions from an  
 35 individual which exceed one thousand dollars during a  
 36 primary election period.

37 c. This subsection does not apply to contributions  
 38 by the candidate's self or spouse.

39 2. a. A political committee, other than a state  
 40 or county statutory political committee, shall not  
 41 make contributions to the campaign of a particular  
 42 candidate for governor which exceed five thousand  
 43 dollars during a primary election period.

44 b. The candidate's committee of a candidate for  
 45 governor shall not accept contributions from a  
 46 political committee, other than a state or county  
 47 statutory political committee, which exceed five  
 48 thousand dollars during a primary election period.

49 3. a. An individual shall not make contributions  
 50 to the campaign of a particular team of candidates for

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1 governor and lieutenant governor which exceed one  
2 thousand dollars during a general election period.

3 b. The candidate's committee of a team of  
4 candidates for governor and lieutenant governor shall  
5 not accept contributions from an individual which  
6 exceed one thousand dollars during a general election  
7 period.

8 c. This subsection does not apply to contributions  
9 by the candidates themselves or their spouses.

10 4. a. A political committee, other than a state  
11 or county statutory political committee, shall not  
12 make contributions to the campaign of a particular  
13 team of candidates for governor and lieutenant  
14 governor which exceed five thousand dollars during a  
15 general election period.

16 b. The candidate's committee of a team of  
17 candidates for governor and lieutenant governor shall  
18 not accept contributions from a political committee,  
19 other than a state or county statutory political  
20 committee, which exceed five thousand dollars during a  
21 general election period.

22 Sec. 103. NEW SECTION. 56.83 CONTRIBUTIONS TO  
23 OTHER STATEWIDE CANDIDATES.

24 1. a. An individual shall not make contributions  
25 to the campaign of a particular candidate for  
26 secretary of agriculture, attorney general, auditor of  
27 state, secretary of state, or treasurer of state which  
28 exceed one thousand dollars during a primary election  
29 period and one thousand dollars during a general  
30 election period.

31 b. The candidate's committee of a candidate for  
32 secretary of agriculture, attorney general, auditor of  
33 state, secretary of state, or treasurer of state shall  
34 not accept contributions from an individual which  
35 exceed five thousand dollars during a primary election  
36 period and five thousand dollars during a general  
37 election period.

38 c. This subsection does not apply to contributions  
39 by the candidate's self or spouse.

40 2. a. A political committee, other than a state  
41 or county statutory political committee, shall not  
42 make contributions to the campaign of a particular  
43 candidate for secretary of agriculture, attorney  
44 general, auditor of state, secretary of state, or  
45 treasurer of state which exceed five thousand dollars  
46 during a primary election period and five thousand  
47 dollars during a general election period.

48 b. The candidate's committee of a candidate for  
49 secretary of agriculture, attorney general, auditor of  
50 state, secretary of state, or treasurer of state shall

Page 3

1 not accept contributions from a political committee,  
 2 other than a state or county statutory political  
 3 committee, which exceed five thousand dollars during a  
 4 primary election period and five thousand dollars  
 5 during a general election period.

6 Sec. 104. NEW SECTION. 56.84 COMMISSION RULES.

7 The commission shall adopt rules as necessary for  
 8 the administration and enforcement of this division.””

9 2. Page 2, by inserting after line 8 the  
 10 following:

11 “\_\_\_\_\_. Page 19, line 3, by striking line 3 and  
 12 inserting the following:

13 “Sec. \_\_\_\_\_. APPLICABILITY.

14 1. The restrictions on the use of”.

15 \_\_\_\_\_. Page 19, by inserting after line 6 the  
 16 following:

17 “2. For purposes of sections 56.81 through 56.84,  
 18 as enacted by this Act, the primary election period  
 19 for the primary election in June 1990, shall be the  
 20 period beginning on the effective date of this Act and  
 21 ending on the tenth day after the date of that primary  
 22 election.””

23 3. Page 2, line 17, by inserting after the word  
 24 “property,” the following: “providing limitations on  
 25 certain contributions.”.

26 4. By numbering and renumbering as necessary.

HALVORSON of Webster

H—4461

1 Amend the amendment, H—4375, to Senate File 523, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by striking lines 3 and 4.

5 2. Page 1, by inserting before line 5 the

6 following:

7 “\_\_\_\_\_. Page 1, line 25, by striking the figure  
 8 “56.55” and inserting the following: “56.53”.

9 \_\_\_\_\_. Page 2, line 6, by striking the figure  
 10 “56.55” and inserting the following: “56.53”.

11 \_\_\_\_\_. Page 2, by inserting after line 7 the

12 following:

13 “Sec. \_\_\_\_\_. NEW SECTION. 56.53 LIMITATIONS ON  
 14 CONTRIBUTIONS — STATE REPRESENTATIVE.

15 1. If a candidate for state representative  
 16 registers for a restricted campaign, the candidate's  
 17 committee shall not accept contributions from a  
 18 political committee, other than a candidate's  
 19 committee or state or county statutory political  
 20 committee, which exceed two hundred dollars during a

21 primary election period and two hundred dollars during  
 22 a general election period or special election period  
 23 in the case of a special election pursuant to section  
 24 69.14.

25 2. If a candidate for state representative  
 26 registers for a restricted campaign, the candidate's  
 27 committee shall not accept contributions from  
 28 political committees, excluding candidate's committees  
 29 and state and county statutory political committees,  
 30 aggregating more than five thousand dollars during a  
 31 primary election period and seven thousand five  
 32 hundred dollars during a general election period or  
 33 special election period in the case of a special  
 34 election pursuant to section 69.14.

35 Sec. \_\_\_\_\_. NEW SECTION. 56.54 LIMITATIONS ON  
 36 CONTRIBUTIONS — STATE SENATOR.

37 1. If a candidate for state senator registers for  
 38 a restricted campaign, the candidate's committee shall  
 39 not accept contributions from a political committee,  
 40 other than a candidate's committee or state or county  
 41 statutory political committee, which exceed two  
 42 hundred dollars during a primary election period and  
 43 two hundred dollars during a general election period  
 44 or special election period in the case of a special  
 45 election pursuant to section 69.14.

46 2. If a candidate for state senator registers for  
 47 a restricted campaign, the candidate's committee shall  
 48 not accept contributions from political committees,  
 49 excluding candidate's committees and state and county  
 50 statutory political committees, aggregating more than

**Page 2**

1 ten thousand dollars during a primary election period  
 2 and fifteen thousand dollars during a general election  
 3 period or special election period in the case of a  
 4 special election pursuant to section 69.14."

5 \_\_\_\_\_. Page 4, line 34, by striking the figure  
 6 "56.55" and inserting the following: "56.53".

7 \_\_\_\_\_. Page 5, line 30, by inserting after the word  
 8 "campaigns" the following: "and defining the period  
 9 during which the contribution and expenditure  
 10 limitations apply in the case of a special election  
 11 pursuant to section 69.14".

12 3. Page 2, by striking lines 9 through 13 and  
 13 inserting the following:

14 " \_\_\_\_\_. Page 19, by striking lines 8 and 9 and  
 15 inserting the following:

16 "1. This Act, being deemed of immediate  
 17 importance, takes effect upon enactment, except as  
 18 provided in subsection 2.""

19 4. Page 2, line 16, by inserting after the word

20 "campaigns," the following: "providing for a  
21 political contribution tax credit on the personal  
22 income tax under certain circumstances, providing for  
23 a political candidates fund to be used for partial  
24 public financing of certain political campaigns and  
25 providing appropriations, revising provisions relating  
26 to the campaign finance income tax checkoff,"  
27 5. By numbering and renumbering as necessary.

HALVORSON of Webster

H-4466

1 Amend House File 685, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 13, by inserting after line 7, the  
4 following:  
5 "\_\_\_\_\_. Loans to or equity investments in small  
6 businesses, made or originated by a small business  
7 investment company in which the bank has purchased  
8 shares or holds an equity interest, provided that  
9 either or both of the following conditions are  
10 satisfied:  
11 a. The small business investment company has  
12 invested at least fifty percent of its investments in  
13 Iowa small businesses.  
14 b. The small business investment company has  
15 invested at least seventy-five percent of its  
16 investments in small businesses located in Iowa or one  
17 or more contiguous states."  
18 2. Page 13, by inserting after line 20 the  
19 following:  
20 "\_\_\_\_\_. Loans for investment in a small business  
21 investment corporation, the Iowa business development  
22 finance corporation, or a similar entity designed to  
23 enhance small business development."  
24 3. Page 13, by inserting after line 26, the  
25 following:  
26 "Sec. \_\_\_\_\_. NEW SECTION. 524.1858A ACQUIRED  
27 BANK'S BOARD OF DIRECTORS.  
28 As a continuing condition of an acquisition,  
29 pursuant to this division, of a bank or bank holding  
30 company within the state, the acquired bank's board of  
31 directors shall have and shall maintain three persons  
32 meeting the following minimum requirements as voting  
33 members of the board of directors:  
34 1. One of the members of the board shall be an  
35 agricultural producer eligible for assistance from the  
36 agricultural development authority pursuant to section  
37 175.13A.  
38 2. One of the members of the board shall be a  
39 businessperson engaged in a small business as defined  
40 in section 220.1, subsection 28.

41 3. One of the members shall be eligible for the  
 42 Iowa finance authority's residential mortgage interest  
 43 reduction program."

44 4. Page 13, by inserting after line 26, the  
 45 following:

46 "Sec. \_\_\_\_\_. NEW SECTION. 524.1858B MOST FAVORED  
 47 PRACTICES.

48 As a continuing condition of an acquisition of an  
 49 Iowa bank or bank holding company pursuant to this  
 50 division, the regional bank holding company shall

**Page 2**

1 require that its Iowa owned or controlled bank or  
 2 banks offer the most favorable services, rates, and  
 3 incentives offered by any other bank owned or  
 4 controlled by the regional bank holding company, to  
 5 the extent that such services, rates, or incentives  
 6 are not otherwise prohibited by Iowa law."

7 5. Page 13, line 30, by inserting before the word  
 8 "are" the following: ", requiring that the state in  
 9 which a regional bank holding company is located would  
 10 allow a bank holding company located in Iowa to  
 11 acquire a bank or banks located in that state before a  
 12 regional bank holding company located in that state  
 13 may make an acquisition pursuant to section 524.1852".

14 6. Page 14, by striking lines 12 through 16 and  
 15 inserting the following:

16 "3. "Financial institution" means a bank as  
 17 defined in chapter 524. However, if any court or  
 18 regulatory agency of this state or of the United  
 19 States determines in any action or proceeding that a  
 20 provision of sections 12 through 18 of this Act is  
 21 unconstitutional or otherwise unenforceable for any  
 22 reason against any financial institution so defined,  
 23 "financial institution" shall mean a bank acquired  
 24 pursuant to sections 524.1851 through 524.1858 or an  
 25 Iowa bank owned by a bank holding company with its  
 26 principal place of business within the state which  
 27 acquires ownership or control of a bank located in  
 28 another state."

29 7. By striking page 19, line 32, through page 21,  
 30 line 12, and inserting the following:

31 "Sec. \_\_\_\_\_. ADVISORY COUNCIL. An advisory council  
 32 is established to review the effectiveness and  
 33 enforceability of the provisions of this Act. The  
 34 advisory council shall be composed of five persons.  
 35 Three members shall be appointed by the legislative  
 36 council and two members shall be appointed by the  
 37 superintendent of banking. Vacancies shall be filled  
 38 by the appointing authority which appointed the person  
 39 who has or is to vacate the council.

- 40 1. The members appointed by the legislative  
41 council shall meet the following requirements:  
42 a. Two of the members shall be an agricultural  
43 producer eligible for assistance from the agricultural  
44 development authority pursuant to section 175.13A.  
45 b. Two of the members shall be a business person  
46 engaged in a small business as defined in section  
47 220.1, subsection 28.  
48 c. One of the members shall be eligible for the  
49 Iowa finance authority's residential mortgage interest  
50 reduction program pursuant to section 220.81.

**Page 3**

- 1 2. The members appointed by the superintendent of  
2 banking shall meet the following requirements:  
3 a. One of the members shall be employed by a bank  
4 which is not owned in whole or in part by a bank  
5 holding company.  
6 b. One of the members shall be employed by a bank  
7 owned by a bank holding company or employed by a bank  
8 holding company.  
9 For the purposes of this section, a bank holding  
10 company means a bank holding company as defined in  
11 section 524.1801.  
12 The advisory council shall monitor and review the  
13 implementation of this Act and the effectiveness and  
14 enforceability of this Act. The advisory council  
15 shall from time to time, but not less than quarterly,  
16 recommend to the superintendent of banking the  
17 adoption of appropriate rules to maximize the  
18 effectiveness and enforceability of this Act. The  
19 advisory council shall from time to time, but not less  
20 than quarterly, recommend to the superintendent of  
21 banking any appropriate legislation as may be  
22 necessary to maximize the effectiveness and  
23 enforceability of this Act. The advisory council  
24 shall submit its final recommendations to the  
25 superintendent of banking not later than January 1,  
26 1991. The banking division of the department of  
27 commerce shall provide staff support and assistance to  
28 the advisory council."  
29 8. By renumbering, relettering, or redesignating  
30 and correcting internal references as necessary.

Senate Amendment

H-4469

- 1 Amend amendment, H-4466, to House File 685, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, by striking lines 29 and 30, and

5 inserting the following:

6 "\_\_\_\_\_. Page 21, by inserting after line 12, the  
7 following:"

8 2. By renumbering as necessary.

BLANSHAN of Greene

H-4473

1 Amend the amendment, H-4375, to Senate File 523, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 46 the  
5 following:

6 "\_\_\_\_\_. Page 15, by inserting before line 3 the  
7 following:

8 "DIVISION \_\_\_\_\_ - LIMITATIONS ON CONTRIBUTIONS

9 Sec. 100. Sections 101 through 104 of this Act are  
10 created as a new division of chapter 56.

11 Sec. 101. NEW SECTION. 56.81 DEFINITIONS.

12 As used in this division, unless the context  
13 requires otherwise:

14 1. "General election period" means the period  
15 beginning on the eleventh day after the date of a  
16 primary election for the nomination of candidates for  
17 governor and other statewide offices and ending on  
18 December 31 following the date of the general election  
19 for those offices.

20 2. Except as otherwise provided by law for the  
21 primary election in June 1990, "primary election  
22 period" means the period beginning on January 1 of the  
23 calendar year following a general election for  
24 governor and other statewide offices and ending on the  
25 tenth day after the date of the next primary election  
26 for those offices.

27 Sec. 102. NEW SECTION. 56.82 CONTRIBUTIONS TO  
28 GUBERNATORIAL CANDIDATES.

29 1. a. An individual shall not make contributions  
30 to the campaign of a particular candidate for governor  
31 which exceed one thousand dollars during a primary  
32 election period.

33 b. The candidate's committee of a candidate for  
34 governor shall not accept contributions from an  
35 individual which exceed one thousand dollars during a  
36 primary election period.

37 c. This subsection does not apply to contributions  
38 by the candidate's self or spouse.

39 2. a. A political committee, other than a state  
40 or county statutory political committee, shall not  
41 make contributions to the campaign of a particular  
42 candidate for governor which exceed five thousand  
43 dollars during a primary election period.

44 b. The candidate's committee of a candidate for

45 governor shall not accept contributions from a  
 46 political committee, other than a state or county  
 47 statutory political committee, which exceed five  
 48 thousand dollars during a primary election period.  
 49 3. a. An individual shall not make contributions  
 50 to the campaign of a particular team of candidates for

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1 governor and lieutenant governor which exceed one  
 2 thousand dollars during a general election period.  
 3 b. The candidate's committee of a team of  
 4 candidates for governor and lieutenant governor shall  
 5 not accept contributions from an individual which  
 6 exceed one thousand dollars during a general election  
 7 period.

8 c. This subsection does not apply to contributions  
 9 by the candidates themselves or their spouses.

10 4. a. A political committee, other than a state  
 11 or county statutory political committee, shall not  
 12 make contributions to the campaign of a particular  
 13 team of candidates for governor and lieutenant  
 14 governor which exceed five thousand dollars during a  
 15 general election period.

16 b. The candidate's committee of a team of  
 17 candidates for governor and lieutenant governor shall  
 18 not accept contributions from a political committee,  
 19 other than a state or county statutory political  
 20 committee, which exceed five thousand dollars during a  
 21 general election period.

22 Sec. 103. NEW SECTION. 56.83 CONTRIBUTIONS TO  
 23 OTHER STATEWIDE CANDIDATES.

24 1. a. An individual shall not make contributions  
 25 to the campaign of a particular candidate for  
 26 secretary of agriculture, attorney general, auditor of  
 27 state, secretary of state, or treasurer of state which  
 28 exceed one thousand dollars during a primary election  
 29 period and one thousand dollars during a general  
 30 election period.

31 b. The candidate's committee of a candidate for  
 32 secretary of agriculture, attorney general, auditor of  
 33 state, secretary of state, or treasurer of state shall  
 34 not accept contributions from an individual which  
 35 exceed one thousand dollars during a primary election  
 36 period and one thousand dollars during a general  
 37 election period.

38 c. This subsection does not apply to contributions  
 39 by the candidate's self or spouse.

40 2. a. A political committee, other than a state  
 41 or county statutory political committee, shall not  
 42 make contributions to the campaign of a particular  
 43 candidate for secretary of agriculture, attorney

44 general, auditor of state, secretary of state, or  
 45 treasurer of state which exceed five thousand dollars  
 46 during a primary election period and five thousand  
 47 dollars during a general election period.

48 b. The candidate's committee of a candidate for  
 49 secretary of agriculture, attorney general, auditor of  
 50 state, secretary of state, or treasurer of state shall

**Page 3**

1 not accept contributions from a political committee,  
 2 other than a state or county statutory political  
 3 committee, which exceed five thousand dollars during a  
 4 primary election period and five thousand dollars  
 5 during a general election period.

6 Sec. 104. NEW SECTION. 56.84 COMMISSION RULES.

7 The commission shall adopt rules as necessary for  
 8 the administration and enforcement of this division.” ”

9 2. Page 2, by inserting after line 8 the  
 10 following:

11 “\_\_\_\_\_. Page 19, line 3, by striking line 3 and  
 12 inserting the following:

13 “Sec. \_\_\_\_\_. APPLICABILITY.

14 1. The restrictions on the use of”.

15 \_\_\_\_\_. Page 19, by inserting after line 6 the  
 16 following:

17 “2. For purposes of sections 56.81 through 56.84,  
 18 as enacted by this Act, the primary election period  
 19 for the primary election in June 1990, shall be the  
 20 period beginning on the effective date of this Act and  
 21 ending on the tenth day after the date of that primary  
 22 election.” ”

23 3. Page 2, line 17, by inserting after the word  
 24 “property,” the following: “providing limitations on  
 25 certain contributions,”.

26 4. By numbering and renumbering as necessary.

HALVORSON of Webster

H—4476

1 Amend the amendment, H—4375, to Senate File 523, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by striking lines 3 and 4.

5 2. Page 1, by inserting before line 5 the  
 6 following:

7 “\_\_\_\_\_. Page 1, line 25, by striking the figure  
 8 “56.55” and inserting the following: “56.53”.

9 \_\_\_\_\_. Page 2, line 6, by striking the figure  
 10 “56.55” and inserting the following: “56.53”.

11 \_\_\_\_\_. Page 2, by inserting after line 7 the  
 12 following:

13 "Sec. \_\_\_\_\_. NEW SECTION. 56.53 LIMITATIONS ON  
 14 CONTRIBUTIONS – STATE REPRESENTATIVE.

15 1. If a candidate for state representative  
 16 registers for a restricted campaign, the candidate's  
 17 committee shall not accept contributions from a  
 18 political committee, other than a candidate's  
 19 committee or state or county statutory political  
 20 committee, which exceed two hundred dollars during a  
 21 general election period or special election period in  
 22 the case of a special election pursuant to section  
 23 69.14.

24 2. If a candidate for state representative  
 25 registers for a restricted campaign, the candidate's  
 26 committee shall not accept contributions from  
 27 political committees, excluding state and county  
 28 statutory political committees, aggregating more than  
 29 seven thousand dollars during a general election  
 30 period or special election period in the case of a  
 31 special election pursuant to section 69.14.

32 Sec. \_\_\_\_\_. NEW SECTION. 56.54 LIMITATIONS ON  
 33 CONTRIBUTIONS – STATE SENATOR.

34 1. If a candidate for state senator registers for  
 35 a restricted campaign, the candidate's committee shall  
 36 not accept contributions from a political committee,  
 37 other than a candidate's committee or state or county  
 38 statutory political committee, which exceed two  
 39 hundred dollars during a general election period or  
 40 special election period in the case of a special  
 41 election pursuant to section 69.14.

42 2. If a candidate for state senator registers for  
 43 a restricted campaign, the candidate's committee shall  
 44 not accept contributions from political committees,  
 45 excluding state and county statutory political  
 46 committees, aggregating more than fourteen thousand  
 47 dollars during a general election period or special  
 48 election period in the case of a special election  
 49 pursuant to section 69.14.

50 Sec. \_\_\_\_\_. NEW SECTION. 56.54A CHARACTERIZATION

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1 OF BALANCES – RESTRICTED CAMPAIGN ACCOUNT –  
 2 LEGISLATIVE CANDIDATES.

3 The candidate's committee of a candidate for state  
 4 representative or state senator who registers for a  
 5 restricted campaign and has a positive balance as of  
 6 the day the general election period begins shall  
 7 characterize that balance into the categories of  
 8 political action committee contributions and other  
 9 contributions, in proportion to the funds received in  
 10 each of those categories from the carryover balance,  
 11 if any, from the last preceding campaign and

12 contributions received since that time or since the  
 13 candidate's committee's creation. If any part of the  
 14 characterized balance exceeds the aggregate or  
 15 individual contribution limits set forth in sections  
 16 56.53 and 56.54 for a restricted campaign, the  
 17 committee shall establish a separate account through  
 18 which to conduct the restricted campaign and shall  
 19 transfer all the funds except the amounts of excess to  
 20 that separate account. The balance amounts  
 21 characterized as political action committee  
 22 contributions shall be applied against the respective  
 23 contribution limits of the restricted campaign."

24 \_\_\_\_\_. Page 4, line 34, by striking the figure  
 25 "56.55" and inserting the following: "56.53".

26 \_\_\_\_\_. Page 5, line 26, by inserting after the word  
 27 "campaigns" the following: "and defining the period  
 28 during which the contribution and expenditure  
 29 limitations apply in the case of a special election  
 30 pursuant to section 69.14."

31 3. Page 2, by striking lines 9 through 13 and  
 32 inserting the following:

33 "\_\_\_\_\_. Page 19, by striking lines 8 and 9 and  
 34 inserting the following:

35 "1. This Act, being deemed of immediate  
 36 importance, takes effect upon enactment, except as  
 37 provided in subsection 2." "

38 4. Page 2, line 16, by inserting after the word  
 39 "campaigns," the following: "providing for a  
 40 political contribution tax credit on the personal  
 41 income tax under certain circumstances, providing for  
 42 a political candidates fund to be used for partial  
 43 public financing of certain political campaigns and  
 44 providing appropriations, revising provisions relating  
 45 to the campaign finance income tax checkoff,".

46 5. By numbering and renumbering as necessary.

HALVORSON of Webster

H-4480

1 Amend the amendment, H-4466, to House File 685, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 2, by striking lines 14 through 28.

5 2. By renumbering as necessary.

BLANSHAN of Greene

H-4482

1 Amend the amendment, H-4466, to House File 685, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 2, line 34, by striking the word "five"

- 5 and inserting the following: "seven".  
 6 2. Page 2, line 35, by striking the word "Three"  
 7 and inserting the following: "Five".

SPEAR of Lee

H—4501

1 Amend House amendment, S—3750, to Senate File 149,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by striking lines 15 through 17, and  
 5 inserting the following:

6 "\_\_\_\_\_. Page 1, by striking lines 32 and 33, and  
 7 inserting the following: "seven and under sixteen  
 8 years of age by September 15 is of compulsory  
 9 attendance age, in proper physical and mental".

10 \_\_\_\_\_. Page 2, by inserting after line 14, the  
 11 following:

12 "Sec. \_\_\_\_\_. NEW SECTION. 299.1A COMPULSORY  
 13 ATTENDANCE AGE.

14 A child who has reached the age of six and is under  
 15 sixteen years of age by September 15 is of compulsory  
 16 attendance age.

17 Sec. \_\_\_\_\_. NEW SECTION. 299.1B COMPULSORY  
 18 ATTENDANCE AGE.

19 A child who has reached the age of six and is under  
 20 eighteen years of age by September 15 is of compulsory  
 21 attendance age." "

22 2. Page 1, by striking lines 25 through 33, and  
 23 inserting the following:

24 "\_\_\_\_\_. Page 3, by striking lines 21 and 22, and  
 25 inserting the following: "school over seven and under  
 26 sixteen years of age who is of compulsory attendance  
 27 age, the course of study pursued by".

28 \_\_\_\_\_. Page 3, by striking lines 33 and 34, and  
 29 inserting the following: "child who by September 15  
 30 is over seven and under sixteen years of age is of  
 31 compulsory attendance age, who places the".

32 \_\_\_\_\_. Page 4, by striking lines 17 and 18 and  
 33 inserting the following: "seven and under sixteen  
 34 years of age by September 15 is of compulsory  
 35 attendance age, who is physically or mentally".

36 \_\_\_\_\_. Page 4, line 19, by inserting after the word  
 37 "school," the following: "or whose presence in school  
 38 would be injurious to the health of other pupils," "

39 3. By striking page 1, line 49, through page 2,  
 40 line 20, and inserting the following:

41 "\_\_\_\_\_. Page 7, line 9, by striking the words "has  
 42 reached the".

43 \_\_\_\_\_. Page 7, by striking line 10, and inserting  
 44 the following: "and under sixteen years of age is of  
 45 compulsory attendance age, who is".

46 4. Page 2, by striking lines 29 through 33, and  
47 inserting the following:  
48 "\_\_\_\_\_. Page 8, by striking lines 14 and 15, and  
49 inserting the following: "seven and under sixteen  
50 years of age who are of compulsory attendance age, in

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1 their respective districts, the".  
2 5. Page 2, by striking lines 36 through 45.  
3 6. By striking page 3, line 48, through page 4,  
4 line 6, and inserting the following:  
5 "\_\_\_\_\_. Page 11, by inserting after line 5, the  
6 following:  
7 "Sec. \_\_\_\_\_. Section 299.1A is repealed effective  
8 June 30, 1994.  
9 Sec. \_\_\_\_\_. Section 299.1B takes effect July 1,  
10 1994." "

Senate Amendment

**RESOLUTIONS ADOPTED**

Resolutions adopted during the Seventy-third General Assembly, 1989 Session, not otherwise printed in the House Journal.

1                   House Concurrent Resolution 6  
 2                                   By Fey  
 3 A Concurrent Resolution designating March 1989 as Iowa  
 4 Women's History Month.  
 5     *Whereas*, Iowa women of every race, class, and  
 6 ethnic background helped found the state in countless  
 7 recorded and unrecorded ways as servants, nurses,  
 8 nuns, homemakers, industrial workers, teachers,  
 9 reformers, soldiers, and pioneers; and  
 10     *Whereas*, Iowa women have played and continue to  
 11 play a critical economic, cultural, and social role in  
 12 every sphere of our state's life by constituting a  
 13 significant portion of the labor force working in and  
 14 outside of the home; and  
 15     *Whereas*, Iowa women have played a unique role  
 16 throughout our history by providing the majority of  
 17 the state's volunteer labor force and have been  
 18 particularly important in the establishment of early  
 19 charitable, philanthropic, and cultural institutions  
 20 in the state; and  
 21     *Whereas*, Iowa women of every race, class, and  
 22 ethnic background served as early leaders in the  
 23 forefront of every major progressive social change  
 24 movement, not only to secure their own right of  
 25 suffrage and equal opportunity, but also in the  
 26 abolitionist movement, the emancipation movement, the  
 27 industrial labor union movement, and the modern civil  
 28 rights movement; and  
 29     *Whereas*, despite these contributions, the role of  
 30 Iowa women in history has been consistently overlooked

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1 and undervalued in the body of Iowa history; *Now*  
 2 *Therefore*,  
 3     *Be It Resolved By The House Of Representatives, The*  
 4 *Senate Concurring*, That the month of March 1989 is  
 5 designated as "Iowa Women's History Month", and the  
 6 Governor is requested to issue a proclamation calling  
 7 upon the people of Iowa to observe such month with  
 8 appropriate ceremonies and activities.

HCR 6 filed February 7, 1989; House adopted March 1, 1989;  
 Senate adopted March 1, 1989.

1           House Concurrent Resolution 7  
 2           By Committee On Transportation  
 3           (Successor To HSB 192)  
 4 A Concurrent Resolution relating to the implementation  
 5 of a state public transit assistance fund distri-  
 6 bution formula recommended by the Iowa public  
 7 transit assistance distribution study steering  
 8 committee.

9       *Whereas*, a public transit assistance distribution  
 10 study was provided for in 1988 Iowa Acts, chapter  
 11 1019, section 18, to study the mechanisms for the  
 12 distribution of the public transit assistance fund;  
 13 and

14       *Whereas*, the study was completed by a private  
 15 consulting firm, Ernst & Whinney, under the direction  
 16 of the Iowa public transit assistance distribution  
 17 study steering committee; and

18       *Whereas*, the recommendations of the study were  
 19 unanimously approved by the Iowa public transit  
 20 assistance distribution study steering committee; and

21       *Whereas*, the Iowa public transit assistance  
 22 distribution study steering committee received no  
 23 communication from public transit system operators who  
 24 oppose implementation of the study recommendations;  
 25 *Now Therefore*,

26       *Be It Resolved By The House Of Representatives, The*  
 27 *Senate Concurring*, That the air and transit division  
 28 of the state department of transportation is directed  
 29 to amend 761 Iowa administrative code, rules 920.1  
 30 through 920.6, to eliminate the "regional set-aside"

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1 from the current public transit assistance  
 2 distribution formula as recommended in the final  
 3 report of the Iowa public transit assistance  
 4 distribution study steering committee, dated January  
 5 1989, commencing with the fiscal year beginning July  
 6 1, 1989.

7       *Be It Further Resolved*, That a public transit  
 8 system in this state shall not receive less funding  
 9 from the public transit assistance fund, excluding  
 10 special project funding, for the fiscal year beginning  
 11 July 1, 1989, than the public transit system received  
 12 from the public transit assistance fund for the fiscal  
 13 year beginning July 1, 1988.

14       *Be It Further Resolved*, That the air and transit  
 15 division of the state department of transportation, if  
 16 necessary for implementation of the study  
 17 recommendation for the fiscal year beginning July 1,  
 18 1989, use the emergency filing and effective date  
 19 provisions of Code section 17A.5, subsection 2,  
 20 paragraph b.

HCR 7 filed March 7, 1989; House adopted March 22, 1989; Senate adopted April 10, 1989.

1           House Concurrent Resolution 10  
2           By Committee On Agriculture  
3           (Successor To HSB 368)  
4 A Concurrent Resolution to urge and petition the congress  
5 of the United States, the president of the United States,  
6 the federal trade commission, the packers and stockyards  
7 administration of the United States department of  
8 agriculture, and the attorney general of the United  
9 States to take initiatives to prevent the monopolization  
10 of the meat packing industry.  
11       *Whereas*, producers of livestock and livestock  
12 products in the state of Iowa represent a five billion  
13 dollar industry; and  
14       *Whereas*, the state of Iowa has traditionally been  
15 one of the largest producers of cattle in the nation  
16 and is the leading producer of swine in the country,  
17 producing twenty-three million four hundred thousand  
18 swine in 1988, accounting for two billion five hundred  
19 million dollars in the state's economy; and  
20       *Whereas*, the meat industry is approaching a state  
21 of concentrated shared monopoly power, and a highly  
22 advertised, differentiated national brand marketing of  
23 fresh meat; and  
24       *Whereas*, the slaughtering of beef and marketing of  
25 beef products is dominated by four large firms, and  
26 boxed beef production is almost completely accounted  
27 for by the four largest firms; and  
28       *Whereas*, four firms account for between fifty-six  
29 and sixty-nine percent of Iowa's total hog  
30 slaughtering; and

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1       *Whereas*, antitrust law is founded on economic  
2 principles of preserving competitive markets and a  
3 social policy that small business should be preserved;  
4 and  
5       *Whereas*, free competitive markets with  
6 decentralized decision making allow for more rapid  
7 adjustments and flexible responses to changing  
8 economic conditions; *Now Therefore*,  
9       *Be It Resolved By The House Of Representatives, The*  
10 *Senate Concurring*, That the general assembly hereby  
11 petitions the congress of the United States, the  
12 president of the United States, the federal trade  
13 commission, the packers and stockyards administration  
14 of the United States department of agriculture, and  
15 the United States attorney general to reverse the ever  
16 increasing shared monopoly power in meat packing, by

17 enforcing current antitrust legislation, and by  
 18 implementing new antitrust initiatives;  
 19 *Be It Further Resolved*, That specific action be  
 20 taken to restore competition in the beef packing  
 21 industry by requiring the breakup and divestiture of  
 22 firms which unfairly restrain trade through vertical  
 23 or horizontal integration of the market;  
 24 *Be It Further Resolved*, That specific action be  
 25 taken to stop further erosion of competition in the  
 26 pork packing industry;  
 27 *Be It Further Resolved*, That copies of this  
 28 resolution be submitted by the chief clerk of the  
 29 house of representatives to the president of the  
 30 United States, the chairperson of the federal trade

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1 commission, the administrator of the packers and  
 2 stockyards administration of the United States  
 3 department of agriculture, the attorney general of the  
 4 United States, and to the members of Iowa's  
 5 congressional delegation.

HCR 10 filed April 7, 1989; House adopted May 5, 1989;  
 Senate adopted May 6, 1989.

1 House Concurrent Resolution 21  
 2 By Poncy  
 3 A Concurrent Resolution to honor the late Honorable  
 4 Herschel C. Loveless, former Governor of the State  
 5 of Iowa.  
 6 *Whereas*, on the 4th day of May, 1989, the Honorable  
 7 Herschel C. Loveless, former Governor of the State of  
 8 Iowa, passed away; and  
 9 *Whereas*, Herschel C. Loveless had a long and dis-  
 10 tinguished career in government and politics, includ-  
 11 ing service as Mayor of Ottumwa, Governor of Iowa from  
 12 1956 to 1961, and member of the Federal Renegotiation  
 13 Board; and  
 14 *Whereas*, the General Assembly knew him to be a true  
 15 and faithful public servant, a man of courage and con-  
 16 viction, a devoted husband and father; and  
 17 *Whereas*, the General Assembly mourns and regrets  
 18 the loss to the state of a loyal and honored citizen;  
 19 *Now Therefore*,  
 20 *Be It Resolved By The House Of Representatives, The*  
 21 *Senate Concurring*, That the General Assembly extends  
 22 to the bereaved family and relatives of the late  
 23 Honorable Herschel C. Loveless its deep and profound  
 24 sympathy in their sorrow, and that the Speaker of the  
 25 House of Representatives and the President of the  
 26 Senate each appoint a committee of two to represent  
 27 the General Assembly at his funeral.

28 *Be It Further Resolved*, That an original signed  
 29 copy of this resolution be forwarded to each member of  
 30 his family.

HCR 21 filed May 5, 1989; House adopted May 5, 1989; Senate  
 adopted May 6, 1989.

1 House Concurrent Resolution 22  
 2 By Metcalf, Banks, Beaman, Bennett, Branstad,  
 3 Carpenter, Clark, Corbett, Daggett, De Groot, Diemer,  
 4 Eddie, Garman, Halvorson of Clayton, Hanson of  
 5 Delaware, Harbor, Hermann, Hester, Kistler, Kremer,  
 6 Lageschulte, Lundby, Maulsby, McKean, Miller, Pellett,  
 7 Petersen of Muscatine, Plasier, Renken, Royer,  
 8 Schnekloth, Shoning, Siegrist, Spenner, Stromer,  
 9 Stueland, Trent, Tyrrell, Van Maanen, Adams, Arnould,  
 10 Beatty, Bisignano, Black, Blanshan, Brammer, Brand,  
 11 Brown, Buhr, Chapman, Cohoon, Connolly, Connors,  
 12 Doderer, Dvorsky, Fey, Fogarty, Fuller, Groninga,  
 13 Gruhn, Halvorson of Webster, Hammond, Hansen of  
 14 Woodbury, Harper, Hatch, Haverland, Hibbard, Holveck,  
 15 Jay, Jesse, Jochum, Johnson, Knapp, Koenigs, Lykam,  
 16 May, McKinney, Mertz, Muhlbauer, Neuhauser, Ollie,  
 17 Osterberg, Pavich, Peters, Peterson of Carroll, Poncy,  
 18 Renaud, Rosenberg, Schrader, Shearer, Sherzan,  
 19 Shoultz, Spear, Svoboda, Swartz, Tabor, Teaford, and  
 20 Wise

21 A Concurrent Resolution relating to the designation of  
 22 May 29, 1989, as the "National Day of Remembrance  
 23 for the Victims of the USS Iowa."

24 *Whereas*, the USS Iowa, a battleship in the Navy on  
 25 maneuvers in the Atlantic Ocean, on April 19, 1989,  
 26 suffered a tragic explosion in its second forward gun  
 27 turret; and

28 *Whereas*, the explosion killed 47 heroic crew  
 29 members of the USS Iowa; and

30 *Whereas*, the people of the United States are filled

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1 with sorrow because of the explosion and extend to the  
 2 families of the victims their utmost sympathy; and  
 3 *Whereas*, Memorial Day will be observed this year on  
 4 May 29, 1989, honoring those who have died while  
 5 serving in the armed forces; *Now Therefore*,

6 *Be It Resolved By The House Of Representatives, The*  
 7 *Senate Concurring*, That the Iowa General Assembly  
 8 requests the Congress of the United States to  
 9 designate May 29, 1989, as the "National Day of  
 10 Remembrance for the Victims of the USS Iowa", and  
 11 requests the President of the United States to issue a  
 12 proclamation calling upon the people of the United  
 13 States to observe this day with appropriate ceremonies

14 and activities.

HCR 22 filed May 5, 1989; House adopted, as amended, May 6, 1989; Senate adopted May 6, 1989. (See page 2597 of the House Journal for text of amendment.)

1 House Resolution 5  
 2 By Stromer, Harbor, Maulsby, Van Maanen, Tyrrell,  
 3 Halvorson of Clayton, Pellett, Schnekloth, Stueland,  
 4 Eddie, Lundby, Hanson of Delaware, Metcalf, Renken,  
 5 Shoning, Branstad, Daggett, De Groot, Trent, Bennett,  
 6 Garman, Siegrist, Carpenter, Plasier, Hester, Kremer,  
 7 Diemer, Hermann, Royer, Petersen of Muscatine,  
 8 Kistler, McKean, Beaman, Spenner, Clark, Banks,  
 9 Corbett, and Miller  
 10 A House Resolution relating to the proposed congressional  
 11 salary increase.  
 12 *Whereas*, current congressional salaries are well  
 13 above the national average for salaries; and  
 14 *Whereas*, during the past decade congressional  
 15 salaries have kept pace with inflation at the same  
 16 rate as other American wage earners; and  
 17 *Whereas*, many Americans continue to struggle to  
 18 sustain an adequate level of income to maintain  
 19 affordable health care and affordable housing for  
 20 their families; and  
 21 *Whereas*, twenty-five states have ratified a  
 22 constitutional amendment requiring that a law varying  
 23 congressional compensation not take effect until after  
 24 an intervening election of Congress; and  
 25 *Whereas*, the present mechanism of increasing  
 26 congressional salaries requires no formal vote; *Now*  
 27 *Therefore*,  
 28 *Be It Resolved By The House Of Representatives*,  
 29 That Speaker of the United States House of  
 30 Representatives James Wright call the United States

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1 House of Representatives into session to consider the  
 2 proposed congressional salary increase prior to the  
 3 effective date of the increase; and  
 4 *Be It Further Resolved*, That an open debate and  
 5 formal recorded vote on the proposed congressional  
 6 salary increase be had in accordance with the wishes  
 7 of most citizens of the United States and many members  
 8 of Congress; and  
 9 *Be It Further Resolved*, That the Chief Clerk of the  
 10 Iowa House of Representatives provide each member of  
 11 the Iowa congressional delegation and Speaker Wright  
 12 with a copy of this resolution.

HR 5 filed February 6, 1989; House adopted February 7, 1989.

**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 1989 Regular Session of the Seventy-third General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 5— Allowing employees to choose the care given under workers' compensation medical benefits. Vetoed 5-26-89. See Governor's Veto Message.
- H.F. 20— Relating to dissolution of marriage and related proceedings by providing for a pilot program of mandatory mediation of contested issues of child custody and visitation. Approved 5-15-89.
- H.F. 59— Relating to the purchase and sale of grain by providing for the offering of a special quality grains electronic bulletin board service through the department of agriculture and land stewardship and providing for an advisory committee study of grain marketing to draft proposed legislation to develop the market for special quality grains. Approved 5-22-89.
- H.F. 71— Establishing pilot projects for a peer review court as a diversion program for offenders ten through seventeen years of age. Approved 5-31-89.
- H.F. 88— Providing for nonresident hunting licenses for deer and wild turkey. Approved 5-27-89.
- H.F. 98— Relating to the establishment of bank offices within a municipal corporation or urban complex in which the principal place of business of the bank is located and the formation of united community bank offices. Approved 5-18-89.
- H.F. 124— To increase the fee for the wildlife habitat stamp. Approved 5-27-89.
- H.F. 127— To allow class "C" liquor control license holders and class "B" beer permit holders to brew beer to be served on the premises and making the barrel tax on beer applicable. Approved 5-24-89.
- H.F. 140— Relating to the linked deposit program and creating a main street linked investments loan program and providing an effective date. Approved 5-26-89.
- H.F. 141— Relating to the approval of the natural resource commission of county conservation board acquisitions or developments. Approved 5-22-89.
- H.F. 146— Relating to the county commission of veteran affairs. Approved 5-28-89.
- H.F. 163— Relating to the duties of the department of inspections and appeals in the appeal and hearing processes of the state department of transportation. Approved 6-1-89.
- H.F. 166— Relating to the authority of county conservation boards, by authorizing the charging of certain county park fees and by prohibiting the exclusive use of county parks by one or more organizations. Approved 5-27-89.

- H.F. 196 — Relating to the collection of certain adoption information according to federal regulations. Approved 5-8-89.
- H.F. 198 — Relating to the issuance and possession of commercial fishing operators' licenses. Approved 5-22-89.
- H.F. 199 — Relating to individual and group accident and sickness insurance, non-profit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating inclusion of minimum mammography examination coverage under certain conditions. Approved 6-2-89.
- H.F. 234 — Relating to entities and subject matter regulated by the department of commerce, division of banking, including banks, regulated loans, and industrial loan companies. Approved 5-29-89.
- H.F. 255 — Relating to forms for the registration of voters. Approved 5-8-89.
- H.F. 271 — Relating to the repeal of a local option sales and services tax and providing an effective date. Approved 6-1-89.
- H.F. 272 — Relating to the Iowa logo program by providing for the use of a label or trademark to identify Iowa products and services, authorizing the establishment of guidelines, and providing an effective date. Approved 5-22-89.
- H.F. 273 — Relating to economic development corporations in Iowa. Approved 5-22-89.
- H.F. 293 — Relating to gifts, contributions, bequests, endowments, and other moneys for purposes of the library division of the department of cultural affairs. Approved 5-26-89.
- H.F. 313 — Relating to voluntary annexation by authorizing a city to provide for a transition for imposition of city taxes within an annexed area and by reducing the common boundary of an adjoining property and certain designated municipal property, and providing an effective date. Approved 6-5-89.
- H.F. 331 — Relating to standards for apples established by the secretary of agriculture, providing for the establishment of fees, and providing penalties. Approved 5-23-89.
- H.F. 343 — Relating to the labeling, advertising, adulteration, misbranding, and dispensing of drugs, devices, and cosmetics, providing penalties, and providing properly related matters. Approved 5-22-89.
- H.F. 344 — Relating to the substance abuse law. Approved 5-27-89.
- H.F. 355 — Relating to travel agents and agencies by providing for registration and regulation, and providing for fees and penalties. Approved 6-1-89.
- H.F. 373 — Relating to the registration, regulation, and inspection of swimming pools and spas, and providing penalties. Approved 6-2-89.
- H.F. 402 — Relating to foster care by establishing certain provisions regarding voluntary foster care placements. Approved 5-15-89.

- H.F. 403 — Relating to child support awards by requiring the application of uniform support guidelines by the courts and the department of human services and providing an effective date. Approved 5-15-89.
- H.F. 430 — Authorizing the appointment or designation of a city health officer. Approved 5-8-89.
- H.F. 432 — Relating to canteen funds under the authority of the director of the department of corrections. Approved 5-8-89.
- H.F. 448 — Relating to certain employment benefit coverages for real estate agents under the workers' compensation law and for persons employed by the natural resource commission under the unemployment compensation law. Approved 5-24-89.
- H.F. 451 — Relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing for the applicability of the Act. Approved 5-31-89.
- H.F. 459 — Relating to the disposition of seizable and forfeitable property, by modifying provisions relating to seizable property and seizure of vehicles, by providing for classes of forfeitable property, amending the burden of proof at forfeiture proceedings, providing for conditions of forfeiture, establishing certain affirmative defenses, presumptions, and counterclaims, providing for the award of attorney fees, and providing an applicability date and an effective date. Vetoed 6-1-89. See Governor's Veto Message.
- H.F. 477 — Relating to certain motor vehicles, by providing for the ownership, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, the operation of certain motor vehicles, subjecting violators to penalties, and providing effective dates. Approved 5-27-89.
- H.F. 490 — Relating to the department of inspections and appeals, revising provisions governing the structure and allocation of duties within the department, changing the structure for racing and gaming regulation, providing changes in certain statutory requirements relating to bingo and other games and raffles, authorizing the enforcement of agreements or compacts entered into between the state and Indian tribes under the Indian gaming regulatory act, authorizing warrantless searches of excursion gambling boats under certain conditions, revising the responsibilities of the department, and providing other properly related matters. Approved 5-26-89.
- H.F. 496 — Relating to credit services organizations, by requiring their registration, imposing regulation, and providing penalties. Approved 5-22-89.
- H.F. 513 — Prohibiting the theft of telephone service, and making penalties applicable. Approved 5-15-89.
- H.F. 522 — Relating to the filling of a vacancy on the county board of supervisors or in the elected county offices. Approved 5-24-89.

- H.F. 529 — Relating to the exemption from civil and criminal liability arising from the donation of food. Approved 5-22-89.
- H.F. 533 — Relating to the regulation of grain management, by providing for licensing and regulation of grain dealers and warehouse operators and the administration of licensing and regulation within the department of agriculture and land stewardship and by the Iowa grain indemnity board. Approved 5-8-89.
- H.F. 549 — Relating to the agricultural product advisory council. Approved 5-24-89.
- H.F. 550 — Relating to providing assistance to retrain workers in existing businesses and providing for an evaluation of retraining programs. Approved 5-24-89.
- H.F. 551 — To modify the requirements for establishing an aviation authority. Approved 5-22-89.
- H.F. 556 — Relating to increasing the penalty and providing for attorney fees for failure to acknowledge satisfaction of a mortgage within thirty days. Approved 5-29-89.
- H.F. 572 — Relating to the payment for uniform citation and complaint forms. Approved 5-15-89.
- H.F. 573 — Relating to city and county civil service, by providing for meetings of civil service commissions, by providing for civil service medical examinations, and by providing an effective date. Approved 5-22-89.
- H.F. 578 — Excluding from income for purposes of state and local government benefit or entitlement programs and the state individual income tax proceeds received for damages resulting from exposure to certain herbicides and providing a retroactive applicability date. Approved 5-28-89.
- H.F. 579 — Relating to involuntary hospitalization procedures applicable to the mentally ill. Approved 6-1-89.
- H.F. 581 — Authorizing a reserve account for fire protection, emergency warning, and ambulance services provided by townships. Approved 5-8-89.
- H.F. 585 — Relating to guardians and conservators, by providing for notice to proposed wards, formation of state and local emergency medical boards, immunity from liability, waiver of filing fees and costs, training of guardians and conservators, and implementation of a representative payee project. Approved 5-22-89.
- H.F. 596 — Relating to the handling and use of county and municipal infractions, making a Code correction in regard to such infractions, and providing for penalties and remedies for such infractions. Approved 5-8-89.
- H.F. 623 — Relating to developing comprehensive management plans with owners of highly erodible land. Approved 5-22-89.
- H.F. 641 — Relating to human immunodeficiency virus-related testing and counseling, and eliminating a penalty. Approved 5-26-89.

- H.F. 643 — Relating to the filing of a bond by out-of-state contractors. Approved 5-29-89.
- H.F. 644 — Relating to institutions, programs, and funds for which the college aid commission acts as a guaranteeing agency. Approved 6-5-89.
- H.F. 650 — Relating to products derived from sorghum, including labeling requirements, and making a penalty applicable. Approved 5-8-89.
- H.F. 660 — Requiring the performance of monthly fuel surveys by the department of natural resources. Approved 5-8-89.
- H.F. 662 — Relating to court proceedings involving child support orders where the dependent child resides in another state. Approved 5-22-89.
- H.F. 663 — Requiring motorized bicycles to be equipped with bicycle safety flags and providing a penalty. Approved 5-22-89.
- H.F. 668 — Relating to bonds for state, county, and city officers, including waiver of the exemption of a homestead from execution and liability of the officers. Approved 5-8-89.
- H.F. 669 — Prohibiting the sale or distribution of purple loosestrife (*lythrum salicaria*) and multiflora rose (*rosa multiflora*), and subjecting violators to a penalty. Approved 5-22-89.
- H.F. 672 — Relating to harassment and providing penalties. Approved 5-26-89.
- H.F. 674 — Relating to victim counseling and services. Approved 5-22-89.
- H.F. 675 — Relating to the establishment and financing of geographic data base systems by cities and counties. Approved 5-22-89.
- H.F. 678 — Relating to certain filings with the secretary of state by nonprofit corporations. Approved 5-15-89.
- H.F. 686 — Establishing an international network on trade, establishing the Wallace technology transfer foundation of Iowa, authorizing the issuance of bonds, and providing effective dates. Approved 5-29-89.
- H.F. 688 — Relating to the protection of children, by providing for the grounds and procedures for child in need of assistance and termination of parental rights proceedings. Approved 5-26-89.
- H.F. 690 — Relating to the protection of children, by modifying provisions relating to a child in need of assistance, child abuse, termination of parental rights, and providing for a procedure relating to courtroom testimony of children in this state and the deposition testimony of witnesses in a foreign jurisdiction. Approved 5-26-89.
- H.F. 692 — Requiring the department of inspections and appeals to develop a special classification of residential care facilities. Approved 5-31-89.
- H.F. 700 — Relating to victims of certain criminal acts, by providing for the distribution of the presentence investigation report to counsel, registration of victims with the county attorney, filing of the victim impact statement, notification to victims by various departments, reorganizing crime victim assistance programs and services within the department of justice, and modifying the state crime victim reparation program. Approved 6-1-89.

- H.F. 703— Relating to the financing for the rural community 2000 program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program. Approved 6-5-89 with the exception of Section 18 and Section 20, Subsection 7. See Governor's Item Veto Message.
- H.F. 706— Relating to the use of federal and state funding sources to finance job training through vocational education. Approved 5-31-89.
- H.F. 721— Enacting the quad cities interstate metropolitan authority compact. Approved 5-23-89.
- H.F. 722— Relating to infectious waste management. Approved 5-27-89.
- H.F. 723— Relating to the implementation of a program for integrated roadside vegetation management and weed control, including the crediting of moneys to the living roadway trust fund, and providing an effective date. Approved 5-27-89.
- H.F. 728— Relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by providing notice and penalty for delinquent taxes, by revising the use of zoned editions of a newspaper, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase. Approved 5-23-89.
- H.F. 729— Relating to insurance coverage for health care services, requiring that coverage be made available for care provided by certain registered nurses, providing for direct payment, modifying provisions relating to preferred providers, and providing for data collection and utilization review. Approved 5-15-89.
- H.F. 734— Relating to the powers and duties of the Iowa corn promotion board. Approved 5-22-89.
- H.F. 735— Relating to enhanced 911 emergency telephone communications systems, and providing for the Act's applicability, and providing a special effective date. Approved 5-15-89.
- H.F. 740— Relating to obscenity law, providing penalties, and making penalties applicable. Approved 5-31-89.
- H.F. 745— Relating to the stopping, standing, and parking of vehicles including parking for handicapped persons and providing penalties and effective dates. Approved 5-27-89.
- H.F. 751— Relating to the remittance of the local option tax to local governments. Approved 6-1-89.
- H.F. 753— Relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and

expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters. Approved 5-31-89 with the exception of Section 11, subsections 2, 3, 4 and 10; and Section 25. See Governor's Item Veto Message.

- H.F. 755 — Relating to mobile home taxes and providing an effective date. Approved 5-22-89.
- H.F. 758 — Permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine. Approved 5-29-89.
- H.F. 764 — Relating to the establishment of real estate education programs and making an appropriation and relating to reciprocity in continuing education requirements for persons licensed to sell real estate in this state. Approved 6-2-89.
- H.F. 765 — Exempting certain deeds transferring real estate from declarations of value and the tax on transfers. Approved 5-31-89.
- H.F. 769 — Creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, authorizing a state-sponsored credit card, providing for properly related matters, subjecting violators to penalties, and providing an effective date. Approved 5-27-89.
- H.F. 770 — Relating to the sales and use tax and providing an exemption from taxation for consumer rental purchases. Approved 5-26-89.
- H.F. 771 — Relating to eligibility for reimbursement for rent constituting property tax paid and providing for a retroactive applicability date. Approved 5-26-89.
- H.F. 772 — Relating to and making appropriations to the justice system. Approved 6-5-89 with the exception of Section 7, Subsection 1; Section 7, Subsection 2, unlettered paragraph 2; Section 7, Subsection 4; Section 7, Subsection 6, lettered paragraph a; Section 7, Subsection 6, lettered paragraph f; Section 11; Section 15; Sections 22, 23, 24, 25, 26, 27 and 28. See Governor's Item Veto Message.
- H.F. 774 — 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, providing for the imposition of a tax, and providing effective dates. Approved 6-5-89 with the exception of Section 1, Subsection 4, a portion of Subsection 5 and Subsection 7; Section 4; Section 7, Subsection 2; Section 11, Subsection 1; Section 19, Subsection 1a, unnumbered and unlettered paragraphs 5, 6, and 7; Section 19, Subsections 2b, 3b, and 4b; Section 19, Subsection 2b, unnumbered paragraph 2; Subsection 3b, unnumbered paragraph 2; and Subsection 4b, unnumbered paragraph 2; Section 22;

Section 23; Section 26; Section 30; Section 35; Section 60; Section 69; Section 76; and a portion of Section 81. See Governor's Item Veto Message.

- H.F. 775— Relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health. Approved 6-5-89 with the exception of Section 2, Subsection 5; Section 5, Subsection 11, lettered paragraph f. See Governor's Item Veto Message.
- H.F. 776— Relating to the operation and dissolution of a benefited fire district including a city, and authorizing the levy of a property tax. Approved 5-29-89.
- H.F. 777— Relating to the length of occupancy of the homestead for purposes of the homestead credit and providing an effective date. Approved 5-29-89.
- H.F. 778— Relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, the acquisition and use of land, and the control of certain vegetation, providing for the repeal of fees, and providing effective dates. Approved 5-13-89 with the exception of Section 1, subsection 2, letter c; Section 1, subsection 2, letter d; Section 3; Section 6, subsection 1, paragraph b; and Section 17. See Governor's Item Veto Message.
- H.F. 779— Relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties. Approved 6-5-89 with the exception of Section 7, Subsection 5. See Governor's Item Veto Message.
- H.F. 780— Relating to substance abuse treatment and narcotics law enforcement, making certain appropriations, providing penalties, and providing an effective date. Approved 5-26-89.
- H.F. 782— Relating to the revocation of a motor vehicle license or nonresident operating privilege as the result of a conviction for certain vehicular homicide offenses. Approved 5-23-89.
- H.F. 784— Relating to motor vehicle registrations and certificates of title and providing penalties and effective dates. Approved 5-22-89.
- H.F. 785— Relating to and making appropriations from the Iowa plan fund and providing an effective date. Approved 6-3-89 with the exception of a portion of Section 4, Subsection 3d, Subparagraph 1; a portion of Section 5, Subsection 4, lettered paragraph b, numbered paragraph 4; Section 7, paragraph u; and Section 8, Subsection 9, lettered paragraph d, numbered paragraph 2. See Governor's Item Veto Message.

- H.F. 789— Relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation. Approved 5-31-89 with the exception of Section 1, subsection 2, paragraph i; and Section 2. See Governor's Item Veto Message.
- H.F. 790— Relating to the voluntary certification of real estate appraisers, real estate appraisal standards, and providing for penalties. Approved 6-2-89.
- H.F. 791— Relating to the decertification of a magistrate prior to commencement of the magistrate's term and providing an effective date. Approved 5-23-89.
- H.F. 792— Relating to transportation of hazardous materials and providing an effective date. Approved 5-22-89.
- H.F. 794— Establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission. Approved 5-31-89.
- H.F. 795— Relating to drought assistance, making appropriations, providing for testing, and providing effective dates. Approved 6-1-89.
- H.F. 799— Relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority, the authorization for the issuance of revenue bonds, and providing an effective date. Approved 6-5-89 with the exception of Section 1, Subsections 2, 3, and 4; Section 2; a portion of Section 4; Sections 5, 6, 10, 11, 12 and 13. See Governor's Item Veto Message.
- S.F. 14— Relating to regulation, including the regulation of educational services and of practice professions, and making penalties applicable. Approved 5-27-89.
- S.F. 31— Relating to the violation of a law or rule of a health care facility, providing a penalty, and providing for the repeal of a penalty. Approved 5-27-89.
- S.F. 46— Relating to the employment of inmates and prisoners. Vetoed 5-8-89. See Governor's Veto Message.
- S.F. 56— Establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons and certain owner-occupied housing. Approved 5-22-89.
- S.F. 71— Authorizing a special land use district to designate an area for preservation as an area of historical significance. Approved 5-8-89.
- S.F. 86— Relating to the authority of a city to levy a tax for the support of municipal bands and other musical groups and support of certain tax exempt artistic and cultural organizations. Approved 5-22-89.
- S.F. 88— Relating to children, youth, and families, providing for the collection, development, and dissemination of statistical information, eliminating certain requirements for review and reporting by the county board of social welfare, providing for the continued existence of the division of children, youth, and families in the department of human rights, and providing an effective date. Approved 5-23-89.

- S.F. 111— Relating to foreign money judgments and providing an effective date. Approved 5-18-89.
- S.F. 118— Relating to the administration of the state's liquor control laws by the alcoholic beverages division of the department of commerce. Approved 5-15-89.
- S.F. 119— Relating to state financial management by revising provisions governing the reversion of appropriations, the prescribing of uniform accounting systems and forms, account coding to identify authorizing statutes, and authorization for the prepayment of claims, and providing properly related matters. Approved 6-1-89.
- S.F. 122— Relating to the practice of tattooing and providing penalties. Approved 5-11-89.
- S.F. 132— Relating to the fee retained by county treasurers for use tax collection on vehicles. Approved 5-18-89.
- S.F. 141— 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. Approved 6-3-89.
- S.F. 153— Relating to the department of inspections and appeals by providing for income tax refund and rebate setoff procedures by the investigations division, and use tax. Approved 5-29-89.
- S.F. 154— Relating to the state's cigarette and tobacco products tax; fuel tax; withholding tax; corporate and personal income tax; sales, services and use tax; franchise tax; hotel and motel tax; property tax exemptions; and inheritance and estate taxes; and providing a penalty. Approved 5-29-89.
- S.F. 157— Relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, changing time limits on use of a school license, and providing an effective date. Approved 5-31-89.
- S.F. 167— Specifying that under certain circumstances a city is not contiguous to another for purposes of a local option sales and services tax. Approved 5-8-89.
- S.F. 170— Relating to personnel serving the consumer advocate division of the department of justice and the utilities division of the department of commerce, deleting provisions relating to the consumer advocate's authority to utilize employees of the utilities division, expanding the authority to employ consultants and technical advisors pursuant to contract, revising provisions relating to compensation, and providing effective dates. Approved 5-15-89.
- S.F. 185— Relating to the hotel and motel tax and providing an exemption. Approved 6-3-89.

- S.F. 186 — Relating to the updating of the reference to the Internal Revenue Code, and providing refund provisions for certain income and inheritance tax payments, and providing applicability and effective dates. Approved 6-1-89.
- S.F. 213 — Exempting from the sales, services, and use tax the sale of certain films, tapes, discs, and records to a person engaged in the business of leasing, renting, or selling these items and providing effective and retroactive effective dates. Approved 5-8-89.
- S.F. 215 — Relating to the sales and use tax and providing an exemption from tax for certain irrigation equipment. Approved 5-30-89.
- S.F. 220 — Relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates. Approved 5-24-89.
- S.F. 223 — Relating to early childhood and kindergarten programs. Approved 5-22-89.
- S.F. 224 — Relating to student exercise of free expression in the public schools. Approved 5-11-89.
- S.F. 233 — Providing for DNA profiling of certain criminal offenders. Approved 5-11-89.
- S.F. 256 — Relating to the allowable axle weights for vehicles transporting raw materials which are removed from a road under construction. Approved 5-22-89.
- S.F. 266 — Requiring electric utilities to have in effect a comprehensive energy management program before increased revenue requirements may be finally approved by the utilities board. Approved 5-8-89.
- S.F. 272 — Relating to insurance by providing for notice and review of contracts between insurers and managing general agents and providing for regulation of third-party administrators. Approved 5-26-89.
- S.F. 278 — Relating to the disclosure of information by continuing care retirement communities and senior adult congregate living facilities, and providing penalties. Approved 5-24-89.
- S.F. 291 — Relating to security interests in mobile homes by permitting the secured party to retain the mobile home title, and by permitting secured parties, including mortgagees, to apply for reconversion of a mobile home from real property to personal property. Approved 5-30-89.
- S.F. 295 — Relating to school bus driver education requirements. Approved 5-26-89.
- S.F. 349 — Relating to the provision of potable water and sanitary cups by a railroad in all locomotive engine and caboose areas, and providing for enforcement. Approved 5-22-89.
- S.F. 361 — Relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions. Approved 5-31-89.

- S.F. 366— Authorizing a city to seek a judgment against a property owner for improvements made to the property. Approved 5-30-89.
- S.F. 369— Making a supplemental appropriation to complete the GAAP implementation schedule for the merged area schools' general operations and to continue the ethanol truck project, and requiring the release and allocation of previously appropriated funds, requiring reimbursement for the auditor of state, and providing an effective date. Approved 5-8-89.
- S.F. 371— Relating to elections and election procedures. Approved 5-8-89.
- S.F. 386— Eliminating refunds from excise taxes on egg sales. Approved 5-8-89.
- S.F. 391— Relating to reporting county jail information to the director of the department of corrections. Approved 5-15-89.
- S.F. 407— Relating to unclaimed intangible personal property by providing for the treatment of claims in the course of the dissolution of a corporation in the same manner as unclaimed property held by a court or by the state and by altering certain aspects of claim administration, distribution of moneys, and other matters properly related with the disposition of unclaimed personal property and procedures related thereto. Approved 6-1-89.
- S.F. 419— Relating to energy efficiency and providing effective dates. Approved 6-3-89.
- S.F. 423— Exempting from state taxes certain bonds and notes issued by the agricultural development authority. Approved 5-18-89.
- S.F. 426— Relating to sexual abuse, including sexual abuse in the third degree and sexual abuse which constitutes a forcible felony, to release on appeal from a conviction of sexual abuse in the third degree, to evidence admissible in an action for damages arising from an injury resulting from an act of sexual abuse, and providing penalties. Approved 5-8-89.
- S.F. 428— Relating to the installation and use of telecommunications devices for deaf persons in an enhanced 911 service area. Approved 5-11-89.
- S.F. 434— Relating to elimination of the filing and docketing fee for a petition for modification of a dissolution decree and reduction of the fee for a certificate and seal and increasing certain other probate fees. Approved 5-22-89.
- S.F. 441— Relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion of the Act. Approved 6-1-89.
- S.F. 449— Relating to vocational education and requesting a study. Approved 6-1-89.
- S.F. 450— Relating to educational standards, permitting waiver of student participation in physical education under certain circumstances if the student is participating on an athletic team, and making technical changes. Approved 5-23-89.

- S.F. 459— Relating to payment of a senior judge's medical insurance premium and annuity. Approved 5-15-89.
- S.F. 462— Relating to credit transactions by changing the maximum service fee on loans by industrial loan companies, by changing the maximum finance charge for certain consumer loans pursuant to open-end credit. Approved 6-3-89.
- S.F. 466— Allowing a speculative industrial building built by a local community development organization to be eligible under the rural community 2000 loan program as a new infrastructure. Approved 5-22-89.
- S.F. 470— Relating to waste minimization and disposal. Approved 5-27-89.
- S.F. 474— To establish a pseudorabies control program and providing for penalties and the repeal of a chapter. Approved 6-1-89.
- S.F. 488— Relating to solid waste disposal and providing penalties. Approved 6-1-89.
- S.F. 491— Relating to the destruction of the contents of an original court file. Approved 5-15-89.
- S.F. 497— Relating to transportation certificates for livestock by requiring inclusion of the driver's license number of the owner of the livestock on the transportation certificate. Approved 5-22-89.
- S.F. 502— Relating to business corporations, and related matters including the elimination of filing of corporate documents with the county recorder for all forms of corporate entities, and providing a special effective date. Approved 6-1-89.
- S.F. 508— Relating to liens on real or personal property and providing a remedy and an effective date. Approved 5-15-89.
- S.F. 512— Relating to chemical emergencies, providing for the establishment of the Iowa emergency response commission and specifying its powers and duties, providing for intergovernmental agreements, providing for the designation of local emergency planning districts and the appointment of local emergency planning committees, providing for immunity from liability, providing disclosure requirements, authorizing civil actions by the commission, and providing properly related matters. Approved 5-22-89.
- S.F. 515— Relating to the assessment and valuation of special purpose tooling property. Approved 5-18-89.
- S.F. 517— Relating to and making appropriations to various state agencies including certain state 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, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date. Approved 6-5-89 with the exception of Section 1, unnumbered paragraphs 3, 4, and 5; Section 20, unnumbered paragraphs 4, 5 and a portion of unnumbered paragraph 6; Sections 30 and 31. See Governor's Item Veto Message.

- S.F. 519— Relating to the administration of criminal justice, by providing for review of an offender's record, revocation of an offender's parole, restructuring the board of parole, and providing an effective date. Approved 6-1-89.
- S.F. 521— 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 5-11-89.
- S.F. 522— Relating to radon testing and abatement, and making a penalty applicable. Approved 5-26-89.
- S.F. 524— Relating to roads and funding available for roads including appropriations of moneys to the affected jurisdictions, creating the county bridge construction fund and the city bridge construction fund, and creating the Iowa highway research board and providing for the board's compensation and expenses. Approved 6-2-89.
- S.F. 525— Relating to excursion gambling boats, by providing licensing requirements, by providing for the allocation of revenue, by providing for the accounting of receipts, by providing restrictions on the operation of gambling games, and providing a penalty. Approved 5-8-89.
- S.F. 526— To legalize proceedings of the city council of the city of Ventura relating to the method of payment for a construction project and providing an effective date. Approved 5-18-89.
- S.F. 531— 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, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, providing for the preservation of natural areas and historic sites in road design, construction, and maintenance, altering the fee for duplicate or replacement motor vehicle licenses and non-operator's identification cards, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, providing for the issuance of special Pearl Harbor registration plates, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application. Approved 6-5-89 with the exception of Sections 20, 21, 26, 27, 39, 40, 44 and 45. See Governor's Item Veto Message.
- S.F. 536— Relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date. Approved 5-26-89 with the exception of Section 9. See Governor's Item Veto Message.
- S.F. 537— Relating to the indexing of the standard deduction for income tax purposes, providing an earned income tax credit, relating to state individual income tax by giving capital gain deduction treatment to limited amounts of capital gain, and providing certain applicability dates. Approved 5-31-89.

- S.F. 538 — Relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access and a study of health care insurance; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; rural health systems delivery and related taxation and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; health care utilization; operation of the Iowa comprehensive health insurance association; making appropriations to certain state agencies; requiring certain employers to provide health insurance; providing a sales tax exemption to certain nonprofit health organizations; and providing for other properly related matters. Approved 6-5-89 with the exception of Sections 104, 402, 403, 404, 405, 406, 603, and 902; Section 1104, subsections 2 and 3; Section 1105; Section 1107; Section 1109; Section 1112, subsection 2; and Section 1113. See Governor's Item Veto Message.
- S.F. 539 — Relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing a retroactive applicability date. Approved 5-26-89.
- S.F. 540 — Relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the schedule of basic needs under the aid to dependent children program, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties. Approved 6-1-89.
- S.F. 541 — Relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicability, and providing an effective date. Approved 6-5-89 with the exception of Section 2, subsection 3; Section 4, subsection 2; Section 8, subsections a, b, f, g, and h; Section 12, subsections 6 and 8; Section 23, subsections 2, 3a, 5a and b. See Governor's Item Veto Message.
- S.F. 546 — Relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the Governor to establish criteria for evaluating and funding the projects; requiring the use of the most recent estimate of the revenue estimating conference in the budget process; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; and extending the lottery. Approved 6-3-89 with the exception of Section 3, subsections d, f and g; Section 4 (the designated portion referring to the definition of "capital project"); Section 7; Section 8, Sections 9 through 27; Section 28 (the designated portion); and Section 29 (the designated item). See Governor's Item Veto Message.

## GOVERNOR'S VETO MESSAGES

May 26, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

House File 5, an act allowing employees to choose the care given under workers' compensation medical benefits, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 5 is the workers' compensation bill of this session. It changes the current workers' compensation system so that ten days after an on the job injury an employee would choose the care to be received. However, in emergency situations the bill apparently would give the choice of both the medical facility and physician to the employee immediately and would require that in such situations the employee be taken to the "nearest medical facility" regardless of where the best treatment for the specific injury may be received.

There is no question that employees injured on the job in Iowa deserve to have prompt, high quality and cost effective medical care. Moreover, once they have been injured they deserve to receive appropriate workers' compensation benefits. Iowa's current workers' compensation system accomplishes those goals.

Presently, a worker that is injured in this state receives compensation benefits that rank among the top fifteen states in the country. Indeed, our maximum benefit is the highest in the country and represents a real image problem for our state in terms of competing for economic development projects. However, because of the health care cost containment features built into our current system and the good safety records of our companies, our state actually ranks among the bottom fifteen states in the actual costs of the workers' compensation premium to the employer.

This combination — generous benefits to the injured employee and competitive costs to the employer — represents a delicately balanced workers' compensation system that protects the interest of both the employee and the employer. Moreover, the adverse economic development impacts of the more uncompetitive features of our current system are ameliorated by the way in which workers' compensation injuries are treated under the current law.

House File 5 would destroy that delicate balance in our current workers' compensation system and would present an unworkable and uncompetitive alternative. This bill would likely destroy some of the most important health care cost containment features of the current system and, indeed, threaten the quality of care that many workers receive. It is for these reasons, that I must veto House File 5.

Specifically, House File 5 would likely drive the cost of workers' compensation up considerably in the state. The Department of Personnel has estimated the cost of workers' compensation for state employees would rise by ten percent under this system. Similar estimates have been made by the national rate setting entities.

The reason for the increase is simple: our current system of employer choice of health care for an injured employee is consistent with many of the features of health care cost containment mechanisms that are being put in place in both the public and the private sectors today. These plans involve contracting for care with a group of doctors who are best able to provide the type of care needed by the employees. In addition, such contracting usually allows the contractor to obtain a more cost effective per unit price for each of the health care services provided. By providing for unfettered employee discretion in choosing health care and, in effect, authorizing "doctor shopping", House File 5 could destroy the cost containment features of our current system. As a result, it is estimated that we would see a significant increase in health care costs.

It is particularly ironic that we would see an increase in health care costs when it is likely that the system proposed in House File 5 would not improve and could, in fact, reduce the quality of care provided to employees. Under the current system the employer has a significant financial incentive to provide top quality care to the injured employee. It is the employer who would have to pay the extra cost if a slow recovery is required because of inappropriate medical treatment. It is also the employer who would be required to pay the extra permanent disability should the medical treatment received be ineffective.

As a result, employers in this state are generally providing high quality care to injured employees — care that is specific to the nature of the injuries normally experienced at the work site. It is that type of specific and high quality care that each worker in our state deserves and the present system ensures that the employer has the incentive to provide it.

Finally, in the event an irresponsible employer provides for inappropriate care to an employee, the current workers' compensation system gives the injured employee a way out. Under the current statute, the employee may obtain a change in medical service upon petition to the Iowa Industrial Commissioner. Thus, a safeguard is built in to the current system to prevent irresponsible actions on the part of employers.

In short, House File 5 destroys the delicate balance of our current workers' compensation system which provides for both significant benefits for injured employees and cost competitive workers' compensation premiums for our employers. By destroying that balance, we could threaten the economic competitiveness of our state and cost the state jobs and opportunities for the future.

Any change in the choice of doctor provision that is considered in the future would have to be accompanied by a significant change in the benefit structure so as to ensure a balanced and competitive workers' compensation system for the future of our state.

Indeed, the current system has built in incentives to provide for both cost effective and high quality care. That system works and should not be tampered with at this time.

For the above reasons, I hereby respectfully disapprove House File 5.

Sincerely,  
Terry E. Branstad  
Governor

June 1, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

House File 459, an act relating to the disposition of seizable and forfeitable property, by modifying provisions relating to seizable property and seizure of vehicles, by providing for classes of forfeitable property, amending the burden of proof at forfeiture proceedings, providing for conditions of forfeiture, establishing certain affirmative defenses, presumptions, and counterclaims, providing for the award of attorney fees, and providing an applicability date and an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 459 makes changes in the state's laws relating to seizable and forfeitable property. Over the past several years, the state has toughened its forfeiture laws to give our prosecutors a better opportunity to seize property involved in crimes, particularly in drug dealing. This property can be forfeited or seized only after the court reviews a request made by the county attorney and determines that the standards established in the statute for such forfeiture are met.

Our current forfeiture law has been an effective tool for law enforcement in the effort to crack down on drug dealing in the state of Iowa. Property used or purchased with the drug proceeds has been able to be seized, thus providing a significant penalty and disincentive to drug dealers. In addition, the current law has provisions similar to those of the federal law which allow the seizure of real estate such as crack houses used by drug dealers.

I cannot approve House File 459 because it is a retreat in our fight against drugs and crime. It significantly weakens our forfeiture laws and hamstringing our prosecutors in their efforts to crack down on those who use or gain property in the commission of crimes.

Specifically, this bill weakens the current forfeiture and seizure law by:

- Restricting forfeiture and seizure to only that real property actually involved in the crime. The current RICO and state statutes allow for seizure of real estate that has been gained through funds obtained through unlawful practices. This allows for crack houses and other real estate purchased by drug dealers to be seized. We need to maintain that tough standard.
- Strictly limiting the seizure of property that is in joint ownership. There has been a well publicized case of the seizure of a house that was owned through joint tenancy. Appropriate protections can be established to prevent abuses of the current seizure law, but creating a joint ownership loophole in the current forfeiture law is an invitation to abuse by criminals.
- Making forfeiture dependent upon the conviction of a crime. Current law already provides for process for the courts to review and to approve the seizure or forfeiture of property. Those standards are sufficient and allowing for a later reopening of that process could be unworkable and unwieldy.

- Increasing the burden of proof for seizure of forfeiture of property from a "preponderance of the evidence" to "clear and convincing" evidence. While prosecutors indicate they would expect to be able to meet such a burden of proof, we should not be making it tougher to seize unlawfully gained property, particularly that obtained by drug dealers in the state.

House File 459 does include several provisions that are appropriate — appeal rights and some affirmative defenses could be placed into the law without negatively impacting our fight against crime and drugs. However, this bill simply goes too far in restricting the ability of our county prosecutors to crack down on drugs and other criminals who make profits from crime.

For the above reasons, I hereby respectfully disapprove House File 459.

Sincerely,  
Terry E. Branstad  
Governor

May 8, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

Senate File 46, an act relating to the employment of inmates and prisoners, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 46 prohibits an inmate in our corrections system from accepting or engaging in any employment involved in a labor boycott or strike. I agree that we should not encourage inmates on work release to accept employment as strike breakers. Indeed, Department of Corrections officials, as a matter of policy, discourage that activity. However, this bill goes beyond that — Senate File 46, in effect, causes any inmate working at a job before a strike or boycott to lose that job once the labor dispute arises. That's not fair or right.

To prevent an inmate, or any other Iowan, from engaging in the employment of their choice chips away at our right to work law. Inmates on work release are often discriminated against in other ways so as to make it difficult for them to obtain employment. This bill could actually take their legitimate jobs away from them.

In short, the right to remain on a job or to leave that job should continue to be the right of an employee. For the above reason, I hereby respectfully disapprove Senate File 46.

Sincerely,  
Terry E. Branstad  
Governor

## GOVERNOR'S ITEM VETO MESSAGES

June 5, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 703, an act relating to the financing for the rural community 2000 program and authorizing the issuance of bonds and notes by the Iowa Finance Authority for the program.

House File 703 establishes a Rural Community 2000 program. This is the so-called CORDLAP program that was put in place last year. It is designed to provide financial assistance to local governments for infrastructure improvements. The bill also establishes the possibility of raising revenues through debt financing to augment the program. These bonds would be issued by the Iowa Finance Authority and would be secured by repayments of loans made under the program. However, the bill also earmarks up to three cents of the cigarette tax revenues received by the state to be used to back these bonds, if needed.

This bill appropriately expands the CORDLAP program by authorizing the use of grants as well as lower or no interest loans when providing assistance to local communities' infrastructure needs. Specifically, many communities in Iowa need grants from the state in order to develop new water systems or develop regional water systems because of the lingering drought.

House File 703 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 18, in its entirety and Section 20, subsection 7, in its entirety.

These provisions in House File 703 set a very dangerous financial precedent for this state. They would authorize the use of what are normally general fund revenues — cigarette taxes — to pay off debt obligated by the Iowa Finance Authority. Earmarking state revenues in such a fashion substantially reduces the flexibility of the state in dealing with changing financial needs. Moreover, tying up general fund revenues to pay off debt is fiscally unwise and flies in the face of our efforts to restore the state's fiscal house to good order. Earmarking of cigarette taxes could just be the first move to finance debt through use of earmarked general fund tax revenues. Extended to its logical conclusion, such earmarking would hamstring the state's ability to respond to changing needs and force our children and grandchildren to pay off debts that we incur.

With this action, I am not eliminating the ability of the Rural Community 2000 program to obtain additional financing through revenue bonds. However, those revenue bonds would have to be backed solely by loan proceeds that are pledged by the recipient of the loans. In addition, we have separately authorized the Iowa Finance Authority to use bond bank authority to pool local bond issues to provide greater opportunities for financing essential local infrastructure projects.

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 703 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 31, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 753, an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters.

House File 753 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 11, subsections 2, 3 and 4, in their entirety; and Section 25 in its entirety. This item in House File 753 imposes a \$3 million per year tax on motor vehicles subject to registration in the state. Consistent with Chapter 423 of the Code of Iowa and Article VII, Section 8, the bill deposits those motor vehicle registration fees in the road use tax fund. However, this item in House File 753 then directs that the same fees be funneled into a waste volume reduction and recycling fund.

I cannot approve this substantial tax increase on Iowa motor vehicle operators. It is both unnecessary, inappropriate and very possibly an unconstitutional method of raising more state revenue.

First, without this tax increase, House File 753 will move Iowa to the forefront of the recycling and waste volume reduction efforts in the country. Solid waste handling is a critical problem throughout the country. Indeed, Iowa's problems are much less severe than those of this country's larger metropolitan areas where landfill space has largely been used up. Yet, Iowa cannot afford to face similar problems in the future and this bill ensures that we will not. It combines several of my priorities for the use of biodegradables, recycling and waste reduction with legislative priorities that will give our state national recognition for dealing with solid waste.

I am particularly pleased that this bill requires the use of degradable plastic bags in Iowa by 1992. We should set a similar goal for the exclusive use of degradable plastic foams by 1995.

However, House File 753 unnecessarily raises motor vehicle registration fees for a fund to be used by the state and local communities to fund solid waste projects. Iowa

already has an existing \$2.5 million landfill alternative fund, financed through landfill fees. This fund currently provides grants to local entities for waste handling or minimization purposes. Indeed, the Department of Natural Resources is currently planning to award a grant to a tire shredding operation that will have the capacity to shred more than one-half of the waste tires generated in Iowa each year. And the handling of waste tires is said to be one of the primary purposes for the proceeds of this increase in motor vehicle registration fees.

Moreover, I am convinced that if we need to put more funds into the waste reduction and recycling effort, we can do so without raising taxes. I have retained that fund in the bill for future funding consideration.

Finally, the Constitution of our state clearly requires that all motor vehicle registration fees be used for highway purposes. The laundering of these fees through the road use tax fund before they are dumped into this solid waste is not likely to be sufficient to meet constitutional muster.

I am unable to approve the item designated as Section 11, subsection 10, which states that financial assistance shall not be awarded for waste incineration facilities. Europe and Japan make considerable use of incineration in their waste reduction efforts. While the jury is still out on the practicality and cost-effectiveness of widespread use of waste incineration, we should not rule out this waste reduction option. With proper safeguards, an incineration facility that will produce energy may well be an appropriate method of waste disposal while reducing Iowa's dependence on imported energy.

For the above reasons, I hereby respectfully disapprove of these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 753 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

June 5, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 772, an act relating to and making appropriations to the justice system.

House File 772 takes a step in the right direction toward providing more secure prison beds, but it does not go far enough. More secure beds are needed. Current projections indicate that our presently overcrowded institutions could reach a danger point before the additional beds included in this bill become a reality. Occupancy currently is approximately at 300 more than design capacity and by the time these beds come on line, that figure may well reach 600. The 120 secure beds included in this bill is a start and the Department of Corrections plans to boost that number as a result of the item vetoes I am making in this bill. But, much more will have to be done and that issue will face the 1990 legislature.

House File 772 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 7, subsection 1, in its entirety. This provision establishes a new pilot project for computer training in the first and fifth community-based corrections districts only. The Department of Corrections is studying the education delivery system for inmates in our prison system and will submit a report with recommendations to this office and the legislature for consideration next year. Enacting a pilot project prior to the completion of this study is imprudent. Moreover, programs in this subsection apply only to two districts. The department and my office plan to develop recommendations to address the education issue statewide next year.

I am unable to approve the designated portion of Section 7, subsection 2, unlettered paragraph number 2. This action will authorize \$200,000 of state funds for a statewide job development program for prisoners. I cannot approve those funds which are limited for use to just two judicial districts. A statewide job training and development grant program for community-based correctional clients can reduce recidivism rates and these funds should be supplemented with federal Job Training Partnership Act funds.

I am unable to approve the item designated as Section 7, subsection 4, in its entirety. This subsection would fund a dramatic change in sentencing policy in the third judicial district. Specifically, class D or C felons could be placed in less secure community or local jail settings. Such alternatives could pose real threats to public safety. Moreover, allowing disparate sentencing policies among the eight judicial districts would not be fair or wise public safety policy.

I am unable to approve the designated portion of Section 7, subsection 6, lettered paragraph a, which defines the one hundred bed facility at Newton as "minimum security". The General Assembly separately provided an addition \$2 million to upgrade security in our prison system. The General Assembly included only 120 medium security beds in this bill despite the fact that a need for over 300 more secure beds now exists. We would hope to use a portion of the \$2 million appropriation to beef up the security at the Newton facility to better meet our current needs.

I am unable to approve the designated portion of Section 7, subsection 6, lettered paragraph f, which refers to "minimum security" beds at the Luster Heights facility. The rationale for this item veto is the same as that used for the veto of the language relating to the Newton facility.

I am unable to approve the item designated as Section 11, in its entirety. This section of House File 772 would allow convicted third time OWI offenders to be released into the community on their own recognizance. I cannot sign legislation which would allow these offenders to be on the streets without receiving the medical evaluation and treatment prior to assignment in a community facility as required by current law. To do otherwise, could seriously threaten the public safety of Iowans; we need to keep these offenders off the roads.

I am unable to approve Section 15, in its entirety. This section requires the judicial department to use their court information system to handle the child support recovery operations to be transferred from the Department of Human Services. The most cost-effective way to assume these operations would be to use the computer system and equipment currently in place in the Department of Human Services. That system

has been debugged and is now working acceptably. To abandon the system established in DHS would be a waste of state resources and could cause the state to reimburse the federal government for funds used to establish the DHS program. The Department of Management and DHS staff stands ready to work with the court to assure a smooth transition.

I am unable to approve the items designated as Sections 22, 23, 24, 25, 26, 27, and 28, in their entirety. These sections set up alternative sentencing procedures for parole and probation violators without properly going through the classification system at Oakdale. Such a change in policy should not be made without thorough policy and legal study. Indeed, such a policy could cost the state more and could adversely affect the goals of our prisoner classification system. Much greater study is needed on this concept.

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 772 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

June 5, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 774, 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, providing for the imposition of a tax, and providing effective dates.

House File 774 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 4. The Library Division received appropriations that exceeded my recommendations by \$550,000. Given the fiscal constraints of the state's budget, some of this substantial increase must be pared back. However, I have left in the budget additional funds for office equipment and to fund the statewide open access program — a program that should be our highest priority in providing library services for Iowans throughout our state. I have item vetoed an additional \$150,000 for collections development. In order to help ensure an ending balance for Fiscal Year 1991, these additional ongoing expenditures can and must be eliminated.

I am unable to approve the designated portion of Section 1, subsection 5. This provision provides for an additional \$67,500 to the Public Broadcasting Division to provide instructional guides to local schools. If the division needs additional funds for that purpose, appropriate fees could be charged. However, the department has provided for these instructional guides without charge or additional appropriations in the past and that would be the preferable option for the future.

I am unable to approve the designated portion of Section 1, subsection 7. This language gives the regional libraries an additional \$50,000 above my recommendation for access to special collections. The regional library system in the state is well funded at the present time and additional funds, given the fiscal constraints of the state, are not required at this time.

I am unable to approve the item designated as Section 4, in its entirety. This provision authorizes the Public Broadcasting Division of the Department of Cultural Affairs to use the Iowa facilities improvement corporation to purchase ultrahigh frequency transmitters. I vetoed similar language in last year's bill because I do not plan on authorizing additional revenue bonding from the facilities improvement corporation. Such bonding, in effect, incorporates debt service in the operating budgets of state agencies which I believe is fiscally unwise and imprudent.

I am unable to approve the designated portion of Section 7, subsection 2. This language in House File 774 appropriates \$200,000 of new funds for a new educational savings program. I have separately authorized the College Aid Commission to begin the development of the program. However, the concept has not yet been developed sufficiently to allow ICAC to offer any estimate as to the cost of the program. I have asked the College Aid Commission to review the program and recommend to me appropriate adjustments as I prepare my recommendations to the General Assembly next year.

I am unable to approve the designated portion of Section 11, subsection 1. This provision would require that the media services at area education agencies be administered separately. At the present time, the Department of Education is conducting a comprehensive study of the AEA's and their delivery of services. The Department should not be prevented from reviewing and, if appropriate, revising the administrative structure of the delivery of these services prior to the completion of this study.

I am unable to approve the item designated as Section 19, subsection 1a, unnumbered and unlettered paragraph 5. This language would prohibit the Board of Regents from spending funds to develop a new financial information system without approval of the Joint Education Appropriation Subcommittee. The board has no objection to providing information as required in this provision but appropriately objects to obtaining prior approval from the Joint Education Appropriation Subcommittee before beginning the development of such an information system. The board is working closely with the Department of Revenue and Finance in the development of a system that will be compatible with that used by the state. I believe the Joint Education Appropriation Subcommittee was concerned about such compatibility. However, prior approval before a new system can be developed is an inappropriate intrusion of the legislative branch in the executive branch's responsibilities. I have asked the Board of Regents to provide the requested information to the Joint Education Appropriation Subcommittee members on this issue.

I am unable to approve the item designated as Section 19, subsection 1a, unnumbered and unlettered paragraph 6. This language in House File 774 requires a separate budget procedure for particular budget units within the Board of Regents. At the present time, the Department of Management is undertaking a comprehensive review of our budget process and we are considering the development of performance based budgets. Directing certain budget units to use a separate budget process could cause further confusion rather than clarifying the budget making decision process.

I am unable to approve the item designated as Section 19, subsection 1a, unnumbered and unlettered paragraph 7, and Section 60, in its entirety. These provisions would prohibit the State Board of Regents from using reimbursements from the institutions to assist in the funding of the board office. At the present time, the board does seek reimbursement for extraordinary expenditures such as presidential searches and organizational audits. The board needs to maintain the flexibility of conducting such special studies and functions with the assistance of the institutions. Therefore, this language cannot be approved.

I am unable to approve the designated portions of Section 19, subsections 2b, 3b, and 4b. I appreciate the fact that the General Assembly appropriated funds necessary to provide for double digit faculty salary increases at our state universities for the third year in a row. This action will greatly increase the competitiveness and the quality of our institutions and represents an extraordinary commitment by state policy makers to improve the quality of higher education in Iowa. However, the objectionable language in this subsection would severely restrict the Regents in developing faculty salary policy. The provision requires the Board of Regents to maintain the total faculty base budget despite enrollment trends or opportunities for savings or reassignment of personnel that result from the organizational audit. While the Regents ought to be required to provide an average increase in faculty salaries in the double digit range, we should not limit their flexibility in making adjustments that are essential to appropriately manage the institutions.

I am unable to approve the item designated as Section 19, subsection 2b, unnumbered paragraph 2, subsection 3b, unnumbered paragraph 2, and subsection 4b, unnumbered paragraph 2. These provisions would appear to require the approval of the Joint Education Appropriation Subcommittee in the General Assembly in the 1990 session in order to expend receipts from tuition, student fees and institutional income if the receipts differ from that currently estimated by the institutions. The institutions need to retain the flexibility to utilize additional fee or tuition income to respond to enrollment pressures. If prior approval were needed and enrollments increase, the institutions presumably would not be able to add additional faculty to teach additional classes. This limitation on needed administrative flexibility cannot be approved.

I am unable to approve the items designated as Sections 22 and 23, in their entirety. These sections of the bill appropriate \$1,050,000 in Fiscal Year 1989 for library automation at the three universities. With less than a month remaining in this fiscal year, I believe it is inappropriate to make a supplemental appropriation for such a long-term project. Moreover, the provisions in this bill would require that these funds be included in the base budget of the institutions — thus incorporating what should be one-time capital expenditures into the operating budgets. While I certainly understand the need to further automate the libraries at the institutions, I believe that the additional funds provided in the Regents' operating budgets should provide for some ability to undertake further automation efforts in the future. In addition, the budgetary flexibility that these item vetoes have provided for should assist the Regent institutions in allocating any additional receipts in this direction.

I am unable to approve the item designated as Section 26, in its entirety. This provision requires the Board of Regents to borrow money to finance energy conservation projects. The Regents have assured me they are strongly committed to an effective program of energy conservation. But a provision requiring the borrowing of funds to complete such projects is fiscally unwise. Regent institutions are in the process of completing a comprehensive engineering analysis of all buildings as required by the

last General Assembly. Upon the completion of this analysis, the institutions will be able to identify energy conservation projects on a priority basis and will be developing funding alternatives to implement those improvements.

I am unable to approve the item designated as Section 30, in its entirety. This section, in effect, appropriates \$500,000 of general fund money to AEA 14. I understand the special funding problems that the administrators of AEA 14 believe they are facing at the present time. Indeed, to address those concerns, I authorized additional expenditures of special needs funds within the school aid bill for that purpose. However, I believe it is inappropriate to be using unspent funds from other AEAs and additional appropriations from the general fund to further supplement the operating budget of that particular area education agency. The Department of Education is conducting a comprehensive study of AEA services and the structure of these entities. That study is due to be completed by January 1. We should not be providing this substantial increase in general funds subsidies to any particular AEA until the study has been completed and final recommendations are made by the Department of Education.

I am unable to approve the item designated as Section 35, in its entirety. This provision of House File 774 appropriates \$250,000 to the Department of General Services to implement the telecommunications network. I am very pleased that the General Assembly has included in this bill a funding mechanism to build the telecommunications network for our state. I believe that action is an historic step forward in education and economic development for Iowa. However, this administration carefully reviewed the possibility of any need for additional administrative funds to develop the revised request for proposals. Recommendations were made that no additional funds were needed — the state's current staff and the expertise available within state government was deemed sufficient to meet this need. Therefore, I do not believe that the \$250,000 new appropriation to the Department of General Services is necessary or appropriate at this time. In the longer term, funding may need to be provided to the department to manage the system's operations.

I am unable to approve the item designated as Section 69, in its entirety, and the designated portion of Section 81. These provisions allow the Price Laboratory School at the University of Northern Iowa to participate in open enrollment. The language also provides that if enrollment increases at the lab school as a result of open enrollment, the students will remain in the resident's district enrollment figures. The result: these students would be funded twice by the state. Such duplicate state funding for K-12 students in Iowa cannot be approved.

I am unable to approve the item designated as Section 76, in its entirety. This section of House File 774 requires the Director of the Department of Education to close the temporary classrooms being used in the Western Dubuque School District. Upon such closure, the board of that school district is allowed to levy without voter approval a building replacement property tax to replace the portable classrooms. While I understand the need to replace these classrooms, the decision to do so should remain a local matter and the method of doing so should not be mandated by the state. Moreover, voters in that district have had the opportunity to vote on bond issues related to classroom space several times. A strategy that may garner local support would be to propose a bond issue strictly limited to the replacement of the portable classrooms. Regardless, the state should not be interceding in a local bond issue and authorizing an additional property tax levy after the local voters have turned it down.

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 774 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

June 5, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 775, an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

House File 775 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 2, subsection 5. This provision gives the authority to the Governor's advisory council on juvenile justice to determine the appropriate staffing levels for carrying out federal and state mandates for juvenile justice. The determination of appropriate staffing levels is a key management responsibility; it is clearly not the responsibility of a policy advisory council. The advisory council could provide recommendations regarding appropriate staffing levels but the final determination should be made by the Governor and the Department of Management.

I am unable to approve the item designated as Section 5, subsection 11, lettered paragraph f, in its entirety. This provision of House File 775 appropriates \$770,000 to the Department of Health for a decentralized indigent obstetrical patient program. After consultation with the Department of Health and others involved in these programs, it appears that the Medicaid expansions included in Senate File 538, which I have signed into law, would eliminate the need for the obstetrical and newborn indigent patient care program. So long as the Department of Human Services appropriately defines "tools of the trade" under the SOBRA expansions included in Senate File 538, women and newborns currently covered under the obstetrical and newborn indigent patient care program would become eligible for the Medicaid program. As a result, this appropriation in House File 775 is made unnecessary.

Unfortunately, the General Assembly did not provide full funding for the Medicaid expansions included in Senate File 538. Therefore, this particular item veto will help fund the SOBRA program.

In short, in order to avoid duplicate funding and to better ensure appropriate levels of funding for the expansion of Medicaid eligibility for women and newborns, this provision for the decentralized indigent obstetrical patient program in the Department of Health should be eliminated. Moreover, I believe the expansion of Medicaid eligibility with the accompanying federal matching funds is the most appropriate way to ensure that the health care needs are met for these vulnerable uninsured Iowans.

For the above reasons, I hereby respectfully disapprove of these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 775 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 13, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 778, an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, the acquisition and use of land, and the control of certain vegetation, providing for the repeal of fees and providing effective dates.

I am pleased that Iowa's strong economy and my plans to trim excessive legislative spending in other areas allows me to approve the \$20 million per year standing appropriation for the Iowa Resources Enhancement and Protection Fund without the imposition of new taxes or fees. With the signing of this bill, Iowa takes a major step forward in the protection and enhancement of our natural resources.

With this major commitment of resources to our park system, I am pleased to approve the repeal of the Park User Fee, effective immediately, so that Iowans will no longer be charged a fee to use our state parks.

House File 778 is, therefore, approved with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2, letter c. This portion of House File 778 appropriates an additional \$50,000 to the farm commodity division of the Department of Agriculture and Land Stewardship for the support of two information specialist positions within the administrative division. The additional positions are funded with appropriations slated for reversion in Fiscal Year 1989. Budget restraints dictate that this item, which is in excess of my budget recommendation, be disapproved. The focus should be on directing available resources to directly enhance the environment rather than adding additional administrative staff.

I am unable to approve the item designated Section 1, subsection 2, letter d. This section appropriates \$280,000 to be used by the Department of Agriculture and Land Stewardship to establish and fund the positions of agricultural trade specialists in each of the state's three foreign trade offices. These offices are staffed by representatives of the Department of Economic Development and this expenditure would be a duplicate effort. The offices currently work closely with Iowa's agricultural marketing programs, as evidenced by several recent successful marketing promotions for Iowa quality beef and pork.

Moreover, these offices cannot be run effectively if the staff answers to two bosses — the Department of Economic Development and the Department of Agriculture and Land Stewardship. Indeed, the approach embodied in this bill could cause confusion among our customers, making it counterproductive to our international marketing efforts.

A plan is being developed to ensure better coordination between the Department of Economic Development and the Department of Agriculture and Land Stewardship for overseas agricultural marketing. Further action should await the results of that study.

I am unable to approve Sections 3 and 17 in their entirety. These sections would require the Department of Agriculture and Land Stewardship and the Department of Natural Resources to notify the chairpersons and ranking members of the Agriculture and Natural Resources Appropriations Subcommittee prior to the proposed transfer of funds. Such notice is to be given at least two weeks prior to the transfer of funds. Very similar language is in the Iowa Code, Chapter 8.39 and this section would be redundant and unnecessary.

I am unable to approve Section 6, subsection 1, paragraph b. This paragraph appropriates \$30,000 for the additional position of environmental specialist II for the development of preserves management plans. This task can be handled by the Department of Natural Resources within the existing budget.

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 778 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad,  
Governor

June 5, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 779, an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties.

House File 779 is, therefore, approved on this date with the following exception which I hereby disapprove.

I am unable to approve the item designated as Section 7, subsection 5, in its entirety. This provision makes a new appropriation of \$150,000 to the Legal Services Corporation of Iowa. This program already has a budget of \$2.9 million and has received modest federal funding increases in recent years. This extra state expenditure is imprudent and unnecessary. The Legal Services Corporation of Iowa is federally funded as well as receiving funds from other sources.

Given the substantial overspending of state taxpayers funds by this General Assembly, I cannot approve what is likely to be an additional long-term commitment of tax money for this purpose. Moreover, I have separately approved an appropriation increase of \$140,000 above the Attorney General's recommendation for legal assistance to farmers. These funds also go to this corporation in the effort to defend indigent farmers. That substantial increase in state funds should be sufficient to maintain the operation of the corporation while the need exists.

For the above reason, 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 779 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

June 3, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 785, an act relating to and making appropriations from the Iowa plan fund and providing an effective date.

House File 785 includes funding for many important economic development related programs. I am particularly pleased that this bill makes new efforts to provide assistance to retrain our workers; provide better housing for our citizens; dedicate research at our universities for economic development purposes; and provide important assistance to new and existing businesses that are creating jobs in our state. These are important priorities for lottery funding that should be maintained.

However, the appropriations made in this bill exceed the anticipated net receipts from the lottery by \$188,284. As a result, some item vetoes are necessary in order to ensure that each program will have a reasonable chance of being funded with the anticipated lottery revenues.

House File 785 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 4, subsection 3d, subparagraph 1. This provision in House File 785 requires that the Department of Economic Development provide \$65,000 to each of the 15 regional coordinating councils for salaries, support and maintenance of the satellite centers. This is a substantial

increase in current funding levels for some centers and such an increase should not be made without any corresponding improvement on the accountability and coordination of the economic development service delivery system. Our economic development delivery system is in serious need of coordination and focus — the current system has so many players as to cause confusion among the communities that are in real need of accessing economic development services. I have no objections to increasing the funding for satellite centers and regional councils of government. However, I must insist that it be done in such a way as to improve the coordination and focus of these service delivery entities with the direction of the Department of Economic Development.

The result of this veto will be to give the Department of Economic Development the flexibility to allocate these funds on the basis of the overall economic development service delivery plan.

I am unable to approve the designated portion of Section 5, subsection 4, lettered paragraph b, numbered paragraph 4. This provision in the lottery appropriation bill provides \$60,000 of the funds allocated for economic development research consortia to be used by the department to identify new development trends. However, this appropriation for trends analysis is an unnecessary duplication of efforts made separately this session to conduct the research on new trends through the Wallace Technology Transfer Foundation. The purpose of that foundation is to work with the private sector to identify products or research opportunities that have the greatest market potential. We should not dilute or duplicate those efforts by setting up separate mechanisms within the department. Moreover, we already have the capability within both the department and the Department of Management to identify such trends through the Futures Agenda process.

I am unable to approve the item designated as Section 7, paragraph u, in its entirety. This provision in the bill establishes a new appropriation of \$100,000 to provide grants to communities to start-up special events. Currently, the community cultural grants program is dedicated to providing assistance for similar purposes. Moreover, such a special events fund should be structured as a revolving fund with low interest loans provided to local communities for this purpose. The drafting of this appropriation is faulty in that no department is clearly given the authority to administer the program. As a result, the idea for a special events fund should await a recommendation next year for a revolving loan fund that can be appropriately administered.

I am unable to approve the item designated as Section 8, subsection 9, lettered paragraph d, numbered paragraph 2, in its entirety. This provision in House File 785 appropriates \$75,000 to the Department of Agriculture and Land Stewardship for the purposes of marketing biodegradable plastics. I fully support efforts to conduct research, develop standards and market biodegradable plastics. I believe that biodegradable plastics have a great deal of potential to improve both the agricultural economy in our state as well as the environmental quality of the country. However, the marketing of biodegradable plastics would be best handled by the Department of Economic Development. In fact, the department has already begun marketing and promotion activities in this area. To provide funding to the Department of Agriculture and Land Stewardship for this purpose would be a duplication of effort and could confuse the targets of our marketing program.

Generally, we have attempted to focus the marketing of value-added agricultural products in the Department of Economic Development while commodity marketing is centered in the Department of Agriculture and Land Stewardship. A study will soon

be jointly conducted by both departments to review this division of marketing responsibilities. The Department of Agriculture and Land Stewardship should not get more actively involved in the promotion of these value-added products until that study is completed and appropriate recommendations are adopted.

In short, this veto of \$235,000 of excessive spending from House File 785 will bring the total level of appropriations within the level of anticipated receipts. As a result, we should be able to expect that each program remaining in this bill will be fully funded. Our economic development efforts should be significantly enhanced, as a result.

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 785 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 31, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 789, an act relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation.

House File 789 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2, paragraph i; and Section 2, in its entirety. These provisions in House File 789 first deappropriate \$103,000 from the highly successful partnership in low-income residential retrofit program and then reappropriate it to the same program. This inconsistency was apparently inadvertent and legislators we have consulted with have requested this item veto to avoid causing confusion in the operation of the retrofit program. My disapproval of both of these sections will allow the current low-income retrofit program to continue without interruption.

House File 789 continues several very worthwhile energy conservation programs and provides important funding for at least five model farm demonstration projects similar to the Big Spring project in Northeast Iowa. These projects will give Iowans from throughout the state an opportunity to examine the effect of fertilizers, pesticides and insecticides on the quality of our groundwater. These projects will also help document the importance of improved management of the application of these chemicals on our water quality.

Another important provision in House File 789 appropriates \$200,000 for a solid waste grant program to demonstrate composting technologies using biodegradable plastic bags and yard waste. At least one project at a large solid waste disposal project and at least two projects at small solid waste disposal projects are to be funded. This research is a positive step toward enhancing the use of biodegradable plastic products as part of our solid waste control strategy.

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 789 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

June 5, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit House File 799, an act relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority, the authorization for the issuance of revenue bonds, and providing an effective date.

This bill appropriates funds for a number of projects and programs that had previously been vetoed in Senate File 363 — the supplemental appropriations bill. With this additional spending in Fiscal Year 1990, the legislature exceeded my budget for that year by approximately \$35 million. The result: a likely state deficit budget or tax increase in Fiscal Year 1991. As a result, a substantial amount of the spending in this bill must again be vetoed in order to prevent a tax increase to support this excessive spending.

Moreover, House File 799 does include provisions to fund on a contingency basis a number of important projects that I had recommended for the Board of Regents. I believe that it is important that those projects be funded on a cash rather than on a debt-financing basis. In order to ensure that will be possible, some of the other spending included in House File 799 must be excised.

House File 799 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2, in its entirety. This item appropriates approximately \$483,000 to the Department of Human Services for various projects at its institutions. I already approved approximately \$500,000 for this purpose in Senate File 363. Moreover, the absolute emergency needs that the institutions face can be addressed with already appropriated funds or through performance of duty authority granted to the Executive Council.

I am unable to approve the item designated as Section 1, subsection 3, in its entirety. This provision in the bill appropriates \$850,000 to the Department of Human Services for major maintenance and capital improvements at the Mental Health Institute's hospital and schools. I previously vetoed an identical appropriation in Senate File 363 and must veto this item again because of the excessive spending included in the legislature's budget.

I am unable to approve the item designated as Section 1, subsection 4, in its entirety. This subsection appropriates \$500,000 to the juvenile institutions that are part of the Department of Human Services. I previously authorized \$600,000 to be used at Eldora to renovate and update the student housing building. This is the most critical need for the department and, given the fiscal constraints of this state, is the only project that can be funded at this time.

I am unable to approve the item designated as Section 2, in its entirety. This provision in the bill appropriates \$250,000 to the Department of Human Services for the development of juvenile emergency centers and group homes. I understand the importance of providing alternative facilities for juveniles and have approved an appropriation for detention facilities in House File 785. This appropriation overlaps that provision and, therefore, is not approved.

I am unable to approve the designated portion of Section 4. This provision in House File 799 would require the State Board of Regents to present construction budgets for State University of Iowa projects to the legislative council for approval prior to the beginning of the construction of any project. Such a requirement is a clear encroachment on executive branch authority to manage state government. It would be inappropriate for the legislative council to be involved in the minute details of each construction project.

I am unable to approve the item designated as Section 5, in its entirety. This provision provides \$25,000 to the School for the Deaf for a capital project. I vetoed a similar provision in Senate File 363. Given the substantial increase in the budget provided to the special schools, any relatively small emergency needs of those institutions should be able to be met within their operating budgets.

I am unable to approve the item designated as Section 6, in its entirety. This section appropriates \$500,000 to the Department of Cultural Affairs to replace the Channel 12 transmitter for the Public Broadcasting System. A similar provision was vetoed in Senate File 363 and limited state funds do not allow for its approval at this time.

I am unable to approve the item designated as Section 10, in its entirety. Section 10 appropriates \$300,000 of general funds for essential air service airport terminal improvements. I have approved \$250,000 from the State Aviation Trust Fund to continue these airport terminal improvement projects. However, I believe it is inappropriate to begin the funding of these projects from the general fund and the priority in the long-term should be on the critical needs of the runways for many of our smaller airports throughout the state.

I am unable to approve the item designated as Section 11, in its entirety. This provision appropriates \$300,000 to the Department of Personnel for the establishment of a child care center in the capitol complex. I understand and support efforts to provide appropriate child care options for employees of state government. That is why we incorporated into our collective bargaining agreement an option that allows employees to designate, on a pre-tax basis, a portion of their benefits to be used for the child care provider of their choice. This provides a substantial benefit to many of our state employees and provides for a greater flexibility in the selection of child care providers. As a result, I believe that \$300,000 for this purpose is unnecessary and inappropriate at this time.

I am unable to approve the item designated as Section 12, in its entirety. This section appropriates \$200,000 to the Department of Human Services for recruitment

of new child day care providers. This is the same provision that I vetoed in Senate File 363. I have separately approved in Senate File 541 an appropriation increase of \$200,000 for start-up grants, fire safety, equipment, and training for new child care centers. This also includes authorization to recruit new child care providers. As a result, this appropriation would appear to duplicate the funding approved in Senate File 541 and cannot be approved.

I am unable to approve the item designated as Section 13 in its entirety. Section 13 appropriates \$1.5 million to the Iowa Housing Finance Authority for new housing programs. Over \$5 million is available to the Iowa Housing Finance Authority in Fiscal Year 1990 for housing programs — \$3.6 million above the Fiscal Year 1989 funding level. The \$1.5 million appropriation included in this bill does not provide for any additional housing programs beyond those already receiving funding through the lottery appropriations that I had recommended. Therefore, this general fund appropriation is rendered unnecessary, particularly given the fiscal constraints of the state's general fund.

In short, the \$4.9 million vetoed in House File 799 represents excessive or duplicative spending similar to that vetoed in Senate File 363. Moreover, the reasons for many of the vetoes are similar — without trimming this spending from the state's general fund, we could force the state into a deficit position in Fiscal Year 1991.

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 799 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

June 5, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 517, an act relating to and making appropriations to various state agencies including certain state 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, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date.

Senate File 517 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, unnumbered paragraphs 3 and 4, which would establish a pilot project to provide county recorders on-line computer access to records maintained by the Secretary of State. Private enterprise is currently serving Iowans with access to these records without the use of taxpayers funds and, indeed, the private payroll contributes to the state's economy. As long as

private enterprise is willing to provide this service, we should resist this unnecessary expansion of government.

I am unable to approve the item designated as Section 1, unnumbered paragraph 5, which calls for the purchase of computer hardware and software to begin computerization of election results for reporting on election night. Iowa's news media does an excellent job of gathering and reporting election results at no cost to the state and we should encourage this private enterprise to continue to do so, rather than add an unnecessary burden on Iowa's taxpayers.

I am unable to approve the item designated as Section 20, unnumbered paragraphs 4 and 5. This provision requires each state department to fill every newly created position within eight weeks of the approval of the legislation. In many cases, this requirement is impractical and inappropriate. This form of legislative micro-management clearly intrudes on executive branch management responsibilities.

Paragraph 5 of Section 20 requires that every specific accounts transfer be reported to the General Assembly. The reporting requirements are not clearly defined and are burdensome.

I am unable to approve the designated portion of unnumbered paragraph 6 in Section 20. This provision requires the Department of Management to maintain the targeted small business set-aside program despite a Supreme Court decision to the contrary. Moreover, this provision requires the department to collect data to prove that the state discriminates against such business. Such a function of state government lacks credibility. This item veto will allow the department to operate the targeted small business program, consistent with the U.S. Supreme Court decision.

I am unable to approve the item designated as Section 30 in its entirety. This section details standards for a proposed Capitol Annex office building. There is no need for such standards — no such building is to be built.

I am unable to approve the item designated as Section 31, in its entirety. With the veto of the pilot program for the county recorder direct access program, this section is unnecessary.

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 517 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

June 5, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 531, 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, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, providing for the preservation of natural areas and historic sites in road design, construction, and maintenance, altering the fee for duplicate or replacement motor vehicle licenses and non-operator's identification cards, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, providing for the issuance of special Pearl Harbor registration plates, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application.

Senate File 531 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 20, in its entirety. This provision appropriates \$250,000 from the general fund for airport terminal improvements. This new appropriation cannot be approved, given the level of excessive state spending in Fiscal Year 1990. Moreover, this appropriation duplicates a similar provision included in Section 19 of this bill.

I am unable to approve the items designated as Section 21 and Section 40, in their entirety. These sections of the bill appropriate \$300,000 from the state aviation fund to a new Iowa Air Link Transportation Commission. Diverting these funds from the aviation fund would drastically reduce the effort of the DOT in improving runways in communities throughout the state. As a result, I cannot approve of this further diversion of funds.

Moreover, a study is underway by the Department of Economic Development and the Department of Transportation to develop a comprehensive plan for the air transportation system in the state of Iowa. Such a plan is critically needed to further the economic development of Iowa. Any new air program should await the results of that comprehensive study.

Finally, we should not be creating separate commissions to handle each mode of transportation. The DOT is rightly charged as handling all modes of transportation and this separate commission established in this bill would adversely affect our efforts to establish a comprehensive transportation policy in the state.

I am unable to approve the items designated as Sections 26 and 27, in their entirety. These items establish restrictions which could prevent the completion of the Cedar Valley Nature Trail project. DOT and the Iowa Natural Heritage Foundation are working very closely to complete this trail. The other trails mentioned in these sections will be reviewed by the DOT in the trails program that they are administering, therefore, these sections should not be included in Senate File 531.

I am unable to approve the item designated as Section 39, in its entirety. This item is not necessary to be codified because the Iowa Regional and Short Line Railroad Association and the Department of Transportation have agreed to develop annual reporting criteria.

I am unable to approve the items designated as Sections 44 and 45, in their entirety. These sections of the bill prohibit appropriation transfers and set up excessive reporting requirements for purchases. The current reporting and transfer criteria and practices serve the legislature and the citizens of Iowa appropriately. This proposed criteria infringes on the executive branch's managerial authority.

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 531 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 26, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 536, an act relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date.

Senate File 536 is, therefore, approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the designated item in Section 9. This section would prevent any individual salary increases for department and division directors from exceeding 5.1 percent for fiscal year 1990.

The legislature appropriates funds, and establishes ranges of salaries for department directors and many other directors. These provisions are appropriate and acceptable as rights and responsibilities of the legislature. However, the Governor, in the exercise of the executive branch responsibilities, must retain the flexibility to set specific department and division director salary levels based upon performance. Indeed, I use salary policy to reward outstanding performance and to recognize less than adequate performance. Limiting increases to 5.1 percent would, therefore, negatively impact my ability to manage the executive branch's managerial responsibilities. We should not normalize all salary adjustments as is envisioned in this bill. Instead, they must continue to be performance based.

For the above reason, I 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 Senate File 536 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

June 5, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 538, an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medi-

cal assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access and a study of health care insurance; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; rural health systems delivery and related taxation and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; health care utilization; operation of the Iowa comprehensive health insurance association; making appropriations to certain state agencies; requiring certain employers to provide health insurance; providing a sales tax exemption to certain nonprofit health organizations; and providing for other properly related matters.

Senate File 538 appropriates \$4.5 million for various new health and medical care programs.

Given the fiscal constraints of the state budget, particularly for Fiscal Year 1991, I was required to scrutinize these programs with great care. Without some reduction in the ongoing costs of state government in Fiscal Year 1991, the state would be placed in a deficit position or forced to increase taxes. I cannot accept either option.

Indeed, a number of the programs included in this bill increase the potential liability of the state's taxpayers for additional expenditures in the future. At the same time, I understand and support reasonable efforts to help provide medical care to the most vulnerable people in our state. And, I understand the important role that government and the private sector must play as partners in that effort. As a result, I have scrutinized this bill very carefully in an effort to make certain that the state is taking appropriate first steps to provide for such care without threatening the state's taxpayers with a major tax increase.

In short, my actions on this bill are designed to be sensitive to the highest priority needs of Iowans who are threatened by the lack of health care insurance, while prudently planning for longer term solutions to this problem. I also was guided by a desire to avoid major tax increases on our citizens and to keep our small businesses competitive.

Specifically, I am approving a significant expansion of the Medicaid program to cover pregnant women and children under the SOBRA program. Coverage will be provided to pregnant women or infants up to 185 percent of the poverty level; significant additional services are added to the Medicaid program to aid women and children in greatest need. Unfortunately, the General Assembly did not fully fund this Medicaid expansion. As a result, I am required to veto other portions of the bill in order to ensure that this — the highest priority of our health care plan — is implemented this year.

I am approving expansions of our maternal and child health care programs, additional funds to provide physician care for children in dire need of primary and preventive medical assistance; and the establishment of a new public/private partnership to provide additional health care coverage for children and each of these actions represents a significant commitment on the part of the state to provide both preventive and primary medical care to pregnant women and children who are without medical insurance coverage. In addition, we are undertaking a comprehensive study of the uninsured population in our state. I will be developing recommendations to the General Assembly in

January for further actions that the state and/or the private sector might take to deal with this problem in both a cost effective and appropriate way.

Senate File 538 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 104, in its entirety. This Section requires the Department of Human Services to negotiate with maternal and child health care centers so that the "full cost" of these services is received by the providers. Such a mandate for renegotiation of rates allows for no negotiation at all; with a state mandate to provide "full costs", the state's bargaining position would be substantially weakened. While providers should receive reasonable costs for their services, the General Assembly should allow the Department of Human Services to negotiate the appropriate level of those costs to ensure that the state's funds are being well spent.

I am unable to approve the items designated as Sections 402, 403, 404, 405, and 406, in their entirety. These provisions in Senate File 538 establish a health care insurance plan to provide primary and preventive health care insurance coverage to all Iowans who are not now covered by insurance. A health care insurance pool is established and its specific effective dates and coverage levels are provided for in this section. The pool would presumably be funded through a combination of state and private dollars. But a funding mechanism is noticeably absent from the bill. This division of the bill also requires a comprehensive study of the state's health insurance needs and the means to meet the needs of those not covered by health insurance.

Indeed, I have already commissioned a study on this same issue and the preliminary report of the study indicates that the total costs of providing for those needs could be up to \$251 million. My health care insurance task force is in the process of reviewing those numbers and developing options the state may select in attempting to deal with the most serious needs of uninsured Iowans. We expect that report to be received some time this fall. Obviously, the legislative study committee has not yet even met on this issue.

It would appear that the legislature has put the cart before the horse. Until the studies are completed on appropriate state options for dealing with the uninsured, the legislature should not be putting in statute a time line, eligibility requirements, and a specific pool which would likely require contributions by the state, employers and employees for purposes of providing mandatory health insurance for all of Iowa's uninsured. While I understand that these provisions would not become effective until the legislature enacts a funding formula, the specific provisions in these sections of the bill presume a particular outcome of the study before it is even completed. Moreover, it is likely that there will be federal action dealing with this issue within the next two years. Therefore, it would be much wiser for the state to carefully study the options that are available to it, take appropriate first steps to deal with the most vulnerable populations and then work to develop a public/private consensus on the appropriate next step at the state level to provide health care services to those in need. I plan to do just that. After reviewing the recommendations of my task force on health care insurance, I will be making recommendations to that effect for the next session of the General Assembly.

The expansion of SOBRA, the additional funds for M & CH clinics, funding for physician care for children in need of health care services, and the establishment of the public/private partnership to provide medical care for children that I have signed

in this bill are all appropriate first steps. However, I am not comfortable committing to major tax increases or major increases in liability for our employers or employees in the state when a full study of this issue has not been completed and appropriate options have yet to be developed.

I am unable to approve the item designated as Section 603, in its entirety. This provision in Senate File 538 provides an exemption from the sales tax for equipment and supplies purchased by a number of health organizations which receive federal funds in the state. The Department of Revenue and Finance has not been able to fully estimate the fiscal impact of these exemptions at this time. Until such a complete fiscal estimate can be conducted, additional sales tax exemptions in this area should not be authorized.

I am unable to approve the item designated as Section 902, in its entirety. This provision in Senate File 538 establishes a health care cost containment coordinating unit composed of the Director of the Department of Management, the administrator of the State Medical Assistance Program, and the Director of the Department of Personnel. An informal state health care costs containment coordinating unit has been established in the executive branch of state government. Moreover, the leader of that group is, and must be, the Director of the Department of Human Services. The Director of the Department of Personnel and the Director of the Department of Management are also important players as is the Director of the Department of Public Health. These individuals will continue to play a lead role in the state in the development of health care costs containment options for the public and private sectors.

I am unable to approve the item designated as Section 1104, subsections 2 and 3, in their entirety. These provisions in the bill would appropriate \$100,000 to the office of rural health for technical service and competitive research grants. While I have authorized the establishment of an office of rural health and \$50,000 to commence its establishment, I believe it is premature to provide funds to this office for competitive grants or technical assistance until this office is fully operational. I will be willing to review appropriate recommendations from the Department of Health for such purposes in the future.

I am unable to approve the item designated as Section 1105, in its entirety. This provision appropriates \$275,000 of general fund money for the first time to agriculture health and safety pilot programs. I do not question the importance of these programs — I have maintained language in the bill which strengthens statutory responsibilities for them. Indeed, I believe that the grant funds have been, and may continue to be found for these purposes. Given the fiscal constraints of the state, I cannot approve a substantial increase in the state funding for these new state pilot programs at this time. Moreover, I have provided for \$45,000 to the Department of Public Health for agriculture health and safety programs which can provide some coordination and assistance in this area.

I am unable to approve the item designated as Section 1107, in its entirety. This section of the bill appropriates an additional \$100,000 to the Health Data Commission. The authority granted to the Health Data Commission in Senate File 538 to do additional cost containment analysis is appropriate and has been approved. However, I do not believe that the commission needs an additional \$100,000 to accomplish this function. I have separately approved an additional appropriation of \$149,000 to the Commission to expand its operations. Those funds can and should be used to help meet the statutory requirements included in Senate File 538, as well.

I am unable to approve the item designated as Section 1109, in its entirety. This section appropriates \$500,000 for the establishment of a rural health care pilot program or programs. After consulting with the officials involved in the development of this bill and the Department of Public Health, it appears that this new appropriation has not been fully considered or developed. Given the significant underfunding in the SOBRA program, it would appear that the \$500,000 approved in this new pilot program would be better spent allowing us to expand the SOBRA program to provide care to pregnant women and children. In addition, the substantial additional funds already approved in this bill for primary and preventive care for children also represent an additional commitment by the state in this area.

I am unable to approve the item designated as Section 1112, subsection 2, in its entirety. This subsection provides a new appropriation of \$50,000 for AIDS coalitions throughout the state. Given the fiscal constraints of the state, this new expenditure can not be justified at this time.

I am unable to approve the item designated as Section 1113 in its entirety. This provision in Senate File 538 appropriates \$200,000 to a legislative council to conduct a health care study. As I have indicated previously, such a study is already well underway by my health insurance task force, which includes representatives of the General Assembly. Clearly, the legislative council can, and should, commence efforts to develop options to deal with those who are without health insurance in our state. However, the council can make use of the substantial data and work that has been done by the executive branch's study without the expenditure of an additional \$200,000 for a consultant.

In short, Senate File 538 provides for a substantial expansion of the state's commitment to health care in Iowa. The Medicaid program is significantly expanded to include the coverage for pregnant women and children; additional primary and preventive care is provided to children through a public/private partnership and the Department of Public Health, an office of rural health is established to help coordinate serious health care needs in rural areas, and additional funds are provided for well elderly clinics and to provide additional homemaker/health services for the elderly who wish to stay in their homes. I believe all these are appropriate steps forward.

However, in order to fund these programs, I am required to veto some of the new spending that is included in this bill. Many of the appropriations that have been vetoed are duplicative of expenditures made elsewhere in the budget and for that reason, are unnecessary. I have attempted with my actions in this bill to ensure that the state will take a prudent and sensitive step forward in caring for those who are most in need of health care. We can and must avoid the specter of a major tax increase and still provide for a detailed and comprehensive study of the appropriate next step for state and private action to deal with Iowans in need of health care.

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 538 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

June 5, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 541, an act relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicability, and providing an effective date.

Senate File 541 provides substantial additional funding for human services programs. A state appropriations increase of approximately ten percent or approximately \$39 million is provided to the department for Fiscal Year 1990. This substantial increase in funds is used to provide for a four percent increase in AFDC benefits and four percent and 2.25 percent reimbursement increases for social services and Medicaid providers, respectively. Increases for child care, welfare reform, foster care reform and aid to the elderly are also included in the bill. I believe these adjustments are appropriate and I am signing them into law.

However, given the fiscal constraints of the state, particularly in Fiscal Year 1991, I cannot approve every new program that has been authorized in this legislation. Moreover, funding included in this bill to provide further expansion of the Medicaid program is subject to receipt of federal approval. Such approval has not yet been received and is unlikely to be received for some time. In short, funding to ensure a balanced budget in Fiscal Year 1991 must be eliminated from this bill and can be eliminated without adversely impacting current recipients of critical human services in our state.

Senate File 541 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 2, subsection 3. This provision would hamstring the state's ability to contain costs in the Medicaid program. Currently, the state is moving toward use of contract purchases or HMOs in order to obtain volume discounts for services provided through the Medicaid program. This method of contracting for services is one of the most significant tools needed to contain health care costs. Unfortunately, the language included in this subsection of Senate File 541 would strictly limit the ability of the department to use health maintenance organizations for Medicaid and would also prevent the inclusion of all covered services in the Medicaid program in a contract with an HMO. These restrictions would have the impact of further driving up Medicaid costs and cannot be approved.

I am unable to approve the item designated as Section 4, subsection 2, in its entirety. This provision appropriates \$110,000 and establishes a new program to provide supplemental payments to providers who care for disabled persons considered difficult to serve. There has not been sufficient study done to review the cost effectiveness of such a program. Moreover, I have signed into law a substantial increase in the family support subsidy program which is used by families to care for MH/MR/DD individuals in their homes rather than in institutions. We should carefully monitor the cost effectiveness of that program prior to starting new programs to provide additional funding for similar purposes.

I am unable to approve the items designated as Section 8, subsections a, b, f, g and h. These provisions in Senate File 541 run contrary to the recommendations of the welfare reform council. The council recommends that the training portions of our Project Promise welfare reform model and the federal JOBS program be administered through the Department of Employment Services and the Department of Economic Development. Focusing the training programs in the agencies that administer the remainder of the state's training efforts would provide for a cost effective and comprehensive method of ensuring that welfare recipients receive the training they need to become independent and self-sufficient.

The items vetoed in Senate File 541 would set up a duplicative training structure: the Department of Human Services would continue to operate the individual education and training program and the WIN program in counties where such programs were in operation on July 1, 1988; counties not previously served by the WIN program would have their training programs run by the IDED and DES. Such a duplicative structure would likely cause confusion and would limit the state's ability to provide for a comprehensive and cost effective job training program for individuals who are working to get off welfare.

I understand the concern of some to provide for a smooth transition of the administration of the job training programs from DHS to IDED and DES job training programs. This is particularly important given the fact that federal law requires that these programs be in operation by July 1 of this year. As a result, I have directed our welfare reform council and, most specifically, the effected agencies, to work closely to structure a transition program over the next six months that will minimize the disruption for individuals who receive training services under our welfare reform program and for those who provide such services. The department heads have assured me that a smooth transition can be accomplished.

In addition, I have item vetoed language which would hamper our ability to move individuals from a state of dependency to independence. Specifically, provisions in this bill limit the requirements that all individuals on welfare participate in a job training and education program. The department has filed rules requiring participation in education and training programs. I believe that training and education are absolutely critical to ensuring long-term employability for individuals on welfare. Therefore, we should not be taking actions in this bill to restrict the training and education requirements of the Project Promise program.

I am unable to approve the designated portion of Section 12, subsection 6. This provision would prevent the reversion of unused funds in the foster care home insurance program from reverting to the general fund of the state. Such antireversion language is fiscally unsound and prevents an annual review of the cost effectiveness of the program.

I am unable to approve the designated portion of Section 12, subsection 8. This subsection of the bill continues the decategorization pilot project for foster care and expands it into two additional counties. The decategorization project allows foster care recipients to receive services different from those for which the state now pays. However, the program has been designed to be cost neutral. However, the item vetoed provisions in this bill would allow for a transfer of funds from the state's foster care appropriation to a county's child welfare fund. In addition, provisions in this subsection would require the department to request a supplemental appropriation to pick up additional costs that may be incurred as a result of this program. These provisions

violate the budget neutrality principals of the decategorization project by threatening the state's general fund with demands beyond the appropriated funding levels. I have approved an additional \$100,000 appropriation to expand this project into two additional counties; but I cannot approve any effort to increase the obligation to the state's general fund beyond that amount.

I am unable to approve the designated portions of Section 23, subsection 2 and subsection 3a; and subsections 5a and b, in their entirety. These provisions in Senate File 541 would authorize the expenditure of an additional \$1.3 million in Fiscal Year 1990 to expand the Medicaid program to include rehabilitation services. In addition, these provisions would require that any funds not spent for enhanced mental health, mental retardation, developmental disabilities services be automatically transferred to the mental health and mental retardation fund. It would also prohibit the transfer of any unencumbered funds from the mental health institutes and the hospital-schools to any place but the enhanced services fund.

The Department of Human Services has submitted a waiver request to the federal Department of Health and Human Services to include rehabilitation services in our Medicaid program. That initial request was withdrawn due to concerns that it would be denied and the department is now in the process of modifying the plan. Even with the revisions, we are not assured that the plan will be approved when it is resubmitted. And, it is very likely that should such federal approval be forthcoming, these services would not be available to individuals in Iowa until some time next year. Therefore, it would appear to be unnecessary to set aside \$1.3 million this fiscal year for such services.

Instead, I am asking the Department of Human Services to carefully revise its proposed plan to include rehabilitation services in our Medicaid program and to resubmit the plan.

If federal approval is granted, I am willing to work with the department, the General Assembly, and the counties to review ways in which those services can be appropriately funded. Until that time, I cannot approve provisions which prohibit the reversion of those unused funds to the state.

In sum, Senate File 541 provides substantial additional funds to programs to assist the elderly; provide child care to needy families; expand the Medicaid program for those who are most in need of health care in our state; and reform our foster care system. This bill also provides increases in the reimbursement levels for AFDC and human services providers. All those provisions have been signed into law.

However, I have vetoed language which could reduce the effectiveness of our welfare reform program or provide an unnecessary burden on our state's general fund at this time.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1986 to the Constitution of the State of Iowa. All other items in Senate File 541 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

June 3, 1989

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 546, an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the Governor to establish criteria for evaluating and funding the projects; requiring the use of the most recent estimate of the revenue estimating conference in the budget process; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; and extending the lottery.

Senate File 546 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 7, in its entirety. By requiring the Governor to use the most recent estimate of the Revenue Estimating Conference "without revision", this provision would prevent me from presenting a budget which reflects proposed changes in current revenue streams. If the Governor had no ability to propose changes in revenue from that forecast by the Revenue Estimating Conference, it would be impossible to propose tax cuts or adjustments in revenues should such appear necessary. Clearly, the law now requires the Governor to base the budget on the Revenue Estimating Conference's projections and that will continue to be done. But explicit adjustments in those projections based on proposed revenues must be permitted.

I am unable to approve the item designated as Section 3, subsections d and g; the designated portion of Section 4, referring to the definition of "capital project"; and Section 8, in its entirety. While the concept of coordinated capital project planning and budgeting is important, these provisions relating to the evaluation and review of proposed capital projects would impose an inappropriate intrusion on executive branch administrative responsibilities.

I am unable to approve the items designated as Sections 9 through 27, in their entirety. These items would establish the Iowa Leasing Program Act and grant the State Treasurer coordination and oversight responsibilities of leasing arrangements in the executive branch. The creation of the Leasing Program would reduce the current powers of the Department of General Services to coordinate lease arrangements through its procurement responsibilities. The added bureaucracy created by this program would confuse the administration of this increasingly critical area.

Further, the Treasurer's Office was established as a separate elected position to assure its independence in the investment of state funds. Extending the Treasurer's role in the fundamental purchasing and procurement decisions of the executive branch would destroy that independence.

I am unable to approve the item designated as Section 3, subsection f; the designated portion of Section 28; and the item designated as Section 29, in its entirety. These provisions require the Department of General Services to maintain a statewide inventory of property, to receive reports from all state agencies regarding any addition or

deletion from that inventory, and to report that inventory to the legislature. The legislature did not provide any resources for the Department of General Services to assume the significant responsibilities created by this item. Each agency now is required to maintain separate inventories of property in a manner adequate to be incorporated in the Comprehensive Annual Financial Report of the State. Until adequate resources are provided to consolidate this function in the Department of General Services, each agency will have to continue to undertake this responsibility.

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 546 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

## IN MEMORIAM

## House

Memorials adopted by the House of Representatives, 1989 Regular Session of the Seventy-third General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

- DON D. ALT ..... December 15, 1916—August 18, 1988
- JOHN E. CAMP ..... March 5, 1915—May 4, 1988
- WILLIAM E. DARRINGTON .... May 31, 1904—August 16, 1988
- JAMES P. DENATO ..... September 3, 1925—April 28, 1988
- ISABEL M. ELLIOTT .... February 20, 1887—November 24, 1955
- ADA ADAIR GARNER ..... February 6, 1882—June 16, 1963
- FRANCES G. HAKES .... February 13, 1897—December 26, 1988
- ALFRED E. JONES ..... January 20, 1920—February 15, 1989
- EDGAR J. KOCH ..... October 11, 1925—October 5, 1988
- FRED J. PAULLUS ..... January 15, 1894—December 25, 1988
- HENRY H. STEVENS ..... May 4, 1893—December 17, 1987
- PAUL A. TROEGER ..... January 13, 1900—June 11, 1987

## DON D. ALT

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Don D. Alt begs leave to submit the following Memorial:

Don D. Alt was born December 15, 1916 in St. Joseph, Missouri. In 1941 he married Isabel Greenberg and they had two daughters and one son. Isabel Greenberg preceded him in death in 1983. In 1985 Mr. Alt married Ulie Stavast.

Mr. Alt attended Des Moines elementary schools, Roosevelt High School, Drake University and Iowa State College. During World War II he served with the Army in the European theater for four years and was discharged with the rank of Captain. Don Alt served as Vice President of Home Federal Savings and Loan for many years and was active in the downtown Des Moines Kiwanis, American Legion, YMCA, Des Moines Community Playhouse Board, Boy Scout Silver Beaver and the U.S. Savings and Loan League.

A Republican, Mr. Alt represented Polk County during the Sixty-third and Sixty-fourth General Assemblies.

Don D. Alt died August 18, 1988. He is survived by his wife, Ulie; his daughters, Sara Alt of Denver, Colorado and Marilyn Scholl of Deerfield, Illinois; his son, James of Edina, Minnesota; a sister, Dorothy Parker of Storm Lake; and three grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Don D. Alt, 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.*

DOROTHY F. CARPENTER  
JOHN H. CONNORS  
JANET METCALF

Committee

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 JOHN E. CAMP

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable John E. Camp begs leave to submit the following Memorial:

John E. Camp was born March 5, 1915 in Elvira, Iowa. On March 5, 1938 he married Dorothy Mowat and they had one son.

Mr. Camp served eight years on the Clinton County Board of Supervisors, three as chairman; was county Red Cross chairman; crop chairman; Iowa Farm Bureau; Exalted Ruler of the Elks; director of the Clinton National Bank; Miles Masonic Lodge and 32nd Degree Mason; member of the Kaaba Shrine; member of the Goose Lake Lions Club; and held many committee memberships of the American Lutheran Church from the local to national level.

A Republican, Mr. Camp represented Clinton County during the Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-second, Sixty-third and Sixty-fourth General Assemblies.

John E. Camp died May 4, 1988. His survivors include his wife, Dorothy; his son, James W. Camp of Bryant; a brother, Maurice "Butch" Camp of Clinton; his sister, Margaret Garvey of Phoenix, Arizona; and two grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable John E. Camp, 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.*

VIC STUELAND  
ARTHUR OLLIE  
HUGO SCHNEKLOTH

Committee

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WILLIAM E. DARRINGTON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable William E. Darrington begs leave to submit the following Memorial:

William E. Darrington was born May 31, 1904 in Neola, Iowa. On March 22, 1933 he married Mabel Gravert. They had one son and one daughter.

Mr. Darrington lived in the Neola-Persia area all of his life and on the same farm for fifty-five years. He was co-owner of the Persia Milling Company for twenty-two years; was a member of the Persia RLDA Church; the Farm Bureau; Scottish Rite 32, Omaha, Royal Arch Masons of Iowa; past Master of both Craftsman Lodge AF & AM, Persia and Agate Lodge AF & AM, Neola; was a director of the Home Savings Bank of Persia for forty-five years; served ten years on AAA; was a charter member and past president of the board of directors for the Harrison County Historical Village.

A Republican, Mr. Darrington represented Harrison County during the Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-second and Sixty-third General Assemblies.

William E. Darrington died August 16, 1988. His survivors include his wife, Mabel; his son, William W. Darrington of Persia; his daughter, Lola Graalff of Council Bluffs; a brother, Howard of Neola; three sisters, Lillian Darrington of Council Bluffs, Ruth E. Anderson of Honey Creek and Adah E. Hall of Torrance, California; four grandchildren and three great-grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable William E. Darrington, 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.

WENDELL C. PELLETT  
JOAN L. HESTER  
WILLIAM H. HARBOR

Committee

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JAMES P. DENATO

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable James P. Denato begs leave to submit the following Memorial:

James P. Denato was born September 3, 1925 in Bucknell, Iowa. On November 20, 1965 he married Patricia, and they had one son and one daughter.

After serving in the Armed Forces during World War II, Mr. Denato graduated from Drake Law School in 1949. He went into private law practice, later serving as an Assistant Polk County Attorney for three years. After his term in the Iowa House of Representatives, he was appointed as a judge in Iowa's Fifth Judicial District in 1967, where he served until his death in 1988. Mr. Denato served a term as Executive Secretary of the Polk County Democratic Central Committee, was a member of the Iowa Bar Association and the Iowa Academy of Trial Lawyers.

A Democrat, Mr. Denato represented Polk County during the Sixty-first General Assembly.

James P. Denato died April 27, 1988. He is survived by his wife, Patricia, of Des Moines; his son, Peter of Des Moines; his daughter, Anne of Des Moines; four sisters, Bertha Hammer of Des Moines; Lena Schadt of Colona, Illinois; Mary Lutz and Betty Angerer, both of Davenport; four brothers, Joe of Ottumwa; Quinto of Kodiak, Alaska; Eddie of Orlando, Florida, and James L. of Huxley.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa*, That in the passing of the Honorable James P. Denato, 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.

TONY BISIGNANO  
JOHN H. CONNORS  
DOROTHY CARPENTER

Committee

## ISABEL M. ELLIOTT

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Isabel M. Elliott begs leave to submit the following Memorial:

Isabel Elliott was born on February 20, 1887 near Hawarden, Iowa. In 1910 she married Frank Elliott and they had one son and two daughters.

Mrs. Elliot was active in 4-H club work, was a director of the Woodbury County Fair Board and a former Chairwoman of the Woodbury County Farm Women's Organization.

A Democrat, Mrs. Elliott represented Woodbury County during the Forty-seventh and Forty-eighth General Assemblies.

Isabel M. Elliott died November 24, 1955. She is survived by her daughters, Mrs. Preston (Anna) Evans of Omaha, Nebraska and Margaret Elliott.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Isabel M. Elliott, 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 her 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.*

MICHAEL PETERS  
STEVEN HANSEN  
DON SHONING

Committee

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ADA ADAIR GARNER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Ada Garner begs leave to submit the following Memorial:

Ada Garner was born February 6, 1882 in Shell Rock, Iowa. She married Frank Garner on January 1, 1904 and they had two sons.

Mrs. Garner was a school teacher in Butler County, a member of a rural school board, the Rebekah Lodge, the W.R.C., the Butler County Historical Society, and an Honorary Member of the Board.

A Democrat, Mrs. Garner represented Butler County during the Forty-fifth and Forty-fifth Extra General Assemblies.

Ada A. Garner died June 16, 1963, and is survived by a son, Vernon Garner of Green Valley, Arizona and six grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Ada A. Garner, 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 her 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.

ROBERT RENKEN  
RAY LAGESCHULTE  
BETTY JEAN CLARK

Committee

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FRANCES GILCHRIST HAKES

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Frances Gilchrist Hakes begs leave to submit the following Memorial:

Frances Helsell Gilchrist was born on February 13, 1897 in Laurens, Iowa, the oldest daughter of the late Congressman Fred G. Gilchrist, Sr. and Ellen Hurely Gilchrist. In 1922 she married Ledgard B. Hakes and they had one son and one daughter.

A 1911 graduate of Laurens Community School, Mrs. Hakes was a 1915 graduate of the University of Iowa. Following her graduation, she taught school in Renwick, Sibley, Des Moines and Laurens. Mrs. Hakes was a member and President of the Laurens School Board and served fifty years on the Laurens Public Library Board, she was a member of the Daughters of the American Revolution, the State Historical Society, Womens Progressive Club of Laurens, Federated Womans Club and Stitches; was a Grand Officer in the Order of the Eastern Star and a National Vice President of the American Legion Women's Auxiliary.

A Republican, Mrs. Hakes represented Pocahontas County during the Fifty-ninth, Sixtieth and Sixtieth Extra General Assemblies.

Frances Gilchrist Hakes died December 26, 1988. She is survived by her son, Ledgard B. Hakes, Jr., of Okoboji, Iowa; her brother, Fred Gilchrist of Laurens, Iowa; her sister, Mrs. Mavis Allen of Okoboji, Iowa; four grandchildren and five great-grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa*, That in the passing of the Honorable Frances Gilchrist Hakes, 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 her 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.

RUSSELL J. EDDIE  
JOSEPHINE GRUHN  
DANIEL FOGARTY

Committee

## ALFRED EUGENE JONES

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Alfred Eugene Jones begs leave to submit the following Memorial:

Alfred Eugene (Scrappy) Jones was born January 20, 1920 on a Clarke County farm, the son of former Senator Floyd Jones and Elizabeth Tice Jones. On June 5, 1943 he married Catherine Virginia Dickenson and they had three sons.

A graduate of the University of Iowa, Mr. Jones spent four years in the Navy during World War II (three years as a Lieutenant); he owned a Christmas tree farm and A & W Restaurant; was a member of the American Legion; V.F.W.; Toastmasters; Iowa Restaurant Association and the United Methodist Church in Osceola; held offices in the Clarke County Development Corporation and the Osceola Municipal Water Board.

A Republican, Mr. Jones represented Clarke County during the Fifty-fourth and Fifty-fifth General Assemblies.

Alfred E. Jones died February 15, 1989. He is survived by his wife, Catherine, of Osceola; his sons, Floyd of Shenandoah, Iowa; Fred of Indianola, Iowa; and John of Osceola, Iowa; and eleven grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Alfred Eugene Jones, 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.*

JACK BEAMAN  
HORACE DAGGETT  
WILLIAM H. HARBOR

Committee

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EDGAR J. KOCH

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Edgar J. Koch begs leave to submit the following Memorial:

Edgar J. Koch was born October 11, 1925 in Charter Oak, Iowa. In 1947 he married Darlene M. Koch and they had two sons and three daughters.

Mr. Koch served in the United States Navy from 1943 through 1946; was in the U.S. Naval Reserve in Sioux City, Iowa, as commanding officer of the Sioux City Naval Reserve Surface Division 9-58; was the owner and operator of Koch Insurance, Real Estate and Tax Service; was a member of the First Lutheran Church, Sioux City; the Sertoma Club; Masons; Shrine; American Legion; and Navy League of the United States.

A Republican, Mr. Koch represented Woodbury County during the Sixty-second and Sixty-third General Assemblies.

Edgar J. Koch died October 5, 1988. He is survived by his wife, Darlene of Sioux City; his sons, Gerald of Sioux City, and Robert of Grand Prairie, Texas; his daughters, Mrs. Michael (Diana) Havenstrite of Cedar Falls, Iowa; Mrs. James (LuAnn) Galvin of Phoenix, Arizona; and Mrs. Robert (Karla) Roupe of Crowley, Texas; his father, Edgar H. Koch of Sioux City, Iowa; three brothers, Donald of Sioux City, Iowa; Gary of Perkaspie, Pennsylvania; and Richard of Richardson, Texas; a sister, Marilyn Pratt of Sioux City, Iowa; and seven grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Edgar J. Koch, 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.*

DON SHONING  
STEVEN HANSEN  
MICHAEL PETERS

Committee

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FRED J. PAULLUS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Fred J. Paullus begs leave to submit the following Memorial:

Fred J. Paullus was born on January 15, 1894 on a farm near Hampton, Iowa. In 1919 he married Clara Brandt and they had three sons and three daughters.

An Army veteran of World War I, he was a dairy farmer and a lifetime member of the American Jersey Cattle Club; was involved with the school board and was a Township Trustee.

A Democrat, Mr. Paullus represented Franklin County during the Forty-eighth and Forty-ninth General Assemblies.

Fred J. Paullus died December 25, 1988. He is survived by two sons, Ralph of Hampton, Iowa and Rex of Sun City West, Arizona; three daughters, Marie Arctander of Des Moines, Iowa; Mildred Pingel of Hampton, Iowa; and Phyllis Lindquist of Houston, Texas; a brother, Clinton of Hampton, Iowa; three sisters, Ethel Freie of Alexander, Iowa; Evelyn Yocum of Hampton, Iowa; and Verna Ferris of Pavillion, Wyoming; eighteen grandchildren; forty great-grandchildren; and six great-great-grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Fred J. Paullus, 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.

ROBERT FULLER  
DELWYN STROMER  
JANET ADAMS

Committee

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HENRY H. STEVENS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Henry H. Stevens begs leave to submit the following Memorial:

Henry H. Stevens was born May 4, 1893 on a farm near Rippey, Iowa. On November 25, 1921 he married Abbie Waldo and they had one son and two daughters.

Before entering the Army during World War I, he became a barber and worked in Des Moines. Following his discharge from the Army, he worked for the Marsh Construction Company. Mr. Stevens farmed in Greene County until his retirement in 1953 when he moved to Jefferson. He was a member of the First United Methodist Church; Floyd Brown Post No. 11; member of the former Jefferson Barracks No. 1838 of World War I; former president of Iowa Corn Grower's Association; former member of the school board; director of Scranton Co-op Grain Elevator; farm bureau member and treasurer of Farmers Mutual Insurance Association.

A Republican, Mr. Stevens represented Greene County during the Fifty-first, Fifty-second, Fifty-second Extra, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth and Fifty-seventh General Assemblies.

Henry H. Stevens died December 17, 1987. He is survived by his son, Richard Stevens of Citrus Heights, California; and his daughters, Mildred Bucklin of Jefferson, Iowa and Alice Johnson of Cresco, Iowa; eleven grandchildren and one great-grandchild.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa*, That in the passing of the Honorable Henry H. Stevens, 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.

GENE BLANSHAN  
MICHAEL PETERSON  
TERESA GARMAN

Committee

## PAUL A. TROEGER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Paul A. Troeger begs leave to submit the following Memorial:

Paul A. Troeger was born on January 13, 1900 in Des Moines, Iowa. On May 31, 1928 he married Evelyn Stevens and they had one son and one daughter.

Having served in World War I, Mr. Troeger was a high school biology teacher at Ottumwa from 1921-1923 and 1928-1965; was Superintendent of Schools at Bonaparte from 1924-1925; Superintendent of Schools at Humeston from 1925-1927; was an Elder and Sunday School Superintendent at First Presbyterian Church, Ottumwa; Ottumwa Park Commissioner from 1965-1973; founded the Veterans on the Farm Training Corps and Ottumwa Garden Club; served on the YMCA and Iowa State Education boards; was a member of the Kiwanis and the American Legion.

A Republican, Mr. Troeger represented Wapello County during the Forty-eighth, Fiftieth, Fiftieth Extra, Fifty-second and Fifty-second Extra General Assemblies.

Paul A. Troeger died June 11, 1987. He is survived by his wife, Evelyn of Ottumwa; his son, Richard Paul of Soldotna, Alaska; his daughter, Ruth Evelyn Olsen of Pullman, Washington; eight grandchildren and twelve great-grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Paul A. Troeger, 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.*

CHARLES PONCY  
DAN JAY  
BOB KISTLER

Committee

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Amendments filed—602, 626, 636, 663, 816, 877, 1067, 1068, 1093-1094, 1111, 1589,  
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 Amendments offered—636, 844, 847, 886, 1093, 1155, 1618, 1886, 2511  
 Amendments withdrawn—1089, 1655  
 Bills introduced—233, 329, 436, 520, 647, 775  
 Committee appointments—12, 25, 26, 562, 1712, 2301  
 Leave of absence—93, 674  
 Presentation of visitors—807-808  
 Presided at sessions of the House—583, 801, 1279  
 Report—2652-2653  
 Resolutions offered—561-562, 2277, 2592, 2593  
 Subcommittee assignments—167, 265, 292, 320, 321, 346, 375, 376, 446, 447, 503, 505,  
 516, 551, 599, 624, 642, 699, 700, 759, 760, 811, 838, 1064, 1147, 1211, 1249, 2328

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(See **APPOINTMENTS** and/or **COMMUNICATIONS**, subheading **Reports** and/or  
**INDIVIDUAL HEADINGS**)

**BRAMMER, PHILIP E.**—Representative **Linn County**

Amendments filed—626, 703, 712-714, 714, 790, 842, 920, 963, 1066, 1274, 1543, 1963,  
 2068, 2141  
 Amendments offered—712, 1189, 1412, 1825, 2161, 2162  
 Amendments withdrawn—712, 1192, 1414, 1521, 2196  
 Bills introduced—241, 283, 329, 621, 647, 650, 710, 819, 832  
 Committee appointments—25, 26, 501, 2569, 2606  
 Leave of absence—494, 686, 791, 1287, 1549, 1617  
 Reports—765-766, 2674-2675, 2680-2683  
 Resolutions offered—2277, 2592  
 Subcommittee assignments—121, 231, 238, 331, 346, 446, 447, 504, 517, 528, 551, 578,  
 624, 642, 680, 681, 682, 699, 1065, 1211, 1212, 1403, 1846

- BRAND, WILLIAM J.**—Representative **Benton-Black Hawk** Counties  
 Amendments filed—295, 1274, 1736, 1779, 1964, 2204-2205, 2517-2519  
 Amendments offered—1552, 1766, 2517  
 Bills introduced—329, 647  
 Committee appointments—25, 27, 48, 2299, 2780  
 Presented to the House Neil Keegan of LaPorte City who represents Area 7, “Read A Million Minutes Program”—308  
 Reports—2533-2535, 2797-2799  
 Resolutions offered—2277, 2497, 2592  
 Subcommittee appointments—185, 263, 345, 434, 479, 505, 516, 517, 542, 543, 599, 624, 699, 700, 701, 758, 809, 810, 1147, 1178, 1293, 1294, 1542, 2140
- BRANSTAD, CLIFFORD O.**—Representative **Hancock-Kossuth-Winnebag** Counties  
 Amendments filed—295, 1112, 1543, 1614, 2498  
 Bills introduced—46, 155, 242, 283, 557, 577, 647, 648, 687  
 Committee appointments—24, 26, 2648, 2780  
 Leave of absence—1174  
 Reports—2677-2678, 2797-2799  
 Resolutions offered—267-268, 333, 2396, 2592  
 Subcommittee assignments—168, 376, 434, 504, 505, 528, 551, 599, 681, 770, 1178, 1249, 1272, 1846
- BRANSTAD, GOVERNOR TERRY E.**—  
 (See GOVERNOR BRANSTAD, TERRY E.)
- BROWN, JOEL W.**—Representative **Clarke-Monroe-Lucas-Wayne** Counties  
 Amendments filed—831, 963, 1028, 1112, 1274, 1469, 1470, 1589, 1736, 1779, 1964, 2204-2205  
 Amendments offered—396, 619, 973, 1511  
 Amendments withdrawn—2133, 2285  
 Bills introduced—283, 329, 438, 449, 522, 647, 705, 775  
 Committee appointments—8, 25, 26, 1711-1712, 2458  
 Leave of absence—866  
 Presided at sessions of the House—1879  
 Report—2528-2529  
 Resolution offered—2592  
 Subcommittee assignments—167, 230, 238, 245, 265, 320, 331, 376, 434, 446, 552, 599, 642, 680, 681, 758, 787, 811, 918, 1064, 1211, 1294, 2216
- BUDGET MESSAGE**—  
 (See STATE OF THE STATE MESSAGE)
- BUHR, FLORENCE D.**—Representative **Polk** County, Assistant Majority Floor Leader  
 Amendments filed—89, 440-441, 509, 842, 1469, 1736  
 Amendments offered—797, 913, 2212  
 Appointed to the Legislative Council—234  
 Bills introduced—250, 283, 326, 329, 335, 351, 522, 647, 775, 832  
 Bills referred to committees—1403  
 Committee appointments—24, 25, 26, 2074  
 Conference committee appointment announced—2466  
 Petition presented—1181  
 Presentation of visitors—1403, 1794-1795  
 Presided at sessions of the House—354, 1008, 1071, 1402, 1430, 1781, 2083, 2458, 2512

Resolutions offered—1962, 2592

Rulings made—1793, 2519

Subcommittee assignments—167, 245, 246, 265, 292, 321, 362, 376, 446, 505, 528, 551, 642, 643, 680, 681, 758, 759, 787, 811, 1064, 1147, 1272, 1294, 1648, 1795, 2140

**CARPENTER, DOROTHY F.**—Representative **Polk** County

Amendments filed—83-84, 146-147, 393, 435, 442, 508, 570, 602, 762, 772, 842, 877, 1014-1015, 1169, 1180, 1274, 1275, 1543, 1649, 1736, 1779, 1870, 1963, 2067, 2068, 2277, 2330, 2498

Amendments offered—83, 146, 570, 857, 907, 1014, 1169, 1267, 1280, 1281, 1870, 2083, 2185, 2188, 2433

Amendments withdrawn—514, 908, 1772, 2118

Bills introduced—250, 326, 351, 511, 520, 522, 647, 676, 764

Committee appointments—1, 24, 25, 26, 561, 1590-1591, 2074, 2466

Petition presented—921

Presented to the House the members of the Christ Church Choir from Oxford, England—1502

Presented to the House Maureen and John Jeffrey from Newcastle, England—1845

Reports—1-4, 2629-2630

Resolutions offered—333, 560-561, 1962, 2396, 2592, 2593

Subcommittee assignments—167, 230, 231, 246, 265, 292, 293, 320, 321, 362, 376, 445, 446, 480, 505, 599, 699, 700, 701, 758, 759, 786, 787, 810, 811, 824, 998, 1064, 1065, 1147, 1648, 1795, 2140

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Of members—1-4

**CERTIFICATES OF RECOGNITION**—

43, 44, 153, 239, 331, 515, 573, 658, 659, 768-769, 769, 869, 1027, 1210, 1211, 1439, 1648, 1846, 2274-2275, 2275, 2803-2804

**CHAPMAN, KAY**—Representative **Linn** County, Assistant Majority Floor Leader

Amendments filed—340-341, 602, 772, 842, 1060, 1147, 1148, 1213, 1649, 1963, 2141, 2260-2263

Amendments offered—340, 677, 785, 1264, 1269, 1281, 1672, 1983, 2152, 2260

Amendments withdrawn—341, 1983, 2260

Appointed to the Legislative Council—234-235

Bills introduced—241, 283, 329, 353, 438, 647, 775

Committee appointments—25, 26, 27, 1418, 2676-2677

Conference committee appointed—1418, 2422, 2423

Presided at sessions of the House—691, 1096, 1415, 1851, 2419, 2422

Reports—1900-1959, 2739-2740

Resolutions offered—2277, 2592

Ruling made—1852

Subcommittee assignments—184, 257, 304, 330, 331, 446, 479, 480, 517, 543, 551, 623, 624, 680, 681, 682, 700, 701, 759, 760, 770, 771, 809, 918, 1211, 1212, 1293, 1294, 2328

**CHIEF CLERK OF THE HOUSE, Joseph O'Hern**

Communications received and on file—41-43, 56, 85, 119, 148, 164, 184, 189, 195, 235-236, 242-243, 243, 257, 263, 267, 276-277, 303, 330, 344, 477, 526, 541, 573, 641, 698, 768, 807, 868, 1024-1025, 1026, 1210, 1438, 1688-1689, 1961, 2274

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## Elected permanent Chief Clerk—11

## Reports:

Certificates of recognition—43-44, 153, 239, 331, 515, 573, 658-659, 768-769, 869, 1027, 1210-1211, 1648, 1846, 2274-2275, 2275, 2803-2804

Committee recommendations—59-60, 121, 171-172, 231, 247-248, 258-259, 280-281, 294-295, 304-305, 322-323, 332-333, 347-348, 362-363, 377-379, 392, 447-448, 507-508, 518, 529-530, 543, 553-555, 574, 601-602, 625-626, 643-645, 660-663, 683-684, 702-703, 727, 730, 760, 762, 771-772, 788-790, 812-815, 825-830, 839-841, 869-876, 918-919, 998-999, 1065-1066, 1111, 1178-1180, 1250-1251, 1273-1274, 1294-1298, 1404-1409, 1439-1441, 1542, 1588, 1613, 1648, 1689-1690, 1735, 1778, 1795-1796, 1846-1847, 1961-1962, 2066-2067, 2140-2141, 2216-2217, 2276, 2311, 2328-2329, 2396, 2403, 2419, 2452-2453, 2497, 2538-2539, 2792-2793

Conference committee reports filed—697, 1960, 2325, 2585, 2629-2630, 2655

Enrolled bills—515, 657, 663, 768, 807, 1024, 1647, 1687, 1845, 2137, 2215, 2274, 2326, 2494, 2590, 2808

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House Resolution 1—17 adopted

House Resolution 2—60, 62, 89-90, 94-119, 122, 138-145, 158-162, 185, 188-189 as amended, adopted

House Resolution 6—363, 379, 453-459 adopted

House Resolution 7—364, 379, 392, 459-472 as amended, adopted, 502, 733

Senate Concurrent Resolution 1—232, 239, 248, 252-253 as amended, adopted, 335

Senate Concurrent Resolution 2—47, 60, 62, 69-85 adopted, 148

Senate Concurrent Resolution 3—93-94, 125-138, 145-147 adopted, motion to reconsider, 157, motion to reconsider withdrawn

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Communication from—868

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(See CLAIMS FILED)

(See MANAGEMENT, DEPARTMENT OF)

(See STATE APPEAL BOARD)

## CLAIMS FILED—

(See also MANAGEMENT, DEPARTMENT OF)

(See also STATE APPEAL BOARD)

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## CLARK, BETTY JEAN—Representative Cerro Gordo-Floyd-Mitchell Counties

Amendments filed—831, 877, 1028, 1049, 1112, 1568, 1841, 1887, 2498

Amendments offered—1047, 1887

Amendment withdrawn—1099

Bills introduced—46, 91, 92, 124, 173, 174, 283, 306, 351, 483, 546, 557, 558, 647, 648, 687, 806

Committee appointments—25, 62, 560, 2422

Leave of absence—1471  
Resolutions offered—333, 1962, 2396, 2592  
Subcommittee assignments—238, 265, 331, 346, 446, 447, 504, 528, 624, 681, 787, 1064,  
1403, 1778

**COHOON, DENNIS M.—Representative Des Moines County**

Amendments filed—1000, 1028, 1252, 1589, 1633, 1736  
Amendments offered—1290, 1291, 1549, 1631, 1633  
Bills introduced—329, 546, 647, 665  
Committee appointments—25, 26, 2280, 2299, 2604  
Petition presented—1780  
Presided at sessions of the House—988, 995  
Reports—2533-2535, 2560-2563, 2655  
Resolution offered—2592  
Ruling made—993  
Subcommittee assignments—88, 167, 264, 265, 292, 376, 504, 517, 543, 551, 599, 600,  
700, 758, 1147, 1178, 1272, 1404, 1846

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(See APPOINTMENTS and/or COMMUNICATIONS, subheading Reports and/or  
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2140, 2396  
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2276, 2396  
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- Escorted the Honorable John H. Connors to the Speaker's station—15
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Appointment to—40

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(See STATE OF THE STATE MESSAGE)

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Appointed—501, 1418, 1464, 2033, 2074, 2258, 2280, 2289, 2299, 2301, 2358, 2399, 2422, 2423, 2458, 2466, 2522, 2542, 2568, 2569, 2570, 2604, 2606, 2635, 2648, 2780

Reports:

House File 17—765-766, 767 adopted  
 House File 199—2070-2071 adopted  
 House File 250—2680-2684 adopted  
 House File 271—2650-2651 adopted  
 House File 535—1900-1959 adopted  
 House File 686—2635-2645 adopted  
 House File 728—2528-2529 adopted  
 House File 740—2648-2649 adopted  
 House File 774—2606-2625 adopted  
 House File 778—2658-2672 adopted  
 House File 779—2488-2492 adopted (failed in Senate)  
 House File 779—2780-2787 adopted (Second Conference Cmte. Report)  
 House File 780—2731-2738 adopted  
 House File 785—2797-2800 adopted  
 House File 795—2677-2678 adopted  
 Senate File 14—2522-2525 adopted  
 Senate File 141—2461-2465 adopted  
 Senate File 157—2380 adopted

Senate File 220—2674-2675 adopted  
 Senate File 363—2173-2181 adopted  
 Senate File 419—2595-2596 adopted  
 Senate File 450—2533-2535 adopted  
 Senate File 470—2597-2599 adopted  
 Senate File 517—2652-2653 adopted  
 Senate File 524—2552-2559 adopted  
 Senate File 531—2560-2563 adopted  
 Senate File 538—2741-2753 adopted (Second Conference Cmte. Report)  
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 House File 250—2680  
 House File 271—2650  
 House File 535—1900  
 House File 686—2635  
 House File 728—2528  
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 Senate File 419—2585  
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 Senate File 539—2655

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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—305, 519, 602, 645, 762, 772, 831, 841, 842, 919, 920, 999, 1000,  
 1112, 1470, 1614, 1690, 1778, 1779, 1796, 1848, 1963, 2068, 2141, 2208, 2217, 2330  
 Amendments offered—317, 613, 614, 928, 956, 1430, 1432, 1607, 2120, 2132, 2203, 2206,  
 2243, 2392  
 Amendments withdrawn—1452, 2205  
 Bills introduced—260, 270, 283, 306, 329, 511, 520, 606, 647, 666, 776  
 Committee appointments—25, 26, 27, 2258, 2280, 2522  
 Leave of absence—93  
 Petitions presented—921, 1544  
 Presided at sessions of the House—1781  
 Reports—2552-2559, 2560-2563, 2650-2651  
 Resolutions offered—2277, 2592  
 Subcommittee assignments—257, 258, 331, 434, 479, 480, 504, 505, 516, 527, 542, 543,  
 600, 624, 700, 701, 758, 759, 809, 1147, 1178, 1294, 1735
- CONNORS, JOHN H.**—Representative **Polk** County, Speaker Pro Tempore  
 Amendments filed—379, 392, 440-441, 695, 842, 919, 1000, 1066, 1252, 1470, 1736  
 Amendments offered—429, 466, 610, 1203, 1239, 1314, 1511, 1813  
 Amendment withdrawn—1743  
 Appointed to the Legislative Council—234-235  
 Bills introduced—123, 234, 242, 250, 261, 283, 329, 438, 483, 522, 647, 648, 763, 764,  
 774, 775  
 Committee appointments—25, 26, 501, 561, 1590-1591, 2808  
 Conference committee appointment announced—501  
 Elected Speaker Pro Tempore—13-14  
 Petitions presented—1070, 1650  
 Presentation of visitors—502, 869, 2065-2066  
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 Presented to the House members from the Stavropol Delegation, USSR—632  
 Presided at sessions of the House—160, 251, 329, 374, 442, 443, 469, 499, 708, 843,  
 848, 851, 863, 866, 891, 975, 1013, 1200, 1236, 1240, 1433, 1452, 1465, 1567, 1656,  
 1664, 1674, 1740, 1743, 1853, 1854, 1894, 2013, 2062, 2106, 2259, 2331, 2337, 2466,  
 2551  
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 Resolutions offered—267, 2592  
 Rulings made—854, 857, 867, 894, 904, 1238  
 Subcommittee assignments—121, 167, 245, 246, 265, 278, 292, 320, 321, 375, 376, 480,  
 505, 527, 528, 551, 599, 600, 642, 680, 699, 700, 727, 759, 760, 787, 810, 811, 838,  
 1147, 1249, 1272, 1689  
 Welcomed the Pioneer Lawmakers on behalf of the House—1712
- CORBETT, RON J.**—Representative **Linn** County  
 Amendments filed—83, 89, 90, 268, 274-276, 348, 364, 379, 392, 435, 544, 555, 575,  
 645, 731, 865, 877, 963, 1180, 1212, 1213, 1252, 1274, 1298, 1410, 1442, 1543, 1614,  
 2141, 2277, 2315-2317, 2317, 2484-2485, 2713-2715  
 Amendments offered—83, 118, 139, 140, 159, 370, 398, 415, 416, 417, 583, 619, 635,  
 637, 865, 899, 1215, 1263, 1400, 1454, 1585, 1639, 1640, 2182, 2196, 2378, 2484, 2713

Amendments withdrawn—286, 415, 430, 584, 1301, 1585, 1640  
 Bills introduced—174, 261, 297, 366, 521, 546, 557, 647, 711  
 Committee appointments—24, 25, 2542, 2604  
 Leave of absence—1001, 1770, 1780, 2393  
 Reports—2595-2596, 2655  
 Resolutions offered—305, 333, 2277, 2592  
 Subcommittee assignments—258, 346, 434, 480, 505, 516, 543, 998, 1404, 1588, 1846,  
 2140, 2396

**CREDENTIALS, COMMITTEE ON—**

Appointed—1  
 Report—1-4

**DAGGETT, HORACE C.—Representative Adams-Decatur-Ringgold-Taylor Counties**

Amendments filed—305, 531, 544, 555, 730, 731, 743-748, 748-755, 842, 877, 920, 1112,  
 1252, 1253, 1275, 1543, 1553, 1649, 1736, 1768-1769, 1962  
 Amendments offered—313, 587, 634, 635, 735, 743, 904, 905, 912, 955, 1553  
 Amendment withdrawn—742  
 Bills introduced—365, 382, 483, 520, 546, 557, 648, 649, 650, 674, 675  
 Committee appointments—25, 27, 563, 1418, 2604  
 Leave of absence—485, 1562, 1636, 2142, 2267, 2281, 2403  
 Petition presented—1965  
 Presented to the House Commissioner Esther Gonzalez-Arroyo Buckley, Laredo,  
 Texas—251  
 Presented to the House four members of the Iowa High School Rodeo  
 Association—821  
 Presented to the House, Pages selected to the Des Moines Register All State Aca-  
 demic Honor Roll—1845  
 Report—2655  
 Resolutions offered—267-268, 333, 2396, 2592  
 Subcommittee assignments—185, 258, 265, 293, 479, 480, 517, 623, 624, 700, 758, 811

**DE GROOT, KENNETH R.—Representative Lyon-O'Brien-Osceola-Sioux Counties**

Amendments filed—122, 281, 509, 555, 556, 645, 999, 1000, 1028, 1112, 1441, 1469,  
 1614, 1690, 1778, 1887, 2498  
 Amendments offered—316, 590, 653, 1450, 1887, 2134  
 Amendments withdrawn—161, 1887  
 Bills introduced—20, 233, 233-234, 261, 269, 380, 437, 533, 546, 557, 577, 764  
 Committee appointments—17-18, 24, 26, 27, 2258  
 Leave of absence—510  
 Petition presented—878  
 Presided at sessions of the House—2305  
 Reports—18-20, 235, 2552-2559  
 Resolutions offered—333, 2396, 2592  
 Subcommittee assignments—168, 479, 527, 543, 624, 681, 758, 810

**DIEMER, MARVIN E.—Representative Black Hawk County**

Amendments filed—348, 435, 842, 1148, 1963, 2208  
 Bills introduced—124, 125, 155, 157, 174, 186, 380, 545, 557, 647, 648, 774  
 Committee appointments—25, 26, 2399, 2522, 2676  
 Leave of absence—439, 535  
 Reports—2655, 2658-2672  
 Resolutions offered—333, 2396, 2592

Subcommittee assignments—121, 230, 258, 264, 320, 321, 346, 434, 480, 504, 527, 599, 600, 642, 699, 824, 1272

**DODERER, MINNETTE**—Representative **Johnson** County

Amendments filed—89, 575, 626, 646, 703, 712-714, 842, 877, 999, 1148, 1963, 2068, 2330

Amendments offered—143, 653, 712, 1082, 1202, 1976

Bills introduced—156, 283, 367, 545, 647, 666, 674, 688, 710, 711, 757, 776, 819, 832

Committee appointments—26, 27, 1464, 2301, 2423, 2522

Leave of absence—316, 763

Petitions presented—964, 1544, 1849

Presented to the House Congressman Dave Nagle—69

Presided at sessions of the House—972

Reports—1960, 2070-2071, 2487-2492, 2522-2525, 2655, 2780-2787

Resolutions offered—2277, 2592

Subcommittee assignments—167, 245, 257, 258, 265, 320, 321, 362, 375, 479, 480, 503, 505, 517, 599, 623, 624, 642, 699, 700, 701, 759, 809, 810, 811, 838, 1147, 1211, 1294, 2140, 2275

**DVORSKY, ROBERT E.**—Representative Iowa-**Johnson** Counties

Amendments filed—602, 626, 646, 842, 877, 1000, 1028, 1111, 1112, 1252, 1690, 1765, 2113

Amendments offered—880, 1114, 1262, 1303, 1563, 1695, 1717, 1765, 2113, 2182

Bills introduced—155, 283, 325, 329, 351, 367, 483, 511, 521, 647, 764, 832

Committee appointments—25, 26, 47

Presented to the House Marilyn Bordwess, 1989 Iowa Junior Miss—93

Resolutions offered—2277, 2592, 2593

Subcommittee assignments—246, 434, 505, 517, 528, 551, 599, 643, 682, 699, 1111, 1249

**ECONOMIC DEVELOPMENT BOARD**—

Appointment to—40

**ECONOMIC DEVELOPMENT, COMMITTEE ON**—

Amendments filed—508, 1252

Amendments offered—613, 1549

Appointed—25

Bills introduced—262, 368, 706, 733, 763, 850, 892, 922, 958

Recommendations—267, 377, 507, 683, 728, 825-826, 1250

Subcommittee assignments—434, 505, 516, 543, 599, 701, 1147

**EDDIE, RUSSELL J.**—Representative **Buena Vista-Pocahontas** Counties

Amendments filed—274-276, 555, 584, 1112, 1212, 1275, 1543, 1614, 1690, 1963, 2482, 2483

Amendments offered—584, 1217, 1454, 2483

Bills introduced—270, 647

Committee appointments—24, 26, 560, 2780

Leave of absence—439, 510, 535, 589, 1001, 1033

Petitions presented—1300, 1650

Report—2797-2799

Resolutions offered—267-268, 305, 333, 560, 1690, 2396, 2592

Subcommittee assignments—231, 278, 292, 346, 434, 551, 599, 700, 787, 811, 1065, 1272, 1734

**EDUCATION, COMMITTEE ON**—

Amendments filed—259, 392, 518, 531, 663, 772, 1180, 1274, 1409, 1441, 2397

Amendments offered—313, 487, 566, 634, 1400, 1421, 1552, 1591, 1631, 1637, 2400

**Appointed—25**

Bills introduced—261, 271, 576, 693, 773, 818, 843, 849, 850, 878, 2142

Recommendations—259, 280, 392, 518, 529, 574, 661, 702, 761, 771, 812-813, 1179, 1273,  
1405-1406, 1439, 2140, 2396

Subcommittee assignments—88, 185, 258, 265, 292, 293, 321, 346, 392, 517, 542, 543,  
552, 599, 600, 642, 700, 701, 758, 811, 918, 1178, 1272, 1404

**EMPLOYEES—**

(See OFFICERS AND EMPLOYEES)

**ENERGY AND ENVIRONMENTAL PROTECTION, COMMITTEE ON—**

Amendments filed—333, 1409

Amendment offered—2284

Appointed—25, 2395

Bills introduced—664, 773, 774, 843, 939, 940, 957, 958, 960, 961, 997

Recommendations—332, 761, 771-772, 813, 870-871, 918-919, 1273, 1405, 1439-1440

Subcommittee assignments—88, 167, 246, 376, 434, 445, 446, 504, 528, 551, 643, 682,  
727, 770, 918, 1111, 1249, 1272, 1403, 1961

**ENROLLED BILLS—**

(See BILLS, subheading Sent to Governor, CHIEF CLERK OF THE HOUSE, Joe  
O'Hern and/or SPEAKER OF THE HOUSE, Donald D. Avenson)

**ETHICS, COMMITTEE ON—**

Appointed—27, 37-38

Resolutions offered—363, 364, 453, 459

Resolutions relating to:

House Resolution 6, rules governing lobbyists—363, 379, 453-459 adopted

House Resolution 7, code of ethics—364, 379, 392, 459-472 as amended, adopted,  
502, motion to reconsider, 733, motion to reconsider withdrawn

Subcommittee assignments—27

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House File 13—Representative Connolly—697

House File 17, H-3069, H-3071A, H-3073, H-3076 & H-3078—Representative Peterson  
of Carroll—319

House File 17—Representative Peterson of Carroll—319

House File 17, H-3154—Representative Eddie—476-477

House File 17—Representative Eddie—476-477

House File 17—Representative Peters—768

House File 17—Representative Royer—786

House File 18—Representatives Kremer & Trent—1026

House File 20—Representative Connolly—697

House File 20—Representative Hanson of Delaware—2064-2065

House File 49—Representative Buhr—1063

House File 49—Representative Eddie—1146

House File 49, H-3313, H-3608, H-3069 & H-3610—Representative Eddie—1146

House File 59—Representative Kremer—1026

House File 61—Representative Pellett—917

House File 69—Representative Peterson of Carroll—319

House File 98—Representative Daggett—2274

House File 124—Representative Peterson of Carroll—319

House File 127 – Representative Kremer – 1026  
House File 127 – Representative McKinney – 1110  
House File 133 – Representative Peterson of Carroll – 319  
House File 140 – Representative Peterson of Carroll – 319  
House File 141 – Representative Shoning – 330  
House File 156 – Representative Renken – 1248  
House File 157 – Representative Shoning – 330  
House File 178 – Representative Ollie – 433  
House File 178 – Representative Peterson of Carroll – 444  
House File 195 – Representative Bisignano – 433  
House File 195 – Representative Peterson of Carroll – 444  
House File 196 – Representative Bisignano – 433  
House File 196 – Representative Peterson of Carroll – 444  
House File 196 – Representative Cohoon – 1845  
House File 197 – Representative Bisignano – 433  
House File 197 – Representative Peterson of Carroll – 444  
House File 198 – Representative Connolly – 697  
House File 217 – Representative Bisignano – 433  
House File 217 – Representative Peterson of Carroll – 444  
House File 241 – Representatives Adams & Eddie – 549  
House File 248 – Representative Poncy – 1293  
House File 250 – Representative Kremer – 768  
House File 255 – Representative Eddie – 549  
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House File 274 – Representative Bisignano – 502  
House File 282 – Representatives Koenigs & Siegrist – 1209  
House File 309 – Representative Kremer – 1026  
House File 313 – Representative Ollie – 868  
House File 319 – Representative Poncy – 1293  
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House File 329 – Representative Kremer – 1026  
House File 331 – Representatives Adams & Eddie – 549  
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House File 400 – Representative Kremer – 1026  
House File 404 – Representative Kremer – 768  
House File 420 – Representative Fuller – 1146  
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House File 447 – Representative Spenner – 658  
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House File 468—Representative McKinney—1110  
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House File 473—Representative Kremer—1026  
House File 473—Representative McKinney—1110  
House File 475—Representatives Adams & Harper—868  
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House File 501—Representative Kremer—1026  
House File 506—Representative Ollie—997  
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House File 529—Representative Kremer—1026  
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House File 533—Representative Kremer—1026  
House File 533—Representative McKinney—1110  
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House File 534—Representative Kremer—1026  
House File 535—Representative Kremer—1026  
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House File 542—Representatives Kremer & Trent—1026  
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House File 549—Representative Ollie—2591  
House File 550—Representative Kremer—1026  
House File 550—Representative McKinney—1110  
House File 551—Representatives Kremer & Trent—1026  
House File 551—Representative Trent—1961  
House File 556—Representatives Royer & Siegrist—1209  
House File 570—Representative Kremer—1026  
House File 572—Representatives Royer & Siegrist—1209  
House File 572—Representative Adams—1248  
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House File 575—Representative Kremer—1026  
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House File 579—Representative McKinney—1110  
House File 581—Representative Eddie—1146  
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House File 631—Representative Eddie—1146  
House File 637—Representative Fuller—1146  
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House File 643—Representative Kremer—1026  
House File 643—Representative McKinney—1110  
House File 643—Representative Trent—1961  
House File 644—Representative Kremer—1026  
House File 644—Representative McKinney—1110  
House File 645—Representative Fuller—1146  
House File 647—Representative Kremer—1026  
House File 647—Representative McKinney—1110  
House File 650—Representative Eddie—1146  
House File 655—Representative Kremer—1026  
House File 655—Representative McKinney—1110  
House File 656—Representatives Kremer & Trent—1026  
House File 659—Representatives Kremer & Trent—1026  
House File 660—Representative Eddie—1146  
House File 662—Representatives Kremer & Trent—1026  
House File 662—Representative Daggett—2274  
House File 663—Representatives Kremer & Trent—1026  
House File 664—Representative Fuller—1146  
House File 666—Representatives Kremer & Trent—1026  
House File 668—Representatives Kremer & Trent—1026  
House File 669—Representatives Kremer & Trent—1026  
House File 670—Representative Buhr—1063  
House File 670—Representative Eddie—1146  
House File 672—Representatives Kremer & Trent—1026  
House File 674—Representatives Kremer & Trent—1026  
House File 674—Representative Svoboda—2215  
House File 675—Representative Trent—1026  
House File 678—Representatives Kremer & Trent—1026  
House File 679—Representatives Kremer & Trent—1026  
House File 684—Representative Eddie—1146  
House File 685—Representative Fuller—1146  
House File 686—Representatives Royer & Siegrist—1209  
House File 687—Representative Eddie—1146  
House File 688—Representatives Royer & Siegrist—1209  
House File 688—Representative Adams—1248  
House File 689—Representative Eddie—1146  
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- House File 723—Representative Hanson of Delaware—2064-2065
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- House File 740—Representative Svoboda—1210
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- House File 769—Representative Ollie—2591
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Senate File 486—Representative Daggett—1688  
Senate File 494—Representative Daggett—1688  
Senate File 497—Representative Ollie—1587  
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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—379, 602, 790, 1112, 1470, 1963, 2141, 2371-2373  
 Amendments offered—382, 1116, 2239, 2371  
 Appointed to the Department of Economic Development Task Force on Tourism—40  
 Bills introduced—283, 329, 533, 557, 605, 647, 666, 705, 706  
 Committee appointments—25, 26, 27, 2422, 2466, 2635  
 Leave of absence—394, 1181  
 Presided at sessions of the House—1866  
 Reports—2629-2630, 2741-2753  
 Resolutions offered—172, 348, 1962, 2277, 2592  
 Subcommittee assignments—230, 231, 246, 258, 265, 320, 376, 445, 446, 479, 480, 504, 505, 542, 599, 600, 623, 700, 701, 786, 810, 811, 824, 1065, 1293

**FOGARTY, DANIEL P.—Representative Clay-Palo Alto Counties**

Amendments filed—281, 574, 963, 975, 1148, 1213, 1252, 1543, 1614, 1690, 1736, 2468  
 Amendments offered—581, 975, 1173, 1310, 1479, 1789  
 Bills introduced—241, 260, 325, 329, 382, 546, 557, 577, 647, 648, 665, 775  
 Committee appointments—24, 26, 560, 2258, 2458  
 Escorted to the Chief Clerk's station and presented to the House Frank Fahey, T.D.  
 Minister of State, Department of Education, Republic of Ireland—833-834  
 Petitions presented—1214, 1276, 1471  
 Reports—2325, 2380, 2528-2529  
 Resolutions offered—267, 2592, 2804  
 Subcommittee assignments—258, 320, 331, 376, 504, 505, 551, 758, 770, 1065, 1249, 1272

**FULLER, ROBERT D.—Representative Franklin-Hardin-Hamilton Counties**

Amendments filed—703, 877, 920, 989-990, 1028, 1180, 1252, 1441, 1442, 1614, 1779, 1962  
 Amendments offered—539, 801, 954, 989, 1255, 1256, 1504, 1505  
 Amendment withdrawn—2133  
 Bills introduced—156, 174, 242, 249, 283, 329, 349, 350, 380, 450, 521, 522, 557, 576, 647, 706, 763, 775  
 Committee appointments—24, 26, 562, 1113, 2458  
 Leave of absence—93, 866, 1091  
 Presided at sessions of the House—1736, 2163  
 Report—2528-2529  
 Resolutions offered—248, 562, 2592  
 Subcommittee assignments—230, 231, 320, 434, 504, 528, 599, 642, 681, 701, 787, 809, 918, 1064, 1249, 1272, 1846

**GARMAN, TERESA—Representative Boone-Story Counties**

Amendments filed—89, 348, 379, 556, 569, 572, 574, 575, 626, 645, 695-696, 762, 772, 862, 863, 866, 1066, 1274, 1275, 1542, 1568, 1839-1840, 1883, 1887, 1963, 2217, 2498

- Amendments offered—467, 569, 572, 590, 591, 593, 695, 862, 863, 866, 1184, 1523, 1839, 1883
- Amendments withdrawn—581, 593
- Bills introduced—282, 296, 306, 326, 350, 365, 366, 382, 437, 450, 545, 557, 605, 648, 764, 939
- Committee appointments—25, 26, 562, 2301, 2423, 2522
- Leave of absence—469; 2566
- Reports—2522-2525, 2780-2787
- Resolutions offered—267, 305, 333, 2396, 2592
- Subcommittee assignments—167, 245, 246, 264, 292, 320, 321, 376, 445, 505, 517, 528, 551, 642, 643, 701, 758, 759, 770, 771, 810, 811, 838, 1111, 1147, 1272

#### GENERAL ASSEMBLY—HOUSE—

(See also RULES AND ADMINISTRATION, COMMITTEE ON and/or HOUSE CONCURRENT RESOLUTIONS, HOUSE RESOLUTIONS and SENATE CONCURRENT RESOLUTIONS listed in LEGISLATIVE INDEX VOLUME)

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- House Concurrent Resolution 2, condition of the judicial message—12-13 adopted, 62
- House Concurrent Resolution 3, pioneer lawmakers—248, 651-652 adopted, 1071
- House Concurrent Resolution 4, biennial memorial session—248, 652 adopted, 1071
- House Concurrent Resolution 10, monopolization of the meat packing industry—1409, 2541 adopted, 2564, 2601
- House Concurrent Resolution 11, state & local political subdivisions, separate persons, participate in fed. conservation reserve program—1690
- House Concurrent Resolution 13, bd. of regents, ten-year bldg. program—2217, 2264-2267 adopted
- House Concurrent Resolution 14, postage stamp, honor Grant Wood Centennial—2277
- House Concurrent Resolution 16, national day of remembrance for victims of the USS Iowa—2396
- House Concurrent Resolution 19, Cinco de Mayo day—2592
- House Concurrent Resolution 21, honor Herschel C. Loveless, former Governor of Iowa—2551 adopted, 2605
- House Concurrent Resolution 22, national day of remembrance for victims of the USS Iowa—2592-2593, 2593, 2600 as amended, adopted, 2600, 2673
- House Concurrent Resolution 25, final adjournment—2802-2803 adopted, 2806
- House Resolution 1, appointment of clerks, secretaries & pages—17 adopted
- House Resolution 2, permanent House rules—60, 62, 69, 89-90, 94-119, 122, 138-145, 158-162, 185, 188-189 as amended, adopted
- House Resolution 6, rules governing lobbyists—363, 379, 453-459 adopted
- House Resolution 7, code of ethics—364, 379, 392, 459-472 as amended, adopted, 502, motion to reconsider, 733, motion to reconsider withdrawn
- Senate Concurrent Resolution 1, distribution of printed legislative material—232, 239, 248, 252-253 as amended, adopted, 335
- Senate Concurrent Resolution 2, joint rules—47, 60, 62, 69-85 adopted, 148
- Senate Concurrent Resolution 3, compensation of chaplains, officers & employees—93-94, 125-138, 145-147 adopted, motion to reconsider, 157, motion to reconsider withdrawn

- Senate Concurrent Resolution 23, commemorative postage stamp in honor of Grant Wood centennial—2260, 2277, 2516 adopted  
 Senate Concurrent Resolution 33, expand number of lanes of Interstate—2569, 2593, 2628 adopted

## GIFTS—

(See AWARDS AND GIFTS)

## GOVERNOR BRANSTAD, TERRY E.—

- Addressed joint convention—49-56  
 Bills signed by—515, 549, 657-658, 679, 697, 757, 807, 838, 1024, 1063, 1146, 1209, 1613, 1687-1688, 1777, 1960-1961, 2137-2139, 2326-2328, 2495-2496, 2588, 2590-2591, 3073-3087  
 Closing message—2809-2811  
 Committees to escort—49, 56, 64, 68  
 Committees to notify—11-12, 17, 2808  
 Communications from—277, 2809  
 Delivered the State of the State Message—49-56  
 Item veto messages—2332-2336, 2421-2422, 2588-2590, 3092-3120  
 Resolution relating to the Condition of the State Message, HCR 1—12 adopted  
 Resolutions relating to:  
   House Concurrent Resolution 1—12 adopted, 47  
   House Resolution 8—1298  
 Veto messages—1775-1776, 2586-2588, 3088-3091

GRONINGA, JOHN—Representative **Cerro Gordo** County, Assistant Majority Floor Leader

- Amendments filed—89, 509, 575, 663, 842, 877, 919, 999, 1212, 1736, 1848, 1963, 2141, 2147, 2330, 2370  
 Amendments offered—608, 614, 925, 1071, 1626, 1748, 1853, 2147, 2370  
 Appointed to the Economic Development Board—40  
 Bills introduced—173, 283, 329, 353, 647, 688, 709, 776  
 Committee appointments—25, 26, 27, 2676  
 Leave of absence—368  
 Petition presented—1214  
 Presented to the House Ruth Dowdy, a Fulbright Exchange Teacher from Hitchen, England—512  
 Presided at sessions of the House—861, 1463, 1805, 2430  
 Report—2739-2740  
 Resolution offered—2592  
 Subcommittee assignments—257, 264, 479, 480, 517, 542, 543, 551, 624, 700, 701, 770, 771, 809, 811, 1147, 1211, 1293, 2275, 2328

GRUHN, JOSEPHINE—Representative **Dickinson**-**Emmet** Counties

- Amendments filed—323, 663, 919, 963, 1000, 1028, 1112, 1299, 1543, 1614, 1736, 1963, 2468  
 Amendments offered—342, 1061, 1318, 1600, 1745, 1747, 2468  
 Amendments withdrawn—1319, 1455, 1699  
 Bills introduced—156, 233-234, 241, 250, 329, 382, 395, 557, 647, 665, 711, 763, 775, 817, 833  
 Committee appointments—24, 26, 560, 2258  
 Leave of absence—736  
 Petitions presented—349, 436, 647, 832, 1113

- Reports—2325, 2380  
 Resolutions offered—267-268, 1962, 2592, 2804  
 Subcommittee assignments—59, 245, 264, 346, 376, 504, 527, 528, 660, 758, 1249, 1734
- HALVORSON, RODNEY N.—Representative Webster County**  
 Amendments filed—60, 469, 1066, 1069, 1148, 1274, 1543, 1735, 1963, 1964, 2068, 2330, 2593, 2805  
 Amendments offered—1185, 1199, 1200, 1559, 1584, 1652, 1793, 2009, 2037  
 Amendment withdrawn—1185  
 Bills introduced—20, 187, 270, 297, 307, 437, 451, 545, 647, 792, 832  
 Committee appointments—24, 25, 26  
 Leave of absence—324, 510, 524, 604, 668, 742, 843, 1503  
 Presented to the House Mechtild Oenning, a member of the City Council of Borken, West Germany—1403  
 Presided at sessions of the House—1139  
 Resolution offered—2592  
 Subcommittee assignments—167, 245, 246, 292, 320, 321, 505, 506, 599, 600, 699, 758, 787, 810, 838, 1147, 1795, 2066
- HALVORSON, ROGER A.—Representative Allamakee-Clayton Counties**  
 Amendments filed—89, 145, 146-147, 248, 255-256, 268, 274-276, 281, 288, 364, 379, 439-440, 790, 816, 831, 963, 999, 1000, 1013, 1067, 1068, 1069, 1112, 1148, 1180, 1213, 1543, 1568, 1735, 1755-1756, 1779, 1848, 1860, 1879, 1884, 1962, 1963, 2067, 2068, 2111-2112, 2116-2117, 2141, 2315-2317, 2317, 2318, 2322, 2498  
 Amendments offered—118, 145, 255, 418, 439, 469, 805, 822, 1013, 1038, 1041, 1162, 1215, 1288, 1509, 1659, 1772, 1773, 1800, 1860, 1879, 1966, 1967, 1977, 2058, 2111, 2116, 2118, 2188, 2315, 2317, 2318, 2322  
 Amendments withdrawn—256, 430, 822, 1041, 1458, 1772, 2188  
 Bills introduced—124, 155, 174, 249, 337, 365, 381, 449, 483, 546, 576, 647, 650, 792  
 Committee appointments—24, 25, 26, 63, 2358  
 Leave of absence—298, 306, 370, 380, 2594  
 Report—2460-2464  
 Resolutions offered—267, 333, 2396, 2592  
 Subcommittee assignments—184, 185, 238, 304, 330, 346, 347, 445, 446, 504, 505, 516, 623, 624, 643, 680, 681, 699, 759, 770, 771, 811, 824, 918, 998, 1065, 1211, 1212, 1294, 1403, 1795, 2328
- HAMMOND, JOHNNIE—Representative Story County**  
 Amendments filed—508, 575, 645, 790, 831, 877, 1000, 1111, 1148, 1274, 1470, 1543, 1690, 1735, 1779, 1847, 1870, 2067, 2141, 2212-2213, 2359-2370, 2371-2373, 2373-2374, 2374  
 Amendments offered—676, 690, 835, 836, 1194, 1196, 1313, 1621, 1770, 1771, 1870, 2186, 2212, 2218, 2313, 2320, 2359, 2373, 2374  
 Amendments withdrawn—691, 1774, 2193  
 Appointed to the Health Data Commission—40  
 Bills introduced—156, 261, 270, 283, 297, 307, 326, 329, 336, 351, 367, 394, 451, 483, 511, 533, 558, 647, 832  
 Committee appointments—1, 24, 25, 26, 2074, 2422, 2423, 2466  
 Leave of absence—535, 647  
 Reports—1-4, 2522-2525, 2629-2630  
 Resolutions offered—1962, 2592

Subcommittee assignments—167, 230, 231, 245, 246, 265, 293, 320, 321, 362, 376, 445, 446, 505, 599, 699, 700, 701, 758, 759, 786, 787, 810, 811, 824, 838, 998, 1064, 1065, 1147, 1272, 1795, 2140, 2216

**HANSEN, STEVEN D.**—Representative **Woodbury** County

Amendments filed—842, 1069, 1848, 2068, 2277  
 Amendments offered—1083, 2030  
 Bills introduced—242, 297, 395, 482, 522, 647, 648, 665, 666, 675, 763, 764  
 Committee appointments—24, 25, 26, 47, 563, 765, 2570, 2604  
 Leave of absence—370  
 Presided at sessions of the House—145  
 Reports—2648-2649, 2655  
 Resolution offered—2592  
 Subcommittee assignments—238, 264, 346, 347, 446, 480, 505, 517, 551, 623, 624, 759, 1065, 1211, 1250, 1778, 1846

**HANSON, DARRELL R.**—Representative Buchanan-**Delaware**-Linn Counties

Amendments filed—89, 248, 274-276, 379, 468, 556, 830, 831, 963, 1000, 1066, 1067, 1068, 1148, 1180, 1212, 1244, 1470, 1543, 1589, 1675-1676, 1677, 1678, 1842, 1962, 1963, 2024, 2498, 2593  
 Amendments offered—254, 468, 846, 947, 1243, 1503, 1580, 1675, 1677, 1680, 1842, 2024, 2034, 2192  
 Amendment withdrawn—472  
 Bills introduced—45, 123, 186, 261, 438, 449, 483, 559, 647, 666, 706, 709, 710, 764, 775, 792, 806, 939  
 Committee appointments—25, 26, 27, 48  
 Leave of absence—249, 394, 907, 1797, 2594  
 Petitions presented—45, 240  
 Presided at sessions of the House—656  
 Resolutions offered—333, 730, 2396, 2592  
 Subcommittee assignments—88, 167, 245, 246, 258, 265, 292, 320, 321, 345, 375, 376, 479, 503, 505, 542, 543, 551, 599, 699, 700, 759, 760, 810, 811, 838, 1111, 1147, 1689, 2066, 2328

**HARBOR, WILLIAM H.**—Representative **Mills**-Montgomery-Pottawattamie Counties

Amendments filed—89, 145, 268, 274-276, 281, 288, 364, 379, 439-440, 481, 645, 790, 816, 831, 963, 1013, 1066, 1067, 1068, 1069, 1111, 1148, 1213, 1568, 1614, 1735, 1736, 1755-1756, 1768-1769, 1779, 1848, 1881-1882, 1885, 2037, 2067, 2068, 2315-2317, 2317, 2318, 2322, 2482, 2498  
 Amendments offered—139, 285, 288, 1745, 2037, 2208  
 Amendments withdrawn—288, 856, 1626  
 Appointed to the Legislative Council—234-235  
 Bills introduced—92, 123, 155, 242, 260, 271, 296, 306, 337, 365, 367, 381, 449, 450, 483, 520, 557, 576, 606, 647, 650, 675  
 Committee appointments—24, 25, 26, 561, 563, 2569, 2570  
 Leave of absence—93, 309, 370, 981, 1071, 1699  
 Petitions presented—1070, 1300, 1544  
 Presented to the House Marcy Requist, Miss Iowa for 1989—93  
 Presented to the House George Mills, longtime newsman from Des Moines, addressed the Pioneer Lawmakers—1713  
 Report—2648-2649  
 Resolutions offered—267, 333, 2396, 2592

Subcommittee assignments—88, 238, 245, 330, 331, 346, 347, 446, 504, 527, 623, 624, 642, 681, 682, 759, 787, 811, 918, 1064, 1065, 1403, 1404, 1846

**HARPER, PATRICIA**—Representative **Black Hawk** County

Amendments filed—842, 1180, 1212, 1469, 1470, 1528, 1543, 1779, 1847, 1887-1888, 2217

Amendments offered—1193, 1400, 1415, 1525, 1594, 1637, 2400

Bills introduced—242, 283, 306, 329, 335, 350, 546, 606, 647, 648, 687, 764, 832

Committee appointments—17-18, 25

Leave of absence—843

Reports—18-20, 235

Resolutions offered—1962, 2592

Subcommittee assignments—167, 185, 245, 265, 293, 321, 376, 446, 517, 527, 542, 551, 600, 680, 681, 700, 701, 758, 918, 1064, 1178, 1211, 1272, 1294

**HATCH, JACK**—Representative **Polk** County

Amendments filed—655-656, 1027, 1148, 1779, 1848, 1877-1879, 1881, 1884, 1963, 2068, 2725-2729

Amendments offered—655, 1073, 1103, 1780, 1877, 1884, 2002, 2245, 2432, 2725

Amendment withdrawn—2164

Appointed to the Affordable Heating Payment Program Pilot Project—40

Bills introduced—46, 155, 186, 234, 242, 269, 270, 283, 329, 336, 351, 366, 367, 380, 438, 511, 647, 648, 832

Committee appointments—24, 25, 26, 2289, 2568

Leave of absence—83, 370, 1201

Presided at sessions of the House—707, 2219

Reports—2606-2625, 2635-2645

Resolutions offered—1962, 2592, 2593

Subcommittee assignments—88, 238, 278, 304, 434, 446, 480, 551, 700, 998, 1147, 1249, 1403, 1588, 1648

**HAVERLAND, MARK A.**—Representative **Polk** County

Amendments filed—509, 1148, 1252, 1274, 1728, 1735, 1796, 1848, 1870, 1963, 2277, 2371-2373

Amendments offered—1292, 1465, 1728, 1819, 2168, 2293

Bills introduced—250, 283, 324, 325, 326, 350, 367, 395, 438, 483, 521, 647

Committee appointments—25, 26, 2422

Leave of absence—91, 686, 704, 732

Presided at sessions of the House—612

Resolutions offered—1962, 2592

Subcommittee assignments—230, 231, 238, 246, 264, 320, 321, 346, 347, 375, 376, 392, 434, 445, 446, 505, 517, 542, 599, 680, 700, 701, 786, 787, 824, 1064, 1065, 1211, 1249

**HEALTH DATA COMMISSION**—

Appointment to—40

Communication from—148

**HERMANN, DONALD F.**—Representative **Scott** County

Amendments filed—89, 268, 273, 274-276, 348, 379, 584, 645, 772, 790, 842, 877, 1469, 1543, 1568, 1962, 2498

Amendments offered—138, 273, 471, 1448, 1452, 1457

Appointed to the Ethics Committee—37-38

Bills introduced—46, 61, 155-156, 156, 173, 174, 232-233, 349, 350, 533, 545, 557, 606, 647, 648, 773

- Committee appointments—25, 27  
 Leave of absence—316, 510, 604, 1965  
 Petitions presented—532, 627, 878, 1181  
 Resolutions offered—305, 333, 2396, 2592  
 Subcommittee assignments—121, 167, 245, 376, 446, 600, 680, 681, 1064, 1211, 1272,  
 1294, 1846
- HESTER, JOAN L.**—Representative Harrison-Pottawattamie Counties  
 Amendments filed—89, 274-276, 348, 1252, 1796, 1881-1882, 1885, 2035  
 Amendment offered—2035  
 Amendment withdrawn—140  
 Bills introduced—92, 125, 155-156, 156, 250, 382, 557, 577, 647, 773  
 Committee appointments—25, 26, 501, 561, 2466, 2635  
 Leave of absence—1538, 1650  
 Petitions presented—296, 604  
 Report—2629-2630  
 Resolutions offered—267-268, 333, 1962, 2396, 2592  
 Subcommittee assignments—121, 230, 231, 238, 246, 278, 320, 375, 376, 445, 446, 505,  
 528, 551, 599, 642, 700, 701, 727, 786, 811, 824, 1065, 2216
- HIBBARD, DAVE**—Representative Adair-Dallas-Guthrie-Madison Counties  
 Amendments filed—626, 1000, 1028, 1067, 1068, 1069, 1252, 1470, 1543, 1690, 1779,  
 1964, 2141, 2204-2205, 2217, 2498  
 Amendments offered—1042, 1192, 1444, 2204, 2514, 2515  
 Bills introduced—483, 578, 647, 648, 675, 711, 757, 775  
 Committee appointments—12, 24, 25, 26, 63  
 Leave of absence—125, 269, 298, 309, 1300, 1411  
 Petitions presented—1029, 1113, 1181, 1544, 1590, 1740  
 Resolution offered—2592-2593  
 Subcommittee assignments—168, 184, 238, 330, 445, 446, 505, 516, 517, 551, 624, 681,  
 699, 758, 759, 760, 770, 771, 1064, 1065, 1211, 1212, 1249, 1250, 1272, 1294
- HOLVECK, JACK**—Representative Polk County  
 Amendments filed—626, 842, 963, 1028, 1132, 1212, 1275, 1462-1463, 1543, 1690, 1736,  
 2277  
 Amendments offered—1058, 1132, 1448, 1450, 1456, 1461, 1462, 1746, 1748  
 Amendment withdrawn—1450  
 Appointed to the Ethics Committee—38  
 Bills introduced—250, 326, 522, 647, 667, 710, 711, 793, 806  
 Committee appointments—25, 26, 27, 1464  
 Leave of absence—604, 1149, 1965  
 Presided at sessions of the House—1886  
 Reports—1960, 2070-2071  
 Resolution offered—2592-2593  
 Ruling made—1888  
 Subcommittee assignments—258, 264, 479, 480, 517, 528, 542, 543, 551, 624, 643, 682,  
 699, 700, 809, 810, 1064, 1211, 1212
- HOUSE COMMITTEE ASSIGNMENTS**—  
 28-37

## HOUSE CONCURRED—

House File 5, H-3604, as amended—2077  
House File 17, H-3150, as amended—441  
House File 20, H-4009—1803  
House File 59, H-4073—1837  
House File 71, H-4155, as amended—2031  
House File 88, H-4495—2757  
House File 98, H-4141, as amended—2147  
House File 123, H-3409—1708  
House File 127, H-4010—1686  
House File 140, H-4444, as amended—2519  
House File 141, H-3408—2029  
House File 146, H-4020—2228  
House File 163, H-4013—1865  
House File 178, H-4174, as amended—2239  
House File 196, H-4040—1790  
House File 198, H-3975—1869  
House File 234, H-3980—1898  
House File 241, H-3974—1709  
House File 272, H-4041—1804  
House File 273, H-4042—1876  
House File 293, H-4372—2306  
House File 313, H-4156—2018  
House File 343, H-4051—1816  
House File 344, H-4011—1893  
House File 355, H-4475—2627  
House File 371, H-4036—1710  
House File 373, H-4131, as amended—1819  
House File 402, H-4012—1875  
House File 403, H-4014—1873  
House File 447, H-3498, as amended—2009  
House File 448, H-4371—2312  
House File 451, H-4446, as amended—2511  
House File 459, H-4400—2386  
House File 477, H-4038, as amended—1834  
House File 490, H-4045, as amended—2263  
House File 496, H-4007—1854  
House File 522, H-4046, as amended—1814  
House File 529, H-4312—2240  
House File 533, H-3976—1792  
House File 537, H-3985—1569  
House File 549, H-4425—2436  
House File 551, H-4006—1859  
House File 556, H-4463—2550  
House File 572, H-4044—2015  
House File 573, H-4005—2080  
House File 579, H-4364, as amended—2296  
House File 585, H-4227—2226  
House File 598, H-4043—1685  
House File 643, H-4050, as amended—1857  
House File 644, H-4465—2584

House File 662, H-4315—2271  
House File 663, H-4004—1863  
House File 669, H-3977—1867  
House File 674, H-4154—2082  
House File 686, H-4310, as amended—2468  
House File 688, H-4487—2679  
House File 690, H-4490—2722  
House File 692, H-4039—1836  
House File 700, H-4362—2298  
House File 703, H-4436, as amended—2508  
House File 713, H-4297—2242  
House File 722, H-4000, as amended—1892  
House File 723, H-4072—1802  
House File 729, H-3990—1754  
House File 735, H-4001—2014  
House File 740, H-4132, as amended—2527  
House File 745, H-4477—2648  
House File 753, H-4438, as amended—2548  
House File 764, H-4395—2355  
House File 769, H-4389—2357  
House File 772, H-4411, as amended—2486  
House File 775, H-4329, as amended—2294  
House File 777, H-4439—2493  
House File 785, H-4481, as amended—2716  
House File 789, H-4471, as amended—2632  
House File 791, H-4470—2603  
House File 794, H-4496—2779  
House File 799, H-4479, as amended—2730  
Senate File 119, H-4071—2167  
Senate File 223, H-4165—2149  
Senate File 366, H-4393—2394  
Senate File 369, H-4339—2222  
Senate File 508, H-4146—2032  
Senate File 519, H-4396—2427  
Senate File 520, H-4358—2290  
Senate File 532, H-4352—2272  
Senate File 537, H-4497—2790  
Senate File 540, H-4410—2417  
Senate File 541, H-4409—2402

**HOUSE INSISTS—**

House File 17—501  
House File 178—2422  
House File 686—2568  
House File 740—2570  
House File 785—2780  
Senate File 14—2423  
Senate File 141—2358  
Senate File 199—2074  
Senate File 524—2258  
Senate File 531—2280  
Senate File 538—2465  
Senate File 539—2522

## HOUSE RECEDES—

- Senate File 56—2172
- Senate File 186—2307
- Senate File 199—2072

## HOUSE REFUSED TO CONCUR—

- House File 199, H-3267—670
- House File 250, H-4456—2538
- House File 271, H-4374—2307
- House File 535, H-3842—1399-1400
- House File 570, H-4008—1864
- House File 728, H-4363—2309-2310
- House File 774, H-4341—2257
- House File 778, H-4392—2354
- House File 779, H-4351—2270
- House File 780, H-4408—2414
- House File 795, H-4472—2633
- Senate File 157, H-4319—2168
- Senate File 220, H-4464—2568
- Senate File 363, H-4233—2010-2012
- Senate File 419, H-4225—2428
- Senate File 450, H-4320—2258
- Senate File 470, H-4418—2429
- Senate File 472, H-4468—2570
- Senate File 517, H-4357—2283

## HOUSE RULES AND ADMINISTRATION COMMITTEE—

(See RULES AND ADMINISTRATION, COMMITTEE ON)

## HUMAN RESOURCES, COMMITTEE ON—

- Amendments filed—531, 602, 730, 831, 1111, 1252, 1298, 1441
- Amendments offered—619, 1415, 1465, 1502, 1525, 1594, 1621
- Appointed—25
- Bills introduced—297, 309, 349, 367, 483, 524, 548, 757, 818, 850, 892, 957
- Recommendations—294, 322-323, 347, 377, 507-508, 529-530, 553-554, 601, 728, 788, 826-827, 871-872, 1111, 1250, 1294-1295, 1440, 2217
- Subcommittee assignments—230, 231, 245, 246, 264, 265, 320, 321, 346, 347, 375, 376, 445, 446, 505, 599, 680, 681, 701, 786, 787, 824, 1064, 1065, 1211, 1294

## INTERGOVERNMENTAL RELATIONS, ADVISORY COMMISSION ON—

- Appointment to—40
- Communication from—43

## INTERIM COMMITTEES—

(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)

Resolutions relating to:

- House Concurrent Resolution 9, shortages of trained health care practitioners in Iowa—999
- House Concurrent Resolution 12, cost, affordability, and availability, child day care in Iowa—1962
- House Concurrent Resolution 15, election laws—2277
- House Concurrent Resolution 17, single commercial driver lic. requirement, drivers of commercial motor vehicles, Fed. Commercial Motor Vehicle Safety Act of 1986—2497

- House Concurrent Resolution 20, development, adequate statewide water supply—2592
- House Concurrent Resolution 23, establish a Sino-American Education Center, People's Republic of China—2593
- House Concurrent Resolution 24, economic role, ag & agricultural community can play, preparing for & developing this state's full potential—2804
- House Resolution 9, prop. tax relief through circuit breakers—2276
- House Resolution 10, mobile home tax—2497
- Senate Concurrent Resolution 34, refer resolutions & proposals requesting the establishment of leg. studies to leg. council—2647, 2804

#### INTRODUCTION OF BILLS—

(See BILLS, subheading Introduction of and/or INDIVIDUAL HEADINGS)

#### IOWA BOUNDARY COMMISSION—

Appointment to—40

#### IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM—

Communication from—56

#### IPERS—

(See IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM)

#### JAY, DANIEL J.—Representative **Appanoose**-Davis-Wapello Counties

Amendments filed—281, 348, 1028, 1066, 1069, 1148, 1169-1171, 1180, 1213, 1252, 1299, 1470, 1534, 1535-1537, 1589, 1962, 1963, 2111, 2116, 2141, 2277

Amendments offered—372, 1169, 1204, 1266, 1304, 1316, 1482, 1531, 1535, 1699, 1782, 1786, 1824, 2059, 2111, 2116, 2526

Amendments withdrawn—1219, 1220, 1268, 1787

Bills introduced—20, 546, 647, 686, 688, 710, 775, 819

Committee appointments—25, 26, 562, 2358, 2458, 2570

Leave of absence—125, 380, 443, 1018, 1181, 1411

Reports—2460-2464, 2648-2649, 2731-2738

Resolutions offered—2592-2593, 2593

Subcommittee assignments—59, 88, 184, 185, 238, 245, 330, 346, 347, 376, 445, 446, 503, 504, 505, 527, 623, 624, 680, 681, 700, 758, 759, 824, 918, 1065, 1212, 1250, 1294, 1403, 2216, 2328

#### JESSE, GLEN D.—Representative **Jasper**-Marion-Polk-Warren Counties

Amendments filed—435, 481, 626, 1066, 1112, 1148, 1470, 1736, 1779, 2277, 2441-2452, 2468

Amendments offered—495, 933, 1107, 1156, 2287, 2441

Bills introduced—329, 350, 367, 483, 522, 647, 705, 775

Committee appointments—25, 26, 2568

Leave of absence—380, 866, 994, 1033, 1590, 1849

Report—2635-2645

Resolution offered—2592-2593

Subcommittee assignments—376, 445, 516, 624, 700, 701, 770, 1064, 1111, 1211, 1249, 1846

#### JOCHUM, THOMAS J.—Representative **Dubuque** County

Amendments filed—440-441, 663, 842, 1028, 1469, 1649, 1736, 1885, 1962, 2019, 2036, 2068, 2371-2373, 2539, 2725-2729

Amendments offered—708, 1758, 1772, 2036, 2185, 2189, 2539, 2564

Appointed to the Legislative Council—234-235  
 Appointed to the Legislative Fiscal Committee—235  
 Bills introduced—92, 242, 260, 270, 283, 325, 351, 366, 367, 381, 438, 511, 522, 578, 647  
 Committee appointments—24, 25, 2033, 2301, 2466, 2522, 2569, 2635  
 Leave of absence—342, 1650  
 Petitions presented—817, 1254  
 Reports—2173-2181, 2487-2492, 2629-2630, 2680-2683, 2741-2753, 2780-2787  
 Resolutions offered—2277, 2592-2593  
 Subcommittee assignments—121, 304, 375, 480, 528, 543, 642, 701, 809, 810, 811, 998, 1147, 1795, 2140

**JOHNSON, PAUL W.**—Representative Allamakee-**Winneshiek** Counties  
 Amendments filed—435, 626, 920, 963, 1112, 1148, 1274, 1589, 2019, 2025, 2530-2532  
 Amendments offered—936, 1697, 2025, 2530  
 Amendment withdrawn—1697  
 Bills introduced—283, 329, 647, 775  
 Committee appointments—24, 25, 26, 2399  
 Leave of absence—547, 1276, 1503  
 Petitions presented—1214, 1276  
 Remarks by—5-6  
 Report—2658-2672  
 Resolutions offered—2277, 2592-2593, 2593  
 Subcommittee assignments—292, 293, 320, 680, 699, 810, 1249, 1272, 1403

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   House Concurrent Resolution 2, condition of the judicial department message—12-13 adopted, 62  
   House Concurrent Resolution 3, pioneer lawmakers—248, 651-652 adopted, 1071  
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   House File 17—766  
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   House File 535—915  
   House File 600—936

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Amendments filed—602, 645, 730, 790, 831, 842, 1298, 1409, 1410, 1441, 1442, 1614  
 Amendments offered—672, 677, 717, 1033, 1162, 1444, 1482, 1509, 1531, 1535, 1573, 1624, 1782, 1786, 1821  
 Amendments withdrawn—1521, 1787  
 Appointed—25  
 Bills introduced—510, 548, 605, 693, 763, 791, 793, 819, 843, 844, 850, 851, 891, 892, 893, 921, 922, 958, 960, 961

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 Subcommittee assignments—184, 185, 238, 330, 331, 346, 347, 445, 446, 447, 504, 505, 528, 623, 624, 680, 681, 682, 758, 759, 760, 771, 810, 811, 824, 918, 1064, 1065, 1212, 1249, 1250, 1272, 1294, 1403, 1404, 1778, 2216, 2328

**KISTLER, ROBERT L.**—Representative **Jefferson-Keokuk-Wapello** Counties

Amendments filed—274-276, 348, 1028, 1469  
 Bills introduced—546, 557, 577, 647  
 Committee appointments—12, 25, 562, 2074, 2299  
 Petitions presented—1113, 1149  
 Report—2533-2535  
 Resolutions offered—333, 2396, 2592  
 Subcommittee assignments—88, 120, 121, 245, 264, 320, 321, 346, 347, 375, 376, 446, 527, 528, 551, 599, 600, 680, 681, 727, 758, 786, 787, 824, 918, 1064, 1178, 1211, 1272, 1294, 2216

**KNAPP, DONALD J.**—Representative **Dubuque-Jones** Counties

Amendments filed—861-862, 2113, 2141, 2481, 2631-2632  
 Amendments offered—1140, 2481  
 Bills introduced—270, 329, 647  
 Committee appointments—24, 25, 26, 2648  
 Leave of absence—337, 736  
 Report—2677-2678  
 Resolutions offered—2277, 2592-2593  
 Subcommittee assignments—167, 238, 245, 246, 265, 292, 320, 321, 330, 331, 346, 376, 505, 528, 600, 624, 642, 643, 681, 682, 758, 759, 810, 811, 838, 918, 1064, 1065, 1147, 1403, 1404

**KOENIGS, DEO A.**—Representative **Chickasaw-Howard-Mitchell** Counties

Amendments filed—333, 497, 602, 645, 963, 999, 1028, 1066, 1111, 1180, 1213, 1441, 1442, 1543, 1614, 1690, 1779  
 Amendments offered—496, 497, 1221, 1256, 1302, 1807, 2131, 2198  
 Bills introduced—20, 45, 329, 337, 647, 648  
 Committee appointments—24, 26, 2258, 2280  
 Leave of absence—604, 1164, 2218  
 Petition presented—2142  
 Presided at sessions of the House—432, 740, 1060, 1973  
 Reports—2552-2559, 2560-2563  
 Resolutions offered—267, 2592-2593  
 Ruling made—1977  
 Subcommittee assignments—88, 121, 264, 346, 376, 504, 528, 700, 758, 787, 825, 1178, 1249, 1846

**KREMER, JOSEPH M.**—Representative **Black Hawk-Buchanan** Counties

Amendments filed—348, 481, 519, 556, 565, 703, 816, 841, 1066, 1067, 1068, 1069, 1120, 1180, 1252, 1274, 1441, 1543, 1568, 1615, 1735, 1962, 1963, 2037, 2067, 2303-2304  
 Amendments offered—537, 564, 565, 802, 834, 1106, 1120, 1445, 1446, 1627, 1826, 2057, 2163, 2303  
 Amendments withdrawn—1826, 2160  
 Bills introduced—91, 307, 336, 483, 532, 557, 577, 647  
 Committee appointments—25, 26, 1464, 2301, 2606  
 Leave of absence—712, 732, 843, 878, 2078, 2416

Petition presented—1650  
 Reports—1960, 2070-2071, 2674-2675  
 Resolutions offered—267, 333, 2396, 2592-2593  
 Subcommittee assignments—184, 330, 346, 446, 551, 624, 700, 1065, 1211, 1212, 1846

#### LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—

Amendments filed—248, 305, 626, 663  
 Amendments offered—358, 694, 969  
 Amendment withdrawn—289  
 Appointed—25, 2395  
 Bills introduced—627, 667, 674, 774, 817, 832, 922, 960  
 Recommendations—247-248, 304-305, 323, 625, 661-662, 702, 761-762, 813-814, 840, 873-874, 1407  
 Subcommittee assignments—120-121, 167, 231, 304, 320, 321, 345, 346, 527, 528, 599, 600, 680, 727, 787, 1272

#### LAGESCHULTE, RAYMOND—Representative Black Hawk-Bremer-Butler Counties

Amendments filed—963, 1543, 1879, 1885, 1963, 2067  
 Amendments offered—1449, 1879, 1885, 2187  
 Amendment withdrawn—1458  
 Bills introduced—325, 546, 557, 647, 648  
 Committee appointments—24, 25, 560, 2033  
 Leave of absence—269, 743, 1287, 2755  
 Presented to the House Rosa Flores, foreign exchange student from Honduras—1777  
 Report—2173-2181  
 Resolutions offered—2396, 2592  
 Subcommittee assignments—185, 542, 551, 701, 811, 998

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(See also STUDY COMMITTEES)

Appointments to—234-235

Resolutions relating to:

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 House Concurrent Resolution 15—2277  
 House Concurrent Resolution 17—2497  
 House Concurrent Resolution 20—2592  
 House Concurrent Resolution 23—2593  
 House Concurrent Resolution 24—2804

House Resolution 9—2276  
 House Resolution 10—2497  
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 Amendments filed—348, 508, 531, 555, 663, 684, 816, 842, 1252  
 Amendments offered—396, 539, 610, 721, 801, 1073, 1203  
 Amendment withdrawn—1477  
 Appointed—26  
 Bills introduced—175, 368, 524, 732, 733, 773, 791, 792, 849, 850, 891, 958, 959, 960, 961  
 Recommendations—171-172, 267, 294, 348, 378, 508, 530, 554, 644-645, 662, 684, 729,  
 789, 814, 828-829, 840-841, 1251, 1296-1297  
 Subcommittee assignments—230, 231, 238, 258, 278, 320, 331, 375, 376, 434, 480, 528,  
 551, 552, 599, 642, 680, 700, 701, 787, 809, 811, 918, 1064, 1065, 1249, 1272

LUNDBY, MARY A.—Representative **Linn** County, Assistant Minority Floor Leader  
 Amendments filed—268, 274-276, 392, 393, 428, 435, 475, 695, 842, 1212, 1409, 1410,  
 1543, 1569, 1588, 1614, 1690, 2025, 2026-2027, 2277  
 Amendments offered—428, 431, 474, 475, 695, 1551, 1569, 1727, 2025, 2026, 2285  
 Amendments withdrawn—422, 428  
 Appointed to the Affordable Heating Pilot Project Advisory Board—40  
 Appointed to the Legislative Council—234-235  
 Bills introduced—260, 545, 546, 557, 647, 773, 792, 939  
 Committee appointments—25, 26, 2301, 2522  
 Leave of absence—995  
 Presented to the House, winner of the Iowa Outstanding Farmer Award, Mr.  
 Raymond G. Oltman, Central City—891  
 Resolutions offered—267, 305, 333, 2277, 2396, 2592  
 Subcommittee assignments—88, 167, 246, 265, 320, 321, 505, 528, 551, 599, 643, 682,  
 699, 700, 758, 759, 811, 838, 918, 1147, 1272, 1403

LYKAM, JIM—Representative **Scott** County  
 Amendments filed—842, 1028, 1112  
 Bills introduced—242, 329, 647, 649, 774  
 Committee appointments—12, 25, 26  
 Petitions presented—1214, 1300, 1443  
 Resolution offered—2592-2593  
 Subcommittee assignments—121, 230, 503, 505, 699, 701, 727, 787, 1272

MAJORITY FLOOR LEADER, Robert C. Arnould—Representative **Scott** County  
 (See ARNOULD, ROBERT C.—Representative **Scott** County, Majority Floor Leader)

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- Claims approved - 195-229
- Claims disapproved - 190-191, 243, 541-542, 1025-1026, 1688-1689
- Claims filed - 189, 242-243, 541-542, 1024-1026, 1688-1689
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MAULSBY, RUHL - Representative **Calhoun-Sac-Webster** Counties

- Amendments filed - 544, 556, 574, 575, 585, 734-735, 740-741, 742, 772, 1028, 1148, 1180, 1252, 1253, 1275, 1543, 1614, 1736, 1755-1756, 1882, 1884, 1963, 2023, 2067, 2482, 2483
- Amendments offered - 579, 585, 638, 734, 740, 742, 851, 853, 1401, 1882, 1884, 2023, 2133
- Amendments withdrawn - 592, 2483
- Bills introduced - 381, 394, 395, 557, 647, 650, 675, 964
- Committee appointments - 24, 25, 26, 2289
- Leave of absence - 93, 394, 1018
- Petitions presented - 1443, 1544
- Report - 2606-2625
- Resolutions offered - 267-268, 333, 2276, 2396, 2592
- Subcommittee assignments - 258, 321, 504, 551, 642, 700, 701, 1178

MAY, DENNIS - Representative **Cerro Gordo-Winnebago-Worth** Counties

- Amendments filed - 831, 954, 1112, 1148, 1543, 1614, 1690, 1963
- Amendments offered - 883, 943, 953, 954, 1173
- Bills introduced - 242, 329, 437, 647, 775
- Committee appointments - 24, 25, 26, 27
- Leave of absence - 2657
- Petition presented - 1300
- Presented to the House the Honorable Delbert W. Floy, former state Senator - 277
- Resolutions offered - 267-268, 2592-2593
- Subcommittee assignments - 59, 121, 168, 258, 479, 480, 504, 528, 542, 624, 699, 700, 701, 727, 809, 810, 1111, 1249, 1735

McKEAN, ANDREW J. (ANDY) - Representative **Jones-Linn** Counties

- Amendments filed - 89, 274-276, 379, 575, 1028, 1059, 1067, 1068, 1112, 1274, 1568, 1736, 2068, 2498
- Amendments offered - 160, 467, 469, 1058, 1059, 1117, 1165, 2161
- Amendment withdrawn - 161
- Appointed to the Ethics Committee - 37-38
- Bills introduced - 174, 250, 336, 436, 450, 557, 559, 647, 764, 792, 892, 939
- Committee appointments - 25, 26, 27, 2301, 2542
- Leave of absence - 834, 1174, 1310, 1797, 2605
- Petition presented - 1544
- Report - 2595-2596
- Resolutions offered - 267-268, 333, 2277, 2396, 2592
- Subcommittee assignments - 59, 121, 167, 320, 376, 434, 446, 480, 504, 505, 552, 599, 642, 699, 700, 727, 770, 787, 809, 810, 1111, 1249, 1272, 1403, 1846, 1961

McKINNEY, WAYNE H., Jr. - Representative **Dallas** County

- Amendments filed - 841, 1066, 2113, 2114-2115, 2115
- Amendments offered - 946, 1096, 2114, 2115, 2793
- Appointed to the Ethics Committee - 37-38
- Bills introduced - 46, 297, 329, 381, 647, 763

Committee appointments—24, 25, 27, 2358, 2458, 2648  
 Leave of absence—186, 232, 921, 1843  
 Presided at sessions of the House—1231, 1263  
 Reports—2460-2464, 2677-2678, 2731-2738  
 Resolutions offered—267, 2592-2593  
 Ruling made—1263  
 Subcommittee assignments—184, 185, 238, 330, 346, 445, 446, 480, 504, 505, 528, 680,  
 681, 759, 824, 918, 1065, 1212, 1294, 1403, 1846

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Committees appointed—560, 561, 562, 563, 765, 1590-1591  
 In Memoriam List—3121  
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 Memorial Services Committee appointed—1113  
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 Resolutions relating to—560, 561, 562, 563, 765, 1590-1591

## MERTZ, DOLORES M.—Representative Humboldt-Kossuth-Palo Alto-Pocahontas Counties

Amendments filed—531, 848, 877, 963, 1690, 1736, 1779, 1964, 2204-2205  
 Amendments offered—535, 848  
 Amendment withdrawn—1770  
 Bills introduced—329, 557, 647, 648, 649, 650, 687, 763, 764, 775  
 Committee appointments—24, 25, 26, 48  
 Leave of absence—439, 494, 618  
 Petition presented—1443  
 Presented to the House Carol Ann Mertz, Iowa's Pork Princess for 1988—240  
 Resolutions offered—2592, 2592-2593  
 Subcommittee assignments—230, 265, 278, 320, 376, 434, 551, 552, 701, 787, 1064,  
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 2211, 2215, 2229, 2258, 2264, 2267, 2273, 2282, 2283, 2284, 2288, 2291, 2295, 2299,

## MOTION TO OVERRIDE GOVERNOR'S ITEM VETO —

## Filed:

House File 535—2657

## Lost:

House File 535—2657-2658

## MOTION TO OVERRIDE GOVERNOR'S VETO —

## Filed:

House File 713—2655

## Lost:

House File 713—2655-2656

## MOTIONS TO RECONSIDER —

## Filed:

House File 26—1145

House File 100—1110

House File 142—1207, 1208

House File 146—433

House File 149—433

House File 178—391

House File 199—444

House File 269—641

House File 274—502

House File 313—2064

House File 345—640

House File 347—641

House File 448—725

House File 468—962

House File 490—1208

House File 531—997

House File 535—916

House File 535, H-3329—757

House File 535, H-3348D—868

House File 585—1110

House File 596—917

House File 600—1023

House File 619—1110

House File 656—962

House File 684—1023

House File 685—1110

House File 720—1177

House File 725—1146

House File 748—1208

House File 758—1687

House File 767—1845

House Resolution 2, H-3037—162

House Resolution 7—502

Senate Concurrent Resolution 3—147

Senate File 56—1587

Senate File 118—1437

Senate File 124—1469

Senate File 224—1437

Senate File 434—1587

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Motion to override governor's veto—2655-2656

Senate messages considered—47, 94, 175, 234, 251, 271, 308, 327, 337, 351, 357, 368, 395, 451, 484, 501, 511, 534, 546, 578, 597, 606, 627, 639, 689, 693, 697, 776, 793, 819, 833, 893, 940, 964, 1001, 1029, 1054, 1070, 1080, 1124, 1182, 1188, 1214, 1247, 1254, 1265, 1276, 1283, 1284, 1503, 1572, 1650, 1684, 1693, 1716, 1752, 1753, 1794, 1844, 1900, 2021, 2064, 2069, 2079, 2143, 2290, 2339, 2432, 2604, 2628, 2791

Veto messages—1775-1776, 2586-2588, 3088-3091

#### METCALF, JANET S.—Representative Polk County

Amendments filed—89, 189, 348, 427, 427-428, 556, 575, 626, 703, 712-714, 842, 1112, 1148, 1161, 1252, 1299, 1543, 1589, 1963, 2141, 2217, 2330, 2371, 2374-2375, 2459-2460, 2467-2468, 2498

Amendments offered—117, 143, 158, 189, 427, 429, 586, 587, 1161, 1617, 1619, 2160, 2371, 2374, 2391, 2433, 2459, 2467, 2515

Amendments withdrawn—588, 2371

Bills introduced—233, 241, 250, 260, 282, 296, 326, 350, 353, 450, 522, 523, 557, 647, 648, 649, 687, 764, 773, 776

Committee appointments—25, 26, 27, 561, 2522, 2568

Leave of absence—324, 1174, 1538

Presented to the House Eric Runyan, Easter Seals' 1989 State Ambassador—24

Reports—2635-2645, 2650-2651

Resolutions offered—333, 730, 2396, 2592

Subcommittee assignments—257, 258, 331, 479, 480, 516, 542, 543, 551, 623, 624, 61701, 809, 811, 1147, 1211, 1249, 1293, 1294, 1542, 2275, 2328

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Appointments to—17-18

Report—18-20

Report adopted—62

Supplemental report—235, 251 adopted

#### MILLER, TOM H.—Representative Cherokee-Clay-O'Brien Counties, Assi Minority Floor Leader

Amendments filed—90, 544, 569, 575, 1252, 1253, 1568, 1589, 2795

Amendments offered—117, 635, 2795

Bills introduced—325, 326, 520, 546, 557, 577, 578, 647, 818

Committee appointments—25, 1113, 2299

Leave of absence—1287, 1433

Report—2533-2535

Resolutions offered—267, 305, 333, 2396, 2592

Subcommittee assignments—185, 258, 293, 517, 542, 727, 811

#### MINORITY FLOOR LEADER, Delwyn Stromer—Representative Franklin Wright Counties

(See STROMER, DELWYN—Representative Franklin-Hancock-Wright  
Minority Floor Leader)

## Lost:

House File 100—2805  
House File 142—2805  
House File 156—1235  
House File 274—2805  
House File 345—1247  
House File 347—2805  
House File 490—1246  
House File 535, H-3329 & H-3348E—915  
House File 600—1207  
House File 619—2806  
House File 720—2806  
House File 748—1247

## Prevailed:

House File 146—690  
House File 269—1282  
House File 535, H-3348D—913  
House File 585—1119-1120  
House File 685—1132  
House File 767—1966  
House Resolution 2, H-3037—188  
Senate File 124—1742-1743

## Ruled out of order:

House File 146—690  
House File 269—1282  
House File 490—1246  
House File 748—1247

## Withdrawn:

House File 26—1173  
House File 149—501  
House File 178—485  
House File 199—512  
House File 269—1176  
House File 313—2143  
House File 448—821-822  
House File 468—1176  
House File 531—1121  
House File 535—968  
House File 656—1176  
House File 684—1124  
House File 758—1753  
House Resolution 7—733  
Senate Concurrent Resolution 3—157  
Senate File 56—1693  
Senate File 118—1503  
Senate File 224—1643-1644  
Senate File 434—2428

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House File 156, H-3266—1234  
House File 156—1235

House File 269, H-3274—1285  
 House File 269, H-3194—1286  
 House File 269, H-3273, as amended—1286  
 House File 535, H-3351A—911  
 House File 535, H-3348E—915  
 House File 585, H-3642A & H-3642B—1120  
 House File 685, H-3676—1132  
 House File 719—1123  
 House File 772, H-4170—1842  
 House File 779, H-4208—2062  
 Senate File 59, H-3255—588, 589  
 Senate File 59, H-3242—595  
 Senate File 79—1644  
 Senate File 79, H-3684B—1644  
 Senate File 117—1432  
 Senate File 117, H-3515—1433  
 Senate File 199—2074

## Lost:

House File 719—1123  
 House File 779, H-4208—2062

## Prevailed:

House File 156, H-3264—1233  
 House File 156, H-3266—1234  
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 Senate File 199—2074

## Ruled out of order:

Senate File 59, H-3255—589  
 Senate File 79—1644

**MUHLBAUER, LOUIS J.**—Representative **Crawford**-Shelby Counties, Assistant  
 Majority Floor Leader

Amendments filed—772, 790, 894, 985, 1000, 1066, 1112, 1213, 1220, 1543, 1614, 1649,  
 1690, 1963, 2498

Amendments offered—887, 894, 1218, 1219, 1220

Amendments withdrawn—1444, 1705

Bills introduced—157, 260, 329, 350, 557, 577, 647, 648, 705, 775

Committee appointments—24, 26, 2258

Leave of absence—269, 353, 428

Presented to the House foreign exchange students Tarja Hoffstrom, Finland and Carlos Lopez, Spain—597

Presented to the House the Honorable Jim Cooper, former member of the House—1027

Presided at sessions of the House—485

Report—2552-2558

Resolutions offered—267, 2592-2593, 2804

Subcommittee assignments—167, 168, 320, 346, 434, 504, 528, 758, 770, 787, 811, 825, 1065, 1178, 1272, 1734

#### NATURAL RESOURCES AND OUTDOOR RECREATION, COMMITTEE ON—

Amendments filed—379, 555, 831

Amendments offered—496, 943, 953, 1019

Appointed—26

Bills introduced—188, 251, 262, 283, 309, 524, 605, 639, 844, 850, 878, 892, 939

Recommendations—231, 248, 267, 294-295, 323, 530, 554, 602, 645, 789, 829, 874, 1297

Subcommittee assignments—59, 121, 230, 264, 293, 320, 376, 503, 504, 505, 517, 699, 700, 810, 824, 1272

#### NEUHAUSER, MARY C.—Representative **Johnson** County

Amendments filed—379, 663, 730, 772, 842, 863-865, 955, 1274, 1275, 1298, 1410, 1426, 1543, 1779, 1963, 2067, 2068

Amendments offered—468, 782, 858, 863, 955, 1013, 1421, 1426

Amendments withdrawn—854, 865

Appointed to the Commission on the Status of Women—40

Appointed to the Energy and Environmental Protection Committee—2395

Appointed to the Ethics Committee—37-38

Bills introduced—283, 329, 335, 351, 367, 438, 483, 511, 520, 545, 559, 647, 674, 710, 832

Committee appointments—25, 27, 2289

Leave of absence—309, 921, 1503, 1797

Report—2606-2625

Resolutions offered—999, 2277, 2592, 2592-2593

Subcommittee assignments—320, 346, 599, 600, 680, 701, 1272

#### NIELSEN, JOYCE—Representative **Linn** County

Amendments filed—508, 842, 1887-1888, 2204-2205

Amendment offered—1887

Bills introduced—329, 647, 705, 775

Committee appointments—25

Leave of absence—394

Petition presented—1780

Presented to the House winners of the “Write Women Back Into History” essay contest—668

Presented to the House members of the Iowa Women’s Hall of Fame—706, 968, 1113

Presented to the House two members of the Iowa Women’s Hall of Fame, Mary Jane Odell and Marguerite Esters Cothorn—821

Resolutions offered—1962, 2277, 2592-2593

Subcommittee assignments—88, 230, 231, 246, 264, 320, 321, 346, 347, 375, 376, 434, 445, 446, 504, 505, 517, 528, 599, 701, 786, 787, 824, 1064, 1065, 1211, 2216

#### NOMINATIONS—

For Acting Chief Clerk—1

For Permanent Chief Clerk—11

For Speaker of the House—5, 6, 7  
 For Speaker Pro Tempore—13, 14  
 For Temporary Speaker—1

#### OATH OF OFFICE—

By Acting Chief Clerk Joseph O'Hern—1  
 By Temporary Speaker, Representative Pavich—1  
 By members—4-5  
 By Speaker of the House, Representative Avenson—8  
 By Speaker Pro Tempore, Representative Connors—15

#### OBJECTIONS—

Raised—442, 881, 993, 996, 1009, 1012, 1234, 1744, 1794, 1806, 1808, 2207, 2227, 2433,  
 2715  
 To immediate message—1235  
 Withdrawal from Committee—881

#### OFFICERS AND EMPLOYEES—

Elected Joseph O'Hern, acting Chief Clerk—1  
 Elected Joseph O'Hern, permanent Chief Clerk—11  
 Elected the Honorable Emil Pavich, Temporary Speaker—1  
 Elected the Honorable Donald D. Avenson, Speaker of the House—5-8  
 Elected the Honorable John H. Connors, Speaker Pro Tempore—13-15  
 Employees of the House—21-22, 1438  
 Pages—22  
 Pay grades and steps, list of 38-39, 176-181, 181-183, 823, 1438  
 Resignations—39, 41, 823-824  
 Resolutions relating to:  
   House Resolution 1—17 adopted  
   Senate Concurrent Resolution 3—93-94, 125-138, 145-147 adopted, 157  
 Special presentation to House Pages—686, 2398

#### OLLIE, C. ARTHUR—Representative Clinton County

Amendments filed—569, 571, 626, 748-755, 762, 772, 831, 841, 842, 910-911, 919, 1112,  
 1180, 1633, 1633-1634, 1881-1882, 1883  
 Amendments offered—566, 569, 571, 748, 783, 910, 911, 938, 969, 1231, 1633  
 Amendments withdrawn—905, 906, 911, 1234  
 Bills introduced—124, 282, 329, 335, 367, 647  
 Committee appointments—25, 561, 1418, 2299, 2604  
 Petitions presented—260, 1276  
 Presided at sessions of the House—985, 1077, 2336, 2707  
 Reports—1900-1959, 2533-2535, 2655  
 Resolutions offered—2277, 2592-2593, 2593  
 Subcommittee assignments—185, 258, 293, 304, 346, 680, 701, 727, 811

#### OSTERBERG, DAVID—Representative Cedar-Linn Counties

Amendments filed—89, 508, 575, 654-655, 762, 920, 963, 992, 995, 1112, 1298, 1649,  
 1690, 1736, 1963, 2302, 2302-2303, 2304, 2455-2456  
 Amendments offered—142, 654, 990, 992, 995, 2302, 2304, 2455  
 Amendments withdrawn—905, 2303  
 Appointed to the Agriculture Energy Management Advisory Council—40  
 Bills introduced—91, 92, 261, 283, 326, 329, 436, 522, 545, 557, 647, 773  
 Committee appointments—24, 25, 26, 27, 2542

Conference committee appointment announced—2258  
 Leave of absence—834  
 Presided at sessions of the House—2244  
 Reports—2595-2596, 2597-2599  
 Resolutions offered—267-268, 2592, 2592-2593, 2593  
 Subcommittee assignments—88, 167, 258, 293, 345, 479, 480, 504, 551, 623, 680, 699,  
 700, 770, 810, 1111, 1147, 1249, 1272, 1542, 1735, 1961

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 Resolutions relating to:  
     House Resolution 1—17 adopted  
     Senate Concurrent Resolution 3—93-94, 125-138, 145-147 adopted, 157  
 Special presentation to—686, 2398

PAVICH, EMIL S.—Representative **Pottawattamie** County

Amendments filed—508, 645, 842, 1028, 1066, 1148, 1543, 1848, 1881-1882, 1885, 2277  
 Amendments offered—514, 952  
 Appointed to the Administrative Rules Review Committee—229  
 Bills introduced—233, 241, 242, 260, 262, 270, 283, 329, 351, 365, 366, 522, 578, 647, 648  
 Committee appointments—24, 26, 1711-1712  
 Leave of absence—630-631  
 Petitions presented—269, 1544  
 Presented to the House Miss Northwest Iowa, Trish Brown, Council Bluffs—869  
 Resolutions offered—267, 2592-2593  
 Subcommittee assignments—167, 245, 246, 292, 320, 321, 376, 504, 505, 528, 551, 643,  
 758, 759, 810, 811, 838, 998, 1147, 1272, 1846  
 Took oath of office—1

PELLETT, WENDELL C.—Representative **Cass-Harrison-Pottawattamie-Shelby**  
Counties

Amendments filed—274-276, 1000, 1067, 1069, 1298, 1614, 2026  
 Amendments offered—1575, 2026  
 Amendment withdrawn—2009  
 Bills introduced—350, 437, 533, 545, 557, 647, 675  
 Committee appointments—24, 26, 561, 1712, 2542  
 Leave of absence—117, 843, 2754  
 Petitions presented—1113, 1149, 1254, 1650  
 Presented to the House the Honorable Arlyn Danker, former member of the  
 House—2496  
 Report—2597-2599  
 Resolutions offered—267-268, 333, 561, 2396, 2592, 2804  
 Subcommittee assignments—230, 264, 320, 503, 504, 527, 699, 759, 1249, 1294

## PERSONNEL COMMITTEE—

(See OFFICERS AND EMPLOYEES and/or RULES AND ADMINISTRATION,  
 COMMITTEE ON)

PETERS, MICHAEL R.—Representative **Woodbury** County

Amendments filed—364, 842, 1028, 1299, 1589, 1870, 2141  
 Amendments offered—358, 1654  
 Amendment withdrawn—369  
 Bills introduced—92, 233, 270, 283, 329, 349, 522, 557, 647, 665

Committee appointments—25, 26, 563, 765  
 Leave of absence—91, 510, 763  
 Presided at sessions of the House—1200, 1511  
 Resolutions offered—563, 2592-2593  
 Rulings made—1512, 1519  
 Subcommittee assignments—120, 121, 230, 231, 278, 320, 345, 434, 480, 527, 528, 552,  
 599, 600, 642, 680, 700, 727, 787, 809, 1064, 1272, 2216

**PETERSEN, DANIEL F.—Representative Muscatine-Scott Counties**

Amendments filed—89, 122, 274-276, 963, 1409, 1410, 1441, 1539, 1614, 1678, 1690  
 Amendments offered—140, 141, 984, 991, 1577, 1678, 2157  
 Amendments withdrawn—1061, 1524  
 Bills introduced—522, 545, 557, 577, 647, 709, 806, 939  
 Committee appointments—24, 25, 27, 2648  
 Leave of absence—324, 1001  
 Petition presented—520  
 Resolutions offered—267-268, 333, 2277, 2396, 2592  
 Subcommittee assignments—257, 479, 480, 504, 543, 699, 700, 809, 810, 811, 1147,  
 1272, 1542

**PETERSON, MICHAEL K.—Representative Audubon-Carroll-Shelby Counties**

Amendments filed—685, 877, 920, 1028, 1069, 1111, 1112, 1147, 1442, 1589, 1736,  
 1830-1831, 1838, 1841, 1962, 2483-2484, 2498  
 Amendments offered—694, 695, 1033, 1038, 1041, 1078, 1150, 1199, 1277, 1551, 1573,  
 1694, 1725, 1821, 1838, 1841, 2483  
 Amendment withdrawn—1693  
 Bills introduced—46, 62, 124, 250, 283, 329, 647, 649, 651, 710  
 Committee appointments—24, 25, 26, 562, 2033, 2458, 2635  
 Leave of absence—91, 269, 284, 298, 365, 510, 1650  
 Petitions presented—878, 1300, 1590  
 Reports—2173-2181, 2731-2738, 2741-2753  
 Resolution offered—2592-2593  
 Subcommittee assignments—238, 245, 246, 265, 292, 293, 304, 330, 331, 346, 362, 375,  
 376, 446, 447, 480, 504, 505, 506, 528, 543, 551, 624, 642, 643, 681, 682, 701, 758,  
 759, 809, 810, 811, 918, 998, 1065, 1147, 1212, 1272, 2328

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Filed—45, 240, 260, 269, 296, 324, 334, 349, 380, 436, 520, 532, 576, 604, 627, 647, 704,  
 763, 791, 817, 832, 843, 878, 921, 964, 1029, 1070, 1113, 1149, 1181, 1214, 1254,  
 1276, 1300, 1443, 1471, 1544, 1590, 1650, 1691, 1740, 1780, 1849, 1965, 2142, 2331

**PIONEER LAWMAKERS ASSOCIATION OF IOWA—**

Program by—1712-1715

Representative Harbor presented George Mills, longtime newsman from Des Moines,  
 addressed the House—1713

Representative Connors welcomed the Pioneer Lawmakers on behalf of the  
 House—1712

Resolution relating to, HCR 3—248, 651-652 adopted, 1071

**PLASIER, LEE J.—Representative Plymouth-Sioux Counties**

Amendments filed—274-276, 348, 861-862, 877, 1028, 1069, 1136, 1649, 1690, 1735, 2498  
 Amendments offered—861, 1078, 1136, 1657

Bills introduced—557, 577, 764, 774  
 Committee appointments—25, 2422, 2635  
 Leave of absence—157, 273, 385, 629, 1432, 1443, 2166  
 Petition presented—1849  
 Presented to the House Mr. Alexander Khomenko, his wife Olga and daughter, Xenia  
 of the Soviet Union—396  
 Presided at sessions of the House—596  
 Resolutions offered—333, 1962, 2396, 2592  
 Subcommittee assignments—230, 231, 238, 246, 265, 304, 320, 376, 445, 446, 505, 599,  
 624, 701, 786, 787, 824, 1064, 1065, 1212, 2216

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 House File 156, invoked Joint Rule 17, req. fiscal note—Representative  
 Stromer—1234  
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 House File 531, H-3518—Representative Petersen of Muscatine—993  
 House File 535, H-3369—Representative Ollie—854  
 House File 535, H-3428—Representative Wise—857  
 House File 535, H-3446—Representative Stromer—866  
 House File 535, invoked Rule 32, refer to Cmte. on Approps.—Representative  
 Tyrrell—867  
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 House File 584, invoked Rule 32; refer to Cmte. on Approps.—Representative  
 Stromer—1131  
 House File 600, invoked Joint Rule 17, req. fiscal note—Representative  
 Carpenter—936  
 House File 660, H-3551—Representative Nielsen—1004  
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House File 772, H-4421—Representative Stromer—2485  
House File 774, H-4211—Representative Corbett—1888  
House File 778, H-4278—Representative Groninga—2027  
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- PONCY, CHARLES N.**—Representative **Wapello** County  
Amendments filed—842, 2068, 2294, 2376-2378, 2707-2711  
Amendments offered—2195, 2294, 2376  
Bills introduced—92, 124, 186, 242, 270, 326, 329, 365, 522, 533, 647, 648, 776  
Committee appointments—1, 24, 25, 26, 62, 562, 2570, 2780  
Leave of absence—736, 1169  
Petitions presented—45, 324  
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Resolutions offered—562, 1298, 2592-2593  
Subcommittee assignments—167, 184, 246, 265, 320, 321, 330, 346, 362, 376, 445, 446,  
504, 505, 528, 600, 623, 642, 680, 681, 758, 760, 810, 811, 838, 1065, 1212, 1846
- PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—**  
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House Concurrent Resolution 8, state collect state sales tax on out-of-state direct mail purchases—730

- House Concurrent Resolution 10, prevent monopolization of meat packing industry—1409, 2541 adopted, 2564, 2601
- House Concurrent Resolution 11, consider state & local political subdivisions, separate persons, purposes of participating in fed. conservation reserve program—1690
- House Concurrent Resolution 14, commemorative first-class postage stamp in honor of the Grant Wood Centennial—2277
- House Concurrent Resolution 16, designate May 29, 1989, "National Day of Remembrance for the Victims of the USS Iowa"—2396
- House Concurrent Resolution 18, additional funding for treatment of mental diseases—2592
- House Concurrent Resolution 22, designate May 29, 1989, "National Day of Remembrance for the Victims of the USS Iowa"—2592-2593, 2593, 2600, as amended, adopted, 2600, 2673
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- House Resolution 5, proposed congressional salary increase—333, 337, 340-342 adopted
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- Senate Concurrent Resolution 10, fed. coal slurry pipeline legislation—968, 999, 2538 adopted
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  - Senate Concurrent Resolution 1, distribution of printed legislative material—232, 239, 248, 252-253 as amended, adopted, 335

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- Senate File 526—1777

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  - House Concurrent Resolution 13—2217, 2264-2267 adopted

#### RENAUD, DENNIS L.—Representative Polk County

- Amendments filed—645, 772, 842, 877, 1028, 1066, 2068, 2141
- Amendments offered—926, 1515, 2159, 2203
- Bills introduced—156, 175, 242, 250, 260, 261, 270, 329, 350, 438, 522, 647, 763, 764

- Committee appointments—25, 26, 62, 2301, 2423  
 Leave of absence—618, 1001  
 Presided at sessions of the House—1748  
 Reports—2522-2525, 2652-2653  
 Resolution offered—2592-2593  
 Subcommittee assignments—88, 167, 184, 245, 246, 265, 293, 320, 321, 330, 346, 362,  
 376, 445, 446, 504, 505, 623, 680, 681, 699, 700, 758, 759, 760, 810, 811, 838, 1065,  
 1147, 1689, 1846
- RENKEN, ROBERT H.—Representative Butler-Grundy Counties**  
 Amendments filed—435, 626, 703, 712-714, 762, 772, 790, 919, 1000, 1028, 1066, 1067,  
 1068, 1069, 1148, 1213, 1589  
 Amendments offered—494, 718, 1084, 1085, 1086, 1087, 1088, 1089, 1091, 1092, 1242  
 Amendment withdrawn—1459  
 Appointed to the Advisory Commission on Intergovernmental Relations—40  
 Bills introduced—438, 522, 557, 577, 605, 667, 688, 775  
 Committee appointments—26, 27, 560, 2458  
 Leave of absence—91  
 Petitions presented—1443, 1590  
 Presented to the House, Jennifer Whitmere, Conrad, National Vice President of the  
 American Legion Junior Auxiliary—1027  
 Report—2528-2529  
 Resolutions offered—267, 333, 560, 2396, 2592  
 Subcommittee assignments—167, 245, 246, 258, 264, 278, 292, 320, 321, 362, 446, 479,  
 480, 506, 517, 528, 542, 551, 599, 624, 642, 700, 759, 809, 810, 838, 1064, 1147,  
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ROSENBERG, RALPH—Representative **Story** County

Amendments filed—575, 717-718, 1069, 1089, 1091, 1092, 1147, 1148, 1169-1171, 1180, 1470, 1675, 1690, 1736, 2115-2116, 2278, 2498  
 Amendments offered—672, 717, 1089, 1091, 1092, 1151, 1190, 1196, 1482, 1624, 1675, 2115, 2284  
 Amendments withdrawn—1172, 1190  
 Bills introduced—20, 92, 175, 270, 283, 329, 335, 336, 350, 351, 367, 394, 449, 511, 521, 576, 647, 710, 832  
 Committee appointments—17-18, 25, 27, 2522, 2542, 2569  
 Leave of absence—791, 834, 921, 1018, 1740  
 Presided at sessions of the House—1059  
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**ROYER, WILLIAM D. (BILL)—Representative Fremont-Mills-Page Counties**

Amendments filed—645, 1066, 1067, 1068, 1069, 1441, 1614, 1736, 1768-1769, 1769, 2294, 2482

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Committee appointments—26, 2258, 2606

Leave of absence—309, 368, 763

Petitions presented—921, 1029, 1149

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Resolutions offered—267, 333, 1962, 2396, 2592

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House File 49, H-3608—1012

House File 59, H-3331—894

House File 140, H-4453—2519

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House File 772, H-4421—2485

House File 779, H-4243—2057

House File 779, H-4208—2060

House File 785, H-4484—2712

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Senate File 186, H-3733—1977

Senate File 186, H-4133—1981

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Rule 31.8 (first reading, commitment and amendment):

House File 199, H-3155—442

Rule 32 (commitment of appropriation and revenue bills):

House File 535—867

## Lost:

House File 5, H-3133—415  
House File 49, H-3608—1013  
House File 146, H-4103—1794  
House File 531, H-3518—993  
House File 753, H-4069—1674  
House File 772, H-4160—1840  
House File 772, H-4175—1843  
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House File 785, H-4484—2713  
House File 785, H-4485—2716  
Senate File 186, H-4133—1982  
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## Rule 31.8:

House File 199, H-3155—442

## Prevailed:

House File 59, H-3331—894  
House File 140, H-4453—2519  
House File 146, H-4103—2227  
House File 768—1744  
House File 772, H-4421—2485  
House File 779, H-4208—2060  
Senate File 186, H-3733—1977  
Senate File 442, H-3967—1512  
Senate File 517, H-4289—2162  
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## Rule 75 (duty of voting):

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    - House File 793—2807
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Amendments offered—117, 141, 425, 784, 987, 993, 994, 1279, 1447, 1460, 1519, 1672, 1798, 1851, 1973, 1977

Amendments withdrawn—1279, 1677, 1830

Appointed to the Legislative Fiscal Committee—235

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Committee appointments—1, 26, 27, 561, 2522, 2676

Leave of absence—763

Petitions presented—604, 763, 1276, 1544, 1650, 1740

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Reports—1-4, 2650-2651, 2655

Resolutions offered—267, 333, 2396, 2592

Subcommittee assignments—258, 331, 345, 479, 480, 504, 517, 542, 551, 623, 624, 699, 701, 758, 770, 771, 809, 811, 1147, 1178, 1249, 1293, 1294, 1542, 1735, 2140, 2275

SCHRADER, DAVID—Representative **Marion** County

Amendments filed—89, 919, 948-950, 1028, 1148, 1470, 1649, 1962, 2277, 2278, 2631-2632

Amendments offered—143, 948, 1019, 1020, 1163, 1833, 2129, 2285, 2286, 2378, 2631

Appointed to the Administrative Rules Review Committee—229

Bills introduced—187, 270, 329, 336, 381, 437, 647, 649, 664, 757, 764

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Resolutions offered—267, 2592-2593, 2593

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## SHEARER, MARK S.—Representative Des Moines-Louisa-Washington Counties

Amendments filed—1028, 1067, 1068, 1111, 1252, 1470, 1779, 1963, 1964, 2020, 2330

Amendments offered—1307, 1477, 2020, 2130, 2132, 2133

Amendments withdrawn—1477, 2133

Bills introduced—234, 325, 326, 329, 350, 546, 557, 647, 687, 688, 756, 775

Committee appointments—25, 26, 1113, 2258

Leave of absence—82, 91, 269, 866, 1797, 2400, 2564

Petitions presented—532, 791

Presented to the House Henry and Ruth Berg from East Berlin, East Germany—1587

Reports—2325, 2380

Resolutions offered—267-268, 2592-2593

Subcommittee assignments—167, 185, 231, 258, 278, 376, 480, 551, 552, 599, 660, 700, 701, 787, 1065, 1178, 1272, 1846

## SHERZAN, GARY—Representative Polk County

Amendments filed—268, 379, 392, 440-441, 842, 919, 1000, 1066, 1094-1095, 1148, 1735, 1839, 2481, 2485, 2593, 2600

Amendments offered—272, 429, 440, 1094, 1201, 1744, 1839, 2077, 2481, 2485, 2600

Amendments withdrawn—289, 1202, 1842

Bills introduced—45, 61, 91, 123, 155, 174, 234, 250, 260, 271, 283, 308, 335, 438, 522, 605, 647, 775

Committee appointments—25, 26, 501, 2033, 2358

Leave of absence—1185, 2013

Presided at sessions of the House—2482

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Resolution offered—2592-2593

Subcommittee assignments—120, 121, 167, 238, 321, 330, 331, 345, 346, 517, 527, 551, 600, 623, 624, 681, 682, 727, 759, 770, 771, 811, 918, 1064, 1065, 1403, 1404

## SHONING, DON—Representative Woodbury County

Amendments filed—508, 842, 919, 1028, 1543, 2068

Amendments offered—765, 1047, 1416, 1428

Bills introduced—175, 188, 261, 270, 271, 296, 306, 325, 557, 647, 648, 773, 939

Committee appointments—25, 26, 563, 765, 1113, 1464, 2280, 2569

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Petitions presented—240, 791, 843, 1214, 1276, 1590, 1691, 2331

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Resolutions offered—267-268, 305, 333, 2396, 2592-2593

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**SHOULTZ, DON**—Representative **Black Hawk** County

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- Amendments offered—313, 1665, 1671, 1727, 1881, 1882, 2547
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- Committee appointments—25, 26, 2289
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- Subcommittee assignments—88, 185, 258, 264, 293, 516, 528, 551, 642, 699, 700, 758, 811, 918, 1111, 1178, 1211, 1272

**SIEGRIST, BRENT**—Representative **Pottawattamie** County, Assistant Minority Floor Leader

- Amendments filed—145, 274-276, 555, 556, 575, 593, 626, 842, 1028, 1069, 1148, 1568, 1589, 1633, 1678, 1679, 1690, 1735, 1881-1882, 1885, 2217, 2277, 2498
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- Amendments offered—933, 1071, 1192, 1241, 1428, 1563
- Appointed—26
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- Subcommittee assignments—264, 516, 517, 528, 551, 623, 624, 642, 699, 700, 701, 770, 771, 1064, 1211, 1212, 1249, 1846

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Representative Metcalf presented to the House Eric Runyan, Easter Seals' 1989 State Ambassador-240

Representative Mertz presented to the House Carol Ann Mertz, Iowa's Pork Princess for 1988-240

Representative Daggett presented to the House Commissioner Esther Gonzalez-Arroyo Buckley of Laredo, Texas-251

Representative Schrader presented to the House Valerie Van Wyk, 1988 Mrs. Iowa-262

Representative Brand presented to the House Neil Keegan, La Porte City who represents Area 7, "Read A Million Minutes Program"-308

Representative Plasier presented to the House Mr. Alexander Khomenko, his wife Olga and daughter Xenia of the Soviet Union-396

Representative Beaman presented to the House FFA officers Timothy Teel of Osceola and Perry Mogler, Alvord-452

- Representative Connors presented to the House Julie Knight, Muscular Dystrophy Poster Child—485
- Representative Groninga presented to the House Ruth Dowdy, a Fulbright Exchange Teacher, Hitchin, England—512
- Representative Connors presented to the House members from the Stavropol Delegation, USSR—632
- Representative Nielsen presented to the House winners to a "Write Women Back Into History" essay contest—668
- To House Pages—686, 2398
- Representative Nielsen presented to the House two members of the Iowa Women's Hall of Fame, the Honorable Minnette Doderer and Catherine Williams—706
- Representative Nielsen presented to the House two members of the Women's Hall of Fame, Mary Jane Odell and Marguerita Esters Cothorn—821
- Representative Daggett presented to the House four members of the Iowa High School Rodeo Association—821
- Representative Fogarty escorted to the Chief Clerk's station and presented to the House Frank Fahey, T.D., Minister of State, Department of Education, Republic of Ireland—833-834
- Representative Lundby presented to the House, winner of the Iowa Outstanding Farmer Award, Mr. Raymond G. Oltmann of Central City—891
- Representative Nielsen presented to the House members of the Iowa Women's Hall of Fame—968, 1113-1114
- Representative Schneklath presented to the House a group of young adults from Schleswig-Holstein area of Germany—984
- Representative Trent presented to the House students from Germany who are attending school at Muscatine High School under German American Partnership Program—1235
- Representative Carpenter presented to the House the members of the Christ Church Choir from Oxford, England—1502
- Representative Schrader escorted to the front of the Speaker's station and presented to the House Sophie Falcon, Queen of the 1989 Pella Tulip Festival—2078-2079
- SPENNER, GREGORY A.—Representative Des Moines-Henry Counties**
- Amendments filed—574, 575, 645, 772, 841, 877, 919, 920, 963, 1027, 1112, 1212, 1298, 1543, 1568, 1678-1679, 2141
- Amendments offered—595, 856, 1453, 1455, 1458, 1678, 2205
- Amendments withdrawn—581, 1432, 1436, 1454, 1455, 1456, 1458
- Bills introduced—155, 157, 325, 366, 482, 546, 557, 578, 711, 773
- Committee appointments—12, 25, 26, 2258
- Leave of absence—647, 1276
- Petition presented—1443
- Report—2552-2559
- Resolutions offered—267-268, 333, 1962, 2396, 2592
- Subcommittee assignments—167, 258, 264, 321, 346, 347, 375, 434, 504, 660, 786, 787, 824, 1064, 1211, 1272
- SPONSORS—**
- Added:
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- House File 17, H-3071—Representative Tyrrell—283
- House File 47—Representative Eddie—176

- House File 54—Representative Halvorson of Webster—291  
 House File 319—Representatives Beatty, Jochum & Bisignano—1177  
 House File 330—Representative McKean—502  
 House Joint Resolution 7—Representatives Hanson of Delaware, Stromer, Harbor, Maulsby, Van Maanen, Tyrrell, Halvorson of Clayton, Pellett, Schnekloth, Lageschulte, Eddie, Lundby, Metcalf, Renken, Shoning, Branstad, Daggett, De Groot, Trent, Bennett, Garman, Siegrist, Carpenter, Plasier, Hester, Kremer, Diemer, Petersen of Muscatine, Kistler, McKean, Beaman, Spenner, Clark, Banks, Corbett & Miller—332  
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- House File 685, H-3663—Representative Wise—1081

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- Appointed—24-27  
 Appropriations subcommittee—27-28  
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(Richard D. Johnson, Chairman)

- Claims approved—195-229  
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- Amendments filed—364, 544, 703, 816, 842, 876, 1274, 1275, 1409, 2330  
 Amendments offered—797, 926, 952, 1140, 1185, 1515, 1551, 1584, 1652  
 Appointed—26  
 Bills introduced—307, 353, 394, 395, 522, 578, 639, 666, 674, 704, 817, 818, 851, 892, 921, 922, 923, 939, 940, 959, 960, 961  
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## STATE OF THE STATE MESSAGE—

- Delivered by Governor Terry E. Branstad—49-56  
 Resolution relating to, HCR 1—12 adopted

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- Appointment to—40

## STROMER, DELWYN—Representative Franklin-Hancock-Wright Counties, Minority Floor Leader

- Amendments filed—89, 143-144, 268, 364, 379, 392, 544, 556, 580, 586, 594, 703, 724, 734, 740, 741, 762, 790, 816, 841, 877, 909, 913-914, 963, 1011-1012, 1028, 1111, 1213, 1275, 1298, 1847, 1880, 1885, 1888, 1889, 2021-2022, 2141, 2206-2207, 2330, 2397, 2483, 2711, 2711-2712, 2794-2795  
 Amendments offered—119, 143, 400, 423, 580, 586, 587, 594, 637, 724, 734, 740, 741, 781, 783, 854, 898, 906, 907, 908, 909, 913, 931, 1004, 1009, 1011, 1231, 1232, 1880, 1885, 1888, 1889, 2021, 2155, 2206, 2711, 2794  
 Amendments withdrawn—589, 594, 784, 908, 911, 932, 2391, 2420, 2483

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 Appointment to the Affordable Heating Pilot Project Advisory Board announced—40  
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 Leave of absence—1286, 1699  
 Petition presented—1276  
 Remarks by—7-8, 2801  
 Report—1900-1959  
 Resolutions offered—12, 12-13, 248, 267, 305, 333, 2396, 2592, 2803  
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#### STUDY COMMITTEES—

(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

- House Concurrent Resolution 9, shortages of trained health care practitioners in Iowa, cmte. study—999
- House Concurrent Resolution 12, cost, affordability and availability, child day care in Iowa, cmte. study—1962
- House Concurrent Resolution 15, election laws, cmte. study—2277
- House Concurrent Resolution 17, single commercial driver lic. req., drivers of commercial motor vehicles, Fed. Commercial Motor Vehicle Safety Act of 1986, cmte. study—2497

- House Concurrent Resolution 20, development of an adequate statewide water supply, cmte. study—2592
- House Concurrent Resolution 23, establish a Sino-American Education Center in the People's Republic of China, cmte. study—2593
- House Concurrent Resolution 24, economic role, ag. & agricultural community can play, preparing for & developing this state's full potential, cmte. study—2804
- House Resolution 9, prop. tax relief through circuit breakers, cmte. study—2276
- House Resolution 10, mobile home tax, cmte. study—2497

#### STUELAND, VICTOR (VIC)—Representative Cedar-Clinton Counties

- Amendments filed—1963, 2019
- Amendments offered—2019, 2022
- Bills introduced—326, 557, 577, 647, 773, 792
- Committee appointments—24, 26, 561, 2399
- Leave of absence—93, 510, 732, 763, 777, 1174, 1300, 1411, 2166, 2711
- Petition presented—334
- Presented to the House his granddaughter Tonya Hansen, Iowa Angus Queen—452
- Report—2658-2672
- Resolutions offered—267-268, 333, 561, 2396, 2592
- Subcommittee assignments—346, 504, 517, 825, 1249

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- Appropriations—27-28

#### SUPREME COURT OF IOWA—

- (Chief Justice Arthur A. McGiverin)
- Delivered the Condition of the Judicial Departments' Message—64-68
- Ethics Committee appointed—37-38
- Resolution relating to, HCR 2—12-13 adopted, 62

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- (See PRINTING DIVISION OF GENERAL SERVICES)

#### SVOBODA, E. JANE—Representative Black Hawk-Marshall-Tama Counties

- Amendments filed—295, 392, 574, 730, 866, 877, 920, 963, 1000, 1028, 1067, 1112, 1298, 1299, 1409, 1442, 1470, 1543, 1779, 1963, 2468
- Amendments offered—300, 581, 866, 992, 1044, 1127, 1130, 1236
- Amendment withdrawn—993
- Bills introduced—123, 155, 156, 187, 233, 271, 283, 296, 329, 395, 482, 521, 522, 557, 648, 665, 687, 688, 763, 774, 775, 792
- Committee appointments—1, 24, 25, 2648
- Leave of absence—380, 394, 843, 1289, 2118
- Presided at sessions of the House—1199, 2428
- Reports—1-4, 2677-2678
- Resolution offered—2592-2593
- Subcommittee assignments—681, 1294, 1846

**SWARTZ, THOMAS E. (TOM)—Representative Marshall County**

Amendments filed—281, 575, 1112, 1147, 1212, 1298, 1299, 1426-1427, 1642, 1736, 1963, 2068, 2141, 2164, 2278, 2376-2378, 2498, 2517-2519, 2707, 2707-2711  
 Amendments offered—310, 591, 1222, 1227, 1228, 1426, 1622, 1642, 1767, 2061, 2164, 2501, 2707  
 Amendments withdrawn—1770, 2286, 2716  
 Appointed to the Legislative Fiscal Committee—235  
 Bills introduced—647, 648, 763, 764, 774, 775, 807, 817, 833, 1411  
 Committee appointments—24, 25, 26, 2568, 2780  
 Leave of absence—668, 704, 791  
 Presided at sessions of the House—969, 1755  
 Reports—2635-2645, 2797-2799  
 Resolution offered—2592-2593  
 Subcommittee assignments—264, 434, 480, 505, 516, 543, 599, 699, 1588, 1846

**TABOR, DAVID M.—Representative Dubuque-Jackson Counties**

Amendments filed—89, 435, 1148, 1274, 1779, 1847, 1886, 2277, 2304, 2389-2391  
 Amendments offered—497, 1974, 1979, 2303, 2389, 2419  
 Amendment withdrawn—2182  
 Appointed to the Legislative Fiscal Committee—235  
 Bills introduced—270, 283, 647, 806  
 Bill referred to committee—1503  
 Committee appointments—25, 26, 27, 2522, 2676  
 Leave of absence—878  
 Presided at sessions of the House—1477, 1671, 1677, 2779  
 Reports—2655, 2739-2740  
 Resolutions offered—267, 2277, 2592-2593  
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 Subcommittee assignments—230, 292, 479, 480, 542, 543, 551, 623, 624, 642, 811, 1293, 1294, 1542, 2140

**TEAFORD, JANE—Representative Black Hawk County**

Amendments filed—161, 248, 615, 842, 1066, 1148, 1442, 1470, 1690, 1887-1888, 2277  
 Amendments offered—161, 253, 1502, 1560  
 Amendment withdrawn—1772  
 Bills introduced—187, 242, 283, 297, 367, 450, 546, 557, 558, 606, 647, 648, 775, 832  
 Committee appointments—25, 26, 27, 2074  
 Leave of absence—125  
 Presented to the House Tata Beliaeva, foreign exchange student from Leningrad, USSR—1271  
 Presided at sessions of the House—1151, 1594  
 Reports—38-39, 176-181, 181-183, 1438  
 Resolutions offered—17, 1962, 2592, 2592-2593  
 Subcommittee assignments—167, 245, 246, 257, 258, 264, 265, 292, 320, 321, 346, 347, 375, 376, 479, 480, 542, 543, 623, 624, 699, 786, 787, 809, 810, 811, 824, 838, 1064, 1147, 1211, 1294, 1735, 2066

**TEMPORARY OFFICERS—**

Elected—1  
 Took oath of office—1

**TEMPORARY RULES—**

Adopted—20

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- Amendment filed—1441
- Amendment offered—1607
- Appointed—26
- Bills introduced—283, 307, 451, 604, 605, 650, 651, 664, 704, 706, 732, 844, 850, 851, 878, 939, 940, 958, 960, 961
- Recommendations—280, 305, 448, 530, 555, 626, 662-663, 703, 815, 876, 1274, 1408, 1441, 2403
- Resolutions offered—684, 2497
- Subcommittee assignments—88, 167, 245, 264, 265, 320, 376, 504, 527, 528, 551, 600, 660, 758, 759, 770, 787, 1178, 1272

## TRENT, BILL—Representative Louisa-Muscatine Counties

- Amendments filed—89, 274-276, 379, 386-391, 646, 1059, 1112, 1470, 1543, 1568, 1589, 1677, 1690, 1963, 2068, 2106-2110, 2141, 2205, 2209, 2277, 2278, 2498
- Amendments offered—138, 274, 385, 386, 1241, 1568, 1677, 2106, 2205, 2209
- Amendments withdrawn—138, 286, 398, 459
- Bills introduced—351, 365, 381, 450, 521, 558, 647, 648, 764, 939
- Committee appointments—8, 25, 26, 63, 2458
- Leave of absence—964
- Petition presented—704
- Presented to the House students from Germany who are attending school at Muscatine High School under the German American Partnership Program—1235
- Presented to the House the Honorable Clarence Schmarje, former member of the House—2274
- Presented to the House the Honorable Donald Platt, former member of the House—2065
- Report—2731-2738
- Resolutions offered—267-268, 305, 333, 2277, 2396, 2592
- Subcommittee assignments—88, 184, 238, 246, 330, 331, 445, 446, 517, 528, 551, 623, 624, 643, 680, 681, 682, 699, 758, 759, 760, 771, 918, 1064, 1065, 1212, 1249, 1250, 1272, 1846

## TYRRELL, PHIL—Representative Iowa-Poweshiek Counties

- Amendments filed—89, 268, 348, 392, 509, 544, 556, 731, 772, 790, 919, 920, 963, 999, 1059, 1067, 1068, 1069, 1112, 1212, 1275, 1543, 1568, 1735, 1736, 1765, 1779, 1880, 1884, 2025, 2059-2060
- Amendments offered—158, 359, 425, 430, 535, 620, 1008, 1059, 1230, 1449, 1452, 1453, 1459, 1661, 1749, 1857, 2025, 2059, 2077
- Amendments withdrawn—160, 1459, 1661, 1677, 1747, 1857, 2189
- Bills introduced—270, 297, 307, 336, 380, 436, 437, 482, 557, 577, 648, 666, 687
- Committee appointments—25, 26, 501, 2423
- Leave of absence—269, 313, 2142
- Petitions presented—1300, 1650
- Presided at sessions of the House—1038
- Report—2522-2525
- Resolutions offered—267-268, 333, 2396, 2592
- Subcommittee assignments—59, 121, 167, 246, 264, 265, 293, 320, 321, 345, 376, 505, 528, 600, 642, 700, 838, 1147, 1846

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## VAN MAANEN, HAROLD G.—Representative Keokuk-Mahaska-Wapello Counties

Amendments filed—60, 544, 645, 730, 919, 1000, 1067, 1068, 1111, 1112, 1212, 1274,  
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Amendments offered—82, 798, 930, 1634, 1641, 1675, 1728, 1731, 1732, 1755, 1781,  
 1979, 2196, 2213, 2512, 2707

Amendments withdrawn—563, 1780, 1821, 1830, 2164

Appointed to the Legislative Council—234-235

Appointed to the Legislative Fiscal Committee—235

Bills introduced—92, 233, 325, 366, 482, 557, 606

Committee appointments—24, 26, 2033

Presented to the House the Honorable George Swearingen, former member of the  
 House—1777

Resolutions offered—267-268, 333, 2396, 2592

Subcommittee assignments—167, 246, 265, 304, 320, 321, 375, 376, 447, 480, 505, 528,  
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 1014, 1015, 1016, 1098, 1171, 1230, 1231, 1233, 1280, 1285, 1433, 1451, 1452, 1455,  
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Amendments filed—1180, 1736, 1796, 2277, 2453, 2498

Amendments offered—1974, 2120, 2387, 2419, 2453

Amendment withdrawn—1983

Appointed—27

Bills introduced—331, 367, 622, 757, 997, 1029, 1175, 1176, 1310, 1549, 1586, 1682,  
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Recommendations—281, 378-379, 555, 626, 730, 830, 998-999, 1065-1066, 1179-1180,  
1408-1409, 1588, 1648, 1735, 1795-1796, 1962, 2141, 2276, 2329, 2419, 2452-2453

Subcommittee assignments—257, 258, 265, 345, 479, 480, 542, 543, 623, 624, 699, 700,  
701, 809, 810, 811, 1147, 1293, 1294, 1542, 1735, 2140, 2275, 2328

## WISE, PHILIP L.—Representative Lee-Van Buren Counties

Amendments filed—392, 730, 831, 919, 963, 999, 1066, 1067, 1275, 1441, 1589, 2068,  
2435-2454, 2456

Amendments offered—487, 930, 969, 1008, 1087, 1553, 1591, 1617, 2387, 2453, 2456

Bills introduced—242, 282, 325, 326, 329, 381, 520, 522, 558, 647

Committee appointments—25, 26, 27, 63, 1418, 2522, 2606

Leave of absence—394, 1780

Petitions presented—380, 436, 576, 604

Presided at sessions of the House—694, 977, 1121

Reports—1900-1959, 2650-2651, 2674-2675

Resolution offered—2592-2593

Subcommittee assignments—167, 185, 258, 265, 292, 293, 320, 331, 479, 480, 517, 542,  
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