

State of Iowa

1991

JOURNAL OF THE HOUSE

**1991
REGULAR SESSION
SEVENTY-FOURTH
GENERAL ASSEMBLY**

**Convened January 14, 1991
Adjourned May 12, 1991**

**Volume I
January 14 - April 19**

**TERRY E. BRANSTAD, Governor
JOE J. WELSH, President of the Senate
ROBERT C. ARNOULD, Speaker of the House**

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

SEVENTY-FOURTH GENERAL ASSEMBLY

1991 Regular Session

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MARIE KIRBY, <i>Assistant Bill Clerk</i>	Des Moines
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DWIGHT DUGAN, <i>Doorkeeper</i>	Des Moines
ALFRED H. EDWARDS, <i>Doorkeeper</i>	Des Moines
ORSON R. McNITT, <i>Doorkeeper</i>	West Des Moines
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MARVIN THOMAS, <i>Doorkeeper</i>	Des Moines

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

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ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

TERRY E. BRANSTAD, Governor	Lake Mills
JOY CORNING, Lieutenant Governor	Cedar Falls
ELAINE BAXTER, Secretary of State	Burlington
RICHARD D. JOHNSON, State Auditor	Sheldahl
MICHAEL L. FITZGERALD, Treasurer of State	Des Moines
DALE M. COCHRAN, Secretary of Agriculture	Eagle Grove
BONNIE CAMPBELL, Attorney General	Des Moines

JUSTICES OF THE IOWA SUPREME COURT

ARTHUR A. MCGIVERIN, Chief Justice	Ottumwa
JAMES H. ANDREASEN, Justice	Algona
JAMES H. CARTER, Justice	Cedar Rapids
DAVID HARRIS, Justice	Jefferson
J. L. LARSON, Justice	Harlan
LOUIS A. LAVORATO, Justice	Des Moines
LINDA NEUMAN, Justice	Davenport
LOUIS SCHULTZ, Justice	Iowa City
BRUCE M. SNELL, Jr., Justice	Ida Grove

IOWA COURT OF APPEALS JUDGES

LEO OXBERGER, Chief Judge	Des Moines
ALLEN L. DONIELSON, Judge	Des Moines
ALBERT L. HABHAB, Judge	Fort Dodge
MAYNARD J. V. HAYDEN, Judge	Indianola
ROSEMARY S. SACKETT, Judge	Spencer
DICK SCHLEGEL, Judge	Ottumwa

MEMBERS OF THE HOUSE—SEVENTY-FOURTH GENERAL ASSEMBLY—1991 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Adams, Janet	Webster City	53	Teacher	14th— <i>Hamilton</i> , Webster	72, 72X, 72XX, 73
Arnould, Robert C.	Davenport	37	Speaker	42nd— <i>Scott</i>	67(2nd), 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Baker, Tom	Des Moines	49	Small Business Owner	85th— <i>Polk</i>	None
Banks, Bradley C.	Westfield	38	Livestock & Grain Farmer	5th— <i>Plymouth</i> , Woodbury	73
Bartz, Merlin E.	Grafton	29	Farmer/Laborer	19th—Cerro Gordo, Winnebago, <i>Worth</i>	None
Beaman, Jack	Osceola	66	Self-employed	91st—Adair, Adams, Cass, <i>Clarke</i> , Union	72, 72X, 72XX, 73
Beatty, Linda	Indianola	48	Homemaker	68th— <i>Warren</i>	71, 72, 72X, 72XX, 73
Bennett, Wayne	Ida Grove	63	Farmer	4th— <i>Ida</i> , Monona, Woodbury	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Bernau, Bill	Nevada	26	Regional Coordinator— National Farmers Union	73rd— <i>Story</i>	None
Bisignano, Tony	Des Moines	38	President of AFSCME, Local 1868	80th— <i>Polk</i>	72, 72X, 72XX, 73
Black, Dennis	Grinnell	51	Conservationist	71st— <i>Jasper</i> , Marshall	70, 71, 72, 72X, 72XX, 73
Blanshan, Eugene	Scranton	42	Farmer	88th—Boone, Carroll, <i>Greene</i>	70, 71, 72, 72X, 72XX, 73
Brammer, Philip E.	Cedar Rapids	58	Semi-retired Life Insurance Agent	51st— <i>Linn</i>	70, 71, 72, 72X, 72XX, 73
Brand, William J.	Vinton	32	Human Services Professional	76th— <i>Benton</i> , Black Hawk	73

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-FOURTH GENERAL ASSEMBLY—1991 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Branstad, Clifford O.	Thompson	66	Farmer	16th—Hancock, Kossuth, Winnebago	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Brown, Joel W.	Lucas	26	Consultant	67th—Clarke, Monroe, Lucas, Wayne	73
Burke, Gordon B.	Marshalltown	49	Tool & Die Maker	72nd—Marshall	None
Carpenter, Dorothy F.	West Des Moines	57	Legislator	82nd—Polk	69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Chapman, Kay	Cedar Rapids	53	Lawyer	49th—Linn	70, 71, 72, 72X, 72XX, 73
Cphoon, Dennis	Burlington	37	Teacher	60th—Des Moines	72, 72X, 72XX, 73
Connors, John H.	Des Moines	68	Retired Fire Captain and Labor Arbitrator	79th—Polk	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Corbett, Ron J.	Cedar Rapids	30	Insurance Agent/ Small Business Owner	52nd—Linn	72, 72X, 72XX, 73
Daggett, Horace C.	Kent	59	Farmer	92nd—Adams, Decatur, Ringgold, Taylor	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
De Groot, Kenneth R.	Doon	61	Farming & Legislator	8th—Lyon, O'Brien, Osceola, Sioux	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Dickinson, Rick	Sabula	37	Industrial Sales	34th—Dubuque, Jackson	None
Diemer, Marvin E.	Cedar Falls	66	Retired	23rd—Black Hawk	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Doderer, Minnette F.	Iowa City	67	Retired	45th—Johnson	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73

MEMBERS OF THE HOUSE—SEVENTY-FOURTH GENERAL ASSEMBLY—1991 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Dvorsky, Robert E.	Coralville	42	JTPA Employment & Training Coordinator	54th—Iowa, Johnson	72, 72X, 72XX, 73
Eddie, Russell J.	Storm Lake	52	Self-employed/Legislator	10th—Buena Vista, Pocahontas	72, 72X, 72XX, 73
Fogarty, Daniel P.	Cylinder	66	Farmer	11th—Clay, Palo Alto	70, 71, 72, 72X, 72XX, 73
Garman, Teresa	Ames	53	Farmer	87th—Boone, Story	72, 72X, 72XX, 73
Gill, Patrick F.	Sioux City	35	Financial Planner	2nd—Woodbury	None
Gipp, Chuck	Decorah	43	Dairy Farmer	31st—Allamakee, Winneshiek	None
Groninga, John	Mason City	45	Educator	20th—Cerro Gordo	70, 71, 72, 72X, 72XX, 73
Grubbs, Steven E.	Davenport	36	Law Student	58th—Scott	None
Gruhn, Josephine	Spirit Lake	63	Farm Owner/Operator	12th—Dickinson, Emmet	70, 71, 72, 72X, 72XX, 73
Hahn, Jim	Muscatine	55	Property Management & Real Estate	56th—Louisa, Muscatine	None
Halvorson, Rod	Fort Dodge	41	Real Estate Salesman, Political Consultant	13th—Webster	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Halvorson, Roger A.	Monona	56	Insurance-Real Estate Broker	32nd—Allamakee, Clayton	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Hammond, Johnie	Ames	58	Legislator	74th—Story	70, 71, 72, 72X, 72XX, 73
Hansen, Steve D.	Sioux City	35	Self-employed, Youth Worker	1st—Woodbury	72, 72X, 72XX, 73
Hanson, Darrell R.	Manchester	36	Legislator	48th—Buchanan, Delaware, Linn	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Hanson, Donald E.	Waterloo	64	Educator	26th—Black Hawk	None
Harbor, William H.	Henderson	70	Retired Grain Elevator Operator	94th—Mills, Montgomery, Pottawattamie	56, 57, 58, 62, 63, 64, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-FOURTH GENERAL ASSEMBLY—1991 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Hatch, Jack	Des Moines	40	Public Policy Consultant	81st— <i>Polk</i>	71, 72, 72X, 72XX, 73
Haverland, Mark	Polk City	44	Legislator	77th— <i>Polk</i>	70, 71, 72, 72X, 72XX, 73
Hester, Joan L.	Honey Creek	58	Legislator	98th—Harrison, <i>Pottawattamie</i>	71, 72, 72X, 72XX, 73
Hibbard, David	Booneville	41	Attorney	90th—Adair, Dallas, Guthrie, <i>Madison</i>	73
Holveck, Jack	Des Moines	47	Attorney	84th— <i>Polk</i>	70, 71, 72, 72X, 72XX, 73
Hurley, Charles	Fayette	32	Attorney	28th—Chickasaw, <i>Fayette</i>	None
*Iverson, Stewart	Dows	40	Farmer	17th—Franklin, Hancock, <i>Wright</i>	73(2nd)
Jay, Daniel	Moulton	36	Lawyer	66th— <i>Appanoose</i> , Davis, Wapello	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Jesse, Glen	Mitchellville	47	Small Business Person	70th— <i>Jasper</i> , Marion, Polk, Warren	73
Jochum, Thomas J.	Dubuque	39	Legislator	36th— <i>Dubuque</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Johnson, Robert	Andover	60	Agri-Business	37th—Cedar, <i>Clinton</i>	None
Kistler, Robert L.	Fairfield	65	Retired Educator, Tree Farmer	63rd— <i>Jefferson</i> , Keokuk, Wapello	73
Knapp, Donald J.	Cascade	58	Legislator	33rd— <i>Dubuque</i> , Jones	69(2nd), 70, 71, 72, 72X, 72XX, 73
Koenigs, Deo A.	Osage	55	Farmer	30th—Chickasaw, Howard, <i>Mitchell</i>	70, 71, 72, 72X, 72XX, 73
Krebsbach, Scott L.	Osage	22	Legislator	29th—Cerro Gordo, Floyd, <i>Mitchell</i>	None

* Elected in Special Election November 7, 1989

MEMBERS OF THE HOUSE—SEVENTY-FOURTH GENERAL ASSEMBLY—1991 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Kremer, Joseph M.	Jesup	69	Retired Farmer/ Legislator	27th—Black Hawk, <i>Buchanan</i>	71, 72, 72X, 72XX, 73
Lageschulte, Raymond	Waverly	68	Farm Manager, Insurance Adjuster, Legislator	22nd—Black Hawk, <i>Bremer</i> , Butler ...	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Lundby, Mary A.	Marion	42	Legislator	47th— <i>Linn</i>	72, 72X, 72XX, 73
Maulsby, Ruhl	Rockwell City	67	Farmer	9th— <i>Calhoun</i> , Sac, Webster	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
McKean, Andy	Anamosa	41	Lawyer/ College Instructor	44th— <i>Jones</i> , Linn	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
McKinney, Wayne H., Jr.	Waukee	40	Attorney	89th— <i>Dallas</i>	72, 72X, 72XX, 73
McNeal, Clark E.	Iowa Falls	48	Lawyer	18th—Franklin, <i>Hardin</i> , Hamilton	None
Mertz, Dolores M.	Ottosen	62	Farm Owner/Operator	15th—Humboldt, <i>Kossuth</i> , Palo Alto, Pocahontas	73
Metcalfe, Janet S.	Des Moines	55	Legislator	83rd— <i>Polk</i>	71, 72, 72X, 72XX, 73
Millage, David	Bettendorf	37	Lawyer	40th— <i>Scott</i>	None
Miller, Tom H.	Cherokee	65	Journalist	7th— <i>Cherokee</i> , Clay, O'Brien	71, 72, 72X, 72XX, 73
Muhlbauer, Louis J.	Manilla	61	Agri-Business	96th— <i>Crawford</i> , Shelby	70, 71, 72, 72X, 72XX, 73
*Murphy, Pat	Dubuque	31	Businessman	35th— <i>Dubuque</i>	73(2nd)
Neuhauser, Mary	Iowa City	56	Lawyer	46th— <i>Johnson</i>	72, 72X, 72XX, 73
Nielsen, Joyce	Cedar Rapids	57	Legislator	50th— <i>Linn</i>	73
Ollie, C. Arthur	Clinton	49	Teacher	38th— <i>Clinton</i>	70, 71, 72, 72X, 72XX, 73
Osterberg, David	Mt. Vernon	47	Energy Economist	43rd—Cedar, <i>Linn</i>	70, 71, 72, 72X, 72XX, 73

* Elected in Special Election September 26, 1989

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-FOURTH GENERAL ASSEMBLY—1991 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Pavich, Emil S.	Council Bluffs	59	Retired — Kellogg Cereal Company	100th— <i>Pottawattamie</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Petersen, Daniel F.	Muscatine	39	Farmer	57th— <i>Muscatine</i> , Scott	71(2nd), 72, 72X, 72XX, 73
Peterson, Michael K.	Carroll	30	Attorney	95th—Audubon, <i>Carroll</i> , Shelby	71, 72, 72X, 72XX, 73
Plasier, Lee	Sioux Center	48	Business Manager	6th— <i>Plymouth</i> , <i>Sioux</i>	72, 72X, 72XX, 73
Poncy, Charles N.	Ottumwa	68	Retired School District Employee	65th— <i>Wapello</i>	62, 63, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Rafferty, Bob	Davenport	26	Law Student	39th— <i>Scott</i>	None
Renaud, Dennis L.	Altoona	48	Barber Business & D.M. Fire Dept.	78th— <i>Polk</i>	69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Renken, Robert H.	Aplington	69	Farmer	21st—Butler, <i>Grundy</i>	68(2nd), 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Royer, Bill D.	Essex	61	Real Estate Sales, Appraiser	93rd—Fremont, Mills, <i>Page</i>	70, 71, 72, 72X, 72XX, 73
Schrader, David	Monroe	38	Small Business Owner	69th— <i>Marion</i>	72, 72X, 72XX, 73
Shearer, Mark S.	Columbus Junction	38	Newspaper Editor	55th—Des Moines, <i>Louisa</i> , Washington	73
Sherzan, Gary	Des Moines	46	Parole Officer	86th— <i>Polk</i>	70, 71, 72, 72X, 72XX, 73
Shoning, Don	Sioux City	75	Legislator	3rd— <i>Woodbury</i>	71, 72, 72X, 72XX, 73
Shultz, Don	Waterloo	54	Coordinator of Economic Dev.	25th— <i>Black Hawk</i>	70, 71, 72, 72X, 72XX, 73
Siegrist, Brent	Council Bluffs	38	Educator	99th— <i>Pottawattamie</i>	71, 72, 72X, 72XX, 73

MEMBERS OF THE HOUSE—SEVENTY-FOURTH GENERAL ASSEMBLY—1991 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Spear, Clay	Burlington	74	Retired Postal Service Employee	61st— <i>Des Moines, Lee</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Spenner, Gregory A.	Mt. Pleasant	26	Broadcaster/ Legislator	59th— <i>Des Moines, Henry</i>	73
Svoboda, E. Jane	Clutier	46	Farm Wife/Homemaker, Sales	75th— <i>Black Hawk, Marshall, Tama</i> ...	72, 72X, 72XX, 73
Teaford, Jane	Cedar Falls	55	Legislator	24th— <i>Black Hawk</i>	71, 72, 72X, 72XX, 73
TyrreH, Phil	North English	58	Independent Insurance Agent	53rd— <i>Iowa, Poweshiek</i>	68, 69, 69X, 69XX, 72, 72X, 72XX, 73
Van Maanen, Harold	Oskaloosa	61	Farmer	64th— <i>Keokuk, Mahaska, Wapello</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73
Weidman, Dick	Griswold	50	Retired State Trooper	97th— <i>Cass, Harrison, Pottawattamie, Shelby</i>	None
Wise, Philip	Keokuk	44	Teacher	62nd— <i>Lee, Van Buren</i>	72, 72X, 72XX, 73
Wissing, Matthew	Davenport	32	Scott County Auditor's Office	41st— <i>Scott</i>	None

REPRESENTATIVES

JOURNAL OF THE HOUSE

First Calendar Day — First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 14, 1991

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the House of Representatives of the Seventy-fourth General Assembly of Iowa 1991 Regular Session, convened at 10:00 a.m., Monday, January 14, 1991.

The House was called to order by the Honorable Charles Poncy, State Representative from Wapello County.

Prayer was offered by Rabbi Neil Sandler, Tifereth Israel Synagogue, Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton, until his arrival, on request of Van Maanen of Mahaska.

COMMUNICATIONS RECEIVED

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

November 13, 1990

The Honorable Terry Branstad
Governor
State Capitol
Des Moines, Iowa

Dear Governor Branstad:

This letter is to inform you that I am resigning from the Iowa House of Representatives effective today.

Sincerely,
Thomas H. Fey

December 3, 1990

Honorable Terry E. Branstad
Governor of Iowa
State Capitol
Des Moines, Iowa

Dear Governor Branstad:

In accordance with Section 69.4 of the Code of Iowa, I hereby submit my resignation as state representative from House District 28 effective at 5:00 p.m. today.

Sincerely,
Donald D. Avenson
Speaker of the House

TEMPORARY OFFICERS

On motion by Shearer of Louisa, Joseph O'Hern of Polk County was elected Acting Chief Clerk. Joseph O'Hern presented himself and took and subscribed to the following oath:

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully discharge the duties of my office to the best of my ability, so help me God."

McKinney of Dallas moved that the Honorable Charles Poncy of Wapello County be elected Temporary Speaker.

The motion prevailed and the oath of office was administered to the Honorable Charles Poncy by Acting Chief Clerk O'Hern.

Temporary Speaker Poncy in the chair.

CREDENTIALS OF MEMBERS

Shearer of Louisa moved that a committee of five on credentials be appointed and that the accredited list of the Secretary of State be accepted.

The motion prevailed and the following committee was appointed: Shearer of Louisa, Renaud of Polk, Murphy of Dubuque, Miller of Cherokee and Lageschulte of Bremer.

REPORT OF COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named persons duly elected to and entitled to seats in the House of Representatives of the Seventy-fourth General Assembly as shown by duplicate copies of the certification of election on file in the office of the Secretary of State:

CERTIFICATION

STATE OF IOWA

Office of

THE SECRETARY OF STATE

To the Honorable, The Chief Clerk of the House of Representatives:

I, ELAINE BAXTER, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State Canvassing Board has declared that at the General Election held on November 6, 1990, each of the following named persons was duly elected to the office of State Representative for the term of two years beginning on the first day of January, 1991:

First	Steven D. Hansen
Second	Patrick F. Gill
Third	Don Shoning
Fourth	Wayne D. Bennett
Fifth	Brad Banks

Sixth	Lee J. Plasier
Seventh	Tom H. Miller
Eighth	Kenneth De Groot
Ninth	Ruhl Maulsby
Tenth	Russell J. Eddie
Eleventh	Daniel P. Fogarty
Twelfth	Josephine Gruhn
Thirteenth	Rod Halvorson
Fourteenth	Janet Adams
Fifteenth	Dolores M. Mertz
Sixteenth	Clifford O. Branstad
Seventeenth	Stewart Iverson, Jr.
Eighteenth	Clark E. McNeal
Nineteenth	Merlin E. Bartz
Twentieth	John Groninga
Twenty-first	Bob Renken
Twenty-second	Ray Lageschulte
Twenty-third	Marvin E. Diemer
Twenty-fourth	Jane Teaford
Twenty-fifth	Don Shultz
Twenty-sixth	Donald E. Hanson
Twenty-seventh	Joseph M. Kremer
Twenty-eighth	Charles Hurley
Twenty-ninth	Scott L. Krebsbach
Thirtieth	Deo Koenigs
Thirty-first	Chuck Gipp
Thirty-second	Roger A. Halvorson
Thirty-third	Donald J. Knapp
Thirty-fourth	Rick Dickinson
Thirty-fifth	Pat Murphy
Thirty-sixth	Thomas J. Jochum
Thirty-seventh	Robert Johnson
Thirty-eighth	C. Arthur Ollie
Thirty-ninth	Bob Rafferty
Fortieth	David A. Millage
Forty-first	Matthew R. Wissing
Forty-second	Bob Arnould
Forty-third	David Osterberg
Forty-fourth	Andy McKean
Forty-fifth	Minnette Doderer
Forty-sixth	Mary Neuhauser
Forty-seventh	Mary A. Lundby
Forty-eighth	Darrell Hanson
Forty-ninth	Kay Chapman
Fiftieth	Joyce Nielsen
Fifty-first	Philip E. Brammer
Fifty-second	Ron J. Corbett
Fifty-third	Phil Tyrrell
Fifty-fourth	Robert E. Dvorsky
Fifty-fifth	Mark S. Shearer
Fifty-sixth	Jim Hahn
Fifty-seventh	Dan Petersen

Fifty-eighth	Steven E. Grubbs
Fifty-ninth	Gregory A. Spenner
Sixtieth	Dennis M. Cohoon
Sixty-first	Clay Spear
Sixty-second	Philip Wise
Sixty-third	Bob Kistler
Sixty-fourth	Harold Van Maanen
Sixty-fifth	Charles N. Poncy
Sixty-sixth	Dan Jay
Sixty-seventh	Joel W. Brown
Sixty-eighth	Linda Beatty
Sixty-ninth	David Schrader
Seventieth	Glen D. Jesse
Seventy-first	Dennis Black
Seventy-second	Gordon B. Burke
Seventy-third	Bill Bernau
Seventy-fourth	Johnie Hammond
Seventy-fifth	Jane Svoboda
Seventy-sixth	William J. Brand
Seventy-seventh	Mark A. Haverland
Seventy-eighth	Dennis L. Renaud
Seventy-ninth	John H. Connors
Eightieth	Tony Bisignano
Eighty-first	Jack Hatch
Eighty-second	Dorothy F. Carpenter
Eighty-third	Janet Metcalf
Eighty-fourth	Jack Holveck
Eighty-fifth	Tom Baker
Eighty-sixth	Gary Sherzan
Eighty-seventh	Teresa Garman
Eighty-eighth	Eugene Blanshan
Eighty-ninth	Wayne H. McKinney, Jr.
Ninetieth	Dave Hibbard
Ninety-first	Jack Beaman
Ninety-second	Horace Daggett
Ninety-third	Bill Royer
Ninety-fourth	William H. Harbor
Ninety-fifth	Mike Peterson
Ninety-sixth	Louis J. Muhlbauer
Ninety-seventh	Dick Weidman
Ninety-eighth	Joan L. Hester
Ninety-ninth	Brent Siegrist
One Hundredth	Emil S. Pavich

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this eighth day of January, 1991.

ELAINE BAXTER, Secretary of State

I hereby acknowledge receipt of the original copy of this document on January 8, 1991.

JOSEPH O'HERN, Chief Clerk of the House of Representatives

MARK SHEARER, Chair
DENNIS RENAUD
PAT MURPHY
TOM MILLER
RAY LAGESCHULTE

Shearer of Louisa moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

MEMBERS' OATH OF OFFICE

The following members took and subscribed to the oath of office as follows:

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially discharge the duties of the office of Representative in the General Assembly of the State of Iowa according to the best of my ability, so help me God."

Janet Adams
Bob Arnould
Tom Baker
Brad Banks
Merlin E. Bartz
Jack Beaman
Linda Beatty
Wayne D. Bennett
Bill Bernau
Tony Bisignano
Dennis Black
Eugene Blanshan
Philip E. Brammer
William J. Brand
Clifford O. Branstad
Joel W. Brown
Gordon B. Burke
Dorothy F. Carpenter
Kay Chapman
Dennis M. Cohoon
John H. Connors
Ron J. Corbett
Horace Daggett
Kenneth De Groot

Rick Dickinson
Marvin E. Diemer
Minnette Doderer
Robert E. Dvorsky
Russell J. Eddie
Daniel P. Fogarty
Teresa Garman
Patrick F. Gill
Chuck Gipp
John Groninga
Steven E. Grubbs
Josephine Gruhn
Jim Hahn
Rod Halvorson
Johnie Hammond
Steven D. Hansen
Darrell Hanson
Donald E. Hanson
William H. Harbor
Jack Hatch
Mark A. Haverland
Joan L. Hester
Dave Hibbard
Jack Holveck

Charles Hurley
 Stewart Iverson, Jr.
 Dan Jay
 Glen D. Jesse
 Thomas J. Jochum
 Robert Johnson
 Bob Kistler
 Donald J. Knapp
 Deo Koenigs
 Scott L. Krebsbach
 Joseph M. Kremer
 Ray Lageschulte
 Mary A. Lundby
 Ruhl Maulsby
 Andy McKean
 Wayne H. McKinney, Jr.
 Clark E. McNeal
 Dolores M. Mertz
 Janet Metcalf
 David A. Millage
 Tom H. Miller
 Louis J. Muhlbauer
 Pat Murphy
 Mary Neuhauser
 Joyce Nielsen
 C. Arthur Ollie

David Osterberg
 Emil S. Pavich
 Dan Petersen
 Mike Peterson
 Lee J. Plasier
 Charles N. Poncy
 Bob Rafferty
 Dennis L. Renaud
 Bob Renken
 Bill Royer
 David Schrader
 Mark S. Shearer
 Gary Sherzan
 Don Shoning
 Don Shultz
 Brent Siegrist
 Clay Spear
 Gregory A. Spenner
 Jane Svoboda
 Jane Teaford
 Phil Tyrrell
 Harold Van Maanen
 Dick Weidman
 Philip Wise
 Matthew R. Wissing

ELECTION OF SPEAKER

Adams of Hamilton presented the name of the Honorable Robert C. Arnould of Scott County as candidate for Speaker of the House of Representatives of the Seventy-fourth General Assembly, preceding such nomination with the following remarks:

Thank you, Mr. Speaker:

I wish to place in nomination the name of Robert C. Arnould as Speaker of the House.

I remember meeting this man for the first time in the summer of 1986. He came to our home in Webster City where we visited at our kitchen table. His comments regarding state issues, legislative matters, and campaign strategies caused me to recognize and realize he had a vision and a quiet firm resolve to genuinely work for a better Iowa through the Legislative process.

This very tall — (from my 5'2" perspective) young man towering in our low ceilinged kitchen talked about his involvement in political campaigns and the hard work and many hours involved in being a good legislator. He had, as my husband and I say about our kids when the glimmer of mature decision making appears, had it all together, I thought, and had a good vision about the State of Iowa.

Bob has traveled the state visiting with and listening to citizens relay their views and concerns. His ability to do that listening is one of the reasons I believe he has risen to the position as Speaker of the Iowa House of Representatives.

I believe he will carry out his duties in an impartial way in this exciting, challenging new year that we face. His four years as Assistant Floor Leader and four years as Majority Leader have provided a base and a pattern of a belief in the system, that we can continue to expect from Bob. The give and take of the legislative process will paint the picture of the Seventy-fourth General Assembly that he will lead.

These are difficult times. Our Iowa economy is again challenged. Nationally and internationally the Persian Gulf drama hangs like a cloud over our head. Bob Arnould is aware of the impact these issues have on our legislative decisions and will deal with that challenge with us. Bob believes in caring for the neediest Iowans, the revitalization of the rural and urban economy, moving education forward, protecting and conserving our environment.

As I reviewed Bob's previous comments and speeches in preparation for this nominating speech I noted his use of the words "cooperation" and "fairness."

Whether it was Riverboat gambling or the Brushy Creek debate; smoking bills or nursing home reimbursements, Bob conveyed his resolve to legislators to design the best piece of legislation that is possible. I believe he will continue to do that. Therefore Mr. Speaker I place in nomination the name of Robert C. Arnould for Speaker of the Iowa House of Representatives.

McKinney of Dallas seconded the nomination of Robert C. Arnould for Speaker of the House, preceded by the following remarks:

Mr. Speaker, members, and guests:

I, too, rise to the occasion of seconding the nomination of Bob Arnould as Speaker of the House of Representatives for the Seventy-fourth General Assembly.

The Gentleman from Scott has served the State of Iowa for the past thirteen years representing the 42nd district. He has served as Majority Leader of the House of Representatives over the past four years. He brings to the Speakership his legislative experience, his leadership skills, and most importantly, Mr. Speaker, his determination to make Iowa a better place.

Reapportionment and the budget deficit will bring an added challenge to the work that we, as State Representatives, wish to accomplish this session. A multitude of vitally important issues must be addressed. Tough decisions will have to be made by each of us. This is a year when each and every one of us, Democrats and Republicans alike, must strive to contain our partisan differences to tackle a progressive, innovative, healthy Iowa agenda which allows all Iowans to be heard. An agenda which we can and will debate to achieve and realize the great accomplishments of this very, very important body. I am confident that this body will deliver to the people of Iowa the kind of leadership and representation they so deserve. I am confident that as Speaker, Bob Arnould will be instrumental in accomplishing these noble achievements.

We have much to be proud of. As a united body we have passed some of the strongest environmental legislation in the nation. And at the same time we have continued our commitment to economic development in this state. We have kept those most in need of our assistance at the top of our legislative agenda. We have worked hard at giving voice to those least likely to be heard.

The many issues and challenges which lie ahead will provide us with the potential to accomplish a great deal. Our work this year will determine Iowa's success for

the rest of this decade. Now is the opportune time for the Iowa House of Representatives to look to the future while dealing with the issues which may cripple this state. We have the opportunity to lay the groundwork for launching Iowa into the next decade as a leader among states. I am sure that under the leadership of Bob Arnould we can put aside our partisan politics, work through these most difficult issues and emerge a stronger body of representatives.

It is for this that I move, Mr. Speaker and Members of the House, to second the nomination of Representative Bob Arnould as Speaker of the House.

Van Maanen of Mahaska seconded the nomination of Robert C. Arnould for Speaker of the House, preceded by the following remarks:

Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House:

We who have the distinct honor of serving in the Iowa House of Representatives are ready to begin the first session of the Seventy-fourth General Assembly. I want to extend a special welcome to the eighteen new members who are beginning their legislative careers today. This will be an exciting experience for you. It is indeed an honor to be one of only one hundred elected from around the state who have the privilege of serving in this capacity.

With this honor also comes a great deal of responsibility, as you represent not only your district but the state as a whole. May we all diligently and humbly seek to do our very best in this endeavor, so that Iowa will continue to be a great place to live and work, and to educate and raise our children and our families.

I think it is good to again remind ourselves that we are a citizen type legislature and that we come from different walks of life. We have members whose districts are totally rural and others who represent only urban constituents. Because of this diversity, we will have different philosophical views, views that we must appreciate and respect. I would also note that the ages of the members of the Iowa House fall in a broad range. I am pleased to say that the average age of the Republican caucus is now fifty-two, somewhat lower from previous sessions. Also, as a side note, I might point out that we now have not one, but two, retired highway patrolmen serving in the Iowa Legislature! This again reflects the uniqueness we have as a citizen legislature.

I would also like to congratulate those who have been named committee chairs. The problems you face, whether they concern the budget or the environment, are complex. No one party has all the answers, nor one person. I would suggest that each chair recognize that the members of my caucus do possess expertise in many areas. I have tried to appoint Republican members to committees in which they have a vital interest and have the ability to provide answers. I don't think I have to remind the majority party that our caucus represents forty-five percent of the state. As such, we are anxious to play a larger role in the process of finding solutions to various issues. By working with us at the committee level, I can assure you that there will be less need for us to file amendments, thus allowing debate time to be more productive.

I want to congratulate Representative Wayne McKinney, the newly-elected Majority Leader. I am looking forward to working with Representative McKinney as he serves in this capacity. I have great respect for his character and ability. I hope that we can have a good working relationship with open dialogue. I will appreciate the opportunity to work with you, Wayne, as the Daily Debate Calendar is being put together, as well as discussing procedural matters. I want you to know, Wayne, as well as every other member of the House of Representatives, that my office is always open to you at any time.

A word of congratulations is also in order to you, Representative Arnould, as you assume the position of Speaker of the House. I do not need to remind you of the enormous responsibilities that you face in this position. As the Chief Officer of the House, you have the obligation to make sure that this chamber goes about its business in an efficient, orderly and productive manner. There is no doubt that, as a member of the Democrat caucus, you have certain political obligations to the other fifty-four members of that caucus. However, I would like to remind you that the responsibilities of your office pose an even greater obligation — and that is fairness and consideration of the priorities of all one hundred members of the House, and the 2.8 million Iowans we represent. In our dealings thus far, I believe you have already demonstrated your intent to treat the minority caucus fairly and courteously. It is my hope that you will continue this consideration as we begin anew the business of legislating. While there will certainly be competition between our caucuses' priorities for the future of Iowa and its people, this competition should be contained within the framework of cooperation and respect for the legislative process and the rights of every member of the body. I pledge to work with you to maintain this spirit of cooperation and mutual respect.

With these thoughts in mind, Mr. Speaker, I second the nomination of Mr. Arnould as Speaker and move that the Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Seventy-fourth General Assembly for the Honorable Robert C. Arnould as Speaker.

In accordance with the foregoing motion, the Acting Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Robert C. Arnould as Speaker of the House of Representatives of the Seventy-fourth General Assembly. The Honorable Robert C. Arnould of Scott County, having received all of the votes cast for the office of Speaker of the House of Representatives of the Seventy-fourth General Assembly, was declared duly elected to that office.

Dvorsky of Johnson moved that a committee of two be appointed to escort the Speaker to the chair.

The motion prevailed and the following committee was named: Dvorsky of Johnson and Petersen of Muscatine.

PRESENTATION OF SPEAKER

The Honorable Robert C. Arnould was escorted to the Speaker's station and, having been sworn, assumed the chair. Temporary Speaker Poncy presented Speaker Arnould with the gavel and congratulated him on his unanimous election.

Speaker Arnould thanked the House for the honor bestowed upon him and offered the following remarks:

First of all, I'd like to, before I begin my official remarks, recognize my wife, Betsy Brandsgard, who is seated in the back of the chamber. All of our families make tremendous sacrifices in order for us to serve in the General Assembly. I want to thank also, Harold, Wayne and Janet for their very kind remarks.

Thank you for the honor of electing me Speaker of the Iowa House. I will work hard to be a good leader for my party. Obviously it's a particularly great honor to follow in the footsteps of my predecessor who served this General Assembly so well for eighteen years. I will pledge to be a fair and an impartial presiding officer.

I want to congratulate Wayne McKinney and Harold Van Maanen on being elected floor leaders. Wayne is new to leadership, but he brings to his position that one distinguishing asset that has characterized House Democratic leaders in recent years — height. Wayne is a thoughtful and enthusiastic lawmaker who has the best interests of Iowa at heart, and he'll be a fine leader with whom I look forward to working with over the next two years.

Harold, you're a good man and you did a fine job last year as Republican leader, so you've been rewarded with a few extra chairs in your caucus room. Congratulations. I've read and heard that Republicans plan on exerting more influence in the legislature this year. I welcome your additional participation, unless of course that means more weather reports from Roger Halvorson.

There will be plenty of room for your input. We may not always agree on the solution, but certainly your ideas will never be shut off. With greater participation, of course, comes greater responsibility, both for the successes and the failures, the shortcomings of the session, and you must be, obviously, willing to accept that responsibility.

I also want to welcome the eighteen new freshmen legislators who were sworn in this morning. I've never been particularly comfortable with the term "freshmen legislator." It makes you sound young, immature and unable to find your way to the caucus, which now that I think about it, that pretty well describes my first year in the House of Representatives.

I want the new representatives to know that you are joining the best legislature in America, one that is clean and above board, one where you don't get lost in the shuffle, one where good ideas you have today can become law tomorrow. I wish you every success and want you to know that my door will always be open to all members, Republicans and Democrats alike.

As we convene today, we face a serious and sobering crisis in the world. It was just last year at this time that we celebrated the new-found freedom in Eastern Europe, anticipating an era free from confrontation and war. Now, half a million Americans, including thousands of Iowans, stand on the brink of conflict in the Saudi desert. It should remind us all how quickly change can occur for better and sometimes for worse.

Our hearts go out to the men and women in the Armed Forces, many of whom are friends, neighbors and relatives, and we pray for a peaceful solution and that our servicemen and women will come home safely.

Here in Iowa and across the nation there is talk of recession and concern about the effects of war on our economy. Hopefully, Iowa can be an island of prosperity. But if not, we must be ready. We can make future problems less painful for Iowans. At best we can move into this new decade strong and prepared.

Our immediate focus must be on the state budget. The potential deficits are serious. To bring them under control will require great thought, careful and prudent planning, and a willingness to make sacrifices.

The dollars we spend belong to the people of Iowa. The people expect us to manage their money wisely.

If Iowa families and businesses have to endure tough times, state government is going to endure tough times as well. If Iowans must make adjustments in their spending, state government must make adjustments in its spending too.

We are committed to passing a responsible, balanced budget without a major tax increase. We will consider Governor Branstad's budget recommendations, although as a separate and an equal branch of government, we are empowered to establish our own spending priorities and we will do that.

Appropriating money is the key constitutional function of the legislature and our fiscal difficulties give us an incentive to rethink the way we budget.

We need tougher accounting and oversight. It's clear we can't rely on the governor's department heads to provide us with guidance.

Their requests for new spending are ten and twenty percent above last year. It is inconceivable that departments would seek huge increases when everyone knows budget cuts are imminent. We must make the tough judgments about what is needed and what is not.

Instead of gauging success by how much more money we can pump into a program, we need to consider the results. We cannot assume that longstanding programs are delivering efficient and effective services to Iowans.

Let's not ask how much we increased spending for the homeless, let's find out how many more people we found shelter for. If the results are few, we must take a different approach.

We should make restructuring of the budget process itself a top priority. We must adopt new and innovative ways to evaluate state government. And I pledge to work with you to bring about the structural changes that are needed to give all of us a better view of state spending.

However, our lack of money should not and will not discourage us from making progress in important areas.

Rural communities need help to develop new job opportunities. A few years ago we decided to help Iowa communities improve housing, build bridges, sewer and water systems. This should be the year that we work out our differences with Governor Branstad, so that Rural 2000 can help those communities have a better chance to invest in our futures.

Of all our recent accomplishments, perhaps the greatest is environmental protection. Iowa is known as the leading environmental state in the nation. We must not back off from that commitment. This year we should insist on high standards of air quality and tight control of imported wastes, and we should help local communities deal with recycling and with solid waste management.

Further, the Middle East crisis has forced us to admit once again that we are very vulnerable to uncontrollable world events. We must build on and improve our energy efficiency efforts.

We should expand our ethanol promotion and development. A dozen years ago, the consensus was that ethanol could never be used widely as a fuel additive. Yet today

we know differently. We should seek ways to increase the use of ethanol here and throughout the country. We have an incredible opportunity to reduce our foreign oil dependence and open up vast new markets for Iowa farmers. This is real economic development and now is the time to capitalize on it.

Pride in our schools is as much a part of Iowa as corn fields and Hawkeyes. Recent years have seen remarkable changes in the curriculum, funding and structure of Iowa schools, changes that will help us maintain our high educational standards. We must build on those changes if we truly want world class schools. Creative and thoughtful proposals have been advanced by legislators, educators and by business groups, and they warrant our close attention and support.

This legislature created economic development from the ground up, beginning with the lottery initiatives. We can point with pride to progress we have made in the creation of job opportunities. But as the architects of the state's development program, we must insist that taxpayers get the return on investment that they are entitled to.

We must focus on small Iowa businesses and make sure that all parts of the state benefit from development funds. Job training and retraining must be available to all our citizens.

Iowa has a tradition of fair play and equal treatment, yet our constitution still permits discrimination on the basis of gender. We should make certain that no individual is treated unfairly because of gender. We must pass a state equal rights amendment this year so that the voters can approve it at the next general election.

The legislature has been the protector of Iowa's least fortunate citizens. Access to food, clothing, shelter and health care must remain at the very top of our agenda.

Finally, a few words about reapportionment. Iowa is almost unique among the states in that we have a specific procedure for a nonpartisan process. These procedures were placed in the Iowa Code by Republican lawmakers and followed by the Republican majority party in 1981. Democrats are committed to those same nonpartisan reapportionment procedures in 1991.

We intend to adopt a nonpartisan reapportionment plan presented to us by the Legislative Service Bureau. No one knows what the new districts will look like, but one thing is for certain — this reapportionment process will be fair and impartial and will meet both the letter and the spirit of Iowa's law. There will be no gerrymandering in Iowa.

When this session is over, we shouldn't base our successes on how much more we spent on education or the environment or job creation. Instead, we should judge whether our actions this year mean that kids will get a better education; that better jobs are available for our communities; that there are fewer battered spouses, abused children and homeless Iowans; that the environment is cleaner. We will judge our success not by how much more we spent, but by how our spending affected the lives of Iowans for the better.

1991 looks like a year for sacrifices as we work to tighten the belt of state government. Establishing new priorities will require commitment and willpower. But as we convene today any sacrifice we make as legislators or as a state government pales in comparison to what our fellow Iowans and Americans are putting on the line today and tomorrow in the Persian Gulf. Let us draw strength from their courage and bravery and do well the job that we have been elected to do.

PERMANENT CHIEF CLERK

Shearer of Louisa moved that Joseph O'Hern be elected permanent Chief Clerk of the House.

The motion prevailed and Joseph O'Hern was declared elected permanent Chief Clerk.

COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed and the following committee was appointed: Neuhauser of Johnson, chair; Schrader of Marion and Johnson of Clinton.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Adams of Hamilton, chair; Gill of Woodbury and Rafferty of Scott.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 1

McKinney of Dallas asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 House Concurrent Resolution 1
- 2 By McKinney and Van Maanen
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 1991 session of the Seventy-fourth
- 6 General Assembly be held on Monday, January 14, 1991,
- 7 at 1:30 p.m.; and
- 8 *Be It Further Resolved,* That at this joint convention
- 9 the votes for Governor and Lieutenant Governor be canvassed
- 10 and the results announced and recorded as provided by law.
- 11 *Be It Further Resolved,* That Governor Terry E. Branstad
- 12 be invited to deliver his condition of the state message at
- 13 a joint convention of the two houses of the General Assembly
- 14 on Tuesday, January 15, 1991, at 10:00 a.m., and that the
- 15 Speaker of the House and the President of the Senate be
- 16 designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 2

McKinney of Dallas asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 House Concurrent Resolution 2
- 2 By McKinney and Van Maanen
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring*, That a joint convention of the two
- 5 houses of the 1991 session of the Seventy-fourth
- 6 General Assembly be held on Wednesday, January 16, 1991,
- 7 at 10:00 a.m.; and
- 8 *Be It Further Resolved*, That Chief Justice McGiverin
- 9 be invited to present his message of the condition of
- 10 the judicial department at this convention, and recommend
- 11 such matters as the Chief Justice deems expedient, pursuant
- 12 to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 3

McKinney of Dallas asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 House Concurrent Resolution 3
- 2 By McKinney and Van Maanen
- 3 A Concurrent Resolution relating to appointment of
- 4 a joint inaugural committee.
- 5 *Be It Resolved by the House of Representatives, the*
- 6 *Senate Concurring*, That a joint committee be
- 7 designated, consisting of six members of the house to
- 8 be appointed by the speaker of the house, and six
- 9 members of the senate to be appointed by the president
- 10 of the senate, to arrange for the inauguration of the
- 11 governor and the lieutenant governor.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that House Concurrent Resolutions 1, 2 and 3 be immediately messaged to the Senate.

ELECTION OF SPEAKER PRO TEMPORE

Brand of Benton placed in nomination the Honorable John H. Connors as candidate for Speaker pro tempore of the House of Representatives of the Seventy-fourth General Assembly, preceding his nomination with the following remarks:

Thank you, Mr. Speaker, members of the House:

It is my honor, today, to nominate for Speaker pro tempore, the Honorable John Connors from Polk County.

John has brought honor to this chamber since he was first elected eighteen years ago. His constituents have long recognized these qualities and have sent him back to this chamber time and again, and I thank them for that because this chamber is better for it.

His commitment to his community is demonstrated by his service as a professional firefighter, as President of the Easter Seals and Muscular Dystrophy Associations, as a member of the Board of Trustees of Des Moines General Hospital, his involvement on the Mayor's Select Committee on Drug Abuse, and his long association with the Golden Gloves Boxing organization.

Now, starting his tenth term in the House of Representatives, Representative Connors has also brought honor to the state of Iowa. Representative Connors has served as Speaker pro tempore of this chamber since 1983, and as a representative of Iowa, he was elected chairman of the twelve state Midwestern Legislative Conference of the National Council of State Governments in 1987. In 1989, Representative Connors was elected vice-chairman of the National Council of State Governments, bringing honor again to the state of Iowa. Through that office he has arranged to have the 1992 convention of the National Council of State Governments here in Des Moines, which will give us an opportunity to show off many of the things we are so proud of here in our state to the rest of the nation.

But beyond those honors and offices he has held, Representative Connors has shown the ability to work with representatives from both sides of the aisle, Democrats and Republicans. He has shown understanding, the willingness to listen and the ability to effectively address the needs of the state of Iowa and of course, he has danced the best jig that I have ever witnessed on the floor of this chamber and I hope that we will be able to witness that many times again.

I have every confidence in the integrity, honesty and leadership ability of Representative John Connors, and it is my pleasure and honor to nominate him for Speaker pro tempore.

Osterberg of Linn seconded the nomination of Mr. Connors as Speaker pro tempore of the House of Representatives, preceding his nomination with the following remarks:

Thank you Mr. Speaker.

Mr. Speaker and colleagues, this morning is a time of many, many speeches and my speech will be short. I'd like to reserve my time for less ceremonial occasions, when the issue may be in doubt. There is no doubt that this morning we will elect John Connors as Speaker pro tempore and we should.

John has played many roles in this body but I want to refer to but one of them and that is one of peacemaker between the two parties.

I can remember several occasions when John would calm the waters. Oftentimes you would see him putting his hand over his heart trying to show that member, who was rather out of control, that he ought to think about his possibility for a heart attack. He would remind some of the more excitable members that more calm reflection might produce better results on this issue and on issues to come. He's done a good job of that.

I think this morning, because of the day it is, we cannot help but think that peace-making is an important issue. We ought to look to a peacemaker now. John has served at this pacificator function in the past. We need that function served in this body, we need it served in this world, but we need it served in this body and therefore I second the nomination of John Connors so he can continue that important role he has in this body and many others.

Carpenter of Polk seconded the nomination of Mr. Connors, preceding the nomination with the following remarks:

Mr. Speaker, I wish to second the nomination of my honorable colleague from Polk County, John Connors, for the office of Speaker pro tempore.

The traditional role of the Speaker pro tempore is to preside in the Speaker's chair at such times as the Speaker may require his services. Representative Connors has fulfilled his responsibility in the past with great skill and dignity. He handles business from the Speaker's chair with fairness and attention to maintaining decorum in the chamber. On only one occasion that I can recall, his over zealous efforts to keep order resulted in a broken gavel handle.

John often reminds us from the chair that good manners and respect for one another add to the productive work of the body.

It is my pleasure to move that the Chief Clerk be directed to cast the votes of all the members of the House of Representatives for the Honorable John Connors of Polk County for Speaker pro tempore.

In accordance with the foregoing motion, the Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable John H. Connors as Speaker pro tempore of the House of Representatives of the Seventy-fourth General Assembly. The Honorable John H. Connors of Polk County, having received all of the votes cast for the office of Speaker pro tempore of the House of Representatives of the Seventy-fourth General Assembly, was declared duly elected to that office.

Svoboda of Tama moved that a committee of two be appointed to escort the Speaker pro tempore to the chair.

The motion prevailed and the following committee was appointed: Svoboda of Tama and McNeal of Hardin.

Mr. Connors was escorted to the Speaker's station and, being duly sworn, offered the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House — my brothers and sisters:

First of all, I want to congratulate Bob Arnould, Wayne McKinney and Harold Van Maanen on their election to the top leadership of the House.

For the first time in eight years, we in the Democratic caucus had a very tough interim, having to choose between many good and talented colleagues and friends for leadership positions. It was a gut-wrenching process. But, the quality and dedication

of our people came through very strong when Speaker Arnould asked Tom Jochum to again serve on our leadership team as Chairman of the Appropriations Committee, and as no surprise to those of us who know him, he accepted, a tribute to the type of people we have in our leadership.

I want to thank you for re-electing me Speaker pro-tempore. Eight years ago when you first gave me the high honor of electing me to this position, I told you that I have held this place in awe and respect since first coming here in 1955, as a lobbyist for the Iowa Association of Professional Fire Fighters, AFL-CIO. Today that awe and respect is ten times stronger because of the many fine dedicated people that I have had the privilege to serve with in this House.

While I humbly accept this honor with pardonable pride, I have always believed that being allowed to serve your fellow workers also carries a responsibility to represent and promote them in every way possible.

With that in mind, I was elected chairman of the Midwestern Legislative Conference in 1987, and brought it to Des Moines. Later, when Senator Hugh Farley of New York was chairman of the National Council of State Governments, he told me that it was time for a Republican governor to start through the chairs to the presidency of the council. I told him "I want it to be the governor of Iowa", and called Governor Branstad. Today, he is the President! Next year, I will become chairman of the council and made a successful bid to bring the 1992 annual meeting, for the first time, to Iowa — here in Des Moines.

I hope that in some small way I have been able to repay you and the state of Iowa for all you have given me — not only in the legislature, but also in my personal life — a wife who is my severest critic, my best supporter and my best friend; the privilege of adopting two sons and a daughter, who have brought me the greatest joys and the deepest sorrows in my life, and taught me what life is all about.

Today, Speaker Arnould has outlined a tough agenda for us, and I pledge to do everything humanly possible to make his a successful administration. But, first of all we will have to define the real problem.

A man had complained of black spots in front of his eyes for several months. After trying different medications, the doctor finally sent him to Florida. "Spend six weeks down there and that should take care of the problem," he said. When the six weeks were up, the man still had black spots, so the doctor in Florida told him, "You need a colder climate, not hotter. Go to Alaska for six weeks." He did, but the black spots remained. Needing some new clothes after being gone for three months, he went to a local clothing store and told the clerk, "Let me see some shirts — size 14." The clerk said, "You need 15½." "I know what I wear," the man retorted, "Give me size 14." "Okay," replied the clerk, "but don't blame me if you have black spots before your eyes!"

So, before we act, let's define the problem. Then, how we conclude things will determine the entire outcome. For example, a preacher got his congregation's attention one Sunday morning when he said, "Some of the happiest days of my life were spent in the arms of another man's wife." After a long pause he added, "My Mother." A young preacher, after hearing that, thought it would add a little humor to his message, so he tried it, too. "Some of the happiest days of my life were spent in the arms of another man's wife," he said to his congregation. But his mind suddenly went blank and he couldn't remember the punch line. After a moment of agony, knowing that he couldn't just stop there, he made matters worse by adding, "But to save my life, I can't remember who it was."

So, regardless of what is said at the beginning of this session by us, the Senate, or the Governor, how we finish it is the real issue.

I want to thank Bill Brand, one of our bright, hard working, unassuming new members from last session, for nominating me this morning. Also David Osterberg and Dottie Carpenter, whom I have admired and looked upon as the conscience of the House, for seconding my nomination. They have helped many of us by their straightforward approaches and willingness to work toward solutions. I thank Jane Svoboda and Clark McNeal, Jr., for escorting me to the well. I was honored and privileged to speak at Jane's fund raiser this fall. She is a caring, hard working representative for her district.

During the 1957 and 1959 sessions, many improvements in firefighter and police pensions were passed into law, including the heart and lung law, a shorter work week and an arbitration law for firefighters. A member of the House during those years and the Majority Leader in 1959, was Clark McNeal of Wright County, and one of the Pages was Clark McNeal, Jr. In memory and respect for your Dad, I say thank you, "little tiger."

I again want to express my love and appreciation to my family and friends who know and understand me — and still remain my friends, for their encouragement and support through the years that enable me to be here today. Because of my family and friends here on earth, and with God — and because of you in this House of Representatives, I have drunk from wells I did not dig, and I have been warmed by fires I did not build. May God be with our people in the Persian Gulf, continue to bless you — and guide me. Thank you for this honor.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Adams of Hamilton, chair of the committee to notify the Senate that the House was duly organized and ready to receive any communications that the Senate might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

COMMITTEE FROM THE SENATE

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

REPORT OF COMMITTEE TO NOTIFY GOVERNOR

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

The report was accepted and the committee discharged.

INTRODUCTION OF BILLS

House File 1, by Spear, a bill for an act relating to the criminal transmission of the human immunodeficiency virus and providing penalties.

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

House File 2, by Spear, a bill for an act exempting certain offices from the prohibition of candidates filing nomination papers for more than one public office to be filled at a primary or general election.

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

House File 3, by Van Maanen, a bill for an act relating to the affidavit filing requirements for a single public office by primary election candidates and certain general election candidates.

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

House File 4, by Kremer and Poncy, a bill for an act relating to permissible use of moneys appropriated by the county boards of supervisors for the benefit of honorably discharged, indigent veterans of wars.

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

House File 5, by Connors, a bill for an act relating to the payment of pension benefits to surviving spouses under the chapters 97A, 410, and 411 retirement systems, and providing retroactive applicability dates.

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

House File 6, by Spear, a bill for an act relating to the appointment of the county recorder.

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

House File 7, by Shoning, a bill for an act relating to eligibility determinations involving spousal resources for certain institutionalized medical assistance recipients.

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

House File 8, by Peterson of Carroll, a bill for an act defining self-propelled hay or feed grinders as implements of husbandry.

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

House File 9, by Spear, a bill for an act to repeal the mandatory school attendance exception which excuses from school children who are over the age of fourteen and regularly employed.

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

House File 10, by De Groot, a bill for an act relating to the appointment of a city marshal or chief of police by the city manager under the mayor-council form of city government.

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

House File 11, by Peterson of Carroll, a bill for an act relating to tax-exempt property of religious, literary, and charitable societies.

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

SPECIAL ORDER

McKinney of Dallas moved that the assignment of seats to the members of the House be made a special order for this afternoon at 2:15 p.m., which motion prevailed.

ADOPTION OF HOUSE RESOLUTION 1

Shearer of Louisa asked and received unanimous consent for the immediate consideration of House Resolution 1 as follows and moved its adoption:

1 House Resolution 1
2 By Shearer
3 *Be It Resolved By The House Of Representatives, That*
4 each member of the House of Representatives shall be entitled
5 to select and appoint a secretary, and such secretary may
6 be called upon to aid in the discharge of the clerical work
7 of the House of Representatives. Only expert typists and
8 stenographers will be considered qualified. The Speaker
9 and Chief Clerk shall appoint their secretaries and pages
10 to serve for the session, and the Chief Clerk is hereby
11 authorized to employ such additional clerical assistance as
12 his duties may require.

The motion prevailed and the resolution was adopted.

COMMITTEE ON MILEAGE

Holveck of Polk moved that a committee of three be appointed to determine the mileage due each member and report the same to the House.

The motion prevailed and the following committee was appointed: Holveck of Polk, Chair; Beatty of Warren and De Groot of Lyon.

REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage each member is entitled to, begs leave to submit the following report:

Name	Round Trip Miles
Janet L. Adams	150
Bob Arnould	350
Tom Baker	NONE
Brad Banks	440
Merlin E. Bartz	277
Jack Beaman	90
Linda L. Beatty	36
Wayne D. Bennett	288
Bill Bernau	72
Tony Bisignano	NONE
Dennis H. Black	104
Eugene H. Blanshan	140
Philip E. Brammer	266
William J. Brand	220
Clifford O. Branstad	260
Joel W. Brown	98
Gordon B. Burke	102.4
Dorothy F. Carpenter	NONE
Kay Chapman	268
Dennis M. Cohoon	320
John H. Connors	NONE
Ron J. Corbett	256
Horace C. Daggett	188
Kenneth De Groot	508
Rick Dickinson	422
Marvin E. Diemer	220
Minnette F. Doderer	240
Robert E. Dvorsky	224
Russell J. Eddie	320
Daniel P. Fogarty	316
Teresa A. Garman	68
Patrick F. Gill	412
Chuck Gipp	400
John D. Groninga	240
Steven E. Grubbs	350
Josephine Gruhn	424
Jim Hahn	306
Rod Halvorson	190
Roger A. Halvorson	436
Johnnie W. Hammond	74
Steven D. Hansen	416
Darrell R. Hanson	322
Donald E. Hanson	232
William H. Harbor	258

Jack Hatch	NONE
Mark A. Haverland	28
Joan L. Hester	250
Dave Hibbard	36
Jack Holveck	NONE
Charles D. Hurley	352
Stewart E. Iverson, Jr.	152
Dan Jay	190
Glen D. Jesse	44
Thomas J. Jochum	400
Robert L. Johnson	442
Bob L. Kistler	220
Donald J. Knapp	358
Deo A. Koenigs	324
Scott L. Krebsbach	306
Joseph M. Kremer	250
Ray A. Lageschulte	268
Mary A. Lundby	272
Ruhl Maulsby	232
Andy McKean	310
Wayne H. McKinney, Jr.	35
Clark E. McNeal	168
Dolores M. Mertz	260
Janet S. Metcalf	NONE
David A. Millage	364
Tom Miller	350
Louis J. Muhlbauer	220
Pat Murphy	400
Mary C. Neuhauser	224
Joyce J. Nielsen	262
C. Arthur Ollie	400
David E. Osterberg	280
Emil S. Pavich	264
Dan Petersen	314
Mike Peterson	190
Lee Plasier	470
Charles N. Poncy	180
Bob Rafferty	340
Dennis L. Renaud	NONE
Bob Renken	204
Bill D. Royer	280
David F. Schrader	62
Mark S. Shearer	290
Gary C. Sherzan	NONE
Don Shoning	408
Don Shoultz	220
Brent Siegrist	256
Clay R. Spear	326
Gregory A. Spenner	276
Jane Svoboda	180
Jane Teaford	220

Phil Tyrrell	200
Harold G. Van Maanen	114
Dick B. Weidman	212
Philip L. Wise	370
Matthew R. Wissing	340

Respectfully submitted,
JACK HOLVECK, Chair
LINDA BEATTY
KENNETH DE GROOT

ADOPTION OF TEMPORARY RULES OF THE HOUSE

Jesse of Jasper moved that the permanent rules of the House of the Seventy-third General Assembly be the temporary rules of the House of the Seventy-fourth General Assembly.

The motion prevailed.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the following committees to meet today: committee on rules, committee on administration and committee on state government.

On motion by McKinney of Dallas, the House was recessed at 11:30 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

COMMITTEE TO NOTIFY THE SENATE

Muhlbauer of Crawford 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: Muhlbauer of Crawford, chair; Dickinson of Jackson and Weidman of Cass.

INTRODUCTION OF BILL

House Joint Resolution 1, by Doderer, Adams, Arnould, Baker, Beaman, Beatty, Bernau, Bisignano, Black, Blanshan, Brammer, Brand, Brown, Burke, Carpenter, Chapman, Cohoon, Connors, Dickinson, Diemer, Dvorsky, Eddie, Fogarty, Gill, Gipp, Groninga, Gruhn, Hahn, Hansen of Woodbury, Hanson of Delaware, Halvorson of Clayton, Halvorson of Webster, Hammond, Harbor, Hatch, Haverland, Hester, Hibbard, Holveck, Jay, Jesse, Jochum, Kistler, Koenigs, Lageschulte,

Lundby, Maulsby, McKean, McKinney, McNeal, Mertz, Metcalf, Millage, Miller, Muhlbauer, Murphy, Neuhauser, Nielsen, Ollie, Osterberg, Pavich, Petersen of Muscatine, Peterson of Carroll, Poncy, Renaud, Royer, Schrader, Shearer, Sherzan, Shoning, Shoultz, Siegrist, Spear, Spenner, Teaford, Wise and Wissing, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

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

REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 1 duly adopted, the joint convention was called to order at 1:51 p.m., President Welsh presiding.

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

The motion prevailed.

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

President Welsh announced that the time had arrived for the canvass of votes for the offices of Governor and Lieutenant Governor at the General Election held on November 6, 1990, and announced as teller, on the part of the Senate, Senator Husak of Tama, and assistant tellers Senators Horn of Linn and Tinsman of Scott and as teller, on the part of the House, Representative Halvorson of Webster, and assistant tellers Representatives Nielsen of Linn and Gipp of Winneshiek.

President Welsh further announced that, in accordance with statute, the six tellers just named would constitute the judges of said canvass.

The returns were opened in the presence of the joint convention and the tellers then proceeded to canvass the vote for Governor and Lieutenant Governor of the State of Iowa, cast at the General Election held on November 6, 1990.

Representative McKinney of Dallas moved that the joint convention recess until 10:00 a.m., Tuesday, January 15, 1991.

The motion prevailed and the joint convention was recessed at 2:15 p.m.

The House reconvened at 2:16 p.m., Speaker Arnould in the chair.

EMPLOYEES OF THE HOUSE

Shearer of Louisa moved that the House committee on administration's recommendations regarding employees of the House be accepted and that those named employees be elected as employees of the House.

The motion prevailed and the following named persons were duly elected.

EMPLOYEES OF THE HOUSE

Elizabeth A. Isaacson - Assistant Chief Clerk
Paulee Lipsman - Caucus Staff Director
Warren Fye - Caucus Staff Director
Mark W. Brandsgard - Senior Administrative Assistant to Speaker
William C. Maloney - Senior Administrative Assistant to Speaker
Bruce G. Brandt - Administrative Assistant to Leader I
Aimee L. Campin - Administrative Assistant to Leader I
Mary C. Braun - Legislative Research Analyst I
Edward J. Conlow - Legislative Research Analyst III
Wendy L. Dickstein - Legislative Research Analyst I
Mary E. O. Fleckenstein - Senior Legislative Research Analyst
Oliver Ivory, Jr. - Legislative Research Analyst I
Thomas R. Patterson - Senior Legislative Research Analyst
Joseph P. Romano - Legislative Research Analyst II
Mark B. Teerink - Legislative Research Analyst I
Amy Campbell - Research Assistant
Jenifer L. Parsons - Caucus Secretary
Pamela H. Dugdale - Legislative Research Analyst I
Paul E. Savary - Legislative Research Analyst I
Susan D. Severino - Legislative Research Analyst I
Margaret Ann Thomson - Legislative Research Analyst III
Greg E. Watson - Legislative Research Analyst I
Maryjo F. Welch - Legislative Research Analyst II
Colleen Dillon - Caucus Secretary

Deanna J. Verwers Templeton - Confidential Secretary to Chief Clerk
 Jeanine S. Crist - Clerk to Chief Clerk
 Catherine S. Jury - Research Assistant to Chief Clerk
 Virginia Rowen - Supervisor of Secretaries/Computer Trainer
 Vivian M. Anders - Journal Editor
 Carol S. Edwards - Journal Editor
 C. Elaine Schoonover - Assistant Journal Editor
 Billie Jean Walling - Senior Finance Officer
 Debra K. Rex - Finance Officer I
 E. Jane Fowler - Assistant Legal Counsel
 Pauline E. Kephart - Assistant to the Legal Counsel & Engrossing/Enrolling Clerk
 Eileen M. Tyler - Assistant to the Legal Counsel
 Juanita F. Swackhammer - Chief Indexer
 Wilma F. Zika - Indexer
 Joanne Wengert - Supply Clerk
 Madeline E. James - Switchboard Operator
 Virginia Semple - Switchboard Operator
 Faith Fenton - Bill Clerk
 Marie A. Kirby - Assistant Bill Clerk
 William C. Walling - Postmaster
 Glenn D. Carlson - Sergeant-at-Arms
 Marvin Hollingshead - Assistant Sergeant-at-Arms
 Maynard L. Boatwright - Doorkeeper
 Arthur E. Borwick - Doorkeeper
 Dwight H. Dugan - Doorkeeper
 Alfred H. Edwards - Doorkeeper
 Orson R. McNitt - Doorkeeper
 Kathleen L. O'Leary - Doorkeeper
 Marvin L. Thomas - Doorkeeper

PAGES GROUP I

Mary Beth Nelson - Speaker's Page	Jon W. King
Matthew T. Boston - Chief Clerk's Page	Heather M. Lucas
Kevin J. Carroll - Chief Clerk's Page	Julie R. Moser
Stacy M. Avise	Heather A. Neessen
Brandy J. Bartholomew	David A. Nelson, Jr.
Brett D. Casebolt	Jill M. Ness
Anita M. Casey	Leandra S. Oldaker
Brenna C. Conway	Kimberly K. Pearsall
Erica A. Hartanowicz	Stephanie A. Sheil
Maria J. Jebens	Kelli L. Steggall
Julie A. Kelderman	Stacy A. Van Gorp

PAGES GROUP II

Douglas M. Anderson	Darin A. Neugent
Natalie C. Boelter	April J. O'Tool
Nichole L. Coons	Jessica Reis
Suzanne T. Elsbecker	Kimberly L. Schwartz
Courtney E. Lohrer	Craig L. Stauffer
Sarah J. Luallin	Sara M. Taylor
Natalie J. Martin	Jodi E. Tompkins
Jennifer Sue Muhlbaier	Amy L. Yoder

SHEARER of Louisa, Chair

SPECIAL ORDER

The hour for the special order having arrived, the members were requested to vacate their seats.

The drawing of seats was as follows:

1. Speaker of the House Arnould—floor seat
2. Speaker pro tempore Connors
3. Majority Floor Leader McKinney
4. Minority Floor Leader Van Maanen
5. Assistant Floor Leaders—
6. Members with defective sight, hearing and physical disability
7. Drawing by seniority:
 - a. Former Speaker
 - b. Returning members, by seniority
 - c. New members

The drawing of seats proceeded with the following results:

Name	Seat No.	Name	Seat No.
Janet Adams	65	Russell J. Eddie	35
Bob Arnould	14	Daniel P. Fogarty	1
Tom Baker	77	Teresa Garman	34
Brad Banks	36	Patrick F. Gill	20
Merlin E. Bartz	9	Chuck Gipp	51
Jack Beaman	27	John Groninga	88
Linda Beatty	15	Steven E. Grubbs	40
Wayne Bennett	63	Josephine Gruhn	39
Bill Bernau	76	Jim Hahn	57
Tony Bisignano	56	Rod Halvorson	83
Dennis H. Black	3	Roger A. Halvorson	92
Gene Blanshan	54	Johnie Hammond	46
Philip E. Brammer	82	Steven D. Hansen	69
William J. Brand	78	Darrell Hanson	91
Clifford O. Branstad	25	Donald E. Hanson	18
Joel W. Brown	17	William Harbor	94
Gordon B. Burke	74	Jack Hatch	79
Dorothy F. Carpenter	95	Mark A. Haverland	26
Kay Chapman	64	Joan L. Hester	7
Dennis M. Cohoon	75	Dave Hibbard	21
John H. Connors	84	Jack Holveck	28
Ron J. Corbett	30	Charles D. Hurley	73
Horace C. Daggett	45	Stewart E. Iverson, Jr.	89
Kenneth De Groot	32	Dan Jay	67
Rick Dickinson	16	Glen D. Jesse	19
Marvin E. Diemer	6	Thomas J. Jochum	90
Minnette Doderer	98	Robert L. Johnson	38
Robert E. Dvorsky	80	Bob Kistler	13

Name	Seat No.	Name	Seat No.
Donald Knapp	43	Mike Peterson	70
Deo A. Koenigs	44	Lee Plasier	55
Scott L. Krebsbach	71	Charles N. Poncy	66
Joseph M. Kremer	4	Bob Rafferty	47
Ray Lageschulte	31	Dennis Renaud	60
Mary A. Lundby	62	Bob Renken	33
Ruhl Maulsby	97	Bill Royer	42
Andy McKean	81	David Schrader	58
Wayne McKinney, Jr.	100	Mark S. Shearer	37
Clark E. McNeal	49	Gary Sherzan	48
Dolores M. Mertz	11	Don Shoning	23
Janet Metcalf	8	Don Shoultz	59
David A. Millage	10	Brent Siegrist	86
Tom H. Miller	93	Clay Spear	53
Louis J. Muhlbauer	87	Gregory A. Spenner	29
Pat Murphy	85	Jane Svoboda	72
Mary Neuhauser	68	Jane Teaford	12
Joyce Nielsen	5	Phil Tyrrell	2
C. Arthur Ollie	24	Harold Van Maanen	99
David Osterberg	41	Dick B. Weidman	22
Emil S. Pavich	96	Philip Wise	52
Dan Petersen	61	Matthew R. Wissing	50

McKinney of Dallas moved that the assignment of seats be accepted as listed.

The motion prevailed.

MEMBER'S OATH OF OFFICE

The following member took and subscribed to the oath of office as follows:

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially discharge the duties of the office of Representative in the General Assembly of the State of Iowa according to the best of my ability, so help me God."

Roger A. Halvorson

STANDING COMMITTEES APPOINTED

The Speaker announced the following appointments to the standing committees of the House:

ADMINISTRATION—13 Members

Shearer, Chair	Brand	Knapp	Pavich
Connors*	Chapman	Kremer	Tyrrell
Miller**	Hansen, S. D.	Metcalf	Van Maanen
Beaman			

* Vice-Chair

** Ranking Member

AGRICULTURE—21 Members

Fogarty, Chair	Brand	Hahn	Maulsby
Gruhn*	Branstad	Hibbard	Mertz
Petersen, D. F.**	Brown	Jesse	Muhlbauer
Banks	De Groot	Johnson	Schrader
Bennett	Eddie	Koenigs	Svoboda
Bernau			

APPROPRIATIONS—25 Members

Jochum, Chair	Brand	Hatch	Ollie
Peterson, M. K.*	Corbett	Hester	Poncy
Halvorson, R. A.**	Dvorsky	Lageschulte	Rafferty
Bartz	Gipp	Maulsby	Sherzan
Beatty	Hammond	McNeal	Teaford
Bisignano	Harbor	Miller	Wise
Brammer			

COMMERCE—23 Members

Hansen, S. D., Chair	Brammer	Groninga	Millage
Holveck*	Brown	Halvorson, R. A.	Miller
Renken**	Chapman	Halvorson, R. N.	Rafferty
Baker	Corbett	Kremer	Sherzan
Bisignano	Doderer	Lundby	Shoning
Blanshan	Gill	Metcalf	

EDUCATION—21 Members

Ollie, Chair	Corbett	Iverson	Shearer
Wissing*	Grubbs	Kistler	Shoultz
Daggett**	Hammond	Lageschulte	Siegrist
Adams	Hanson, D. E.	Neuhauser	Spear
Baker	Hurley	Nielsen	Wise
Cohoon			

ENERGY AND ENVIRONMENTAL PROTECTION—21 Members

Osterberg, Chair	Gipp	Holveck	Petersen, D. F.
Hatch*	Groninga	Jesse	Schrader
Banks**	Grubbs	Johnson	Shearer
Adams	Hahn	Lundby	Shoultz
Bernau	Hanson, D. R.	Neuhauser	Siegrist
Dvorsky			

HUMAN RESOURCES—21 Members

Haverland, Chair	Daggett	Jesse	Osterberg
Nielsen*	Grubbs	Krebsbach	Spenner
Plasier**	Hammond	Mertz	Svoboda
Bartz	Hester	Murphy	Teaford
Burke	Hurley	Neuhauser	Wissing
Carpenter			

JUDICIARY AND LAW ENFORCEMENT—21 Members

Jay, Chair	Brammer	Knapp	Poncy
Hibbard*	Halvorson, R. A.	Kremer	Sherzan
McKean**	Hansen, S. D.	McNeal	Shoning
Beatty	Harbor	Millage	Siegrist
Bisignano	Hurley	Peterson, M. K.	Wissing
Blanshan			

* Vice-Chair

** Ranking Member

LABOR AND INDUSTRIAL RELATIONS—21 Members

Renaud, Chair	Connors	Kremer	Plasier
Poncy*	Gill	McKean	Rafferty
Tyrrell**	Hansen, S. D.	McNeal	Sherzan
Beatty	Jochum	Millage	Teaford
Brammer	Kistler	Ollie	Wissing
Branstad			

LOCAL GOVERNMENT—21 Members

Dvorsky, Chair	Connors	Hahn	Mertz
Bernau*	Diemer	Hanson, D. E.	Metcalf
Royer**	Eddie	Hatch	Muhlbauer
Baker	Fogarty	Hester	Shearer
Black	Gipp	Iverson	Spear
Cohoon			

NATURAL RESOURCES AND OUTDOOR RECREATION—21 Members

Black, Chair	Garman	Knapp	Schrader
Dickinson*	Gruhn	Koenigs	Shoultz
Diemer**	Hanson, D. E.	Pavich	Spear
Beaman	Hatch	Peterson, M. K.	Tyrrell
Eddie	Kistler	Royer	Weidman
Fogarty			

RULES—7 Members

Jesse, Chair	Lageschulte**	Harbor	Van Maanen
Knapp*	Groninga	Schrader	

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TRADE—21 Members

Doderer, Chair	Bennett	Groninga	Miller
Burke*	Brand	Haverland	Nielsen
Branstad**	Brown	Jesse	Renaud
Banks	Dickinson	Johnson	Weidman
Bartz	Gill	Krebsbach	Wise
Beaman			

STATE GOVERNMENT—21 Members

Blanshan, Chair	Halvorson, R. N.	Lundby	Renken
Bisignano*	Hanson, D. R.	Pavich	Shoning
Carpenter**	Jay	Peterson, M. K.	Spenner
Beatty	Knapp	Poncy	Teaford
Connors	Krebsbach	Renaud	Tyrrell
Garman			

TRANSPORTATION—21 Members

Koenigs, Chair	Cohoon	Harbor	Muhlbauer
Pavich*	Diemer	Hibbard	Murphy
De Groot**	Fogarty	Jay	Royer
Beaman	Gruhn	Lageschulte	Spenner
Black	Halvorson, R. N.	Maulsby	Weidman
Chapman			

* Vice-Chair

** Ranking Member

WAYS AND MEANS—25 Members

Groninga, Chair	Daggett	Hibbard	Murphy
Adams*	De Groot	Holveck	Osterberg
Bennett**	Dickinson	Iverson	Petersen, D. F.
Blanshan	Doderer	Knapp	Plasier
Burke	Hanson, D. R.	McKean	Renken
Carpenter	Haverland	Metcalf	Svoboda
Chapman			

ETHICS—5 Members

Peterson, M. K., Chair	Tyrrell**	Brown	McKean
Neuhauser*			

HOUSE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION—7 Members

Halvorson, R. N., Chair	Kremer**	Brand	Tyrrell
Svoboda*	Black	McNeal	

AGRICULTURE AND NATURAL RESOURCES—9 Members

Shoultz, Chair	Diemer	Hahn	Osterberg
Muhlbauer*	Dvorsky	Krebsbach	Schrader
Kistler**			

CLAIMS—3 Members

Gruhn, Chair	Brammer*	Lundby**
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ECONOMIC DEVELOPMENT—9 Members

Wise, Chair	Hanson, D. E.	Johnson	Poncy
Baker*	Jesse	Miller	Shearer
Harbor**			

EDUCATION—9 Members

Chapman, Chair	Adams	Lageschulte	Ollie
Neuhauser*	Hatch	Maulsby	Siegrist
Corbett**			

HEALTH AND HUMAN RIGHTS—9 Members

Teaford, Chair	Bartz	Gruhn	Hurley
Murphy*	Dickinson	Holveck	Royer
Spenner**			

HUMAN SERVICES—9 Members

Hammond, Chair	Bernau	Haverland	Plasier
Brown*	Grubbs	Nielsen	Rafferty
Hester**			

JUSTICE SYSTEM—9 Members

Sherzan, Chair	Hibbard	Millage	Weidman
Spear*	Iverson	Peterson, M. K.	Wissing
Eddie**			

* Vice-Chair

** Ranking Member

REGULATIONS—7 Members

Beatty, Chair
Mertz*

Garman**
Banks

Burke
Connors

Gipp

TRANSPORTATION AND SAFETY—9 Members

Cohon, Chair
Gill*
Shoning**

Beaman
Branstad

De Groot
Koenigs

Pavich
Renaud

* Vice-Chair

** Ranking Member

HOUSE COMMITTEE ASSIGNMENTS

Janet Adams

Education
Energy and Environmental Protection
Ways and Means, Vice-Chair
Education Appropriations Subcommittee

Tom Baker

Commerce
Education
Local Government
Economic Development Appropriations
Subcommittee, Vice-Chair

Brad Banks

Agriculture
Energy and Environmental Protection,
Ranking Member
Small Business, Economic Development and
Trade
Regulations Appropriations Subcommittee

Merlin Bartz

Appropriations
Human Resources
Small Business, Economic Development and
Trade
Health and Human Rights Appropriations
Subcommittee

Jack Beaman

Administration
Natural Resources and Outdoor Recreation
Small Business, Economic Development and
Trade
Transportation
Transportation and Safety Appropriations
Subcommittee

Linda Beatty

Appropriations
Judiciary and Law Enforcement
Labor and Industrial Relations
State Government
Regulations Appropriations Subcommittee,
Chair

Wayne Bennett

Agriculture
Small Business, Economic Development and
Trade
Ways and Means, Ranking Member

Bill Bernau	Agriculture Energy and Environmental Protection Local Government, Vice-Chair Human Services Appropriations Subcommittee
Tony Bisignano	Appropriations Commerce Judiciary and Law Enforcement State Government, Vice-Chair
Dennis Black	Local Government Natural Resources and Outdoor Recreation, Chair Transportation Administration Appropriations Subcommittee
Gene Blanshan	Commerce Judiciary and Law Enforcement State Government, Chair Ways and Means
Phil Brammer	Appropriations Commerce Judiciary and Law Enforcement Labor and Industrial Relations Claims, Vice-Chair
William Brand	Administration Agriculture Appropriations Small Business, Economic Development and Trade Administration Appropriations Subcommittee
Clifford Branstad	Agriculture Labor and Industrial Relations Small Business, Economic Development and Trade, Ranking Member Transportation and Safety Appropriations Subcommittee
Joel Brown	Agriculture Commerce Small Business, Economic Development and Trade Human Services Appropriations Subcommittee, Vice-Chair Ethics
Gordon Burke	Human Resources Small Business, Economic Development and Trade, Vice-Chair Ways and Means Regulations Appropriations Subcommittee

Dorothy Carpenter	Human Resources State Government, Ranking Member Ways and Means
Kay Chapman	Administration Commerce Transportation Ways and Means Education Appropriations Subcommittee, Chair
Dennis Cohoon	Education Local Government Transportation Transportation and Safety Appropriations Subcommittee, Chair
John Connors	Administration, Vice-Chair Labor and Industrial Relations Local Government State Government Regulations Appropriations Subcommittee
Ron Corbett	Appropriations Commerce Education Education Appropriations Subcommittee, Ranking Member
Horace Daggett	Education, Ranking Member Human Resources Ways and Means
Kenneth De Groot	Agriculture Transportation, Ranking Member Ways and Means Transportation and Safety Appropriations Subcommittee
Rick Dickinson	Natural Resources, Vice-Chair Small Business, Economic Development and Trade Ways and Means Health and Human Rights Appropriations Subcommittee
Marvin Diemer	Local Government Natural Resources and Outdoor Recreation, Ranking Member Transportation Agriculture and Natural Resources Appropriations Subcommittee
Minnette Doderer	Commerce Small Business, Economic Development and Trade, Chair Ways and Means

Robert Dvorsky	Appropriations Energy and Environmental Protection Local Government, Chair Agriculture and Natural Resources Appropriations Subcommittee
Russell Eddie	Agriculture Local Government Natural Resources and Outdoor Recreation Justice System Appropriations Subcommittee, Ranking Member
Daniel Fogarty	Agriculture, Chair Local Government Natural Resources and Outdoor Recreation Transportation
Teresa Garman	Natural Resources and Outdoor Recreation State Government Regulations Appropriations Subcommittee, Ranking Member
Patrick Gill	Commerce Labor and Industrial Relations Small Business, Economic Development and Trade Transportation and Safety Appropriations Subcommittee, Vice-Chair
Chuck Gipp	Appropriations Energy and Environmental Protection Local Government Regulations Appropriations Subcommittee
John Groninga	Commerce Energy and Environmental Protection Rules Small Business, Economic Development and Trade Ways and Means, Chair
Steven Grubbs	Education Energy and Environmental Protection Human Resources Human Services Appropriations Subcommittee
Josephine Gruhn	Agriculture, Vice-Chair Natural Resources and Outdoor Recreation Transportation Health and Human Rights Appropriations Subcommittee Claims, Chair

Jim Hahn	Agriculture Energy and Environmental Protection Local Government Agriculture and Natural Resources Appropriations Subcommittee
Rod Halvorson	Commerce State Government Transportation Administration Appropriations Subcommittee, Chair
Roger Halvorson	Appropriations, Ranking Member Commerce Judiciary and Law Enforcement
Johnie Hammond	Appropriations Education Human Resources Human Services Appropriations Subcommittee, Chair
Steve Hansen	Administration Commerce, Chair Judiciary and Law Enforcement Labor and Industrial Relations
Darrell Hanson	Energy and Environmental Protection State Government Ways and Means
Donald Hanson	Education Local Government Natural Resources and Outdoor Recreation Economic Development Appropriations Subcommittee
William Harbor	Appropriations Judiciary and Law Enforcement Rules Transportation Economic Development Appropriations Subcommittee, Ranking Member
Jack Hatch	Appropriations Energy and Environmental Protection, Vice-Chair Local Government Natural Resources and Outdoor Recreation Education Appropriations Subcommittee
Mark Haverland	Human Resources, Chair Small Business, Economic Development and Trade Ways and Means Human Services Appropriations Subcommittee

Joan Hester	Appropriations Human Resources Local Government Human Services Appropriations Subcommittee, Ranking Member
Dave Hibbard	Agriculture Judiciary and Law Enforcement, Vice-Chair Transportation Ways and Means Justice System Appropriations Subcommittee
Jack Holveck	Commerce, Vice-Chair Energy and Environmental Protection Ways and Means Health and Human Rights Appropriations Subcommittee
Chuck Hurley	Education Human Resources Judiciary and Law Enforcement Health and Human Rights Appropriations Subcommittee
Stewart Iverson	Education Local Government Ways and Means Justice System Appropriations Subcommittee
Dan Jay	Judiciary and Law Enforcement, Chair State Government Transportation
Glen Jesse	Agriculture Energy and Environmental Protection Human Resources Rules, Chair Small Business, Economic Development and Trade Economic Development Appropriations Subcommittee
Tom Jochum	Appropriations, Chair Labor and Industrial Relations
Robert Johnson	Agriculture Energy and Environmental Protection Small Business, Economic Development and Trade Economic Development Appropriations Subcommittee
Robert Kistler	Education Labor and Industrial Relations Natural Resources and Outdoor Recreation Agriculture and Natural Resources Appropri- ations Subcommittee, Ranking Member

Don Knapp	Administration Judiciary and Law Enforcement Natural Resources and Outdoor Recreation Rules, Vice-Chair State Government Ways and Means
Deo Koenigs	Agriculture Natural Resources and Outdoor Recreation Transportation, Chair Transportation and Safety Appropriations Subcommittee
Scott Krebsbach	Human Resources Small Business, Economic Development and Trade State Government Agriculture and Natural Resources Appropriations Subcommittee
Joseph Kremer	Administration Commerce Judiciary and Law Enforcement Labor and Industrial Relations Administration Appropriations Subcommittee, Ranking Member
Ray Lageschulte	Appropriations Education Rules, Ranking Member Transportation Education Appropriations Subcommittee
Mary Lundby	Commerce Energy and Environmental Protection State Government Claims, Ranking Member
Ruhl Maulsby	Agriculture Appropriations Transportation Education Appropriations Subcommittee
Andy McKean	Judiciary and Law Enforcement, Ranking Member Labor and Industrial Relations Ways and Means Ethics
Clark McNeal	Appropriations Judiciary and Law Enforcement Labor and Industrial Relations Administration Appropriations Subcommittee

Dolores Mertz	Agriculture Human Resources Local Government Regulations Appropriations Subcommittee, Vice-Chair
Janet Metcalf	Administration Commerce Local Government Ways and Means
David Millage	Commerce Judiciary and Law Enforcement Labor and Industrial Relations Justice System Appropriations Subcommittee
Tom Miller	Administration, Ranking Member Appropriations Commerce Small Business, Economic Development and Trade Economic Development Appropriations Subcommittee
Louis Muhlbauer	Agriculture Local Government Transportation Agriculture and Natural Resources Appropriations Subcommittee, Vice-Chair
Pat Murphy	Human Resources Transportation Ways and Means Health and Human Rights Appropriations Subcommittee, Vice-Chair
Mary Neuhauser	Education Energy and Environmental Protection Human Resources Education Appropriations Subcommittee, Vice-Chair Ethics
Joyce Nielsen	Education Human Resources, Vice-Chair Small Business, Economic Development and Trade Human Services Appropriations Subcommittee
Arthur Ollie	Appropriations Education, Chair Labor and Industrial Relations Education Appropriations Subcommittee

David Osterberg	Energy and Environmental Protection, Chair Human Resources Ways and Means Agriculture and Natural Resources Appropriations Subcommittee
Emil Pavich	Administration Natural Resources and Outdoor Recreation State Government Transportation, Vice-Chair Transportation and Safety Appropriations Subcommittee
Dan Petersen	Agriculture, Ranking Member Energy and Environmental Protection Ways and Means
Mike Peterson	Appropriations, Vice-Chair Judiciary and Law Enforcement Natural Resources and Outdoor Recreation State Government Justice System Appropriations Subcommittee Ethics, Chair
Lee Plasier	Human Resources, Ranking Member Labor and Industrial Relations Ways and Means Human Services Appropriations Subcommittee
Charles Poncy	Appropriations Judiciary and Law Enforcement Labor and Industrial Relations, Vice-Chair State Government Economic Development Appropriations Subcommittee
Bob Rafferty	Appropriations Commerce Labor and Industrial Relations Human Services Appropriations Subcommittee
Dennis Renaud	Labor and Industrial Relations, Chair Small Business, Economic Development and Trade State Government Transportation and Safety Appropriations Subcommittee
Robert Renken	Commerce, Ranking Member State Government Ways and Means
Bill Royer	Local Government, Ranking Member Natural Resources and Outdoor Recreation Transportation Health and Human Rights Appropriations Subcommittee

David Schrader	Agriculture Energy and Environmental Protection Natural Resources and Outdoor Recreation Rules Agriculture and Natural Resources Appropriations Subcommittee
Mark Shearer	Administration, Chair Education Energy and Environmental Protection Local Government Economic Development Appropriations Subcommittee
Gary Sherzan	Appropriations Commerce Judiciary and Law Enforcement Labor and Industrial Relations Justice System Appropriations Subcommittee, Chair
Don Shoning	Commerce Judiciary and Law Enforcement State Government Transportation and Safety Appropriations Subcommittee
Don Shultz	Education Energy and Environmental Protection Natural Resources and Outdoor Recreation Agriculture and Natural Resources Appropriations Subcommittee, Chair
Brent Siegrist	Education Energy and Environmental Protection Judiciary and Law Enforcement Education Appropriations Subcommittee
Clay Spear	Education Local Government Natural Resources and Outdoor Recreation Justice System Appropriations Subcommittee, Vice-Chair
Gregory Spenner	Human Resources State Government Transportation Health and Human Rights Appropriations Subcommittee, Ranking Member
Jane Svoboda	Agriculture Human Resources Ways and Means Administration Appropriations Subcommittee, Vice-Chair

Jane Teaford	Appropriations Human Resources Labor and Industrial Relations State Government Health and Human Rights Appropriations Subcommittee, Chair
Phil Tyrrell	Administration Labor and Industrial Relations, Ranking Member Natural Resources and Outdoor Recreation State Government Administration Appropriations Subcommittee Ethics, Ranking Member
Harold Van Maanen	Administration Rules
Dick Weidman	Natural Resources and Outdoor Recreation Small Business, Economic Development and Trade Transportation Justice System Appropriations Subcommittee
Philip Wise	Appropriations Education Small Business, Economic Development and Trade Economic Development Appropriations Subcommittee, Chair
Matthew Wissing	Education, Vice-Chair Human Resources Judiciary and Law Enforcement Labor and Industrial Relations Justice System Appropriations Subcommittee

IN THE SUPREME COURT OF IOWA

APPOINTMENT OF MEMBERS OF THE ETHICS COMMITTEE IN THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-FOURTH IOWA GENERAL ASSEMBLY BY THE CHIEF JUSTICE OF THE SUPREME COURT OF IOWA

TO THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-FOURTH IOWA GENERAL ASSEMBLY:

Pursuant to the provisions of section 68B.10, The Code, the undersigned, Chief Justice of the Supreme Court of Iowa, hereby appoints Albert V. Hass of Chariton and Catherine H. Thune of Des Moines, neither of whom is an employee of the General Assembly, as members of the Ethics Committee in the House of Representatives.

Dated this 4th day of January, 1991.

THE SUPREME COURT OF IOWA
Arthur A. McGiverin, Chief Justice

The original and a true copy of this order has been filed with the Clerk of the House of Representatives of the Iowa General Assembly on this 4th day of January, 1991.

JOSEPH O'HERN, Chief Clerk

APPOINTMENT TO HOUSE ETHICS COMMITTEE

Pursuant to chapter 68B.10, Code of Iowa, I hereby appoint the following members to serve on the House Ethics Committee for the Seventy-fourth General Assembly: Representative Mike Peterson of Carroll County, Chair; Representative Mary Neuhauser of Johnson County, Vice-Chair; and Representative Joel Brown of Lucas County.

WAYNE MCKINNEY
House Majority Leader

APPOINTMENT TO HOUSE ETHICS COMMITTEE

Pursuant to chapter 68B.10, Code of Iowa, I hereby appoint the following members to serve on the House Ethics Committee for the Seventy-fourth General Assembly: Representative Philip Tyrrell of Iowa County, Ranking Member; and Representative Andy McKean of Jones County.

HAROLD VAN MAANEN
House Minority Leader

COMMUNICATION FROM SECRETARY OF STATE

The following communication from the Secretary of State has been received and is on file in the office of the Chief Clerk:

REPORT TO THE SEVENTY-FOURTH GENERAL ASSEMBLY REGARDING THE PUBLICATION OF PROPOSED CONSTITUTIONAL AMENDMENTS

To the Honorable, The Chief Clerk of the House of Representatives:

I, ELAINE BAXTER, Secretary of State of the State of Iowa, do hereby certify that the following named newspapers were designated to publish HOUSE JOINT RESOLUTIONS #5 and #12, Acts of the Seventy-third General Assembly. In accordance with Chapter Six, Code of Iowa, 1989, affidavits showing proof of those publications are on file in this Department and are recorded as follows:

<u>Congressional District</u>	<u>Newspapers</u>	<u>1990 Dates published</u>		
First	Burlington Hawkeye, Burlington	8/13	9/10	10/8
	Quad City Times, Davenport	8/13	9/10	10/8
Second	Cedar Rapids Gazette, Cedar Rapids	8/14	9/11	10/9
	Dubuque Telegraph Herald, Dubuque	8/15	9/12	10/10
Third	Decorah Public Opinion, Decorah	8/14	9/11	10/9
	Waterloo Courier, Waterloo	8/13	9/10	10/8
Fourth	Ames Daily Tribune, Ames	8/14	9/11	10/9
	Des Moines Register, Des Moines	8/15	9/11	10/10

Congressional District	Newspapers	1990		
		<u>Dates published</u>		
Fifth	Council Bluffs Nonpareil,			
	Council Bluffs	8/15	9/12	10/10
	Osceola Sentinel Tribune, Osceola	8/16	9/13	10/11
Sixth	Globe Gazette, Mason City	8/13	9/10	10/8
	Sioux City Journal, Sioux City	8/16	9/13	10/11

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Secretary of State at the Capitol, in Des Moines, this ninth day of January, 1991.

ELAINE BAXTER, Secretary of State of the State of Iowa

I hereby acknowledge that I received the original copy of this document on the ninth of January, 1991.

JOSEPH O'HERN, Chief Clerk of the House of Representatives

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

Chief Clerk	Joseph O'Hern	67,860.00	Annual	01/04/91
			Salary	
		Grade	Class of	Eff.
		and	Appoint-	
		Step	ment	Date
Caucus Staff Director	Paulee Lipsman	34-5 to 34-6	P-FT	04/13/90
Caucus Staff Director	Warren Fye	34-3	P-FT	01/15/91
Legislative Research Analyst I	Oliver Ivory, Jr.	27-1	P-FT	01/07/91
Assistant Legal Counsel	E. Jane Fowler	26-4 to 26-5	P-FT	06/22/90
Senior Administrative Assistant to Speaker	Mark W. Brandsgard	35-5 to 35-6	P-FT	01/04/91
Senior Administrative Assistant to Leader	William C. Maloney	35-5 to 35-6	P-FT	01/04/91
Administrative Assistant to Leader I	Aimee L. Campin	27-1	P-FT	12/14/90
Secretary to Leader	Rita J. Hosier	19-2	P-FT	12/17/90
Secretary to Leader	Carolyn J. Gaukel	19-2 + 2	S-O	12/27/90
Confidential Secretary	Deanna J. Verwers	26-4 to 26-5	P-FT	01/04/91
to Chief Clerk	Templeton			

Research Assistant	Amy L. Campbell	24-1	S-O	01/02/91
Legislative Research Analyst I	Mary C. Braun	27-1 to 27-2	P-FT	06/22/90
Legislative Research Analyst I	Mark B. Teerink	27-1 to 27-2	P-FT	10/26/90
Legislative Research Analyst I	Wendy L. Dickstein	27-1 to 27-2	P-FT	11/09/90
Legislative Research Analyst I	Susan D. Severino	27-2 to 27-3	P-FT	07/06/90
Legislative Research Analyst I	Pamela H. Dugdale	27-1	P-FT	12/26/90
Legislative Research Analyst I	Paul R. Savary	27-1	P-FT	01/02/91
Legislative Research Analyst II	Margaret Ann Thompson	30-4 to 33-2	P-FT	08/31/90
Legislative Research Analyst III				
Legislative Research Analyst I	Greg E. Watson	27-2 to 27-3	P-FT	07/06/90
Senior Legislative Research Analyst	Mary E. O. Fleckenstein	35-5 to 35-6	P-FT	01/04/91
Legislative Research Analyst I	Joseph P. Romano	27-4 to 30-2	P-FT	12/21/90
Legislative Research Analyst II				
Senior Legislative Research Analyst	Thomas R. Patterson	35-5 to 35-6	P-FT	01/04/91
Legislative Research Analyst III	Edward J. Conlow	33-3 to 33-4	P-FT	01/04/91
Postmaster	William C. Walling	11-1	S-O	01/09/91
Doorkeeper	Orson R. McNitt	10-1	S-O	01/07/91

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

Legislative Research Analyst I	Kathi G. Woods	05/02/90
Legislative Research Analyst I	Margaret A. Dohrer	05/14/90
Senior Caucus Staff Director	Gary W. Steinke	01/04/91
Legislative Research Analyst II	Steven A. Kopf	11/28/90

SHEARER of Louisa, Chair

APPOINTMENTS

The following appointments were made during the interim:

AGRICULTURAL ENERGY MANAGEMENT ADVISORY COUNCIL
(Chapter 476E.1(2), Code of Iowa)

Glen Jesse To a term ending June 30, 1992
Dan Petersen To a term ending June 30, 1992

**BOARD OF TRUSTEES FOR STATEWIDE
FIRE AND POLICE RETIREMENT SYSTEMS**
(Chapter 1240, 1990 Acts of the Seventy-third General Assembly)

Gene Blanshan To a term ending April 30, 1992

CHILD SUPPORT RECOVERY ADVISORY COMMITTEE
(Chapter 1224, 1990 Acts of the Seventy-third General Assembly)

David Hibbard To a term ending June 30, 1992

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

Carl Nielsen (Altoona) To a term ending June 30, 1994
Dawn Sly-Williams (Sioux City) To a term ending June 30, 1995

ENTREPRENEURSHIP TASK FORCE
(Chapter 1231, 1990 Acts of the Seventy-third General Assembly)

Glen Jesse To a term ending December 31, 1991

HEALTH DATA COMMISSION
(Chapter 145.2, Code of Iowa)

Mark Haverland To a term ending June 30, 1991

IOWA BOUNDARY COMMISSION
(Chapter 2.91, Code of Iowa)

Emil Pavich To a term ending June 30, 1994
Mike Peters To a term ending June 30, 1994

**IOWA CRIMINAL AND JUVENILE JUSTICE
PLANNING ADVISORY COUNCIL**
(Chapter 1124, 1990 Acts of the Seventy-third General Assembly)

Linda Beatty To a term ending June 30, 1994

IOWA ECONOMIC DEVELOPMENT BOARD
(Chapter 15.103, Code of Iowa)

John Groninga To a term ending June 30, 1992

IOWA PEACE INSTITUTE
(Chapter 38.2, Code of Iowa)

Dennis Black To a term ending June 30, 1991

JUVENILE JUSTICE PLANNING GROUP
(Chapter 1239, 1990 Acts of the Seventy-third General Assembly)

Joyce Nielsen To a term ending December 1, 1991

LEGISLATIVE FISCAL COMMITTEE
(Chapter 2.41, Code of Iowa)

Minnette Doderer.....Replacing David Tabor to a term ending January 14, 1991

Steve Hansen.....Replacing Thomas Swartz to a term ending January 14, 1991

APPOINTMENTS

House Minority Leader Van Maanen announced the following appointments which were made during the interim:

ADMINISTRATIVE RULES REVIEW COMMITTEE
(Chapter 17A, Code of Iowa)

Ruhl Maulsby.....Replacing Betty Jean Clark
to fill the unexpired portion of a term ending April 30, 1991.

COMMISSION ON THE STATUS OF WOMEN
(Chapter 601K.52, Code of Iowa)

Ron Corbett.....To a term ending June 30, 1994

ENTREPRENEURSHIP TASK FORCE
(Chapter 1231, Section 1, paragraph 14, 1990 Acts of the
Seventy-third General Assembly)

Ron Corbett.....To a term ending December 31, 1991

**IOWA CRIMINAL AND JUVENILE JUSTICE
PLANNING ADVISORY COUNCIL**

(Chapter 1124, Section 2, 1990 Acts of the Seventy-third General Assembly)

Lee Plasier.....To a term ending June 30, 1994

IOWA ECONOMIC DEVELOPMENT BOARD
(Chapter 15.103, Code of Iowa)

Wayne Bennett.....To a term ending June 30, 1992

IOWA JUDICIAL COMPENSATION COMMISSION
(Chapter 602.1514, Code of Iowa)

Linda Life (Oskaloosa).....To a term ending June 30, 1994

IOWA PEACE INSTITUTE
(Chapter 38.2, Code of Iowa)

Phil Tyrrell.....Replacing Lee Plasier to a term ending June 30, 1991

JUVENILE AND CHILD PROTECTION SYSTEM PLAN
(Chapter 1239, 1990 Acts of the Seventy-third General Assembly)

Lee Plasier.....To a term ending December 1, 1991

STATEWIDE POLICE AND FIRE RETIREMENT SYSTEM
(Chapter 1240, Section 86, 1990 Acts of the Seventy-third General Assembly)

Mary Lundby.....To a term ending April 30, 1992

COMMUNICATIONS RECEIVED

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

AUDITOR OF STATE

The first single audit of the State of Iowa covering the fiscal year ending June 30, 1989, pursuant to Chapter 11.25(2), Code of Iowa.

The Audit Report for the Iowa Lottery for the period ending March 31, 1990, pursuant to Chapter 99E.11, Code of Iowa.

The Audit Report for the Iowa Lottery for the period ending June 30, 1990, pursuant to Chapter 99E.11, Code of Iowa.

CITIZENS' AIDE/OMBUDSMAN

The 1989 Annual Report, pursuant to Chapter 601G.18, Code of Iowa.

DEPARTMENT FOR THE BLIND

The 1990 Annual Report, pursuant to Chapter 601L.7, Code of Iowa.

DEPARTMENT OF COMMERCE**Insurance Division**

A semi-annual report regarding the state of insurance issues, pursuant to Chapter 505.13(2), Code of Iowa.

A report on a study of health care and other risk pools that school districts are using, pursuant to Chapter 91E.2, Code of Iowa.

Savings and Loan Division

Annual Report of the condition of Savings and Loan Associations, pursuant to Chapter 534.401(4), Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

A report of the current status of the amorphous semiconductor project, pursuant to Chapter 1265, Section 1, paragraph 4, 1990 Acts of the Seventy-third General Assembly.

Iowa Product Development Corporation

A report of activities and investments undertaken in Fiscal Year 1990, pursuant to Chapter 28.92, Code of Iowa.

DEPARTMENT OF EDUCATION

The "Postsecondary Handicapped Education Study", pursuant to Chapter 278, Section 8, 1989 Acts of the Seventy-third General Assembly.

The Summary Report on a requested study on Student Fees, pursuant to Chapter 1272, Section 130, 1990 Acts of the Seventy-third General Assembly.

The status report on mandated pilot project to develop and maintain nutrition guidelines, pursuant to Chapter 1152, Section 1, 1990 Acts of the Seventy-third General Assembly.

Report on study mandated to study the impact of student weighting on the appropriateness of student placement, pursuant to Chapter 1272, Section 8, 1990 Acts of the Seventy-third General Assembly.

A report on "Conflict Resolution in Iowa Schools", pursuant to Chapter 319, Section 11, 1989 Acts of the Seventy-third General Assembly.

DEPARTMENT OF GENERAL SERVICES

The Annual Report for Fiscal Year 1990, pursuant to Chapter 17.3(12), Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Iowa Commission of Persons With Disabilities

The Annual Report, pursuant to Chapter 601K.77(8), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Iowa Governor's Planning Council for Developmental Disabilities

A report on Prevention—Responding to Senate Joint Resolution 2003, pursuant to Chapter 1275, Section 1, paragraph 5, 1990 Acts of the Seventy-third General Assembly.

The preliminary findings of the evaluation of Iowa's Family Support Subsidy Program, pursuant to Chapter 225C.42, Code of Iowa.

The final report regarding the advisory committee's study of the original "Proposed Residential/Services Development Plan", pursuant to Chapter 1270, Section 29(8), 1990 Acts of the Seventy-third General Assembly.

DEPARTMENT OF JUSTICE

A report on the operation of the Iowa Prosecutor Intern Program during the 1990 fiscal year, pursuant to Chapter 13.2(12), Code of Iowa.

DEPARTMENT OF MANAGEMENT

The recommendations of the Energy Fund Disbursement Council for the expenditure of oil overcharge funds for Fiscal Year 1992, pursuant to Chapter 93.14, Code of Iowa.

The Contract Compliance Report for 1989, pursuant to Chapter 19B.7, Code of Iowa.

The 1990 Annual Report, pursuant to Chapter 8.6, Code of Iowa.

The results of the Department of Management's evaluation regarding life cycle cost analysis, pursuant to Chapter 1252, Section 5, Subsection 3, 1990 Acts of the Seventy-third General Assembly.

The results of the survey recently conducted to determine state employee interest in and willingness to use, telecommuting, pursuant to Chapter 1252, Section 52, 1990 Acts of the Seventy-third General Assembly.

DEPARTMENT OF NATURAL RESOURCES

The 1990 REAP Congress report, pursuant to Chapter 455A.17(3), Code of Iowa.

A report to the General Assembly, "Appliance Standards for Iowa, Are They Needed?", pursuant to Chapter 1252, Section 48, 1990 Acts of the Seventy-third General Assembly.

A report to the General Assembly, "Hazardous Waste Reduction Strategies", pursuant to Chapter 455B.481, Code of Iowa.

A report to the General Assembly, "Iowa's Solid Waste Stream: Characterization and Management Strategy", pursuant to Chapter 455D.6(5), Code of Iowa.

A report to the General Assembly, "Tailpipe Emissions Standards", pursuant to Chapter 1252, Section 56, 1990 Acts of the Seventy-third General Assembly.

A report to the General Assembly, "Toxic Cleanup Days", pursuant to Chapter 455F.8, Code of Iowa.

A report to the General Assembly, "Waste Tire Abatement in Iowa", pursuant to Chapter 455D.11(3), Code of Iowa.

The annual report on the condition of the Hazardous Waste Remedial Fund, pursuant to Chapter 455B.425, Code of Iowa, and the report on the sites in the Registry of Abandoned or Uncontrolled Disposal Sites, pursuant to Chapter 455B.427(1), Code of Iowa.

DEPARTMENT OF PERSONNEL

The report on the "Pilot Study of Four Ten-Hour Day Workweeks in State Government", pursuant to Chapter 298, Section 15, 1989 Acts of the Seventy-third General Assembly.

The preliminary report concerning the study mandated by House File 2543, pursuant to Chapter 1240, Section 92, 1990 Acts of the Seventy-third General Assembly.

The 1990 Annual Report, pursuant to Chapter 19A.7, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The 1990 Annual Report, pursuant to Chapter 135.11(18), Code of Iowa.

DEPARTMENT OF REVENUE AND FINANCE

Iowa's first Comprehensive Annual Financial Report (CAFR), pursuant to Chapter 17.3(1), Code of Iowa.

The Department's 1988 Individual Income Tax Annual Statistical Report, pursuant to Chapter 422.75, Code of Iowa.

The Annual Report detailing the Department's activities and accomplishments, pursuant to Chapter 17.3(1), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The adopted Fiscal Year 1991 Iowa Transportation Policy, pursuant to Chapter 307.10(1), Code of Iowa.

The 1990 Iowa Primary Road Sufficiency Log, pursuant to Chapter 307A.2(12), Code of Iowa.

The adopted Iowa Railway Finance Authority Board Policy for Fiscal Year 1991, pursuant to Chapter 307B.8(2), Code of Iowa.

The "1990 Iowa Airport Sufficiency Ratings", pursuant to Chapter 328.12, Code of Iowa.

Iowa Highway Research Board

A report on Strategic Planning, pursuant to Chapter 307.22, Code of Iowa.

The first annual report of the Iowa Highway Research Board, pursuant to Chapter 307D, Code of Iowa.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

A communication from the Governor's Alliance on Substance Abuse reporting, pursuant to Federal Law, that Iowa has applied to the Department of Justice for funds under the Drug Control and System Improvement Formula Grant Program.

The "Drug Control and System Improvement Grant Program Report", pursuant to Chapter 1264, Section 48, Subsection 5, 1990 Acts of the Seventy-third General Assembly.

IOWA HEALTH DATA COMMISSION

The first annual report, pursuant to Chapter 304, Section 1002(2)(b)(3), 1989 Acts of the Seventy-third General Assembly.

IOWA LAW ENFORCEMENT ACADEMY

The Annual Report for Fiscal Year 1990 and Projections for Fiscal Year 1991, pursuant to Chapter 80B.10, Code of Iowa.

IOWA UTILITIES BOARD

The 1989 Annual Report, pursuant to Chapters 17.1, 17.10 and 476.16, Code of Iowa.

STATE OF OHIO

A copy of House Concurrent Resolution 41, memorializing Congress to review the provisions of the Social Security Act known as the Social Security Offset and Windfall.

WALLACE TECHNOLOGY TRANSFER FOUNDATION

The first annual report, pursuant to Chapter 28.155(15), Code of Iowa.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 1 Judiciary and Law Enforcement**

Establishing an Iowa crime prevention center.

H.S.B. 2 Judiciary and Law Enforcement

Relating to fees charged by the county recorder and exempting the county from the payment of fees.

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

- 1990-111 V. E. "Barney" Roberts, Storm Lake — Being chosen National Small Business Person of the Year by the United States Small Business Administration and being named the 1990 Iowa Small Business Person by the Iowa Small Business Association.
- 1990-112 Seth Elgin, Oskaloosa — Receiving the Boy Scouts of America Eagle Scout Award.
- 1990-113 Don and Elsie Stachour, Sibley — Celebrating their 50th wedding anniversary.
- 1990-114 Linda Andersen, Oakland — Being named College Baseball World Series Sweetheart.
- 1990-115 David J. Herrald, Dubuque — Receiving the Boy Scouts of America Eagle Scout Award.
- 1990-116 Mr. and Mrs. Jay Sudenga, George — Celebrating their 50th wedding anniversary.
- 1990-117 Mercy Health Center, Dubuque — For its participation and support of the Caring Foundation.
- 1990-118 Finley Hospital, Dubuque — For its participation and support of the Caring Foundation.
- 1990-119 A. Y. McDonalds, Dubuque — For its participation and support of the Caring Foundation.
- 1990-120 Isabel Walsh, Dubuque — Celebrating her 100th birthday, July 17, 1990.
- 1990-121 Joe Arterburn, Council Bluffs — Winning first place in the newspaper category of the 1990 Outdoor Writers Association of America's Outdoor Ethics Contest.
- 1990-122 Dr. F. R. Kushner, Sheldon — Congratulating him in his retirement and special thanks for being a loyal, faithful friend and for his years of dedicated, honest service to mankind.
- 1990-123 Reverend Darrel and Ruth Draper, Milford — Celebrating their 50th wedding anniversary and for fifty years of ministry in the United Methodist Church.
- 1990-124 Clinton County — Celebrating its Sesquicentennial Anniversary on August 29, 1990.
- 1990-125 Jacci Knappenberger, Commanding Officer, and 915th Transportation Company, Council Bluffs — Recognition for their service.
- 1990-126 Shawn M. Creveling, Altoona — Receiving the Boy Scouts of America Eagle Scout Award.
- 1990-127 Lt. Rickie Steenboch, Commanding Officer, and 189th Transportation Detachment, Council Bluffs — Recognition for their service.

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 RULES

Committee Resolution, a resolution relating to permanent rules of the House for the seventy-fourth general assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 14, 1991.

COMMITTEE ON STATE GOVERNMENT

House Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

Fiscal Note is not required.

Recommended **Do Pass** January 14, 1991.

RESOLUTIONS FILED

HCR 4, by Harbor and Van Maanen, a concurrent resolution urging a minute of silence for peace.

Referred to committee on **state government**.

HR 2, by committee on rules, a resolution relating to permanent rules of the House for the seventy-fourth general assembly.

Laid over under **Rule 25**.

On motion by McKinney of Dallas, the House adjourned at 3:05 p.m., until 9:00 a.m., Tuesday, January 15, 1991.

JOURNAL OF THE HOUSE

Second Calendar Day — Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 15, 1991

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

Prayer was offered by the Honorable John Connors, state representative from Polk County.

The Journal of Monday, January 14, 1991 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 January 14, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 1, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-fourth general assembly.

Also: That the Senate has on January 14, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 2, a concurrent resolution relating to joint rules of the senate and house for the seventy-fourth general assembly.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILLS

House File 12, by Spear, a bill for an act relating to the scope of negotiations for teachers under collective bargaining agreements.

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

House File 13, by Doderer and Halvorson of Clayton, a bill for an act relating to the inadmissibility of evidence pertaining to the manner of dress of an alleged victim of sexual abuse in a criminal case.

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

House File 14, by Ollie and Brand, a bill for an act relating to child abuse record checks concerning facilities providing care to children.

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

House File 15, by Tyrrell, a bill for an act relating to the annual payment of an employer's unemployment insurance contributions.

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

House File 16, by Brammer, a bill for an act relating to violation of a domestic abuse no-contact order, and imposing a criminal penalty and a mandatory minimum sentence.

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

House File 17, by Chapman, a bill for an act relating to the issuance of a preliminary injunction in actions for dissolution of marriage, annulment, or separate maintenance.

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

House File 18, by Spear, a bill for an act relating to tinted window regulation exceptions for drivers from states which allow a less restrictive light transmittance standard.

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

House File 19, by Shoning, a bill for an act requiring the department of human services to collect and report information concerning the usage of the community spouse resource allowance under the medical assistance program.

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

House File 20, by Poncy, a bill for an act to exclude Sunday and all legal public holidays as banking days for purposes of determining a bank's midnight deadline.

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

The House stood at ease at 9:12 a.m., until the fall of the gavel.

The House resumed session at 9:31 a.m., Speaker Arnould in the chair.

COMMITTEE TO NOTIFY THE SENATE

Osterberg of Linn 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 Osterberg of Linn, chair; Burke of Marshall and Bartz of Worth.

The House stood at ease at 9:32 a.m., until the fall of the gavel.

The House resumed session at 9:45 a.m., Speaker Arnould in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

The report was 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

In accordance with law and House Concurrent Resolution 1, duly adopted, the joint convention was called to order at 9:48 a.m., President Welsh presiding.

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

The motion prevailed.

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

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

The motion prevailed and the President appointed as such committee Senators Boswell of Decatur, Kibbie of Palo Alto, and Lind of Black Hawk, on the part of the Senate, and Representatives Baker of Polk, Wissing of Scott and Krebsbach of Mitchell, on the part of the House.

The joint convention stood at ease at 9:52 a.m., until the fall of the gavel.

The joint convention resumed session at 9:56 a.m., President Welsh presiding.

Jo Ann Zimmerman, Lieutenant Governor; Elaine Baxter, Secretary of State; Michael Fitzgerald, Treasurer of State; Richard Johnson, State Auditor; Dale Cochran, Secretary of Agriculture; and Bonnie Campbell, Attorney General, were escorted into the House chamber.

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

Lieutenant Governor-elect Joy Corning was escorted into the House chamber.

Mrs. Chris Branstad; Governor Branstad's father and his wife, Edward and Enolia Branstad; and Mrs. Branstad's parents, Dick and Clara Johnson, were escorted into the House chamber.

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

President Welsh presented Governor Terry E. Branstad who delivered the following condition of the state and budget message:

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

Today as I come before you prepared to report on the condition of our state, we stand in the shadow of war — war in the Middle East.

Our thoughts cannot help but be colored by concerns for our loved ones who have answered our nation's call to protect and preserve the freedoms we enjoy in this state and in this nation. These are the men and women of Iowa who are 7,000 miles from home serving in the wind and sands of Saudi Arabia, the men and women of Operation Desert Shield.

For today is D Day, deadline day in the Middle East and the storm clouds of conflict are rumbling and the winds of war are picking up.

Our hopes, our thoughts, our prayers are for peace. We want our men and women to come back home to come back to their families, to come back safely to Iowa out of the mad reach of Dictator, Saddam Hussein.

(Governor Branstad was interrupted by remarks from the gallery.)

One of the great things about this country is that people have a right to the freedom of speech and I appreciate and respect your concerns and your right to speak on this very critical issue. I think it's important that we all have that opportunity and at this time I would very much appreciate the chance to report directly to the people of Iowa.

Throughout our state's history, Iowans have not shirked their duty to serve their country. In World War II, Iowa soldiers of the 34th Red Bull Division were the first American combat unit to see action in North Africa. At great sacrifice of human life, they helped prod Rommel, the Desert Fox and his Animal Panzers out of the sands of North Africa. These Iowans helped rid the world of another mad Dictator, Adolph Hitler.

Almost daily we have witnessed the anguished looks on the faces of Iowa families whose loved ones are called to prepare for war. I visited some of these Iowa troops at Fort McCoy, Wisconsin in late November. We can all take pride in their commitment to their task. The Fort McCoy mobilization commander said, and I quote: "No one has arrived at Fort McCoy in any better condition than the Iowa units."

Indeed, the Iowa National Guard ranks among the finest in the nation. It reflects Iowa values — high standards of performance; dedication to principle; and service to state and nation.

With the hope of a world free from aggression and violence comes the pain of lives lost. We are not exempt here in Iowa. We share the grief of Nancy Clark and Lori Shukers. Our hearts and prayers are with these women and their families as they cope with the loss of a loved one.

We all pray that there will be no more lives lost in the Middle East. Let us join in a moment of silence for all Iowans who are so gallantly serving their country in Operation Desert Shield.

1990 was indeed a tale of two seasons. It began with a flourish of optimism and joy on the international front as the walls of communism and oppression in Eastern Europe came tumbling down.

A year ago, we came together in these chambers as we celebrated the parting of the Iron Curtain and the crumbling of the Berlin Wall. The prospects for peace and prosperity seemed brighter than ever. But as the year ended, our hopes became clouded by aggression in the Middle East, economic hardship in Eastern Europe and hunger in the Soviet Union.

1990 began with prospects for prosperity never higher and new markets waiting to be conquered and newly freed resources ready to be invested here at home. 1990 ended with foreign markets shrinking from the lack of timely American credits and a national deficit plan that gave us higher taxes, a bigger deficit and more mandates.

Iowa is not immune to these national and international events. Our families are separated by the crisis in the Middle East. Our farmers are hurt by low grain prices. Each of us is paying more in federal taxes and many of our businesses and workers feel the pinch of a slowing national economy.

But 1990 taught us that we have begun to take control of our own destiny. For in 1991, unlike the downturn of the 1980's, Iowa is at the top of the economic heap.

Let's look at what is happening in other parts of the country. Both coasts are reeling in recession. Home prices there have dropped as much as 25 percent. The business failure rate in New England last year increased 192 percent. States like California are facing budget deficits twice the size of the entire state budget of Iowa.

The Massachusetts Miracle has become the Massachusetts Mess. California Dreamin' has become the California Nightmare. In fact, in many respects Iowa stands out as an oasis of opportunity in this land of bankrupt S & L's, overpriced homes and highly leveraged lifestyles.

Pardon me if I gloat a bit, but in 1991 Iowa and Iowans can stand tall. I know there will be those who will constantly want to remind us of our problems in the 1980's and I am not going to try to put any varnish on the census results. Those figures are a grim reminder of the terrible times we went through. They are the final confirmation of the severity of the farm crisis. . . of how long and how hard Iowans were hurt in the early and mid 80's.

That was a time none of us will ever forget, a time that tested Iowans, but it was also a time that we resolved to turn this state around.

We have learned the lessons of lack of diversity and too much debt. We put together a strategic plan. We focused our energies and our resources on Iowa's strengths in education and agriculture. We made these the cornerstone of a full court press on economic development. We turned our lessons of the 80's into positive opportunities in the 1990's and it's working.

There is no question our plan and our priorities in economic development and education have helped diversify Iowa's economy. That strategy has contributed to strong growth each year since 1986, but it has also made us more resilient and less vulnerable to economic downturns.

By mid-1990, the Department of Employment Services reported that 342,000 new jobs have been created in Iowa over the past seven years. The state ranked 8th in the nation last year in new job creations — quite a contrast to the early part of the 1980's when we were near the bottom of the 50 states.

We had the lowest mortgage default rate in the continental United States and according to Norwest's annual economic survey, which was released last November, diversification has been the basis for Iowa's continuing strong economy. Norwest economist Larry Wipf said, and I quote, "Iowa took advantage of the weak 1980's and diversified. All the signs are as strong in Iowa as anywhere."

Land values are on the rise. Iowa State University recently reported a 6.6 percent increase for 1990 totaling a 46 percent increase over the past four years. We are especially pleased to see that we have moved away from the wild fluctuations in land values of the last two decades, to a moderate and steady growth pattern.

Our focus on agriculture, also includes adding value to our commodities and locating and developing new markets. These are paying dividends for us. Iowa now provides 85 million bushels of corn for ethanol production each year, and I expect that's going to dramatically increase in future years.

Today Iowa exports nearly doubled what they did two years ago, to nearly \$3 billion in 1990. We are marketing Iowa quality beef and pork in Japan and our exports to that country alone doubled last year. In fact, renewed growth in Iowa's livestock industry helped insulate our economy from the national downturn in 1990.

We had a record level of employment in 1990. Even our birthrate was up nearly 4 percent in the first 11 months of the year and school enrollment was up for the second year in a row after two decades of declining enrollment.

Thank goodness Iowans are coming back. This summer I met Jim and Pat Brown. Jim was originally from Maquoketa and he operated a business in Illinois. He and his wife and family lived in a suburb of Chicago. Three years ago, Jim and Pat packed up their family and their business and moved back to Iowa. They came home to Iowa because they wanted a quality education and good environment for their children.

With each passing year, I meet more individuals and visit more businesses looking for a life and location free from gangs and crime, traffic jams and pollution, soaring prices and falling infrastructure. We have what these people are crying out for here in Iowa.

To be successful in this decade:

A state must have hard working people. We have them in Iowa.

A state must have well educated people. We have them in Iowa.

A state must have a reasonable cost of living. We have that in Iowa.

A state must have a healthy environment. We have that in Iowa.

And a state must be a safe place to live. We have that in Iowa.

Let us all resolve here today to make the 90's a time of homecoming in Iowa so that when the census figures come out ten years from now, we will be known as the growth state of the 90's.

We are a state with an attractive quality of life and it is clear that Iowa is now stronger and more resilient than other parts of the country. The future holds great promise for Iowa if we are prepared to realize it.

In my Inaugural Address later this week, I will spell out our plan to keep us on track for growth. Today, I would like to visit with this General Assembly about how we can mind our own store — state government and the state budget.

Over the past few months, we have all read and heard much about the state's finances. Compared with some other states, Iowa is in good shape. At least twenty-five states have bigger budget problems facing them this session than we do. But we do have a budgeting problem and we must take care of it. Iowans expect no less of us.

What is the problem? In a nutshell, we are spending too much money. Iowans are taxed plenty. We must spend less.

Over the past few years, we have accomplished much together. We have set this state on a pattern course for progressive prosperity and we can be proud of what we have accomplished. But we have also spent too much money and committed to services and programs we don't have the money to pay for. That simply has to stop.

We will not go the way of the federal government and deficit spend and raise taxes. That so-called budget deal of last October is a disaster. It means the federal government will spend more, tax more and still have a bigger deficit. We are not going to make that mistake here in Iowa. We must level with Iowans. We must tell them we can't afford to do everything. We must spend less of their money.

Next week I will present you with the details of our budget. It is a tough, priority-driven budget. It will call on you to cut or eliminate some programs. It will reform our budget process. It will reduce administrative costs of government and cut the government payroll. It will eliminate excessive spending and make government more efficient and it will not raise major taxes.

Let me spell out for you the principles we must all subscribe to if we are to get our fiscal house in order. I used them to put this budget together and I hope you will join me in endorsing them.

1. Be fiscally responsible.

We must stop spending more than we take in. It is as simple as that.

Over the last three years, despite my item vetoes, we have appropriated \$138.2 million more than we have raised in revenues. That has to stop. If a family did that, they would be on the street. If a business did that, they would be broke. This budget will turn that around and start building a balance for Fiscal Year '93.

2. Don't tax Iowans excessively.

I rejected the notion of raising major taxes in this budget and so should you. Our basic revenue growth is strong. We must live on that growth or else the extra taxes needed to support spending habits will kill our underlying growth.

Recent studies have shown that Iowa is about in the middle of the pack when it comes to the overall tax burden and that is where we should be. We have taken important action to improve our tax and business climate and it's paying off in new jobs. If we let taxes get out of hand, we will drive jobs and opportunity from Iowa.

3. Set priorities.

We are in this position because we all like to be liked — to be liked by everyone. But if we are to truly serve our constituents, we must set priorities. The alternative is to forfeit our competitive advantages and reduce government in Iowa to mediocrity. I reject that notion.

4. Reform the budget process.

If our growing economy generates revenues beyond what we now expect, let us not spend it away. Let us put it away into a savings account and commit not to touch it for new programs.

Let us stop setting up account after account outside the general fund. Let us combine them all into one fund so we can set priorities and know how much we're taking in and how much we're spending.

Instead of subcommittees considering recommendations for new programs, we should spend the next five years systematically reviewing every program supported by tax dollars to determine whether it should be enhanced, reduced or eliminated. Iowa taxpayers deserve a thorough review of our entire budget.

Fiscal responsibility, no general tax increase, priority driven spending, budget reform; these should be our watchwords as we develop this budget. It will mean tough decisions. It will mean the elimination of some programs and it will mean tight spending controls. It will also mean that Iowans will have a balanced budget with no major tax hike and it will mean that state government will assist, not hinder, the economic growth and development of Iowa. It will mean that our education system is second to none and that we will help Iowans in need become more self-sufficient.

We can accomplish these goals. We reorganized state government in 1986 and became a model for other states. We can do it again. We can restructure and reform the state budget if we set our minds to it. But we can't do it alone. We must work together to get this job done. My staff and I pledge to work with you in our common effort to set this government within our means.

I know many of us have political and even philosophical differences. I know our priorities don't always match. But we are all Iowans and Iowans expect us to work together. Bipartisan cooperation is especially critical this session as we tackle the difficult issues of reapportionment of both the legislative and congressional districts. Let us pledge to one another to look for fields of consensus, not bunkers of confrontation; to seek common ground, not combat; to find agreement, not a war of words.

As I look around these chambers, I know a number of you are new to this General Assembly and to your leadership positions. I can vividly recall my first days in this General Assembly as a freshman legislator some eighteen years ago. I was filled with nervous excitement, a sense of idealism and, as some of you can remember, a fair dose of fire and brimstone. But I quickly learned a lesson and I have never forgotten it. Iowans want their government to work. They want legislators to work with each other, whether you are a Democrat or Republican, a conservative or liberal, you must work together to get the job done. They want legislators to work with the Governor and, yes, they want the Governor to work with legislators. That is a lesson we should all take to heart as we go about our work this year.

Today, we gather while our nation and the world braces for war. Our thoughts and our prayers are for peace. Yet we cannot let the drumbeat of war distract us from our task here in this General Assembly, of making the condition of our state even better.

Iowa's condition is good. But, it can get better and better. Why? Because Iowa is uncommonly positioned as a state of the 90's, a state that can compete in the global economy, a state with hard working, intelligent people and a state with a quality of life that more and more people are looking for.

As world and national events swirl around us, let us not lose sight of our task here at home, in our state, in our communities and in our families, to make Iowa, our home, a shining star of growth and development here in the heart of the Heartland.

Thank you and God bless you all.

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

On motion by McKinney of Dallas, the joint convention was recessed at 10:34 a.m., until 8:45 a.m., Friday, January 18, 1991 at Veterans Memorial Auditorium.

The House reconvened at 10:34 a.m., Speaker Arnould in the chair.

On motion by McKinney of Dallas, the House was recessed at 10:35 a.m., until 11:30 a.m.

The House reconvened, Speaker Arnould in the chair.

RULE 57 SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for meetings of the committee on rules and the committee on administration upon recess.

Connors of Polk in the chair at 11:59 a.m.

SPONSOR ADDED
(House File 7)

Beaman of Clarke requested to be added as a sponsor of House File 7.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 2

Judiciary and Law Enforcement: McKean, Chair; Hurley and Jay.

RESOLUTIONS FILED

SCR 1, by committee on rules and administration, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-fourth general assembly.

Referred to committee on **administration**.

SCR 2, by committee on rules and administration, a concurrent resolution relating to joint rules of the senate and house for the seventy-fourth general assembly.

Referred to committee on **rules**.

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 ADMINISTRATION

Senate Concurrent Resolution 1, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-fourth general assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1991.

COMMITTEE ON RULES

Senate Concurrent Resolution 2, a concurrent resolution relating to joint rules of the senate and house for the seventy-fourth general assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3001** January 15, 1991.

AMENDMENT FILED

H—3001

S.C.R. 2

Committee on Rules

On motion by McKinney of Dallas, the House adjourned at 12:12 p.m., until 9:00 a.m., Wednesday, January 16, 1991.

JOURNAL OF THE HOUSE

Third Calendar Day — Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 16, 1991

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

Prayer was offered by the Honorable Emil Pavich, state representative from Pottawattamie County.

The Journal of Tuesday, January 15, 1991 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2, by Spear, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the Governor under the Governor's item veto power to reduce an appropriation.

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

House File 21, by Diemer, a bill for an act relating to meetings and records of public hospitals.

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

House File 22, by Spear, a bill for an act relating to leaves of absence for service on school boards and making penalties applicable.

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

House File 23, by Daggett, a bill for an act relating to criminal and child abuse record checks of a person employed by or residing in or being considered for employment or residence in an institution controlled by the department of human services.

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

House File 24, by Wise, a bill for an act relating to the age of a child for whom a support obligation may be required.

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

House File 25, by Branstad, a bill for an act relating to the content of notices for changes of property valuation.

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

House File 26, by Diemer, a bill for an act imposing a monthly fee of twenty dollars on offenders on parole and defendants granted probation.

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

House File 27, by Diemer, a bill for an act relating to sales and use tax by exempting certain vessels from sales tax and providing for collection of use tax on those vessels.

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

House File 28, by Doderer, a bill for an act relating to the uniform foreign-money claims Act and providing an effective date and applicability provision.

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

House File 29, by Diemer, a bill for an act relating to the caliber of firearms and the type of ammunition permitted during gun deer hunting season and subjecting violators to a penalty.

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

House File 30, by Poncy, a bill for an act to eliminate the requirement that the banking division compile and report a summary of the volume of consumer installment credit to the administrator of the Iowa consumer credit code.

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

House File 31, by Doderer, a bill for an act relating to sexual exploitation by a counselor or therapist and providing penalties.

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

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Ollie of Clinton, Bernau of Story and Millage of Scott.

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

The House resumed session at 9:50 a.m., Speaker Arnould in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 2, duly adopted, the joint convention was called to order at 9:51 a.m., President pro tempore Lloyd-Jones presiding.

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

President pro tempore Lloyd-Jones announced a quorum present and the joint convention duly organized.

Senator Hutchins of Audubon moved that a committee of four, consisting of two members from the Senate and two members from the House, be appointed to escort Governor Terry E. Branstad to the House chamber for the Condition of the Judicial Department Message.

The motion prevailed and the President pro tempore appointed as such committee Senators Szymoniak of Polk and Hedge of Mahaska, on the part of the Senate; and Representatives Black of Jasper and Hanson of Black Hawk, on the part of the House.

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

The motion prevailed and the President pro tempore appointed as such committee Senators Gronstal of Pottawattamie, Varn of Johnson and Rensink of Sioux, on the part of the Senate; and Representatives Jay of Appanoose, Peterson of Carroll and Hurley of Fayette, on the part of the House.

The joint convention stood at ease at 9:55 a.m., until the fall of the gavel.

The joint convention resumed session at 9:56 a.m., President pro tempore Lloyd-Jones presiding.

Jo Ann Zimmerman, Lieutenant Governor; Elaine Baxter, Secretary of State; Dale Cochran, Secretary of Agriculture; and Bonnie Campbell, Attorney General, were escorted into the House chamber.

Mrs. Joan McGiverin, Theresa McGiverin, daughter; and Paul McGiverin, brother of the Chief Justice, were escorted into the House chamber.

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

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

Lieutenant Governor-elect Joy Corning was escorted into the House chamber.

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

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

President pro tempore Lloyd-Jones presented Chief Justice Arthur A. McGiverin who delivered the following Condition of the Judicial Department message:

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

I warmly thank the legislature for its invitation to report on the state of the Iowa Judiciary. An annual report is an effective tool for promoting understanding about the judicial branch and improving the communication and cooperation between the legislature and the judiciary.

Our nation faces uncertain times abroad and at home with the situation in the Persian Gulf and with the national recession. Though uncertainties such as these may change the course of the future at any time, we must proceed with a plan for the challenges that lie ahead in our government.

The goal of the judicial branch is to adjudicate controversies in a fair and equitable manner and at the same time manage the system with the least possible cost and delay. We always have to be open to change to provide better service to the people of Iowa. With your permission, I will review with you what the courts are doing to carry out their important responsibilities and what measures are necessary to improve our court system.

For several years, the judicial department has taken steps to insure equality in the Iowa court system. We have acted to have gender-balanced committees and boards; to implement gender-neutral language in all judicial writings; and to educate judges on gender-bias issues. We recognize that more needs to be done.

While most of us believe that overt discrimination has been eradicated, it may still exist in subtle forms of bias which demean or affect the equal treatment of participants in the court system. To insure that the courts operate fairly, we must raise our consciousness and sensitivity to these concerns. To accomplish this, the Supreme Court has established a special task force to study equality in the courts. This task force is composed of legislators, judges, lawyers and other citizens.

We thank the Legislative Council for approving the funds necessary to operate the task force. This self-evaluation should help us to preserve the human dignity of everyone involved in the courts and, in turn, we should continue to gain the confidence, respect, and trust of the public.

I am proud to report that, after two years of study and substantial public comment, in compliance with your mandate, the Iowa Supreme Court has adopted new child support guidelines. The guidelines became effective December 31, 1990.

Among other improvements, the guidelines now recognize the need for a minimum level of support in cases in which parents have little or no income. The rates have been increased for most income levels. An average support award should increase about 10 percent.

Iowa families will benefit from uniform child support guidelines. They should facilitate the setting of support orders and create uniformity. The new guidelines show that we are serious about the welfare of Iowa's children.

Another improvement in child support enforcement is the new computerized child support system, which we are now testing. Several years ago, the legislature mandated that child support receipt and disbursement be returned from the Department of Human Services to the courts. The system now being tested links the clerks' offices with the state court administrator's office, which is linked to DHS. DHS will continue to be responsible for IV-D cases — those are cases in which the state is enforcing the support order. We have worked closely with DHS in an effort to implement a system which will meet federal approval.

Great progress has been made in updating and improving the administration of justice in Iowa. Improvements such as state funding of the court system, which was done during the last decade, significantly increased our ability to administer justice in Iowa. Prior to this reorganization, Iowa's judicial department was fragmented and the quality of service offered to citizens varied greatly from county to county.

With court reorganization, as you know, the state assumed funding for court support staff and certain expenses related to the operation of the courts. These employees and expenses were phased into the judicial department over a five-year period:

- In 1983, the state assumed the responsibility for jury fees and mileage;
- Court reporters became state employees in 1984 and the state took over the cost of witness fees and mileage;

- Court attendants, juvenile court officers and juvenile court referees became state employees in 1985;
- In 1986, the clerks of the district court and their staff, probate referees, hospitalization referees, and incidental judicial expenses were added to the system; and finally
- In 1987 the state assumed the responsibility for the cost of indigent defense.

Today, as a result of this reorganization we have a uniform finance and personnel system and resources are distributed on a more careful and equitable basis. Furthermore, the change has lifted a heavy tax burden from the shoulders of local property owners.

Court reorganization has provided us with a strong base with which to administer the judicial department. Yet, additional resources are needed so that we can keep up with demands.

For years, the number of cases filed in Iowa courts has steadily increased. Since 1979, the number of civil filings has risen slightly — only 3 percent. However, during the same period criminal filings have jumped over 97 percent and juvenile filings increased by 55 percent.

These increases are disturbing. Our projections of case filings through this decade predict that the number of criminal and juvenile cases will continue to climb. We predict that civil cases will level off, or maybe even decrease, but not enough to offset the dramatic growth in criminal cases. Specifically, we project that criminal filings will grow approximately 19 percent by the end of the century.

Thus we can see, it is critical that the court system be provided more resources to handle the increased number of cases and to assure that the entire system continues to operate smoothly. With this in mind, I want to mention some of the steps which we must take to prepare the courts for the demands of the future.

The trial court process begins with the filing of documents in the office of the clerk of the district court. It is the clerk's responsibility to maintain the files of each case. In addition, the clerk has many other statutory duties such as processing child support payments, keeping vital statistics, and collecting fees, costs, surcharges and fines.

These offices are vital to our operation. Yet many of the clerk of court offices are understaffed. The state assumed the offices and staffing levels the counties had provided. Several years ago, the legislature approved funds for approximately fifteen positions. More staff is needed to handle increased demands as the case loads and responsibilities, including child support, grow. This year we recommend adding approximately 29 more positions to be allocated to 18 counties. We need these positions to maintain our services to the public and fulfill the mandates you have given to us.

Record storage and retrieval is another problem in many District Courts. Currently, the Trial Courts do not have uniform procedures or equipment for proper records management. Many court records are stored in substandard facilities and some court-houses have run out of space.

The Judicial Department has developed a plan to begin a statewide program to organize District Court records. This project would include guidelines for active filing systems and retention and disposition of records, for uniform court forms for use with the Iowa Court Information System which is our court computer project, and for uniform micrographics procedures and systems. If adequately funded, the entire project will take approximately four to six years to complete.

Several districts have requested authorization to create a District Associate Judgeship in lieu of three part-time Magistrate positions, all as authorized by statute. Because District Associate Judges have greater jurisdiction than Magistrates, they can handle more kinds of cases and, therefore, are more cost effective. The filings in the affected counties have increased, particularly the number of cases which are within the jurisdiction of District Associate Judges.

As the workload increases, we depend more and more on support staff for the smooth operation of the courts. This year we are recommending more case coordinators and court attendants to assist the Trial Courts with case processing. There is an obvious advantage when judges assign certain administrative work to support staff — freeing judges to do what only judges can do.

We continue to be concerned with the growing number of cases involving children, such as delinquency, child in need of assistance, substance abuse, and termination of parental rights. As I mentioned earlier, juvenile cases have increased significantly since 1979. We also project that they will continue to increase throughout the decade.

To handle the steady increase of juvenile cases, we recommend more Juvenile Court Officers and Juvenile Court staff. This request is consistent with the findings of the Family Court Study Panel which was established by the Supreme Court according to your mandate last session.

We also recommended expansion of the successful Court-appointed Special Advocate Program into another Judicial District. A Court-appointed Special Advocate, or CASA, is a volunteer who acts as a guardian ad litem for a child who is the subject of a child in need of assistance case. These additions should assist with the careful and thorough oversight which juvenile cases receive from the court.

Earlier, I mentioned the growth in filings at the Trial Court level. The growth is just as staggering at the Appellate Court level. Since 1977, after the Court of Appeals was established, the number of cases filed at the Appellate Court level has increased more than 58 percent — civil filings have soared more than 77 percent while the number of criminal cases has climbed over 26 percent. We also predict that filings will continue to rise.

We can no longer keep current with this caseload. We have used different methods for handling the increase. Recently, the Supreme Court commenced a special "fast-track" for selected cases. For years, the Supreme Court and the Court of Appeals have been sitting in three-member panels, doing without oral argument by litigants in many cases, and writing more summary opinions. We are also assisted by Senior Judges.

This burden has particularly affected the work of the six-member Court of Appeals. Despite an unusually heavy caseload, the Court of Appeals has a large backlog of cases. During 1990, the Court of Appeals disposed of 645 cases but 238 cases are pending and ready for summation.

The increase in the number of appeals, without additional judicial resources, threatens the Appellate Court's ability to dispose of cases in a timely manner. Therefore, we recommend that the number of judges of the Court of Appeals be increased from six to nine.

To meet the challenges of the twenty-first century, we must also keep up with technology. Technology can promote the highest quality of justice by reducing costs, delays and inconvenience while improving accessibility and providing information. It should increase productivity and improve our responsiveness to the public's request for services.

For the next fiscal year, we can plan to continue with the implementation of the Iowa Court Information System — otherwise known as ICIS. When the system is completed, there will be a computer in every District Clerk of Court Office in Iowa. These computers will be linked to the computer in the appropriate District Court Administrator's office. In addition, the District computers will be linked to a computer facility in the State Court Administrator's Office in Des Moines.

We began implementing this statewide computer project approximately three years ago and, currently, the system is in place in 28 counties and the state capitol.

This year's recommendation includes funds to maintain what we have already put in place and to complete development of several software programs necessary for the operation of the system as planned.

Our total budget request for Fiscal Year 1992 is \$78.5 million. This is an increase of less than 7 percent. The department is sensitive to the state's financial condition and we try very hard to manage the resources provided to us in a fair and efficient manner. Because most of our budget is for personnel, the opportunity for savings is limited.

The quality of our court system depends on the quality of our Judges and staff. We recommend adequate compensation for all employees, including Judges, and we support the recommendations of the Judicial Compensation Commission.

Currently, our budget is less than 2½ percent of the total state budget. The impact on state finances is sharply reduced by non-earmarked, court-generated revenues. In the last fiscal year, the state collected more than \$37 million from court costs, surcharges, fees, and fines.

I also want to note that currently over \$13 million in fines, penalties, court costs and surcharges are not collected. Completion of our computer project would allow us to monitor cases more effectively, provide immediate detailed information concerning unpaid fines and costs, and thus help the state increase collections and revenues.

I have mentioned just a few of the resources which we believe are necessary to maintain the quality of services provided by our courts.

To assist the legislature with its appropriation process, this year we implemented several measures at your suggestion. The Supreme Court held the Judicial Department budget hearings a month early and invited legislators and legislative staff. We also invited representatives of the Executive Branch. Finally, we submitted our budget to you a month earlier than usual and included more detailed budget information.

We are pleased to have done these things because we are convinced that the more you know about our budget process, the more you will respect our stewardship of the public funds.

In previous addresses to you, I traced the history of the formation of our court system, starting in 1838 when Iowa became a territory. We now have passed our one hundred fiftieth anniversary.

In 1991 the national focus is on the two hundredth anniversary of the ratifying of the Bill of Rights to our United States Constitution. Similar individual rights are embodied in our Iowa Constitution of 1857.

Iowans especially treasure our precious freedoms and the rights given us as citizens. Our very state motto is "Our liberties we prize and our rights we will maintain." Our liberties and rights are guaranteed to us through the court system.

With your help, the Iowa court system will continue to strive for excellence in giving the people of Iowa the protection and service they deserve.

Chief Justice Arthur A. McGiverin was escorted from the House chamber by the committee previously appointed.

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

McKinney of Dallas moved that the joint convention be now dissolved at 10:31 a.m., which motion prevailed.

The House reconvened at 10:32 a.m., Speaker Arnould in the chair.

The House stood at ease at 10:32 a.m., until the fall of the gavel.

The House resumed session at 10:40 a.m., Speaker Arnould in the chair.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 3 State Government

Providing investigators of the board of nursing and board of dental examiners with the powers of peace officers.

H.S.B. 4 State Government

Relating to the standards of conduct for professional engineers and land surveyors.

H.S.B. 5 State Government

Relating to the Iowa national guard by increasing the minimum salary for active state service and by authorizing the granting of easements by the state armory board.

H.S.B. 6 Commerce

Relating to the advertisement and sale of wood building materials and making certain consumer fraud penalties applicable.

H.S.B. 7 State Government

Relating to the qualifications for licensure of an accounting practitioner.

H.S.B. 8 Education

To establish a teacher exchange program within the state and making an appropriation.

APPOINTMENT BY THE SPEAKER

The Speaker announced the following appointment:

IOWA BOUNDARY COMMISSION
(Chapter 2.91, Code of Iowa)

Pat Gill Replacing Mike Peters
to fill the unexpired portion of a term ending June 30, 1994

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House Study Bill 2), relating to fees charged by the county recorder and exempting the county from the payment of fees.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1991.

RESOLUTION FILED

HR 3, by Holveck, Halvorson of Webster, Hammond, Haverland, Wissing, Koenigs, Brand, Shearer, Muhlbauer, Dvorsky, Shultz, Ollie, Teaford, Renaud, Peterson of Carroll, Svoboda, Mertz, Fogarty, Hibbard, Spear, Murphy, Jochum, Hatch, Beatty, Baker, Bernau, Gill, Bisignano, Hansen of Woodbury, Brammer, Cohoon, Blanshan, Osterberg, Gruhn, Nielsen, Adams, Brown, Jesse, and Jay, a resolution relating to economic and diplomatic sanctions imposed upon Iraq by the world community and a delay in undertaking military action.

Referred to committee on state government.

AMENDMENTS FILED

H-3002	S.C.R.	2	Lageschulte of Bremer Van Maanen of Mahaska Harbor of Mills
H-3003	H.R.	2	Corbett of Linn
H-3004	H.R.	2	Corbett of Linn
H-3005	H.R.	2	Corbett of Linn
H-3006	H.R.	2	Tyrrell of Iowa Petersen of Muscatine Renken of Grundy Daggett of Adams Hester of Pottawattamie Mertz of Kossuth Hahn of Muscatine Carpenter of Polk Hanson of Delaware Harbor of Mills
H-3007	H.R.	2	Kremer of Buchanan Shoning of Woodbury Kistler of Jefferson Gipp of Winneshiek Rafferty of Scott Miller of Cherokee Maulsby of Calhoun Weidman of Cass Corbett of Linn

On motion by McKinney of Dallas, the House adjourned at 10:41 a.m., until 9:00 a.m., Thursday, January 17, 1991.

JOURNAL OF THE HOUSE

Fourth Calendar Day — Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 17, 1991

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

Prayer was offered by Reverend Jacob Boonstra, pastor of the Tracy Christian Reformed Church, Tracy.

The Journal of Wednesday, January 16, 1991 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 January 14, 1991, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 1, a concurrent resolution relating to a joint convention, Monday, January 14, 1991, 1:30 p.m., to canvass votes for the Governor and Lieutenant Governor; Tuesday, January 15, 1991, 10:00 a.m., Governor Terry E. Branstad will deliver his condition of the state message.

Also: That the Senate has on January 15, 1991, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 2, a concurrent resolution relating to a joint convention, Wednesday, January 16, 1991, 10:00 a.m., Chief Justice McGiverin will deliver his condition of the judicial department message.

Also: That the Senate has on January 14, 1991, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 3, a concurrent resolution relating to appointment of a joint inaugural committee.

Also: That the Senate has on January 16, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

Also: That the Senate has on January 16, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the provision for equality of rights and the provision's relationship to abortion and abortion funding.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILLS

House File 32, by Poncy, a bill for an act relating to the central location of original loan documentation recordkeeping functions at the office of a bank holding company.

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

House File 33, by Black, a bill for an act relating to the charge for the use of an automobile by a public officer or employee other than a state officer or employee.

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

House File 34, by Hanson of Black Hawk, a bill for an act to extend the duration of the lead abatement grant program.

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

House File 35, by Black, a bill for an act relating to the use, possession, delivery, manufacture, or advertisement of objects commonly used in connection with an illegal use of a controlled substance and providing penalties.

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

House File 36, by Renaud, a bill for an act relating to the reporting of burn injuries to the state fire marshal, and providing a penalty.

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

House File 37, by Daggett, Kistler, Renken, Miller, and Eddie, a bill for an act to provide for the imposition of an income surtax for payment of one-half the principal and interest due on bonds issued by a school district or merged area.

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

House File 38, by Bisignano and Metcalf, a bill for an act relating to the planning, acquisition, development, operation, and expansion of the welcome center network in proximity to highways and at other locations throughout the state and providing for the development of a pilot project welcome center at living history farms.

Read first time and referred to committee on **small business, economic development, and trade**.

House File 39, by committee on judiciary and law enforcement, a bill for an act relating to fees charged by the county recorder and exempting the county from the payment of fees.

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

House File 40, by Diemer, a bill for an act imposing a fine for trespassing while hunting.

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

House File 41, by Poncy, a bill for an act allowing employees to choose the care given under workers' compensation medical benefits.

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

House File 42, by Tyrrell, Kremer, Renken, Branstad, Kistler, Hester, Daggett, Garman, Krebsbach, Royer, Hurley, and Banks, a bill for an act repealing the state minimum wage law.

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

House File 43, by Iverson, Daggett, Kremer, Kistler, Renken, Mertz, Bartz, Fogarty, Gruhn, Shearer, Muhlbauer, and Hanson of Delaware, a bill for an act to permit school or school district superintendents to serve concurrently as an elementary school principal in the school or school district.

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

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 1, by Szymoniak, Buhr, Gronstal, Hannon, Horn, Hutchins, Lind, Lloyd-Jones, Murphy, Rife, Rosenberg, Tinsman, and Varn, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

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

Senate Joint Resolution 2, by committee on state government, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the provision for equality of rights and the provision's relationship to abortion and abortion funding.

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

INAUGURAL COMMITTEE APPOINTED

The Speaker announced the appointment of the following members of the inaugural committee on the part of the House: Connors of Polk, Poncy of Wapello, Mertz of Kossuth, Carpenter of Polk, De Groot of Lyon and Petersen of Muscatine.

ADOPTION OF SENATE CONCURRENT RESOLUTION 1

Shearer of Louisa called up for consideration Senate Concurrent Resolution 1 as follows:

- 1 Senate Concurrent Resolution 1
- 2 By Committee On Rules And Administration
- 3 A Concurrent Resolution relating to the compensation
- 4 of chaplains, officers and employees of the
- 5 seventy-fourth general assembly.
- 6 *Whereas*, section 2.11 of the Code provides that
- 7 "The compensation of chaplains, officers and employees
- 8 of the general assembly shall be fixed by joint action
- 9 of the house and senate by resolution at the opening
- 10 of each session, or as soon thereafter as conveniently
- 11 can be done.", *Now Therefore*,
- 12 *Be It Resolved By The House, The Senate Concurring*,
- 13 That the compensation for the following officers for
- 14 the period commencing January 9, 1989 14, 1991 and
- 15 ending January 7, 1991 11, 1993, shall be within the
- 16 following ranges:
- 17 Secretary of the Senate and Chief
- 18 Clerk of the House \$32,572 to \$56,628
- 19 \$39,022 to \$67,860
- 20 Within the indicated ranges the exact compensation
- 21 shall be set or adjusted for the senate officers by
- 22 the senate rules and administration committee and for
- 23 the house officers by the house administration
- 24 committee. The committees shall report the exact
- 25 compensation assigned to each position on the next
- 26 legislative day, or, if such action is during the
- 27 interim, on the first day the senate or house shall
- 28 convene. Any action by the senate or house to
- 29 disapprove or amend the report shall be effective the
- 30 day after the action.

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- 1 *Be It Further Resolved*, That the compensation of
- 2 the employees of the ~~seventy-third~~ seventy-fourth
- 3 general assembly is set, effective from January 9,
- 4 1989 14, 1991, until January 7, 1991 11, 1993, in
- 5 accordance with the following salary schedule:

6	#8	#9	#10	#11	#12
7	\$9,800.00	\$10,379.20	\$10,920.00	\$11,460.80	\$12,043.20
8	4.75	4.99	5.25	5.51	5.79
9					

10	#13	#14	#15	#16	#17
11	\$12,646.40	\$13,312.00	\$13,977.60	\$14,664.00	\$15,371.20
12	6.08	6.40	6.72	7.05	7.39
13					
14	#18	#19	#20	#21	#22
15	\$16,120.00	\$16,868.80	\$17,721.60	\$18,532.80	\$19,448.00
16	7.75	8.11	8.52	8.91	9.35
17					
18	#23	#24	#25	#26	#27
19	\$20,384.00	\$21,320.00	\$22,360.00	\$23,441.60	\$24,564.80
20	9.80	10.25	10.75	11.27	11.81
21					
22	#28	#29	#30	#31	#32
23	\$25,750.40	\$26,998.40	\$28,267.20	\$29,660.80	\$31,033.60
24	12.38	12.98	13.59	14.26	14.92
25					
26	#33	#34	#35	#36	#37
27	\$32,572.80	\$34,112.00	\$35,734.40	\$37,460.80	\$39,270.40
28	15.66	16.40	17.18	18.01	18.88
29					
30	#38	#39	#40	#41	#42

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1	\$41,163.20	\$43,139.20	\$45,219.20	\$47,382.40	\$49,649.60
2	19.79	20.74	21.74	22.78	23.87
3	#8	#9	#10	#11	#12
4	\$10,753.60	\$11,273.60	\$11,856.00	\$12,459.20	\$13,083.20
5	5.17	5.42	5.70	5.99	6.29
6					
7	#13	#14	#15	#16	#17
8	\$13,728.00	\$14,456.00	\$15,204.80	\$15,953.60	\$16,702.40
9	6.60	6.95	7.31	7.67	8.03
10					
11	#18	#19	#20	#21	#22
12	\$17,513.60	\$18,324.80	\$19,260.80	\$20,134.40	\$21,132.80
13	8.42	8.81	9.26	9.68	10.16
14					
15	#23	#24	#25	#26	#27
16	\$22,152.00	\$23,171.20	\$24,315.20	\$25,459.20	\$26,686.40
17	10.65	11.14	11.69	12.24	12.83
18					
19	#28	#29	#30	#31	#32
20	\$27,976.00	\$29,328.00	\$30,721.60	\$32,240.00	\$33,716.80
21	13.45	14.10	14.77	15.50	16.21
22					
23	#33	#34	#35	#36	#37
24	\$35,401.60	\$37,065.60	\$38,833.60	\$40,705.60	\$42,681.60
25	17.02	17.82	18.67	19.57	20.52
26					
27	#38	#39	#40	#41	#42
28	\$44,720.00	\$46,883.20	\$49,150.40	\$51,500.80	\$53,976.00
29	21.50	22.54	23.63	24.76	25.95

In this schedule, each numbered block shall be the

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1 yearly and hourly compensation for the pay grade of
2 the number heading the block. Within each grade there
3 shall be six steps numbered "1" through "6". In the
4 above schedule the steps for all grades are determined
5 in the following manner. Each numbered block is
6 counted as the "1" step for that grade. The next
7 higher block is counted as the "2" step; the next
8 higher block is the "3" step; the next higher block is
9 the "4" step; the next higher block is the "5" step;
10 the next higher block is the "6" step.

11 All employees shall be available to work daily
12 until completion of the senate's and house of
13 representatives' business. The secretary of the
14 senate and chief clerk of the house shall schedule all
15 employees' working hours to, as far as possible,
16 maintain regular working hours.

17 All employees, other than those designated "part-
18 time" shall be compensated for 40 hours of work in a
19 one-week pay period. Secretaries to senators and
20 representatives are presumed to have 40 hours of work
21 each week the legislature is in session and shall be
22 paid only on that basis. Except for the personnel
23 designated to the contrary in this resolution,
24 employees who are required to work in excess of 40
25 hours in a one-week pay period shall either be
26 compensated at a rate of pay equal to one and one-half
27 times the hourly pay provided in this resolution or
28 allowed compensatory time off at a rate of one and
29 one-half hours for each hour of overtime.

30 The following personnel shall not be paid an

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1 overtime premium:

2 Secretary of the Senate
3 Chief Clerk of the House
4 Assistant Secretary of the Senate
5 Assistant Chief Clerk of the House
6 Senate Legal Counsel
7 House Legal Counsel
8 Finance Officer
9 Senior Finance Officer
10 Senior Journal Editor
11 All Administrative Assistants
12 All Research Analysts
13 All Research Assistants
14 All Secretaries to Senators and Representatives
15 All Caucus Staff Directors
16 All Senior Caucus Secretaries
17 Administrative, Executive, and Confidential
18 Secretaries to Speaker, Leader or
19 Secretary of Senate or Chief Clerk of House

20 *Be It Further Resolved*, That part-time employees
 21 shall be compensated at the scheduled hourly rate for
 22 their pay grade and step.

23 *Be It Further Resolved*, That compensatory time off
 24 shall be granted to employees not eligible for
 25 overtime pay in a uniform manner for all legislative
 26 employees as determined by the legislative council.

27 *Be It Further Resolved*, That in the event the
 28 salary schedule for employees of the State of Iowa as
 29 promulgated by the personnel commission pursuant to
 30 section 19A.9, subsection 2, Code 1989, is revised

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1 upward at any time during the seventy-third seventy-
 2 fourth general assembly, such revised schedule shall
 3 simultaneously be adopted for the compensation of the
 4 employees of the seventy-third seventy-fourth general
 5 assembly assigned a grade by this resolution. The pay
 6 ranges of those positions specifically listed on page
 7 one of this resolution shall be automatically adjusted
 8 to reflect any cost of living increases granted to
 9 those employees not included in the collective
 10 bargaining agreement made final under chapter 20 of
 11 the Code and increases provided by the legislative
 12 council for agency directors.

13 BE IT FURTHER RESOLVED, That adjustments in the
 14 positions listed in this resolution may be made
 15 through an annual interim review of all legislative
 16 employees. Such review shall be conducted by a
 17 legislative committee made up of members of the
 18 service committee of legislative council and the
 19 appropriate salary subcommittees of the senate and
 20 house. Only one such review may be done in any fiscal
 21 year and adjustments suggested must be approved by the
 22 appropriate hiring body.

23 *Be It Further Resolved*, That the employees of the
 24 seventy-third seventy-fourth general assembly be
 25 placed in the following pay grades:

26 EMPLOYEES OF THE HOUSE

27 Assistant Chief Clerk of the House	Grade 34
28 Legal Counsel II	Grade 33
29 Legal Counsel I	Grade 29
30 Caucus Staff Director	Grade 34

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1 Sr. Caucus Staff Director	Grade 36
2 Administrative Assistant to Leader	
3 or Speaker I	Grade 27
4 Administrative Assistant to Leader	
5 or Speaker II	Grade 30
6 Administrative Assistant to Leader	

7	or Speaker III	Grade 33
8	Sr. Administrative Assistant to	
9	Leader or Speaker	Grade 35
10	Research Assistant	Grade 24
11	Legislative Research Analyst I	Grade 27
12	Legislative Research Analyst II	Grade 30
13	Legislative Research Analyst III	Grade 33
14	Sr. Legislative Research Analyst	Grade 35
15	Secretary to Leader	Grade 19
16	Caucus Secretary	Grade 21
17	<u>Senior Caucus Secretary</u>	<u>Grade 23</u>
18	Administrative Secretary to Leader,	
19	Speaker, or Chief Clerk	Grade 21
20	Executive Secretary to Leader,	
21	Speaker or Chief Clerk	Grade 23
22	Confidential Secretary to Leader,	
23	Speaker, or Chief Clerk	Grade 26
24	Clerk to Chief Clerk	Grade 16
25	Supervisor of Sec/Computer Trainer	Grade 23 <u>24</u>
26	Senior Journal Editor	Grade 29
27	Journal Editor	Grade 24
28	Assistant Journal Editor	Grade 21
29	Compositor	Grade 17
30	<u>Text Processor III</u>	<u>Grade 25</u>

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1	Senior Finance Officer	Grade 31
2	Finance Officer II	Grade 27
3	Finance Officer I	Grade 24
4	Assistant Finance Officer	Grade 21
5	Recording Clerk/Supervisor of Pages	Grade 21
6	Assistant Legal Counsel	Grade 26
7	Assistant to the Legal Counsel and	
8	Engrossing/Enrolling Clerk	Grade 24
9	Assistant to the Legal Counsel	Grade 17
10	Chief Indexer	Grade 24
11	Indexer	Grade 21
12	Indexing Assistant	Grade 18
13	Supply Clerk	Grade 15 <u>16</u>
14	Switchboard Operator	Grade 13
15	Legislative Secretary	Grade 15
16	Legislative Committee Secretary	Grade 17
17	Bill Clerk	Grade 13
18	Assistant Bill Clerk	Grade 12
19	Postmaster	Grade 11 <u>12</u>
20	Sergeant-at-Arms	Grade 16 <u>17</u>
21	Assistant Sergeant-at-Arms	Grade 13 <u>14</u>
22	Doorkeepers	Grade 10 <u>11</u>
23	Pages	Minimum Wage
24	EMPLOYEES OF THE SENATE	
25	Assistant Secretary of the Senate	Grade 34

26	Legal Counsel II	Grade 33
27	Legal Counsel I	Grade 29
28	Caucus Staff Director	Grade 34
29	Sr. Caucus Staff Director	Grade 36
30	Administrative Assistant to Leader I	Grade 27

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1	Administrative Assistant to Leader II	Grade 30
2	Administrative Assistant to Leader III	Grade 33
3	Sr. Administrative Assistant to Leader	Grade 35
4	Research Assistant	Grade 24
5	Legislative Research Analyst I	Grade 27
6	Legislative Research Analyst II	Grade 30
7	Legislative Research Analyst III	Grade 33
8	Sr. Legislative Research Analyst	Grade 35
9	Caucus Secretary	Grade 21
10	Senior Caucus Secretary	Grade 23
11	Secretary to Leader	Grade 19
12	Administrative Secretary to Leader	
13	or Secretary of the Senate	Grade 21
14	Executive Secretary to Leader	
15	or Secretary of the Senate	Grade 23
16	Confidential Secretary to Leader	
17	or Secretary of the Senate	Grade 26
18	Supervisor of Sec/Computer Trainer	Grade 23 <u>24</u>
19	Senior Journal Editor	Grade 29
20	Journal Editor	Grade 24
21	Assistant Journal Editor/	
22	Assistant Finance Officer	Grade 23
23	Assistant Journal Editor	Grade 21
24	Compositor	Grade 17
25	Assistant Legal Counsel	Grade 26
26	Assistant to the Legal Counsel/	
27	Assistant Finance Officer	Grade 18
28	Assistant to the Legal Counsel	Grade 17
29	Senior Finance Officer	Grade 31
30	Finance Officer II	Grade 27

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1	Finance Officer I	Grade 24
2	Assistant Finance Officer	Grade 21
3	Recording Clerk	Grade 20
4	Chief Indexer	Grade 24
5	Indexer	Grade 21
6	Indexing Assistant	Grade 18
7	Records and Supply Clerk	Grade 17 <u>18</u>
8	Switchboard Operator	Grade 13
9	Legislative Secretary	Grade 15
10	Legislative Committee Secretary	Grade 17
11	Bill Clerk	Grade 13
12	Assistant Bill Clerk	Grade 12
13	Postmaster	Grade 11 <u>12</u>

14	Sergeant-at-Arms	Grade 16	17
15	Assistant Sergeant-at-Arms	Grade 13	14
16	Chief Doorkeeper	Grade 11	12
17	Doorkeepers	Grade 10	11
18	Pages	Minimum Wage	

19 *Be It Further Resolved*, That there shall be four
20 classes of appointments as employees of the general
21 assembly:
22 A "permanent full-time" or "permanent part-time"
23 employee is one who is employed the year around and
24 eligible to receive state benefits.
25 An "exempt full-time" employee is one who is
26 employed for the period of the sessions with
27 extensions post-session and pre-session as scheduled.
28 This class is eligible to receive state benefits with
29 the cost of benefits to the state to be paid by the
30 employee when not on the payroll.

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1 A "session-only" employee is one who is employed
2 for only a portion of the year, usually the
3 legislative session. This class is not eligible for
4 state benefits, except IPERS.

5 A "part-time" employee is one who is employed to
6 work less than 40 hours per week. This class is not
7 eligible for state benefits, except IPERS if eligible.

8 *Be It Further Resolved*, That the exact
9 classification for individuals in a job series created
10 by this resolution shall be set or changed for senate
11 employees by the senate rules and administration
12 committee and for the house employees by the house
13 administration committee. The committees shall base
14 the classification upon the following factors:

15 1. The extent of formal education required of the
16 position; and,

17 2. The extent of the responsibilities to be
18 assigned to the position; and,

19 3. The amount of supervision placed over the
20 position; and,

21 4. The number of persons the position is assigned
22 to supervise and skill and responsibilities of those
23 positions supervised.

24 The committees shall report the exact
25 classifications assigned to each individual on the
26 next legislative day, or, if such action is during the
27 interim, on the first day the senate or house shall
28 convene. Any action by the senate or house to
29 disapprove a report or a portion of a report shall be
30 effective the day after the action.

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1 Recommendations for a pay grade for a new position
2 shall be developed in accordance with the factor
3 scores in the comparable worth report. Every four
4 years the senate rules and administration committee,
5 the house administration committee, and the
6 legislative council shall review all positions in the
7 legislative branch to assure conformity to comparable
8 worth.

9 *Be It Further Resolved*, That a senator or
10 representative may employ a secretary who in the
11 judgment of the senator or representative employing
12 such person, possesses the necessary skills to perform
13 the duties such senator or representative shall
14 designate, under the administrative direction, as
15 appropriate, of the secretary of the senate or the
16 chief clerk of the house.

17 Each standing committee chairperson, ethics
18 committee chairperson, and each appropriations
19 subcommittee chairperson shall designate a secretary
20 who is competent to perform the following duties:
21 prepare committee minutes, committee reports, type
22 committee correspondence, maintain committee records,
23 and otherwise assist the committee. Such duties shall
24 be performed in accordance with standards which shall
25 be provided by the secretary of the senate and chief
26 clerk of the house. In making the designation,
27 chairpersons shall consider persons for possible
28 designation as the secretary to the committee in the
29 following order:

30 First: The secretary to the chairperson.

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1 Second: The secretary to the committee's vice-
2 chairperson.

3 Third: The secretary to any other member of the
4 committee.

5 Fourth: The secretary to any other member in the
6 same house as the committee.

7 *Be It Further Resolved*, That a Legal Counsel II
8 shall be a person who has graduated from an accredited
9 school of law and is admitted to practice in Iowa as
10 an Attorney and Counselor at Law and possesses either
11 a Masters of Law degree or has at least two years of
12 legal experience after admission to practice.

13 A Legal Counsel I shall be a person who has
14 graduated from an accredited school of law and is
15 admitted to practice in Iowa as an Attorney and
16 Counselor at Law.

17 *Be It Further Resolved*, That employees of the
18 general assembly may be eligible for either:

- 19 a) increases in salary grade or step based on
20 evaluation of their job performance and
21 recommendations of their administrative officers,
22 subject to approval of the senate committee on rules
23 and administration or the house committee on
24 administration, as appropriate; or
25 b) mobility within pay steps at the discretion of
26 the chief clerk of the house and the secretary of the
27 senate, subject to the approval of the house committee
28 on administration or the senate committee on rules and
29 administration, as appropriate — in accord with the
30 following schedule:

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- 1 (1) Progression from step "1" to "2" — six months
2 of actual employment.
3 (2) Progression from step "2" to "3", and step "3"
4 to "4", and step "4" to "5" — twelve months of actual
5 employment.
6 (3) Progression from step "5" to "6" — twelve
7 months of actual employment.
8 *Be It Further Resolved*, that in addition to the
9 steps provided in the preceding paragraph, that
10 secretaries to senators and representatives who were
11 employees of the senate or house of representatives
12 during any general assembly prior to January 9, 1989,
13 and who have received certification for passing a
14 typing and shorthand performance examination shall be
15 eligible for two additional steps.
16 *Be It Further Resolved*, That in addition to the
17 steps provided in the preceding paragraph, that
18 secretaries to senators and representatives shall be
19 eligible for a maximum of three additional grades
20 beyond grade 15, in any combination, as provided in
21 this paragraph:
22 1. One additional grade for a secretary to a
23 standing committee chair, ethics committee chair or
24 appropriations subcommittee chair who is not the
25 designated committee secretary.
26 2. One additional grade for a secretary to a vice-
27 chairperson or ranking member of a standing committee,
28 ethics committee or appropriations subcommittee.
29 3. One additional grade for a secretary to the
30 chairperson of the chaplain's committee.

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- 1 4. Two additional grades for a secretary to an
2 assistant floor leader or speaker pro tempore or
3 president pro tempore.
4 5. One additional grade for a designated committee
5 secretary who is also the designated committee

6 secretary for an additional standing committee, ethics
7 committee, or appropriations subcommittee.

8 *Be It Further Resolved*, That the entrance salary
9 for employees of the general assembly shall be at step
10 1 in the grade of the position held. Such employee
11 may be hired above the entrance step if possessing
12 outstanding and unusual experience for the position,
13 provided that the entrance is not beyond step 3. Such
14 employee who is hired above the entrance step shall be
15 mobile above that step in the same period of time as
16 other employees in that same step. An officer or
17 employee who is moved to another position may be
18 considered for partial or full credit for their
19 experience in the former position in determining the
20 step in the new grade.

21 The entry level for the position of research
22 analyst shall be Legislative Research Analyst I,
23 unless extraordinary conditions justify increasing
24 that entry level; however, that entry level may not be
25 increased beyond Legislative Research Analyst II. A
26 research analyst must have shown knowledge of
27 legislative rules and procedures as well as the Code
28 of Iowa to be considered at any level above a
29 Legislative Research Analyst I.

30 *Be It Further Resolved*, That a pay increase for

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1 employees of one step within the pay grade for the
2 position may be made for exceptionally meritorious
3 service in addition to step increases provided for in
4 this resolution, upon recommendation of the secretary
5 of the senate or chief clerk of the house and the
6 approval of the senate committee on rules and
7 administration or the house committee on
8 administration. Exceptionally meritorious service pay
9 increases shall be governed by the following:

10 a. The employee must have served in the position
11 for at least twelve months;

12 b. Written justification, setting forth in detail
13 the nature of the exceptionally meritorious service
14 rendered, must be submitted to the senate rules and
15 administration committee or house administration
16 committee and approved in advance of granting the pay
17 increase;

18 c. No more than one exceptionally meritorious
19 service pay increase may be granted in any twelve-
20 month period.

21 d. Such meritorious service pay increase shall not
22 be granted beyond the six-step maximum for that
23 position.

24 *Be It Further Resolved*, That the secretary of the

25 senate and chief clerk of the house shall receive
26 applications for employment, arrange for any necessary
27 examinations, contact references and make
28 recommendations for hiring. The senate rules and
29 administration committee and the house administration
30 committee shall both hire officers and employees for

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1 their respective bodies and fill any vacancies which
2 may occur, to be effective at such time as they shall
3 set. The committee shall report the names of those it
4 has hired for the positions specified in this
5 resolution or the filling of any vacancies on the next
6 legislative day or, if such action is during the
7 interim, on the first day the senate or house shall
8 convene. Any action by the senate or house to amend
9 or disapprove a report or a portion of a report shall
10 be effective the day after the action.

11 The chief clerk of the house shall submit to the
12 house committee on administration and the secretary of
13 the senate shall submit to the senate committee on
14 rules and administration the list of names, or
15 amendments thereto, of employee classifications and
16 recommended pay step for each officer and employee.
17 Such list shall include recommendations for the pay
18 step for all employees. Each respective committee
19 shall approve or amend the list of recommended
20 classifications and pay steps and publish said list in
21 the journal.

22 *Be It Further Resolved*, That permanent employees of
23 the general assembly shall receive vacation
24 allowances, sick leave, health and accident insurance,
25 life insurance, and disability income insurance as are
26 provided for full-time permanent state employees. The
27 computations shall be maintained by the finance
28 officers in each house and coordinated with the
29 department of management.

30 *Be It Further Resolved*, That should any employee

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1 have a grievance concerning their compensation, hours
2 of work, performance of work, or other matter, the
3 grievance shall be resolved as provided in this
4 paragraph or by procedures determined by the senate
5 rules and administration committee for senate
6 employees or the house administration committee for
7 house employees.

8 The grievance shall first be brought to the
9 attention of the secretary of the senate or chief
10 clerk of the house, as appropriate. The procedure may
11 be informal and oral except that the secretary or

12 chief clerk shall give his or her final conclusion in
13 writing.

14 An employee may appeal in writing an adverse ruling
15 of the secretary or chief clerk to the senate rules
16 and administration committee for senate employees or
17 the house administration committee for house employees
18 which shall consider the grievance. The committee's
19 consideration shall be informal except that accurate
20 minutes shall be kept and the final conclusion shall
21 be in writing.

22 Any employee having a grievance shall have access
23 to all relevant house or senate records, may have the
24 assistance of counsel, and, if the grievance involves
25 a disciplinary action, shall have a written statement
26 of the grounds for the disciplinary action.

27 *Be It Further Resolved*, That it is the intent of
28 the general assembly that the legislative council
29 adopt a resolution similar to this resolution which
30 provides for the compensation and benefits of all

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1 legislative central staff agency employees for the
2 ~~seventy-third~~ ~~seventy-fourth~~ general assembly. The
3 resolution shall be adopted as soon as practicable
4 after the first meeting of the legislative council
5 during the ~~1989~~ 1991 session and published in the
6 journals of the senate and house.

7 *Be It Further Resolved*, That the compensation of
8 chaplains officiating at the opening of the daily
9 sessions of the house of representatives and the
10 senate of the ~~seventy-third~~ ~~seventy-fourth~~ general
11 assembly be fixed at ten dollars for each house of the
12 general assembly, and that mileage for chaplains be
13 fixed at the rate of twenty-one cents per mile to and
14 from the State Capitol.

The House stood at ease at 9:40 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate Concurrent Resolution 1 at 11:13 a.m., Speaker Arnould in the chair.

Miller of Cherokee moved that Senate Concurrent Resolution 1 be rereferred to the committee on administration.

The motion lost.

Shearer of Louisa moved the adoption of Senate Concurrent Resolution 1.

Roll call was requested by Van Maanen of Mahaska and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall the resolution be adopted?" (S.C.R. 1)

The ayes were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shultz	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 48:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Mertz
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spear	Spencer
Svoboda	Tyrell	Van Maanen	Weidman

Absent or not voting, 1:

Ollie

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate Concurrent Resolution 1** be immediately messaged to the Senate.

On motion by McKinney of Dallas, the House was recessed at 12:00 noon, until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

ADOPTION OF MILEAGE COMMITTEE REPORT

Holveck of Polk called up for consideration the report of the committee on mileage found on pages 21 through 23 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

CONSIDERATION OF BILL**Regular Calendar**

House Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law, with report of committee recommending passage was taken up for consideration.

**SENATE JOINT RESOLUTION 1 SUBSTITUTED
FOR HOUSE JOINT RESOLUTION 1**

Blanshan of Greene asked and received unanimous consent to substitute Senate Joint Resolution 1 for House Joint Resolution 1.

Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law, was taken up for consideration.

Blanshan of Greene 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.

Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed.

Section 1 of Article I of the Constitution of the State of Iowa, is amended to read as follows:

RIGHTS OF PERSONS. SECTION 1. All men and women are, by nature, free and equal, and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness. Neither the State nor any of its political subdivisions shall, on the basis of gender, deny or restrict the equality of rights under the law.

Sec. 2. The foregoing proposed amendment, having been adopted and agreed to by the Seventy-third General Assembly, 1989 Session, thereafter duly published, and now adopted and agreed to by the Seventy-fourth General Assembly in this joint resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year nineteen hundred ninety-two in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

On the question "Shall the joint resolution be adopted and agreed to by the House?" (S.J.R. 1)

The yeas were, 87:

Adams	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 9:

Banks	Branstad	Daggett	De Groot
Garman	Hurley	Krebsbach	Renken
Van Maanen			

Absent or not voting, 4:

Haverland	Jay	Ollie	Tyrrell
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The joint resolution having received a constitutional majority, was declared to have been adopted and agreed to by the House.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 1, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps:

Chief Clerk	Joseph O'Hern	\$67,860.00	Annual Salary
		Grade and Step	Class of Appointment
Assistant Chief Clerk of the House	Elizabeth A. Isaacson	34-6	P-FT
Caucus Staff Director	Paulee Lipsman	34-6	P-FT
Caucus Staff Director	Warren L. Fye	34-3	P-FT
Senior Administrative Assistant to Speaker	Mark W. Brandsgard	35-6	P-FT
Senior Administrative Assistant to Speaker	William C. Maloney	35-6	P-FT
Administrative Assistant to Leader I	Bruce G. Brandt	27-5	P-FT
Administrative Assistant to Leader I	Aimee L. Campin	27-1	P-FT
Research Assistant	Amy L. Campbell	24-1	S-O
Legislative Research Analyst III	Edward J. Conlow	33-4	P-FT
Legislative Research Analyst I	Mary C. Braun	27-2	P-FT
Legislative Research Analyst I	Oliver Ivory, Jr.	27-1	P-FT
Senior Legislative Research Analyst	Mary E. O. Fleckenstein	35-6	P-FT
Senior Legislative Research Analyst	Thomas R. Patterson	35-6	P-FT
Legislative Research Analyst II	Joseph P. Romano	30-2	P-FT
Legislative Research Analyst I	Wendy L. Dickstein	27-2	P-FT
Legislative Research Analyst I	Mark B. Teerink	27-2	P-FT
Caucus Secretary	Jenifer L. Parsons	21-3	P-FT
Legislative Research Analyst I	Pamela H. Dugdale	27-1	P-FT
Legislative Research Analyst I	Paul R. Savary	27-1	P-FT
Legislative Research Analyst I	Susan D. Severino	27-3	P-FT

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Legislative Research Analyst III	Margaret Ann Thomson	33-2	P-FT
Legislative Research Analyst I	Greg E. Watson	27-3	P-FT
Legislative Research Analyst II	Maryjo F. Welch	30-6	P-FT
Caucus Secretary	Colleen Dillon	21-6	P-FT
Research Assistant to Chief Clerk	Catherine S. Jury	24-6	P-FT
Confidential Secretary to Chief Clerk	Deanna J. Verwers Templeton	26-5	P-FT
Clerk to Chief Clerk	Jeanine S. Crist	16-2	S-O
Supervisor of Secretaries/Computer Trainer	Virginia Rowen	24-6	P-FT
Journal Editor	Vivian M. Anders	24-5	P-FT
Journal Editor	Carol S. Edwards	24-5	P-FT
Assistant Journal Editor	C. Elaine Schoonover	21-6	P-FT
Senior Finance Officer	Billie Jean Walling	31-5	P-FT
Finance Officer I	Debra K. Rex	24-5	P-FT
Assistant Legal Counsel	E. Jane Fowler	26-5	P-FT
Text Processor III	Pauline E. Kephart	25-6	P-FT
Assistant to the Legal Counsel	Eileen M. Tyler	17-2	S-O
Chief Indexer	Juanita F. Swackhammer	24-6	P-FT
Indexer	Wilma F. Zika	21-5	P-FT
Supply Clerk	Joanne Wengert	16-3	S-O
Switchboard Operator	Madeline E. James	13-6	S-O
Switchboard Operator	Virginia Semple	13-3	S-O
Bill Clerk	Faith B. Fenton	13-1	S-O
Assistant Bill Clerk	Marie A. Kirby	12-1	S-O
Postmaster	William C. Walling	12-1	S-O
Sergeant-at-Arms	Glenn D. Carlson	17-2	S-O
Assistant Sergeant-at-Arms	Marvin Hollingshead	14-2	S-O
Doorkeeper	Maynard L. Boatwright	11-2	S-O
Doorkeeper	Arthur E. Borwick	11-3	S-O
Doorkeeper	Dwight H. Dugan	11-2	S-O
Doorkeeper	Alfred H. Edwards	11-2	S-O
Doorkeeper	Orson R. McNitt	11-1	S-O
Doorkeeper	Kathleen L. O'Leary	11-2	S-O
Doorkeeper	Marvin L. Thomas	11-2	S-O

GROUP I

		<u>Per Hr.</u>	
Speaker's Page	Mary Beth Nelson	4.25	S-O
Chief Clerk's Page	Matthew T. Boston	4.25	S-O
Chief Clerk's Page	Kevin J. Carroll	4.25	S-O
Page	Stacy M. Avise	4.25	S-O

<u>Position</u>	<u>Name</u>	<u>Per Hr.</u>	<u>Class of Appointment</u>
Page	Brandy J. Bartholomew	4.25	S-O
Page	Brett D. Casebolt	4.25	S-O
Page	Anita M. Casey	4.25	S-O
Page	Brenna C. Conway	4.25	S-O
Page	Erica A. Hartanowicz	4.25	S-O
Page	Maria J. Jebens	4.25	S-O
Page	Julie A. Kelderman	4.25	S-O
Page	Jon W. King	4.25	S-O
Page	Heather M. Lucas	4.25	S-O
Page	Julie R. Moser	4.25	S-O
Page	Heather A. Neessen	4.25	S-O
Page	David A. Nelson, Jr.	4.25	S-O
Page	Jill M. Ness	4.25	S-O
Page	Leandra S. Oldaker	4.25	S-O
Page	Kimberly K. Pearsall	4.25	S-O
Page	Stephanie A. Sheil	4.25	S-O
Page	Kelli L. Steggall	4.25	S-O
Page	Stacy A. Van Gorp	4.25	S-O

GROUP II

Page	Douglas M. Anderson	4.25	S-O
Page	Natalie C. Boelter	4.25	S-O
Page	Nichole L. Coons	4.25	S-O
Page	Suzanne T. Elsbecker	4.25	S-O
Page	Courtney E. Lohrer	4.25	S-O
Page	Sarah J. Luallin	4.25	S-O
Page	Natalie J. Martin	4.25	S-O
Page	Jennifer Sue Muhlbauer	4.25	S-O
Page	Darin A. Neugent	4.25	S-O
Page	April J. O'Tool	4.25	S-O
Page	Jessica Reis	4.25	S-O
Page	Kimberly L. Schwarz	4.25	S-O
Page	Craig L. Stauffer	4.25	S-O
Page	Sara M. Taylor	4.25	S-O
Page	Jodi E. Tompkins	4.25	S-O
Page	Amy L. Yoder	4.25	S-O

Grade
and
Step

Legislative Secretary	Mary Alice Amerman	16-1	S-O
Legislative Secretary	Norma L. Bakros	16-3 + 2	S-O
Legislative Secretary	Brock S. Banks	16-1	S-O
Legislative Secretary	Brent A. Bauerly	15-2	S-O
Legislative Secretary	Barbara P. Bennett	16-2	S-O
Legislative Committee Secretary	John E. Beumler	17-1	S-O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Legislative Committee Secretary	Stewart R. Black	17-2	S-O
Legislative Secretary	Grace R. Branstad	16-2 + 2	S-O
Legislative Secretary	Joan K. Brauer	16-3	S-O
Legislative Secretary	Monique F. Brown	16-1	S-O
Legislative Secretary	Susan C. Bruckshaw	16-3	S-O
Legislative Secretary	Doris M. Burford	15-3 + 2	S-O
Legislative Secretary	Gretchen Cardamon	16-3 + 2	S-O
Legislative Committee Secretary	R. Jeannene Cochran	17-6 + 2	S-O
Legislative Secretary	Phyllis R. Cowles	15-6 + 2	S-O
Legislative Secretary	Jo Ann Critelli	16-3 + 2	S-O
Legislative Secretary	Deborah L. Crowley	16-2	S-O
Legislative Secretary	Ruth A. Daggett	16-3 + 2	S-O
Legislative Committee Secretary	Christine C. Davis	17-2	S-O
Legislative Secretary	Clarretta J. De Groot	16-3 + 2	S-O
Legislative Committee Secretary	Betty J. Dunn	17-5 + 2	S-O
Legislative Secretary	Mark Alan Edge	16-1	S-O
Legislative Secretary	Joan R. Eggen	16-5 + 2	S-O
Legislative Committee Secretary	David L. Epley	17-2	S-O
Legislative Secretary	Janis A. Evans	16-1	S-O
Legislative Secretary	John A. Fleming	16-1	S-O
Legislative Secretary	M. Rosalie Flesher	16-3 + 2	S-O
Legislative Secretary	Gertrude E. Fogarty	16-3	S-O
Secretary to Speaker	Carolyn J. Gaukel	19-2 + 2	S-O
Legislative Committee Secretary	L. Thomas Gaukel	17-1	S-O
Legislative Committee Secretary	Audrey J. Gibson	17-4 + 2	S-O
Legislative Committee Secretary	Jean I. Goudy	17-3	S-O
Legislative Secretary	Lisa M. Hannon	18-1	S-O
Legislative Secretary	Anne M. Hansen	16-2	S-O
Legislative Secretary	Joan M. Hansen	16-3 + 2	S-O
Legislative Secretary	Darlene J. Higginbottom	18-3 + 2	S-O
Legislative Secretary	Betty J. Hirschauer	16-3 + 2	S-O
Legislative Secretary	Dolores M. Horton	15-3	S-O
Secretary to Leader	Rita J. Hosier	19-2	P-FT
Legislative Secretary	Jeanine L. Iverson	15-1	S-O
Legislative Secretary	Kay D. Iverson	17-2	S-O
Legislative Secretary	Susan K. Jennings	18-2 + 2	S-O
Legislative Committee Secretary	Mark J. Jesse	17-1	S-O
Legislative Secretary	Verana J. Johnson	15-1	S-O
Legislative Secretary	James D. Jorgensen	15-1	S-O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>
Legislative Secretary	Barbara G. Kalbach	16-2	S-0
Legislative Secretary	Heather E. Kelly	15-1	S-0
Legislative Secretary	William L. Kerns	16-1	S-0
Legislative Secretary	Dorothy E. Kistler	16-1	S-0
Legislative Secretary	Janice L. Knapp	16-2	S-0
Legislative Committee Secretary	Joan M. Koenigs	17-3 + 2	S-0
Legislative Committee Secretary	Betty J. LaCava	17-2 + 2	S-0
Legislative Committee Secretary	Marjorie T. Larson	17-2	S-0
Legislative Secretary	Mary B. Lawless	17-2 + 2	S-0
Legislative Secretary	JoAnn M. Leachman	16-3 + 2	S-0
Legislative Secretary	Prudence A. Leachman	15-3 + 2	S-0
Legislative Secretary	Gay P. Leverich	16-4 + 2	S-0
Legislative Secretary	Kimberly A. Ludtke	15-1	S-0
Legislative Committee Secretary	M. Maxine Mann	17-6 + 2	S-0
Legislative Committee Secretary	Shirley L. Marty	17-2 + 2	S-0
Legislative Secretary	Dolores R. Matson	16-2 + 2	S-0
Legislative Secretary	Mary Ellen Maulsby	15-3 + 2	S-0
Legislative Secretary	Susan A. McGovern	15-1	S-0
Legislative Committee Secretary	Jewell K. Midthun	17-1	S-0
Legislative Secretary	Betty C. Millen	15-5	S-0
Legislative Secretary	Twyla L. Miller	16-2 + 2	S-0
Legislative Secretary	Edith L. Moore	16-2 + 2	S-0
Legislative Committee Secretary	Ellen L. Moran	17-1	S-0
Legislative Secretary	Phyllis Muhlbauer	18-3	S-0
Legislative Committee Secretary	Jean W. Nelson	17-2	S-0
Legislative Secretary	Barbara S. Petersen	16-1	S-0
Legislative Secretary	Kathleen L. Peterson	16-4 + 2	S-0
Legislative Secretary	Julie K. Pierce	16-2	S-0
Legislative Secretary	Naomi L. Poncy	16-3 + 2	S-0
Legislative Secretary	Susan L. Priest	18-1	S-0
Legislative Committee Secretary	Joann B. Quade	18-3	S-0
Legislative Committee Secretary	Catharine A. Raffensperger	18-2	S-0
Legislative Secretary	Carolyn J. Ramsay	15-2 + 2	S-0
Legislative Committee Secretary	Donald A. Ray	17-1	S-0
Legislative Secretary	Mary A. Rhoads	17-3 + 2	S-0
Legislative Secretary	Martha G. Ricklefs	16-2	S-0

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Legislative Committee Secretary	Sharon R. Robinson	17-6	S-O
Legislative Secretary	Cleo C. Royer	16-3	S-O
Legislative Secretary	LaVena M. Rucker	16-6 + 2	S-O
Legislative Secretary	Linda R. Santi	16-1	S-O
Legislative Secretary	Wilma R. Scieszinski	16-2	S-O
Legislative Secretary	Matthew R. Scott	16-1	S-O
Legislative Secretary	Jeffrey S. Sharp	16-1	S-O
Legislative Committee Secretary	Patricia Ann Shearer	17-1	S-O
Legislative Secretary	Vinita J. Smith	15-1	S-O
Legislative Secretary	Christina L. Sterling	17-1	S-O
Legislative Committee Secretary	Debbie A. Stevens	17-1	S-O
Legislative Secretary	Mildred E. Stewart	15-6 + 2	S-O
Legislative Secretary	Jo Ann Thomas	16-2 + 2	S-O
Secretary to Leader	Luella R. Van Maanen	19-3 + 2	S-O
Legislative Committee Secretary	Margaret M. Vernon	17-1	S-O
Legislative Committee Secretary	Jane M. Wallerstedt	17-3 + 2	S-O
Legislative Secretary	Barbara B. Wennerstrum	16-4 + 2	S-O
Legislative Secretary	Bettie J. Wentz	16-5 + 2	S-O
Legislative Secretary	Twyla J. Woodward	15-1	S-O

SHEARER of Louisa, Chair

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 1, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Administrative Assistant to Leader I	Bruce G. Brandt	27-5 to	P-FT	02/01/91
Administrative Assistant to Leader II	Bruce G. Brandt	30-4		
Journal Editor	Vivian M. Anders	24-5 to 24-6	P-FT	01/18/91

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Journal Editor	Carol S. Edwards	24-5 to 24-6	P-FT	01/18/91
Finance Officer I	Debra K. Rex	24-5 to 24-6	P-FT	01/18/91
Senior Finance Officer	Billie Jean Walling	31-5 to 31-6	P-FT	01/18/91
Indexer	Wilma F. Zika	21-5 to 21-6	P-FT	01/18/91
Bill Clerk	Faith B. Fenton	13-1 to 13-2	S-O	03/15/91
Assistant Bill Clerk	Marie A. Kirby	12-1 to 12-2	S-O	03/29/91
Assistant Sergeant- at-Arms	Marvin Hollingshead	14-2 to 14-3	S-O	01/14/91
Doorkeeper	Dwight H. Dugan	11-2 to 11-3	S-O	04/26/91
Doorkeeper	Alfred H. Edwards	11-2 to 11-3	S-O	04/26/91
Legislative Secretary	Mary Alice Amerman	16-1 to 16-2	S-O	04/12/91
Legislative Secretary	Norma L. Bakros	16-3 + 2 to 16-4 + 2	S-O	03/15/91
Legislative Secretary	Brock S. Banks	16-1 to 16-2	S-O	04/12/91
Legislative Secretary	Barbara P. Bennett	16-2 to 16-3	S-O	03/15/91
Legislative Committee Secretary	John E. Beumler	17-1 to 17-2	S-O	03/15/91
Legislative Secretary	Grace R. Branstad	16-2 + 2 to 16-3 + 2	S-O	04/26/91
Legislative Secretary	Susan C. Bruckshaw	16-3 to 16-4	S-O	03/29/91
Legislative Secretary	Gretchen Cardamon	16-3 + 2 to 16-4 + 2	S-O	03/15/91
Legislative Secretary	Ruth A. Daggett	16-3 + 2 to 16-4 + 2	S-O	03/15/91
Legislative Secretary	Clarretta J. De Groot	16-3 + 2 to 16-4 + 2	S-O	03/15/91
Secretary to Speaker	Carolyn J. Gaukel	19-2 + 2 to 19-3 + 2	S-O	03/01/91
Legislative Committee Secretary	Audrey Gibson	17-4 + 2 to 17-5 + 2	S-O	03/01/91
Legislative Secretary	Lisa M. Hannon	18-1 to 18-2	S-O	04/12/91
Legislative Secretary	Joan M. Hansen	16-3 + 2 to 16-4 + 2	S-O	04/25/91
Legislative Secretary	Darlene J. Higginbottom	18-3 + 2 to 18-4 + 2	S-O	02/15/91

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Betty J. Hirschauer	16-3 + 2 to 16-4 + 2	S-O	02/01/91
Legislative Secretary	Dolores M. Horton	15-3 to 15-4	S-O	03/15/91
Legislative Secretary	Kay D. Iverson	17-2 to 17-3	S-O	03/09/91
Legislative Secretary	Janice L. Knapp	16-2 to 16-3	S-O	03/15/91
Legislative Committee Secretary	Betty J. LaCava	17-2 + 2 to 17-3 + 2	S-O	03/15/91
Legislative Committee Secretary	Mary B. Lawless	17-2 + 2 to 17-3 + 2	S-O	03/15/91
Legislative Committee Secretary	Shirley L. Marty	17-2 + 2 to 17-3 + 2	S-O	03/01/91
Legislative Secretary	Dolores R. Matson	16-2 + 2 to 16-3 + 2	S-O	04/26/91
Legislative Committee Secretary	Jewell K. Midthun	17-1 to 17-2	S-O	04/12/91
Legislative Secretary	Betty C. Millen	15-5 to 15-6	S-O	03/01/91
Legislative Secretary	Twyla L. Miller	16-2 + 2 to 16-3 + 2	S-O	05/10/91
Legislative Secretary	Edith L. Moore	16-2 + 2 to 16-3 + 2	S-O	04/26/91
Legislative Secretary	Kathleen L. Peterson	16-4 + 2 to 16-5 + 2	S-O	05/10/91
Legislative Secretary	Julie K. Pierce	16-2 to 16-3	S-O	03/15/91
Legislative Secretary	Naomi L. Poncy	16-3 + 2 to 16-4 + 2	S-O	03/15/91
Legislative Secretary	Susan L. Priest	18-1 to 18-2	S-O	04/12/91
Legislative Committee Secretary	Joann B. Quade	18-3 to 18-4	S-O	05/10/91
Legislative Committee Secretary	Donald A. Ray	17-1 to 17-2	S-O	04/12/91
Legislative Secretary	Mary A. Rhoads	17-3 + 2 to 17-4 + 2	S-O	03/15/91
Legislative Committee Secretary	Patricia Ann Shearer	17-1 to 17-2	S-O	04/12/91
Secretary to Leader	Luella R. Van Maanen	19-3 + 2 to 19-4 + 2	S-O	02/01/91
Legislative Committee Secretary	Margaret M. Vernon	17-1 to 17-2	S-O	03/29/91
Legislative Secretary	Barbara B. Wennerstrum	16-4 + 2 to 16-5 + 2	S-O	03/15/91

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Bettie J. Wentz	16-5 + 2 to 16-6 + 2	S-O	03/29/91
Legislative Secretary	Twyla J. Woodward	15-1 to 15-2	S-O	04/12/91

SHEARER of Louisa, Chair

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 9 Human Resources

Relating to the income eligibility level for the payment of indigent obstetrical and newborn care costs.

H.S.B. 10 Human Resources

Relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances.

H.S.B. 11 State Government

Relating to the vendor appeal process of the department of general services.

H.S.B. 12 Judiciary and Law Enforcement

Relating to possession of a device for stimulating or depressing a horse or dog during a race, distribution of controlled substances, and arson, and providing for or increasing penalties.

H.S.B. 13 Transportation

Relating to vehicle registration renewals and nonpayment of certain fines and charges.

H.S.B. 14 State Government

Relating to the purchase of works of fine art for state buildings.

H.S.B. 15 Small Business, Economic Development and Trade

Relating to the Iowa community cultural grants program.

H.S.B. 16 Small Business, Economic Development and Trade

Making nonsubstantive changes in the Iowa small business new jobs training Act.

H.S.B. 17 Local Government

Relating to requiring county recorders to submit monthly reports of trade name statements or certificates of change filed during the preceding month.

SUBCOMMITTEE ASSIGNMENTS**House File 4**

Local Government: Bernau, Chair; Connors and Hanson of Black Hawk.

House File 6

Local Government: Spear, Chair; Black, Eddie, Hahn and Muhlbauer.

House File 10

Local Government: Cohoon, Chair; Baker and Metcalf.

House File 38

Small Business, Economic Development and Trade: Jesse, Chair; Johnson and Nielsen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 15**

Small Business, Economic Development and Trade: Burke, Chair; Branstad and Haverland.

House Study Bill 16

Small Business, Economic Development and Trade: Dickinson, Chair; Banks and Gill.

On motion by McKinney of Dallas, the House adjourned at 1:28 p.m., until 8:30 a.m., Friday, January 18, 1991 at Veterans Memorial Auditorium.

JOURNAL OF THE HOUSE

Fifth Calendar Day – Fifth Session Day

South Gaskell Room
Veterans Memorial Auditorium
Des Moines, Iowa, Friday, January 18, 1991

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

Prayer was offered by the Honorable John Connors, Speaker pro tempore and state representative from Polk County.

The Journal of Thursday, January 17, 1991 was approved.

COMMITTEE TO NOTIFY THE SENATE

Fogarty of Palo Alto 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 Fogarty of Palo Alto, Schrader of Marion and Grubbs of Scott.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

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

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

JOINT CONVENTION

The joint convention reconvened at the auditorium, South Gaskell Room at 8:47 a.m., President Welsh presiding.

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

President Welsh declared a majority of the General Assembly present at the joint convention.

The report of the canvass of the vote was read by the Secretary of the joint convention as follows:

MR. PRESIDENT AND GENTLEMEN AND LADIES OF THE JOINT CONVENTION:

Your tellers, appointed by the President of the Senate and the Speaker of the House of Representatives to canvass the vote cast for candidates for Governor and Lieutenant Governor at the election held November 6, 1990, beg leave to make the following report of the total vote cast for Governor:

Terry E. Branstad	591,852
Donald D. Avenson	379,372
Nan Bailey	4,263
Scattering	996

And the total vote cast for Lieutenant Governor at the election, held November 6, 1990:

Joy Corning	591,852
Jo Ann Zimmerman	379,372
Sandra M. Nelson	4,263
Scattering	839

All of which is most respectfully submitted.

EMIL J. HUSAK
Teller of the Senate
WALLY E. HORN
Assistant Teller
MARGARET N. TINSMAN
Assistant Teller
JOSEPH O'HERN
Secretary of the Joint Convention

RODNEY N. HALVORSON
Teller of the House
JOYCE J. NIELSEN
Assistant Teller
CHARLES R. GIPP
Assistant Teller

Senator Husak of Tama moved that the report be adopted.

The motion prevailed and the report was adopted.

President Welsh of the joint convention announced that the Honorable Terry E. Branstad and the Honorable Joy Corning, having received the highest number of votes cast for Governor and Lieutenant Governor at the last general election, were duly elected to the Office of Governor of the State of Iowa and the Office of Lieutenant Governor of the State of Iowa, respectively, for the ensuing term, or until a successor is duly elected and qualified.

The following certificates were signed in the presence of the joint convention:

**CERTIFICATE OF ELECTION
STATE OF IOWA
GENERAL ASSEMBLY
HALL OF THE HOUSE OF REPRESENTATIVES**

GREETING:

This is to certify that upon a canvass in Joint Convention of the two Houses of the Seventy-fourth General Assembly of the State of Iowa, of all the votes cast at the general election held November 6, 1990, for the office of Governor of the State of Iowa, it appeared that Terry E. Branstad received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this Eighteenth day of January, A.D., 1991.

ROBERT C. ARNOULD

Speaker of the House

EMIL J. HUSAK

Teller of the Senate

RODNEY N. HALVORSON

Teller of the House

JOSEPH O'HERN

Chief Clerk of the House and

Secretary of the Joint Convention

JOE J. WELSHPresiding Officer of the
Joint Convention

**CERTIFICATE OF ELECTION
STATE OF IOWA
GENERAL ASSEMBLY
HALL OF THE HOUSE OF REPRESENTATIVES**

GREETING:

This is to certify that upon a canvass in Joint Convention of the two Houses of the Seventy-fourth General Assembly of the State of Iowa, of all the votes cast at the general election held November 6, 1990, for the office of Lieutenant Governor of the State of Iowa, it appeared that Joy Corning received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this Eighteenth day of January, A.D., 1991.

ROBERT C. ARNOULD

Speaker of the House

EMIL J. HUSAK

Teller of the Senate

RODNEY N. HALVORSON

Teller of the House

JOSEPH O'HERN

Chief Clerk of the House and

Secretary of the Joint Convention

JOE J. WELSHPresiding Officer of the
Joint Convention

President Welsh then directed that the abstract of votes and certificates of election be filed with the Secretary of State.

Senator Hutchins of Audubon moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Governor Terry E. Branstad and Lieutenant Governor-elect Joy Corning of the official result of the canvass of votes.

The motion prevailed and the President named as such committee Senators Horn of Linn, Riordan of Dallas and Kersten of Webster, on the part of the Senate, and Representatives Chapman of Linn, Halvorson of Webster and Hahn of Muscatine, on the part of the House.

The Joint Convention stood at ease at 8:48 a.m., until the fall of the gavel.

The Joint Convention reconvened at 9:00 a.m., President Welsh presiding.

REPORT OF COMMITTEE

Senator Horn of Linn from the joint committee appointed to notify Terry E. Branstad and Joy Corning of their election to the office of Governor and Lieutenant Governor of Iowa, respectively, submitted the following report and moved its adoption:

REPORT OF COMMITTEE

MR. PRESIDENT: As a committee appointed at the Joint Convention to notify the Honorable Terry E. Branstad and the Honorable Joy Corning of their election to the office of Governor and Lieutenant Governor, respectively, we beg leave to report that we have performed the duty assigned to us and that they stand ready to assume the duties of the offices to which they were elected.

Respectfully submitted,

KAY CHAPMAN
ROD HALVORSON
JIM HAHN

WALLY E. HORN
JAMES R. RIORDAN
JAMES B. KERSTEN

The motion prevailed and the report was adopted.

The Joint Convention stood at ease and proceeded to the floor of the auditorium for the inauguration of Governor Terry E. Branstad and Lieutenant Governor-elect Joy Corning.

The Joint Convention reconvened at 9:50 a.m., President Welsh presiding.

Musical accompaniment was provided by the Mt. Pleasant Junior/Senior High School Concert Band and the Drake University Chorus and Chamber Orchestra.

The family of Lieutenant Governor-elect Corning was escorted to their seats.

The family of Governor Terry E. Branstad was escorted to their seats.

Members of the 1991 Iowa Inaugural Committee were escorted to their seats.

Chief Justice Arthur A. McGiverin was escorted to the rostrum.

The Legislative Inaugural Committee, consisting of Senators Dieleman of Marion, Lloyd-Jones of Johnson, Priebe of Kossuth, Pate of Linn, Hagerla of Des Moines, and Slife of Black Hawk, on the part of the Senate; and Representatives Carpenter of Polk, Connors of Polk, De Groot of Lyon, Mertz of Kossuth, Petersen of Muscatine, and Poncy of Wapello, on the part of the House, were escorted to the front of the rostrum.

Lieutenant Governor-elect Joy Corning was escorted to the rostrum.

Governor Terry E. Branstad was escorted to the rostrum.

The colors were advanced by the Drake University Reserve Officer Training Corps.

The National Anthem was sung by Jonathan Retzlaff, from Drake University.

The invocation was delivered by The Most Reverend Daniel Kucera, Archbishop of the Dubuque Diocese of the Catholic Church.

The oath of office was administered to Lieutenant Governor-elect Joy Corning by Chief Justice Arthur A. McGiverin, assisted by Carol Hallquist and Claudia Peyton, daughters of Lieutenant Governor-elect Corning.

President Welsh presented Lieutenant Governor Joy Corning.

The "Song of Iowa" and "Lift Every Voice and Sing" were sung by the Children's Chorus of Greater Des Moines.

The oath of office was administered to Governor Terry E. Branstad by Chief Justice Arthur A. McGiverin of the Supreme Court of Iowa, assisted by Mrs. Chris Branstad.

President Welsh presented Governor Terry E. Branstad, who delivered the following inaugural address:

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

First, I want to congratulate our newly inaugurated Lieutenant Governor, the first Lieutenant Governor to be part of the Executive Branch of government. I've enjoyed working with Joy Corning already for several weeks and I'm looking forward to the next four years. Joy, thank you very much.

And now, let me begin my third term as Governor of this state by saying thank you. Thank you to my family and friends who have been there when I needed them the most. Thank you to the workers, the leaders, the dreamers of Iowa who are my inspiration. Yes, thank you even to those who have disagreed with me on occasion over the last eight years. From time to time, I've learned something from you.

Most of all, thank you to the people of Iowa who have entrusted me with the responsibility to be your Governor. With your help and with God's, it's a responsibility I accept. My excitement and enthusiasm for this state are stronger than ever.

I am still full of gratitude and wonderment about a system of government that will allow a poor farm boy from North Iowa to grow up to become governor of this state. It is that enduring gratitude, it is that undying wonderment, that makes me wake up every day proud to be an Iowan, honored to be your Governor.

Iowa, our home, is such a special place; nestled in the Heartland of America; cradled by two of the world's mightiest rivers; covered by the richest soil on this planet and populated by good, caring, peace-loving people.

As the drumbeat of war in the Middle East goes on, we can thank God for our home here in Iowa. But let us never forget the men and women in our state who are serving in the desert sands today, serving our country to preserve our freedoms. The men and women of Operation Desert Storm deserve our support and prayers during these troubled hours. Let us show them we appreciate them. Please join me in giving a hand to those Iowans serving in the Middle East.

Eight years ago, almost to this very day, I took my first oath of office as Governor. I vividly recall that gray, cold January day as the winds howled through this cavernous auditorium. I have often thought that howling, brutal wind of January was a portent of things to come, the devastating farm crisis of the 80's.

On that first Inaugural Day, I promised you that I would make economic development and jobs my top priority and I did. We fought against the ravages of the farm crisis and we planted seeds for economic growth. We improved our state's ability to compete for jobs and opportunities. We energized community after community across this state and our efforts are now bearing fruit.

Today, there are more Iowans working than at any previous time in our history. Today, Iowa's small business growth rate is better than 48 other states. Today, Iowa has one of the top ten economic development programs in the nation.

Four years ago, I stood before you again on a gray January day and talked about one subject, education. I promised to make Iowa a national leader in education and to focus our resources on giving every child in Iowa an opportunity to be the best that they can be.

Today, Iowa's young people rank number one in the college entrance exams. Today, Iowa's high school graduation rate is increasing, with almost 9 out of every 10 Iowa students getting a diploma. Today, Iowans' basic skills test scores are at an all time high.

Now, on this eighteenth day of January in the year 1991, I stand before you on a much warmer January day and I tell you Iowa is poised for growth. My goal is to make the decade of the 90's Iowa's growth decade — a time when our population grows, not shrinks; a time when children come back to Iowa, not move away; a time when Iowa achieves a bright future.

Well, how do we get there? My old football coach always used to preach about the fundamentals. Blocking, tackling and team work were the key to winning. Well, there's no difference with economic success. We must concentrate on our fundamentals — we must build on our strengths.

The economic fundamentals are with us. Interest rates are coming down, the dollar's value is low and the price of cattle is high. Those are darn good signs for Iowa's economy. There are other fundamentals, fundamentals that we can control, fundamentals that also bode well for Iowa's future.

Iowa's literacy rate and our extraordinary education system; our work ethic and high productivity; our business climate and strength in agriculture, and our low crime rate all add up to a state that has the fundamentals for success in the 90's.

Our challenge in Iowa is to use those strengths and build a prosperous future. We can be architects of change.

Jon Margolis of the Chicago Tribune wrote a column last fall about Iowa, and he said:

"Iowa is a superior culture, producing men and women of grit and intelligence."

He could well be describing George Buehite of Calmar. George owned an egg processing business. Like Iowa's economy, his business took a severe downturn and by the mid-80's, George lost the business. Those were trying times for the Buehite family, but, at age 57, George went back to school at Northeast Iowa Technical Institute to learn a new occupation. Today, he is back in business, running a successful heating and cooling company in Winneshiek County.

Like George Buehite, many Iowans have overcome adversity. They are infusing a new vigor and vitality into communities across this state and we are creating a state that can compete with the best of them.

Our vision for Iowa embraces our uniqueness, as a state and as a people. We are a state uniquely positioned for the future.

The future is world class education, and Iowa will be there.

The future is a global economy, and Iowa will be there.

The future is a healthy environment, and Iowa will be there.

The future is solid family values, and Iowa will be there.

The future is a safe place to live, and we'll be there.

In Iowa, the future is ours, if we work together every day to make this state better.

The nation's best education system is not good enough for us. We must do even better. We must provide a world class education for our children. We can do that if we continue our commitment of four years ago to reward performance in our schools. We should also fulfill our commitment to raise teacher salaries to the national average and boost the minimum salary to help attract the best and the brightest to the teaching profession. At the same time, we must expect more of our teachers, as well as our students.

A fiber optic educational network linking all Iowa schools can help build this world class education system. We should give schools the option of performance based accreditation and we should provide for a world class recognition program.

In higher education, we have made great strides toward our goals. Our universities and colleges are stronger than ever. We need to maintain that strength and build on it. And we must use it to drive our economic development.

Indeed, over the next four years we must fully integrate our strength in education and our strength in economic development. No building block of economic growth is more important than people — well-educated, hard working people. And that's what our education system is producing. Now we must also use that system to help us make sure there are good jobs waiting for those graduates here in Iowa.

To do that, we will establish a technology magnet program. Its goal: Attract at least one new technology-based company to our research parks each year. Its method: Focus on our key areas of strength in our research universities with a targeted marketing and financial assistance program. Its result: Well-paying jobs for Iowans in growth industries.

Let me tell you how it can work. The University of Iowa is an acknowledged leader in biocatalysis and bioprocessing research. You say, "What does it mean in common terms?" It means that we can make new products using enzymes from corn and soybeans instead of petroleum. The result is the ability to make new drugs to combat heart attacks, cancer, and to treat arthritis. In fact, some of the work of the so-called "Biocat" team can drastically reduce the cost of producing ethanol, making it more competitive with oil and helping Iowa's agriculture economy.

We have similar capabilities in medical diagnostics and therapeutic systems at the University of Iowa and materials research and agricultural biotechnology at Iowa State University.

We need to identify companies who are interested in marketing these kinds of products and convince them to locate here in Iowa. To meet our goals will require an extraordinary effort and cooperation by state government and the research and business communities of this state. I think it can be done and I won't rest until it is.

Our economic growth plan must also include:

- A job bank to help former Iowans find jobs back here in Iowa.
- Maintaining a competitive business climate and marketing programs that are putting Iowa on the map.
- Empowering local communities through an economic development voucher plan.
- Streamlining our economic development programs to make them easier for communities, businesses and workers to use.

These are times of great international unrest, we should not forget our place in the world community. In the years ahead, Iowa's markets for goods and services will be the world. We have already opened markets abroad for Iowa commodities. Today Iowa companies are selling products overseas at a greater rate than ever before. International trends favor Iowa and the possibilities for our state in the global market place are vast. Iowa's unique capabilities in agricultural technology and food processing can help us find new markets in Eastern Europe, in Southeast Asia and in Latin America.

Last month we announced "Our Common Ground," a program to provide immediate food and medical assistance in the Soviet Union and a longer term program to help with agriculture and food processing there. Iowans have already contributed nearly \$100,000 to provide food and medical care for the elderly, orphans and those in need. We can forge a mutually beneficial relationship between Iowa and the Soviets for additional long term trade. To foster that development, we are encouraging business investment, joint ventures and farmer exchanges.

Our international initiatives can be strengthened if we bring all the key Iowa groups that are involved with foreign nations together under one umbrella. The Iowa Peace Institute and the Iowa Sister State Committee have already agreed to work together with the International Division of the Department of Economic Development in a unified effort to ensure Iowa's place in the global economy.

No one is more sensitive to the impact of the international market and swings in that market than Iowa farmers. Our farmers face great challenges due to the changes that have taken place in federal farm policy and the recent breakdown in the Gatt negotiations.

But, here at home, we can help strengthen Iowa agriculture by investing in agricultural research and providing incentives for the construction of new livestock facilities. If we can increase Iowa's share of livestock production in this country by just 1 percent over the next four years, we will add 20,000 new jobs in this state.

Today, the air hangs heavy with the gravity of war. Our thoughts cannot help but return to the spectre of death and destruction. We are both fearful and hopeful; worried and wondering; perplexed and prayerful. But through these heavy mists of war emerges a clearer vision of Iowa and what it means.

I can't remember a time when the serenity and the stability of our life in Iowa stood out in such sharp contrast. I can't remember a time when we could so clearly see the importance of family and community. I can't remember a time when we could so strongly sense the joy of living in harmony with the land.

This is Iowa, a special place, our home. Let's be proud of it; let's tell the world about it; let's help it grow.

One thing that I've learned in this job is that much of success is a matter of attitude. If you think you can win, by gosh, you can probably win. That's the attitude we need to infuse in Iowans all across this state.

We are winners, the naysayers are wrong. Iowa is not chained to the past. We can and we will grow. Because we have the will, the stability, the education, the communities, and the family life that the rest of the world is looking for.

The second thing I have learned in this job is the need to set goals. Now, I know that some people thought I was crazy when, in the depths of the farm crisis, I set a goal of creating 180,000 new jobs. We not only did it, we exceeded it.

My goal today is to set this state on a course for growth — growth in people, growth in family incomes. We must break a century-long pattern of outmigration, and we can and we will.

For my part, I will work every day to help make this state grow. I'll leave no stone unturned in my search for new ways to get that job done. But I can't do it alone. You've helped me to reach our goals over the past eight years and I need your help again. We need Iowans in every community, from all walks of life, of every race, creed and national origin to join in a mission of growth, to join a community development group, to help recruit a new business to your town, to tell others about the quality of life in Iowa.

Together we can succeed. Together we will set this state on a course of continued growth. Together our vision of growth will build a bright future for Iowa, and for our children and our children's children.

Thank you and God bless you all.

The benediction was offered by The Reverend Cathy Young of Waterloo, Iowa.

Governor Terry E. Branstad and Lieutenant Governor Joy Corning were escorted from the rostrum.

McKinney of Dallas moved that the Joint Convention be now dissolved, at 10:45 a.m., which motion prevailed.

The House reconvened at 10:46 a.m., Speaker Arnould in the chair.

McKinney of Dallas moved that the House adjourn at 10:46 a.m., until 10:00 a.m., Monday, January 21, 1991, which motion prevailed.

AMENDMENT FILED

H—3008

S.C.R.

2

Jesse of Jasper

On previous motion by McKinney of Dallas, the House adjourned at 10:46 a.m., until 10:00 a.m., Monday, January 21, 1991.

JOURNAL OF THE HOUSE

Eighth Calendar Day — Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 21, 1991

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

Prayer was offered by the Honorable Arthur Ollie, state representative from Clinton County.

The Journal of Friday, January 18, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper, for an indefinite period, on request of Brown of Lucas.

INTRODUCTION OF BILLS

House File 44, by Osterberg, a bill for an act relating to infectious waste incinerators by extending the moratorium on construction and operation and establishing a pilot project.

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

House File 45, by Tyrrell, a bill for an act to provide that payment of fees associated with a state audit of a school district, which are performed by the auditor of the state, be paid from funds available in the office of auditor of state.

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

House File 46, by Pavich, a bill for an act relating to the appointment of regional library board trustees.

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

House File 47, by Diemer, a bill for an act relating to the applicability of certain rules of civil procedure to contested case proceedings under chapter 17A.

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

House File 48, by Tyrrell, a bill for an act relating to filling school board member vacancies by appointment.

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

House File 49, by Murphy, a bill for an act to require a business, as a condition of the receipt of state financial assistance, in the form of grants or forgivable loans, for economic development purposes to provide hospitalization coverage for its employees and a minimum wage per hour.

Read first time and referred to committee on **small business, economic development, and trade**.

House File 50, by Diemer and Hanson of Black Hawk, a bill for an act allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board.

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

House File 51, by Chapman, a bill for an act relating to the applicability to garnishments of the sheriff's duty to levy.

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

House File 52, by Chapman, a bill for an act relating to sheriffs' fees in garnishment proceedings.

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

House File 53, by Spear, a bill for an act relating to the purchase of gasoline at self-service prices by certain disabled persons and making existing penalties applicable.

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

House File 54, by Tyrrell, a bill for an act to permit school superintendents to also serve as school principals, provided that the individual possesses the appropriate license.

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

House File 55, by Metcalf, Kistler, Johnson, Eddie, Shoning, Hester, Tyrrell, Branstad, Millage, Miller, Kremer, Bennett, Gipp, McNeal, Diemer, Petersen of Muscatine, Hahn and Harbor, a bill for an act to disqualify for unemployment compensation purposes persons whose employment is seasonal.

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

House File 56, by Osterberg, a bill for an act relating to the loss of pay while on military leave of absence.

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

House File 57, by Metcalf, Kistler, Johnson, Eddie, Tyrrell, Kremer, Hester, Millage, Miller, Gipp, Hanson of Black Hawk, Iverson, Diemer, Petersen of Muscatine, Rafferty, Grubbs, Hahn and Harbor, a bill for an act establishing a one-week waiting period prior to the receipt of unemployment compensation benefits.

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

House File 58, by Hibbard, a bill for an act relating to cemetery markers for veterans.

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

On motion by McKinney of Dallas, the House was recessed at 10:27 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, January 17, 1991. Had I been present, I would have voted "aye" on Senate Concurrent Resolution 1 and Senate Joint Resolution 1.

OLLIE of Clinton

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF COMMERCE

The annual report of the Alcoholic Beverages Division ending June 30, 1990, pursuant to Chapter 123.55, Code of Iowa.

Iowa Utilities Board

The annual report on the status of utility customer contribution funds, pursuant to Chapter 476.66(6), Code of Iowa.

DEPARTMENT OF CORRECTIONS

A report of the Task Force on a Youthful Offenders Program, pursuant to Chapter 1239.23(2), 1990 Acts of the Seventy-third General Assembly.

The annual report, pursuant to Chapter 246.115, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

The interim progress report of the Entrepreneurship Task Force, pursuant to Chapter 1231.1(15), 1990 Acts of the Seventy-third General Assembly.

A report relating to the agricultural product related marketing programs, pursuant to Chapter 308.1(7), 1989 Acts of the Seventy-third General Assembly.

A report on an evaluation of Iowa Welcome Centers, pursuant to Chapter 1262, 1990 Acts of the Seventy-third General Assembly.

DEPARTMENT OF MANAGEMENT

A statement of standing appropriations for the fiscal year ending June 30, 1990, pursuant to Chapter 8.6(2), Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

A report providing results of the infectious waste inventory, an update on federal activity, and commentary on other infectious waste management issues, pursuant to Chapter 245.1(2)(b), 1989 Acts of the Seventy-third General Assembly.

DEPARTMENT OF PUBLIC SAFETY

A report of the financial plan of the Peace Officer's Retirement, Accident and Disability System, pursuant to Chapter 1240.11(c), 1990 Acts of the Seventy-third General Assembly.

INTERNATIONAL NETWORK ON TRADE, INC.

The annual report pursuant to Chapter 18B.10, Code of Iowa.

IOWA COMMISSION ON THE STATUS OF WOMEN

A report on priorities for 1991, pursuant to Chapter 601K.60, Code of Iowa.

IOWA HEALTH DATA COMMISSION

The annual report pursuant to Chapter 145.6, Code of Iowa.

PRESERVES ADVISORY BOARD

The 1989-1990 Biennial Report pursuant to Chapter 111B.8(11), Code of Iowa.

PSEUDORABIES ADVISORY COMMITTEE

The 1991 Report, pursuant to Chapter 280.3(3), 1989 Acts of the Seventy-third General Assembly.

PUBLIC EMPLOYMENT RELATIONS BOARD

The annual report for fiscal year 1990, pursuant to Chapter 20.6, Code of Iowa.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 18 Agriculture**

Relating to cost-sharing funds dedicated to support permanent soil and water conservation practices.

H.S.B. 19 Agriculture

Regulating the commercial production, processing, and distribution of water products, and providing penalties.

H.S.B. 20 Agriculture

Amending the pesticide Act of Iowa, by providing for the establishment and assessment of civil penalties.

H.S.B. 21 Education

To establish an advanced placement summer program and making an appropriation.

H.S.B. 22 Education

Relating to compulsory attendance and truancy of students who have reached the age of six and are less than sixteen years old, providing for mediation of truancy issues, and providing penalties.

H.S.B. 23 Energy and Environmental Protection

Relating to the disposal of solid waste and providing penalties.

H.S.B. 24 State Government

Relating to boxing and wrestling laws administered by the athletic commissioner.

SUBCOMMITTEE ASSIGNMENTS**House File 7**

Human Resources: Hammond, Chair; Hester and Nielsen.

House File 14

Human Resources: Murphy, Chair; Bartz and Neuhauser.

House File 19

Human Resources: Hammond, Chair; Hester and Nielsen.

House File 20

Commerce: Chapman, Chair; Bisignano and Metcalf.

House File 23

Human Resources: Murphy, Chair; Bartz and Neuhauser.

House File 30

Commerce: Sherzan, Chair; Gill and Renken.

House File 34

Human Resources: Teaford, Chair; Burke and Grubbs.

House File 44

Energy and Environmental Protection: Jesse, Chair; Dvorsky, Grubbs, Shearer and Siegrist.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 6**

Commerce: Halvorson of Webster, Chair; Baker and Kremer.

House Study Bill 9

Human Resources: Spenner, Chair; Svoboda and Wissing.

House Study Bill 10

Human Resources: Osterberg, Chair; Carpenter, Krebsbach, Mertz and Svoboda.

House Study Bill 17

Local Government: Baker, Chair; Iverson and Mertz.

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

- | | |
|--------|---|
| 1991-1 | The Black Ministerial Alliance Association of Des Moines — The birthday of Reverend Dr. Martin Luther King, Jr., January 15, be commemorated. |
| 1991-2 | Michael Fredrick Fraizer, Thompson — Received the Boy Scouts of America Eagle Scout Award. |
| 1991-3 | The Mt. Pleasant Community Senior and Junior High Bands, Mt. Pleasant — For performing at the 1991 Inaugural Ceremony for the Honorable Governor Terry E. Branstad. |

RESOLUTIONS FILED

HR 4, by Ollie and Brand, a resolution encouraging the federal government to establish a program for the sharing of child abuse registry information among the states.

Laid over under **Rule 25**.

HR 5, by Wissing, a resolution recommending the issuance of a commemorative stamp for the 100th anniversary of the chiropractic profession.

Laid over under **Rule 25**.

AMENDMENT FILED

H-3009

S.C.R. 2

Lageschulte of Bremer
Van Maanen of Mahaska
Harbor of Mills

On motion by McKinney of Dallas, the House adjourned at 3:12 p.m., until 9:00 a.m., Tuesday, January 22, 1991.

JOURNAL OF THE HOUSE

Ninth Calendar Day — Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 22, 1991

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

Prayer was offered by the Honorable Dorothy Carpenter, state representative from Polk County.

The Journal of Monday, January 21, 1991 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 3, by Adams, a joint resolution which proposes an amendment to the Constitution of the State of Iowa to increase the term of office for a member of the House of Representatives to four years.

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

House File 59, by Metcalf, Kistler, Johnson, Eddie, Hester, Tyrrell, Kremer, Branstad, Diemer, Rafferty, Hahn and Harbor, a bill for an act relating to the determination of maximum unemployment compensation benefits.

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

House File 60, by Metcalf, Kistler, Johnson, Eddie, Tyrrell, Hester, Millage, Branstad, Maulsby, Iverson, Diemer, Rafferty, Hahn and Harbor, a bill for an act relating to the definition of suitable work for purposes of qualifying for unemployment compensation benefits.

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

House File 61, by Hibbard, a bill for an act relating to the designation of polling places for school elections.

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

House File 62, by Metcalf, Kistler, Johnson, Eddie, Hester, Shoning, Tyrrell, Branstad, Maulsby, Iverson, Diemer and Hahn, a bill for an act relating to the attachment-to-the-work-force requirements under the unemployment compensation law.

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

House File 63, by Metcalf, Kistler, Johnson, Eddie, Tyrrell, Shoning, Branstad, Millage, Miller, Kremer, Bennett, Gipp, Diemer, Grubbs, Rafferty and Hahn, a bill for an act relating to the definition of the term "misconduct" for purposes of disqualification for unemployment compensation benefits.

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

House File 64, by Daggett, Halvorson of Clayton, Harbor, Kistler, Miller and Renken, a bill for an act relating to petroleum underground storage tanks and remedial account benefits, cost recovery enforcement, and loan maturity dates.

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

House File 65, by Metcalf, Kistler, Johnson, Eddie, Hester, Shoning, Tyrrell, Millage, Miller, Kremer, Bennett, Gipp, Diemer, Rafferty, Hahn and Harbor, a bill for an act relating to the definition of taxable wages for purposes of the unemployment compensation law.

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

House File 66, by Harbor, Pavich, De Groot, Fogarty, Branstad, Beaman, Tyrrell, Shearer, Cohoon, Jay, Muhlbauer, Van Maanen, Maulsby, Iverson, Eddie, Miller, Petersen of Muscatine, Gruhn, Siegrist, Metcalf, Johnson, Hanson of Black Hawk, McNeal, Gipp, Kistler, Kremer, Garman, Hester, Weidman, Royer, Halvorson of Clayton, Lundby, Hahn and Spenner, a bill for an act relating to certification and registration of groundwater professionals and making a civil penalty applicable.

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

House File 67, by Metcalf, Hester, Shoning, Krebsbach, Tyrrell, Millage, Kremer, Branstad, Hanson of Black Hawk, Diemer and Hahn, a bill for an act making a person who participates in, finances, or is directly interested in a labor dispute ineligible for certain welfare benefits.

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

House File 68, by Spear, Spenner and Shearer, a bill for an act expanding the membership of county resource enhancement committees.

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

House File 69, by Metcalf, Kistler, Johnson, Eddie, Hester, Shoning, Millage, Tyrrell, Kremer, Branstad, Maulsby, Iverson, Diemer, Rafferty, Hahn and Harbor, a bill for an act determining the duration of unemployment compensation benefits in relation to an employer going out of business.

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

House File 70, by Harbor, Pavich, De Groot, Fogarty, Branstad, Beaman, Tyrrell, Shearer, Cohoon, Jay, Muhlbauer, Van Maanen, Maulsby, Iverson, Eddie, Miller, Petersen of Muscatine, Bennett, Gruhn, Siegrist, Metcalf, Johnson, Grubbs, Hanson of Black Hawk, McNeal, Gipp, Kistler, Kremer, Garman, Hester, Weidman, Royer, Halvorson of Clayton, Lundby, Hahn and Spenner, a bill for an act extending remedial account coverage for petroleum underground storage tank owners and operators.

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

House File 71, by Svoboda, Daggett and McNeal, a bill for an act relating to supplementary weighting added under certain sharing agreements, including those pupils who would be added by application of the plan during the 1990-1991 school year.

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

House File 72, by Hammond, a bill for an act relating to the certificate of need program and providing penalties.

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

House File 73, by Royer, a bill for an act relating to the definition of vacancy in office for elected county officers.

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

House File 74, by Daggett, a bill for an act relating to a study on prohibiting the future use of landfills.

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

House File 75, by Halvorson of Clayton, a bill for an act relating to claims for punitive or exemplary damages, providing penalties, and providing for the applicability of the Act.

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

House File 76, by Daggett, Harbor, Halvorson of Clayton, Royer, Beaman and Gipp, a bill for an act relating to waiver of copayment remedial account benefits for petroleum underground storage tank operators or owners.

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

On motion by McKinney of Dallas, the House was recessed at 9:09 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

The House stood at ease at 3:05 p.m., until the fall of the gavel.

The House resumed session at 4:29 p.m., Speaker Arnould in the chair.

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

The 1992-2001 Ten Year Building Program, pursuant to Chapter 262A.3, Code of Iowa.

The fiscal year 1992 and 1993 Budget Requests and Report for the Biennium, pursuant to Chapter 262.26, Code of Iowa.

DEPARTMENT OF EDUCATION

A report on the Evaluation of the Phase III Programs, Fiscal Year '90, pursuant to Chapter 319, 1989 Acts of the Seventy-third General Assembly.

DEPARTMENT OF HUMAN SERVICES

The "Final Report for the Federal Demonstration Project, Iowa Health Care Access Program", pursuant to Chapter 1270.29(6), 1990 Acts of the Seventy-third General Assembly.

DEPARTMENT OF JUSTICE

A report on the Crime Victim Assistance Program, pursuant to Chapter 13.31, Code of Iowa.

DEPARTMENT OF PERSONNEL

A copy of the final report of the four ten-hour day work week pilot project, pursuant to Chapter 298.15, 1989 Acts of the Seventy-third General Assembly.

DEPARTMENT OF PUBLIC HEALTH

The annual reports of the fourteen professional licensing boards in the Bureau of Professional Licensure, pursuant to chapter 258A.4(2), Code of Iowa.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

The annual report, pursuant to Chapter 80E.1(2)(b)(c), Code of Iowa.

LEGISLATIVE FISCAL BUREAU

The Governor's Recommendations Summary for fiscal year 1992.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 2**

State Government: Blanshan, Chair; Shoning and Teaford.

House Joint Resolution 3

State Government: Blanshan, Chair; Shoning and Teaford.

House File 2

State Government: Pavich, Chair; Beatty, Halvorson of Webster, Hanson of Delaware, Krebsbach and Renaud.

House File 3

State Government: Pavich, Chair; Beatty, Halvorson of Webster, Hanson of Delaware, Krebsbach, Renken and Teaford.

House File 5

State Government: Blanshan, Chair; Carpenter, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

House File 8

Transportation: Gruhn, Chair; Murphy and Royer.

House File 18

Transportation: Pavich, Chair; Muhlbauer and Spenner.

House File 21

State Government: Poncy, Chair; Bisignano, Carpenter, Spenner and Teaford.

House File 22

Education: Hammond, Chair; Adams and Grubbs.

House File 33

State Government: Knapp, Chair; Connors, Garman, Krebsbach and Peterson of Carroll.

House File 36

State Government: Renaud, Chair; Connors and Shoning.

House File 37

Education: Wise, Chair; Hanson of Black Hawk and Nielsen.

House File 43

Education: Adams, Chair; Baker and Iverson.

House File 45

State Government: Peterson of Carroll, Chair; Connors, Garman, Knapp and Krebsbach.

House File 47

State Government: Peterson of Carroll, Chair; Connors, Garman, Knapp and Krebsbach.

House File 48

Education: Wissing, Chair; Hurley and Shoultz.

House File 54

Education: Adams, Chair; Baker and Iverson.

House File 56

State Government: Blanshan, Chair; Carpenter, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

House File 58

State Government: Blanshan, Chair; Carpenter and Connors.

Senate Joint Resolution 2

State Government: Blanshan, Chair; Shoning and Teaford.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 3**

State Government: Beatty, Chair; Knapp, Poncy, Renken and Tyrrell.

House Study Bill 4

State Government: Knapp, Chair; Beatty, Poncy, Renken and Tyrrell.

House Study Bill 5

State Government: Connors, Chair; Garman, Knapp, Krebsbach and Peterson of Carroll.

House Study Bill 7

State Government: Poncy, Chair; Beatty, Knapp, Renken and Tyrrell.

House Study Bill 8

Education: Cohoon, Chair; Siegrist and Wissing.

House Study Bill 11

State Government: Knapp, Chair; Connors, Garman, Krebsbach and Peterson of Carroll.

House Study Bill 13

Transportation: Hibbard, Chair; Chapman and Weidman.

House Study Bill 14

State Government: Connors, Chair; Garman, Knapp, Krebsbach and Peterson of Carroll.

House Study Bill 18

Agriculture: Svoboda, Chair; Brown and Hahn.

House Study Bill 19

Agriculture: Gruhn, Chair; Brand and Maulsby.

House Study Bill 20

Agriculture: Bernau, Chair; Johnson and Muhlbauer.

House Study Bill 21

Education: Neuhauser, Chair; Lageschulte and Shearer.

House Study Bill 22

Education: Ollie, Chair; Daggett and Wissing.

House Study Bill 23

Energy and Environmental Protection: Adams, Chair; Bernau and Gipp.

House Study Bill 24

State Government: Connors, Chair; Garman, Knapp, Krebsbach and Peterson of Carroll.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 25 Judiciary and Law Enforcement**

Relating to the protection of trade secrets and providing an effective date.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON LOCAL GOVERNMENT

House File 4, a bill for an act relating to permissible use of moneys appropriated

by the county boards of supervisors for the benefit of honorably discharged, indigent veterans of wars.

Fiscal Note is not required.

Recommended **Do Pass** January 21, 1991.

RESOLUTION FILED

HR 6, by Halvorson of Clayton, Garman, Harbor, Lageschulte, Maulsby, Metcalf, Johnson, Rafferty, Eddie, Lundby, Corbett, Shoning, McKean, Hurley, Krebsbach, McNeal, Bartz, Branstad, Hester, Kremer, Bennett, Kistler, Hanson of Delaware, Iverson, Tyrrell and Gipp, a resolution relating to daily operations and expenses of the house of representatives.

Referred to committee on **administration**.

On motion by Connors of Polk, the House adjourned at 4:30 p.m., until 9:00 a.m., Wednesday, January 23, 1991.

JOURNAL OF THE HOUSE

Tenth Calendar Day — Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 23, 1991

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

Prayer was offered by the Honorable William H. Harbor, state representative from Mills County.

The Journal of Tuesday, January 22, 1991, was approved.

INTRODUCTION OF BILLS

House File 77, by Ollie, a bill for an act relating to the consumption of alcohol by persons under the age of twenty-one years.

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

House File 78, by Doderer, a bill for an act relating to examination of respondents in mental impairment involuntary commitment proceedings by certain qualified mental health professionals.

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

House File 79, by Pavich, a bill for an act relating to the appointment of soil and water conservation district commissioners.

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

House File 80, by Halvorson of Clayton, a bill for an act relating to the effect of replacement or indemnification of actual economic losses on damage awards for personal injury.

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

House File 81, by Harbor, Pavich, De Groot, Fogarty, Branstad, Beaman, Tyrrell, Shearer, Cohoon, Jay, Muhlbauer, Van Maanen, Maulsby, Iverson, Eddie, Miller, Petersen of Muscatine, Bennett, Gruhn, Siegrist, Metcalf, Johnson, Hanson of Black Hawk, McNeal, Gipp, Kistler, Kremer, Garman, Hester, Weidman, Royer, Halvorson of Clayton, Hahn and Spenner, a bill for an act relating to the establishment of categories of contamination for leaking petroleum underground storage tanks.

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

House File 82, by Daggett, Beaman, Iverson and Krebsbach, a bill for an act relating to the closing date for deer license applications.

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

House File 83, by De Groot, a bill for an act providing minimum qualifications for the office of county sheriff.

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

House File 84, by Grubbs, a bill for an act to establish an instructional equipment assistance grant program for public high schools and requiring matching private contributions.

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

House File 85, by Ollie, a bill for an act relating to employee literacy education and providing a criminal penalty.

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

House File 86, by Osterberg, a bill for an act relating to testing to detect the presence of radon gas or radon progeny.

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

House File 87, by Hibbard and Jesse, a bill for an act relating to child abuse and criminal history information accessible by child day care resource and referral agencies.

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

House File 88, by Miller and Renken, a bill for an act relating to attorney fees in actions under the state's workers' compensation laws.

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

House File 89, by Connors and Carpenter, a bill for an act prohibiting the exploitation of persons with dwarfism and providing a civil penalty for violations.

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

House File 90, by Connors and Grubbs, a bill for an act relating to the use of certain athletic revenue producing facilities under the control of the state board of regents for major public athletic events, including professional boxing, and providing an effective date.

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

House File 91, by Neuhauser, a bill for an act exempting certain decorative fountains from regulation as swimming pools and spas.

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

House File 92, by Chapman, a bill for an act relating to establishing commencement dates and terms of office for airport commissioners by ordinance.

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

House File 93, by Daggett and Iverson, a bill for an act to change the maximum number of years during which school districts may obtain financial incentives for engaging in sharing agreements.

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

House File 94, by Daggett, Kremer, Eddie, Kistler, Miller, Renken, Maulsby, Harbor, Beaman and Halvorson of Clayton, a bill for an act relating to corrective action rules for petroleum underground storage tanks.

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

House File 95, by Shoultz and Poncy, a bill for an act including veterans of the Persian Gulf Conflict as veterans eligible to serve on county commissions of veteran affairs, to receive certain veterans benefits, and to be eligible for a property tax exemption, and providing an effective date.

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

On motion by McKinney of Dallas, the House was recessed at 9:15 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

The House stood at ease at 4:21 p.m., until the fall of the gavel.

The House resumed session at 5:13 p.m., Speaker Arnould in the chair.

ADOPTION OF SENATE CONCURRENT RESOLUTION 2

Schrader of Marion called up for consideration Senate Concurrent Resolution 2 as follows:

Senate Concurrent Resolution 2

By Rules and Administration Committee

A concurrent resolution relating to joint rules of the senate and house for the seventy-fourth general assembly.

Be It Resolved By The Senate, The House Concurring,

That the joint rules of the senate and house in the seventy-fourth general assembly shall be:

JOINT RULES OF THE

SENATE AND HOUSE

Rule 1

Suspension of Joint Rules

The joint rules of the general assembly may be suspended by concurrent resolution, duly adopted by a constitutional majority of the senate and the house.

Rule 2

Designation of Sessions

Each regular session of a general assembly shall be designated by the year in which such regular session commences.

Rule 3

Sessions of a General Assembly

The election of officers, organization, hiring and compensation of employees, and standing committees in each house of the general assembly and action taken by each house shall carry over from the first to the second regular session and to any extraordinary session of the same general assembly. The status of each bill and resolution shall be the same at the beginning of each second session as it was immediately

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before adjournment of the previous regular or extraordinary session; however the rules of either house may provide for re-referral of some or all bills and resolutions to standing committees upon adjournment of each session or at the beginning of a subsequent regular or extraordinary session, except those which have been adopted by both houses in different forms.

Upon final adoption of a concurrent resolution at any extraordinary session affecting that session, or at a regular session affecting any extraordinary session which may be held before the next regular session, the creation of any calendar by either house shall be suspended and the business of the session shall consist solely of those bills or subject matters stated in the resolution adopted. Bills named in the resolution, or bills containing the subject matter provided for in the resolution, may, at any time, be

19 called up for debate in either house by the majority
20 leader of that house.

21 Rule 4

22 Presentation of Messages

23 All messages between the two houses shall be sent
24 by the secretary of the senate or the chief clerk of
25 the house of representatives, shall be announced and
26 communicated to the chair.

27

28 Rule 5

29 Printing and Form of Bills
30 and Other Documents

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1 Bills and joint resolutions shall be introduced,
2 numbered, prepared, and printed as provided by law, or
3 in the absence of such law, in a manner determined by
4 the secretary of the senate and the chief clerk of the
5 house of representatives.

6 All bills and joint resolutions introduced shall be
7 in a form and number approved by the secretary of the
8 senate and chief clerk of the house.

9 The legal counsel's office of each house shall
10 approve all bills before introduction.

11 Rule 6

12 Companion Bills

13 Identical bills introduced in each house shall be
14 called companion bills. Each house shall designate
15 the sponsor in the usual way followed in parentheses
16 by the sponsor of the companion bill in the other
17 house. The house where the bill is first introduced
18 shall print the complete text.

19 Rule 7

20 Reprinting of Bills

21 Whenever any bill has been substantially amended by
22 either house, the secretary of the senate or the chief
23 clerk shall order the bill reprinted on paper of a
24 different color. All adopted amendments shall be
25 distinguishable.

26 The secretary of the senate or the chief clerk may
27 order the printing of a reasonable number of
28 additional copies of any bill, resolution, amendment,
29 or journal.

30 Rule 8

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1 Daily Clip Sheet

2 The secretary of the senate and the chief clerk
3 shall prepare a daily clip sheet covering all
4 amendments filed.

5 Rule 9

6 Reintroduction of Bills and Other Measures

7 A bill or resolution which has passed one house and
8 is rejected in the other shall not be introduced again
9 during that general assembly.

10 Rule 10

11 Certification of Bills and Other Enrollments

12 When any bill or resolution which has passed one
13 house is rejected or adopted in the other, notice of
14 such action and the date thereof shall be given to the
15 house of origin in writing signed by the secretary or
16 the chief clerk.

17 Rule 11

18 Code Editor's Correction Bill

19 A bill recommended by the code editor which is
20 introduced by a committee of the house or senate
21 within the first four weeks of convening of a
22 legislative session and which contains code
23 corrections of a nonsubstantive nature shall not be
24 amended on the floor of either house except pursuant
25 to corrective or nonsubstantive amendments filed by
26 the judiciary committee of the senate or the judiciary
27 and law enforcement committee of the house. Such
28 committee amendments shall not be incorporated into
29 the bill in the originating house but shall be filed
30 separately.

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1 A bill recommended by the code editor which is
2 introduced by a committee of the house or senate
3 within the first four weeks of convening of a
4 legislative session and which contains code
5 corrections beyond those of a nonsubstantive nature
6 shall not be amended on the floor of either house
7 except pursuant to amendments filed by the judiciary
8 committee of the senate or the judiciary and law
9 enforcement committee of the house. Such committee
10 amendments shall not be incorporated into the bill in
11 the originating house but shall be filed separately.
12 Such a bill shall be limited to corrections which:
13 Adjust language to reflect current practices, insert
14 earlier omissions, delete redundancies and
15 inaccuracies, delete temporary language, resolve
16 inconsistencies and conflicts, update ongoing
17 provisions, and remove ambiguities.

18 Rule 12

19 Amendments by Other House

20 I. When a bill which originated in one house is
21 amended in the other house, the house originating the
22 bill may amend the amendment, concur in full in the
23 amendment, or refuse to concur in full in the

24 amendment. The amendment of the other house shall not
25 be ruled out of order based on a question of
26 germaneness. Precedence of motions shall be in that
27 order.

28 A. If the house originating the bill concurs in
29 the amendment, the bill shall then be immediately
30 placed upon its final passage.

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1 B. If the house originating the bill refuses to
2 concur in the amendment, the bill shall be returned to
3 the amending house which shall either:

4 1. Recede, after which the bill shall be read for
5 the last time and immediately placed upon its final
6 passage; or

7 2. Insist, which will send the bill to a
8 conference committee.

9 C. If the house originating the bill amends the
10 amendment, that house shall concur in the amendment as
11 amended and the bill shall be immediately placed on
12 final passage, and shall be returned to the other
13 house. The other house cannot further amend the bill.

14 1. If the amending house which gave second
15 consideration to the bill concurs in the amendment to
16 the amendment, the bill shall then be immediately
17 placed upon its final passage.

18 2. If the amending house refuses to concur in the
19 amendment to the amendment, the bill shall be returned
20 to the house originating the bill which shall either:

21 a. Recede, after which the bill shall be read for
22 the last time as amended and immediately placed upon
23 its final passage; or

24 b. Insist, which will send the bill to a
25 conference committee.

26 II. A motion to recede has precedence over a
27 motion to insist. Failure to recede means to insist;
28 and failure to insist means to recede.

29 III. A motion to lay on the table or to
30 indefinitely postpone shall be out of order with

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1 respect to motions to recede from or insist upon and
2 to amendments to bills which have passed both houses.

3 IV. A motion to concur, refuse to concur, recede,
4 insist, or adopt a conference committee report is in
5 order even though the subject matter has previously
6 been acted upon.

Rule 13

Conference Committee

7
8 1. Within one legislative day after either house
10 insists upon an amendment to a bill, the presiding

11 officer of the house, after consultation with the
12 majority leader, shall appoint three majority party
13 members and, after consultation with the minority
14 leader, shall appoint two minority party members to a
15 conference committee. The majority leader of the
16 senate, after consultation with the president, shall
17 appoint three majority party members and, after
18 consultation with and approval by the minority leader,
19 shall appoint two minority party members to a
20 conference committee. The papers shall remain with the
21 house that originated the bill.

22 2. The conference committee shall meet before the
23 end of the next legislative day after their
24 appointment, shall select a chair and shall discuss
25 the controversy.

26 3. The authority of the first conference committee
27 shall be limited to recommendations regarding the
28 subject matter of the amendments which were insisted
29 upon by the house requesting the conference committee.
30 The authority of the second and any subsequent

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1 conference committee shall cover free conference
2 during which the committee has authority to propose
3 amendments to any portion of a bill provided the
4 amendment is within the scope of the title of the bill
5 as passed by the house of origin or amended by the
6 second house.

7 4. An agreement on recommendations must be
8 approved by at least three members from each house.
9 The committee shall submit two originals of the report
10 signed by at least three members of each house with
11 one signed original and three copies to be submitted
12 to each house. The report shall first be acted upon
13 in the house originating the bill. Such action,
14 including all papers, shall be immediately referred by
15 the secretary of the senate or the chief clerk of the
16 house of representatives to the other house.

17 5. The report of agreement is debatable, but
18 cannot be amended. If the report contains recommended
19 amendments to the bill, adoption of the report shall
20 automatically adopt all amendments contained therein.
21 After the report is adopted, there shall be no more
22 debate, and the bill shall immediately be placed upon
23 its final passage.

24 6. Refusal of either house to adopt the conference
25 committee report has the same effect as if the
26 committee had disagreed.

27 7. If the conference committee fails to reach
28 agreement, a report of such failure signed by at least
29 three members of each house shall be given promptly to
30 each house. The bill shall be returned to the house

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1 that originated the bill, the members of the committee
2 shall be immediately discharged, and a new conference
3 committee appointed in the same manner as the first
4 conference committee.

5 Rule 14

6 Enrollment and Authentication of Bills

7 A bill or resolution which has passed both houses
8 shall be enrolled in the house of origin under the
9 direction of either the secretary or the chief clerk
10 and its house of origin shall be certified by the
11 endorsement of the secretary or the chief clerk.

12 After enrollment, each bill shall be signed by the
13 president and by the speaker.

14 Rule 15

15 Concerning other Enrollments

16 All resolutions and other matters which are to be
17 presented to the governor for approval shall be
18 enrolled, signed, and presented in the same manner as
19 bills.

20 All resolutions and other matters which are not to
21 be presented to the governor or the secretary of state
22 shall be enrolled, signed and retained permanently by
23 the secretary of the senate or chief clerk of the
24 house.

25 Rule 16

26 Transmission of Bills to the Governor

27 After a bill has been signed in each house, it
28 shall be presented to the governor by the secretary or
29 the chief clerk of the house of origin. The secretary
30 or the chief clerk shall report the date of the

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1 presentation, which shall be entered upon the journal
2 of the house of origin.

3 Rule 17

4 Fiscal Notes

5 A fiscal note shall be attached to any bill or
6 joint resolution which reasonably could have an annual
7 effect of at least one hundred thousand dollars or a
8 combined total effect within five years after
9 enactment of five hundred thousand dollars or more on
10 the aggregate revenues, expenditures or fiscal
11 liability of the state or its subdivisions. This rule
12 does not apply to appropriation and ways and means
13 measures where the total effect is stated in dollar
14 amounts.

15 Each fiscal note shall state in dollars the
16 estimated effect of the bill on the revenues,
17 expenditures, and fiscal liability of the state or its
18 subdivisions during the first five years after

19 enactment. The information shall specifically note
20 the fiscal impact for the first two years following
21 enactment and the anticipated impact for the
22 succeeding three years. The fiscal note shall specify
23 the source of the information. Sources of funds for
24 expenditures under the bill shall be stated, including
25 federal funds. If the fiscal director cannot make an
26 accurate estimate, the director shall state the best
27 available estimate or shall state that no dollar
28 estimate can be made and state concisely the reason.
29 The preliminary determination of whether the bill
30 appears to require a fiscal note shall be made by the

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1 legislative service bureau which shall send a copy of
2 the request to the legislative fiscal bureau unless
3 the requestor specifies the request is to be
4 confidential. Upon completion of the bill draft, the
5 legislative service bureau shall immediately send a
6 copy to the legislative fiscal director for review.
7 When a committee reports a bill to the floor, the
8 committee shall state in the report whether a fiscal
9 note is or is not required.

10 The legislative fiscal director shall review all
11 bills placed on the senate or house calendars to
12 determine whether the bills are subject to this rule.

13 Additionally, a legislator may request the
14 preparation of a fiscal note by legislative fiscal
15 bureau for any bill or joint resolution introduced
16 which reasonably could be subject to this rule.

17 The legislative fiscal director shall cause to be
18 prepared and shall approve a fiscal note within a
19 reasonable time after receiving a request or
20 determining that a bill is subject to this rule. All
21 fiscal notes approved by the legislative fiscal bureau
22 director shall be transmitted immediately to the
23 secretary of the senate or the chief clerk of the
24 house, after notifying the sponsor of the bill that a
25 fiscal note has been prepared, for publication in the
26 daily clip sheet. The secretary of the senate or
27 chief clerk of the house shall attach the fiscal note
28 to the bill as soon as it is available.

29 The legislative fiscal director may request the
30 cooperation of any state department or agency in

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1 preparing a fiscal note.

2 A revised fiscal note may be requested by a
3 legislator if the fiscal effect of the bill has been
4 changed by adoption of an amendment. However, a
5 request for a revised fiscal note shall not delay

6 action on a bill unless so ordered by the presiding
7 officer of the house in which the bill is under
8 consideration.

9 If a date for adjournment has been set, then a
10 constitutional majority of the house in which the bill
11 is under consideration may waive the fiscal note
12 requirement during the three days prior to the date
13 set for adjournment.

14 Rule 18

15 Legislative Interns

16 Legislators may arrange student internships during
17 the legislative session with Iowa college, university,
18 or law school students, for which the students may
19 receive college credit at the discretion of their
20 schools. Each legislator is allowed only one intern
21 at a time per legislative session, and all interns
22 must be registered with the offices of the secretary
23 of the senate and the chief clerk of the house.

24 The purpose of the legislative intern program shall
25 be: 1) to provide useful staff services to
26 legislators not otherwise provided by the general
27 assembly; 2) to give interested college, graduate, and
28 law school students practical experience in the
29 legislative process as well as providing a meaningful
30 educational experience; and 3) to enrich the

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1 curriculum of participating colleges and universities.

2 The secretary of the senate and the chief clerk of
3 the house or their designees shall have the following
4 responsibilities as regards the legislative intern
5 program:

6 1. Identify a supervising faculty member at each
7 participating institution who shall be responsible for
8 authorizing students to participate in the intern
9 program.

10 2. Provide legislators with a list of
11 participating institutions and the names of
12 supervising professors to contact if interested in
13 arranging for an intern.

14 3. Provide interns with name badges which will
15 allow them access to the floor of either house when
16 required to be present by the legislators for whom
17 they work.

18 4. Provide orientation materials to interns prior
19 to the convening of each session.

20 Rule 19

21 Administrative Rules Review Committee Bills

22 A bill which relates to departmental rules and
23 which is approved by the administrative rules review
24 committee by a majority of the committee's members of

25 each house is eligible for introduction in either
26 house at any time and must be referred to a standing
27 committee, which must take action on the bill within
28 three weeks of referral, except bills referred to
29 appropriations and ways and means committees.

30 Rule 20

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1 Time of Committee Passage and Consideration of Bills

2 1. This rule does not apply to concurrent or
3 simple resolutions, joint resolutions nullifying
4 administrative rules, senate confirmations, bills
5 embodying redistricting plans prepared by the
6 legislative service bureau pursuant to chapter 42, or
7 bills passed by both houses in different forms.

8 Subsection 2 of this rule does not apply to
9 appropriations bills, ways and means bills, legalizing
10 acts, administrative rules review committee bills,
11 bills cosponsored by majority and minority floor
12 leaders of one house, bills in conference committee,
13 and companion bills sponsored by the majority floor
14 leaders of both houses after consultation with the
15 respective minority floor leaders. For the purposes
16 of this rule, a joint resolution is considered as a
17 bill. To be considered an appropriations or ways and
18 means bill for the purposes of this rule, the
19 appropriations committee or the ways and means
20 committee must either be the sponsor of the bill or
21 the committee of first referral in the originating
22 house.

23 2. To be placed on the calendar in the house of
24 origin, a bill must be first reported out of the
25 committee of first referral by Friday of the 10th week
26 of the first session and the 8th week of the second
27 session. To be placed on the calendar in the other
28 house, a bill must be first reported out of the
29 committee of first referral by Friday of the 13th week
30 of the first session and the 11th week of the second

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1 session.

2 However, for the second session of the Seventy-
3 third General Assembly only, to be placed on the
4 calendar in the house of origin a bill must be first
5 reported out of the committee of first referral by
6 Friday of the 6th week, and to be placed on the
7 calendar in the other house, a bill must be first
8 reported out of the committee of first referral by the
9 end of business on Monday of the 10th week.

10 3. During the 11th week of the first session and
11 the 9th week of the second session, each house shall

12 consider only bills originating in that house and
13 unfinished business. During the 14th week of the
14 first session and the 12th week of the second session,
15 each house shall consider only bills originating in
16 the other house and unfinished business. Beginning
17 with the 15th week of the first session and the 13th
18 week of the second session, each house shall consider
19 only bills passed by both houses, bills exempt from
20 subsection 2 and unfinished business.

21 However, for the second session of the Seventy-
22 third General Assembly only, during the 7th week each
23 house shall consider only bills originating in that
24 house and unfinished business, beginning on Tuesday of
25 the 10th week each house shall consider only bills
26 originating in the other house and unfinished
27 business, and beginning with the 11th week each house
28 shall consider only bills passed by both houses, bills
29 exempt from subsection 2, and unfinished business.

30 4. A motion to reconsider filed and not disposed

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1 of on an action taken on a bill or resolution which is
2 subject to a deadline under this rule may be called up
3 at any time before or after the day of the deadline by
4 the person filing the motion or after the deadline by
5 the majority floor leader, notwithstanding any other
6 rule to the contrary.

Rule 21

Resolutions

9 1. A "concurrent resolution" is a resolution to be
10 adopted by both houses of the general assembly which
11 expresses the sentiment of the general assembly or
12 deals with temporary legislative matters. It may
13 authorize the expenditure, for any legislative
14 purpose, of funds appropriated to the general
15 assembly. A concurrent resolution is not limited to,
16 but may provide for a joint convention of the general
17 assembly, adjournment or recess of the general
18 assembly, or requests to a state agency or to the
19 general assembly or a committee. A concurrent
20 resolution requires the affirmative vote of a majority
21 of the senators or representatives present and voting
22 unless otherwise specified by statute. A concurrent
23 resolution does not require the governor's approval
24 unless otherwise specified by statute. A concurrent
25 resolution shall be filed with the secretary of the
26 senate or the chief clerk of the house. A concurrent
27 resolution shall be printed in the bound journal after
28 its adoption.

29 2. A "joint resolution" is a resolution which
30 requires for approval the affirmative vote of a

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1 constitutional majority of each house of the general
2 assembly. A joint resolution which appropriates funds
3 or enacts temporary laws must contain the clause "Be
4 It Enacted by the General Assembly of the State of
5 Iowa:", is equivalent to a bill, and must be
6 transmitted to the governor for his approval. A joint
7 resolution which proposes amendments to the
8 Constitution of the State of Iowa, ratifies amendments
9 to the Constitution of the United States, proposes a
10 request to Congress or an agency of the government of
11 the United States of America, proposes to Congress an
12 amendment to the Constitution of the United States of
13 America, nullifies an administrative rule, or creates
14 a special commission or committee must contain the
15 clause "Be It Resolved by the General Assembly of the
16 State of Iowa:" and shall not be transmitted to the
17 governor. A joint resolution shall not amend a
18 statute in the Code of Iowa.

Rule 22

Nullification Resolutions

21 A "nullification resolution" is a joint resolution
22 which nullifies all of an administrative rule, or a
23 severable item of an administrative rule adopted
24 pursuant to chapter 17A of the Code. A nullification
25 resolution shall not amend an administrative rule by
26 adding language or by inserting new language in lieu
27 of existing language.

28 A nullification resolution is debatable, but cannot
29 be amended on the floor of the house or senate. The
30 effective date of a nullification resolution shall be

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1 stated in the resolution. Any motions filed to
2 reconsider adoption of a nullification resolution must
3 be disposed of within one legislative day of the
4 filing.

Rule 23

Consideration of Vetoes

7 1. The senate and house calendar shall include a
8 list known as the "Veto Calendar." The veto calendar
9 shall consist of:

10 a. Bills returned to that house by the governor in
11 accordance with Article III, section 16 of the
12 Constitution of the State of Iowa.

13 b. Appropriations items returned to that house by
14 the governor in accordance with Article III, section
15 16 of the Constitution of the State of Iowa.

16 c. Bills and appropriations items received from
17 the other house after that house has voted to override
18 a veto of them by the governor.

19 2. Vetoed bills and appropriations items shall
20 automatically be placed on the veto calendar upon
21 receipt. Vetoed bills and appropriations items shall
22 not be referred to committee.

23 3. Upon first publication in the veto calendar,
24 the senate majority leader or the house majority
25 leader may call up a vetoed bill or appropriations
26 item at any time.

27 4. The affirmative vote of two-thirds of the
28 members of the body by record roll call is required on
29 a motion to override an executive veto or item veto.

30 5. A motion to override an executive veto or item

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1 veto is debatable. A vetoed bill or appropriation
2 item cannot be amended in this case.

3 6. The vote by which a motion to override an
4 executive veto or item veto passes or fails to pass
5 either house is not subject to reconsideration under
6 senate rule 24 or house rule 73.

7 7. The secretary of the senate or the chief clerk
8 of the house shall immediately notify the other house
9 of the adoption or rejection of a motion to override
10 an executive veto or item veto.

11 8. All bills and appropriations items on the veto
12 calendar shall be disposed of before adjournment sine
13 die, unless the house having a bill or appropriation
14 item before it declines to do so by unanimous consent.

15 9. Bills and appropriations items on the veto
16 calendar are exempt from deadlines imposed by joint
17 rule 20.

Rule 24

19 Special Rules Regarding Redistricting for 1991

20 1. If, pursuant to chapter 42, either the senate
21 or the house rejects a redistricting plan submitted by
22 the legislative service bureau, the house rejecting
23 the plan shall convey the reasons for the rejection of
24 the plan to the legislative service bureau by
25 resolution.

26 2. If, pursuant to chapter 42, the legislative
27 service bureau submits a third redistricting plan as
28 provided by law, the senate and house, when
29 considering a bill embodying plan III, shall be
30 allowed to accept for filing as amendments only such

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1 amendments which constitute the total text of a
2 congressional plan without striking a legislative
3 redistricting plan, the total text of a legislative
4 redistricting plan without striking a congressional
5 plan, or the combined total text of a congressional

- 6 plan and a legislative redistricting plan, and
7 nonsubstantive, technical corrections to the text of
8 any such bills or amendments.

Schrader of Marion offered the following amendment H—3001 filed by the committee on rules:

H—3001

- 1 Amend Senate Concurrent Resolution 2, as amended,
2 passed and reprinted by the Senate as follows:
3 1. Page 7, by striking lines 26 through 30.
4 2. Page 8, by striking line 1, and inserting the
5 following: "The authority of the committee shall
6 cover free conference".

Muhlbauer of Crawford offered the following amendment H—3010, to the committee amendment H—3001, filed by him from the floor:

H—3010

- 1 Amend amendment, H—3001, to Senate Concurrent
2 Resolution 2, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 1, by inserting after line 6, the
5 following:
6 "_____. Page 8, line 6, by inserting after the word
7 "house." the following: "However, a report
8 enumerating any material included in the conference
9 committee report that was not contained in the bill as
10 passed by the house of origin or as amended by the
11 second house, shall be attached to the conference
12 committee report." "

Connors of Polk in the chair at 5:31 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux, for the remainder of the day and January 24, 1991, on request of Petersen of Muscatine.

Speaker Arnould in the chair at 5:45 p.m.

Muhlbauer of Crawford moved the adoption of amendment H—3010, to the committee amendment H—3001.

Amendment H—3010 was adopted.

Lageschulte of Bremer offered the following amendment H—3002, to the committee amendment H—3001, filed by Lageschulte, et al., and moved its adoption:

H-3002

- 1 Amend amendment, H-3001, to Senate Concurrent
- 2 Resolution 2, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 1, by striking lines 3 through 6, and
- 5 inserting the following:
- 6 "_____. Page 7, by striking lines 26 through 29 and
- 7 inserting the following:
- 8 "3. The authority of the first conference
- 9 committee shall be limited to resolving only the
- 10 differences between the two houses."

Roll call was requested by Van Maanen of Mahaska and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall amendment H-3002 be adopted?"
(S.C.R. 2)

The ayes were, 46:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R.N.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalfe	Millage	Miller	Petersen, D. F.
Rafferty	Renken	Royer	Shoning
Siegrist	Spear	Spenner	Tyrrell
Van Maanen	Weidman		

The nays were, 50:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Hammond	Haverland	Hibbard
Holveck	Jay	Jochum	Knapp
Koenigs	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Svoboda	Teaford	Wise
Wissing	Mr. Speaker		
	Arnould		

Absent or not voting, 4:

Hansen, S. D.	Hatch	Jesse	Plasier
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Amendment H—3002 lost.

Schrader of Marion moved the adoption of the committee amendment H—3001, as amended.

Roll call was requested by Harbor of Mills and Schrader of Marion.

On the question "Shall the committee amendment H—3001, as amended, be adopted?" (S.C.R. 2)

The ayes were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Haverland
Hibbard	Holveck	Jay	Jochum
Knapp	Koenigs	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Rafferty
Renken	Royer	Shoning	Siegrist
Spear	Spenner	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 4:

Hansen, S. D.	Hatch	Jesse	Plasier
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The committee amendment H—3001, as amended, was adopted.

Schrader of Marion asked and received unanimous consent to withdraw amendment H—3008 filed by Jesse of Jasper on January 18, 1991, placing out of order amendment H—3009, to amendment H—3008, filed by Lageschulte, et al., on January 21, 1991.

Schrader of Marion moved the adoption of Senate Concurrent Resolution 2, as amended.

A non-record roll call was requested.

The ayes were 51, nays 45.

The motion prevailed and the resolution, as amended, was adopted.

SPONSORS ADDED

(House File 63)

Bartz of Worth requested to be added as a sponsor of House File 63.

(House File 67)

Bartz of Worth requested to be added as a sponsor of House File 67.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ELDER AFFAIRS

The annual report for fiscal year 1990, pursuant to Chapter 7E.3(4), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The "Final Report and Recommendations" of the AIDS Services Task Force, pursuant to Chapter 1259.3(3)(iv), 1990 Acts of the Seventy-third General Assembly.

SUBCOMMITTEE ASSIGNMENTS

House File 29

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

House File 38 (Reassigned)

Small Business, Economic Development and Trade: Jesse, Chair; Bartz and Nielsen.

House File 40

Natural Resources and Outdoor Recreation: Peterson of Carroll, Chair; Beaman and Fogarty.

House File 46

Local Government: Cohoon, Chair; Hatch and Hester.

House File 49

Small Business, Economic Development and Trade: Brown, Chair; Bennett and Brand.

House File 50

Local Government: Black, Chair; Diemer, Mertz, Royer and Spear.

House File 61

Local Government: Shearer, Chair; Baker and Gipp.

House File 73

Local Government: Muhlbauer, Chair; Bernau, Fogarty, Iverson and Royer.

House File 79

Local Government: Mertz, Chair; Black and Eddie.

House File 82

Natural Resources and Outdoor Recreation: Knapp, Chair; Beaman and Koenigs.

House File 92

Local Government: Spear, Chair; Hanson of Black Hawk and Shearer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 26 Ways and Means**

Increasing the cigarette and tobacco taxes and providing an effective date.

H.S.B. 27 Judiciary and Law Enforcement

Eliminating statistical reports concerning dissolution and annulment of marriage.

H.S.B. 28 Transportation

Relating to trailers and towed vehicles.

AMENDMENTS FILED

H-3011	H.R.	2	Kremer of Buchanan
H-3012	H.F.	4	Metcalf of Polk

On motion by McKinney of Dallas, the House adjourned at 6:42 p.m., until 9:00 a.m., Thursday, January 24, 1991.

JOURNAL OF THE HOUSE

Eleventh Calendar Day — Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 24, 1991

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

Prayer was offered by Ernestine Buntyn-Dillard, from Seattle, Washington, who sang "God Bless America."

The Journal of Wednesday, January 23, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Eddie of Buena Vista, from sixty-seven constituents of District 10 favoring installation of the Swareflex Wildlife Warning Highway Reflector System.

INTRODUCTION OF BILLS

House File 96, by Garman, a bill for an act relating to notification of certain borrowers required to purchase mortgage insurance and providing a remedy.

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

House File 97, by Tyrrell, a bill for an act to change the maximum small claims jurisdictional amount from two to three thousand dollars.

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

House File 98, by Daggett, Beaman, Renken, Miller and McKean, a bill for an act relating to the providing of additional enrollment because of the sparsity factor of a school district.

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

House File 99, by Garman, a bill for an act allowing payment to directors of a county or district fair or agricultural society.

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

House File 100, by Garman, a bill for an act relating to the possession of game or fur-bearing animals lawfully taken.

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

House File 101, by Garman, a bill for an act relating to hunting with a firearm within two hundred yards of certain buildings.

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

House File 102, by Spear, a bill for an act relating to the solemnization of marriage by telephone.

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

House File 103, by Osterberg, a bill for an act regulating the sale and furnishing of tobacco products to certain persons by prohibiting the sale of cigarettes in vending machines and subjecting persons who furnish to minors smokeless tobacco, cigarettes, cigarette paper, or tobacco in any form to a civil penalty.

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

House File 104, by Hammond, Bernau, Osterberg, Carpenter, Kistler, Hester, Eddie, Hanson of Delaware and Shoning, a bill for an act relating to the sale and furnishing of cigarettes and tobacco products to certain persons and providing penalties.

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

House File 105, by Murphy, a bill for an act relating to the printing of lottery tickets.

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

House File 106, by Spear, a bill for an act relating to creation of a durable power of attorney for health care decisions.

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

House File 107, by Hatch, Bisignano, Dvorsky and Baker, a bill for an act relating to alternative forms of local government and creating a new alternative form of local government for cities known as a consolidated metropolitan corporation, with provisions relating to its charter process, legislative body, tax collection, fee assessment, and service delivery.

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

House File 108, by Halvorson of Webster, Groninga, Teaford, Shoultz, Muhlbauer, Diemer and Hanson of Black Hawk, a bill for an act relating to participation in athletic conferences by accredited non-public schools and public school districts, and providing for mediation and final action by the director if mediation fails.

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

On motion by McKinney of Dallas, the House was recessed at 9:16 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

REREFERRED TO COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION (House File 68)

The Speaker announced that House File 68, previously referred to the committee on **energy and environmental protection**, was rereferred to the committee on **natural resources and outdoor recreation**.

SPONSOR ADDED (House File 71)

Renken of Grundy requested to be added as a sponsor of House File 71.

COMMUNICATION RECEIVED

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

HEALTH DATA COMMISSION

A report on Average Hospital Charges, pursuant to Chapter 145.3(3)(c), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 1

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

House File 13

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House File 16

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 17

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 24

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 26

Judiciary and Law Enforcement: Sherzan, Chair; Hurley, Knapp, McKean and Wissing.

House File 31

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

House File 35

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

House File 51

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House File 52

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House File 75

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 80

Judiciary and Law Enforcement: Seigrist, Chair; Blanshan and Jay.

House File 86

Energy and Environmental Protection: Bernau, Chair; Hanson of Delaware and Shearer.

House File 87

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 1**

Judiciary and Law Enforcement: Sherzan, Chair; Hurley, Knapp, McKean and Wissing.

House Study Bill 12

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House Study Bill 25

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Hibbard and Millage.

House Study Bill 26

Ways and Means: Groninga, Chair; Blanshan, Hanson of Delaware, Haverland and Metcalf.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 29 State Government**

Relating to the minutes required to be maintained by governmental bodies.

H.S.B. 30 Agriculture

Relating to agricultural land held by corporations, limited partnerships, and trusts, and providing penalties.

H.S.B. 31 State Government

Relating to the Iowa pharmacy practice Act.

H.S.B. 32 Energy and Environmental Protection

Relating to certain property interests by providing for the return of certain subsurface property rights to the surface owner and ancillary surface property rights to adjacent landowners when subsurface rights are relinquished by the person who has obtained underground natural gas storage rights.

H.S.B. 33 Education

Relating to the formula used to calculate part-time student financial aid awards under the tuition grant program.

H.S.B. 34 Education

Relating to student financial aid programs administered by the college student aid commission.

H.S.B. 35 Education

To establish an extended school year program for school districts and to provide an appropriation and for the imposition of a tax.

AMENDMENT FILED

H-3013

H.R.

2

Kremer of Buchanan

On motion by McKinney of Dallas, the House adjourned at 1:09 p.m., until 10:00 a.m., Monday, January 28, 1991.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day — Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 28, 1991

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

Prayer was offered by the Honorable Horace Daggett, state representative from Adams County.

The Journal of Thursday, January 24, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rafferty of Scott and Kistler of Jefferson, on request of Van Maanen of Mahaska; Bisignano of Polk on request of Sherzan of Polk; Koenigs of Mitchell on request of Royer of Page; Doderer of Johnson on request of Pavich of Pottawattamie; Nielsen of Linn on request of Fogarty of Palo Alto, all until their arrival.

INTRODUCTION OF BILLS

House File 109, by Dickinson, Black, Diemer and Hanson of Black Hawk, a bill for an act to prohibit the shooting of a firearm across a public highway and subjecting violators to a penalty.

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

House File 110, by Gill, a bill for an act relating to collateral acceptable to secure a loan or other transaction with a state bank.

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

House File 111, by Beaman, Daggett, Iverson and Krebsbach, a bill for an act relating to the establishment of a waste volume reduction plant pilot project.

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

House File 112, by Hibbard, a bill for an act relating to medical necessity exemptions from tinted windshield light transmittancy standards.

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

House File 113, by Peterson of Carroll, a bill for an act relating to disclosure of juvenile court records to school officials.

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

House File 114, by Iverson, a bill for an act relating to the possession and consumption of alcoholic liquor, wine, or beer by persons under twenty-one years of age and providing penalties.

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

House File 115, by Beatty, a bill for an act relating to professional titles and abbreviations of physical therapists and physical therapist assistants, and licensure, examination fees, and conditions of practice of physical therapist assistants.

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

House File 116, by Spear, a bill for an act relating to the prohibition of the performance of an abortion at certain hospitals and facilities.

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

House File 117, by Spear, a bill for an act relating to notification of certain persons prior to the performance or inducement of an abortion on a minor pregnant woman.

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

House File 118, by Garman, a bill for an act relating to the operation of a watercraft by a person who is intoxicated and providing penalties.

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

House File 119, by Kremer and Shoning, a bill for an act providing for a percentage of lottery revenues collected in each city and county of the state to be returned to the city and county to be used for any lawful purpose.

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

House File 120, by Harbor, a bill for an act relating to food service establishments, by amending an exception applied to certain organizations.

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

House File 121, by Peterson of Carroll, a bill for an act relating to parental leaves of absence from employment by providing for the availability of the leaves for employees of the state and by establishing a tax deduction for a business which causes parental leave to be available to employees and providing retroactive applicability.

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

House File 122, by Haverland, a bill for an act relating to family leave for state employees.

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

House File 123, by Spear, a bill for an act relating to the termination of the property tax exempt status of hospitals or facilities performing certain abortions.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 4, a bill for an act relating to permissible use of moneys appropriated by the county boards of supervisors for the benefit of honorably discharged, indigent veterans of wars, with report of committee recommending passage was taken up for consideration.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H—3012 filed by her on January 23, 1991.

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

On the question "Shall the bill pass?" (H.F. 4)

The ayes were, 90:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor

Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Johnson
Knapp	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, none.

Absent or not voting, 10:

Bisignano	Chapman	Doderer	Jay
Jesse	Jochum	Kistler	Koenigs
Nielsen	Rafferty		

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

House File 39, a bill for an act relating to fees charged by the county recorder and exempting the county from the payment of fees, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 39)

The ayes were, 90:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Johnson
Knapp	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney

McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 10:

Bisignano	Chapman	Doderer	Jay
Jesse	Jochum	Kistler	Koenigs
Nielsen	Rafferty		

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

On motion by McKinney of Dallas, the House was recessed at 10:24 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on January 28, 1991. Had I been present, I would have voted "aye" on House Files 4 and 39.

RAFFERTY of Scott

COMMUNICATIONS RECEIVED

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

COMMISSION ON THE STATUS OF BLACKS

The annual report for fiscal year 1989-90, pursuant to Chapter 601K.149, Code of Iowa.

DEPARTMENT OF CULTURAL AFFAIRS

The 1990 Annual Report, pursuant to Chapter 7E.3(4), Code of Iowa.

HEALTH CARE EXPANSION TASK FORCE

A report from the Health Care Expansion Task Force.

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

- 1991-4 The Community of Batavia — Responding to the needs of the 394 passengers involved in a derailment.
- 1991-5 St. Thomas Aquinas School, Webster City — For promoting a positive vision of dealing with differences, and showing appreciation to parents, students and teachers.

SUBCOMMITTEE ASSIGNMENTS**House File 68**

Natural Resources and Outdoor Recreation: Fogarty, Chair; Gruhn and Royer.

House File 71

Education: Adams, Chair; Lageschulte and Shoultz.

House File 72

Human Resources: Hammond, Chair; Haverland, Plasier, Spenner and Wissing.

House File 78

Human Resources: Wissing, Chair; Daggett and Mertz.

House File 83

Local Government: Connors, Chair; Bernau, Black, Eddie and Iverson.

House File 84

Education: Shoultz, Chair; Grubbs and Hammond.

House File 85

Education: Adams, Chair; Kistler and Neuhauser.

House File 89

State Government: Spenner, Chair; Bisignano, Carpenter, Poncy and Teafor.

House File 90

State Government: Connors, Chair; Pavich and Tyrrell.

House File 91

Human Resources: Neuhauser, Chair; Bartz and Burke.

House File 93

Education: Adams, Chair; Lageschulte and Shoultz.

House File 95

State Government: Poncy, Chair; Beatty and Renken.

House File 98

Education: Daggett, Chair; Ollie and Wise.

House File 100

Natural Resources and Outdoor Recreation: Hatch, Chair; Garman and Pavich.

House File 101

Natural Resources and Outdoor Recreation: Koenigs, Chair; Kistler and Spear.

House File 103

Human Resources: Teaford, Chair; Burke, Daggett, Grubbs and Haverland.

House File 104

Human Resources: Teaford, Chair; Burke, Daggett, Grubbs and Haverland.

House File 105

State Government: Bisignano, Chair; Lundby, Pavich, Renaud and Shoning.

House File 106

Human Resources: Nielsen, Chair; Carpenter, Haverland, Krebsbach and Mertz.

House File 107

Local Government: Dvorsky, Chair; Baker, Hatch, Metcalf and Royer.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 29**

State Government: Teaford, Chair; Bisignano, Carpenter, Poncy and Spenner.

House Study Bill 31

State Government: Beatty, Chair; Knapp, Poncy, Renken and Tyrrell.

House Study Bill 32

Energy and Environmental Protection: Shearer, Chair; Hahn and Neuhauser.

House Study Bill 33

Education: Baker, Chair; Cohoon and Grubbs.

House Study Bill 34

Education: Nielsen, Chair; Corbett and Spear.

House Study Bill 35

Education: Ollie, Chair; Daggett, Hanson of Black Hawk, Neuhauser and Wissing.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 36 State Government**

Requiring that certain settlements of claims involving governmental bodies be filed with the governmental bodies as public records.

H.S.B. 37 Labor and Industrial Relations

Relating to unemployment insurance tax liability for employee leasing companies and the administration of a voluntary shared work unemployment compensation program administered by the department of employment services.

H.S.B. 38 Transportation

Relating to acquisition of rights-of-way for highways.

H.S.B. 39 Human Resources

Relating to the posting of signs by certain persons to warn of the effect of alcohol on pregnant women and making a penalty applicable.

H.S.B. 40 Human Resources

Relating to the regulation of certain establishments licensed to serve the public.

H.S.B. 41 Human Resources

Relating to providing an income tax exemption for payments received by persons providing in-home health-related care services to related individuals, and providing a retroactive applicability date.

H.S.B. 42 Natural Resources and Outdoor Recreation

To increase the fees for fishing, hunting, and related licenses, including the fee for issuing the licenses.

H.S.B. 43 State Government

Requiring licensed professional and occupational disciplinary hearings to be open to the public except as provided in law for official meetings open to the public.

H.S.B. 44 Transportation

Making technical Code changes relating to transportation.

H.S.B. 45 Education

To create an adult literacy education program at the community colleges and making an appropriation.

H.S.B. 46 State Government

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.

H.S.B. 47 State Government

Relating to clinical privileges in hospitals licensed by the state.

H.S.B. 48 Agriculture

Relating to soil conservation protections on publicly held land.

H.S.B. 49 Agriculture

Relating to the administration of and programs administered by the department of agriculture and land stewardship and establishing certain fees.

On motion by McKinney of Dallas, the House adjourned at 3:06 p.m., until 9:00 a.m., Tuesday, January 29, 1991.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day — Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 29, 1991

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

Prayer was offered by the Reverend Bill Kerns, pastor of the Christian Church Disciples of Christ, Chariton.

The Journal of Monday, January 28, 1991 was approved.

INTRODUCTION OF BILLS

House File 124, by Schrader, a bill for an act relating to choice of care provided under workers' compensation medical benefits.

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

House File 125, by McKean, a bill for an act relating to the definition of employment for any calendar quarter under the public employees' retirement system, and permitting employees to elect to participate in the system.

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

House File 126, by Connors, a bill for an act relating to mobile home tax credits.

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

House File 127, by Hanson of Delaware, a bill for an act relating to the conduct of business by licensed fur dealers.

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

House File 128, by Shoultz, a bill for an act relating to the length of the term of employment of a school superintendent by the board of directors of a school district.

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

House File 129, by Groninga, a bill for an act to legalize the proceedings of the City Council of the City of Mason City relating to its budget and certification of taxes pertaining to the City Library.

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

House File 130, by McKean, a bill for an act relating to the date of the primary election.

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

House File 131, by Tyrrell, a bill for an act to repeal a provision relating to the duration of a state payroll deduction for dues to an employee organization.

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

House File 132, by Brammer, a bill for an act relating to domestic abuse proceedings and providing for forms to be used by plaintiffs proceeding pro se.

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

House File 133, by McKean, a bill for an act relating to operation of a motor vehicle while under the influence of alcohol or a drug, reducing the per se alcohol concentration level, and providing for minimum periods of license revocation.

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

House File 134, by Beatty, a bill for an act relating to fees for jurors, certain court fees and costs, and the access of a person to the record of the person's deferred judgment and order of discharge from probation.

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

House File 135, by Diemer and Hanson of Black Hawk, a bill for an act to require the department of education to create athletic conferences for school districts and accredited nonpublic schools in order to permit schools to participate in athletic events with schools of comparable size and close geographic proximity.

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

House File 136, by Hibbard, a bill for an act removing certain prohibitions on the feeding of garbage to hogs.

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

On motion by McKinney of Dallas, the House was recessed at 9:10 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

SPONSOR ADDED

(House File 70)

Bartz of Worth requested to be added as a sponsor of House File 70.

PROOF OF PUBLICATION

(House File 129)

Published copy of House File 129 and verified proof of publication of said bill in The Globe-Gazette, a daily newspaper printed and published in Mason City, Cerro Gordo County, Iowa on January 22, 1991 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

COMMUNICATION RECEIVED

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

DEPARTMENT OF TRANSPORTATION

A copy of the Annual Report, pursuant to Chapters 310.36 and 312.3A, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 97

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 99

Agriculture: Mertz, Chair; Branstad and Koenigs.

House File 102

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 108

Education: Wise, Chair; Shoultz and Siegrist.

House File 109

Natural Resources and Outdoor Recreation: Dickinson, Chair; Diemer and Hanson of Black Hawk.

House File 113

Judiciary and Law Enforcement: Hibbard, Chair; Bisignano, Harbor, Hurley and Peterson of Carroll.

House File 114

Judiciary and Law Enforcement: Bisignano, Chair; Blanshan and McKean.

House File 115

State Government: Poncy, Chair; Beatty, Knapp, Renken and Tyrrell.

House File 116

Judiciary and Law Enforcement: Jay, Chair; Blanshan and Kremer.

House File 117

Judiciary and Law Enforcement: Jay, Chair; Blanshan and Kremer.

House File 118

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

House File 121

State Government: Blanshan, Chair; Carpenter, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

House File 122

State Government: Blanshan, Chair; Carpenter, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

House File 123

Judiciary and Law Enforcement: Jay, Chair; Blanshan and Kremer.

House File 125

State Government: Blanshan, Chair; Carpenter, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

House File 127

Natural Resources and Outdoor Recreation: Spear, Chair; Schrader and Weidman.

House File 128

Education: Wissing, Chair; Hanson of Black Hawk and Spear.

House File 130

State Government: Pavich, Chair; Beatty, Halvorson of Webster, Hanson of Delaware, Krebsbach, Renken and Teaford.

House File 135

Education: Wise, Chair; Shoultz and Siegrist.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 27**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House Study Bill 30

Agriculture: Petersen of Muscatine, Chair; Brand and Gruhn.

House Study Bill 36

State Government: Bisignano, Chair; Carpenter, Poncy, Spenner and Teaford.

House Study Bill 39

Human Resources: Svoboda, Chair; Hester and Murphy.

House Study Bill 40

Human Resources: Burke, Chair; Hurley and Teaford.

House Study Bill 41

Human Resources: Krebsbach, Chair; Hammond and Nielsen.

House Study Bill 42

Natural Resources and Outdoor Recreation: Shoultz, Chair; Dickinson, Diemer, Eddie and Gruhn.

House Study Bill 43

State Government: Poncy, Chair; Bisignano, Carpenter, Spenner and Teaford.

House Study Bill 45

Education: Adams, Chair; Kistler and Neuhauser.

House Study Bill 46

State Government: Carpenter, Chair, Beatty, Knapp, Peterson of Carroll, Poncy, Renken and Tyrrell.

House Study Bill 47

State Government: Renken, Chair; Beatty, Knapp, Poncy and Tyrrell.

House Study Bill 48

Agriculture: Fogarty, Chair; Eddie and Hibbard.

House Study Bill 49

Agriculture: Schrader, Chair; Bennett and Mertz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 50 Commerce**

Relating to banking law by limiting the aggregate amount of cash value life insurance a state bank may purchase, amending the date by which the superintendent must file an annual report, and suspending certain laws.

H.S.B. 51 Commerce

Relating to the repeal of chapter 536B, and the restrictions on investments made by, and debt instruments offered for sale by, an industrial loan company.

H.S.B. 52 Education

Establishing the arts and cultural enhancement and endowment program.

H.S.B. 53 Energy and Environmental Protection

Relating to general permits for activities affecting the environment.

H.S.B. 54 Judiciary and Law Enforcement

Relating to allowing persons indirectly injured by antitrust violations to sue for redress.

H.S.B. 55 Judiciary and Law Enforcement

Relating to the expansion of the court of appeals, allowing the court of appeals additional law clerks, and appropriating funds.

H.S.B. 56 Judiciary and Law Enforcement

Establishing the Iowa uniform premarital agreement Act.

H.S.B. 57 Judiciary and Law Enforcement

Relating to the transfer of ownership of a vehicle by operation of law.

H.S.B. 58 Judiciary and Law Enforcement

Prohibiting the use of public funds for lobbying and providing a penalty.

H.S.B. 59 Judiciary and Law Enforcement

Relating to establishing a durable power of attorney authorized to make health care decisions.

H.S.B. 60 Judiciary and Law Enforcement

Relating to probate code provisions with respect to testamentary trusts, investments by fiduciaries, conservatorships, and the distribution of decedents' property by affidavit.

H.S.B. 61 Judiciary and Law Enforcement

Relating to authorizing a spouse to execute a power of attorney instrument sufficient to relinquish homestead rights and inchoate surviving spouse's statutory share in the homestead.

H.S.B. 62 Judiciary and Law Enforcement

Establishing the crime of fourth degree sexual abuse by public employees, and providing a penalty.

H.S.B. 63 Judiciary and Law Enforcement

Relating to the taxation of attorney fees in prison disciplinary cases.

H.S.B. 64 Commerce

Relating to the number of presidents of a state bank which is established by merger or consolidation.

H.S.B. 65 Commerce

Relating to the reservation of a bank name.

H.S.B. 66 Commerce

Relating to the inclusion of coverage for podiatric services under prepaid group plans if the podiatric services are covered when performed by other health care providers.

H.S.B. 67 Commerce

Relating to exempting a bank from providing evidence of financial security when making an application for registration as a travel agency.

H.S.B. 68 Commerce

Relating to the obligations of a spouse of a director or officer of a state bank.

H.S.B. 69 Local Government

Authorizing counties to grant franchises for ambulance services.

H.S.B. 70 Local Government

Relating to the provision of medical care to persons under arrest.

H.S.B. 71 Local Government

Relating to the annexation of land surrounded by one or more cities.

H.S.B. 72 Local Government

Relating to the appeal of local governmental budgets.

H.S.B. 73 Local Government

Relating to motor vehicle registration fees.

H.S.B. 74 Local Government

Relating to removing the requirement that counties prepare their annual financial report in conformity with generally accepted accounting principles.

H.S.B. 75 Local Government

Relating to the tax levy for the assessment expense fund for the maintenance of the office of assessor.

H.S.B. 76 Local Government

Relating to the allowable reimbursement for the use of an automobile by a public officer or employee other than a state officer or employee.

On motion by McKinney of Dallas, the House adjourned at 3:04 p.m., until 9:00 a.m., Wednesday, January 30, 1991.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day — Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 30, 1991

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

Prayer was offered by Reverend James Henke, pastor of the United Methodist Church, Manchester.

The Journal of Tuesday, January 29, 1991 was approved.

INTRODUCTION OF BILLS

House File 137, by Eddie, a bill for an act prohibiting a food service establishment from adding a gratuity or tip to a customer's bill, and making a penalty applicable.

Read first time and referred to committee on **small business, economic development, and trade**.

House File 138, by Diemer and Hanson of Black Hawk, a bill for an act relating to school participation in athletic conferences and public and private athletic camps, and providing for an independent study.

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

House File 139, by Neuhauser, a bill for an act to prohibit an official or state agency employee from seeking and obtaining employment, for one year after terminating employment or service, from any person, firm, corporation, or association which the official's or state employee's office or agency regulates or with which the office or agency does business.

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

House File 140, by Halvorson of Clayton, a bill for an act relating to evidentiary restrictions regarding the nonuse of safety belts, safety harnesses, and child restraint devices in civil proceedings.

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

House File 141, by Tyrrell, a bill for an act relating to right-to-work protections by prohibiting threats and intimidations, requiring investigation of violations, and providing a civil remedy for injury.

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

House File 142, by Brammer, a bill for an act relating to increasing the state's sales, services, and use taxes, providing for refunds under certain circumstances for contractors, and providing effective, applicability, and repeal dates.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 34, a bill for an act relating to the sale, offer for sale, or distribution of purple loosestrife.

Also: That the Senate has on January 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 53, a bill for an act relating to certificates required for moving swine, and creating penalties.

Also: That the Senate has on January 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 56, a bill for an act requiring reporting of county aid by societies organized to administer local fairs.

Also: That the Senate has on January 28, 1991, refused to concur in the House amendment to the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 2, a concurrent resolution relating to joint rules of the senate and house for the seventy-fourth general assembly.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 9:16 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

APPOINTMENTS BY THE SPEAKER

The Speaker announced the following appointments:

1991-92 Legislative Council
(Section 2.41, Code of Iowa)

Representative Bob Arnould
Representative Wayne H. McKinney, Jr.

Representative Harold C. Van Maanen
Representative Janet Adams
Representative Cliff Branstad
Representative Kay Chapman
Representative John H. Connors
Representative Roger A. Halvorson
Representative William Harbor
Representative Thomas J. Jochum
Representative Mary Lundby
Representative Mike Peterson

SPONSORS ADDED **(House File 104)**

Burke of Marshall requested to be added as a sponsor of House File 104.

(House File 129)

Bartz of Worth requested to be added as a sponsor of House File 129.

(House File 130)

Spenner of Henry requested to be added as a sponsor of House File 130.

COMMUNICATION RECEIVED.

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

OFFICE OF TREASURER OF IOWA

The Linked Investments for Tomorrow Annual Report on Horticulture and Alternative Crops, Targeted Small Business, and Project Main Street, pursuant to Chapter 12.38, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 32

Commerce: Bisignano, Chair; Gill and Lundby.

House File 53

Commerce: Corbett, Chair; Blanshan and Hansen of Woodbury.

House File 96

Commerce: Chapman, Chair; Brown and Kremer.

House File 110

Commerce: Doderer, Chair; Halvorson of Clayton and Holveck.

House File 112

Transportation: Pavich, Chair; Diemer, Hibbard, Muhlbauer and Spenner.

House File 120

Human Resources: Teaford, Chair; Hurley and Osterberg.

House File 137

Small Business, Economic Development and Trade: Miller, Chair; Renaud and Weidman.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 28**

Transportation: Black, Chair; Fogarty and Maulsby.

House Study Bill 38

Transportation: Halvorson of Webster, Chair; Beaman and Fogarty.

House Study Bill 44

Transportation: Chapman, Chair; Cohoon and Lageschulte.

House Study Bill 50

Commerce: Brammer, Chair; Brown and Miller.

House Study Bill 51

Commerce: Blanshan, Chair; Groninga and Shoning.

House Study Bill 52

Education: Shearer, Chair; Cohoon and Corbett.

House Study Bill 53

Energy and Environmental Protection: Holveck, Chair; Banks and Shearer.

House Study Bill 54

Judiciary and Law Enforcement: Wissing, Chair; Poncy and Siegrist.

House Study Bill 55

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House Study Bill 56

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House Study Bill 57

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

House Study Bill 58

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Harbor and Knapp.

House Study Bill 59

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Blanshan and Kremer.

House Study Bill 60

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Blanshan and Kremer.

House Study Bill 61

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Blanshan and Kremer.

House Study Bill 62

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

House Study Bill 63

Judiciary and Law Enforcement: Sherzan, Chair; Hurley, Knapp, McKean and Wissing.

House Study Bill 64

Commerce: Gill, Chair; Metcalf and Sherzan.

House Study Bill 65

Commerce: Baker, Chair; Halvorson of Webster and Shoning.

House Study Bill 66

Commerce: Bisignano, Chair; Holveck and Metcalf.

House Study Bill 67

Commerce: Brammer, Chair; Groninga and Miller.

House Study Bill 68

Commerce: Doderer, Chair; Holveck and Renken.

House Study Bill 69

Local Government: Black, Chair; Bernau and Eddie.

House Study Bill 70

Local Government: Hatch, Chair; Bernau and Metcalf.

House Study Bill 71

Local Government: Spear, Chair; Hanson of Black Hawk and Shearer.

House Study Bill 72

Local Government: Connors, Chair; Baker and Diemer.

House Study Bill 73

Local Government: Cohoon, Chair; Gipp and Mertz.

House Study Bill 75

Local Government: Fogarty, Chair; Cohoon and Hester.

House Study Bill 76

Local Government: Muhlbauer, Chair; Hahn and Spear.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 77 Human Resources**

Relating to the issuance of motorized bicycle licenses and providing for the Act's applicability.

H.S.B. 78 Natural Resources and Outdoor Recreation

Relating to the hunter safety and ethics education program, and providing a penalty for violations.

H.S.B. 79 Natural Resources and Outdoor Recreation

Relating to the resource enhancement and protection (REAP) program.

H.S.B. 80 Natural Resources and Outdoor Recreation

Relating to the operation of a watercraft by a person who is intoxicated, including implied consent for chemical testing, and providing penalties.

H.S.B. 81 State Government

Relating to therapeutically certified optometrists.

H.S.B. 82 Small Business, Economic Development and Trade

Relating to the organizational structure of the Wallace technology transfer foundation and the Iowa product development corporation.

H.S.B. 83 Education

Relating to area education agencies and providing effective dates.

H.S.B. 84 Education

Relating to school instruction and attendance of children of compulsory school attendance age.

On motion by McKinney of Dallas, the House adjourned at 4:06 p.m., until 9:00 a.m., Thursday, January 31, 1991.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day — Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 31, 1991

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

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

The Journal of Wednesday, January 30, 1991 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 4, by Spear, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the disqualification from office for parties in a duel.

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

House File 143, by Poncy and Neuhauser, a bill for an act relating to the confidentiality of victim-identifying information in cases of sexual abuse.

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

House File 144, by Jay, a bill for an act relating to the payment of retirement dividends under the public employees' retirement system.

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

House File 145, by Chapman, a bill for an act to create a lien against aircraft and certain aircraft equipment in favor of persons who have installed the equipment in the aircraft and providing priority of the lien against prior lienholders of record.

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

House File 146, by Halvorson of Clayton, a bill for an act eliminating the right to recover damages for emotional or mental distress in contract cases, except those cases involving actual physical injury, and providing for the Act's applicability.

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

House File 147, by Hansen of Woodbury, a bill for an act relating to liability of municipalities for torts on municipal extensions of primary roads.

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

House File 148, by Beatty, a bill for an act relating to the establishment of an adoption contact registry.

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

House File 149, by Halvorson of Webster and Peterson of Carroll, a bill for an act relating to Pearl Harbor motor vehicle registration plates.

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

House File 150, by Doderer, a bill for an act relating to the transfer of funds by enacting the uniform Act and providing civil remedies.

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

SENATE MESSAGES CONSIDERED

Senate File 34, by committee on agriculture, a bill for an act relating to the sale, offer for sale, or distribution of purple loosestrife.

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

Senate File 53, by committee on agriculture, a bill for an act relating to certificates required for moving swine, and creating penalties.

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

Senate File 56, by committee on agriculture, a bill for an act requiring reporting of county aid by societies organized to administer local fairs.

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

On motion by McKinney of Dallas, the House was recessed at 9:08 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

COMMUNICATION RECEIVED

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

STATE BOARD OF REGENTS

The Annual Report of the Statewide Family Practice Training Program, pursuant to Chapter 7E.3(4), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 4**

State Government: Shoning, Chair; Blanshan and Teaford.

House File 129

Judiciary and Law Enforcement: Blanshan, Chair; and Siegrist.

House File 136

Agriculture: Hibbard, Chair; Banks and Svoboda.

House File 139

State Government: Carpenter, Chair; Blanshan, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

House File 144

State Government: Blanshan, Chair; Carpenter, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 77**

Human Resources: Neuhauser, Chair; Mertz and Spenner.

House Study Bill 78

Natural Resources and Outdoor Recreation: Tyrrell, Chair; Pavich and Royer.

House Study Bill 79

Natural Resources and Outdoor Recreation: Black, Chair; Diemer and Schrader.

House Study Bill 80

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

House Study Bill 81

State Government: Renken, Chair; Beatty, Knapp, Poncy and Tyrrell.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 85 Energy and Environmental Protection

Relating to the disposal and treatment of solid waste, including special wastes, and providing fees.

H.S.B. 86 Energy and Environmental Protection

Relating to pesticide accidents and incidents including the establishment of a pesticide incident reimbursement program and the imposition of an excise tax.

H.S.B. 87 Energy and Environmental Protection

To provide filter strips within fifty feet of meandered streams and sovereign lakes in this state, and subjecting violators to a penalty.

H.S.B. 88 Energy and Environmental Protection

Relating to the environmental protection responsibilities of the department of natural resources by providing for the issuance of general permits, limiting local regulation of sewage sludge, requiring collection of household hazardous materials, and providing for criminal penalties.

H.S.B. 89 Transportation

Relating to maximum lengths of saddle mounted or full mounted power unit combination vehicles.

H.S.B. 90 Human Resources

Relating to state programs and institutions serving persons with mental retardation, developmental disabilities, or mental illness.

H.S.B. 91 Human Resources

Requiring the state registrar to provide a certified copy of a birth certificate when the certificate is registered.

H.S.B. 92 Human Resources

Relating to the sale, purchase, and furnishing of cigarettes and tobacco products to certain persons and providing penalties.

H.S.B. 93 Human Resources

Relating to the medical assistance program.

H.S.B. 94 Human Resources

Requiring riders of motorized bicycles to wear protective headgear and making a penalty applicable.

H.S.B. 95 State Government

Relating to the adoption of rules providing for the administering of a deferred compensation program for state employees by the department of personnel.

H.S.B. 96 State Government

Relating to the installation of smoke detectors in certain tenant dwelling units, multiple-unit residential buildings, and single family residences.

H.S.B. 97 State Government

Relating to the completion of an actuarial study of actions with respect to the retirement systems for public safety peace officers, police officers, and fire fighters within the year 1991, and providing effective and retroactive applicability dates.

H.S.B. 98 State Government

Relating to political signs and making certain penalties applicable.

H.S.B. 99 State Government

Relating to the presence of certain persons under the age of twenty-one years on excursion gambling boats, and providing an effective date.

H.S.B. 100 Small Business, Economic Development and Trade

Relating to repayment of loans by local development corporations and providing an effective date.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TRADE

Committee Bill (Formerly House Study Bill 16), making nonsubstantive changes in the Iowa small business new jobs training Act.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1991.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 24), relating to boxing and wrestling laws administered by the athletic commissioner.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 1991.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 13), relating to vehicle registration renewals and nonpayment of certain fines and charges.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 31, 1991.

AMENDMENTS FILED

H—3014	H.F.	142	Brammer of Linn
H—3015	H.R.	2	Van Maanen of Mahaska

On motion by McKinney of Dallas, the House adjourned at 3:22 p.m., until 10:00 a.m., Monday, February 4, 1991.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day — Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 4, 1991

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

Prayer was offered by Reverend Richard Wallarab, pastor of the First Presbyterian Church, Fairfield.

The Journal of Thursday, January 31, 1991 was approved.

INTRODUCTION OF BILLS

House File 151, by committee on small business, economic development and trade, a bill for an act making nonsubstantive changes in the Iowa small business new jobs training Act.

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

House File 152, by committee on state government, a bill for an act relating to boxing and wrestling laws administered by the athletic commissioner.

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

House File 153, by Eddie, a bill for an act relating to the sale of cigarettes in vending machines.

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

House File 154, by Hatch, a bill for an act relating to petroleum underground storage tanks and providing a penalty.

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

House File 155, by Svoboda, a bill for an act relating to establishment of environmental corridors to protect public parks and recreation areas and declaring violations public nuisances.

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

House File 156, by Murphy, a bill for an act relating to the collection of delinquent criminal fines by counties.

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

House File 157, by Halvorson of Webster, a bill for an act relating to political campaigns, providing partial public financing of political campaigns, providing that the lieutenant governor is not considered a separate candidate for campaign finance purposes, appropriating funds, providing penalties, and providing effective and retroactive applicability dates.

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

House File 158, by Tyrrell, a bill for an act relating to improper voting in a general election.

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

House File 159, by Svoboda, a bill for an act relating to the incineration of yard waste at a sanitary disposal project.

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

House File 160, by Svoboda, a bill for an act requiring reporting by dealers and brokers of livestock and processors of livestock products, and providing a penalty.

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

House File 161, by Murphy, Knapp, Brown and Muhlbauer, a bill for an act relating to the annual salaries of state officers and employees and providing an effective date.

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

House File 162, by Muhlbauer, a bill for an act relating to exempting certain cargo tank motor vehicles from hazardous materials transportation regulations.

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

House File 163, by Harbor, a bill for an act relating to notification of school officials of certain alcohol and drug offenses by minors.

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

House File 164, by Daggett, Kistler, Miller, Renken, Beaman and Iverson, a bill for an act requiring soil testing for certain contaminated sites and monitoring of petroleum releases for underground storage tanks.

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

House File 165, by Bartz, a bill for an act to establish a guaranteed student loan repayment program for Iowa resident students, who graduate from accredited higher education institutions in this state, and who remain residents and file tax returns in the state of Iowa.

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

House File 166, by Bartz, a bill for an act relating to leaves of absence for employees who are candidates for the general assembly or an elective state office and making penalties applicable.

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

House File 167, by Bisignano, a bill for an act relating to membership of county compensation boards.

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

House File 168, by Teaford and Shoultz, a bill for an act relating to verification of primary election nomination petitions filed by candidates for state elective office and the general assembly.

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

House File 169, by Hatch, Osterberg, Bernau, Jesse, Dvorsky and Shearer, a bill for an act relating to the establishment of a toxics reduction program, and providing for the imposition of toxics user and source permit fees.

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

House File 170, by committee on transportation, a bill for an act relating to vehicle registration renewals and nonpayment of certain fines and charges.

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

On motion by McKinney of Dallas, the House was recessed at 10:23 a.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 171, by Svoboda, a bill for an act to permit academic references to religion in public schools under certain circumstances.

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

House File 172, by Diemer, a bill for an act relating to acquired immune deficiency syndrome by providing for the testing and notification of certain persons and by providing for the release of certain information and providing a penalty.

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

House File 173, by committee on appropriations, a bill for an act relating to reductions in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, a supplemental appropriation, and transferring moneys from the Iowa plan fund and other funds to the general fund of the state, and authorizing community colleges to levy a tax for cash reserve for one year, and providing an effective date.

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

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF CULTURAL AFFAIRS

The report on The Promotion of Iowa Historic Sites as a Part of the Tourism Promotion Plan, pursuant to Chapter 1262.1(3), 1990 Acts of the Seventy-third General Assembly.

DEPARTMENT OF TRANSPORTATION

An interim report, relating transportation planning, systems development and management to urban and rural development, land use planning and energy demand, pursuant to Chapter 1252.49(1), 1990 Acts of the Seventy-third General Assembly.

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

1991-6

Tri-State Independent Blind Society, Dubuque — For its work in assisting disabled citizens in the tri-state area to lead fuller, more independent lives.

- 1991-7 Virgil Umthun, Eagle Grove — Recognition for his long history of civic and community involvement in the state of Iowa and his election as Chairman of the Board of the Interstate Truck-load Carriers Conference.
- 1991-8 The Memory of Reverend George Parrish, Des Moines — For his lifelong commitment to service in the community and in the church.

SUBCOMMITTEE ASSIGNMENTS

House File 138

Education: Wise, Chair; Shoultz and Siegrist.

House File 148

Human Resources: Haverland, Chair; Hurley and Nielsen.

House File 153

Human Resources: Teaford, Chair; Burke, Daggett, Grubbs and Haverland.

House File 156

Local Government: Fogarty, Chair; Connors and Hester.

House File 167

Local Government: Muhlbauer, Chair; Bernau, Eddie, Gipp and Hatch.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 82

Small Business, Economic Development and Trade: Wise, Chair; Beaman and Doderer.

House Study Bill 83

Education: Shearer, Chair; Adams, Daggett, Kistler and Ollie.

House Study Bill 84

Education: Ollie, Chair; Daggett and Wissing.

House Study Bill 90

Human Resources: Mertz, Chair; Jesse and Krebsbach.

House Study Bill 91

Human Resources: Nielsen, Chair; Hurley and Jesse.

House Study Bill 92

Human Resources: Teaford, Chair; Burke, Daggett, Grubbs and Haverland.

House Study Bill 93

Human Resources: Hammond, Chair; Hester and Nielsen.

House Study Bill 94

Human Resources: Neuhauser, Chair; Mertz and Spenner.

House Study Bill 95

State Government: Carpenter, Chair; Blanshan, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

House Study Bill 96

State Government: Connors, Chair; Garman, Knapp, Krebsbach and Peterson of Carroll.

House Study Bill 97

State Government: Blanshan, Chair; Carpenter, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

House Study Bill 98

State Government: Teaford, Chair; Beatty, Halvorson of Webster, Hanson of Delaware, Krebsbach, Pavich and Renken.

House Study Bill 99

State Government: Bisignano, Chair; Lundby, Pavich, Renaud and Shoning.

House Study Bill 100

Small Business, Economic Development and Trade: Groninga, Chair; Bartz and Nielsen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 101 Transportation**

Increasing excessive speeding violation fines and court costs for scheduled violations.

H.S.B. 102 Local Government

Relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a sales and services tax, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

H.S.B. 103 State Government

Relating to the practice of dentistry, assessing a fee, and providing a civil penalty.

H.S.B. 104 State Government

Relating to the department of inspections and appeals by creating new licensing and fee requirements for gaming activities.

H.S.B. 105 Labor and Industrial Relations

Relating to the administration of the employment security law by the division of job service of the department of employment services.

H.S.B. 106 Labor and Industrial Relations

Relating to the collateral effect of job service division determinations regarding claims for unemployment benefits.

H.S.B. 107 Labor and Industrial Relations

Relating to workers' compensation medical benefits and weekly benefit claims, extraterritorial jurisdiction, burial expenses, and minimum benefit payments.

H.S.B. 108 Commerce

Relating to the appointment of the superintendent of banking by providing that an appointee shall not have a conflict of interest.

H.S.B. 109 State Government

Urging the Congress of the United States to propose an amendment to the Constitution of the United States granting Congress and the states the power to prohibit the physical desecration of the flag of the United States.

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 reductions in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, a supplemental appropriation, and transferring moneys from the Iowa plan fund and other funds to the general fund of the state, and authorizing community colleges to levy a tax for cash reserve for one year, and providing an effective date.

Fiscal Note is required.

Recommended Amend and Do Pass February 4, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 129, a bill for an act to legalize the proceedings of the City Council of the City of Mason City relating to its budget and certification of taxes pertaining to the City Library.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3017 February 4, 1991.

RESOLUTION FILED

HR 7, by McKinney and Connors, a resolution encouraging the University of Iowa to host a championship boxing match involving Michael Nunn at Carver-Hawkeye Arena in Iowa City.

Referred to committee on education.

AMENDMENTS FILED

H-3016	H.F.	142	Brammer of Linn
H-3017	H.F.	129	Committee on Judiciary and Law Enforcement

On motion by Adams of Hamilton, the House adjourned at 5:57 p.m., until 9:00 a.m., Tuesday, February 5, 1991.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day — Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 5, 1991

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

Prayer was offered by the Honorable Lee Plasier, state representative from Sioux County.

The Journal of Monday, February 4, 1991 was approved.

INTRODUCTION OF BILLS

House File 174, by Hansen of Woodbury, a bill for an act relating to the authority of cities to adopt by reference portions of the Code of Iowa.

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

House File 175, by Rafferty and Wissing, a bill for an act relating to driver's license reciprocity for minors.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 31, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 33, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers, and providing for fees.

Also: That the Senate has on January 31, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 90, a bill for an act making nonsubstantive changes in the Iowa small business new jobs training Act.

Also: That the Senate has on January 31, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 92, a bill for an act to create an advisory commission on intergovernmental relations, specify its membership, and enumerate its powers and duties.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 9:15 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

LEGISLATIVE COUNCIL COMMITTEES (Code Section 2.45)

The following members of the Legislative Council Committees were appointed:

ADMINISTRATION

Representative Wayne McKinney
Representative Mike Peterson
Representative Bill Harbor

CAPITAL PROJECTS

Representative Janet Adams
Representative Bill Brand
Representative Roger Halvorson
Representative Tom Jochum
Representative Ruhl Maulsby

FISCAL

Representative Tom Jochum
Representative Roger Halvorson
Representative Wayne Bennett
Representative Kay Chapman
Representative Don Knapp

SERVICE

Representative John Connors
Representative Harold Van Maanen
Representative Kay Chapman

STUDIES

Representative Bob Arnould
Representative Wayne McKinney
Representative Janet Adams
Representative Cliff Branstad
Representative Mary Lundby

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF GENERAL SERVICES

A report on the average combined fuel economy for all new motor vehicles purchased, pursuant to Chapter 18.115(4)(3), Code of Iowa.

The annual report on the purchase of starch-based plastic products and soybean-based inks, pursuant to Chapter 18.18(d)(1)(2), Code of Iowa.

**DEPARTMENT OF HUMAN RIGHTS
Commission on the Status of Women**

The annual report, pursuant to Chapter 601K.60, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The 1990 annual report of the Iowa Railway Finance Authority, pursuant to Chapter 307B.8(6), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS**House File 12**

Labor and Industrial Relations: Sherzan, Chair; Branstad, Connors, McNeal and Wissing.

House File 15

Labor and Industrial Relations: Tyrrell, Chair; Poncy and Renaud.

House File 41

Labor and Industrial Relations: Ollie, Chair; Beatty, Branstad, Gill and Rafferty.

House File 42

Labor and Industrial Relations: Sherzan, Chair; Branstad, Connors, McNeal and Wissing.

House File 111

Energy and Environmental Protection: Shoultz, Chair; Adams and Gipp.

House File 124

Labor and Industrial Relations: Ollie, Chair; Beatty, Branstad, Gill and Rafferty.

House File 145

Transportation: Chapman, Chair; Harbor and Murphy.

House File 149

Transportation: Halvorson of Webster, Chair; Beaman and Muhlbauer.

House File 157

State Government: Halvorson of Webster, Chair; Beatty, Hanson of Delaware, Krebsbach, Pavich, Renken and Teaford.

House File 158

State Government: Pavich, Chair; Beatty, Halvorson of Webster, Hanson of Delaware, Krebsbach, Renken and Teaford.

House File 162

Transportation: Muhlbauer, Chair; Pavich and Weidman.

House File 166

State Government: Halvorson of Webster, Chair; Beatty, Hanson of Delaware, Krebsbach, Pavich, Renken and Teaford.

House File 168

State Government: Teaford, Chair; Beatty, Halvorson of Webster, Hanson of Delaware, Krebsbach, Pavich and Renken.

House File 169

Energy and Environmental Protection: Hatch, Chair; Banks, Dvorsky, Lundby and Neuhauser.

Senate File 34

Agriculture: Gruhn, Chair; Brand and De Groot.

Senate File 53

Agriculture: Koenigs, Chair; Bennett and Brown.

Senate File 56

Agriculture: Brand, Chair; Jesse and Johnson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 37**

Labor and Industrial Relations: Poncy, Chair; Kremer, Plasier, Renaud and Wissing.

House Study Bill 87

Energy and Environmental Protection: Schrader, Chair; Petersen of Muscatine and Shearer.

House Study Bill 89

Transportation: Black, Chair; Fogarty and Maulsby.

House Study Bill 101

Transportation: Spenner, Chair; Koenigs and Royer.

House Study Bill 102

Local Government: Dvorsky, Chair; Cohoon, Hahn, Hanson of Black Hawk and Shearer.

House Study Bill 103

State Government: Tyrrell, Chair; Beatty, Knapp, Poncy and Renken.

House Study Bill 104

State Government: Knapp, Chair; Connors, Garman, Krebsbach and Peterson of Carroll.

House Study Bill 105

Labor and Industrial Relations: Teaford, Chair; Gill, Hansen of Woodbury, Kistler and Plasier.

House Study Bill 106

Labor and Industrial Relations: Brammer, Chair; Beatty, Jochum, McKean and Millage.

House Study Bill 107

Labor and Industrial Relations: Gill, Chair; Beatty, Branstad, Ollie and Rafferty.

House Study Bill 109

State Government: Blanshan, Chair; Shoning and Teaford.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 110 State Government**

Relating to peer review of certain certified public accountants, and providing an effective date.

H.S.B. 111 Agriculture

Relating to alternative fuels, by establishing a center for ethanol fuel, requiring state agencies to purchase vehicles which operate on ethanol fuel, providing for the formation of a compact between states, and continuing the excise tax exemption for gasohol.

H.S.B. 112 Education

Relating to the calculation of phase I payments to school districts and area education agencies.

H.S.B. 113 Judiciary and Law Enforcement

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

H.S.B. 114 Judiciary and Law Enforcement

Relating to nonsubstantive Code and Act corrections.

H.S.B. 115 Human Resources

Relating to state policies and procedures affecting children.

H.S.B. 116 Human Resources

Relating to certain statutory provisions concerning the department of corrections.

H.S.B. 117 Human Resources

Relating to child abuse.

H.S.B. 118 Human Resources

Relating to the department of inspections and appeals by expanding its investigatory authority, providing that certain information regarding health care facilities be available to the public, relating to health care facilities under receivership, providing additional grounds for suspension and revocation of certain licenses issued by the department, increasing criminal penalties for wanton neglect of a resident of a health care facility, and providing an effective date.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON LOCAL GOVERNMENT

House File 73, a bill for an act relating to the definition of vacancy in office for elected county officers.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 1991.

Committee Bill (Formerly House Study Bill 71), relating to the annexation of land surrounded by one or more cities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 1991.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 99), relating to the presence of certain persons under the age of twenty-one years on excursion gambling boats, and providing an effective date.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 5, 1991.

AMENDMENTS FILED

H—3018	H.R.	2	Bisignano of Polk
Jochum of Dubuque			Poncy of Wapello
Fogarty of Palo Alto			Sherzan of Polk
Hammond of Story			Pavich of Pottawattamie

Baker of Polk
Royer of Page
Harbor of Mills
Hanson of Delaware
Svoboda of Tama
Murphy of Dubuque
Brammer of Linn
Dvorsky of Johnson
Brown of Lucas

Neuhauser of Johnson
Hatch of Polk
Halvorson of Clayton
Adams of Hamilton
Halvorson of Webster
Iverson of Wright
Nielsen of Linn
Black of Jasper
Beatty of Warren
Bartz of Worth
Halvorson of Clayton
Jochum of Dubuque
Bisignano of Polk
Harbor of Mills
Sherzan of Polk

H-3019

H.F. 173

On motion by McKinney of Dallas, the House adjourned at 3:48 p.m., until 9:00 a.m., Wednesday, February 6, 1991.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day — Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 6, 1991

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

Prayer was offered by the Honorable Charles Poncy, state representative from Wapello County.

The Journal of Tuesday, February 5, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Bartz of Worth from fifty-one north Iowa sportsmen opposing the transfer of funds from the fish and game trust fund to the general fund under House File 173.

INTRODUCTION OF BILLS

House File 176, by Gruhn, a bill for an act requiring protective headgear for motorized bicyclists under the age of eighteen and providing a penalty.

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

House File 177, by Fogarty, a bill for an act relating to the department of natural resources, by providing for the use of unexpended moneys in the fish and game protection fund, and providing an effective date.

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

House File 178, by McNeal, a bill for an act increasing the penalty for interference with official acts.

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

House File 179, by Bernau, a bill for an act relating to the possession and exhibition of a hunter safety and ethics education certificate, and subjecting violators to a penalty.

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

House File 180, by Halvorson of Clayton, a bill for an act relating to consortium claims under comparative fault.

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

House File 181, by McKean, a bill for an act prohibiting certain campaign contributions to members of the general assembly, the governor, lieutenant governor, and candidates for those offices, during a legislative session, and making a penalty applicable.

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

SENATE MESSAGES CONSIDERED

Senate File 90, by committee on small business and economic development, a bill for an act making nonsubstantive changes in the Iowa small business new jobs training Act.

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

Senate File 92, by committee on local government, a bill for an act to create an advisory commission on intergovernmental relations, specify its membership, and enumerate its powers and duties.

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

SPECIAL PRESENTATION

Bisignano of Polk presented to the House Dr. Maria Stoltzman, member of the Polish Parliament who is visiting Iowa.

Dr. Stoltzman was born in Suserz, is a graduate of Jagellonian University in Krakow with a Doctorate degree in Livestock Genetics, has served twenty-five years with the Zootechnical Institute in Krakow and nine years as Deputy Director of the Nationwide Animal Breeding Center of Warsaw. In 1984, she was nominated Secretary of the Church Agricultural Committee by the Primate of Poland. As of March 1, 1988, she has been the President of the Water Supply Foundation.

The House rose and expressed its welcome.

On motion by McKinney of Dallas, the House was recessed at 9:11 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILL

House File 182, by committee on local government, a bill for an act relating to the annexation of land surrounded by one or more cities.

Read first time and placed on the calendar.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-seven members present, three absent.

RULES SUSPENDED

McKinney of Dallas moved to suspend the rules for the immediate consideration of House File 173.

A non-record roll call was requested.

The ayes were 54, nays 43.

The motion prevailed and the rules were suspended.

RULE 31.8 SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, on House File 173.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 173, a bill for an act relating to reductions in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, a supplemental appropriation, and transferring moneys from the Iowa plan fund and other funds to the general fund of the state, and authorizing community colleges to levy a tax for cash reserve for one year, and providing an effective date, was taken up for consideration.

Halvorson of Webster offered the following amendment H—3028 filed by him from the floor and moved its adoption:

H—3028

- 1 Amend House File 173 as follows:
- 2 1. Page 36, by striking line 5 and inserting the
- 3 following: "subsections 2 and 4, are amended to read
- 4 as follows:
- 5 2. RURAL COMMUNITY 2000
- 6 For deposit in the revolving fund created under

7 section 15.287:

8\$ 500,000

9 Notwithstanding section 15.283, subsection 4, for
10 the fiscal year beginning July 1, 1990, all funds
11 allocated under this program for traditional and new
12 infrastructure shall be applied to programs under
13 sections 15.284 and section 15.285."

14 2. Page 36, by inserting after line 34 the
15 following:

16 "Sec. _____. 1990 Iowa Acts, chapter 1262,
17 subsection 15, unnumbered paragraph 2, is amended to
18 read as follows:

19 For the rural community 2000 program:

20\$ 1,600,000

210".

22 3. By striking page 68, line 10, through page 69,
23 line 13.

Amendment H—3028 lost.

Wise of Lee offered the following amendment H—3033 filed by
him and Baker of Polk from the floor and moved its adoption:

H—3033

1 Amend House File 173 as follows:

2 1. Page 37, by striking line 2 and inserting the
3 following: "subsection 1, is amended to read as
4 follows:"

5 2. Page 37, by striking lines 7 through 14 and
6 inserting the following:

7 "Sec. _____. The appropriations made to Iowa state
8 university of science and technology under 1990 Iowa
9 Acts, chapter 1262, section 1, subsection 35, section
10 6, subsection 5, and section 11, shall be reduced by
11 \$100,000. The university shall select which of the
12 purposes which received appropriations under 1990 Iowa
13 Acts, chapter 1262, section 1, subsection 35, section
14 6, subsection 5, and section 11, shall be reduced so
15 that the reduction in appropriations of \$100,000 is
16 reached. If the university chooses to reduce the
17 appropriation to the research parks under section 6,
18 subsection 5, the amount of that reduction shall be
19 transferred from the Iowa community development loan
20 fund to the general fund of the state by June 30,
21 1991. Within one day following the enactment of this
22 Act, the university shall notify the department of
23 management and legislative fiscal bureau of which
24 appropriations shall be reduced and by what amount."

Amendment H—3033 was adopted.

Lundby of Linn offered the following amendment H—3024 filed from the floor by her and Corbett of Linn and moved its adoption:

H—3024

- 1 Amend House File 173 as follows:
- 2 1. By striking page 51, line 19 through page 54,
- 3 line 20.
- 4 2: Title page, lines 3 and 4, by striking the
- 5 words "a supplemental appropriation,".
- 6 3. By renumbering as necessary.

Roll call was requested by Lundby of Linn and Corbett of Linn.

On the question "Shall amendment H—3024 be adopted?"
(H.F. 173)

The ayes were, 17:

Bartz	Corbett	Diemer	Eddie
Gipp	Hahn	Hanson, D. E.	Hurley
Iverson	Krebsbach	Kremer	Lundby
Maulsby	McKean	Rafferty	Siegrist
Tyrrell			

The nays were, 83:

Adams	Baker	Banks	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Daggett
De Groot	Dickinson	Doderer	Dvorsky
Fogarty	Garman	Gill	Groninga
Grubbs	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Spear	Spenner
Svoboda	Teaford	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

Absent or not voting, none.

Amendment H—3024 lost.

Lundby of Linn offered the following amendment H—3022 filed from the floor by her and Corbett of Linn and moved its adoption:

H—3022

- 1 Amend House File 173 as follows:
- 2 1. By striking page 54, line 31 through page 57,
- 3 line 17.
- 4 2. By renumbering as necessary.

Roll call was requested by Lundby of Linn and Corbett of Linn.

On the question "Shall amendment H—3022 be adopted?"
(H.F. 173)

The ayes were, 13:

Bartz	Brammer	Corbett	De Groot
Diemer	Gill	Gipp	Hansen, S. D.
Hanson, D. E.	Krebsbach	Kremer	Lundby
Nielsen			

The nays were, 87:

Adams	Baker	Banks	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Daggett	Dickinson
Doderer	Dvorsky	Eddie	Fogarty
Garman	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

Absent or not voting, none.

Amendment H—3022 lost.

Corbett of Linn offered the following amendment H—3032 filed by him from the floor and moved its adoption:

H—3032

1 Amend House File 173 as follows:

2 1. Page 69, by inserting after line 24, the
3 following:

4 "Sec. _____. 1990 Iowa Acts, chapter 1272, section
5 23, unnumbered paragraph 1, is amended to read as
6 follows:

7 Notwithstanding the allocation of phase III moneys
8 under sections 294A.14 and 294A.25, for the fiscal
9 year beginning July 1, 1990, prior to the allocation
10 to school districts and area education agencies,
11 ~~\$125,000~~ \$50,000 of the moneys allocated for phase III
12 shall be retained by the department of education to
13 contract with the regional educational laboratory for
14 this state to establish and monitor an independent
15 evaluation of the operation of phase III of the
16 educational excellence program. The regional
17 educational laboratory shall determine the scope of
18 the evaluation, including a methodology for the
19 evaluation; the evaluation techniques; the sampling
20 size for numbers of different plans to evaluate; the
21 sampling size for numbers of interviews to be
22 conducted with teachers, school administrators, school
23 board members, members of the general public, and
24 others; and the process for oversight of the
25 evaluation. The laboratory, in consultation with the
26 department, shall select a consortium consisting of
27 Iowa teachers participating in phase III programs and
28 a public or private institution of higher education
29 offering a graduate program of teacher education to
30 work with the laboratory in the conduct of the
31 evaluation. The results of the evaluation shall be
32 reported to the department of education and to the
33 general assembly by January 1, 1992."

Amendment H—3032 lost.

Halvorson of Clayton offered the following amendment H—3019
filed by Halvorson of Clayton, et al., and moved its adoption:

H—3019

1 Amend House File 173 as follows:

2 1. By striking page 69, line 25 through page 70,
3 line 12.

4 2. Title page, by striking lines 6 and 7, and
5 inserting the following: "state, and providing an
6 effective date."

7 3. By renumbering as necessary.

Amendment H—3019 was adopted.

Halvorson of Clayton offered the following amendment H—3036 filed from the floor by Halvorson of Clayton, Corbett and Harbor and moved its adoption:

H—3036

- 1 Amend House File 173 as follows:
- 2 1. Page 72, by inserting after line 31 the
- 3 following:
- 4 "4. The appropriations reductions required by this
- 5 section shall not be obtained from amounts budgeted
- 6 for deferred maintenance."

Amendment H—3036 was adopted.

Corbett of Linn asked and received unanimous consent to defer action on amendment H—3031.

Halvorson of Clayton offered the following amendment H—3035 filed from the floor by Halvorson of Clayton, Corbett and Harbor and moved its adoption:

H—3035

- 1 Amend House File 173 as follows:
- 2 1. Page 73, line 9, by inserting after the figure
- 3 "3." the following: "However, financing authorized
- 4 pursuant to this section for the purposes of equipment
- 5 purchases shall provide for an accelerated limited
- 6 repayment structure over no more than a five-year
- 7 period."

Amendment H—3035 was adopted.

Jochum of Dubuque offered the following amendment H—3026 filed by him from the floor and moved its adoption:

H—3026

- 1 Amend House File 173 as follows:
- 2 1. Page 72, line 32, by inserting after the
- 3 figure "921." the following: "The general assembly
- 4 declares that the state board of regents has met the
- 5 requirements of section 262A.3 regarding the
- 6 preparation and submission to the general assembly of
- 7 the proposed ten-year building program for each
- 8 institution of higher learning under the jurisdiction
- 9 of the state board of regents, and the general
- 10 assembly approves that ten-year building program as
- 11 submitted."

Amendment H—3026 was adopted.

The House resumed consideration of amendment H—3031, previously deferred.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—3031 filed by him from the floor.

Jochum of Dubuque offered amendment H—3027 filed by him from the floor and requested division as follows:

H—3027

1 Amend House File 173 as follows:

H—3027A

2 1. Page 79, by inserting after line 2 the fol-
3 lowing:

4 "_____. Iowa management training revolving fund
5 created in section 19A.12."

H—3027B

6 2. Page 80, by inserting after line 20 the fol-
7 lowing:

8 "Sec. _____. Notwithstanding section 18.120,
9 \$3,800,000 of appropriated moneys which have been
10 credited or accrued to the depreciation fund of the
11 state vehicle dispatcher by a state department or
12 agency and which are unencumbered balances to the
13 state department or agency through June 30, 1991,
14 shall revert to the general fund of the state."

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—3027A.

Halvorson of Webster offered the following amendment H—3021 filed by him from the floor and moved its adoption:

H—3021

1 Amend House File 173 as follows:

2 1. Page 80, by inserting after line 20 the
3 following:

4 "Notwithstanding the provisions relating to the
5 setting of fees by the utility division under chapter
6 476, insurance division under chapter 505, banking
7 division under chapter 524, credit union division
8 under chapter 533, savings and loan division under
9 chapter 534, and the professional licensing division
10 under chapter 546, each division shall maintain
11 billings for the remainder of the fiscal year so that
12 the amount of unobligated and unencumbered moneys that
13 will be transferred to the general fund from each of
14 the revolving funds designated in subsections 26

15 through 31 shall equal the sum of the amount of
16 reduction in the appropriation to the division from
17 the appropriate revolving fund under section 411, 414,
18 415, 416, or 417 of this Act plus the amount estimated
19 to be transferred to the general fund under this
20 section from each revolving fund as included in the
21 governor's fiscal year 1991 budget documents."

A non-record roll call was requested.

The ayes were 64, nays 19.

Amendment H—3021 was adopted.

Shoultz of Black Hawk offered the following amendment H—3023
filed by him from the floor and moved its adoption:

H—3023

1 Amend House File 173 as follows:
2 1. Page 80, by inserting after line 20 the
3 following:
4 "Sec. _____. Notwithstanding section 294A.25, there
5 is appropriated from the amount of state general fund
6 appropriation made for purposes of phase III under
7 section 294A.25, to each fund or account designated in
8 section 1101 of this Act for the fiscal year beginning
9 July 1, 1991, an amount equal to the amount that
10 reverted or was transferred to the general fund of the
11 state from that fund or account under section 1101 of
12 this Act plus interest earned on such amount from June
13 30, 1991, to the date of the actual depositing of
14 moneys to that fund or account as a result of this
15 section."

Amendment H—3023 lost.

The House resumed consideration of amendment H—3027B.

On motion by Jochum of Dubuque, amendment H—3027B was
adopted.

Halvorson of Webster offered the following amendment H—3041
filed by him from the floor and moved its adoption:

H—3041

1 Amend House File 173 as follows:
2 1. Page 79, line 1, by inserting after the word
3 "accounts" the following: ", except dedicated federal
4 funds and interest earned on the dedicated federal
5 funds,".
6 2. Page 81, by inserting after line 12 the fol-
7 lowing:

8 "Sec. _____. TRANSFERRED AMOUNT APPROPRIATED. There
9 is appropriated on July 1, 1991, from the general fund
10 of the state to each fund or account listed in this
11 section for the fiscal year beginning July 1, 1991,
12 and ending June 30, 1992, moneys equal to the amount
13 transferred or reverted from the fund or account in
14 accordance with section 1101 of this Act. An
15 additional amount is appropriated from the general
16 fund of the state on July 1, 1991, for the amount of
17 interest which would have been earned by the state
18 fish and game protection fund for the period of time
19 moneys are in the general fund as a result of the
20 provisions of section 1101:

21 This section applies to all of the following funds
22 or accounts.

23 1. Energy research and development fund created in
24 section 93.14.

25 2. Boat registration fee fund pursuant to section
26 106.21.

27 3. State fish and game protection fund created in
28 section 107.17.

29 4. State conservation fund created in section
30 107.17.

31 5. Administration fund created in section 107.17.

32 6. Public outdoor recreation and resources fund
33 created in section 107.17.

34 7. County conservation board fund created in
35 section 107.17.

36 8. Brucellosis and tuberculosis eradication fund
37 created in section 165.18.

38 9. Milk fund created in section 192.47.

39 10. Dairy trade practices trust fund pursuant to
40 section 192A.3.

41 11. Commercial feed fund created in section 198.9.

42 12. Fertilizer fund created in section 200.9.

43 13. Pesticide fund created in section 206.12.

44 14. Special railroad facility fund created in
45 section 307B.23.

46 15. Snowmobile account pursuant to section 321G.7.

47 16. Marine fuel tax fund created in section
48 324.79.

49 17. Railroad assistance fund created in section
50 327H.18.

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1 18. Groundwater protection fund, excluding moneys
2 in the oil overcharge account created in section
3 455E.11.

4 19. Public transit assistance fund created in
5 section 601J.6."

6 3. Page 81, by inserting after line 27 the

7 following:

8 "Sec. 1202. Section 99D.7, subsection 2, Code
9 1991, is amended to read as follows:

10 2. To identify occupations within the racing
11 industry which require licensing and adopt standards
12 for licensing the occupations including establishing
13 fees for the occupational licenses. The fees shall be
14 paid to the commission and used as required in section
15 99D.17 and section 99D.18.

16 Sec. 1203. Section 99D.17, Code 1991, is amended
17 to read as follows:

18 99D.17 USE OF FUNDS.

19 Funds received pursuant to sections 99D.14 and
20 99D.15 shall be deposited in the ~~pari-mutuel~~
21 regulation fund created in the racing and gaming
22 commission. These funds shall first be used to the
23 extent appropriated by the general assembly and as
24 provided in section 99D.18. The remainder shall be
25 transferred to the treasurer of state to be deposited
26 in the general fund of the state. The commission is
27 subject to the budget requirements of chapter 8 and
28 the applicable auditing requirements and procedures of
29 chapter 11.

30 Sec. 1204. Section 99F.4, subsection 2, Code 1991,
31 is amended to read as follows:

32 2. To license qualified sponsoring organizations,
33 to license the operators of excursion gambling boats,
34 to identify occupations within the excursion gambling
35 boat operations which require licensing, and to adopt
36 standards for licensing the occupations including
37 establishing fees for the occupational licenses and
38 licenses for qualified sponsoring organizations. The
39 fees shall be paid to the commission and deposited in
40 a special account of the general fund of the state.
41 All revenue received by the commission from license
42 fees and admission fees shall be deposited in the
43 special account in the general fund of the state.

44 Sec. 1205. Section 99F.10, subsection 2,
45 unnumbered paragraph 1, Code 1991, is amended to read
46 as follows:

47 An excursion boat licensee shall pay to the
48 commission an admission fee for each person embarking
49 on an excursion gambling boat with a ticket of
50 admission. The admission fee shall be set by the

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1 commission and when collected shall be deposited in
2 the general fund of the state.

3 Sec. 1206. Section 312.2, subsections 13 and 15,
4 Code 1991, are amended to read as follows:

5 13. The treasurer of state, before making the

6 allotments provided for in this section, shall credit
7 annually to the department of justice general fund of
8 the state from the road use tax fund an amount equal
9 to twenty-five cents on each title issuance for motor
10 vehicle fraud law enforcement and prosecution purposes
11 including, but not limited to, the enforcement of
12 state and federal odometer laws.

13 15. The treasurer of state, before making the
14 allotments provided for in this section, shall credit
15 monthly from the road use tax fund to the public
16 transit assistance fund, created under section 601J.6,
17 general fund of the state from revenue credited to the
18 road use tax fund under section 423.24, subsection 1,
19 paragraph "b", an amount equal to one-twentieth of the
20 revenue credited to the road use tax fund under
21 section 423.24, subsection 1, paragraph "b". There is
22 appropriated from the general fund of the state for
23 each fiscal year to the state department of
24 transportation the amount of revenues credited to the
25 general fund of the state during the fiscal year under
26 this subsection to be used for purposes of public
27 transit assistance under chapter 601J.

28 Sec. 1207. Section 321.52, subsection 4, paragraph
29 b, unnumbered paragraph 1, Code 1991, is amended to
30 read as follows:

31 When a wrecked or salvage vehicle has been
32 repaired, the owner may apply for a regular
33 certificate of title by paying the appropriate fees
34 and surrendering the salvage certificate of title and
35 a properly executed salvage theft examination
36 certificate. The county treasurer shall issue a
37 regular certificate of title which, commencing
38 September 1, 1988, if the wrecked or salvage vehicle
39 is five model years old or less, shall bear the word
40 "REBUILT" stamped or printed on the face of the title.
41 The rebuilt designation shall be included on every
42 Iowa certificate of title issued thereafter for the
43 vehicle. However, if ownership of a stolen vehicle
44 has been transferred to an insurer organized under the
45 laws of this state or admitted to do business in this
46 state, or if the transfer was the result of a
47 settlement with the owner of the vehicle arising from
48 damage to or the unrecovered theft of the vehicle, and
49 if the insurer certifies to the county treasurer on a
50 form approved by the department that the cost of

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1 repairs to all damage to the vehicle is less than
2 three thousand dollars, the county treasurer shall
3 issue the regular certificate of title without the
4 rebuilt designation. The county treasurer shall issue

5 a regular certificate of title without the "REBUILT"
6 designation if, before repairs are made, a component
7 parts review has been conducted by a peace officer who
8 has been specially certified and recertified when
9 required by the Iowa law enforcement academy to do
10 salvage theft examinations. The Iowa law enforcement
11 academy shall determine standards for training and
12 certification, conduct training, and may approve
13 alternative training programs which satisfy the
14 academy's standards for training and certification.
15 For the purpose of this section, a wrecked or salvage
16 vehicle shall be considered to have component part
17 damage if there is major damage requiring repairs or
18 replacement of more than two of the vehicle's
19 component parts. A "component part" means the rear
20 clip, cowl, frame or inner structure forward of the
21 cowl, body, cab, front end assembly, front clip, or
22 such other parts which are critical to the safety of
23 the vehicle as determined by rules adopted by the
24 department. The owner shall pay a fee of thirty-five
25 dollars upon the completion of the prerepair component
26 parts review. The agency performing the examinations
27 shall retain twenty-five dollars of the fee and shall
28 pay five dollars of the fee to the department and five
29 dollars of the fee to the treasurer of state for
30 deposit in the general fund of the state. The Iowa
31 law enforcement academy to may provide for the special
32 training, certification, and recertification of
33 officers as required by this subsection. The peace
34 officer conducting the review shall maintain a record
35 of the review and shall forward a copy of the review
36 to the department. The department shall maintain a
37 record of all reviews. If a vehicle does not have
38 component damage as determined in this subsection, the
39 officer conducting the review shall issue a
40 certificate to the owner to that effect. The
41 certificate shall be surrendered to the county
42 treasurer at the time of application for a regular
43 certificate of title and the treasurer shall forward
44 the certificate to the department.

45 Sec. 1208. Section 321.52, subsection 4, paragraph
46 c, unnumbered paragraph 1, Code 1991, is amended to
47 read as follows:

48 A salvage theft examination shall be made by a
49 peace officer who has been specially certified and
50 recertified when required by the Iowa law enforcement

2 law enforcement academy shall determine standards for
3 training and certification, conduct training, and may
4 approve alternative training programs which satisfy
5 the academy's standards for training and
6 certification. The owner of the salvage vehicle shall
7 make the vehicle available for examination at a time
8 and location designated by the peace officer doing the
9 examination. The owner may obtain a permit to drive
10 the vehicle to and from the examination location by
11 submitting a repair affidavit to the agency performing
12 the examination stating that the vehicle is reasonably
13 safe for operation and listing the repairs which have
14 been made to the vehicle. The owner must be present
15 for the examination and have available for inspection
16 the salvage title, bills of sale for all essential
17 parts changed, and the repair affidavit. The
18 examination shall be for the purposes of determining
19 whether the vehicle or repair components have been
20 stolen. The examination is not a safety inspection
21 and a signed salvage theft examination certificate
22 shall not be construed by any court of law to be a
23 certification that the vehicle is safe to be operated.
24 There shall be no cause of action against the peace
25 officer or the agency conducting the examination or
26 the county treasurer for failure to discover or note
27 safety defects. If the vehicle passes the theft
28 examination, the peace officer shall indicate that the
29 vehicle passed examination on the salvage theft
30 examination certificate and, with regard to a vehicle
31 which is required to bear the word "REBUILT" stamped
32 or printed on the face of the title, shall permanently
33 identify the vehicle as "rebuilt" on the driver's door
34 jamb or other area on the vehicle as designated by the
35 department. A removal or alteration of this rebuilt
36 identification is a violation of section 321.92. The
37 repair affidavit, permit, and salvage theft
38 examination certificate shall be on controlled forms
39 prescribed and furnished by the department. The owner
40 shall pay a fee of thirty dollars upon completion of
41 the examination. The agency performing the
42 examinations shall retain twenty dollars of the fee
43 and shall pay five dollars of the fee to the
44 department and five dollars of the fee to the
45 treasurer of state for deposit in the general fund of
46 the state. The Iowa law enforcement academy to may
47 provide for the special training, certification, and
48 recertification of officers as required by this
49 subsection.

50 Sec. 1209. Section 422.69, subsection 3, Code

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1 1991, is amended by striking the subsection.

2 Sec. 1210. Section 476.10, unnumbered paragraph 5,
3 Code 1991, is amended by striking the unnumbered
4 paragraph and inserting in lieu thereof the following:

5 Fees paid to the utilities division shall be
6 deposited in the general fund of the state. Funds to
7 pay salaries and other expenses necessary to carry out
8 the duties of the utilities division or the consumer
9 advocate division shall be from appropriations made by
10 the general assembly from the general fund of the
11 state.

12 Sec. 1211. Section 476.10, unnumbered paragraph 6,
13 Code 1991, is amended to read as follows:

14 The utilities division shall transfer at the
15 beginning of each fiscal quarter from appropriated
16 trust funds to the administrative services trust fund
17 in determining charges and assessments include an
18 amount which represents the division's share of the
19 estimated cost of consolidated administrative services
20 within the department of commerce, such share to be in
21 the same proportion as established by agreement in the
22 fiscal year beginning July 1, 1986, and ending June
23 30, 1987, with the first quarterly transfer to occur
24 between July 1 and July 31 annually. At the close of
25 the fiscal year, actual versus estimated expenditures
26 shall be reconciled and any overpayment shall be
27 returned to the division or any underpayment shall be
28 paid by the division.

29 Sec. 1212. Section 505.7, unnumbered paragraph 1,
30 Code 1991, is amended by striking the unnumbered
31 paragraph and inserting in lieu thereof the following:

32 All fees and charges which are required by law to
33 be paid by insurance companies and associations shall
34 be payable to the commissioner of the insurance
35 division of the department of commerce or department
36 of revenue and finance, as provided by law, whose duty
37 it shall be to account for and pay over the same to
38 the treasurer of state at the time and in the manner
39 provided by law for deposit in the general fund of the
40 state.

41 Sec. 1213. Section 505.7, unnumbered paragraph 3,
42 Code 1991, is amended by striking the unnumbered
43 paragraph.

44 Sec. 1214. Section 505.7, unnumbered paragraph 4,
45 Code 1991, is amended to read as follows:

46 The insurance division shall transfer at the
47 beginning of each fiscal quarter from appropriated
48 trust funds to the administrative services trust fund
49 in determining charges and assessments include an
50 amount which represents the division's share of the

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1 estimated cost of consolidated administrative services
2 within the department of commerce, such share to be in
3 the same proportion as established by agreement in the
4 fiscal year beginning July 1, 1986, and ending June
5 30, 1987, with the first quarterly transfer to occur
6 between July 1 and July 31 annually. At the close of
7 the fiscal year, actual versus estimated expenditures
8 shall be reconciled and any overpayment shall be
9 returned to the division or any underpayment shall be
10 paid by the division.

11 Sec. 1215. Section 523A.20, Code 1991, is amended
12 to read as follows:

13 523A.20 INSURANCE DIVISION'S REGULATORY FUND.

14 The insurance division may authorize the creation
15 of a special revenue fund in the state treasury, to be
16 known as the insurance division regulatory fund.
17 Commencing July 1, 1990, and annually thereafter, the
18 commissioner shall allocate from the fees paid
19 pursuant to section 523A.2, one dollar for each
20 agreement reported on an establishment permit holder's
21 annual report for deposit to the regulatory fund. The
22 remainder of the fees collected pursuant to section
23 523A.2 shall be deposited into the insurance revolving
24 fund; provided, however, that general fund of the
25 state. However, if the balance of the regulatory fund
26 on that July 1 exceeds two hundred thousand dollars,
27 the allocation to the regulatory fund shall not be
28 made and the total sum of the fees paid pursuant to
29 section 523A.2 shall be deposited in the insurance
30 revolving general fund of the state. The moneys in
31 the regulatory fund shall be retained in the fund
32 together with any interest or earnings that are earned
33 on the balance. The moneys are appropriated and,
34 subject to authorization by the commissioner, may be
35 used to pay investigative expenses and the expenses of
36 receiverships established pursuant to section 523A.19.
37 An annual assessment shall not be imposed if the
38 current balance of the fund exceeds two hundred
39 thousand dollars.

40 Sec. 1216. Section 523E.20, Code 1991, is amended
41 to read as follows:

42 523E.20 INSURANCE DIVISION'S REGULATORY FUND.

43 The insurance division may authorize the creation
44 of a special revenue fund in the state treasury, to be
45 known as the insurance division regulatory fund.
46 Commencing July 1, 1990, and annually thereafter, the
47 commissioner shall allocate from the fees paid
48 pursuant to section 523E.2, one dollar for each
49 agreement reported on an establishment permit holder's
50 annual report for deposit to the regulatory fund. The

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1 remainder of the fees collected pursuant to section
2 523E.2 shall be deposited into the insurance revolving
3 fund; provided, however, that general fund of the
4 state. However, if the balance of the regulatory fund
5 on that July 1 exceeds two hundred thousand dollars,
6 the allocation to the regulatory fund shall not be
7 made and the total sum of the fees paid pursuant to
8 section 523E.2 shall be deposited in the insurance
9 revolving general fund of the state. The moneys in
10 the regulatory fund shall be retained in the fund
11 together with any interest or earnings that are earned
12 on the balance. The moneys are appropriated and,
13 subject to authorization by the commissioner, may be
14 used to pay investigative expenses and the expenses of
15 receiverships established pursuant to section 523E.19.
16 An annual assessment shall not be imposed if the
17 current balance of the fund exceeds two hundred
18 thousand dollars.

19 Sec. 1217. Section 524.207, unnumbered paragraphs
20 1 and 2, Code 1991, are amended by striking the
21 unnumbered paragraphs and inserting in lieu thereof
22 the following:

23 All expenses required in the discharge of the
24 duties and responsibilities imposed upon the banking
25 division of the department of commerce, the
26 superintendent, and the state banking board by the
27 laws of this state shall be paid from funds
28 appropriated from the general fund of the state. Fees
29 provided by the laws of this state are payable to the
30 superintendent. The superintendent shall pay all the
31 fees and other money received by the superintendent to
32 the treasurer of state within the time required by
33 section 12.10 for deposit in the general fund of the
34 state.

35 Sec. 1218. Section 524.207, unnumbered paragraph
36 4, Code 1991, is amended to read as follows:

37 The banking division shall transfer at the
38 beginning of each fiscal quarter from appropriated
39 trust funds to the administrative services trust fund
40 in determining charges and assessments include an
41 amount which represents the division's share of the
42 estimated cost of consolidated administrative services
43 within the department of commerce, such share to be in
44 the same proportion as established by agreement in the
45 fiscal year beginning July 1, 1986, and ending June
46 30, 1987, with the first quarterly transfer to occur
47 between July 1 and July 31 annually. At the close of
48 the fiscal year, actual versus estimated expenditures
49 shall be reconciled and any overpayment shall be
50 returned to the division or any underpayment shall be

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1 paid by the division.

2 Sec. 1219. Section 533.67, unnumbered paragraphs 1
3 and 2, Code 1991, are amended by striking the
4 unnumbered paragraphs and inserting in lieu thereof
5 the following:

6 All expenses required in the discharge of the
7 duties and responsibilities imposed upon the credit
8 union division, the superintendent, and the credit
9 union review board by the laws of this state shall be
10 paid from funds appropriated from the general fund of
11 the state. Fees provided by the laws of this state
12 are payable to the superintendent. The superintendent
13 shall pay all the fees and other money received by the
14 superintendent to the treasurer of state within the
15 time required by section 12.10 for deposit in the
16 general fund of the state.

17 Sec. 1220. Section 533.67, unnumbered paragraph 4,
18 Code 1991, is amended to read as follows:

19 The credit union division shall transfer at the
20 beginning of each fiscal quarter from appropriated
21 trust funds to the administrative services trust fund
22 in determining charges and assessments include an
23 amount which represents the division's share of the
24 estimated cost of consolidated administrative services
25 within the department of commerce, such share to be in
26 the same proportion as established by agreement in the
27 fiscal year beginning July 1, 1986, and ending June
28 30, 1987, with the first quarterly transfer to occur
29 between July 1 and July 31 annually. At the close of
30 the fiscal year, actual versus estimated expenditures
31 shall be reconciled and any overpayment shall be
32 returned to the division or any underpayment shall be
33 paid by the division.

34 Sec. 1221. Section 534.403, subsection 2, Code
35 1991, is amended to read as follows:

36 2. EXPENSES, PER DIEM, VACATION, AND SICK LEAVE.

37 If the examination is made under section 534.401,
38 subsection 3, each examiner shall file with the
39 superintendent an itemized, certified, and sworn
40 voucher of the examiner's expense for the time the
41 examiner is actually engaged in an examination. On
42 the fifteenth and last days of each month each
43 examiner shall file in triplicate with the
44 superintendent a certified statement of the actual
45 days engaged in examinations. The salaries shall be
46 included in a two-week payroll period. Upon approval
47 of the superintendent, the director of revenue and
48 finance is authorized to issue warrants for payment of
49 the vouchers and salaries, including a prorated amount
50 for vacation and sick leave, from the savings and loan

Page 10

1 revolving fund. Repayment to the state shall be made
2 as provided by section 534.408, subsection 4. Savings
3 and loan examiners shall be paid salaries at rates
4 commensurate with, and shall be reimbursed for meals
5 and lodging at the same rate and in the same manner
6 as, that which is received by federal examiners
7 operating under the federal home loan bank board.

8 Sec. 1222. Section 534.408, subsections 1 and 8,
9 Code 1991, are amended to read as follows:

10 1. PAYABLE TO DIVISION. Associations shall pay
11 fees by delivering to the superintendent a check
12 payable to the savings and loan division of the
13 department of commerce. All fees collected under this
14 chapter shall be deposited with the treasurer of state
15 in a separate fund to be known as the savings and loan
16 revolving fund, except eleven thousand dollars each
17 fiscal year shall be transferred to be deposited in
18 the general fund of the state. The amount shall be
19 considered as one of the costs of the savings and loan
20 division. All expenses necessary to carry out this
21 chapter shall be paid from the savings and loan
22 revolving fund and funds appropriated by the general
23 assembly from the general fund.

24 The authority to modify allotments provided in
25 section 8.31 shall not apply to funds appropriated
26 from the savings and loan fund.

27 8. ADMINISTRATIVE SERVICES COST. The savings and
28 loan association division shall transfer at the
29 beginning of each fiscal quarter from appropriated
30 trust funds to the administrative services trust fund
31 in determining charges and assessments include an
32 amount which represents the division's share of the
33 estimated cost of consolidated administrative services
34 within the department of commerce, such share to be in
35 the same proportion as established by agreement in the
36 fiscal year beginning July 1, 1986, and ending June
37 30, 1987, with the first quarterly transfer to occur
38 between July 1 and July 31 annually. At the close of
39 the fiscal year, actual versus estimated expenditures
40 shall be reconciled and any overpayment shall be
41 returned to the division or any underpayment shall be
42 paid by the division.

43 Sec. 1223. Section 546.9, unnumbered paragraph 2,
44 Code 1991, is amended to read as follows:

45 The alcoholic beverages division shall transfer at
46 the beginning of each fiscal quarter from appropriated
47 trust funds to the administrative services trust fund
48 in determining charges and assessments include an
49 amount which represents the division's share of the
50 estimated cost of consolidated administrative services

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1 within the department, such share to be in the same
2 proportion as established by agreement in the fiscal
3 year beginning July 1, 1986, and ending June 30, 1987,
4 with the first quarterly transfer to occur between
5 July 1 and July 31 annually. At the close of the
6 fiscal year, actual versus estimated expenditures
7 shall be reconciled and any overpayment shall be
8 returned to the division or any underpayment shall be
9 paid by the division.

10 Sec. 1224. Section 546.10, subsections 5 and 6,
11 Code 1991, are amended to read as follows:

12 5. The professional licensing and regulation
13 division shall transfer at the beginning of each
14 fiscal quarter from appropriated trust funds to the
15 administrative services trust fund in determining
16 charges and assessments include an amount which
17 represents the division's share of the estimated cost
18 of consolidated administrative services within the
19 department, such share to be in the same proportion as
20 established by agreement in the fiscal year beginning
21 July 1, 1986, and ending June 30, 1987, with the first
22 quarterly transfer to occur between July 1 and July 31
23 annually. At the close of the fiscal year, actual
24 versus estimated expenditures shall be reconciled and
25 any overpayment shall be returned to the division or
26 any underpayment shall be paid by the division.

27 6. There is created in the office of the treasurer
28 of state a professional licensing revolving fund.
29 Fees collected under chapters 114, 116, 117, 117B,
30 118, and 118A shall be paid to the treasurer of state
31 and credited to the professional licensing revolving
32 fund deposited in the general fund of the state. All
33 expenses required in the discharge of the duties and
34 responsibilities imposed upon the professional
35 licensing division of the department of commerce, the
36 administrator, and the licensing boards by the laws of
37 this state shall be paid from the revolving fund and
38 funds appropriated by the general assembly from the
39 general fund. Transfers shall not be made from the
40 general fund of the state or any other fund for the
41 payment of expenses of the division. Fees collected
42 by the division shall not be transferred to the
43 general fund. The funds held by the treasurer of
44 state for the professional licensing division of the
45 department of commerce shall be invested by the
46 treasurer of state and the income derived from the
47 investments shall be credited to the general fund of
48 the state.

49 Sec. 1225. Section 546.11, Code 1991, is repealed.

50 Sec. 1226. 1989 Iowa Acts, chapter 321, section

Page 12

1 22, subsections 1 and 4, are repealed.

2 Sec. 1227. DEPARTMENT OF COMMERCE — DIVISION
3 FEES. Notwithstanding the provisions relating to the
4 setting of fees by the utility division under chapter
5 476, insurance division under chapter 505, banking
6 division under chapter 524, credit union division
7 under chapter 533, savings and loan division under
8 chapter 534, and the professional licensing division
9 under chapter 546, each division may maintain billings
10 in an amount which exceeds the actual amount required
11 to recover the costs of administering the division's
12 regulatory responsibilities for the remainder of the
13 fiscal year ending June 30, 1991, and in succeeding
14 fiscal years. It is the intent of the general
15 assembly that the divisions shall review these fees
16 beginning on the effective date of this Act and in
17 each succeeding fiscal year and shall increase the
18 fees where deemed feasible and appropriate.
19 Sec. 1228. This division, except section 1201 of
20 this Act, is effective July 1, 1991."

A non-record roll call was requested.

The ayes were 42, nays 49.

Amendment H—3041 lost.

Lundby of Linn offered the following amendment H—3025 filed from the floor by Lundby, Bartz, Banks and Iverson:

H—3025

1 Amend House File 173 as follows:

2 1. By striking page 78, line 32, through page 81,
3 line 12.

4 2. By renumbering as necessary.

Jochum of Dubuque offered the following amendment H—3029, to amendment H—3025, filed from the floor by Jochum, Halvorson of Clayton, Bisignano, Harbor and Sherzan:

H—3029

1 Amend the amendment, H—3025, to House File 173 as
2 follows:

3 "1. Page 1, by striking line 3 and inserting the
4 following: "line 12 and inserting the following:

5 "Sec. _____. Notwithstanding any other provision of
6 law, during the period beginning on the enactment date
7 of this Act and ending June 15, 1991, the treasurer of
8 state shall initiate the transfer to the general fund
9 of the state any interest earnings during the fiscal

10 year beginning July 1, 1990, from investments or time
 11 deposits of the following funds:

12 1. CLEAN fund pursuant to section 99E.10.

13 2. State fish and game protection fund created in
 14 section 107.17.

15 3. Iowa real estate education fund created in
 16 section 117.54.

17 4. Milk fund created in section 192.47.

18 5. Canteen funds under the jurisdiction of the
 19 director of the department of corrections established
 20 pursuant to section 246.310.

21 6. Revolving farm fund created in section 246.706.

22 7. Special railroad facility fund created in
 23 section 307B.23.

24 8. Railroad assistance fund created in section
 25 327H.18.

26 9. State aviation fund created in section 328.36.

27 10. Resources enhancement and protection fund
 28 pursuant to section 455A.18.

29 11. Groundwater protection fund created in section
 30 455E.11.

31 12. Conservation practices revolving loan fund
 32 created in section 467A.71.

33 13. Water protection fund created in section
 34 467F.4.

35 Sec. _____. Notwithstanding section 18.137, the
 36 treasurer of state shall transfer to the general fund
 37 of the state \$3,800,000 or so much thereof as is
 38 unobligated or unencumbered and remaining in the state
 39 communications network fund on June 30, 1991. The
 40 transfer in this section may be made during the period
 41 beginning April 16, 1991, and ending June 30, 1991.

42 Sec. _____. The appropriations made in the following
 43 designated 1990 Acts, after adjustments for changes
 44 made in the appropriations in divisions I through IX
 45 of this Act, shall be reduced as follows:

46 1. From the health and human rights 1990 Iowa
 47 Acts, chapter 1259:

48\$ 614,300

49 2. From the substance abuse 1990 Iowa Acts,
 50 chapter 1264:

Page 2

1\$ 37,000

2 3. From the administration 1990 Iowa Acts, chapter
 3 1266:

4\$ 743,800

5 4. From the economic development 1990 Iowa Acts,
 6 chapter 1262:

7\$ 601,200

8	5. From the regulation 1990 Iowa Acts, chapter	
9	1261:	
10	.....	\$ 396,200
11	6. From the agriculture and natural resources 1990	
12	Iowa Acts, chapter 1260:	
13	.....	\$ 445,800
14	7. From the transportation 1990 Iowa Acts, chapter	
15	1267:	
16	.....	\$ 353,500
17	8. From the justice 1990 Iowa Acts, chapter 1268:	
18	.....	\$ 2,884,500
19	9. From the salary adjustment 1990 Iowa Acts,	
20	chapter 1256:	
21	.....	\$ 929,000
22	10. From the education 1990 Iowa Acts, chapter	
23	1272:	
24	.....	\$ 11,521,800
25	11. From the human services 1990 Iowa Acts,	
26	chapter 1270, except for the appropriations made for	
27	medical assistance, aid to families with dependent	
28	children, and foster care:	
29	.....	\$ 4,879,250
30	The department of management shall make the	
31	reductions to the designated 1990 Iowa Acts, as	
32	provided in subsections 1 through 11, by reducing each	
33	appropriation on a pro rata basis after first	
34	adjusting each appropriation for changes made in	
35	divisions I through IX of this Act." "	

Murphy of Dubuque in the chair at 3:58 p.m.

Speaker Arnould in the chair at 4:01 p.m.

On motion by Jochum of Dubuque, amendment H—3029, to amendment H—3025, was adopted.

Lundby of Linn moved the adoption of amendment H—3025, as amended.

Roll call was requested by Lundby of Linn and Garman of Story.

On the question "Shall amendment H—3025, as amended, be adopted?" (H.F. 173)

The ayes were, 44:

Baker	Banks	Bartz	Beaman
Black	Brammer	Branstad	Corbett
De Groot	Dickinson	Diemer	Fogarty
Garman	Grubbs	Gruhn	Hahn
Halvorson, R. N.	Hanson, D. E.	Hatch	Hurley
Iverson	Jay	Jesse	Johnson
Koenigs	Krebsbach	Kremer	Lundby

McKean	Mertz	Millage	Miller
Osterberg	Petersen, D. F.	Plasier	Rafferty
Renaud	Renken	Schrader	Shearer
Shoultz	Svoboda	Tyrrell	Weidman

The nays were, 56:

Adams	Beatty	Bennett	Bernau
Bisignano	Blanshan	Brand	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Daggett	Doderer	Dvorsky
Eddie	Gill	Gipp	Groninga
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Haverland	Hester	Hibbard
Holveck	Jochum	Kistler	Knapp
Lageschulte	Maulsby	McKinney	McNeal
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Peterson, M. K.
Poncy	Royer	Sherzan	Shoning
Siegrist	Spear	Spenner	Teaford
Van Maanen	Wise	Wissing	Mr. Speaker
			Arnould

Absent or not voting, none.

Amendment H—3025, as amended, lost.

Hammond of Story offered the following amendment H—3040 filed by her and Jochum of Dubuque from the floor and moved its adoption:

H—3040

- 1 Amend House File 173 as follows:
- 2 1. Page 2, by striking lines 1 and 2 and
- 3 inserting the following: "for the period beginning
- 4 with the effective date of this Act or March 1, 1991,
- 5 whichever is later, and ending June 30, 1991, the
- 6 maximum copayments allowed by federal regulations for
- 7 the following medical assistance services: for each
- 8 laboratory or X-ray procedure provided by an X-ray and
- 9 laboratory service provider; for each day of service
- 10 for services provided by clinics, ambulatory surgical
- 11 centers, community mental health centers, certified
- 12 registered nurse anesthetists, rural health clinics,
- 13 federally qualified health centers, and outpatient
- 14 hospital services; for each day of service for
- 15 services provided by home health agencies and
- 16 physicians; and for each day of service in an
- 17 inpatient hospital. Copayment shall not apply to the
- 18 following: children under 21 years of age; pregnant
- 19 women; persons residing in nursing facilities,
- 20 residential care facilities, or psychiatric

21 institutions; family planning services; federal
22 medicare crossover claims; services provided by a
23 contracting health maintenance organization; and
24 emergency services as defined by federal regulations."

25 2. Page 7, by inserting after line 17 the
26 following:

27 "Sec. 1000. SERVICE PROVIDERS REIMBURSED BY THE
28 DEPARTMENT OF HUMAN SERVICES.

29 1. Notwithstanding 1990 Iowa Acts, chapter 1270,
30 section 31, for the period beginning with the
31 effective date of this Act or March 1, 1991, whichever
32 is later, and ending June 30, 1991, the reimbursement
33 rates for the providers of services listed in this
34 section shall be reduced in accordance with the
35 provisions of this section.

36 2. a. The following providers shall have their
37 medical assistance reimbursement rate established at a
38 level 2 percent above the rates in effect on June 30,
39 1990: psychiatric medical institutions for children,
40 providers of waived services under the home and
41 community-based programs, optometrists for service
42 fees only, opticians for service fees only,
43 podiatrists, dentists, chiropractors, physical
44 therapists, birthing centers, ambulance services,
45 independent laboratories, area education agencies,
46 clinics, audiologists, rehabilitation agencies,
47 community mental health centers, family planning
48 clinics, psychologists, hearing aid dealers,
49 orthopedic shoe dealers, ambulatory surgery centers,
50 and genetic counseling clinics. Reimbursement for

Page 2

1 optometric products, and durable medical products and
2 supplies, shall be established at a level 3.2 percent
3 above the rates in effect on June 30, 1990.

4 b. Reimbursement rates for physicians and
5 certified registered nurse anesthetists shall be
6 established at a level 1.6 percent above the rates in
7 effect on June 30, 1990. Reimbursement rates for
8 screening centers, maternal health centers, obstetric
9 services when provided by physicians or certified
10 nurse midwives, and pediatric services shall be
11 established at a level 3.72 percent above the rates in
12 effect on June 30, 1990.

13 c. Reimbursement for drug product costs shall be
14 fixed at the rates in effect on February 28, 1991.

15 3. The \$2.50 per day additional payment for
16 medical assistance eligible residents of nursing
17 facilities identified by the Iowa foundation for
18 medical care as meeting criteria to receive special
19 care or services shall be discontinued."

- 20 3. Page 8, line 13, by striking the word "and".
21 4. Page 8, line 14, by inserting after the word
22 "regulations," the following: "and section 1000,
23 relating to service providers reimbursed by the
24 department of human services,".

Amendment H—3040 was adopted.

Hammond of Story offered the following amendment H—3038 filed by her and Jochum of Dubuque from the floor and moved its adoption:

H—3038

- 1 Amend House File 173 as follows:
2 1. Page 7, line 20, by striking the figure
3 "\$160,000" and inserting the following: "\$30,000".

Amendment H—3038 was adopted.

Jochum of Dubuque offered the following amendment H—3039 filed by him from the floor and moved its adoption:

H—3039

- 1 Amend House File 173 as follows:
2 1. Page 18, line 31, by inserting before the word
3 "From" the following: "a."
4 2. Page 19, line 3, by inserting before the word
5 "From" the following: "a."
6 3. Page 21, line 10, by inserting after the word
7 "SECURITY" the following: "CONTINGENCY".
8 4. Page 21, line 13, by inserting after the word
9 "security" the following: "contingency".
10 5. Page 33, line 27, by striking the word
11 "satellite" and inserting the following: "satellite
12 regional".
13 6. Page 33, line 30, by striking the word
14 "satellite" and inserting the following: "satellite
15 regional".
16 7. Page 33, line 31, by striking the word
17 "satellite" and inserting the following: "satellite
18 regional".
19 8. Page 36, line 12, by striking the figure "504"
20 and inserting the following: "505".
21 9. Page 36, line 32, by striking the figure "506"
22 and inserting the following: "507".
23 10. Page 61, by striking line 22 and inserting
24 the following: "0".
25 11. Page 73, line 6, by striking the figures
26 "252A.5, 262A.4" and inserting the following:
27 "262A.4, 262A.5".
28 12. Page 76, line 29, by striking the word

- 29 "Satellite" and inserting the following: "Regional".
 30 13. Page 77, line 15, by striking the word
 31 "Preservation" and inserting the following:
 32 "Preservation,"
 33 14. Page 79, line 6, by striking the words
 34 "gambling boat" and inserting the following: "boat
 35 gambling".
 36 15. Page 79, line 8, by striking the figure
 37 "106.21" and inserting the following: "106.52".
 38 16. By renumbering, relettering, or redesignating
 39 and correcting internal references as necessary.

Amendment H—3039 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. 173)

The ayes were, 57:

Adams	Bennett	Bisignano	Blanshan
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
Dvorsky	Eddie	Gill	Gipp
Groninga	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Haverland
Hester	Hibbard	Jay	Jochum
Johnson	Kistler	Knapp	Lageschulte
Lundby	Maulsby	McKinney	McNeal
Metcalf	Millage	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peterson, M. K.	Poncy	Royer	Sherzan
Shoning	Siegrist	Spenner	Teaford
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 43:

Baker	Banks	Bartz	Beaman
Beatty	Bernau	Black	Brammer
Brand	Branstad	De Groot	Dickinson
Diemer	Doderer	Fogarty	Garman
Grubbs	Gruhn	Hahn	Halvorson, R. N.
Hatch	Holveck	Hurley	Iverson
Jesse	Koenigs	Krebsbach	Kremer
McKean	Mertz	Miller	Osterberg
Petersen, D. F.	Plasier	Rafferty	Renaud
Renken	Schrader	Shearer	Shoultz
Spear	Svoboda	Tyrrell	

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

McKinney of Dallas asked and received unanimous consent that House File 173 be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 2

Jesse of Jasper called up for consideration House Resolution 2 as follows:

House Resolution 2

By Committee On Rules

A Resolution relating to permanent rules of the House for the seventy-fourth general assembly.

Be It Resolved By The House Of Representatives,
That the permanent rules of the House for the seventy-fourth general assembly be as follows:

DIVISION I — GENERAL RULES

Rule 1

Call to Order and Order of Business

The speaker shall take the chair at the hour to which the house has adjourned, and shall immediately call the members to order, correct the journal of the previous day's proceedings, and proceed to other business, including introduction of bills, reports, messages, communications, business pending at adjournment, resolutions and bills on their passage.

Rule 2

Quorum Call and Time of Convening

The house shall convene each Monday at 10:00 a.m. and at 9:00 a.m. on all other legislative days, unless otherwise ordered.

The speaker or a member may request a roll call to determine if a quorum is present.

Rule 3

Absences from the House

No member shall be absent without leave while the house is in session unless the member is sick or unable to attend.

Rule 4

Page 2

Preservation of Order

The speaker shall preserve order and decorum and speak to points of order in preference to other members. Subject to an appeal to the house by any

5 member, the speaker shall decide questions of order
6 which shall not be debated.

7 The speaker may have the chamber of the house
8 cleared in case of any disturbance or disorderly
9 conduct.

10 Only past legislators, state officials, persons
11 whose presence is deemed by the speaker to be of
12 special significance to the house, and school classes
13 accompanied by teachers and seated in the galleries
14 shall be introduced in the house.

15 Rule 5

16 Rules of Parliamentary Practice

17 The rules of parliamentary practice in Mason's
18 Manual of Legislative Procedure shall govern the house
19 in all cases where they are not inconsistent with the
20 standing rules of the house or the joint rules of the
21 senate and house.

22 Rule 6

23 The Speaker Pro Tempore

24 The house shall, at its pleasure, elect a speaker
25 pro tempore. When the speaker shall for any cause be
26 absent, the speaker pro tempore shall preside, except
27 when the chair is filled by appointment by either the
28 speaker or the speaker pro tempore. If a vacancy
29 occurs in the office of speaker, the speaker pro
30 tempore shall assume the duties and responsibilities

Page 3

1 of the speaker until such time as the house shall
2 elect a new speaker. The speaker or the speaker pro
3 tempore shall have the right to name any member to
4 perform the duties of speaker, but such substitution
5 shall not extend beyond the adjournment. The acts of
6 the speaker pro tempore shall have the same validity
7 as those of the speaker. In the absence of both the
8 speaker and the speaker pro tempore, the house shall
9 name a speaker who shall preside over it and perform
10 all the duties of the speaker with the exception of
11 signing bills, until such time as the speaker or
12 speaker pro tempore shall be present, and the person's
13 acts shall have the same force and validity as those
14 of the regularly elected speaker.

15 Rule 7

16 Amendment and Suspension of Rules

17 A motion to change or rescind a standing rule or
18 order of the house requires one day's notice. A
19 motion to suspend a rule, or to table or take from the
20 table a matter, requires an affirmative vote of a
21 constitutional majority. Postponing or changing the
22 order of business requires an affirmative vote of a
23 constitutional majority.

Rule 8

Violation of House Rules

24 The speaker shall, or any member may, call to order
25 a member who transgresses the rules of the house.
26 With leave of the house, the member called to order
27 may be permitted to explain. If the case requires it,
28 the member shall be subject to censure of the house.

Page 4

Rule 9

Referral of Rule Violations

1 The speaker shall, upon complaint of a member, or
2 upon the speaker's own motion, refer any alleged
3 violation of house or joint rules by house members,
4 employees or staff to the house ethics committee upon
5 an initial finding that an investigation is warranted.
6 The ethics committee shall investigate such
7 allegations and report them back to the house with a
8 recommendation.

Rule 10

Recognition and Decorum in Debate

9 A member who wishes to speak in debate or deliver
10 any matter to the house, shall raise the microphone
11 and, after recognition by the chair, shall
12 respectfully address the presiding officer by saying
13 "Mr. or Madam Speaker", shall confine all remarks to
14 the question under debate and shall avoid
15 personalities.

Rule 11

Limit on Debate

16 No member shall speak more than once on the same
17 question, without leave of the speaker, nor more than
18 twice until every member choosing to speak has spoken,
19 except as provided in Rule 81. A member shall be
20 limited to ten minutes debate on a bill being
21 considered prior to its last reading, but may be
22 granted an extension of time by consent of the house.

Rule 12

Decorum During Debate

Page 5

1 No member shall leave the house while the speaker
2 is putting a question. No one shall pass between the
3 speaker and a member who is speaking or two members
4 who have been recognized by the Speaker.

Rule 13

Stating the Question

5 When a motion is made, it shall be stated by the
6 speaker. A motion made in writing shall be passed to
7 the desk before it is debated.

10

Rule 14

11

Putting the Question

12

Questions shall be distinctly put in this form:

13

"All those in favor of (the question) shall say

14

'aye';" and after the affirmative voice is expressed,

15

"All those opposed to (the question) shall say 'no'."

16

If the speaker is in doubt or a member of the house requests, a nonrecord roll call vote shall be taken.

17

18

DIVISION II — EMPLOYEES OF THE HOUSE

19

Rule 15

20

Chief Clerk of the House

21

The chief clerk of the house shall serve as

22

parliamentarian and chief administrative officer of

23

the house under the direction of the speaker of the

24

house. The chief clerk shall supervise the chief

25

clerk's office; be responsible for the custody and

26

safekeeping of all bills, resolutions, and amendments

27

filed, except when they are in the custody of a

28

committee; have charge of the daily journal; have

29

control of all rooms assigned for the use of the

30

house; attest to the accuracy and correctness of text

Page 6

1

and action on bills and resolutions; process the

2

handling of amendments when filed and during the floor

3

consideration of bills; insert adopted amendments into

4

bills before transmittal to the senate and prior to

5

final enrollment; supervise legislative printing and

6

the distribution of printed material; and perform all

7

other duties pertaining to the office of the chief

8

clerk.

9

Rule 16

10

Legal Counsel

11

The legal counsel shall be a house employee under

12

the direction of the speaker of the house. The legal

13

counsel shall serve as chief legal officer of the

14

house; supervise the legal counsel's office; approve

15

all bills, resolutions, and amendments as to proper

16

form prior to introduction; and provide assistance to

17

house committees.

18

Rule 17

19

Sergeant-At-Arms

20

The sergeant-at-arms shall execute all orders of

21

the house and the presiding officer; perform all

22

assigned duties related to the policing and good order

23

of the house; supervise the entrance and exit of all

24

persons to and from the chamber; promptly execute all

25

messages, etc.; provide that the chamber is properly

26

ventilated and open for the use of the members; and

27

perform all other services pertaining to the office of

28

sergeant-at-arms.

29

Rule 18

30

Secretaries

Page 7

1 All secretaries of the house shall be under the
2 general direction of the speaker and the chief clerk.
3 Secretaries shall be on duty at the house from 8:30
4 a.m. to 4:30 p.m. except when excused by the member to
5 whom the secretary is assigned. Secretaries shall
6 perform such additional duties as may be assigned to
7 them by the chief clerk.

8

Rule 19

9

Extra Compensation of Employees

10 No employee shall receive any extra compensation,
11 except as provided by the house, or tips for services
12 performed while on duty. Any violation of this rule
13 shall be grounds for removal.

14 DIVISION III — VISITORS AND LOBBYISTS

15

Rule 20

16

Admission to the House; Lobbying

17

18 The chamber of the house shall include the
19 vestibule, restrooms, cloak room, lounge, visitors'
20 galleries, and floor of the house.

21 The floor of the house shall consist of that area
22 between the press box, speaker's station, and the
23 south wall behind the last row of desks occupied by
24 representatives, excluding the visitors' galleries.

25 During a legislative day while the house is in
26 session, and one-half hour before the house convenes
27 and one-half hour after the house recesses or
28 adjourns, no person shall be admitted to the floor of
29 the house except:

30 1. Members of the general assembly and authorized
house employees in the performance of their duties.

Page 8

1 2. Former members of the general assembly who are
2 not registered lobbyists.

3 3. A general assembly member's family.

4 4. Representatives of the press, radio, and
5 television who shall go directly to and from the press
6 box.

7 5. Legislative interns approved by the chief clerk
8 who shall go directly to and from the seat of their
9 assigned representative or to be seated in the
10 perimeter seating area.

11 6. Chair, co-chair, and the executive secretary of
12 a political party having members serving in the
13 general assembly.

14 7. Personnel of the code editor's office,
15 legislative service bureau, legislative fiscal bureau,

16 citizens' aide/ombudsman's office, computer support
17 bureau and administrative rules review committee
18 staff.

19 8. The governor's executive assistants and
20 administrative assistants, members of the state
21 executive council, the lieutenant governor, the
22 attorney general, and the administrative rules
23 coordinator, all of whom shall be confined to the
24 perimeter area.

25 The current status of former members of the general
26 assembly shall govern their access to the floor under
27 these rules.

28 No other persons shall be allowed on the house
29 floor without permission of the presiding officer of
30 the house.

Page 9

1 No person admitted to the floor of the house,
2 except members of the general assembly, shall, while
3 the house is in session, lobby or attempt to exercise
4 any influence with any member for or against any
5 matter then pending or that may thereafter be
6 considered by the house.

7 Notwithstanding the provisions of this rule
8 regarding admission to the floor of the house, a
9 registered lobbyist shall not be admitted to the floor
10 of the house on any day when the house is in session
11 or committees are scheduled to meet from one-half hour
12 before the house convenes or 9:00 a.m., whichever is
13 earlier, until one-half hour after the house adjourns
14 or until 4:30 p.m., whichever is later. A registered
15 lobbyist or other person may be admitted to the house
16 when the house is not in session to gain access to a
17 committee room or upon the invitation of a member or
18 members of the house for the purpose of visiting only
19 with that member or members of the house.

20 Each lobbyist shall be given a copy of this rule
21 when the lobbyist registers.

22 Each member, employee of the house, and registered
23 lobbyist shall report violations of this rule
24 immediately to the sergeant-at-arms.

25 Any person for cause may be summarily dismissed
26 from the chamber of the house, by action of the house,
27 and shall forfeit that person's right to admission
28 thereafter.

Rule 21

Distribution of Literature

Page 10

1 No person not a member of the house of
2 representatives shall generally distribute or cause to

3 be distributed any pamphlets, material, or other
4 printed literature in the house without the express
5 permission of the chief clerk. Each piece of
6 literature shall bear its source of distribution.

7 All copies of pamphlets, material, or printed
8 literature distributed by a member of the general
9 assembly shall bear the name of the member and a copy
10 shall be left with the sergeant-at-arms.

11 Rule 22

12 Distribution of Materials

13 Printed by the State

14 A member of the house shall not distribute maps,
15 books, and pamphlets such as, but not limited to
16 Golden Dome, How a Bill Becomes Law, etc., which have
17 been printed by the state of Iowa and upon which the
18 name of the member of the house has been affixed
19 unless the member has purchased the materials or
20 unless the member has affixed the words "Paid for by
21 the citizens of Iowa and distributed by representative
22 (member's name)."

23 DIVISION IV — FORMS AND PROCEDURES

24 FOR BILLS AND OTHER DOCUMENTS

25 Rule 23

26 Documents signed by the Speaker

27 All acts and joint resolutions shall be signed by
28 the speaker, and all writs, warrants, and subpoenas
29 issued by order of the house, shall be signed by the
30 speaker and attested by the chief clerk.

Page 11

1 Rule 24

2 Presentation of Petitions

3 All petitions, memorials and other papers addressed
4 to the house shall be signed by the member and filed
5 with the chief clerk or the chief clerk's staff.

6 Rule 25

7 Consideration of Resolutions

8 Action on a resolution, except a memorial
9 resolution, or a proposition requesting information
10 from a state official shall not be taken until one day
11 after the resolution has been placed on the members'
12 desks. After the resolution is adopted, the chief
13 clerk shall transmit certified copies and have the
14 resolution printed in the bound journal. A resolution
15 may be printed in the daily journal upon the approval
16 of the speaker after consultation with the minority
17 leader.

18 Rule 26

19 Unanimous Consent Calendar

20 The speaker may, upon the request of three members,
21 place on a unanimous consent calendar any house

22 resolution or concurrent resolution which does not
23 contain an appropriation and which has been laid over
24 under Rule 25.

25 If such resolution is placed on the unanimous
26 consent calendar, it may be removed only upon a
27 written request submitted to the speaker by a member
28 of the house.

29 If not removed after five legislative days, the
30 chief clerk shall call up the resolution and without

Page 12

1 debate the speaker shall pronounce that it has passed
2 by unanimous consent.

3 If the resolution is removed from the unanimous
4 consent calendar, the speaker may again lay the
5 resolution over under Rule 25, place it on a different
6 calendar, or refer the resolution to any of the
7 standing committees of the house.

8 Rule 27

9 Forms of Bills and Joint Resolutions

10 Every house bill shall be introduced by one or more
11 members or by any standing or specially authorized
12 committee of the house, the administrative rules
13 review committee or interim study committee. All
14 bills and joint resolutions introduced shall be
15 prepared by the legislative service bureau with title,
16 enacting clause, text and explanation as directed by
17 the chief clerk of the house. One copy of each bill
18 shall be presented in a bill cover with the number of
19 copies of the bill and the title as directed by the
20 chief clerk.

21 Rule 28

22 Joint and Nullification Resolutions

23 Joint resolutions shall be framed and treated as
24 bills.

25 A "nullification resolution" is a joint resolution
26 which nullifies all of an administrative rule, or a
27 severable item of an administrative rule adopted
28 pursuant to chapter 17A of the Code. A nullification
29 resolution shall not amend an administrative rule by
30 adding language or by inserting new language in lieu

Page 13

1 of existing language.

2 A nullification resolution may be introduced by an
3 individual, a standing committee or the administrative
4 rules review committee, and may be referred to a
5 standing committee.

6 A nullification resolution is debatable, but cannot
7 be amended on the floor of the house.

8 Rule 29

9 Time of Introduction of Bills

10 No bill or joint resolution under individual
11 sponsorship, other than a nullification resolution,
12 shall be read for the first time after 4:00 p.m. on
13 Friday of the 7th week of the first regular session of
14 the general assembly unless a written request for
15 drafting the bill has been filed with the legislative
16 service bureau before that time.

17 After adjournment of the first regular session,
18 bills may be prefiled at any time before the convening
19 of the second regular session. No bill or joint
20 resolution under individual sponsorship, other than a
21 nullification resolution, shall be read for the first
22 time after 4:00 p.m. on Friday of the 2nd week of the
23 second regular session of the general assembly unless
24 a written request for drafting the bill has been filed
25 with the legislative service bureau before that time.

26 However, bills or joint resolutions sponsored by
27 standing committees or the administrative rules review
28 committee, co-sponsored by the majority and minority
29 floor leaders, or companion bills sponsored by the
30 house majority leader and the senate majority leader

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1 may be drafted and introduced at any time permissible
2 under Joint Rule 20. House, concurrent and
3 nullification resolutions may be introduced at any
4 time.

5 Rule 30

6 Introduction and Reading of Bills

7 All bills and resolutions to be introduced in the
8 house shall be typed in proper form and filed with the
9 chief clerk no later than 4:30 p.m. on the legislative
10 day preceding its introduction.

11 Every bill shall receive two readings but no bill
12 shall receive its first and last readings on the same
13 day.

14 A "reading of a bill" as required by these rules
15 shall consist of a reading of the title and enacting
16 clause unless otherwise demanded by a house member.

17 Rule 31

18 First Reading, Commitment and Amendment

19 31.1. A bill is introduced into the house by an
20 initial or "first reading of the bill".

21 31.2. When the house is in session the first
22 reading shall consist of a "reading" as provided in
23 Rule 30.

24 31.3. Upon a first reading of the bill, the
25 speaker shall state that it is ready for commitment or
26 amendment; and the speaker shall commit it to the
27 standing or select committee, or to a committee of the

- 28 whole house. If to a committee of the whole house,
29 the house shall determine on what day.
30 31.4. On a day when the house is not in session,

Page 15

- 1 the speaker shall cause a statement, which shall
2 consist of the title, enacting clause, bill number and
3 committee to which the bill is referred to be
4 published in the house journal. This publication
5 shall constitute a first reading and commitment and
6 shall contain the notation "read and committed under
7 Rule 31.4".

- 8 31.5. All amendments offered to bills on file or
9 on the regular calendar shall be accompanied by such
10 copies as the chief clerk shall direct.

- 11 31.6. Such amendments shall give the number of the
12 bill sought to amend and the chief clerk shall
13 designate each such amendment thus: Amendment to
14 House File _____, or Senate File _____, by
15 _____.

- 16 31.7. A bill reported out by committee shall go to
17 the speaker who shall direct that the bill be placed
18 on the regular calendar unless it covers subject
19 matter more properly within the jurisdiction of some
20 other standing committee, in which case the speaker
21 shall refer the bill to the proper standing committee.

- 22 31.8. No amendment to the rules of the house, to
23 any resolution or bill, except technical amendments
24 and amendments to bills substituted for by senate
25 files containing substantially identical title,
26 language, subject matter, purpose and intrasectional
27 arrangement, shall be considered by the membership of
28 the house without a copy of the amendment having been
29 filed with the chief clerk by 4:00 p.m. or within one-
30 half hour of adjournment, whichever is later, on the

Page 16

- 1 day preceding floor debate on the amendment. If the
2 House adjourns prior to 2:00 p.m. on Friday, the final
3 deadline is two hours after adjournment. However,
4 committee amendments filed pursuant to the submission
5 of the committee report may be accepted after this
6 deadline. This provision shall not apply to any
7 proposal debated on the floor of the house after the
8 fourteenth week of the first session and the twelfth
9 week of the second session. However, for the second
10 session of the Seventy-third General Assembly only,
11 this provision shall not apply to any proposal debated
12 on the floor of the house after the tenth week of the
13 session. No amendment or amendment to an amendment to
14 a bill, rule of the house, or resolution shall be

15 considered by the membership of the house without a
16 copy of the amendment being on the desks of the entire
17 membership of the house prior to consideration.

18 Rule 32

19 Commitment of Appropriation and Revenue Bills

20 All bills to appropriate money shall be referred to
21 the appropriations committee, and all bills pertaining
22 to the levy, assessment or collection of taxes shall
23 be referred to the committee on ways and means.

24 Rule 33

25 Regular Calendar

26 Bills, nullification resolutions and joint
27 resolutions reported out for passage, or amendment and
28 passage, or without recommendation, by a committee,
29 shall be arranged on a regular calendar by the chief
30 clerk each day at 4:30 p.m. in the order of the file

Page 17

1 number of the bills and following the preceding
2 legislative day's regular calendar. Priority shall be
3 given to house over senate file numbers and to joint
4 resolutions over bills in the arrangement of the
5 regular calendar.

6 Rule 34

7 Debate Calendars

8 The majority floor leadership shall cause to be
9 prepared and distributed to the members at the opening
10 of each session day when floor action is scheduled, a
11 daily debate calendar consisting of bills,
12 nullification resolutions and joint resolutions from
13 the regular calendar setting forth the number and
14 title of bills, nullification resolutions and joint
15 resolutions for the next session day that floor action
16 is scheduled. This rule does not apply to bills which
17 have passed both houses in different forms,
18 reconsiderations or veto reconsiderations.

19 Rule 35

20 Noncontroversial Calendar

21 The majority floor leadership may cause to be
22 prepared a noncontroversial calendar consisting of
23 bills and joint resolutions from the regular calendar.
24 The noncontroversial calendar shall appear under
25 separate heading on the regular calendar.

26 Notwithstanding Rule 34, a bill or joint resolution
27 on the noncontroversial calendar may be called up for
28 debate at any time by the majority leader beginning
29 the third legislative day after it appears on the
30 noncontroversial calendar. A bill or joint resolution

Page 18

1 shall be stricken from the noncontroversial calendar

2 if a written objection to the bill or joint resolution
3 is filed with the chief clerk prior to the time the
4 bill or joint resolution is called up by the majority
5 leader.

6 Debate on a bill or joint resolution from the
7 noncontroversial calendar shall be limited to ten
8 minutes. If debate exceeds ten minutes, the bill or
9 joint resolution shall be stricken from the
10 noncontroversial calendar.

11 Rule 36

12 Consideration of Committee Amendments

13 After a bill has been referred and reported back,
14 it shall be considered on its first reading after the
15 amendments of the committee have been read.

16 Rule 37

17 Amendments to Special Order Bills

18 All amendments, except corrective amendments, to
19 bills special ordered more than five session days in
20 advance of the date set for debate shall be filed at
21 least two session days prior to the date set for
22 debate.

23 A corrective amendment is an amendment which does
24 not substantively change the amendment or the bill.

25 The time limits set for the filing of amendments on
26 specially ordered bills shall not apply to bills
27 special ordered for less than five session days.

28 Rule 38

29 Irrelevant Amendments

30 No motion or proposition on a subject different

Page 19

1 from that under consideration shall be admitted under
2 color of an amendment.

3 Rule 39

4 Consideration of Bills

5 Bills, including committee bills, and nullification
6 resolutions, reported out for passage, for indefinite
7 postponement, for amendment and passage, or without
8 recommendation by the committee, shall not be acted
9 upon until after the second legislative day following
10 the day the report was printed in the journal.

11 Prior to noon or adjournment, whichever is later,
12 on the last legislative day of the week, the majority
13 leader shall prepare a list of bills reported out of
14 committee that week which have not yet appeared on the
15 regular calendar.

16 The reports of the committees shall not be read
17 while the house is in session except as herein
18 provided. The reports shall be printed in the journal
19 immediately after they are filed with the chief clerk.
20 Reports recommending bills for passage, for amendment

21 and passage, or without recommendation shall stand
22 approved unless written objections are filed during
23 the first legislative day following their printing in
24 the journal. If objections are filed, they shall be
25 disposed of as soon as possible. Reports recommending
26 indefinite postponement shall be governed by Rule 44.

27 Upon an affirmative vote of at least a
28 constitutional majority of the members, a report may
29 be read before it is printed in the journal and while
30 the house is in session, and acted upon at once.

Page 20

Rule 40

Consideration of Bills Upon Last Reading

3 No amendment, unless by way of correcting an error
4 or omission, shall be received to any bill on its last
5 reading, and no debate shall be allowed on it.

Rule 41

Printing of Bills and Joint Resolutions

8 Bills and joint resolutions shall be printed in
9 form as provided by law and by rule. Each house may
10 direct the printing of an additional number of its own
11 bills.

12 Legalizing bills of a local or private nature shall
13 be printed in bill form and placed in the files of the
14 members, the same as other bills, in the order of
15 their introduction. The cost of printing shall be
16 deposited with the treasurer of state in advance at a
17 rate to be fixed, and the newspaper publication of the
18 bill shall be without cost to the state. No
19 legalizing act may be introduced until all provisions
20 of law have been complied with.

Rule 42

Certification of Bills

23 The chief clerk shall certify the passage of each
24 bill and note the date of its passage.

Rule 43

Rereferral

27 A bill may be rereferred at any time before its
28 passage and after the report of its referral to
29 committee.

Rule 44

Page 21

Effect of Indefinite Postponement

2 When a question is indefinitely postponed, it shall
3 not be acted upon again during that session. Any bill
4 which receives a committee recommendation of
5 indefinite postponement shall be disposed of within
6 three legislative days after the printed journal
7 containing the report has been placed upon the desks

8 of the members of the house, or the committee
9 recommendation will be considered adopted.

10 Rule 45

11 Status of Bills Following

12 First Regular Session

13 Except as provided in Rule 3 of the joint rules all
14 bills which have not been withdrawn, defeated or
15 indefinitely postponed, shall be rereferred to
16 committee upon adjournment of the first regular
17 session. Within seven days after the first committee
18 meeting following convening of the second regular
19 session, the committee chair shall submit the bill to
20 the full committee for action or the chair shall
21 reassign the bill to a subcommittee.

22 DIVISION V — COMMITTEE PROCEDURES

23 Rule 46

24 Appointment of Committees

25 All committees shall be appointed by the speaker,
26 unless otherwise especially directed by the house.

27 Rule 47

28 Order on Question of Commitment

29 When a resolution is offered or a motion made to
30 refer any subject, and different committees are

Page 22

1 proposed, the question shall be taken in the following
2 order: The committee of the whole house; a standing
3 committee; a select committee.

4 Rule 48

5 Study Bills

6 A study bill is any matter which a member of the
7 house wishes to have considered by a standing
8 committee, other than appropriations, and which has
9 not been included in a previously introduced bill.
10 Upon taking possession of a study bill, the committee
11 chair shall notify the speaker and then submit fifteen
12 copies of the bill to the legal counsel's office for
13 numbering.

14 A study bill shall bear the name of the member who
15 wishes to have the bill considered. A study bill
16 submitted by a state agency or board for consideration
17 shall bear the name of the state agency or board. A
18 committee chair may submit a study bill in the name of
19 that committee.

20 Final committee action on a study bill shall not be
21 taken until one day following the notation of the
22 study bill assignment in the house journal.

23 A study bill not prepared by the legislative
24 service bureau may be submitted to a standing
25 committee, but shall not be considered by the full
26 committee unless reviewed and typed in proper form by

- 27 the legislative service bureau.
28 Rule 49
29 Committee Meetings
30 No committee, except a conference committee or the

Page 23

- 1 administrative rules review committee, shall meet
2 while the house is in session without special leave.
3 Rule 50
4 Smoking
5 Smoking shall not be permitted in the house
6 committee rooms, the west part of the lounge provided
7 for telephone use, or on the floor of the house, at
8 the speaker's station, in the press boxes, visitors'
9 galleries, or house members' rest rooms.

- 10 Rule 50A
11 Nondegradable Polystyrene Cups
12 The use of nondegradable polystyrene cups shall not
13 be permitted on the floor of the house, at the
14 speaker's station, or in the press boxes.

- 15 Rule 51
16 Assignments to Subcommittee
17 The chair of the committee shall report to the
18 house the bill number of each bill assigned to
19 subcommittee and the names of the subcommittee
20 members. The report shall be printed in the journal.

- 21 All bills, prior to consideration by the committee,
22 shall be referred by the chair to a subcommittee,
23 unless acted upon by a committee of the whole.

- 24 The chair may assign bills to subcommittees without
25 a meeting of the committee, but the membership of the
26 subcommittee so appointed shall be reported at the
27 next meeting of the committee.

- 28 Rule 52
29 Open Meetings
30 Standing committee meetings shall be open, and

Page 24

- 1 voting by secret ballot is prohibited. The rules and
2 administration committee may close its meetings to
3 evaluate the professional competency of an individual
4 whose appointment, hiring, performance or discharge is
5 being considered when necessary to prevent needless
6 and irreparable injury to that individual's reputation
7 on the request of the affected individual.

- 8 Rule 53
9 Quorum and Vote Requirements
10 The committee roll shall be taken at the convening
11 of each meeting to determine the presence of a quorum.
12 A majority of the committee membership shall
13 constitute a quorum.

14 An affirmative vote of a majority of the committee
15 membership is required to report a bill out of
16 committee or to suspend a committee rule.

17 Rule 54

18 Committee Attendance Record and Report
19 of Committee Form

20 A committee attendance record shall be filed with
21 the chief clerk no later than 10:00 a.m. of the
22 legislative day immediately following the day of the
23 committee meeting. The committee attendance record is
24 a public record and may be published in the journal.
25 The committee attendance record shall include the
26 following information:

- 27 a. The time the meeting convened.
- 28 b. The members present at the meeting.
- 29 c. The time the meeting adjourned.
- 30 d. A list of bills receiving final committee

Page 25

1 disposition.

2 A report of committee form shall be filed with the
3 chief clerk no later than 10:00 a.m. of the
4 legislative day immediately following the day of the
5 committee meeting for each study bill, numbered bill
6 or resolution receiving final committee disposition.
7 The report of committee form is a public record and a
8 report of committee action shall be printed in the
9 journal. The report of committee form shall include
10 the following information:

- 11 a. The committee action taken.
- 12 b. The committee amendment number, if any.
- 13 c. The roll call vote of the committee on final
14 disposition.
- 15 d. The minority recommendation, if any.

16 Upon final adjournment of the first session and
17 final adjournment of the second session of the general
18 assembly, the chair of each committee shall have
19 placed the committee's book of record containing
20 minutes, roll calls, rules, etc., with the chief clerk
21 for access of any interested person.

22 Rule 55

23 Minority Recommendation

24 The minority of the members of a committee may
25 present its recommendations on the final disposition
26 of a bill to the house by attaching its recommendation
27 to the committee report and the same shall be printed
28 in the journal with the committee report.

29 Rule 56

30 Committee Amendment

Page 26

1 Whenever a committee amendment is proposed which
2 would amend another committee amendment, the amendment
3 shall be drafted in the form of a substitute amendment
4 and shall be considered as such.

Rule 57

Committee Notice and Agenda

7 Each committee shall prepare and publish a notice
8 and agenda of each committee meeting at least one
9 legislative day prior to the meeting.

10 The notice shall contain the committee name, the
11 date, time and location of the meeting.

12 The agenda shall contain the matters to be
13 discussed, including a list of bills, joint
14 resolutions, nullification resolutions and study bills
15 by number. The agenda should contain the names of
16 individuals who are scheduled to appear before the
17 committee and the organization which they represent.

18 A bill, joint resolution, nullification resolution
19 or study bill shall not be reported out of committee
20 if the bill was not included in the published notice
21 and agenda unless this rule is suspended by a majority
22 of the total membership of the committee.

23 A committee chair may call a meeting without
24 providing the required notice and agenda upon leave of
25 the house if a notice is placed on the desks of
26 committee members and on the bulletin board.

Rule 58

Clearing of Committee Room

29 The chair of a committee may clear the committee
30 room in case of any disturbance or disorderly conduct.

Page 27

Rule 59

Committee Amendments

3 All amendments to a bill or resolution adopted in
4 committee shall be incorporated in a single committee
5 amendment or incorporated in a new committee bill.

Rule 60

7 Withdrawal of Bills
8 or Nullification Resolutions
9 From Committee

11 A bill or nullification resolution which has been
12 in committee for eighteen legislative days following
13 notation of such referral in the journal may be
14 withdrawn from the committee and placed on the
15 calendar by an affirmative vote of not less than
16 fifty-one members of the house.

Rule 61

Committee Hearings

18 The chair of a committee may call a hearing for the

- 19 purpose of receiving public comment on any matter
20 within the purview of the committee.
21 The chair shall call a hearing upon the written
22 request of committee members according to committee
23 rules, but no more than one-third of the committee
24 members shall be required.
25 The chair shall designate a time and place for a
26 hearing and provide public notice at least five days
27 prior to a hearing.
28 A bill for which a public hearing has been called
29 can be voted to the calendar but cannot be debated
30 until after the public hearing has been held.

Page 28

- 1 However, public hearings which have been requested
2 during or after the 10th week of the first session and
3 during or after the 8th week of the second session
4 must be held within four legislative days of the date
5 of the request.

Rule 62**Limitation on Filing of Claims**

- 8 A claim or claim bill, the subject matter of which
9 has been considered or filed for consideration in the
10 house or any of its committees, in two or more prior
11 sessions of the general assembly, shall not be
12 considered by any committee or by the house unless it
13 has been specifically referred to this session by a
14 prior general assembly. The committee on claims is
15 authorized to set a definite date after which it will
16 not receive claims or claim bills for consideration.

DIVISION VI — COMMITTEE OF THE WHOLE**Rule 63****Organization of Committee of the Whole**

- 20 In forming the committee of the whole house, the
21 speaker shall appoint a member to preside in committee
22 and then leave the chair.

Rule 64**Rules in Committee of the Whole**

- 25 The rules of the house shall be observed in
26 committee of the whole house, so far as they are
27 applicable.

Rule 65**Bills in Committee of the Whole**

- 30 Bills committed to the committee of the whole house

Page 29

- 1 shall first be read in their entirety by the chief
2 clerk or chair and then read again or debated by
3 section, leaving the preamble to be considered last.
4 After report, the bill shall again be subject to
5 debate and amendment before a vote is had on its last

6 reading and passage.

7 Rule 66

8 Amendments by Committee of the Whole

9 All amendments made to a report committed to a
10 committee of the whole house shall be noted and
11 reported as in the case of bills.

12 DIVISION VII — MOTIONS

13 Rule 67

14 Order and Precedence of Motions

15 The following order and precedence of motions shall
16 govern when a question is under debate:

17 11. Adjourn.

18 10. Recess.

19 9. Questions of privilege.

20 8. Lay on the table.

21 7. Previous question.

22 6. Postpone definitely or to a certain time.

23 5. Refer or commit.

24 4. Defer.

25 3. Amend an amendment.

26 2. Amend.

27 1. Postpone indefinitely.

28 These motions are listed in descending order of
29 precedence.

30 A motion to postpone definitely or to a certain time, to

Page 30

1 refer or commit, or to postpone indefinitely a particular
2 question shall not be considered more than once on the same day.

3 Adoption of a motion to strike the enacting words is equivalent
4 to rejection of the question.

5 Rule 68

6 Order of Consideration of Amendments

7 Amendments shall be considered by earliest position
8 in the bill. Amendments to the same place in the bill
9 shall be considered by the lowest amendment number.

10 An amendment which inserts language after a line and
11 an amendment which inserts language before the
12 succeeding line shall be considered amendments to the
13 same place in the bill.

14 However, an amendment to strike the enacting clause
15 shall always be considered first. An amendment filed
16 by a committee shall have the next highest order of
17 priority, followed by an amendment to strike
18 everything after the enacting clause and insert new
19 language. An amendment to strike language or to
20 strike and insert new language, except an amendment to
21 strike everything after the enacting clause and insert
22 new language, shall not be considered before
23 amendments to perfect all or part of the same portion
24 of the bill.

25

Rule 69

26

Motions Not Debatable

27

28 The motions to lay on the table, to adjourn, for
29 the previous question, and appeals of a ruling of the
30 presiding officer shall be decided without debate.

30

Rule 70

Page 31

1

Motion to Adjourn

2

3 A motion to adjourn shall always be in order,

4

5 except when a member is speaking or the house is
6 voting.

5

Rule 71

6

Withdrawal of Motions

7

8 After a motion is stated by the speaker, or read by

8

9 the chief clerk, it shall be deemed to be in

9

10 possession of the house, but may be withdrawn by leave
11 of the house.

11

Rule 72

12

Referral and Rereferral

13

14 Motions and reports may be referred and rereferred

14

15 at the pleasure of the house.

15

Rule 73

16

Reconsideration

17

18 a. A motion to reconsider may be made only by a

18

19 member who voted on the prevailing side of the

19

20 question sought to be reconsidered.

20

21 b. A motion to reconsider may be made not later

21

22 than adjournment on the day following the day of the

22

23 action sought to be reconsidered. Where the floor

23

24 manager voted on the prevailing side, he or she has

24

25 the prior right to make the motion, until adjournment

25

26 on the day of the action sought to be reconsidered. A

26

27 motion to reconsider a nullification resolution shall

27

28 be acted upon not later than adjournment on the

28

29 legislative day following the day of the action sought

29

30 to be reconsidered.

30

31 c. A motion to reconsider made following the one

Page 32

1

2 hundred fourth calendar day of the first regular

2

3 session, or the ninety-fourth calendar day of the

3

4 second regular session, shall be taken up when made.

4

5 A motion made at any other time may be taken up prior

5

6 to the third day succeeding the day of the action

6

7 sought to be reconsidered only if called up by the

7

8 mover, and after the second day succeeding the day of

8

9 the action sought to be reconsidered if called up by

9

10 any member.

10

11 d. The making of a motion to reconsider takes

11

precedence over all other questions.

12 e. No motion to reconsider passage, adoption or
13 failure of any bill, nullification resolution or joint
14 resolution shall prevail unless it obtains a
15 constitutional majority. When passage, adoption or
16 failure is reconsidered, questions on amendments may
17 also be reconsidered and shall be disposed of
18 immediately.

19 f. A motion that the motion to reconsider be laid
20 on the table is in order. The effect of laying the
21 motion to reconsider on the table is to cause the bill
22 or joint resolution to proceed on its regular course
23 immediately.

24 g. In the event that a motion to reconsider is
25 pending at the end of the first session or any
26 extraordinary session of any general assembly, or the
27 general assembly adjourns sine die, and the motion to
28 reconsider has not been voted upon by the house, the
29 motion shall be determined to have failed.

30 DIVISION VIII — VOTING

Page 33

1 Rule 74

2 Manner of Voting

3 Upon direction of the speaker or upon request of
4 two members during the taking of the vote of the house
5 on any question, only those members at their desks and
6 voting shall be counted except:

7 a. Members who have not voted may record their
8 votes on any record roll call vote except quorum calls
9 within ten minutes after the vote has been announced,
10 providing the vote does not change the outcome of the
11 vote on that question. A member may request
12 announcement of the names of members so recorded after
13 the ten-minute period.

14 b. Members meeting in a conference committee or in
15 administrative rules review committee at the time a
16 vote is taken on a question may have their vote
17 recorded within 30 minutes or adjournment, whichever
18 is first of that same legislative day, providing the
19 vote does not change the outcome of the vote on that
20 question.

21 Rule 75

22 Duty of Voting

23 Except as limited in Rule 74, every member who is
24 in the house when a question is put shall vote unless
25 the house has excused that member for special reasons;
26 however, such member must have asked to be excused
27 prior to commencing to take the vote on the main
28 question.

29 Rule 76

30 Limitation on Right to Vote

Page 34

- 1 No member shall vote on any question in which that
2 person is financially interested.

3 Rule 77

4 Call of the House

- 5 Upon written request of five members, the presiding
6 officer shall compel attendance of absent and
7 unexcused members for the consideration of specified
8 bills or resolutions.

- 9 A call of the house shall specify the propositions
10 to which it is to apply, and must be put into effect
11 before roll call is taken on the proposition. The
12 request may be filed at any time before final action
13 upon the propositions with the chief clerk, who shall
14 notify the house immediately.

15 Rule 78

16 Method of Calling the House

- 17 Upon a call of the house, the names of the members
18 shall be called by the chief clerk and the absentees
19 noted, after which the names of the absentees shall
20 again be called. The sergeant-at-arms shall be
21 directed by the speaker to compel the attendance of
22 absent members, unless they are previously excused.
23 Any member occupying his or her seat during a call of
24 the house shall be counted by the speaker and that
25 person's name entered in the journal as being present
26 for the purpose of making a quorum.

27 Rule 79

28 Method of Calling the Roll

- 29 The electrical voting machine shall be used for a
30 call of the house, a quorum call or a roll call vote

Page 35

- 1 on any question. If the electrical voting machine is
2 not in operating order when it is necessary to take a
3 record roll call vote, the presiding officer shall
4 order the vote to be taken by calling the roll in
5 alphabetical order, except the name of the presiding
6 officer shall be called last.

- 7 During the casting of the vote with the voting
8 machine, the individual votes and the vote totals
9 shall be shown on the display boards. Before the
10 voting machine is closed, the presiding officer shall
11 inquire of the house, "Have you all voted?"

12 Rule 80

13 Quorum and Record Roll Call Votes

- 14 A majority of the members shall constitute a
15 quorum.

- 16 A record roll call vote shall be ordered upon
17 request of any two members. The names of the members
18 requesting the record roll call shall be entered in

19 the journal.

20 Rule 81

21 Previous Question

22 When a member moves for a previous question, that
23 member shall state whether the motion will apply to
24 the main question, to all the amendments, or to
25 particular amendments. The motion requires an
26 affirmative vote of at least a constitutional majority
27 of the members. If the motion for a previous question
28 is not adopted, the house shall proceed in the same
29 manner as before the motion was made.

30 If the motion is adopted, all debate must end and

Page 36

1 the house will vote upon the question except:

2 1. If the motion applies to the main question, the
3 member in charge of the measure will have ten minutes
4 to speak for the purpose of closing discussion before
5 the vote on the measure is taken.

6 2. If the motion applies to an amendment, the
7 member proposing the amendment will have five minutes
8 to speak for the purpose of closing discussion before
9 the vote on the amendment is taken.

10 3. If a member has filed a written request with
11 the chief clerk of the house indicating his or her
12 desire to speak on a particular question. The request
13 must be filed before the motion is made by the movant.
14 The request allows a member to speak on a particular
15 question before the closing discussion by the member
16 who is in charge of the measure or who is proposing
17 the amendment.

18 Rule 82

19 Division of the Question

20 Any member may call for a division of the question,
21 which shall be divided if it comprehends questions so
22 distinct that one being taken away, the remainder may
23 stand separately for discussion by the house. A
24 motion to strike out being lost shall not preclude
25 either an amendment or a motion to strike out and
26 insert. A motion to strike out and insert shall be
27 deemed indivisible.

Connors of Polk in the chair at 5:18 p.m.

Corbett of Linn offered the following amendment H—3007 filed
by him:

H—3007

1 Amend House Resolution 2 as follows:

2 1. Page 1, line 13, by inserting after the word
3 "order," the following: "lead the house in the pledge
4 of allegiance."

Action on amendment H—3007 was temporarily deferred.

Tyrrell of Iowa offered the following amendment H—3006 filed by Tyrrell, et al., and moved its adoption:

H—3006

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "ordered" the following: "and shall adjourn no later
- 4 than 6:00 p.m. without the consent of a constitutional
- 5 majority of the house".

Amendment H—3006 lost.

The House resumed consideration of amendment H—3007, previously deferred.

Poncy of Wapello offered the following amendment H—3037, to amendment H—3007, filed by him from the floor and moved its adoption:

H—3037

- 1 Amend the amendment, H—3007, to House Resolution 2,
- 2 as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "allegiance" the following: "on each Monday the house
- 5 is in session".

Amendment H—3037 was adopted.

On motion by Corbett of Linn, amendment H—3007, as amended, lost.

Speaker Arnould in the chair at 5:55 p.m.

Kremer of Buchanan offered the following amendment H—3011 filed by him and moved its adoption:

H—3011

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "ordered." the following: "The journal shall record
- 4 the actual time of convening."

Amendment H—3011 lost.

Corbett of Linn asked and received unanimous consent to defer action on amendment H—3004.

Corbett of Linn offered the following amendment H—3005 filed by him and moved its adoption:

H-3005

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 4, by striking lines 25 through 28 and
- 3 inserting the following: "except as provided in Rule
- 4 81. A member shall be limited to ten minutes debate
- 5 on a bill being considered prior to its last reading,
- 6 but may be granted an extension of time by consent of
- 7 the house."

A non-record roll call was requested.

The ayes were 20, nays 61.

Amendment H-3005 lost.

The House resumed consideration of amendment H-3004, previously deferred.

Corbett of Linn asked and received unanimous consent to withdraw amendment H-3004 filed by him on January 16, 1991.

Bisignano of Polk offered the following amendment H-3018 filed by Bisignano, et al.:

H-3018

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 7, line 19, by inserting after the word
- 3 "house." the following: "A lobbyist shall not be
- 4 admitted to the upper house lounge which is directly
- 5 adjacent to and on the same level as the floor of the
- 6 house. A lobbyist shall only be admitted to the lower
- 7 house lounge which is directly adjacent to and on the
- 8 same level as the second floor of the capitol rotunda
- 9 if the lobbyist is invited into the lower house lounge
- 10 by a member of the house."

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spenner of Henry, for the remainder of the day, on request of Hanson of Delaware.

Bisignano of Polk offered the following amendment H-3030, to amendment H-3018, filed by him and Halvorson of Webster from the floor and moved its adoption:

H-3030

- 1 Amend the amendment, H-3018, to House Resolution 2,
- 2 as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "house" the following: "or if the lobbyist is leaving

- 5 a message with or seeking information from house
 6 personnel or is complying with reporting requirements
 7 of the house".

Amendment H—3030 was adopted.

Bisignano of Polk moved the adoption of amendment H—3018, as amended.

Roll call was requested by Tyrrell of Iowa and Renken of Grundy.

On the question "Shall amendment H—3018, as amended, be adopted?" (H.R. 2)

The ayes were, 44:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brown	Burke	Dickinson	Diemer
Doderer	Dvorsky	Gill	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Hatch	Hibbard	Holveck
Jochum	Knapp	McKinney	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Poncy	Renaud
Royer	Schrader	Shearer	Sherzan
Shoning	Svoboda	Wissing	Mr. Speaker
			Arnould

The nays were, 51:

Banks	Beaman	Bennett	Brand
Branstad	Carpenter	Chapman	Cohoon
Corbett	Daggett	De Groot	Eddie
Garman	Gipp	Grubbs	Gruhn
Hahn	Hansen, S. D.	Hanson, D. E.	Haverland
Hester	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Mertz
Metcalf	Millage	Ollie	Petersen, D. F.
Peterson, M. K.	Plasier	Rafferty	Renken
Shoultz	Siegrist	Spear	Teaford
Tyrrell	Weidman	Wise	

Absent or not voting, 5:

Bartz	Connors	Fogarty	Spenner
Van Maanen			

Amendment H—3018, as amended, lost.

Hanson of Delaware offered the following amendment H—3015 filed by Van Maanen of Mahaska and moved its adoption:

H—3015

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 8, by striking lines 11 through 13 and
- 3 inserting the following:
- 4 "6. Chair, co-chair, and the executive secretary
- 5 of a political party having members serving in the
- 6 general assembly, and two additional staff members of
- 7 a political party having members serving in the
- 8 general assembly as specified by that party's floor
- 9 leader in the house. However, the chair and co-chair
- 10 of such a political party shall not be present on the
- 11 floor of the house at the same time."

Amendment H—3015 lost.

Kremer of Buchanan offered the following amendment H—3013 filed by him and moved its adoption:

H—3013

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 24, line 1, by striking the words "rules
- 3 and" and inserting the following: "rules and".

Amendment H—3013 was adopted.

Corbett of Linn offered the following amendment H—3003 filed by him and moved its adoption:

H—3003

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 35, line 9, by inserting after the word
- 3 "boards." the following: "Once the speaker calls for
- 4 a vote, the voting machine shall remain open for not
- 5 more than five minutes."

Amendment H—3003 lost.

Spear of Lee called up for consideration the motion to reconsider amendment H—3011 filed by him from the floor and moved to reconsider the vote by which amendment H—3011, found on page 249 of the House Journal, failed to be adopted by the House on February 6, 1991.

A non-record roll call was requested.

The ayes were 44, nays 53.

The motion to reconsider lost.

Jesse of Jasper moved the adoption of House Resolution 2, as amended.

A non-record roll call was requested.

The ayes were 88, nays 9.

The motion prevailed and House Resolution 2, as amended, was adopted.

UNANIMOUS CONSENT

Shoultz of Black Hawk asked and received unanimous consent to change his vote from "aye" to "nay" on House File 173 and the vote was so recorded.

COMMUNICATION RECEIVED

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

DEPARTMENT OF TRANSPORTATION

The State Aircraft Pool Fiscal Year 90 Summary Report, pursuant to Chapter 328.56(5), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 132

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 133

Judiciary and Law Enforcement: Bisignano, Chair; Blanshan and McKean.

House File 134

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House File 140

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 146

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 163

Judiciary and Law Enforcement: Bisignano, Chair; Blanshan and McKean.

House File 165

Education: Neuhauser, Chair; Hammond and Hurley.

House File 171

Education: Hammond, Chair; Corbett and Spear.

House File 178

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

House File 180

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 110**

State Government: Renken, Chair; Beatty, Knapp, Poncy and Tyrrell.

House Study Bill 111

Agriculture: Muhlbauer, Chair; Branstad, Fogarty, Hahn and Svoboda.

House Study Bill 112

Education: Baker, Chair; Kistler and Nielsen.

House Study Bill 113

Judiciary and Law Enforcement: Jay, Chair; Hibbard and McKean.

House Study Bill 114

Judiciary and Law Enforcement: Jay, Chair; Hibbard and McKean.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 119 Small Business, Economic Development and Trade**

Relating to the establishment of a small business advisory council.

H.S.B. 120 Judiciary and Law Enforcement

Relating to transfer of title by affidavit of the surviving spouse.

H.S.B. 121 Judiciary and Law Enforcement

Relating to vehicle roadblocks conducted to enforce compliance with prohibitions against operating while under the influence of alcohol or a drug.

H.S.B. 122 Judiciary and Law Enforcement

Relating to changes and corrections in the court administration system.

H.S.B. 123 Judiciary and Law Enforcement

Relating to the release of privileged information.

H.S.B. 124 Judiciary and Law Enforcement

Relating to corporation law by providing electronic access to corporate records, relating to the removal or resignation of directors, relating to certain notice requirements, and by making certain nonsubstantive corrections.

H.S.B. 125 Education

Relating to the weighting plan to be used to provide funds for the excess costs of instruction of children requiring special education.

H.S.B. 126 Transportation

Relating to certificates of title for wrecked, salvage, or stolen vehicles and eliminating component part reviews.

AMENDMENT FILED

H—3042

H.F. 129

Blanshan of Greene

On motion by McKinney of Dallas, the House adjourned at 6:40 p.m., until 9:00 a.m., Thursday, February 7, 1991.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day — Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 7, 1991

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

Prayer was offered by the Honorable Merlin Bartz, state representative from Worth County.

The Journal of Wednesday, February 6, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Harbor of Mills, from forty-two constituents of the Clarinda Mental Health Facility opposing the Governor's recommendation to reduce the budget for Clarinda's Mental Health Facility which would eliminate Quarterway and Women's Recovery Unit programs.

INTRODUCTION OF BILLS

House File 183, by McNeal, a bill for an act relating to the exemption of certain church-related instructional programs from the definition of child day care.

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

House File 184, by Gill, a bill for an act relating to the payment of costs associated with a compensation commission's award of damages in a condemnation proceeding.

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

House File 185, by Mertz, a bill for an act relating to tort liability regarding an emergency response system.

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

House File 186, by Brown, a bill for an act relating to wanton neglect of a health care facility resident or hospital patient and providing a penalty.

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

House File 187, by Tyrrell, a bill for an act relating to the dates for limitations of actions on title to real property.

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

House File 188, by Siegrist and Krebsbach, a bill for an act suspending motor vehicle driving privileges of a person age eighteen or under for illegally possessing alcohol.

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

House File 189, by Fogarty, a bill for an act relating to the removal of trees, brush, and underbrush, and other growth within the highway right-of-way.

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

House File 190, by Murphy, a bill for an act relating to the compensation of persons involved in motor vehicle accidents and providing for the Act's applicability.

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

House File 191, by Royer, Muhlbauer, Renken, Eddie and Fogarty, a bill for an act relating to the requirements for acquisition plats of land divided solely for right-of-way purposes.

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

House File 192, by Iverson, a bill for an act relating to the amount required to be held in trust under certain agreements for funeral services or funeral merchandise.

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

House File 193, by Jesse, Brown and Hibbard, a bill for an act relating to advertising devices in commercial or industrial zones or areas.

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

House File 194, by Bernau, Brammer, Osterberg, Brown, Hammond, Hatch, Halvorson of Webster and Murphy, a bill for an act relating to highway fatality markers.

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

House File 195, by Hester, a bill for an act requiring the designation of "deaf" to appear on certain driver's licenses.

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

House File 196, by Hester and Garman, a bill for an act relating to limitations on rules adopted by the department of inspections and appeals.

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

House File 197, by Beatty, a bill for an act relating to the operation and dissolution of certain special districts organized to provide a municipal service.

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

SENATE MESSAGE CONSIDERED

Senate File 33, by committee on agriculture, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers, and providing for fees.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 5, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 4, a bill for an act relating to permissible use of moneys appropriated by the county boards of supervisors for the benefit of honorably discharged, indigent veterans of wars.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 9:10 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 198, by committee on judiciary and law enforcement, a bill for an act relating to nonsubstantive Code and Act corrections.

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

House File 199, by committee on small business, economic development and trade, a bill for an act relating to repayment of loans by local development corporations and providing an effective date.

Read first time and placed on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 129, a bill for an act to legalize the proceedings of the City Council of the City of Mason City relating to its budget and certification of taxes pertaining to the City Library, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—3017 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3017

- 1 Amend House File 129 as follows:
- 2 1. Title page, line 17, by striking the words
- 3 "secretary of state" and inserting the following:
- 4 "City of Mason City".

The committee amendment H—3017 was adopted.

Blanshan of Greene offered the following amendment H—3042 filed by him and moved its adoption:

H—3042

- 1 Amend House File 129 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "year" the following: "and succeeding fiscal years".

Amendment H—3042 was adopted.

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

On the question "Shall the bill pass?" (H.F. 129)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.

Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Jochum

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 129** be immediately messaged to the Senate.

House File 151, a bill for an act making nonsubstantive changes in the Iowa small business new jobs training Act, was taken up for consideration.

SENATE FILE 90 SUBSTITUTED FOR HOUSE FILE 151

Dickinson of Jackson asked and received unanimous consent to substitute Senate File 90 for House File 151.

Senate File 90, a bill for an act making nonsubstantive changes in the Iowa small business new jobs training Act, was taken up for consideration.

Dickinson 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. 90)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau

Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Jochum

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

HOUSE INSISTS

Jesse of Jasper called up for consideration Senate Concurrent Resolution 2, a concurrent resolution relating to joint rules of the senate and house for the seventy-fourth general assembly, and moved that the House insist on its amendment.

A non-record roll call was requested.

The ayes were 51, nays 47.

The motion prevailed and the House insists on its amendment.

CONFERENCE COMMITTEE APPOINTED

(Senate Concurrent Resolution 2)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate Concurrent Resolution 2: Jesse of Jasper, Chair;

Lageschulte of Bremer, Van Maanen of Mahaska, Schrader of Marion and Muhlbauer of Crawford.

INTRODUCTION OF BILLS

House File 200, by committee on state government, a bill for an act relating to the minutes required to be maintained by governmental bodies.

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

House File 201, by committee on judiciary and law enforcement, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

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

UNANIMOUS CONSENT

McKinney of Dallas asked and received unanimous consent that the Daily Debate Calendar for Friday, February 8, 1991 be the Daily Debate Calendar for Monday, February 11, 1991.

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on February 6, 1991. Had I been present, I would have voted "nay" on amendment H-3018 to House Resolution 2.

SPENNER of Henry

COMMUNICATION RECEIVED

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

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

A communication from the Governor's Alliance on Substance Abuse reporting that Iowa has received a federal award in the amount of \$5,172,000 for the Fiscal Year 1991 Drug Control and System Improvement Formula Grant Program, pursuant to Chapter 1264.48(5), 1990 Acts of the Seventy-third General Assembly.

SUBCOMMITTEE ASSIGNMENTS

House File 77

State Government: Renaud, Chair; Bisignano, Blanshan, Carpenter, Lundby, Pavich and Shoning.

House File 143

Judiciary and Law Enforcement: Blanshan, Chair; Beatty and Millage.

House File 147

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hibbard.

House File 155

Natural Resources and Outdoor Recreation: Shoultz, Chair; Hanson of Black Hawk and Knapp.

House File 160

Agriculture: Svoboda, Chair; Koenigs and Petersen of Muscatine.

House File 172

Human Resources: Nielsen, Chair; Haverland and Plasier.

House File 175

Transportation: Fogarty, Chair; Diemer and Jay.

House File 176

Transportation: Jay, Chair; Lageschulte and Pavich.

House File 179

Natural Resources and Outdoor Recreation: Tyrrell, Chair; Pavich and Royer.

House File 181

State Government: Halvorson of Webster, Chair; Beatty, Hanson of Delaware, Krebsbach, Pavich, Renken and Teaford.

House File 184

State Government: Knapp, Chair; Connors, Garman, Krebsbach and Peterson of Carroll.

House File 196

State Government: Connors, Chair; Garman, Knapp, Krebsbach and Peterson of Carroll.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 85**

Energy and Environmental Protection: Jesse, Chair; Adams, Grubbs, Hahn and Shoultz.

House Study Bill 88

Energy and Environmental Protection: Holveck, Chair; Johnson and Shearer.

House Study Bill 115

Human Resources: Nielsen, Chair; Carpenter and Haverland.

House Study Bill 116

Human Resources: Murphy, Chair; Spenner and Svoboda.

House Study Bill 117

Human Resources: Jesse, Chair; Hurley and Wissing.

House Study Bill 118

Human Resources: Wissing, Chair; Hurley and Teaford.

House Study Bill 119

Small Business, Economic Development and Trade: Gill, Chair; Krebsbach and Renaud.

House Study Bill 120

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

House Study Bill 121

Judiciary and Law Enforcement: Bisignano, Chair; Blanshan and McKean.

House Study Bill 122

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House Study Bill 123

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House Study Bill 124

Judiciary and Law Enforcement: Blanshan, Chair; Halvorson of Clayton and Peterson of Carroll.

House Study Bill 126

Transportation: Koenigs, Chair; Cohoon, De Groot, Maulsby and Pavich.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 127 Energy and Environmental Protection**

Relating to waste tire abatement, and imposing a fee.

H.S.B. 128 Energy and Environmental Protection

Relating to the establishment of markets for the use of recycled materials.

H.S.B. 129 Energy and Environmental Protection

Establishing an alternative fuel office.

H.S.B. 130 Energy and Environmental Protection

Extending the lower state motor fuel tax rate for motor fuel containing at least ten percent alcohol distilled from cereal grains.

H.S.B. 131 Natural Resources and Outdoor Recreation

Relating to the protection of public land from discharges from concentrated commercial facilities as provided by the natural resource commission.

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 COMMERCE

House File 20, a bill for an act to exclude Sunday and all legal public holidays as banking days for purposes of determining a bank's midnight deadline.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3045** February 7, 1991.

House File 110, a bill for an act relating to collateral acceptable to secure a loan or other transaction with a state bank.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House Study Bill 113), relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1991.

Committee Bill (Formerly House Study Bill 114), relating to nonsubstantive Code and Act corrections.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1991.

COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TRADE

House File 137, a bill for an act prohibiting a food service establishment from adding a gratuity or tip to a customer's bill, and making a penalty applicable.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 7, 1991.

Committee Bill (Formerly House Study Bill 100), relating to repayment of loans by local development corporations and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1991.

COMMITTEE ON STATE GOVERNMENT

House Joint Resolution 4, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the disqualification from office for parties to a duel.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1991.

Committee Bill (Formerly House Study Bill 29), relating to the minutes required to be maintained by governmental bodies.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1991.

AMENDMENTS FILED

H—3044	H.F.	182	Spear of Lee
H—3045	H.F.	20	Committee on Commerce

On motion by McKinney of Dallas, the House adjourned at 4:45 p.m., until 10:00 a.m., Monday, February 11, 1991.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day — Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 11, 1991

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

Prayer was offered by the Honorable Brad Banks, state representative from Plymouth County.

The Journal of Thursday, February 7, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Iverson of Wright on request of Van Maanen of Mahaska; Adams of Hamilton on request of Haverland of Polk; Bernau of Story on request of Hammond of Story, all until their arrival.

PETITION FILED

The following petition was received and placed on file:

By Royer of Page, from forty-one constituents of the 93rd District, opposing the Governor's recommendation to reduce the budget for Clarinda's Mental Health facility, which will eliminate Quarterway and Women's Recovery Unit Programs.

INTRODUCTION OF BILLS

House File 202, by Doderer, a bill for an act increasing the state income tax dependent exemption and providing for the Act's applicability.

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

House File 203, by Adams, Ollie, Blanshan and Wise, a bill for an act relating to the employment of persons sixteen and seventeen years of age and making penalties applicable.

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

House File 204, by Halvorson of Clayton, Gipp and Hurley, a bill for an act relating to child day care facilities.

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

House File 205, by Harbor, a bill for an act relating to telephone solicitation for the sale, lease, or rental of consumer goods or services and providing a penalty.

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

House File 206, by Brown, a bill for an act authorizing the issuance of two handicapped identification hanging devices.

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

House File 207, by Fogarty, a bill for an act establishing a grazing land tax credit fund, providing a tax credit, making an appropriation, and providing effective and applicability dates.

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

House File 208, by Daggett, Beaman, Harbor, Royer, Eddie, Kistler and Miller, a bill for an act relating to petroleum underground storage tanks by establishing cost guidelines for goods and services required for remedial action.

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

House File 209, by Bartz, a bill for an act relating to child day care facilities including the limitations of numbers of children for which care is provided, eligibility for food assistance, and personnel age criteria.

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

House File 210, by Diemer and Hanson of Black Hawk, a bill for an act to conform the state minimum wage law regarding tips to federal law.

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

House File 211, by Connors, Bisignano, Poncy, Pavich, Gill, Shultz, Ollie, Renaud, Wise and Sherzan, a bill for an act relating to the scope of public employment contract negotiations.

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

House File 212, by Hatch, a bill for an act exempting certain types of bottled water from the sales tax.

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

House File 213, by Osterberg, Lundby and Hanson of Delaware, a bill for an act relating to the establishment of a well contractor certification program.

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

House File 214, by Doderer and Neuhauser, a bill for an act relating to the reproductive toxicity of alcoholic beverages, and providing a penalty.

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

House File 215, by Eddie, a bill for an act relating to the requirements for an official newspaper.

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

House File 216, by Doderer, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act.

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

House File 217, by Fogarty, Mertz and De Groot, a bill for an act relating to aboveground petroleum tanks and providing an effective date.

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

House File 218, by Muhlbauer, a bill for an act to prohibit the covering of windows in doors in public places and establishing penalties.

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

House File 219, by Gruhn and Fogarty, a bill for an act relating to the exemption of rural electric cooperatives from the assessment and payment of certain revenues.

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

House File 220, by committee on transportation, a bill for an act to create a lien against aircraft and certain aircraft equipment in favor of persons who have installed the equipment in the aircraft and providing priority of the lien against prior lienholders of record.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 8, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 173, a bill for an act relating to reductions in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, a supplemental appropriation, and transferring moneys from the Iowa plan fund and other funds to the general fund of the state, and providing an effective date.

Also: That the Senate has on February 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 89, a bill for an act relating to requiring county recorders to submit monthly reports of trade name statements or certificates of change filed during the preceding month.

Also: That the Senate has on February 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 97, a bill for an act increasing penalties for interfering with a traffic control device.

Also: That the Senate has on February 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 103, a bill for an act relating to the Iowa national guard by increasing the minimum salary for active state service and by authorizing the granting of easements by the state armory board.

Also: That the Senate has on February 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 104, a bill for an act relating to certain administrative functions of the department of personnel.

Also: That the Senate has on February 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 109, a bill for an act relating to the payment of pension benefits under the chapter 410 retirement system, to surviving spouses who remarry.

Also: That the Senate has on February 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 110, a bill for an act relating to the presence of certain persons under the age of twenty-one years on excursion gambling boats, and providing an effective date.

Also: That the Senate has on February 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 111, a bill for an act relating to the qualifications for licensure of an accounting practitioner.

Also: That the Senate has on February 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 112, a bill for an act relating to the membership on community-based correctional program project advisory committees.

Also: That the Senate has on February 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 115, a bill for an act relating to the income eligibility level for the payment of indigent obstetrical and newborn care costs.

Also: That the Senate has on February 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 116, a bill for an act relating to the uniform controlled substances Act.

Also: That the Senate has on February 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 121, a bill for an act relating to the reversion of appropriations for the planning and construction of armories for the department of public defense and providing an effective date.

Also: That the Senate has, on February 8, 1991, appointed the conference committee to Senate Concurrent Resolution 2, a concurrent resolution relating to joint rules of the senate and house for the seventy-fourth general assembly, and the members of the Senate are: The Senator from Dubuque, Senator Welsh, Chair; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Audubon, Senator Hutchins; the Senator from Muscatine, Senator Rife; the Senator from Marshall, Senator Soorholtz.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 152, a bill for an act relating to boxing and wrestling laws administered by the athletic commissioner, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 152)

The ayes were, 92:

Baker
Beatty
Brand
Chapman
Daggett
Doderer
Garman

Banks
Bennett
Branstad
Cohoon
De Groot
Dvorsky
Gill

Bartz
Blanshan
Burke
Connors
Dickinson
Eddie
Gipp

Beaman
Brammer
Carpenter
Corbett
Diemer
Fogarty
Groninga

Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 8:

Adams	Bernau	Bisignano	Black
Brown	Iverson	Jay	Shoultz

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

On motion by McKinney of Dallas, the House was recessed at 10:28 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

The House stood at ease at 1:21 p.m., until the fall of the gavel.

The House resumed session at 2:25 p.m., Speaker Arnould in the chair.

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Jochum of Dubuque called up for consideration **House File 173**, a bill for an act relating to reductions in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, a supplemental appropriation, and transferring moneys from the Iowa plan fund and other funds to the general fund of the state, and providing an effective date, amended by the Senate amendment H—3048 as follows:

H-3048

1 Amend House File 173, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 3, line 11, by striking the figure
4 "2,868,378", and inserting the following:
5 "2,857,178".

6 2. Page 3, line 19, by striking the figure
7 "251,378", and inserting the following: "250,078".

8 3. Page 3, line 25, by striking the figure
9 "4,498,000", and inserting the following:
10 "4,472,800".

11 4. Page 3, line 29, by striking the figure
12 "7,630,052", and inserting the following:
13 "7,587,552".

14 5. Page 5, line 12, by striking the figure
15 "28,023,826" and inserting the following:
16 "27,873,326".

17 6. Page 5, line 27, by striking the figure
18 "14,186,485", and inserting the following:
19 "14,105,485".

20 7. Page 6, line 2, by striking the figure
21 "7,275,144" and inserting the following: "7,229,944".

22 8. Page 6, line 6, by striking the figure
23 "14,890,257", and inserting the following:
24 "14,801,557".

25 9. Page 6, by striking line 9, and inserting the
26 following:

27 ".....\$8,490,000
28 8,452,000".

29 10. Page 6, line 15, by striking the figure
30 "37,894,000", and inserting the following:
31 "37,679,100".

32 11. Page 6, line 19, by striking the figure
33 "30,683,000", and inserting the following:
34 "30,512,000".

35 12. Page 7, line 20, by striking the figure
36 "40,324,879", and inserting the following:
37 "40,076,279".

38 13. Page 7, line 28, by striking the figure
39 "8,271,588", and inserting the following:
40 "8,271,988".

41 14. Page 9, line 32, by inserting after the word
42 "reductions." the following: "Preference shall be
43 given in granting both voluntary and mandatory
44 furloughs to those employees making more than \$35,000
45 per year."

46 15. Page 11, line 12, by striking the figure
47 "197,000" and inserting the following: "207,500".

48 16. Page 23, line 12, by inserting after the
49 word "state." the following: "However, if the federal
50 government provides notification that the transfer of

Page 2

1 the moneys pursuant to this section is in conflict
2 with federal requirements, the treasurer of state
3 shall either not transfer the moneys or shall transfer
4 the appropriate amount from the general fund of the
5 state back to the administrative contribution
6 surcharge fund."

7 17. Page 28, line 3, by striking the figure
8 "4,405,167" and inserting the following: "4,455,167".

9 18. Page 37, by inserting after line 17 the
10 following:

11 "Sec. _____. 1989 Iowa Acts, chapter 308, section 1,
12 subsection 2, unnumbered paragraph 2, as item vetoed
13 by the governor, is amended to read as follows:

14 As a condition, limitation, and qualification of
15 this appropriation, the department shall develop and
16 initiate a program to provide cassette tape-recorded
17 explanations of regional points of interest and
18 tourist attractions to be made available without
19 charge at state welcome centers. The department may
20 charge a reasonable deposit and fee to ensure that the
21 tape is returned to a state welcome center or rest
22 stop, or other location as specified by the
23 department.

24 Sec. _____. 1989 Iowa Acts, chapter 308, section 1,
25 subsection 3, unnumbered paragraph 2, is amended to
26 read as follows:

27 As a condition, limitation, and qualification of
28 this appropriation, the department shall develop and
29 initiate a program to provide cassette tape-recorded
30 explanations of regional points of interest and
31 tourist attractions, to be made available without
32 charge at state welcome centers. The department may
33 charge a reasonable deposit and fee to ensure that the
34 tape is returned to a state welcome center or rest
35 stop, or other location as specified by the
36 department."

37 19. Page 38, line 4, by striking the word
38 "deappropriated" and inserting the following: "of the
39 appropriation reduced".

40 20. Page 38, line 24, by striking the word
41 "deappropriated" and inserting the following: "of the
42 appropriation reduced".

43 21. Page 39, by inserting after line 14 the
44 following:

45 "Sec. _____. The appropriations made to the state
46 university of Iowa under 1990 Iowa Acts, chapter 1262,
47 section 1, subsection 35, section 6, subsection 5, and
48 section 11, shall be reduced by \$50,000. The
49 university shall select which of the purposes which
50 received appropriations under 1990 Iowa Acts, chapter

Page 3

1 1262, section 1, subsection 35, section 6, subsection
2 5, and section 11, shall be reduced so that the
3 reduction in appropriations of \$50,000 is reached. If
4 the university chooses to reduce the appropriation to
5 the research parks under section 6, subsection 5, the
6 amount of that reduction shall be transferred from the
7 Iowa community development loan fund to the general
8 fund of the state by June 30, 1991. Within one day
9 following the enactment of this Act, the university
10 shall notify the department of management and
11 legislative fiscal bureau of which appropriations
12 shall be reduced and by what amount."

13 22. Page 57, line 5, by striking the figure
14 "3,934,731" and inserting the following: "4,118,014".

15 23. Page 57, line 16, by striking the figure "0"
16 and inserting the following: "13,454".

17 24. Page 58, line 12, by striking the figure "0"
18 and inserting the following: "171,336".

19 25. Page 59, line 31, by striking the figure
20 "69,672,600" and inserting the following:
21 "69,872,600".

22 26. Page 60, line 34, by striking the word
23 "Section" and inserting the following: "Act".

24 27. Page 73, line 18, by striking the figure
25 "\$3,523,628" and inserting the following:
26 "\$3,473,628".

27 28. Page 74, by striking lines 9 through 11.

28 29. By striking page 74, line 34 through page 75,
29 line 13 and inserting the following: "than a five-
30 year period. It is the intent of this section that".

31 30. Page 76, by inserting after line 26 the
32 following:

33 "Sec. _____. Section 99E.10, subsection 1, paragraph
34 a, Code 1991, is amended by striking the paragraph."

35 31. Page 80, by striking lines 33 through 35.

36 32. Page 81, by striking lines 7 and 8.

37 33. Page 81, line 11, by striking the figure
38 "192A.3" and inserting the following: "192A.30".

39 34. Page 81, by striking line 20.

40 35. Page 82, by striking lines 7 through 10.

41 36. Page 83, line 25, by striking the following:
42 "DIVISION XII" and inserting the following:
43 "DIVISIONS XII AND XIII".

44 37. Page 84, by inserting after line 4 the
45 following:

46 "Sec. _____. Section 28.112, Code 1991, is amended
47 to read as follows:

48 28.112 VALUE-ADDED AGRICULTURAL PRODUCTS AND
49 PROCESSES FINANCIAL ASSISTANCE FUND.

50 1. The department may establish a value-added

Page 4

1 agricultural products and processes financial
2 assistance fund. The fund shall be a revolving fund
3 composed of any money appropriated by the general
4 assembly for that purpose, and any other moneys
5 available to and obtained or accepted by the
6 department from the federal government or private
7 sources for placement in the fund, and any earned
8 interest. Except as otherwise provided in subsection
9 2, the assets of the fund shall be used by the
10 department only for carrying out the purposes of
11 section 28.111.

12 2. The department may use moneys in the fund to do
13 any of the following:

14 a. Contract, sue and be sued, and adopt
15 administrative rules necessary to carry out the
16 provisions of this section and section 28.111, but the
17 department shall not in any manner directly or
18 indirectly pledge the credit of the state.

19 b. Authorize payment from the fund, from any
20 income received by investments of moneys in the fund
21 for costs, commissions, attorney fees, and other
22 reasonable expenses related to and necessary for
23 insuring or guaranteeing loans under section 28.111,
24 and for the recovery of loan moneys insured or
25 guaranteed or the management of property acquired in
26 connection with such loans.

27 c. Section 8.33 shall not apply to moneys in the
28 fund.

29 Sec. _____. Section 29C.8A, subsection 1, Code 1991,
30 is amended to read as follows:

31 1. An emergency response fund is created in the
32 state treasury. The first one hundred thousand
33 dollars received annually by the treasurer of state
34 for the civil penalties and fines imposed by the court
35 pursuant to sections 455B.146, 455B.191, 455B.386,
36 455B.417, 455B.454, 455B.466, and 455B.477 shall be
37 deposited in the waste volume reduction and recycling
38 fund created in section 455D.15. The next hundred
39 thousand dollars shall be deposited in the emergency
40 response fund and any additional moneys shall be
41 deposited in the household hazardous waste account
42 general fund of the state. All moneys received
43 annually by the treasurer of the state for the fines
44 imposed by sections 716B.2, 716B.3, and 716B.4 shall
45 also be deposited in the emergency response fund.

46 Sec. _____. Section 93.14, Code 1991, is amended to
47 read as follows:

48 93.14 ENERGY RESEARCH AND DEVELOPMENT FUND
49 APPROPRIATION.

50 An energy research and development fund is created

Page 5

1 in the state treasury. Moneys deposited in the fund
2 shall Beginning with the fiscal year beginning July 1,
3 1991, there is appropriated annually the sum of one
4 hundred fifty thousand dollars to be used for the
5 research and development of selected projects to
6 improve Iowa's energy situation by developing improved
7 methods of energy conservation, by enabling Iowans to
8 better manage available energy resources, or through
9 the increased development and use of Iowa's renewable
10 or nonrenewable energy resources. The moneys credited
11 to the fund under section 556.18 shall be used for
12 including, but not limited to, energy conservation or
13 alternative energy resource projects or for both
14 purposes. The projects shall be selected by the
15 director. Selection criteria for funded projects
16 shall include consideration of indirect restitution to
17 those persons in this state in the utility customer
18 classes and the utility service territories affected
19 by unclaimed utility refunds or deposits. The
20 projects funded from the energy research and
21 development fund appropriation made in this section
22 shall be administered by the department.

23 The energy fund disbursement council created in
24 section 93.11, subsection 3, will oversee and approve
25 the expenditure of funds in the energy research and
26 development fund appropriated in this section.

27 Sec. _____. Section 93.16, Code 1991, is amended to
28 read as follows:

29 93.16 ADDITIONAL FUNDS.

30 The department may accept funds from state and
31 local sources and shall take steps necessary to obtain
32 federal funds allotted and appropriated for the
33 purpose of the above described energy-related
34 programs. Such These funds shall be deposited in the
35 energy research and development fund general fund of
36 the state and are appropriated for the purposes
37 specified in section 93.14. Federal funds received
38 under the provisions of this section are appropriated
39 for the purposes set forth in the federal grants.

40 Sec. _____. Section 99D.7, subsection 2, Code 1991,
41 is amended to read as follows:

42 2. To identify occupations within the racing
43 industry which require licensing and adopt standards
44 for licensing the occupations including establishing
45 fees for the occupational licenses. The fees shall be
46 paid to the commission and used as required in section
47 99D.17 and section 99D.18.

48 Sec. _____. Section 99D.17, Code 1991, is amended to
49 read as follows:

50 99D.17 USE OF FUNDS.

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1 Funds received pursuant to sections 99D.14 and
2 99D.15 shall be deposited in the pari-mutuel
3 regulation fund created in the racing and gaming
4 commission. These funds shall first be used to the
5 extent appropriated by the general assembly and as
6 provided in section 99D.18. The remainder shall be
7 transferred to the treasurer of state to be deposited
8 in the general fund of the state. The commission is
9 subject to the budget requirements of chapter 8 and
10 the applicable auditing requirements and procedures of
11 chapter 11.

12 Sec. _____. Section 99F.4, subsection 2, Code 1991,
13 is amended to read as follows:

14 2. To license qualified sponsoring organizations,
15 to license the operators of excursion gambling boats,
16 to identify occupations within the excursion gambling
17 boat operations which require licensing, and to adopt
18 standards for licensing the occupations including
19 establishing fees for the occupational licenses and
20 licenses for qualified sponsoring organizations. The
21 fees shall be paid to the commission and deposited in
22 a special account of the general fund of the state.
23 All revenue received by the commission from license
24 fees and admission fees shall be deposited in the
25 special account in the general fund of the state.

26 Sec. _____. Section 99F.10, subsection 2, unnumbered
27 paragraph 1, Code 1991, is amended to read as follows:

28 An excursion boat licensee shall pay to the
29 commission an admission fee for each person embarking
30 on an excursion gambling boat with a ticket of
31 admission. The admission fee shall be set by the
32 commission and when collected shall be deposited in
33 the general fund of the state.

34 Sec. _____. Section 99F.11, subsection 3, Code 1991,
35 is amended by striking the subsection.

36 Sec. _____. Section 99F.17, subsection 1, Code 1991,
37 is amended to read as follows:

38 1. A manufacturer or distributor of gambling games
39 or implements of gambling shall annually apply for a
40 license upon a form prescribed by the commission
41 before the first day of April in each year and shall
42 submit the appropriate license fee. An applicant
43 shall provide the necessary information as the
44 commission requires. The license fee for a
45 distributor is one thousand dollars, and the license
46 fee for a manufacturer is two hundred fifty dollars.
47 The license fees shall be credited to the special
48 account provided for in section 99F.4, subsection 2
49 general fund of the state.

50 Sec. _____. Section 107.17, Code 1991, is amended to

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1 read as follows:

2 107.17 FUNDS.

3 The following five funds are fund is created in the
4 state treasury:

5 1. A state fish and game protection fund.

6 2. A state conservation fund.

7 3. An administration fund.

8 4. A public outdoor recreation and resources fund.

9 5. A county conservation board fund.

10 The state fish and game protection fund, except as
11 otherwise provided, consists of all moneys accruing
12 from license fees and all other sources of revenue
13 arising under the fish and wildlife division.

14 Notwithstanding section 453.7, subsection 2, interest
15 or earnings on investments or time deposits of the
16 funds in the state fish and game protection fund and
17 the public outdoor recreation and resources fund shall
18 be credited to those funds respectively that fund.

19 The public outdoor recreation and resources fund
20 and the county conservation board fund consist of all
21 moneys credited to them by law or appropriated to them
22 by the general assembly.

23 The conservation fund, except as otherwise
24 provided, consists of all other funds accruing to the
25 department for the purposes embraced by this chapter.

26 The administration fund shall consist of an
27 equitable portion of the gross amount of the state
28 fish and game protection fund and the state
29 conservation fund, to be determined by the commission,
30 sufficient to pay the expense of administration
31 entailed by this chapter.

32 All receipts and refunds and reimbursements related
33 to activities funded by the administration fund are
34 appropriated to the administration fund. All refunds
35 and reimbursements relating to activities of the state
36 fish and game protection fund shall be credited to the
37 state fish and game protection fund.

38 Sec. _____. Section 107.18, Code 1991, is amended to
39 read as follows:

40 107.18 REPORT OF FUNDS.

41 The director shall, at least monthly, make return
42 and pay to the treasurer of state all moneys then in
43 the director's hands belonging to the five funds state
44 fish and game protection fund.

45 Sec. _____. Section 107.19, unnumbered paragraph 1,
46 Code 1991, is amended to read as follows:

47 All funds accruing to the fish and game protection
48 fund, except an equitable portion of the
49 administration fund, shall be expended solely in
50 carrying on the activities embraced in the fish and

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1 wildlife division. Expenditures incurred by the
2 division in carrying on the activities shall be only
3 on authorization by the general assembly.
4 Sec. _____. Section 107.19, unnumbered paragraphs 4,
5 5, 7, and 8, Code 1991, are amended by striking the
6 unnumbered paragraphs.
7 Sec. _____. Section 108.11, Code 1991, is amended to
8 read as follows:

9 108.11 AGRICULTURAL DRAINAGE WELLS – WETLANDS –
10 CONSERVATION EASEMENTS.

11 The department shall develop and implement a
12 program for the acquisition of wetlands and
13 conservation easements on and around wetlands that
14 result from the closure or change in use of
15 agricultural drainage wells upon implementation of the
16 programs specified in section 159.29 to eliminate
17 groundwater contamination caused by the use of
18 agricultural drainage wells. The program shall be
19 coordinated with the department of agriculture and
20 land stewardship. The department may use moneys
21 appropriated for this purpose from the agriculture
22 management account of the groundwater protection fund
23 account of the general fund of the state in addition
24 to other moneys available for wetland acquisition,
25 protection, development, and management.

26 Sec. _____. Section 110B.4, unnumbered paragraph 1,
27 Code 1991, is amended to read as follows:

28 All revenue shall be used for projects approved by
29 the commission for the purpose of protecting and
30 propagating migratory waterfowl and for the
31 acquisition, development, restoration, maintenance or
32 preservation of wetlands, except for that part which
33 is specified by the commission for use in paying
34 administrative expenses as provided in section 107.17.

35 Sec. _____. Section 111A.6, unnumbered paragraph 3,
36 Code 1991, is amended by striking the paragraph.

37 Sec. _____. Section 114.12, Code 1991, is amended to
38 read as follows:

39 114.12 DISPOSITION OF FEES.

40 The staff shall collect and account for all fees
41 provided for by this chapter and pay the fees to the
42 treasurer of state who shall deposit the fees in the
43 professional licensing revolving general fund of the
44 state.

45 Sec. _____. Section 116.3, subsection 3, unnumbered
46 paragraph 1, Code 1991, is amended to read as follows:

47 All fees and other moneys received by the board,
48 pursuant to the provisions of this chapter, shall be
49 paid monthly to the treasurer of state for deposit in
50 the professional licensing revolving general fund of

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1 the state.

2 Sec. _____. Section 117.14, Code 1991, is amended to
3 read as follows:

4 117.14 FEES AND EXPENSES.

5 All fees and charges collected by the real estate
6 commission under this chapter shall be paid into the
7 professional licensing revolving general fund of the
8 state, except that the equivalent of ten dollars per
9 year of the fees for each real estate salesperson's or
10 broker's license shall be paid into the Iowa real
11 estate education fund created in section 117.54. All
12 expenses incurred by the commission under this
13 chapter, including compensation of staff assigned to
14 the commission, shall be paid out of the professional
15 licensing revolving fund funds appropriated to the
16 real estate commission, except for expenses incurred
17 and compensation paid for the real estate education
18 director, which shall be paid out of the real estate
19 education fund.

20 Sec. _____. Section 117.54, Code 1991, is amended to
21 read as follows:

22 117.54 REAL ESTATE EDUCATION FUND.

23 The Iowa real estate education fund is created as a
24 financial assurance mechanism to assist in the
25 establishment and maintenance of a real estate
26 education program at the university of northern Iowa
27 and to assist the real estate commission in providing
28 an education director. The fund is created as a
29 separate fund in the state treasury, and any funds
30 remaining in the fund at the end of each fiscal year
31 shall not revert to the general fund, but shall remain
32 in the Iowa real estate education fund. Interest or
33 other income earned by the fund shall be deposited in
34 the fund. Seventy percent of the moneys in the fund
35 shall be distributed and are appropriated to the board
36 of regents for the purpose of establishing and
37 maintaining a real estate education program at the
38 university of northern Iowa. Thirty percent of the
39 moneys in the fund shall be distributed and are
40 appropriated to the professional licensing and
41 regulation division of the department of commerce for
42 the purpose of hiring and compensating a real estate
43 education director.

44 Sec. _____. Section 117B.6, subsection 2, Code 1991,
45 is amended to read as follows:

46 2. Fees collected by the board shall be
47 transmitted to the treasurer of state who shall
48 deposit the fees in the professional licensing
49 revolving general fund of the state.

50 Sec. _____. Section 118.11, unnumbered paragraph 2,

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1 Code 1991, is amended to read as follows:

2 All fees shall be paid to the treasurer of state
3 and deposited in the professional licensing revolving
4 general fund of the state.

5 Sec. _____. Section 118A.14, unnumbered paragraph 2.

6 Code 1991, is amended to read as follows:

7 All fees shall be collected by the secretary, paid
8 to the treasurer of state and deposited in the
9 professional licensing revolving general fund of the
10 state.

11 Sec. _____. Section 159.28, unnumbered paragraph 3.

12 Code 1991, is amended to read as follows:

13 The program shall be coordinated with the
14 groundwater protection programs of the department of
15 natural resources and other local, state, or federal
16 government agencies which could compensate landowners
17 for resource protection measures. The department
18 shall use moneys appropriated for this purpose from
19 the agriculture management account of the groundwater
20 protection fund account of the general fund of the
21 state.

22 Sec. _____. Section 159.29, subsection 2, paragraph

23 a. Code 1991, is amended to read as follows:

24 a. Financial incentive moneys may be allocated
25 from the financial incentive portion of the
26 agriculture management account of the groundwater
27 protection fund account of the general fund of the
28 state to implement alternatives to agricultural
29 drainage wells.

30 Sec. _____. Section 192.40, Code 1991, is amended to
31 read as follows:

32 192.40 LICENSE TERM - FEES.

33 A license, unless earlier revoked, is valid until
34 July 1 after the date of its issuance. The maximum
35 fee for a license is twenty-five dollars, which shall
36 be paid before the license is issued, and standard
37 test bottles and pipettes shall be furnished at actual
38 cost. Fees collected under this section shall be
39 deposited in the milk fund established in section
40 192.47 general fund of the state.

41 Sec. _____. Section 192.47, subsection 3, Code 1991,
42 is amended by striking the subsection and inserting in
43 lieu thereof the following:

44 3. Fees collected under this section shall be
45 deposited in the general fund of the state. All
46 moneys deposited in the general fund under this
47 section shall be appropriated for the costs of
48 inspection, sampling, analysis, and other expenses
49 necessary for the administration of this chapter and
50 chapters 194 and 195.

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1 Sec. _____. Section 192A.30, Code 1991, is amended
2 to read as follows:

3 192A.30 PERMIT FEES.

4 For the purpose of administering and enforcing this
5 chapter, a processor or a person purchasing milk
6 products from a processor for wholesale distribution
7 shall obtain a permit, as provided by departmental
8 rule, before milk products are sold by the person or
9 wholesale purchaser in this state. The processor or
10 wholesale purchaser shall pay to the secretary a
11 permit fee in an amount set by the secretary, not to
12 exceed five mills per hundredweight on milk processed
13 into dairy products as defined in section 192A.1, and
14 sold within the state of Iowa. However, the permit
15 fee for the sale of ice cream or an additive variant
16 of ice cream or nonmilk-fat imitation shall not exceed
17 three mills per gallon. Products upon which fees have
18 been paid are exempt from further fees in successive
19 transactions. The fees for each month thus computed
20 shall be paid to the secretary on or before the
21 twenty-fifth day of the following month. Fees
22 received by the secretary pursuant to this section
23 shall be deposited in the general fund of the state.

24 Sec. _____. Section 194.14, Code 1991, is amended to
25 read as follows:

26 194.14 LICENSE TERM — FEES.

27 A license, unless sooner revoked, is valid until
28 July 1 after date of issuance. The maximum fee for
29 each license is three dollars, which shall be paid
30 before the license is issued. Fees collected under
31 this section shall be deposited in the milk fund
32 established in section 192.47 general fund of the
33 state.

34 Sec. _____. Section 194.19, unnumbered paragraph 1,
35 Code 1991, is amended to read as follows:

36 A vehicle used for the collection of milk for
37 manufacture of dairy products shall first be licensed
38 by the department. A license, unless earlier revoked,
39 is valid until July 1 after the date of its issuance.
40 The maximum fee for a license is twenty-five dollars,
41 which shall be paid before the license is issued. A
42 fee shall not be imposed under this section if the
43 vehicle or its operator has paid the fee imposed upon
44 milk haulers under section 192.47. Fees collected
45 under this section shall be deposited in the milk fund
46 established in section 192.47 general fund of the
47 state. This section does not apply to individuals
48 transporting their own dairy products.

49 Sec. _____. Section 194.20, Code 1991, is amended to
50 read as follows:

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1 194.20 INSPECTION FEES — GRADE "B" MILK.

2 A purchaser of milk from a grade "B" milk producer
3 shall pay an inspection fee not greater than one-half
4 cent per hundredweight. The fee is payable monthly to
5 the secretary at a time prescribed by the secretary.
6 A fee imposed by this section shall not be paid on
7 milk subject to inspection by a municipal corporation
8 pursuant to section 192.11. Fees collected under
9 section 192.47, subsection 2 and this section shall be
10 deposited in the milk fund established in section
11 192.47 general fund of the state.

12 Sec. _____. Section 195.9, Code 1991, is amended to
13 read as follows:

14 195.9 LICENSE TERM — FEES.

15 A license, unless sooner revoked, is valid until
16 July 1 after the date of its issuance. The maximum
17 fee for a license is twenty-five dollars which shall
18 be paid before the license is issued. Fees collected
19 under this section shall be deposited in the milk fund
20 established in section 192.47 general fund of the
21 state.

22 Sec. _____. Section 198.9, subsection 3, Code 1991,
23 is amended to read as follows:

24 3. Fees collected shall constitute a fund for the
25 payment of the costs of inspection, sampling,
26 analysis, supportive research and other expenses
27 necessary for the administration of this chapter be
28 deposited in the general fund of the state.

29 If there is an unencumbered balance of funds in the
30 commercial feed fund on June 30 of any fiscal year
31 equal to or exceeding one hundred thousand dollars,
32 the secretary of agriculture shall reduce the per ton
33 fee provided for in subsection 1 for the next fiscal
34 year in such amount as will result in an ending
35 estimated balance for June 30 of the next fiscal year
36 of one hundred thousand dollars.

37 The secretary shall publish a report not later than
38 September 1 of each year. The report shall provide a
39 detailed accounting of all sources of revenue and all
40 dispositions of funds utilized by the commercial feed
41 trust fund under this chapter. The report shall
42 detail full-time equivalent positions used in
43 fulfilling the requirements of this chapter. The
44 report shall also indicate to what extent any full-
45 time equivalent positions are shared with other
46 programs. Copies of the report issued by the
47 secretary pursuant to this subsection shall be
48 delivered each year to the members of the house of
49 representatives and senate standing committees on
50 agriculture.

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1 Sec. _____. Section 200.8, subsection 3, Code 1991,
2 is amended by striking the subsection.

3 Sec. _____. Section 200.8, subsection 4, Code 1991,
4 is amended to read as follows:

5 4. In addition to the fees imposed under
6 subsection 1, a groundwater protection fee shall be
7 imposed upon nitrogen-based fertilizer. The fee shall
8 be based upon the percentage of actual nitrogen
9 contained in the product. An eighty-two percent
10 nitrogen solution shall be taxed at a rate of seventy-
11 five cents per ton. Other nitrogen-based product
12 formulations shall be taxed on the percentage of
13 actual nitrogen contained in the formulations with the
14 eighty-two percent nitrogen solution serving as the
15 base. The fee shall be paid by each licensee
16 registering to sell fertilizer to the secretary of
17 agriculture. The fees collected shall be deposited in
18 the agriculture management account of the groundwater
19 protection account of the general fund of the state.
20 The secretary of agriculture shall adopt rules for the
21 payment, filing, and collection of groundwater
22 protection fees from licensees in conjunction with the
23 collection of registration and inspection fees. The
24 secretary shall, by rule allow an exemption to the
25 payment of this fee for fertilizers which contain
26 trace amounts of nitrogen.

27 Sec. _____. Section 200.9, Code 1991, is amended to
28 read as follows:

29 200.9 FERTILIZER FUND DEPOSIT OF FEES COLLECTED.

30 Fees collected for licenses and inspection fees
31 under sections 200.4 and 200.8, with the exception of
32 those fees collected for deposit in the agriculture
33 management account of the groundwater protection fund
34 account of the general fund of the state, shall be
35 deposited in the treasury to the credit of the
36 fertilizer general fund to be used only by the
37 department for the purpose of inspection, sampling,
38 analysis, preparation, and publishing of reports and
39 other expenses necessary for administration of this
40 chapter of the state. The secretary may assign moneys
41 request the appropriation of fees collected under
42 sections 200.4 and 200.8 to the Iowa agricultural
43 experiment station for research, work projects, and
44 investigations as needed for the specific purpose of
45 improving the regulatory functions for enforcement of
46 this chapter.

47 Sec. _____. Section 201.13, Code 1991, is amended to
48 read as follows:

49 201.13 MONEYS TO FERTILIZER GENERAL FUND -
50 PERIODIC REPORT.

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1 The moneys received under this chapter shall be
2 deposited in the fertilizer general fund as
3 established pursuant to chapter 200, of the state.
4 The moneys received under this chapter shall be
5 appropriated to be used by the department of
6 agriculture and land stewardship only for the purpose
7 of inspection, sampling, analyzing, preparing and
8 publishing of reports, and other expenses necessary
9 for the administration of this chapter. The secretary
10 shall issue an annual report showing a statement of
11 moneys received from license and testing fees, and a
12 biennial report which shall be made available to the
13 public showing the certifications of the effective
14 calcium carbonate equivalent for all agricultural
15 lime, limestone, or aglime certified as provided in
16 this chapter. The report shall list the manufacturers
17 and producers and their locations. Copies of all
18 reports issued by the secretary pursuant to this
19 section shall be sent to the members of the house of
20 representatives and senate standing committees on
21 agriculture.

22 Sec. _____. Section 206.8, subsection 2, unnumbered
23 paragraph 2, Code 1991, is amended to read as follows:

24 The initial twenty-five dollars of each annual
25 license fee shall be retained by the department for
26 administration of the program, and the remaining
27 moneys collected shall be deposited in the agriculture
28 management account of the groundwater protection fund
29 account of the general fund of the state.

30 Sec. _____. Section 206.12, subsection 3, Code 1991,
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. Fifty
49 dollars of each fee collected shall be deposited in
50 the treasury to the credit of the pesticide fund to be

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1 used only for the purpose of enforcing the provisions
2 of this chapter and the remainder of each fee
3 collected shall be placed in the agriculture
4 management account of the groundwater protection fund
5 Fees collected under this section shall be deposited
6 in the general fund of the state of which the amount
7 of each fee in excess of fifty dollars shall be
8 credited to the groundwater protection account of the
9 general fund.

10 Sec. _____. Section 208A.10, Code 1991, is amended
11 to read as follows:

12 208A.10 FEES REMITTED.

13 All fees provided for in this chapter shall be
14 collected by the secretary of agriculture and remitted
15 to the state treasury shall be deposited in the
16 general fund of the state.

17 Sec. _____. Section 246.310, Code 1991, is amended
18 to read as follows:

19 246.310 CANTEENS.

20 The director may maintain a canteen at any an
21 institution under the director's jurisdiction for the
22 sale to persons confined in the institution of items
23 such as toilet articles, candy, tobacco products,
24 notions, and other sundries, and may provide the
25 necessary facilities, equipment, personnel, and
26 merchandise for the canteen. The director shall
27 specify the items to be sold in the canteen. The
28 department may establish and maintain a permanent
29 operating fund for each canteen. The fund shall
30 consist of the receipts from the sale of commodities
31 at the canteen and any interest earned on the fund.
32 Any money in the fund over the amount needed to do
33 normal business transactions, and to reimburse any
34 accounts which have subsidized the canteen fund, shall
35 be considered profit. This money may remain in the
36 canteen fund and be used for any purchase which the
37 superintendent approves that will directly and
38 collectively benefit the inmates of the institution.

39 Sec. _____. Section 246.706, unnumbered paragraph 1,
40 Code 1991, is amended to read as follows:

41 A revolving farm fund is created in the state
42 treasury in which the department shall deposit
43 receipts from agricultural products, nursery stock,
44 agricultural land rentals, and the sale of livestock.
45 However, before any agricultural operation is phased
46 out, the department which proposes to discontinue this
47 operation shall notify the governor, chairpersons and
48 ranking members of the house and senate appropriations
49 committees, and cochairpersons and ranking members of
50 the subcommittee in the senate and house of

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1 representatives which has handled the appropriation
2 for this department in the past session of the
3 legislature general assembly. Before the department
4 sells farmland under the control of the department,
5 the director shall notify the governor, chairpersons
6 and ranking members of the house and senate
7 appropriations committees, and cochairpersons and
8 ranking members of the joint appropriations
9 subcommittee that handled the appropriation for the
10 department during the past legislative session of the
11 general assembly. The department may pay from the
12 fund for the operation, maintenance, and improvement
13 of farms and agricultural or nursery property under
14 the control of the department. A purchase order for
15 five thousand dollars or less payable from the fund is
16 exempt from the general purchasing requirements of
17 chapter 18. Notwithstanding section 8.33,
18 unencumbered or unobligated receipts in the revolving
19 farm fund at the end of a fiscal year shall not revert
20 to the general fund of the state and the investment
21 proceeds earned from the balance of the fund shall be
22 credited to the fund and used for the purposes
23 provided for in this section.

24 Sec. _____. Section 266.39, subsection 4, Code 1991,
25 is amended to read as follows:

26 4. The Iowa agricultural and home economics
27 experiment station shall employ a director for the
28 center, who shall be appointed by the president of
29 Iowa State University of science and technology. The
30 director of the center shall employ the necessary
31 research and support staff. The director and staff
32 shall be employees of Iowa State University of science
33 and technology. No more than five hundred thousand
34 dollars of the funds received from under the
35 agriculture management account program in section
36 455E.11 annually shall be expended by the center for
37 the salaries and benefits of the employees of the
38 center, including the salary and benefits of the
39 director. The remainder of the funds received from
40 under the agriculture management account program shall
41 be used to sponsor research grants and projects on a
42 competitive basis from Iowa colleges and universities
43 and private nonprofit agencies and foundations. The
44 center may also solicit additional grants and funding
45 from public and private nonprofit agencies and
46 foundations.

47 The director shall prepare an annual report.

48 Sec. _____. Section 307.37, Code 1991, is amended to
49 read as follows:

50 307.37 MOTOR VEHICLE FRAUD AND ODOMETER LAW

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1 ENFORCEMENT.

2 The department shall investigate and prosecute
3 violators of the laws concerning motor vehicle fraud
4 including, but not limited to, the state and federal
5 odometer law. The department shall refer available
6 evidence concerning a possible violation of the laws
7 concerning motor vehicle fraud including, but not
8 limited to, section 321.71 or the federal odometer law
9 or a rule or order issued under section 321.71 or the
10 federal odometer law, to the attorney general. The
11 attorney general, with or without the referral, may
12 institute appropriate criminal proceedings or may
13 direct the case to the appropriate county attorney to
14 institute appropriate criminal proceedings. The
15 attorney general may use those funds available
16 appropriated from the state general fund to the
17 department of justice for this purpose and law
18 enforcement agencies may be reimbursed for expenses
19 incurred in the enforcement of those laws, rules, or
20 orders with the approval of the attorney general.

21 Sec. _____. Section 307B.4, subsections 14 and 15,
22 Code 1991, are amended to read as follows:

23 14. "Pledged receipts" means the revenues and
24 receipts received or to be received by the authority
25 from the lease, operation or sale or disposition of
26 railway facilities; from loan or other agreements
27 relating to financial assistance; from grants, gifts
28 or payments on guarantees made to the authority by any
29 person; from accrued interest received from the sale
30 of obligations; from income from the investment of
31 special funds of the authority, including the special
32 railroad facility fund; from the revenues and receipts
33 deposited in the special railroad facility fund; and
34 from any other moneys which are available for the
35 payment of bond service charges.

36 15. "Special railroad facility fund" means the
37 fund created in section 307B.23.

38 Sec. _____. Section 307B.7, subsection 14, Code
39 1991, is amended to read as follows:

40 14. Extend financial assistance for the purpose of
41 providing for project costs. Make interest-free loans
42 for rehabilitation of railway tracks, roadbeds, or
43 trestles to persons which have repaid in part the
44 original loan from the authority which was made for
45 the purpose of the acquisition or rehabilitation of
46 railway tracks, roadbeds, or trestles. However, an
47 interest-free loan to a person shall not exceed the
48 amount repaid of the original loan made to that person
49 and one-half of the amount of the interest-free loan
50 repaid to the authority shall be credited to the

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1 railroad assistance fund established in section
2 327H.18 general fund of the state.

3 Sec. _____. Section 307B.7, subsections 20 and 21,
4 Code 1991, are amended by striking the subsections.
5 Sec. _____. Section 307B.9, unnumbered paragraph 1,
6 Code 1991, is amended to read as follows:

7 Except as provided in this chapter, all obligations
8 are payable solely out of the pledged receipts as
9 designated in the bond proceedings. Tax funds which
10 the authority receives from a political subdivision of
11 the state shall not be pledged for payment of the
12 obligations. Except for those tax funds deposited in
13 the special railroad facility fund as provided in
14 section 307B.23, subsection 2, or other tax funds
15 available pursuant to section 307B.26, the state shall
16 not appropriate tax funds, directly or indirectly, to
17 the authority for the purpose of payment of
18 obligations of the authority. Obligations shall be
19 authorized by resolution of the board and bond
20 proceedings shall provide for the purpose of the
21 obligations, the principal amount, the principal
22 maturity or maturities, not exceeding twenty-five
23 years from the date of issuance, the interest rate or
24 rates or the maximum interest rate, the date of the
25 obligations and the dates of payment of interest on
26 them, their denomination, and the establishment within
27 or without the state of a place or places of payment
28 of bond service charges. As much as is practicable
29 within the legal and fiscal limitations inherent in
30 bond issuance, a portion of the bonds shall be issued
31 in denominations of five thousand dollars and smaller,
32 in order to allow smaller investors in the state to
33 purchase the bonds.

34 Sec. _____. Section 307B.12, Code 1991, is amended
35 to read as follows:

36 307B.12 PAYMENT OF OBLIGATIONS – NONLIABILITY OF
37 STATE.

38 Obligations issued under this chapter, and
39 judgments based on contract or tort arising from the
40 activities of the authority or persons acting on its
41 behalf, are not a debt or liability of the state or of
42 any political subdivision within the meaning of any
43 constitutional or statutory debt limitation and are
44 not a pledge of the state's credit or taxing power
45 within the meaning of any constitutional or statutory
46 limitation or provision and no appropriation shall be
47 made, directly or indirectly, by the state or any
48 political subdivision of the state for the payment of
49 the obligations or judgments or to fund any deficiency
50 in the special railroad facility fund, or for the

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1 indemnification of a person subject to a judgment
2 arising from that person's actions on the authority's
3 behalf. These obligations and judgments are special
4 obligations of the authority payable solely and only
5 from the sources and special funds provided in this
6 chapter. Funds from the general fund of the state
7 shall not be used to pay interest or principal on
8 obligations of the authority in the event that
9 receipts from the taxes designated for deposit in the
10 special railroad facility fund moneys from other
11 sources are insufficient.

12 Sec. _____. Section 307B.23, Code 1991, is amended
13 to read as follows:

14 307B.23 SPECIAL RAILROAD FACILITY FUND USE OF
15 APPROPRIATIONS.

16 1. There is created in the office of the state
17 treasurer a "special railroad facility fund". This
18 fund shall include moneys which by law may be credited
19 to the special railroad facility fund. The moneys in
20 the special railroad facility fund are appropriated to
21 and for the purposes of the authority as provided in
22 this chapter. The funds in the special railroad
23 facility fund shall not be considered as a part of the
24 general fund of the state, are not subject to
25 appropriation for any other purpose by the general
26 assembly, and in determining a general fund balance
27 shall not be included in the general fund of the state
28 but shall remain in the special railroad facility fund
29 to be used for the purposes set forth in this section.
30 The treasurer of state shall act as custodian of the
31 fund and disburse amounts contained in it as directed
32 by the authority. The treasurer of state is
33 authorized to invest the funds deposited in the
34 special railroad facility fund at the direction of the
35 authority and subject to any limitations contained in
36 the bond proceedings. The income from the investment
37 shall be credited to and deposited in the special
38 railroad facility fund. This fund shall be
39 administered by Funds appropriated from the general
40 fund to the authority and may be used to purchase or
41 upgrade railroad right-of-way and trackage facilities
42 or to purchase general or limited partnership
43 interests in a partnership formed to purchase,
44 upgrade, or operate railroad right-of-way and trackage
45 facilities, to pay or secure obligations issued by the
46 authority, to pay obligations, judgments, or debts for
47 which the authority becomes liable in its capacity as
48 a general partner, or for any other use authorized
49 under this chapter. The fund funds may also be used
50 to purchase or upgrade railroad right-of-way and

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1 trackage facilities for the development of railroad
2 passenger tourism.
3 2. Moneys received from repayment from heartland
4 rail corporation as provided in 1983 Iowa Acts,
5 chapter 198, section 32, as amended by 1987 Iowa Acts,
6 chapter 232, section 28, and 1988 Iowa Acts, chapter
7 1211, section 6, shall be deposited in a separate
8 account within the special railroad facility fund the
9 general fund of the state and are appropriated to the
10 authority and shall be used by the authority only for
11 debt service or rehabilitation on branch rail lines
12 whose total projected traffic is at least fifty
13 percent agricultural products.

14 Sec. _____. Section 307B.25, unnumbered paragraph 1,
15 Code 1991, is amended to read as follows:

16 The authority shall certify to the treasurer of
17 state amounts of money necessary for payment of
18 principal and interest by the authority on obligations
19 issued on or after July 1, 1988, or to make payments
20 on leases guaranteed by the authority on or after July
21 1, 1988. However, certification shall only be made
22 under this section when there are insufficient moneys
23 available to the authority for the payment from moneys
24 credited to the special railroad facility fund or
25 other sources available to the authority.

26 Sec. _____. Section 312.2, subsections 13 and 15,
27 Code 1991, are amended to read as follows:

28 13. The treasurer of state, before making the
29 allotments provided for in this section, shall credit
30 annually to the department of justice general fund of
31 the state from the road use tax fund an amount equal
32 to twenty-five cents on each title issuance for motor
33 vehicle fraud law enforcement and prosecution purposes
34 including, but not limited to, the enforcement of
35 state and federal odometer laws.

36 15. The treasurer of state, before making the
37 allotments provided for in this section, shall credit
38 monthly from the road use tax fund to the public
39 transit assistance fund, created under section 601J.6,
40 general fund of the state from revenue credited to the
41 road use tax fund under section 423.24, subsection 1,
42 paragraph "b", an amount equal to one-twentieth of the
43 revenue credited to the road use tax fund under
44 section 423.24, subsection 1, paragraph "b". There is
45 appropriated from the general fund of the state for
46 each fiscal year to the state department of
47 transportation the amount of revenues credited to the
48 general fund of the state during the fiscal year under
49 this subsection to be used for purposes of public
50 transit assistance under chapter 601J.

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1 Sec. _____. Section 321.52, subsection 4, paragraph
2 b, unnumbered paragraph 1, Code 1991, is amended to
3 read as follows:
4 When a wrecked or salvage vehicle has been
5 repaired, the owner may apply for a regular
6 certificate of title by paying the appropriate fees
7 and surrendering the salvage certificate of title and
8 a properly executed salvage theft examination
9 certificate. The county treasurer shall issue a
10 regular certificate of title which, commencing
11 September 1, 1988, if the wrecked or salvage vehicle
12 is five model years old or less, shall bear the word
13 "REBUILT" stamped or printed on the face of the title.
14 The rebuilt designation shall be included on every
15 Iowa certificate of title issued thereafter for the
16 vehicle. However, if ownership of a stolen vehicle
17 has been transferred to an insurer organized under the
18 laws of this state or admitted to do business in this
19 state, or if the transfer was the result of a
20 settlement with the owner of the vehicle arising from
21 damage to or the unrecovered theft of the vehicle, and
22 if the insurer certifies to the county treasurer on a
23 form approved by the department that the cost of
24 repairs to all damage to the vehicle is less than
25 three thousand dollars, the county treasurer shall
26 issue the regular certificate of title without the
27 rebuilt designation. The county treasurer shall issue
28 a regular certificate of title without the "REBUILT"
29 designation if, before repairs are made, a component
30 parts review has been conducted by a peace officer who
31 has been specially certified and recertified when
32 required by the Iowa law enforcement academy to do
33 salvage theft examinations. The Iowa law enforcement
34 academy shall determine standards for training and
35 certification, conduct training, and may approve
36 alternative training programs which satisfy the
37 academy's standards for training and certification.
38 For the purpose of this section, a wrecked or salvage
39 vehicle shall be considered to have component part
40 damage if there is major damage requiring repairs or
41 replacement of more than two of the vehicle's
42 component parts. A "component part" means the rear
43 clip, cowl, frame or inner structure forward of the
44 cowl, body, cab, front end assembly, front clip, or
45 such other parts which are critical to the safety of
46 the vehicle as determined by rules adopted by the
47 department. The owner shall pay a fee of thirty-five
48 dollars upon the completion of the prerepair component
49 parts review. The agency performing the examinations
50 shall retain twenty-five dollars of the fee and shall

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1 pay five dollars of the fee to the department and five
2 dollars of the fee to the treasurer of state for
3 deposit in the general fund of the state. The Iowa
4 law enforcement academy to may provide for the special
5 training, certification, and recertification of
6 officers as required by this subsection. The peace
7 officer conducting the review shall maintain a record
8 of the review and shall forward a copy of the review
9 to the department. The department shall maintain a
10 record of all reviews. If a vehicle does not have
11 component damage as determined in this subsection, the
12 officer conducting the review shall issue a
13 certificate to the owner to that effect. The
14 certificate shall be surrendered to the county
15 treasurer at the time of application for a regular
16 certificate of title and the treasurer shall forward
17 the certificate to the department.

18 Sec. _____. Section 321.52, subsection 4, paragraph
19 c, unnumbered paragraph 1, Code 1991, is amended to
20 read as follows:

21 A salvage theft examination shall be made by a
22 peace officer who has been specially certified and
23 recertified when required by the Iowa law enforcement
24 academy to do salvage theft examinations. The Iowa
25 law enforcement academy shall determine standards for
26 training and certification, conduct training, and may
27 approve alternative training programs which satisfy
28 the academy's standards for training and
29 certification. The owner of the salvage vehicle shall
30 make the vehicle available for examination at a time
31 and location designated by the peace officer doing the
32 examination. The owner may obtain a permit to drive
33 the vehicle to and from the examination location by
34 submitting a repair affidavit to the agency performing
35 the examination stating that the vehicle is reasonably
36 safe for operation and listing the repairs which have
37 been made to the vehicle. The owner must be present
38 for the examination and have available for inspection
39 the salvage title, bills of sale for all essential
40 parts changed, and the repair affidavit. The
41 examination shall be for the purposes of determining
42 whether the vehicle or repair components have been
43 stolen. The examination is not a safety inspection
44 and a signed salvage theft examination certificate
45 shall not be construed by any court of law to be a
46 certification that the vehicle is safe to be operated.
47 There shall be no cause of action against the peace
48 officer or the agency conducting the examination or
49 the county treasurer for failure to discover or note
50 safety defects. If the vehicle passes the theft

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1 examination, the peace officer shall indicate that the
2 vehicle passed examination on the salvage theft
3 examination certificate and, with regard to a vehicle
4 which is required to bear the word "REBUILT" stamped
5 or printed on the face of the title, shall permanently
6 identify the vehicle as "rebuilt" on the driver's door
7 jamb or other area on the vehicle as designated by the
8 department. A removal or alteration of this rebuilt
9 identification is a violation of section 321.92. The
10 repair affidavit, permit, and salvage theft
11 examination certificate shall be on controlled forms
12 prescribed and furnished by the department. The owner
13 shall pay a fee of thirty dollars upon completion of
14 the examination. The agency performing the
15 examinations shall retain twenty dollars of the fee
16 and shall pay five dollars of the fee to the
17 department and five dollars of the fee to the
18 treasurer of state for deposit in the general fund of
19 the state. The Iowa law enforcement academy to may
20 provide for the special training, certification, and
21 recertification of officers as required by this
22 subsection.

23 Sec. _____. Section 324.79, unnumbered paragraph 2,
24 Code 1991, is amended to read as follows:

25 A separate fund is created and designated as the
26 "marine fuel tax fund". All moneys derived from the
27 excise tax on the sale of motor fuel used in
28 watercraft shall be deposited in the marine fuel tax
29 fund general fund of the state. Moneys in the fund so
30 deposited are subject to appropriation by the general
31 assembly to the department of natural resources for
32 use in its recreational boating program, which may
33 include but is not limited to:

34 Sec. _____. Section 324.82, Code 1991, is amended to
35 read as follows:

36 324.82 AVIATION FUEL TAX FUND DEPOSITS.

37 The portion of the moneys collected under this
38 chapter received on account of aviation gasoline and
39 special fuel used in aircraft shall be deposited in a
40 separate fund to be maintained by the treasurer the
41 general fund of the state. All moneys remaining in
42 the separate fund after the cost of administering the
43 fund have been paid shall be credited to the state
44 aviation fund.

45 Sec. _____. Section 324.84, Code 1991, is amended to
46 read as follows:

47 324.84 TRANSFER TO MARINE FUEL TAX GENERAL FUND.

48 The treasurer of state shall transfer from the
49 motor fuel tax fund to the marine fuel tax fund
50 created in section 324.79 general fund of the state

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1 that portion of moneys collected under this chapter
2 attributable to motor fuel used in watercraft computed
3 as follows:

4 1. Determine monthly the total amount of motor
5 fuel tax collected under this chapter and multiply the
6 amount by nine-tenths of one percent.

7 2. Subtract from the figure computed pursuant to
8 subsection 1 of this section three percent of the
9 figure for administrative costs and further subtract
10 from the figure the amounts refunded to commercial
11 fishers pursuant to subsection 13 of section 324.17,
12 subsection 13. All moneys remaining after claims for
13 refund and the cost of administration have been made
14 shall be transferred to the marine fuel tax fund
15 general fund of the state.

16 Sec. _____. Section 327H.18, Code 1991, is amended
17 to read as follows:

18 327H.18 STATE RAILROAD ASSISTANCE FUND
19 ESTABLISHED.

20 There is established a railroad assistance fund in
21 the office of the treasurer of state. Moneys in this
22 fund appropriated from the state general fund to
23 provide railroad assistance under this chapter shall
24 be expended for providing assistance for the
25 restoration, conservation, improvement and
26 construction of railroad main lines, branch lines,
27 switching yards and sidings. Any unencumbered funds
28 appropriated by the general assembly for branch line
29 railroad assistance shall be deposited in the railroad
30 assistance fund. However, not more than twenty
31 percent of the funds appropriated to the railroad
32 assistance fund from the general fund of the state in
33 any fiscal year shall be used for restoration,
34 conservation, improvement and construction of railroad
35 main lines, switching yards and sidings. Any moneys
36 received by the department by agreements, grants,
37 gifts, or other means from individuals, companies,
38 business entities, cities or counties for the purposes
39 of this section shall be credited to the railroad
40 assistance fund general fund of the state and are
41 appropriated for state railroad assistance under this
42 chapter.

43 Sec. _____. Section 327H.20, Code 1991, is amended
44 to read as follows:

45 327H.20 ASSISTANCE AGREEMENTS.

46 The department may enter into agreements with
47 railroad corporations, the United States government,
48 cities, counties, and other persons for carrying out
49 the purposes of this chapter. Agreements entered into
50 between the department and railroad corporations under

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1 this section may require a railroad corporation to
2 reimburse all or part of the costs paid from the
3 railroad assistance fund prior to July 1, 1991, or
4 paid from state general fund appropriations, from
5 revenue derived from all railroad cars and traffic
6 using the main line, branch line, switching yard or
7 sidings defined in the agreement. An agreement which
8 does not require the repayment of railroad assistance
9 such funds used for rehabilitation projects shall
10 require the railroad corporation to establish and
11 maintain a separate corporation account to which an
12 amount equal to all or part of the costs paid from the
13 railroad assistance fund prior to July 1, 1991, or
14 paid from state general fund appropriations shall be
15 credited from revenue derived from all railroad cars
16 and traffic using the main line, branch line,
17 switching yard, or siding defined in the agreement.
18 Credits to the corporation account by the railroad
19 corporation may be used for the restoration,
20 conservation, improvement, and construction of the
21 railroad corporation's main line, branch lines,
22 switching yards and sidings within the state. The
23 agreement shall stipulate the terms and conditions
24 governing the use of credits to the corporation
25 account as well as a penalty for the use of the
26 account in a manner other than as provided in the
27 agreement.

28 With the department's approval, a city may
29 appropriate money from its general fund to the for
30 railroad assistance fund to be provided pursuant to
31 this chapter. The department may agree to pay partial
32 or total reimbursement to a city or county which
33 appropriates money to the for railroad assistance
34 fund. Money appropriated to the for railroad
35 assistance fund from a city or county shall be used
36 only as provided in section 327H.18 and within the
37 city or county providing the money.

38 Sec. _____. Section 327H.25, Code 1991, is amended
39 to read as follows:

40 327H.25 TRANSFER OF DUTIES.

41 The administration of the state railroad assistance
42 fund moneys shall be transferred from the energy
43 policy council to the department not later than July
44 1, 1976. All agreements for railroad assistance
45 entered into by the energy policy council with
46 railroads and other persons shall be carried out by
47 the department.

48 Sec. _____. Section 422.52, subsection 3, Code 1991,
49 is amended to read as follows:

50 3. The director may, when necessary and advisable

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1 in order to secure the collection of the tax levied
2 under this division, require any person subject to
3 such tax to file with the director a bond, issued by a
4 surety company authorized to transact business in this
5 state and approved by the insurance commissioner as to
6 solvency and responsibility, in such amount as the
7 director may fix, to secure the payment of any tax or
8 penalties due or which may become due from such
9 person. In lieu of such bond, securities approved by
10 the director, in such amount as the director may
11 prescribe, may be deposited with the department, which
12 securities shall be kept in the custody of the
13 department deposited to the credit of the general fund
14 of the state and may be sold by the director at public
15 or private sale, without notice to the depositor
16 thereof, if it becomes necessary so to do in order to
17 recover any tax or penalties due. Upon any such sale,
18 the surplus, if any, above the amounts due under this
19 division shall be returned to the person who deposited
20 the securities.

21 Sec. _____. Section 422.69, subsection 3, Code 1991,
22 is amended by striking the subsection.

23 Sec. _____. Section 455A.18, subsection 3, Code
24 1991, is amended by striking the subsection.

25 Sec. _____. Section 455A.18, subsection 4,
26 unnumbered paragraph 2, Code 1991, is amended to read
27 as follows:

28 Section 8.33 does not apply to moneys appropriated
29 under this subsection. Notwithstanding section 453.7,
30 interest or earnings on moneys appropriated under this
31 subsection shall be credited to the Iowa resources
32 enhancement and protection fund.

33 Sec. _____. Section 455A.19, subsection 1,
34 unnumbered paragraph 1, Code 1991, is amended to read
35 as follows:

36 Upon receipt of any revenue, the director shall
37 deposit the moneys in the Iowa resources enhancement
38 and protection fund created pursuant to section
39 455A.18. The first three hundred fifty thousand
40 dollars of the funds received for deposit in the fund
41 annually shall be allocated to the conservation
42 education board for the purposes specified in section
43 256.34. One percent of the revenue receipts shall be
44 deducted and transferred to the administration general
45 fund provided for in section 107.17 of the state. All
46 of the remaining receipts shall be allocated to the
47 following accounts:

48 Sec. _____. Section 455B.172, subsection 5,
49 unnumbered paragraph 3, Code 1991, is amended to read
50 as follows:

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1 The commission shall make grants to counties for
2 the purpose of conducting programs for the testing of
3 private, rural water supply wells and for the proper
4 closing of abandoned, rural, private water supply
5 wells within the jurisdiction of the county. Grants
6 shall be funded through allocation of the agriculture
7 management account of the groundwater protection fund
8 appropriations made from the groundwater protection
9 account of the general fund of the state. Grants
10 awarded, continued, or renewed shall be subject to the
11 following conditions:

12 Sec. _____. Section 455B.190, subsection 6, Code
13 1991, is amended to read as follows:

14 6. A person who fails to properly plug a well on
15 property the person owns, in accordance with the
16 program established by the department, or as reported
17 by a designated agent or a registered well driller, is
18 subject to a civil penalty of up to one hundred
19 dollars per every five calendar days that the well
20 remains unplugged or improperly plugged. However, the
21 total civil penalty shall not exceed one thousand
22 dollars. The penalty shall only be assessed after the
23 one thousand dollar limit is reached. If the owner
24 plugs the well in compliance with this section,
25 including applicable departmental rules, before the
26 date that the one thousand dollar limit is reached,
27 the civil penalty shall not be assessed. The penalty
28 shall not be imposed upon a person for improperly
29 plugging a well until the department notifies the
30 person of the improper plugging. The moneys collected
31 shall be deposited in the financial incentive portion
32 of the agriculture management account groundwater
33 protection account of the general fund of the state.
34 The department of agriculture and land stewardship may
35 provide by rule for financial incentive moneys,
36 through expenditure of the moneys allocated to the
37 financial-incentive-program portion of the agriculture
38 management account, to reduce a person's cost in
39 properly plugging wells abandoned prior to July 1,
40 1987.

41 Sec. _____. Section 455B.310, subsection 4, Code
42 1991, is amended to read as follows:

43 4. All tonnage fees received by the department
44 under this section shall be deposited in the solid
45 waste account of the groundwater protection fund
46 account created under section 455E.11 in the general
47 fund of the state.

48 Sec. _____. Section 455B.473, subsection 5, Code
49 1991, is amended to read as follows:

50 5. The notice of the owner or operator to the

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1 department under subsections 1 through 3 shall be
2 accompanied by a fee of ten dollars for each tank
3 included in the notice. All moneys collected shall be
4 deposited in the storage tank management account of
5 the groundwater protection fund account created in
6 section 455E.11 in the general fund of the state. All
7 moneys collected pursuant to this section prior to
8 July 1, 1987, which have not been expended, shall be
9 deposited in the storage tank management account.

10 Sec. _____. Section 455B.479, Code 1991, is amended
11 to read as follows:

12 455B.479 STORAGE TANK MANAGEMENT FEE.

13 An owner or operator of an underground storage tank
14 shall pay an annual storage tank management fee of
15 sixty-five dollars per tank of over one thousand one
16 hundred gallons capacity. Twenty-three percent of the
17 fees collected shall be deposited in the storage tank
18 management account of the groundwater protection fund
19 account of the general fund of the state. Seventy-
20 seven percent of the fees collected shall be deposited
21 in the Iowa comprehensive petroleum underground
22 storage tank fund created in chapter 455G.

23 Sec. _____. Section 455B.484, subsection 13,
24 paragraph b, Code 1991, is amended to read as follows:

25 b. Moneys appropriated from the oil overcharge
26 account of the groundwater protection fund created in
27 section 455E.11 shall be used to develop the
28 comprehensive plan for the small business assistance
29 center for the safe and economic management of solid
30 and hazardous substances.

31 Sec. _____. Section 455E.11, subsection 1, Code
32 1991, is amended to read as follows:

33 1. A groundwater protection fund account is
34 created in the state treasury as a special account in
35 the general fund of the state. Moneys received from
36 sources designated for purposes related to groundwater
37 monitoring and groundwater quality standards shall be
38 deposited in the fund account. Notwithstanding
39 section 8.33, any unexpended balances in the
40 groundwater protection fund and in any of the accounts
41 within the groundwater protection fund account at the
42 end of each fiscal year shall be retained in the fund
43 and the respective accounts within the fund account.
44 Notwithstanding section 453.7, subsection 2, interest
45 or earnings on investments or time deposits of the
46 moneys in the groundwater protection fund or in any of
47 the accounts within the groundwater protection fund
48 account shall be credited to the groundwater
49 protection fund or the respective accounts within the
50 groundwater protection fund account. The fund account

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1 may be used for the purposes established for each
2 account within the fund account.

3 The director shall include in the departmental
4 budget prepared pursuant to section 455A.4, subsection
5 1, paragraph "c", a proposal for the use of
6 groundwater protection fund account moneys, and a
7 report of the uses of the groundwater protection fund
8 account moneys appropriated in the previous fiscal
9 year.

10 The secretary of agriculture shall submit with the
11 report prepared pursuant to section 17.3 a proposal
12 for the use of groundwater protection fund account
13 moneys, and a report of the uses of the groundwater
14 protection fund account moneys appropriated in the
15 previous fiscal year.

16 There is annually appropriated all moneys in the
17 groundwater protection account for purposes of the
18 programs in subsection 2 and for all other purposes
19 for which moneys in the account may be used by law.

20 Sec. _____. Section 455E.11, subsection 2,
21 unnumbered paragraph 1, Code 1991, is amended to read
22 as follows:

23 The following accounts programs are created within
24 under the groundwater protection fund Act:

25 Sec. _____. Section 455E.11, subsection 2,
26 paragraphs a, b, c, and d, Code 1991, are amended to
27 read as follows:

28 a. A solid waste account program. Moneys received
29 from the tonnage fee imposed under section 455B.310
30 and from other sources designated for environmental
31 protection purposes in relation to sanitary disposal
32 projects shall be deposited in the solid waste
33 groundwater protection account and shall be allocated
34 for purposes of the solid waste program.

35 The department shall use the funds in the account
36 for the following purposes:

37 (1) The moneys received from the tonnage fee
38 imposed under section 455B.310 for the fiscal year
39 beginning July 1, 1987, and ending June 30, 1988,
40 shall be used for the following purposes:

41 (a) An amount equal to fifty percent of the moneys
42 received from the tonnage fee imposed pursuant to
43 section 455B.310 shall be reserved for the purpose of
44 providing grants to cities and counties required to
45 provide for sanitary disposal projects under section
46 455B.302 for the purpose of developing or updating
47 plans required to be filed under section 455B.306.
48 Grants shall be governed by section 455B.311.

49 (b) An amount equal to twenty-five percent of the
50 moneys received from the tonnage fee imposed under

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1 section 455B.310 shall be reserved for the purpose of
2 providing grants to public water supply systems to
3 abate or eliminate threats to public health and safety
4 resulting from contamination of the water supply
5 source. However, a public water supply shall not
6 receive a grant for more than ten percent of the
7 moneys available for those purposes.

8 (c) An amount equal to twenty-five percent of the
9 moneys received from the tonnage fee imposed under
10 section 455B.310 shall be appropriated to the waste
11 management authority.

12 (2) The first fifty cents per ton of funds
13 received from the tonnage fee imposed under section
14 455B.310 for the fiscal year beginning July 1, 1988
15 and ending June 30, 1989, shall be used for the
16 following:

17 (a) Six cents per ton of the amount allocated
18 under this subparagraph is appropriated to the waste
19 management authority within the department of natural
20 resources.

21 (b) Fourteen cents per ton of the amount allocated
22 under this subparagraph is appropriated to the
23 University of Northern Iowa to develop and maintain
24 the small business assistance center for the safe and
25 economic management of solid waste and hazardous
26 substances established at the University of Northern
27 Iowa.

28 (c) Eight thousand dollars of the amount allocated
29 under this subparagraph is appropriated to the Iowa
30 department of public health for carrying out the
31 departmental duties pursuant to section 135.11,
32 subsections 20 and 21, and section 139.35.

33 (d) The remainder of the amount allocated under
34 this subparagraph is appropriated to the department of
35 natural resources for the following purposes:

36 (i) The development of guidelines for groundwater
37 monitoring at sanitary disposal projects as defined in
38 section 455B.301, subsection 18.

39 (ii) Abatement and cleanup of threats to the
40 public health, safety, and the environment resulting
41 from a sanitary landfill if an owner or operator of
42 the landfill is unable to facilitate the abatement or
43 cleanup. However, not more than ten percent of the
44 total funds allocated under this subparagraph may be
45 used for this purpose without legislative
46 authorization.

47 (3) An additional fifty cents per ton from the
48 fees imposed under section 455B.310 for the fiscal
49 year beginning July 1, 1988 and ending June 30, 1989
50 shall be used by the department to develop and

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1 implement demonstration projects for landfill
2 alternatives to solid waste disposal including
3 recycling programs.

4 (4) The additional fifty cents per ton collected
5 from the fee imposed under section 455B.310 for the
6 fiscal year beginning July 1, 1988 and ending June 30,
7 1989 may be retained by the agency making the payments
8 to the state provided that a separate account is
9 established for these funds and that they are used in
10 accordance with the requirements of section 455B.306.

11 (5) The first fifty cents per ton of funds
12 received from the tonnage fee imposed under section
13 455B.310 for the fiscal year beginning July 1, 1989
14 and ending June 30, 1990, shall be used for the
15 following:

16 (a) Six cents per ton of the amount allocated
17 under this subparagraph is appropriated to the waste
18 management authority within the department of natural
19 resources.

20 (b) Fourteen cents per ton of the amount allocated
21 under this subparagraph is appropriated to the
22 University of Northern Iowa to develop and maintain
23 the small business assistance center for the safe and
24 economic management of solid waste and hazardous
25 substances established at the University of Northern
26 Iowa.

27 (c) Eight thousand dollars of the amount allocated
28 under this subparagraph is appropriated to the Iowa
29 department of public health for carrying out the
30 departmental duties pursuant to section 135.11,
31 subsections 20 and 21, and section 139.35.

32 (d) The remainder of the amount allocated under
33 this subparagraph is appropriated to the department of
34 natural resources for the following purposes:

35 (i) The development of guidelines for groundwater
36 monitoring at sanitary disposal projects as defined in
37 section 455B.301, subsection 18.

38 (ii) Abatement and cleanup of threats to the
39 public health, safety, and the environment resulting
40 from a sanitary landfill if an owner or operator of
41 the landfill is unable to facilitate the abatement or
42 cleanup. However, not more than ten percent of the
43 total funds allocated under this subparagraph may be
44 used for this purpose without legislative
45 authorization.

46 (6) One dollar per ton from the fees imposed under
47 section 455B.310 for the fiscal year beginning July 1,
48 1989 and ending June 30, 1990 shall be used by the
49 department to develop and implement demonstration
50 projects for landfill alternatives to solid waste

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1 disposal including recycling programs.

2 (7) The additional fifty cents per ton collected
3 from the fee imposed under section 455B.310 for the
4 fiscal year beginning July 1, 1989 and ending June 30,
5 1990 may be retained by the agency making the payments
6 to the state provided that a separate account is
7 established for these funds and that they are used in
8 accordance with the requirements of section 455B.306.

9 (8) The first Of the funds allocated for the solid
10 waste program, an amount equal to fifty cents per ton
11 of funds received from the tonnage fee imposed for the
12 fiscal year beginning July 1, 1990, and thereafter
13 shall be used for the following:

14 (a) Twenty cents per ton of the amount allocated
15 under this subparagraph is appropriated to the
16 university of northern Iowa to develop and maintain
17 the Iowa waste reduction center for the safe and
18 economic management of solid waste and hazardous
19 substances established at the university of northern
20 Iowa.

21 (b) Thirty cents per ton of the amount allocated
22 under this subparagraph is appropriated to the
23 department of natural resources for the following
24 purposes:

25 (i) Eight thousand dollars of the amount allocated
26 under this subparagraph shall be transferred to the
27 Iowa department of public health for carrying out the
28 departmental duties pursuant to section 135.11,
29 subsections 20 and 21, and section 139.35.

30 (ii) The administration and enforcement of a
31 groundwater monitoring program and other required
32 programs which are related to solid waste management.

33 (iii) The development of guidelines for
34 groundwater monitoring at sanitary disposal projects
35 as defined in section 455B.301, subsection 18.

36 (iv) The waste management authority of the
37 department of natural resources.

38 (9) One Of the funds allocated, an amount equal to
39 one dollar per ton from the fees imposed under section
40 455B.310 for the fiscal year beginning July 1, 1990
41 and thereafter shall be used by the department to
42 develop and implement demonstration projects for
43 landfill alternatives to solid waste disposal
44 including recycling programs.

45 (10) Fifty Of the funds allocated, an amount equal
46 to fifty cents per ton per year of funds received from
47 the tonnage fee imposed under section 455B.310 for the
48 fiscal year beginning July 1, 1990, and thereafter may
49 be retained by the agency making the payments to the
50 state provided that a separate account is established

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1 for these funds and that they are used in accordance
2 with the requirements of section 455B.306.

3 (11) Each additional fifty cents per ton per year
4 of funds received from the tonnage fee for the fiscal
5 period beginning July 1, 1990 and thereafter which is
6 allocated for the solid waste program is allocated for
7 the following purposes:

8 (a) Thirty-five cents per ton per year shall be
9 allocated to the department of natural resources for
10 the following purposes:

11 (i) Twenty-five cents per ton per year shall be
12 used to develop and implement demonstration projects
13 for landfill alternatives to solid waste disposal
14 including recycling programs.

15 (ii) No more than ten cents of the thirty-five
16 cents per year may be used for the administration of a
17 groundwater monitoring program and other required
18 programs which are related to solid waste management,
19 if the amount of funds generated for administrative
20 costs in this fiscal period is less than the amount
21 generated for the costs in the fiscal year beginning
22 July 1, 1988.

23 (b) Fifteen cents per ton per year shall be
24 allocated to local agencies for use as provided by
25 law.

26 (12) Cities, counties, and private agencies
27 subject to fees imposed under section 455B.310 may use
28 the funds collected in accordance with the provisions
29 of this section and the conditions of this subsection.
30 The funds used from the account under this program may
31 only be used for any of the following purposes:

32 (a) Development and implementation of an approved
33 comprehensive plan.

34 (b) Development of a closure or postclosure plan.

35 (c) Development of a plan for the control and
36 treatment of leachate which may include a facility
37 plan or detailed plans and specifications.

38 (d) Preparation of a financial plan, but these
39 funds may not be used to actually contribute to any
40 fund created to satisfy financial requirements, or to
41 contribute to the purchase of any instrument to meet
42 this need.

43 On January 1 of the year following the first year
44 in which the funds from the account under this program
45 are used, and annually thereafter, the agency shall
46 report to the department as to the amount of the funds
47 used, the exact nature of the use of the funds, and
48 the projects completed. The report shall include an
49 audit report which states that the funds were, in
50 fact, used entirely for purposes authorized under this

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1 subsection.

2 (13) If moneys appropriated to the portion of the
3 solid waste account to be used for the administration
4 of groundwater monitoring programs and other required
5 programs that are related to solid waste management
6 remain unused at the end of any fiscal year, the
7 moneys remaining shall be allocated to the portion of
8 the account used for abatement and cleanup of threats
9 to the public health, safety, and the environment,
10 resulting from sanitary landfills. If the balance of
11 the moneys in the portion of the account used for
12 abatement and cleanup exceeds three million dollars,
13 the moneys in excess shall be used to fund the
14 development and implementation of demonstration
15 projects for landfill alternatives to solid waste
16 disposal including recycling.

17 b. An agriculture management account program.
18 Moneys collected from the groundwater protection fee
19 levied pursuant to section 200.8, subsection 4, the
20 portion of the fees collected pursuant to sections
21 206.8, subsection 2, and 206.12, subsection 3, and
22 other moneys designated for the purpose of agriculture
23 management shall be deposited in the agriculture
24 management groundwater protection account. The
25 agriculture management account shall be used for the
26 following purposes and shall be allocated for purposes
27 of the agriculture management program as follows:

28 (1) Nine thousand dollars of the account is
29 appropriated to the Iowa department of public health
30 for carrying out the departmental duties under section
31 135.11, subsections 20 and 21, and section 139.35.

32 (2) Two hundred thousand dollars of the moneys
33 deposited in the agriculture management account is
34 appropriated to the department of agriculture and land
35 stewardship for the fiscal year beginning July 1,
36 1987, and ending June 30, 1988, for the demonstration
37 projects regarding agriculture drainage wells and
38 sinkholes. Any remaining balance of the appropriation
39 made for the purpose of funding such demonstration
40 projects for the fiscal year beginning July 1, 1987,
41 and ending June 30, 1988, shall not revert to the
42 account, notwithstanding section 8.33, but shall
43 remain available for the purpose of funding such
44 demonstration projects during the fiscal period
45 beginning July 1, 1988, and ending June 30, 1990.

46 (3) Of the remaining moneys in the account:

47 (a) Thirty-five percent is appropriated annually
48 for the Leopold center for sustainable agriculture at
49 Iowa State University of science and technology.

50 (b) Two percent is appropriated annually to the

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1 department of natural resources for the purpose of
2 administering grants to counties and conducting
3 oversight of county-based programs relative to the
4 testing of private water supply wells and the proper
5 closure of private abandoned wells. Not more than
6 seventeen and one-half percent of the moneys is
7 appropriated annually to the department of natural
8 resources for grants to counties for the purpose of
9 conducting programs of private, rural water supply
10 testing, not more than six percent of the moneys is
11 appropriated annually to the state hygienic laboratory
12 to assist in well testing, and not more than seventeen
13 and one-half percent of the moneys is appropriated
14 annually to the department of natural resources for
15 grants to counties for the purpose of conducting
16 programs for properly closing abandoned, rural water
17 supply wells and cisterns. For purposes of this
18 subparagraph subdivision, "cistern" means an
19 artificial reservoir constructed underground for the
20 purpose of storing rainwater.

21 (c) The department shall allocate a sum not to
22 exceed seventy-nine thousand dollars of the moneys
23 appropriated for the fiscal year beginning July 1,
24 1987, and ending June 30, 1988, for the preparation of
25 a detailed report and plan for the establishment on
26 July 1, 1988, of the center for health effects of
27 environmental contamination. The plan for
28 establishing the center shall be presented to the
29 general assembly on or before January 15, 1988. The
30 report shall include the assemblage of all existing
31 data relating to Iowa drinking water supplies,
32 including characteristics of source, treatment,
33 presence of contaminants, precise location, and usage
34 patterns to facilitate data retrieval and use in
35 research; and detailed organizational plans, research
36 objectives, and budget projections for the anticipated
37 functions of the center in subsequent years. The
38 department may allocate annually a sum not to exceed
39 nine percent of the moneys of the account allocated
40 for the agriculture management program to the center,
41 beginning July 1, 1988.

42 (d) Thirteen percent of the moneys is appropriated
43 annually to the department of agriculture and land
44 stewardship for financial incentive programs related
45 to agricultural drainage wells and sinkholes, for
46 studies and administrative costs relating to sinkholes
47 and agricultural drainage wells programs. Of the
48 thirteen percent allocated for financial incentive
49 programs, not more than fifty thousand dollars is
50 appropriated for the fiscal year beginning July 1,

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1 1987, and ending June 30, 1988, to the department of
2 natural resources for grants to county conservation
3 boards for the development and implementation of
4 projects regarding alternative practices in the
5 remediation of noxious weeds or other vegetation
6 within highway rights-of-way. Any remaining balance
7 of the appropriation made for the purpose of funding
8 of projects regarding alternative practices in the
9 remediation of noxious weeds or other vegetation
10 within highway rights-of-way for the fiscal year
11 beginning July 1, 1987, and ending June 30, 1988,
12 shall not revert to the account, notwithstanding
13 section 8.33, but shall remain available for the
14 purpose of funding the projects during the fiscal
15 period beginning July 1, 1988, and ending June 30,
16 1990.

17 c. A household hazardous waste account program.
18 The moneys collected pursuant to section 455F.7 and
19 moneys collected pursuant to section 29C.8A which are
20 designated for deposit, shall be deposited in the
21 household hazardous waste groundwater protection
22 account and shall be allocated for purposes of the
23 household hazardous waste program as provided in this
24 paragraph. Two thousand dollars is appropriated
25 annually to the Iowa department of public health to
26 carry out departmental duties under section 135.11,
27 subsections 20 and 21, and section 139.35. The
28 remainder of the account amount allocated shall be
29 used to fund Toxic Cleanup Days and the efforts of the
30 department to support a collection system for
31 household hazardous materials, including public
32 education programs, training, and consultation of
33 local governments in the establishment and operation
34 of permanent collection systems, and the management of
35 collection sites, education programs, and other
36 activities pursuant to chapter 455F, including the
37 administration of the household hazardous materials
38 permit program by the department of revenue and
39 finance.

40 The department shall submit to the general
41 assembly, annually on or before January 1, an itemized
42 report which includes but is not limited to the total
43 amount of moneys collected and the sources of the
44 moneys collected, the amount of moneys expended for
45 administration of the programs funded within the
46 account under the household hazardous waste program,
47 and an itemization of any other expenditures made
48 within the previous fiscal year.

49 d. A storage tank management account program. All
50 fees collected pursuant to section 455B.473,

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1 subsection 5, and section 455B.479, shall be deposited
2 in the storage tank management groundwater protection
3 account, except those moneys deposited into the Iowa
4 comprehensive petroleum underground storage tank fund
5 pursuant to section 455B.479, and shall be allocated
6 for the purposes of the storage tank management
7 program. Funds shall be expended for the following
8 purposes:

9 (1) One thousand dollars is appropriated annually
10 to the Iowa department of public health to carry out
11 departmental duties under section 135.11, subsections
12 20 and 21, and section 139.35.

13 (2) Twenty-three Of the funds allocated for the
14 storage tank management program, an amount equal to
15 twenty-three percent of the proceeds of the fees
16 imposed pursuant to section 455B.473, subsection 5,
17 and section 455B.479 shall be deposited in the account
18 annually be used for the program, up to a maximum of
19 three hundred fifty thousand dollars. If twenty-three
20 percent of the proceeds exceeds three hundred fifty
21 thousand dollars, the excess shall be deposited into
22 the fund created in section 455G.3. Three hundred
23 fifty thousand dollars is appropriated from the
24 storage tank management account allocated to the
25 department of natural resources for the administration
26 of a state storage tank program pursuant to chapter
27 455B, division IV, part 8, and for programs which
28 reduce the potential for harm to the environment and
29 the public health from storage tanks.

30 (3) The remaining funds in the account are
31 appropriated allocated annually to the Iowa
32 comprehensive petroleum underground storage tank fund.

33 Sec. _____. Section 455F.7, subsection 1, Code 1991,
34 is amended to read as follows:

35 1. A retailer offering for sale or selling a
36 household hazardous material shall have a valid permit
37 for each place of business owned or operated by the
38 retailer for this activity. All permits provided for
39 in this division shall expire on June 30 of each year.
40 Every retailer shall submit an annual application by
41 July 1 of each year and a fee of twenty-five dollars
42 to the department of revenue and finance for a permit
43 upon a form prescribed by the director of revenue and
44 finance. Permits are nonrefundable, are based upon an
45 annual operating period, and are not prorated. A
46 person in violation of this section shall be subject
47 to permit revocation upon notice and hearing. The
48 department shall remit the fees collected to the
49 household hazardous waste account of the groundwater
50 protection fund treasurer of state to be deposited in

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1 the groundwater protection account of the general fund
2 of the state. A person distributing general use
3 pesticides labeled for agricultural or lawn and garden
4 use with gross annual pesticide sales of less than ten
5 thousand dollars is subject to the requirements and
6 fee payment prescribed by this section.

7 Sec. _____. Section 455F.11, Code 1991, is amended
8 to read as follows:

9 455F.11 RECYCLING AND RECLAMATION PROGRAMS.

10 Up to eighty thousand dollars of the moneys
11 deposited in appropriated for the household hazardous
12 waste account program in section 455E.11 shall be
13 allocated to the department of natural resources for
14 city, county, or service organization projects
15 relative to recycling and reclamation events. A city,
16 county, or service organization shall submit a
17 competitive grant to the department of natural
18 resources by April 1 for approval by the department no
19 later than May 15.

20 Sec. _____. Section 467A.71, subsection 3, paragraph
21 b, Code 1991, is amended to read as follows:

22 b. Authorize payment from the conservation
23 practices revolving loan fund, and from fees and from
24 any income received by investments of money in the
25 fund for costs, commissions, attorney fees and other
26 reasonable expenses related to and necessary for
27 making and protecting direct loans under this section,
28 and for the recovery of moneys loaned or the
29 management of property acquired in connection with
30 such loans:

31 Sec. _____. Section 467F.4, subsection 2, Code 1991,
32 is amended to read as follows:

33 2. Authorize payment from the water protection
34 fund, and from fees and from any income received by
35 investments of money in the fund for costs,
36 commissions, and other reasonable expenses.

37 Sec. _____. Section 476.10, unnumbered paragraph 4,
38 Code 1991, is amended to read as follows:

39 Whenever the board shall deem it necessary in order
40 to carry out the duties imposed upon it in connection
41 with rate regulation under section 476.6,
42 investigations under section 476.3, or review
43 proceedings under section 476.31, the board may employ
44 additional temporary or permanent staff, or may
45 contract with persons who are not state employees for
46 engineering, accounting, or other professional
47 services, or both. The costs of these additional
48 employees and contract services shall be paid by the
49 public utility whose rates are being reviewed in the
50 same manner as other expenses are paid under this

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1 section. There is appropriated out of any funds in
2 the state treasury not otherwise appropriated, such
3 sums as may be necessary to enable the board to hire
4 additional staff and contract for services under this
5 section. The board shall increase quarterly
6 assessments specified in unnumbered paragraph two, by
7 amounts necessary to enable the board to hire
8 additional staff and contract for services under this
9 section. The authority to hire additional temporary
10 or permanent staff that is granted to the board by
11 this section shall not be subject to limitation by any
12 administrative or executive order or decision that
13 restricts the number of state employees or the filling
14 of employee vacancies, and shall not be subject to
15 limitation by any law of this state that restricts the
16 number of state employees or the filling of employee
17 vacancies unless that law is made applicable to this
18 section by express reference to this section. Before
19 the board expends or encumbers an amount in excess of
20 the funds budgeted for rate regulation and before the
21 board increases quarterly assessments pursuant to this
22 paragraph, the director of the department of
23 management shall approve the expenditure or
24 encumbrance. Before approval is given, the director
25 of the department of management shall determine that
26 the expenses exceed the funds budgeted by the general
27 assembly to the board for rate regulation and that the
28 board does not have other funds from which the
29 expenses can be paid. Upon approval of the director
30 of the department of management the board may expend
31 and encumber funds for the excess expenses, and
32 increase quarterly assessments to raise the additional
33 funds. The board and the office of consumer advocate
34 may add additional personnel or contract for
35 additional assistance to review and evaluate energy
36 efficiency plans and the implementation of energy
37 efficiency programs including, but not limited to,
38 professionally trained engineers, accountants,
39 attorneys, skilled examiners and inspectors, and
40 secretaries and clerks. The board and the office of
41 the consumer advocate may expend additional sums
42 beyond those sums appropriated. However, the
43 authority to add additional personnel or contract for
44 additional assistance must first be approved by the
45 department of management. The additional sums shall
46 be provided to the board and the office of the
47 consumer advocate by the utilities subject to the
48 energy efficiency requirements in this chapter. The
49 assessments shall be in addition to and separate from
50 the quarterly assessment.

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1 Sec. _____. Section 476.10, unnumbered paragraph 5,
2 Code 1991, is amended by striking the unnumbered
3 paragraph and inserting in lieu thereof the following:
4 Fees paid to the utilities division shall be
5 deposited in the general fund of the state. Funds to
6 pay salaries and other expenses necessary to carry out
7 the duties of the utilities division or the consumer
8 advocate division shall be from appropriations made by
9 the general assembly from the general fund of the
10 state.

11 Sec. _____. Section 476.10, unnumbered paragraph 6,
12 Code 1991, is amended to read as follows:

13 The utilities division shall transfer at the
14 beginning of each fiscal quarter from appropriated
15 trust funds to the administrative services trust fund
16 in determining charges and assessments include an
17 amount which represents the division's share of the
18 estimated cost of consolidated administrative services
19 within the department of commerce, such share to be in
20 the same proportion as established by agreement in the
21 fiscal year beginning July 1, 1986, and ending June
22 30, 1987, with the first quarterly transfer to occur
23 between July 1 and July 31 annually. At the close of
24 the fiscal year, actual versus estimated expenditures
25 shall be reconciled and any overpayment shall be
26 returned to the division or any underpayment shall be
27 paid by the division.

28 Sec. _____. Section 476.51, Code 1991, is amended to
29 read as follows:

30 476.51 CIVIL PENALTY.

31 A public utility which willfully violates a
32 provision of this chapter, a rule adopted by the
33 board, or a provision of an order lawfully issued by
34 the board, is subject to a civil penalty, which may be
35 levied by the board, of not more than one hundred
36 dollars per violation or one thousand dollars per day
37 of a continuing violation, whichever is greater.
38 Civil penalties collected pursuant to this section
39 shall be forwarded by the executive secretary of the
40 board to the treasurer of state to be credited to the
41 energy research and development general fund of the
42 state and to be used only for the low income home
43 energy assistance program and the weatherization
44 assistance program administered by the division of
45 community action agencies of the department of human
46 rights. Penalties paid by a rate-regulated public
47 utility pursuant to this section shall be excluded
48 from the utility's costs when determining the
49 utility's revenue requirement, and shall not be
50 included either directly or indirectly in the

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1 utility's rates or charges to customers.

2 Sec. _____. Section 478.4, Code 1991, is amended to
3 read as follows:

4 478.4 FRANCHISE — HEARING.

5 The utilities board shall consider said the
6 petition and any objections filed thereto to it in the
7 manner hereinafter provided. It shall examine the
8 proposed route or cause any engineer selected by it to
9 do so. If a hearing is held on the petition it may
10 hear such testimony as may aid it in determining the
11 propriety of granting such the franchise. It may
12 grant such the franchise in whole or in part upon such
13 terms, conditions, and restrictions, and with such
14 modifications as to location and route as may seem to
15 it just and proper. Before granting such franchise,
16 the utilities board shall make a finding that the
17 proposed line or lines are necessary to serve a public
18 use and represents a reasonable relationship to an
19 overall plan of transmitting electricity in the public
20 interest. No franchise shall become effective until
21 the petitioners shall pay, or file an agreement to
22 pay, all costs and expenses of the franchise
23 proceeding, whether or not objections are filed,
24 including costs of inspections or examinations of the
25 route, hearing, salaries, publishing of notice, and
26 any other expenses reasonably attributable thereto.
27 The funds received for the costs and the expenses of
28 the franchise proceeding shall be remitted to the
29 treasurer of state for deposit in the utilities trust
30 general fund of the state.

31 Sec. _____. Section 479.16, Code 1991, is amended to
32 read as follows:

33 479.16 USE OF FUNDS.

34 All moneys received under the provisions of this
35 chapter shall be remitted monthly to the treasurer of
36 state and credited to the utilities trust general fund
37 of the state.

38 Sec. _____. Section 479A.9, Code 1991, is amended to
39 read as follows:

40 479A.9 DEPOSIT OF FUNDS.

41 Except as otherwise provided in section 479A.14,
42 subsection 8, moneys received under this chapter shall
43 be credited to the utilities trust fund established in
44 section 476.10 general fund of the state.

45 Sec. _____. Section 505.7, unnumbered paragraph 1,
46 Code 1991, is amended by striking the unnumbered
47 paragraph and inserting in lieu thereof the following:

48 All fees and charges which are required by law to
49 be paid by insurance companies and associations shall
50 be payable to the commissioner of the insurance

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1 division of the department of commerce or department
2 of revenue and finance, as provided by law, whose duty
3 it shall be to account for and pay over the same to
4 the treasurer of state at the time and in the manner
5 provided by law for deposit in the general fund of the
6 state.

7 Sec. _____. Section 505.7, unnumbered paragraph 3,
8 Code 1991, is amended by striking the unnumbered
9 paragraph.

10 Sec. _____. Section 505.7, unnumbered paragraph 4,
11 Code 1991, is amended to read as follows:

12 The insurance division shall transfer at the
13 beginning of each fiscal quarter from appropriated
14 trust funds to the administrative services trust fund
15 in determining charges and assessments include an
16 amount which represents the division's share of the
17 estimated cost of consolidated administrative services
18 within the department of commerce, such share to be in
19 the same proportion as established by agreement in the
20 fiscal year beginning July 1, 1986, and ending June
21 30, 1987, with the first quarterly transfer to occur
22 between July 1 and July 31 annually. At the close of
23 the fiscal year, actual versus estimated expenditures
24 shall be reconciled and any overpayment shall be
25 returned to the division or any underpayment shall be
26 paid by the division.

27 Sec. _____. Section 509A.5, unnumbered paragraph 2,
28 Code 1991, is amended by striking the unnumbered
29 paragraph.

30 Sec. _____. Section 523A.20, Code 1991, is amended
31 to read as follows:

32 **523A.20 INSURANCE DIVISION'S REGULATORY FUND.**

33 The insurance division may authorize the creation
34 of a special revenue fund in the state treasury, to be
35 known as the insurance division regulatory fund.
36 Commencing July 1, 1990, and annually thereafter, the
37 commissioner shall allocate from the fees paid
38 pursuant to section 523A.2, one dollar for each
39 agreement reported on an establishment permit holder's
40 annual report for deposit to the regulatory fund. The
41 remainder of the fees collected pursuant to section
42 523A.2 shall be deposited into the insurantee revolving
43 fund; provided, however, that general fund of the
44 state. However, if the balance of the regulatory fund
45 on that July 1 exceeds two hundred thousand dollars,
46 the allocation to the regulatory fund shall not be
47 made and the total sum of the fees paid pursuant to
48 section 523A.2 shall be deposited in the insurantee
49 revolving general fund of the state. The moneys in
50 the regulatory fund shall be retained in the fund

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1 together with any interest or earnings that are earned
2 on the balance. The moneys are appropriated and,
3 subject to authorization by the commissioner, may be
4 used to pay investigative expenses and the expenses of
5 receiverships established pursuant to section 523A.19.
6 An annual assessment shall not be imposed if the
7 current balance of the fund exceeds two hundred
8 thousand dollars.

9 Sec. _____. Section 523E.20, Code 1991, is amended
10 to read as follows:

11 523E.20 INSURANCE DIVISION'S REGULATORY FUND.

12 The insurance division may authorize the creation
13 of a special revenue fund in the state treasury, to be
14 known as the insurance division regulatory fund.
15 Commencing July 1, 1990, and annually thereafter, the
16 commissioner shall allocate from the fees paid
17 pursuant to section 523E.2, one dollar for each
18 agreement reported on an establishment permit holder's
19 annual report for deposit to the regulatory fund. The
20 remainder of the fees collected pursuant to section
21 523E.2 shall be deposited into the insurance revolving
22 fund; provided, however, that general fund of the
23 state. However, if the balance of the regulatory fund
24 on that July 1 exceeds two hundred thousand dollars,
25 the allocation to the regulatory fund shall not be
26 made and the total sum of the fees paid pursuant to
27 section 523E.2 shall be deposited in the insurance
28 revolving general fund of the state. The moneys in
29 the regulatory fund shall be retained in the fund
30 together with any interest or earnings that are earned
31 on the balance. The moneys are appropriated and,
32 subject to authorization by the commissioner, may be
33 used to pay investigative expenses and the expenses of
34 receiverships established pursuant to section 523E.19.
35 An annual assessment shall not be imposed if the
36 current balance of the fund exceeds two hundred
37 thousand dollars.

38 Sec. _____. Section 524.207, unnumbered paragraphs 1
39 and 2, Code 1991, are amended by striking the
40 unnumbered paragraphs and inserting in lieu thereof
41 the following:

42 All expenses required in the discharge of the
43 duties and responsibilities imposed upon the banking
44 division of the department of commerce, the
45 superintendent, and the state banking board by the
46 laws of this state shall be paid from funds
47 appropriated from the general fund of the state. Fees
48 provided by the laws of this state are payable to the
49 superintendent. The superintendent shall pay all the
50 fees and other money received by the superintendent to

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1 the treasurer of state within the time required by
2 section 12.10 for deposit in the general fund of the
3 state.

4 Sec. _____. Section 524.207, unnumbered paragraph 4,
5 Code 1991, is amended to read as follows:

6 The banking division shall transfer at the
7 beginning of each fiscal quarter from appropriated
8 trust funds to the administrative services trust fund
9 in determining charges and assessments include an
10 amount which represents the division's share of the
11 estimated cost of consolidated administrative services
12 within the department of commerce, such share to be in
13 the same proportion as established by agreement in the
14 fiscal year beginning July 1, 1986, and ending June
15 30, 1987, with the first quarterly transfer to occur
16 between July 1 and July 31 annually. At the close of
17 the fiscal year, actual versus estimated expenditures
18 shall be reconciled and any overpayment shall be
19 returned to the division or any underpayment shall be
20 paid by the division.

21 Sec. _____. Section 533.67, unnumbered paragraphs 1
22 and 2, Code 1991, are amended by striking the
23 unnumbered paragraphs and inserting in lieu thereof
24 the following:

25 All expenses required in the discharge of the
26 duties and responsibilities imposed upon the credit
27 union division, the superintendent, and the credit
28 union review board by the laws of this state shall be
29 paid from funds appropriated from the general fund of
30 the state. Fees provided by the laws of this state
31 are payable to the superintendent. The superintendent
32 shall pay all the fees and other money received by the
33 superintendent to the treasurer of state within the
34 time required by section 12.10 for deposit in the
35 general fund of the state.

36 Sec. _____. Section 533.67, unnumbered paragraph 4,
37 Code 1991, is amended to read as follows:

38 The credit union division shall transfer at the
39 beginning of each fiscal quarter from appropriated
40 trust funds to the administrative services trust fund
41 in determining charges and assessments include an
42 amount which represents the division's share of the
43 estimated cost of consolidated administrative services
44 within the department of commerce, such share to be in
45 the same proportion as established by agreement in the
46 fiscal year beginning July 1, 1986, and ending June
47 30, 1987, with the first quarterly transfer to occur
48 between July 1 and July 31 annually. At the close of
49 the fiscal year, actual versus estimated expenditures
50 shall be reconciled and any overpayment shall be

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1 returned to the division or any underpayment shall be
2 paid by the division.

3 Sec. _____. Section 534.403, subsection 2, Code
4 1991, is amended to read as follows:

5 2. EXPENSES, PER DIEM, VACATION, AND SICK LEAVE.

6 If the examination is made under section 534.401,
7 subsection 3, each examiner shall file with the
8 superintendent an itemized, certified, and sworn
9 voucher of the examiner's expense for the time the
10 examiner is actually engaged in an examination. On
11 the fifteenth and last days of each month each
12 examiner shall file in triplicate with the
13 superintendent a certified statement of the actual
14 days engaged in examinations. The salaries shall be
15 included in a two-week payroll period. Upon approval
16 of the superintendent, the director of revenue and
17 finance is authorized to issue warrants for payment of
18 the vouchers and salaries, including a prorated amount
19 for vacation and sick leave, from the savings and loan
20 revolving fund. Repayment to the state shall be made
21 as provided by section 534.408, subsection 4. Savings
22 and loan examiners shall be paid salaries at rates
23 commensurate with, and shall be reimbursed for meals
24 and lodging at the same rate and in the same manner
25 as, that which is received by federal examiners
26 operating under the federal home loan bank board.

27 Sec. _____. Section 534.408, subsections 1 and 8,
28 Code 1991, are amended to read as follows:

29 1. PAYABLE TO DIVISION. Associations shall pay
30 fees by delivering to the superintendent a check
31 payable to the savings and loan division of the
32 department of commerce. All fees collected under this
33 chapter shall be deposited with the treasurer of state
34 in a separate fund to be known as the savings and loan
35 revolving fund, except eleven thousand dollars each
36 fiscal year shall be transferred to be deposited in
37 the general fund of the state. The amount shall be
38 considered as one of the costs of the savings and loan
39 division. All expenses necessary to carry out this
40 chapter shall be paid from the savings and loan
41 revolving fund and funds appropriated by the general
42 assembly from the general fund.

43 The authority to modify allotments provided in
44 section 8-31 shall not apply to funds appropriated
45 from the savings and loan fund.

46 8. ADMINISTRATIVE SERVICES COST. The savings and
47 loan association division shall transfer at the
48 beginning of each fiscal quarter from appropriated
49 trust funds to the administrative services trust fund
50 in determining charges and assessments include an

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1 amount which represents the division's share of the
2 estimated cost of consolidated administrative services
3 within the department of commerce, such share to be in
4 the same proportion as established by agreement in the
5 fiscal year beginning July 1, 1986, and ending June
6 30, 1987, with the first quarterly transfer to occur
7 between July 1 and July 31 annually. At the close of
8 the fiscal year, actual versus estimated expenditures
9 shall be reconciled and any overpayment shall be
10 returned to the division or any underpayment shall be
11 paid by the division.

12 Sec. _____. Section 546.9, unnumbered paragraph 2,
13 Code 1991, is amended to read as follows:

14 The alcoholic beverages division shall transfer at
15 the beginning of each fiscal quarter from appropriated
16 trust funds to the administrative services trust fund
17 in determining charges and assessments include an
18 amount which represents the division's share of the
19 estimated cost of consolidated administrative services
20 within the department, such share to be in the same
21 proportion as established by agreement in the fiscal
22 year beginning July 1, 1986, and ending June 30, 1987,
23 with the first quarterly transfer to occur between
24 July 1 and July 31 annually. At the close of the
25 fiscal year, actual versus estimated expenditures
26 shall be reconciled and any overpayment shall be
27 returned to the division or any underpayment shall be
28 paid by the division.

29 Sec. _____. Section 546.10, subsections 5 and 6,
30 Code 1991, are amended to read as follows:

31 5. The professional licensing and regulation
32 division shall transfer at the beginning of each
33 fiscal quarter from appropriated trust funds to the
34 administrative services trust fund in determining
35 charges and assessments include an amount which
36 represents the division's share of the estimated cost
37 of consolidated administrative services within the
38 department, such share to be in the same proportion as
39 established by agreement in the fiscal year beginning
40 July 1, 1986, and ending June 30, 1987, with the first
41 quarterly transfer to occur between July 1 and July 31
42 annually. At the close of the fiscal year, actual
43 versus estimated expenditures shall be reconciled and
44 any overpayment shall be returned to the division or
45 any underpayment shall be paid by the division.

46 6. There is created in the office of the treasurer
47 of state a professional licensing revolving fund;
48 Fees collected under chapters 114, 116, 117, 117B,
49 118, and 118A shall be paid to the treasurer of state
50 and credited to the professional licensing revolving

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1 fund deposited in the general fund of the state. All
2 expenses required in the discharge of the duties and
3 responsibilities imposed upon the professional
4 licensing division of the department of commerce, the
5 administrator, and the licensing boards by the laws of
6 this state shall be paid from the revolving fund and
7 funds appropriated by the general assembly from the
8 general fund. Transfers shall not be made from the
9 general fund of the state or any other fund for the
10 payment of expenses of the division. Fees collected
11 by the division shall not be transferred to the
12 general fund. The funds held by the treasurer of
13 state for the professional licensing division of the
14 department of commerce shall be invested by the
15 treasurer of state and the income derived from the
16 investments shall be credited to the general fund of
17 the state.

18 Sec. _____. Section 556.18, subsection 3, Code 1991,
19 is amended to read as follows:

20 3. After July 1, 1988 1991, the treasurer of state
21 shall annually credit the first one hundred fifty
22 thousand dollars of all moneys received under section
23 556.4 to the energy research and development general
24 fund created under section 93.14, of the state and
25 shall credit all additional moneys received under
26 section 556.4 to the energy crisis fund created under
27 section 601K.102.

28 Sec. _____. Section 601J.6, subsections 1 and 4,
29 Code 1991, are amended to read as follows:

30 1. There is established a public transit
31 assistance fund in the office of the treasurer of
32 state. Moneys in this fund appropriated for public
33 transit assistance shall be expended for providing
34 assistance to public transit for the development,
35 improvement, and maintenance of public transit
36 systems. Unencumbered moneys appropriated by the
37 general assembly for the implementation of a state
38 assistance plan shall be deposited in the public
39 transit assistance fund. Moneys received by the
40 department by agreements, grants, gifts, or other
41 means from individuals, companies or other business
42 entities, or cities and counties for the purposes
43 stated in this section shall be credited to the public
44 transit assistance fund general fund of the state and
45 are appropriated for use by the department for those
46 purposes.

47 4. Moneys deposited in the appropriated for public
48 transit assistance fund are not subject to sections
49 8.33 and 8.39.

50 Sec. _____. Sections 99D.18, 111.79, 111.80,

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- 1 327H.24, and 546.11, Code 1991, are repealed.
2 Sec. _____. 1989 Iowa Acts, chapter 321, section 22,
3 subsections 1 and 4, are repealed.
4 Sec. _____. These divisions are effective for the
5 period beginning July 1, 1991, and ending June 30,
6 1993, and the amendments made to Code sections in
7 these divisions are repealed July 1, 1993. The Code
8 editor shall editorially amend the Code section in
9 these divisions to reflect this repeal by restoring
10 the language in these Code sections to the language in
11 these Code sections as it appears in the Code of Iowa
12 1991, except that amendments to these Code sections by
13 other Acts of this and subsequent general assemblies
14 shall not be affected."
15 38. Title page, line 6, by inserting after the
16 word "state," the following: "and temporarily
17 eliminating certain funds,".
18 39. By renumbering, relettering, or redesignating
19 and correcting internal references as necessary.

Jochum of Dubuque moved that the House concur in the Senate amendment H—3048.

The motion lost and the House refused to concur in the Senate amendment H—3048.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that House File 173 be immediately messaged to the Senate.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 11th day of February, 1991: House File 4.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ELDER AFFAIRS

A report on the Long-term Care Resident's Advocate/Ombudsman Program, pursuant to Chapter 249D.42(7), Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

The finalized 1991 update to the criminal and juvenile justice plan, pursuant to Chapter 601K.135, Code of Iowa.

STATE LIBRARY OF IOWA

A report on State-Funded Services for Public Libraries, pursuant to Chapter 303.92(3)(d), Code of Iowa.

PRESENTATION OF VISITORS

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

Twelve college students from Ellsworth Community College, Iowa Falls, accompanied by Ervin D. Miller. By McNeal of Hardin.

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

- | | |
|---------|---|
| 1991-9 | Dr. Maria Stoltzman, member Polish Parliament — For helping to lead Solidarity into prominence, her work with the Zootechnical Institute in Krakow, the Nationwide Animal Breeding Center of Warsaw, and for serving as President of the Water Supply Foundation. |
| 1991-10 | K. B. Jackson, Dubuque — For his work for underprivileged youth and fund-raising activities for the YMCA Partnership with Youth. |
| 1991-11 | Ken Apel, Dubuque — For his work with underprivileged youth, and his fund-raising activities for the YMCA Partnership with Youth. |

SUBCOMMITTEE ASSIGNMENTS

House File 28

Commerce: Renken, Chair; Halvorson of Webster and Millage.

House File 150

Commerce: Chapman, Chair; Baker and Rafferty.

House File 174

Local Government: Cohoon, Chair; Hahn and Shearer.

House File 183

Human Resources: Neuhauser, Chair; Bartz and Haverland.

House File 185

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hibbard.

House File 186

Judiciary and Law Enforcement: Wissing, Chair; Poncy and Siegrist.

House File 187

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

House File 188

Judiciary and Law Enforcement: Bisignano, Chair; Blanshan and McKean.

House File 190

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hibbard.

House File 215

State Government: Spenner, Chair; Bisignano, Carpenter, Poncy and Teaford.

House File 218

State Government: Poncy, Chair; Bisignano, Carpenter, Spenner and Teaford.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 108**

Commerce: Brown, Chair; Gill, Hansen of Woodbury, Lundby and Shoning.

House Study Bill 125

Education: Cohoon, Chair; Iverson and Nielsen.

House Study Bill 127

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Grubbs, Johnson and Schrader.

House Study Bill 128

Energy and Environmental Protection: Groninga, Chair; Jesse and Siegrist.

House Study Bill 131

Natural Resources and Outdoor Recreation: Shoultz, Chair; Hanson of Black Hawk and Knapp.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 132 Ways and Means**

Relating to the administration of the individual income tax, by amending the requirement that each tax return include two voter registration forms; providing uniformity in the priority of the various income tax credits; specifying that the incomes covered in the government

pension exclusion are considered for purposes of determining if taxpayers qualify for total exemption from tax; providing that qualification for the tuition and textbook deduction and the tuition and textbook credit is based on taxpayers' net incomes instead of their federal adjusted gross incomes; providing for revision in the computation of the child and dependent care credit and allocation of the credit between married taxpayers and nonresidents and part-year resident taxpayers; relating to the penalty for delinquent payment of fuel taxes resulting from a check given in payment but not honored because of insufficient funds; relating to access to confidential tax information by certain persons and the application of confidentiality laws of the state; relating to penalty provisions on the filing of certain tax returns and failure to submit payment of taxes as required by the rules of the director of revenue and finance; relating to the due date for income tax returns for nonprofit corporations subject to the unrelated business income tax; relating to use tax on vehicles subject to registration or only subject to the issuance of title; relating to the exemption from inheritance tax of the share of the estate passing to the surviving spouse; relating to payment of interest to taxpayers owed refunds for inheritance tax; relating to payment of refunds of the environmental protection charge; and providing effective dates.

H.S.B. 133 Ways and Means

Relating to the updating of the references to the federal Internal Revenue Code, adopting revisions in the research activities credit and the earned income credit, and providing applicability and effective dates.

H.S.B. 134 Ways and Means

Relating to the limitation period for filing for an Iowa income tax credit or refund.

H.S.B. 135 Ways and Means

Relating to the duties of the department of revenue and finance.

H.S.B. 136 Commerce

Requiring registration of persons located outside of this state who issue credit cards, providing for an examination fee, and providing a penalty.

H.S.B. 137 Commerce

Relating to the regulation of pay-per-call service and advertisements and providing for the applicability of established penalties.

H.S.B. 138 Commerce

Relating to the regulation and licensing of a person who purchases motor vehicle retail installment contracts, prescribing the conditions under which a person may purchase motor vehicle retail installment contracts, establishing fees, and providing penalties.

H.S.B. 139 Agriculture

Providing for the enforcement of the pesticide Act of Iowa, and providing penalties.

H.S.B. 140 Agriculture

Prohibiting the commercial distribution of certain fuel which is not blended with ethanol, and providing penalties.

H.S.B. 141 Human Resources

Relating to requirements for child day care facilities operated in a building in which child day care is an adjunct to the primary purpose of the building and providing an effective date.

H.S.B. 142 Human Resources

Relating to federal-state public assistance programs.

H.S.B. 143 Human Resources

Relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties.

H.S.B. 144 Human Resources

Relating to juveniles and placement of juveniles waived to adult court under the juvenile code and additional mandatory reporters of child abuse.

H.S.B. 145 Natural Resources and Outdoor Recreation

Relating to operating a snowmobile or all-terrain vehicle while under the influence of alcohol or a drug and increasing criminal penalties.

H.S.B. 146 State Government

A joint resolution proposing an amendment to the Constitution of the State of Iowa prohibiting the passage of certain laws which would require political subdivisions to expend funds.

H.S.B. 147 State Government

Relating to the installation of smoke detectors in multiple-unit residential buildings and single-family dwellings and making penalties applicable.

H.S.B. 148 Judiciary and Law Enforcement

Relating to aiding and abetting and retaliation under the civil rights law.

H.S.B. 149 Judiciary and Law Enforcement

Relating to the Iowa civil rights Act by expanding the definition of public accommodation.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 145), to create a lien against aircraft and certain aircraft equipment in favor of persons who have installed the equipment in the aircraft and providing priority of the lien against prior lienholders of record.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1991.

RESOLUTION FILED

HCR 5, by Beaman, Daggett, Iverson and Krebsbach, a concurrent resolution expressing support for continuing investigations of Americans missing in action in Southeast Asia.

Referred to committee on **state government**.

AMENDMENTS FILED

H-3046	H.F.	170	Kremer of Buchanan
H-3047	H.F.	123	Spear of Lee
H-3049	H.F.	73	Tyrrell of Iowa
H-3050	H.F.	73	Muhlbauer of Crawford
			Royer of Page
H-3051	H.F.	105	Murphy of Dubuque
H-3052	H.F.	73	Spear of Lee

On motion by McKinney of Dallas, the House adjourned at 2:38 p.m., until 9:00 a.m., Tuesday, February 12, 1991.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day — Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 12, 1991

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

Prayer was offered by the Honorable Wayne Bennett, state representative from Ida County.

The Journal of Monday, February 11, 1991 was approved.

INTRODUCTION OF BILLS

House File 221, by Halvorson of Webster, a bill for an act regulating the sale and possession of fireworks, and making a penalty applicable.

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

House File 222, by Pavich, a bill for an act relating to the place of payment of fines and costs for scheduled violations.

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

House File 223, by Maulsby, a bill for an act relating to the establishment of Iowa residency for purposes of attendance at higher education institutions and eligibility for student financial aid, and providing that the state board of regents and the college student aid commission adopt rules.

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

House File 224, by Maulsby, a bill for an act establishing a maximum health care facility resident charge.

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

House File 225, by Pavich, a bill for an act directing the department of public safety to establish standards and curricula for the training of dogs used for law enforcement purposes.

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

House File 226, by Pavich, a bill for an act relating to tuition rates set by the state board of regents for certain nonresident students.

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

House File 227, by Doderer, a bill for an act relating to private club expense deductions for individual and corporate state income tax purposes.

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

House File 228, by Renaud, Knapp, Mertz, Kistler, Poncy, Tyrrell, Royer, Branstad, Diemer, Beaman, Krebsbach, Lundby, Shearer, Bisignano, Renken, Svoboda, Corbett, Hanson of Black Hawk, Halvorson of Clayton, Metcalf, Hester, Shoning, Gruhn, Connors, Burke, Iverson, Kremer, Gill, Bartz, Dickinson, Pavich, Garman, Hahn and Sherzan, a bill for an act establishing procedures for notification of an emergency care provider who is exposed to contagious or infectious diseases, and making penalties applicable.

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

House File 229, by Doderer, a bill for an act relating to assistance to victims of domestic and sexual abuse, establishing a separate domestic violence and sexual assault grant fund, and increasing the fee for filing an application for a license to marry.

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

House File 230, by Wissing, Grubbs, Rafferty, Millage and Petersen of Muscatine, a bill for an act establishing a chiropractic subvention program for Iowa chiropractic colleges and universities.

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

SENATE MESSAGES CONSIDERED

Senate File 89, by committee on local government, a bill for an act relating to requiring county recorders to submit monthly reports of trade name statements or certificates of change filed during the preceding month.

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

Senate File 97, by committee on transportation, a bill for an act increasing penalties for interfering with a traffic control device.

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

Senate File 103, by committee on state government, a bill for an act relating to the Iowa national guard by increasing the minimum salary for active state service and by authorizing the granting of easements by the state armory board.

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

Senate File 104, by committee on state government, a bill for an act relating to certain administrative functions of the department of personnel.

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

Senate File 109, by committee on state government, a bill for an act relating to the payment of pension benefits under the chapter 410 retirement system, to surviving spouses who remarry.

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

Senate File 110, by committee on state government, a bill for an act relating to the presence of certain persons under the age of twenty-one years on excursion gambling boats, and providing an effective date.

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

Senate File 111, by committee on state government, a bill for an act relating to the qualifications for licensure of an accounting practitioner.

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

Senate File 112, by committee on state government, a bill for an act relating to the membership on community-based correctional program project advisory committees.

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

Senate File 115, by committee on human resources, a bill for an act relating to the income eligibility level for the payment of indigent obstetrical and newborn care costs.

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

Senate File 116, by committee on human resources, a bill for an act relating to the uniform controlled substances Act.

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

Senate File 121, by committee on appropriations, a bill for an act relating to the reversion of appropriations for the planning and construction of armories for the department of public defense and providing an effective date.

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 February 11, 1991, insisted on its amendment to House File 173, a bill for an act relating to reductions in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, a supplemental appropriation, and transferring moneys from the Iowa plan fund and other funds 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 Decatur, Senator Boswell, Chair; the Senator from Dubuque, Senator Welsh; the Senator from Polk, Senator Buhr; the Senator from Clayton, Senator Tieden; and the Senator from Black Hawk, Senator Lind.

Also: That the Senate has on February 8, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 87, a bill for an act relating to the deposit insurance required of certain financial institutions, and providing an effective date.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 9:20 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

ADOPTION OF HOUSE RESOLUTION 5

Wissing of Scott called up for consideration House Resolution 5, recommending the issuance of a commemorative stamp for the 100th anniversary of the Chiropractic profession, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONFERENCE COMMITTEE APPOINTED

(House File 173)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 173: Jochum of Dubuque, Chair; Bisignano of Polk, Sherzan of Polk, Halvorson of Clayton and Maulsby of Calhoun.

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 Concurrent Resolution 2, a concurrent resolution relating to joint rules of the Senate and House for the seventy-fourth general assembly.

ON THE PART OF THE HOUSE:

GLENN JESSE, Chair
LOUIS MUHLBAUER
DAVID SCHRADER

ON THE PART OF THE SENATE:

JOE WELSH, Chair
BILL HUTCHINS
JEAN LLOYD-JONES

SPONSORS ADDED

(House File 217)

Bartz of Worth requested to be added as a sponsor of House File 217.

(House File 217)

Eddie of Buena Vista requested to be added as a sponsor of House File 217.

(House Concurrent Resolution 5)

Spenner of Henry requested to be added as a sponsor of House Concurrent Resolution 5.

(House File 208)

Spenner of Henry requested to be added as a sponsor of House File 208.

PRESENTATION OF VISITORS

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

Seventeen students from Dallas Center-Grimes High School, accompanied by Judy Borwick. By McKinney of Dallas.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EMPLOYMENT SERVICES

The Annual Report, pursuant to Chapter 86.9, Code of Iowa.

UNIVERSITY OF IOWA

The annual reports of the Center for Health Effects of Environmental Contamination (CHEEC) and the State Health Registry of Iowa (SHRI), pursuant to Chapter 263.17(4)(b), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS**House File 64**

Energy and Environmental Protection: Osterberg, Chair; Banks, Hatch and Lundby.

House File 70

Energy and Environmental Protection: Osterberg, Chair; Banks, Hatch and Lundby.

House File 76

Energy and Environmental Protection: Osterberg, Chair; Banks, Hatch and Lundby.

House File 94

Energy and Environmental Protection: Osterberg, Chair; Banks, Hatch and Lundby.

House File 164

Energy and Environmental Protection: Osterberg, Chair; Banks, Hatch and Lundby.

House File 189

Transportation: Fogarty, Chair; Muhlbauer and Royer.

House File 193

Transportation: Hibbard, Chair; Maulsby and Muhlbauer.

House File 194

Transportation: Murphy, Chair; Black and Weidman.

House File 195

Transportation: Cohoon, Chair; Gruhn and Harbor.

House File 206

Transportation: Gruhn, Chair; Diemer and Halvorson of Webster.

House File 207

Agriculture: Fogarty, Chair; Banks and Bernau.

House File 208

Energy and Environmental Protection: Osterberg, Chair; Banks, Hatch and Lundby.

House File 213

Energy and Environmental Protection: Osterberg, Chair; Banks, Bernau, Lundby and Schrader.

House File 216

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hibbard.

House File 219

Energy and Environmental Protection: Osterberg, Chair; Dvorsky and Johnson.

House Concurrent Resolution 5

State Government: Teaford, Chair; Blanshan and Shoning.

Senate File 33

Agriculture: Brand, Chair; Maulsby and Mertz.

Senate File 103

State Government: Knapp, Chair; Connors, Garman, Krebsbach and Peterson of Carroll.

Senate File 104

State Government: Peterson of Carroll, Chair; Connors, Garman, Knapp and Krebsbach.

Senate File 109

State Government: Connors, Chair; Blanshan, Carpenter, Hanson of Delaware, Knapp, Lundby and Renaud.

Senate File 110

State Government: Bisignano, Chair; Lundby, Pavich, Renaud and Shoning.

Senate File 111

State Government: Renken, Chair; Beatty, Knapp, Poncy and Tyrrell.

Senate File 112

State Government: Knapp, Chair; Connors, Garman, Krebsbach and Peterson of Carroll.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 129**

Energy and Environmental Protection: Schrader, Chair; Adams, Banks, Grubbs and Shearer.

House Study Bill 130

Energy and Environmental Protection: Schrader, Chair; Adams, Banks, Petersen of Muscatine and Shearer.

House Study Bill 132

Ways and Means: Holveck, Chair; Carpenter, Dickinson, Hibbard and Iverson.

House Study Bill 133

Ways and Means: Groninga, Chair; Doderer, McKean, Osterberg and Petersen of Muscatine.

House Study Bill 134

Ways and Means: Svoboda, Chair; Burke and Daggett.

House Study Bill 135

Ways and Means: Knapp, Chair; Blanshan and Renken.

House Study Bill 136

Commerce: Halvorson of Webster, Chair; Doderer and Kremer.

House Study Bill 137

Commerce: Brammer, Chair; Brown and Metcalf.

House Study Bill 138

Commerce: Holveck, Chair; Sherzan and Shoning.

House Study Bill 139

Agriculture: Jesse, Chair; Eddie and Gruhn.

House Study Bill 140

Agriculture: Muhlbauer, Chair; Branstad, Fogarty, Hahn and Svoboda.

House Study Bill 141

Human Resources: Neuhauser, Chair; Bartz and Haverland.

House Study Bill 142

Human Resources: Nielsen, Chair; Bartz and Murphy.

House Study Bill 143

Human Resources: Mertz, Chair; Carpenter and Wissing.

House Study Bill 144

Human Resources: Svoboda, Chair; Jesse and Plasier.

House Study Bill 145

Natural Resources and Outdoor Recreation: Gruhn, Chair; Peterson of Carroll and Weidman.

House Study Bill 146

State Government: Blanshan, Chair; Shoning and Teaford.

House Study Bill 147

State Government: Knapp, Chair; Connors, Garman, Krebsbach and Peterson of Carroll.

House Study Bill 148

Judiciary and Law Enforcement: Beatty, Chair; Brammer and Shoning.

House Study Bill 149

Judiciary and Law Enforcement: Beatty, Chair; Brammer and Shoning.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 150 State Government**

Relating to state mandates.

H.S.B. 151 Energy and Environmental Protection

Relating to public utility reorganizations.

H.S.B. 152 Energy and Environmental Protection

Relating to public utility reorganizations.

H.S.B. 153 Labor and Industrial Relations

a concurrent resolution protesting the withholding of Federal Unemployment Tax Act (FUTA) funds by the federal government.

H.S.B. 154 Education

To require school districts to make payroll deductions authorized by an employee if the employee complies with certain conditions.

H.S.B. 155 Education

To establish a math and science grant program under the administration of the department of education and creating a math and science account.

H.S.B. 156 Education

Relating to accredited schools and school districts, making changes in the department of education's biennial report on the condition of schools, changing the requirements for certain pilot projects, setting a deadline for board resolutions to participate in an instructional support program, and changing the district in which shared-time pupils are counted under the postsecondary enrollment options Act.

H.S.B. 157 State Government

Relating to the formula used for monthly benefit payments for certain retired members of the Iowa public employees' retirement system, and providing an effective date.

H.S.B. 158 Labor and Industrial Relations

Relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code concerning occupational safety and health penalties, boiler inspections, child labor laws, minimum wage laws, and out-of-state contractor bonding requirements.

H.S.B. 159 Labor and Industrial Relations

Allowing an employer to conduct random drug testing of employees in sensitive positions.

H.S.B. 160 Judiciary and Law Enforcement

Relating to the marketable title of real estate.

H.S.B. 161 Human Resources

Relating to protective headgear for motorcyclists and providing penalties.

H.S.B. 162 Energy and Environmental Protection

Relating to expanding the entities entitled to financial assistance for implementing energy conservation measures, requiring implementation of life cycle cost analyses and providing exemptions from the implementation requirements, and requiring the appropriation of abandoned utility refunds and deposits.

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 COMMERCE

Committee Bill (Formerly House Study Bill 64), relating to the number of presidents of a state bank which is established by merger or consolidation.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1991.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 104), relating to the sale and furnishing of cigarettes and tobacco products to certain persons and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 109, a bill for an act to prohibit the shooting of a firearm across a public highway and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3053** February 11, 1991.

Committee Bill (Formerly House Study Bill 78), relating to the hunter safety and ethics education program, and providing a penalty for violations.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1991.

AMENDMENTS FILED

H—3053	H.F.	109	Committee on Natural Resources and Outdoor Recreation
H—3054	H.F.	73	Spear of Lee
H—3055	H.F.	170	Hibbard of Madison Brand of Benton Murphy of Dubuque

On motion by McKinney of Dallas, the House adjourned at 1:46 p.m., until 9:00 a.m., Wednesday, February 13, 1991.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day — Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 13, 1991

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

Prayer was offered by the Honorable Andy McKean, state representative from Jones County.

The Journal of Tuesday, February 12, 1991 was approved.

INTRODUCTION OF BILLS

House File 231, by committee on commerce, a bill for an act relating to the number of presidents of a state bank which is established by merger or consolidation.

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

House File 232, by committee on human resources, a bill for an act relating to the sale and furnishing of cigarettes and tobacco products to certain persons and providing penalties.

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

House File 233, by committee on natural resources and outdoor recreation, a bill for an act relating to the hunter safety and ethics education program, and providing a penalty for violations.

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

House File 234, by Wissing, Grubbs, Rafferty, Millage and Petersen of Muscatine, a bill for an act establishing a chiropractic grant for Iowa resident graduate students.

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

House File 235, by Siegrist, a bill for an act relating to an exemption for certain cities and counties from the separation-of-yard-waste requirement.

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

House File 236, by Jesse, a bill for an act relating to infectious waste treatment and disposal facilities by extending the moratorium

on the construction or operation of commercial infectious waste treatment or disposal facilities, requiring operating permits, providing for emission limitations or standards, and providing an effective date.

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

House File 237, by Holveck, a bill for an act relating to the perpetual care of cemeteries and cemetery lots and spaces.

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

House File 238, by Murphy, a bill for an act providing an additional individual income tax credit for individuals who are deaf and providing for retroactive application.

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

House File 239, by Hibbard, a bill for an act relating to driver's licenses issued to permit minors to travel to and from school, including travel to and from school-sponsored extracurricular activities as a permissible use of the license.

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

House File 240, by Hatch, a bill for an act establishing a voluntary shared work program.

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

House File 241, by Peterson of Carroll, a bill for an act relating to the use of photographic files in the apprehension of children violating the terms of a placement order.

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

House File 242, by Doderer, a bill for an act relating to adoption and permanent termination of parental rights records, and providing penalties.

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

House File 243, by Spear, a bill for an act relating to void marriages.

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

House File 244, by Spear, a bill for an act relating to the return of marriage certificates.

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

House File 245, by Spear, a bill for an act prohibiting proxy marriages.

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

House File 246, by Spear, a bill for an act relating to the filing of marriage certificates.

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

House File 247, by Spear, a bill for an act relating to nonstatutory solemnization of marriages.

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

House File 248, by Spear, a bill for an act relating to the issuance of marriage licenses.

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

House File 249, by Spear, a bill for an act relating to persons allowed to solemnize marriages.

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

House File 250, by Spear, a bill for an act relating to exemptions from the marriage license requirements.

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

House File 251, by Spear, a bill for an act relating to the record required of a marriage.

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

SENATE MESSAGE CONSIDERED

Senate File 87, by committee on commerce, a bill for an act relating to the deposit insurance required of certain financial institutions, and providing an effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 12, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 129, a bill for an act to legalize the proceedings of the City Council of the City of Mason City relating to its budget and certification of taxes pertaining to the City Library.

Also: That the Senate has on February 11, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 78, a bill for an act relating to the membership of the college student aid commission, to substitute a representative from the community colleges for the member of the state council on vocational education.

Also: That the Senate has on February 11, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 118, a bill for an act relating to the certification of commercial applicators of pesticides.

Also: That the Senate has on February 11, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 134, a bill for an act relating to the use of fireworks in state parks and preserves and providing a penalty.

Also: That the Senate has on February 11, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 150, a bill for an act relating to the department of natural resources, by providing for the use of unexpended moneys in the fish and game protection fund, and providing an effective date.

Also: That the Senate has, on February 12, 1991, adopted the conference committee report and adopted Senate Concurrent Resolution 2, a concurrent resolution relating to joint rules of the senate and house for the seventy-fourth general assembly.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 9:12 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 252, by committee on transportation, a bill for an act relating to exempting certain cargo tank motor vehicles from hazardous materials transportation regulations.

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

House File 253, by committee on energy and environmental protection, a bill for an act relating to the disposal of solid waste and providing penalties.

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

House File 254, by committee on transportation, a bill for an act relating to corn shellers and feed grinders and special mobile equipment.

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

The House stood at ease at 3:43 p.m., until the fall of the gavel.

The House resumed session at 3:59 p.m., Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day and February 14, 1991, on request of Royer of Page.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate Concurrent Resolution 2)

Jesse of Jasper called up for consideration the report of the conference committee on Senate Concurrent Resolution 2 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE CONCURRENT RESOLUTION 2

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate Concurrent Resolution 2, a concurrent resolution relating to joint rules of the Senate and House for the seventy-fourth general assembly, respectfully make the following report:

1. That the House recedes from its amendment, S—3007.

2. That Senate Concurrent Resolution 2, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 7, by striking lines 26 through 30 and inserting the following:

"3. The authority of the".

ON THE PART OF THE HOUSE:

GLENN JESSE, Chair
LOUIS MUHLBAUER
DAVID SCHRADER

ON THE PART OF THE SENATE:

JOE WELSH, Chair
BILL HUTCHINS
JEAN LLOYD-JONES

Roll call was requested by Van Maanen of Mahaska and McNeal of Hardin.

On the question "Shall the conference committee report and the amendments contained therein be adopted?" (S.C.R. 2)

The ayes were, 54:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poney	Renaud
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Teaford	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Shoning
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 1:

Harbor

The motion prevailed and the conference committee report was adopted.

Jesse of Jasper moved the adoption of the resolution as amended.

A non-record roll call was requested.

The ayes were 53, nays 44.

The motion prevailed and the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate Concurrent Resolution 2** be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Regular Calendar

House File 199, a bill for an act relating to repayment of loans by local development corporations and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 199)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.

Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Harbor

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

SPONSOR ADDED (House File 228)

Spenner of Henry requested to be added as a sponsor of House File 228.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EDUCATION

The preliminary merger proposal of the Hedrick Community School District.

DEPARTMENT OF PUBLIC HEALTH

A report relating to the 1988 Matched Birth/Medical Files Study Results, pursuant to Chapter 304.204(3), 1989 Acts of the Seventy-third General Assembly.

DEPARTMENT OF TRANSPORTATION

A report entitled Public Employee Ride-Share Incentives, pursuant to Chapter 1252.51(4), 1990 Acts of the Seventy-third General Assembly.

IOWA CONSERVATION CORPS

The annual report, pursuant to Chapter 15.226, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 159

Energy and Environmental Protection: Shoultz, Chair; Bernau and Johnson.

House File 191

Local Government: Fogarty, Chair; Cohoon and Hester.

House File 192

Commerce: Bisignano, Chair; Brammer and Miller.

House File 197

Local Government: Bernau, Chair; Hanson of Black Hawk and Muhlbauer.

House File 204

Human Resources: Neuhauser, Chair; Bartz and Nielsen.

House File 205

Commerce: Halvorson of Clayton, Chair; Corbett and Groninga.

House File 209

Human Resources: Neuhauser, Chair; Bartz and Nielsen.

House File 214

Human Resources: Wissing, Chair; Carpenter and Neuhauser.

House File 221

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

House File 222

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House File 223

Education: Neuhauser, Chair; Corbett and Nielsen.

House File 224

Human Resources: Hammond, Chair; Haverland and Plasier.

House File 225

Judiciary and Law Enforcement: Sherzan, Chair; Hurley, Knapp, McKean and Wissing.

House File 226

Education: Neuhauser, Chair; Corbett and Nielsen.

House File 228

Human Resources: Jesse, Chair; Carpenter, Hester, Murphy and Osterberg.

House File 229

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 230

Education: Neuhauser, Chair; Corbett and Nielsen.

House File 241

Judiciary and Law Enforcement: Hibbard, Chair; Bisignano, Harbor, Hurley and Peterson of Carroll.

House File 243

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 244

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 245

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 246

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 247

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 248

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 249

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 250

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 251

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

Senate File 92

Local Government: Shearer, Chair; Diemer and Mertz.

Senate File 115

Human Resources: Spenner, Chair; Svoboda and Wissing.

Senate File 116

Judiciary and Law Enforcement: Millage, Chair; Blanshan and McNeal.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 150**

State Government: Blanshan, Chair; Shoning and Teaford.

House Study Bill 151

Energy and Environmental Protection: Holveck, Chair; Adams and Hahn.

House Study Bill 152

Energy and Environmental Protection: Holveck, Chair; Adams and Hahn.

House Study Bill 154

Education: Wissing, Chair; Cohoon and Lageschulte.

House Study Bill 155

Education: Neuhauser, Chair; Hurley and Shoultz.

House Study Bill 156

Education: Nielsen, Chair; Grubbs and Shearer.

House Study Bill 157

State Government: Blanshan, Chair; Carpenter, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

House Study Bill 160

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

House Study Bill 161

Human Resources: Neuhauser, Chair; Mertz and Spenner.

House Study Bill 162

Energy and Environmental Protection: Shearer, Chair; Dvorsky, Groninga, Grubbs and Siegrist.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 163 Small Business, Economic Development and Trade**

Relating to economic development by transferring funds to the revolving fund of the rural community 2000 program, establishing time frames for the completion of the community builder program, and providing an effective date.

H.S.B. 164 Small Business, Economic Development and Trade

Relating to economic development by creating a value-added linked investments program, changing the definition of targeted small business, modifying the use of prior year funds under the incubator programs, and providing an effective date.

H.S.B. 165 Transportation

Relating to school bus traffic violations on private roads or driveways and making a penalty applicable.

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 COMMERCE

Committee Bill (Formerly House Study Bill 65), relating to the reservation of a bank name.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 23), relating to the disposal of solid waste and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 1991.

COMMITTEE ON HUMAN RESOURCES

Senate File 115, a bill for an act relating to the income eligibility level for the payment of indigent obstetrical and newborn care costs.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1991.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 89, a bill for an act relating to requiring county recorders to submit monthly reports of trade name statements or certificates of change filed during the preceding month.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1991.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 8), defining self-propelled hay or feed grinders as implements of husbandry.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 1991.

Committee Bill (Formerly House File 162), relating to exempting certain cargo tank motor vehicles from hazardous materials transportation regulations.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 1991.

AMENDMENTS FILED

H-3056	H.F.	231	Millage of Scott
H-3057	H.F.	109	Spear of Lee
H-3058	H.F.	170	Eddie of Buena Vista
			Weidman of Cass
			Millage of Scott
			Iverson of Wright
			Hibbard of Madison

H—3059

H.F. 182

Iverson of Wright
Grubbs of Scott

On motion by McKinney of Dallas, the House adjourned at 4:28 p.m., until 9:00 a.m., Thursday, February 14, 1991.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day — Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 14, 1991

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

Prayer was offered by the Honorable Mark Shearer, state representative from Louisa County.

The Journal of Wednesday, February 13, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Hahn of Muscatine, from thirty-five constituents of the 56th District opposing House File 173, a bill for an act relating to reductions in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, a supplemental appropriation, and transferring moneys from the Iowa plan fund and other funds to the general fund of the state, and providing an effective date.

INTRODUCTION OF BILLS

House File 255, by Burke, a bill for an act relating to an employee's choice of care under the workers' compensation law.

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

House File 256, by Peterson of Carroll, a bill for an act relating to the power of cities to require licensing.

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

House File 257, by Spear, a bill for an act establishing the offense of capital murder, imposing the death penalty or life imprisonment, providing for review of death sentences, establishing procedures for the time, manner, and delay of execution, amending the rules of criminal procedure, and providing for the Act's applicability.

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

House File 258, by Black, a bill for an act authorizing nonambulatory persons to use all-terrain vehicles for hunting on private land and subjecting violators to a penalty.

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

House File 259, by Royer, a bill for an act relating to the delinquency date for the payment of property taxes.

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

SENATE MESSAGES CONSIDERED

Senate File 78, by Kibbie, a bill for an act relating to the membership of the college student aid commission, to substitute a representative from the community colleges for the member of the state council on vocational education.

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

Senate File 118, by committee on agriculture, a bill for an act relating to the certification of commercial applicators of pesticides.

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

Senate File 150, by committee on appropriations, a bill for an act relating to the department of natural resources, by providing for the use of unexpended moneys in the fish and game protection fund, and providing an effective date.

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

SPECIAL PRESENTATION

Connors of Polk presented to the House State Representative Richard Voke from Massachusetts. Representative Voke has been a representative for fifteen years, was former chair of the ways and means committee and recently elected majority leader for the Massachusetts House.

The House rose and expressed its welcome.

PRESENTATION OF 1991 IOWA MDA POSTER CHILD

Connors of Polk presented to the House Rachel Knock from Stout, Iowa, 1991 Muscular Dystrophy State of Iowa Poster Child. Rachel is nine years old and is in third grade at Dike Community School. She likes math, science, reading and the "Hawkeyes." She was accompanied by her parents, Dennis and Ruth, and her brother, Eric.

The House rose and expressed its welcome.

On motion by McKinney of Dallas, the House was recessed at 9:18 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

The House stood at ease at 1:10 p.m., until the fall of the gavel.

The House resumed session at 2:16 p.m., Speaker Arnould in the chair.

INTRODUCTION OF BILL

House File 260, by committee on commerce, a bill for an act relating to the reservation of a bank name.

Read first time and placed on the calendar.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 173)

Jochum of Dubuque called up for consideration the report of the conference committee on House File 173 as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 173

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 173, a bill for an act relating to reductions in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, a supplemental appropriation, and transferring moneys from the Iowa plan fund and other funds 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-3048.
2. That House File 173, as amended, passed, and reprinted by the House, is amended as follows:
 1. Page 1, line 32, by striking the figure "221,933,060" and inserting the following: "222,055,660".
 2. Page 9, by striking lines 1 and 2.
 3. Page 11, line 12, by striking the figure "197,000" and inserting the following: "207,500".
 4. Page 23, line 12, by inserting after the word "state." the following: "However, if the federal government provides notification that the transfer of the moneys pursuant to this section is in conflict with federal requirements, the treasurer of state shall either not transfer the moneys or shall transfer the appropriate amount from the general fund of the state back to the administrative contribution surcharge fund."

5. Page 28, line 3, by striking the figure "4,405,167" and inserting the following: "4,455,167".

6. Page 38, line 4, by striking the word "deappropriated" and inserting the following: "of the appropriation reduced".

7. Page 38, line 24, by striking the word "deappropriated" and inserting the following: "of the appropriation reduced".

8. Page 39, by inserting after line 14 the following:

"Sec. _____. The appropriations made to the state university of Iowa under 1990 Iowa Acts, chapter 1262, section 1, subsection 35; section 6, subsection 5; and section 11, shall be reduced by \$50,000. The university shall select which of the purposes which received appropriations under 1990 Iowa Acts, chapter 1262, section 1, subsection 35, section 6, subsection 5, and section 11, shall be reduced so that the reduction in appropriations of \$50,000 is reached. If the university chooses to reduce the appropriation to the research parks under section 6, subsection 5, the amount of that reduction shall be transferred from the Iowa community development loan fund to the general fund of the state by June 30, 1991. Within one day following the enactment of this Act, the university shall notify the department of management and legislative fiscal bureau of which appropriations shall be reduced and by what amount."

9. Page 52, line 15, by striking the figure ", 2,".

10. Page 52, by striking lines 23 through 28.

11. Page 53, by inserting after line 3 the following:

"Sec. _____. 1989 Iowa Acts, chapter 316, section 1, subsection 3, as amended by 1990 Iowa Acts, chapter 1257, section 36, is amended to read as follows:

3. Preparation of a new domestic abuse manual and updating of the desk manual for prosecutors:

.....\$ 15,000
9,000

Notwithstanding section 8.33, the moneys appropriated in this subsection that remain unencumbered or unobligated on June 30, 1990, shall not revert to the general fund of the state but shall remain available for expenditure for the purposes designated during the fiscal year beginning July 1, 1990."

12. Page 56, line 19, by striking the figure "2,187,087" and inserting the following: "2,103,804".

13. Page 59, line 10, by striking the figure "191,798" and inserting the following: "317,081".

14. Page 60, line 34, by striking the word "Section" and inserting the following: "Act".

15. Page 74, by striking lines 9 through 11.

16. By striking page 74, line 34, through page 75, line 12, and inserting the following: "than a five-year period. Subject to the maximum authorization for bonding in 1989 Iowa Acts, chapter 322, section 4, and this section, the authorization made in this

section for financing the projects listed includes authorization by the general assembly and approval by the governor for equipment purchases for the project listed in 1989 Iowa Acts, chapter 322, section 3, subsection 8. The amount of bonds issued for the project listed in 1989 Iowa Acts, chapter 322, section 3, subsection 8, may exceed the amount listed in 1989 Iowa Acts, chapter 322, section 3, subsection 8, in an amount approved by the state board of regents for equipment purchases not exceeding \$500,000 for the project".

17. Page 80, by striking lines 24 through 27 and inserting the following:

"Sec. 1101. Notwithstanding any other provision of law, the cash balances remaining on June 30, 1991, that are not needed to pay expenses of the fiscal year ending June 30, 1991, in the following designated accounts shall revert or be transferred to the general fund of the state:"

18. Page 80, by striking lines 33 through 35.

19. Page 81, by striking lines 7 and 8.

20. Page 81, line 11, by striking the figure "192A.3" and inserting the following: "192A.30".

21. Page 81, by striking line 20.

22. Page 81, by striking line 22 and inserting the following:

"_____. State aviation fund created in section 328.36."

23. Page 81, by striking lines 26 and 27.

24. Page 82, by inserting after line 4 the following:

"Notwithstanding the provisions of this section, the amount of the cash balance in the public transit assistance fund on June 30, 1991, which is necessary to satisfy transit systems contracts covering the fiscal period beginning July 1, 1991, and ending September 30, 1991, shall not revert or be transferred to the general fund of the state but shall remain in the public transit assistance fund to be used for the contracts."

25. Page 82, lines 9 and 10, by striking the words ", unless otherwise provided by law".

26. Page 82, by inserting before line 27 the following:

"If the transfer or reversion of any moneys from a fund or account designated for transfer or reversion in this section is held to be invalid or in violation of the state or federal constitution, federal law, or federal regulation, such invalidity or violation does not affect the validity of the transfer or reversion of moneys in any other fund or account in this section."

27. Page 82, line 32, by inserting after the word "state." the following: "However, moneys credited or accrued to the depreciation fund which are associated with activities under the state fish and game protection fund created in section 107.17 shall not be a part of the reversion or transfer required under this section."

28. Page 83, line 22, by inserting after the figure "509A" the following: ", except for the health and dental insurance funds,".

29. Page 83, line 23, by striking the words and figures "fiscal year beginning July 1, 1990," and inserting the following: "fiscal period beginning April 1, 1990, and ending June 30, 1991,".

30. Page 84, by inserting after line 4 the following:

"Sec. _____. Section 28.112, Code 1991, is amended to read as follows:

**28.112 VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES
FINANCIAL ASSISTANCE FUND.**

1. The department may establish a value-added agricultural products and processes financial assistance fund. The fund shall be a revolving fund composed of any money appropriated by the general assembly for that purpose, and any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in the fund; and any earned interest. Except as otherwise provided in subsection 2, the assets of the fund shall be used by the department only for carrying out the purposes of section 28.111.

2. The department may use moneys in the fund to do any of the following:

a. Contract, sue and be sued, and adopt administrative rules necessary to carry out the provisions of this section and section 28.111, but the department shall not in any manner directly or indirectly pledge the credit of the state.

b. Authorize payment from the fund, from any income received by investments of moneys in the fund for costs, commissions, attorney fees, and other reasonable expenses related to and necessary for insuring or guaranteeing loans under section 28.111, and for the recovery of loan moneys insured or guaranteed or the management of property acquired in connection with such loans.

c. Section 8.33 shall not apply to moneys in the fund.

Sec. _____. Section 93.14, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section directing that moneys be deposited into the energy research and development fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all moneys shall be deposited into the general fund of the state. There is appropriated annually from the general fund of the state the sum of one hundred fifty thousand dollars to be used for purposes of this section.

Sec. _____. Section 93.16, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section directing that funds accepted be deposited into the energy research and development fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all funds accepted shall be deposited into the general fund of the state and shall be appropriated for purposes of section 93.14.

Sec. _____. Section 99D.7, subsection 2, Code 1991, is amended to read as follows:

2. To identify occupations within the racing industry which require licensing and adopt standards for licensing the occupations including establishing fees for the occupational licenses. The fees shall be paid to the commission and used as required in section 99D.17 and section 99D.18.

Sec. _____. Section 99D.17, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section directing that funds received be deposited into the pari-mutuel regulation fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all funds received shall be deposited into the general fund of the state.

Sec. _____. Section 99F.4, subsection 2, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this subsection and sections 99F.10 and 99F.17 directing that all license and admission fees be paid to the commission or be deposited into a special account, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all fees shall be deposited into the general fund of the state.

Sec. _____. Section 107.17, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section, sections 111.80 and 321G.24, and section 455A.19, subsection 1, or any other provision of law directing that moneys be deposited or transferred into the funds or to be paid from the funds named in subsections 2, 3, 4, and 5, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all of such moneys shall be deposited into the general fund of the state and moneys to be paid from those funds shall be paid from appropriations made for those purposes.

Sec. _____. Section 107.18, Code 1991, is amended to read as follows:

107.18 REPORT OF FUNDS.

The director shall, at least monthly, make return and pay to the treasurer of state all moneys then in the director's hands belonging to the five funds any fund created in section 107.17.

Sec. _____. Section 107.19, unnumbered paragraph 1, Code 1991, is amended to read as follows:

All funds accruing to the fish and game protection fund, except an equitable portion of the administration fund, shall be expended solely in carrying on the activities embraced in the fish and wildlife division. Expenditures incurred by the division in carrying on the activities shall be only on authorization by the general assembly. However, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, no funds under this paragraph shall be deposited into the administration fund.

Sec. _____. Section 107.19, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of unnumbered paragraphs 4 and 5, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, the administrative expenses and other expenditures that would have been paid from the administration fund and the conservation fund shall be paid from funds appropriated for those purposes.

Sec. _____. Section 111.79, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding any other provision of law, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, funds that direct that moneys to be credited to or deposited in the public outdoor recreation and resources fund shall be credited to or deposited to the general fund of the state and appropriations made for purposes of this section shall not be deposited into the public outdoor recreation and resources fund but shall be allocated as provided in this section.

Sec. _____. Section 117.54, Code 1991, is amended to read as follows:

117.54 REAL ESTATE EDUCATION FUND.

The Iowa real estate education fund is created as a financial assurance mechanism to assist in the establishment and maintenance of a real estate education program at the university of northern Iowa and to assist the real estate commission in providing an education director. The fund is created as a separate fund in the state treasury, and any funds remaining in the fund at the end of each fiscal year shall not revert to the general fund, but shall remain in the Iowa real estate education fund. Interest or other income earned by the fund shall be deposited in the fund. Seventy percent of the moneys in the fund shall be distributed and are appropriated to the board of regents for the purpose of establishing and maintaining a real estate education program at the university of northern Iowa. Thirty percent of the moneys in the fund shall be distributed and are appropriated to the professional licensing and regulation division of the department of commerce for the purpose of hiring and compensating a real estate education director.

Sec. _____. Section 192.47, subsection 3, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding the provisions of paragraph "a", and sections 192.40, 194.14, 194.19, 194.20, and 195.9 directing that fees collected and appropriations made for dairy control be deposited into the milk fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all fees collected under those sections shall be deposited into the general fund of the state. All moneys deposited in the general fund under this section shall be appropriated for the costs of inspection, sampling, analysis, and other expenses necessary for the administration of this chapter and chapters 194 and 195. Such appropriations shall not be deposited into the milk fund.

Sec. _____. Section 192A.30, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section fees paid to the secretary shall not be deposited, into the dairy trade practices trust fund for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, but shall be deposited into the general fund of the state.

Sec. _____. Section 198.9, subsection 3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this subsection directing that fees collected be deposited into the commercial feed fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all fees collected shall be deposited into the general fund of the state.

Sec. _____. Section 200.9, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section and section 201.13 directing that those fees collected under sections 200.4 and 200.8 and moneys received under chapter 201 be deposited into the fertilizer fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all such fees and moneys shall be deposited into the general fund of the state. Moneys received under chapter 201 and deposited into the general fund of the state as a result of this paragraph are appropriated for purposes of section 201.13.

Sec. _____. Section 206.12, subsection 3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this subsection directing that fifty dollars of each fee collected be deposited into the pesticide fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, fifty dollars of each fee collected shall be deposited into the general fund of the state.

Sec. _____. Section 208A.10, Code 1991, is amended to read as follows:

208A.10 FEES REMITTED.

All fees provided for in this chapter shall be collected by the secretary of agriculture and remitted to the state treasury shall be deposited in the general fund of the state.

Sec. _____. Section 246.310, Code 1991, is amended to read as follows:

246.310 CANTEENS.

The director may maintain a canteen at any an institution under the director's jurisdiction for the sale to persons confined in the institution of items such as toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise for the canteen. The director shall specify the items to be sold in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen and any interest earned on the fund. Any money in the fund over the amount needed to do normal business transactions, and to reimburse any accounts which have subsidized the canteen fund, shall be considered profit. This money may remain in the canteen fund and be used for any purchase which the superintendent approves that will directly and collectively benefit the inmates of the institution.

Sec. _____. Section 246.706, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A revolving farm fund is created in the state treasury in which the department shall deposit receipts from agricultural products, nursery stock, agricultural land rentals, and the sale of livestock. However, before any agricultural operation is phased out, the department which proposes to discontinue this operation shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and cochairpersons and ranking members of the subcommittee in the senate and house of representatives which has handled the appropriation for this department in the past session of the legislature general assembly. Before the department sells farmland under the control of the department, the director shall notify the governor,

chairpersons and ranking members of the house and senate appropriations committees, and cochairpersons and ranking members of the joint appropriations subcommittee that handled the appropriation for the department during the past legislative session of the general assembly. The department may pay from the fund for the operation, maintenance, and improvement of farms and agricultural or nursery property under the control of the department. A purchase order for five thousand dollars or less payable from the fund is exempt from the general purchasing requirements of chapter 18. Notwithstanding section 8.33, unencumbered or unobligated receipts in the revolving farm fund at the end of a fiscal year shall not revert to the general fund of the state and the investment proceeds earned from the balance of the fund shall be credited to the fund and used for the purposes provided for in this section.

Sec. _____. Section 307B.23, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding the provisions of sections 307B.7 and 307B.26 and other provisions of law directing that moneys be deposited into the special railroad facility fund and directing that moneys in the fund be appropriated for purposes of the authority, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all moneys directed to be deposited in the fund shall be deposited into the general fund of the state and during that period moneys received under subsection 2 are appropriated to the authority for purposes of subsection 2 and other moneys appropriated to the authority may be used for purposes of this section.

Sec. _____. Section 312.2, subsection 13, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this subsection directing that twenty-five cents on each title issuance be annually credited to the department of justice for deposit into the motor vehicle fraud account, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, the twenty-five cents on each title issuance shall be deposited into the general fund of the state.

Sec. _____. Section 312.2, subsection 15, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this subsection directing that one-twentieth of the revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b", be deposited into the public transit assistance fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such amount shall be deposited into the general fund of the state. There is appropriated from the general fund of the state for each fiscal year to the state department of transportation the amount of revenues credited to the general fund of the state during the fiscal year under this subsection to be used for purposes of public transit assistance under chapter 601J.

Sec. _____. Section 321.52, subsection 4, paragraph b, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this lettered paragraph directing that five dollars of each fee be paid to the Iowa law enforcement academy, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such five dollars shall be deposited into the general fund of the state.

Sec. _____. Section 321.52, subsection 4, paragraph c, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this lettered paragraph directing that five dollars of each fee be paid to the Iowa law enforcement academy, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such five dollars shall be deposited into the general fund of the state.

Sec. _____. Section 324.79, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section and section 324.84 directing that certain moneys be transferred or deposited into the marine fuel tax fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such moneys shall be deposited into the general fund of the state.

Sec. _____. Section 327H.18, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section and sections 307B.7, subsection 14, and 327H.20 directing that moneys received or reimbursements made be deposited into the railroad assistance fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such moneys shall be deposited into the general fund of the state and for that period all moneys received by the department by agreements, grants, gifts, or other means which were deposited into the state general fund as a result of this paragraph are appropriated for state railroad assistance under this chapter. Such appropriations shall not be deposited into the railroad assistance fund.

Sec. _____. Section 328.36, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section and sections 324.82 and 328.21, directing that moneys remaining after the cost of administering the aviation fuel tax fund and money received by the department be deposited into the state aviation fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such moneys shall be deposited into the general fund of the state and refunds under section 328.24 during that period shall be paid from the state general fund.

Sec. _____. Section 422.52, subsection 3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this subsection directing that securities be kept in the custody of the department for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all such securities shall be deposited into the general fund of the state.

Sec. _____. Section 422.69, subsection 3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this subsection directing that certain revenues collected be deposited into the GAAP escrow account, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all such revenues shall be deposited into the general fund of the state.

Sec. _____. Section 455A.18, subsection 3, Code 1991, is amended by striking the subsection.

Sec. _____. Section 455A.18, subsection 4, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Section 8.33 does not apply to moneys appropriated under this subsection. ~~Notwithstanding section 453.7, interest or earnings on moneys appropriated under this subsection shall be credited to the Iowa resources enhancement and protection fund.~~

Sec. _____. Section 467A.71, subsection 3, paragraph b, Code 1991, is amended to read as follows:

b. Authorize payment from the conservation practices revolving loan fund, and from fees and from any income received by investments of money in the fund for costs, commissions, attorney fees and other reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with such loans.

Sec. _____. Section 467F.4, subsection 2, Code 1991, is amended to read as follows:

2. Authorize payment from the water protection fund; ~~and from fees and from any income received by investments of money in the fund for costs, commissions, and other reasonable expenses.~~

Sec. _____. Section 476.10, unnumbered paragraph 4, Code 1991, is amended to read as follows:

Whenever the board shall deem it necessary in order to carry out the duties imposed upon it in connection with rate regulation under section 476.6, investigations under section 476.3, or review proceedings under section 476.31, the board may employ additional temporary or permanent staff, or may contract with persons who are not state employees for engineering, accounting, or other professional services, or both. The costs of these additional employees and contract services shall be paid by the public utility whose rates are being reviewed in the same manner as other expenses are paid under this section. For the fiscal period beginning on July 1, 1991, and ending June 30, 1993, there is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary to enable the board to hire additional staff and contract for services under this section. The board shall increase quarterly assessments specified in unnumbered paragraph two, by amounts necessary to enable the board to hire additional staff and contract for services under this section. The authority to hire additional temporary or permanent staff that is granted to the board by this section shall not be subject to limitation by any administrative or executive order or decision that restricts the number of state employees or the filling of employee vacancies, and shall not be subject to limitation by any law of this state that restricts the number of state employees or the filling of employee vacancies unless that law is made applicable to this section by express reference to this section. Before the board expends or encumbers an amount in excess of the funds budgeted for rate regulation and before the board increases quarterly assessments pursuant to this paragraph, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the expenses exceed the funds budgeted by the general assembly to the board for rate regulation and that the board does not have other funds from which the expenses can be paid. Upon approval of the director of the department of management the board may expend and encumber funds for the excess expenses, and increase

quarterly assessments to raise the additional funds. The board and the office of consumer advocate may add additional personnel or contract for additional assistance to review and evaluate energy efficiency plans and the implementation of energy efficiency programs including, but not limited to, professionally trained engineers, accountants, attorneys, skilled examiners and inspectors, and secretaries and clerks. The board and the office of the consumer advocate may expend additional sums beyond those sums appropriated. However, the authority to add additional personnel or contract for additional assistance must first be approved by the department of management. The additional sums shall be provided to the board and the office of the consumer advocate by the utilities subject to the energy efficiency requirements in this chapter. The assessments shall be in addition to and separate from the quarterly assessment.

Sec. _____. Section 476.10, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section and sections 478.4, 479.16, and 479A.9 directing that fees paid to the utilities division or other moneys be deposited into the utilities trust fund and not to be transferred to the general fund of the state, and directing that expenses be paid from the utilities trust fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all such fees and other moneys collected under those sections shall be deposited into the general fund of the state and expenses required to be paid under this section shall be paid from funds appropriated for those purposes.

Sec. _____. Section 476.51, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section directing that civil penalties collected be deposited into the energy research and development fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all funds collected shall be deposited into the general fund of the state.

Sec. _____. Section 505.7, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

505.7 FEES — EXPENSES OF DIVISION.

1. All fees and charges which are required by law to be paid by insurance companies and associations shall be payable to the commissioner of the insurance division of the department of commerce or department of revenue and finance, as provided by law, whose duty it shall be to account for and pay over the same to the treasurer of state at the time and in the manner provided by law for deposit in the general fund of the state.

2. The commissioner shall account for receipts and disbursements according to the separate inspection and examination duties imposed upon the commissioner by the laws of this state and each separate inspection and examination duty shall be fiscally self-sustaining.

3. Forty percent of the nonexamination revenues payable to the division of insurance or the department of revenue and finance in connection with the regulation of insurance companies or other entities subject to the regulatory jurisdiction of the division shall be subject to annual appropriation to the division for its operations and is also subject to expenditure under subsection 6.

4. The insurance division shall in determining charges and assessments include an amount which represents the division's share of the estimated cost of consolidated administrative services within the department of commerce, such share to be in the same proportion as established by agreement in the fiscal year beginning July 1, 1986, and ending June 30, 1987.

5. The insurance division may transfer moneys between budgeted line items of its appropriation, but such transfers may not reduce moneys budgeted for examinations or professional services, including but not limited to actuarial and legal services.

6. The insurance division may expend additional funds, including funds for additional personnel if those additional expenditures are actual expenses which exceed the funds budgeted for insurance solvency oversight under the following conditions:

a. The division may exceed the line item budgets for examinations and professional services, including but not limited to legal and actuarial services, provided that the division funds the increased expenditures through assessments or increased nonexamination revenues payable to the division under subsection 1 or otherwise. The amounts necessary to fund the excess expenses may be collected from those regulated entities or class of entities which either cause or benefit from the expenditure or encumbrance.

b. Before the division expends or encumbers an amount in excess of the funds budgeted for line items other than examinations and professional services, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the expenses can be paid from nonexamination revenues payable to the division under subsection 1 or otherwise. Upon the approval of the director of the department of management the division may expend and encumber funds for the excess expenses. The amounts necessary to fund the excess expenses may be collected from those regulated entities or class of entities which either cause or benefit from the expenditure or encumbrance.

Sec. _____. Section 507.8, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An insurance examiner shall directly bill the company through the commissioner for expenses incurred, and the commissioner after review and approval of the actual and necessary expenses shall direct the company to reimburse the examiner directly. The commissioner shall review expenses under the geographical expense reimbursement plan of the national association of insurance commissioners and shall disallow a covered expense to the extent it exceeds the amount allowable under the plan. The commissioner shall retain all expense reports, receipts, and billings pursuant to this paragraph for a period of three years and shall assure that all necessary documentation is maintained to permit auditing of examination expenses.

Sec. _____. Section 523A.20, Code 1991, is amended to read as follows:

523A.20 INSURANCE DIVISION'S REGULATORY FUND.

The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. Commencing July 1, 1990, and annually thereafter, the commissioner shall allocate from the fees

paid pursuant to section 523A.2, one dollar for each agreement reported on an establishment permit holder's annual report for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523A.2 shall be deposited into the insurance revolving fund; provided, however, that general fund of the state. However, if the balance of the regulatory fund on that July 1 exceeds two hundred thousand dollars, the allocation to the regulatory fund shall not be made and the total sum of the fees paid pursuant to section 523A.2 shall be deposited in the insurance revolving general fund of the state. The moneys in the regulatory fund shall be retained in the fund together with any interest or earnings that are earned on the balance. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay investigative expenses and the expenses of receiverships established pursuant to section 523A.19. An annual assessment shall not be imposed if the current balance of the fund exceeds two hundred thousand dollars.

Sec. _____. Section 523E.20, Code 1991, is amended to read as follows:

523E.20 INSURANCE DIVISION'S REGULATORY FUND.

The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. Commencing July 1, 1990, and annually thereafter, the commissioner shall allocate from the fees paid pursuant to section 523E.2, one dollar for each agreement reported on an establishment permit holder's annual report for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523E.2 shall be deposited into the insurance revolving fund; provided, however, that general fund of the state. However, if the balance of the regulatory fund on that July 1 exceeds two hundred thousand dollars, the allocation to the regulatory fund shall not be made and the total sum of the fees paid pursuant to section 523E.2 shall be deposited in the insurance revolving general fund of the state. The moneys in the regulatory fund shall be retained in the fund together with any interest or earnings that are earned on the balance. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay investigative expenses and the expenses of receiverships established pursuant to section 523E.19. An annual assessment shall not be imposed if the current balance of the fund exceeds two hundred thousand dollars.

Sec. _____. Section 524.207, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section directing that fees and other moneys received be deposited into the banking revolving fund and not to be transferred to the general fund of the state, and directing that expenses be paid from the banking revolving fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all fees and moneys collected shall be deposited into the general fund of the state and expenses required to be paid under this section shall be paid from funds appropriated for those purposes.

Sec. _____. Section 533.67, Code 1991, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section directing that fees and other moneys received be deposited into the credit union revolving fund and not to be transferred to the general fund of the state, and directing that expenses be paid from the credit union revolving fund, for the fiscal period

beginning on July 1, 1991, and ending June 30, 1993, all fees and other moneys collected shall be deposited into the general fund of the state and expenses required to be paid under this section shall be paid from funds appropriated for those purposes.

NEW UNNUMBERED PARAGRAPH. The division may accept reimbursement of expenses related to the examination of a credit union from the national credit union administration or any other share guarantor or insurance plan authorized by this chapter.

Sec. _____. Section 534.408, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this subsection and section 534.403 directing that fees and other moneys received be deposited into the savings and loan revolving fund and not to be transferred to the general fund of the state, and directing that expenses be paid from the savings and loan revolving fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all fees and other moneys collected shall be deposited into the general fund of the state and expenses required to be paid under this subsection and section 534.403 shall be paid from funds appropriated for those purposes.

Sec. _____. Section 546.10, subsection 6, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this subsection and sections 114.12, 116.3, 117.14, 117B.6, 118.11, and 118A.14 directing that fees and other moneys be deposited into the professional licensing revolving fund and not to be transferred to the general fund of the state, and directing that expenses be paid from the professional licensing revolving fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all fees collected under those sections shall be deposited into the general fund of the state and expenses required to be paid under this subsection shall be paid from funds appropriated for those purposes.

Sec. _____. Section 546.11, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding this section and sections 476.10, 524.207, 533.67, 534.408, 546.9, and 546.10 directing the utilities division, banking division, credit union division, savings and loan division, alcoholic beverages division, and the professional licensing division to transfer from appropriated trust funds to the administrative services trust fund the division's share of administrative services and directing that costs for administrative services provided by the department to the divisions be paid from the administrative services trust fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all expenses for administrative services shall be paid from appropriations made from the general fund of the state for these expenses.

Sec. _____. Section 556.18, subsection 3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this subsection directing that moneys received under section 556.4 be deposited into the energy research and development fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all funds received shall be deposited into the general fund of the state.

Sec. ____ . Section 601J.6, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section and section 312.2, subsection 15, directing that moneys be deposited into the public transit assistance fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all such moneys under these sections shall be deposited into the general fund of the state. There is appropriated during this fiscal period from moneys received by the department by agreements, grants, gifts, or other means and deposited into the state general fund as a result of this paragraph to the department for purposes of this subsection. Moneys appropriated from the general fund under this paragraph and section 312.2, subsection 15, shall not be deposited into the public transit assistance fund.

Sec. ____ . Section 99D.18, Code 1991, is repealed.

Sec. ____ . 1989 Iowa Acts, chapter 321, section 22, subsections 1 and 4, are repealed.

Sec. ____ . **EFFECTIVE DATE.** This division takes effect July 1, 1991."

31. Title page, line 6, by striking the words "an effective date" and inserting the following: "for retroactive applicability and various effective dates".

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

ON THE PART OF THE HOUSE:

THOMAS JOCHUM, Chair
TONY BISIGNANO
ROGER HALVORSON
RUHL MAULSBY
GARY SHERZAN

ON THE PART OF THE SENATE:

LEONARD BOSWELL, Chair
FLORENCE BUHR
JOE WELSH

Jochum of Dubuque moved the adoption of the conference committee report and the amendments contained therein.

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. 173)

The ayes were, 68:

Adams	Baker	Beaman	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Gill	Gipp

Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Maulsby	McKinney	McNeal	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Peterson, M. K.	Poney
Royer	Shearer	Sherzan	Shoultz
Siegrist	Spenner	Teaford	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, 30:

Banks	Bartz	Beatty	Brammer
Branstad	De Groot	Garman	Grubbs
Hahn	Halvorson, R. N.	Hurley	Iverson
Jesse	Krebsbach	Kremer	McKean
Mertz	Millage	Miller	Osterberg
Petersen, D. F.	Plasier	Rafferty	Renaud
Renken	Schrader	Shoning	Spear
Svoboda	Tyrrell		

Absent or not voting, 2:

Chapman Harbor

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 173** be immediately messaged to the Senate.

PRESENTATION OF UNITED STATES CONGRESSMAN

Hanson of Delaware presented to the House the Honorable Jim Nussle, United States Congressman representing Iowa's Second Congressional District.

The House rose and expressed its welcome.

On motion by McKinney of Dallas, the House was recessed at 2:58 p.m., until 5:00 p.m.

EVENING SESSION

The House reconvened, Speaker Arnould in the chair.

UNANIMOUS CONSENT

McKinney of Dallas asked and received unanimous consent that the Daily Debate Calendar for Friday, February 15, 1991 be the Daily Debate Calendar for Monday, February 18, 1991.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on February 14, 1991, adopted the conference committee report and passed House File 173, a bill for an act relating to reductions in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, a supplemental appropriation, and transferring moneys from the Iowa plan fund and other funds to the general fund of the state, and providing an effective date.

JOHN F. DWYER, Secretary

SPONSOR ADDED

(Amendment H—3056 to House File 231)

Wissing of Scott requested to be added as a sponsor of amendment H—3056 to House File 231.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 14th day of February, 1991: House File 129.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 14, 1991, he approved and transmitted to the Secretary of State the following bill:

House File 4, an act relating to permissible use of moneys appropriated by the county boards of supervisors for the benefit of honorably discharged, indigent veterans of wars.

PRESENTATION OF VISITORS

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

Boy Scout Troop #144 from Waterloo, accompanied by Jerry Morkin. By Hanson of Black Hawk.

SUBCOMMITTEE ASSIGNMENTS

House File 55

Labor and Industrial Relations: Renaud, Chair; Poncy and Tyrrell.

House File 63

Labor and Industrial Relations: Poncy, Chair; Renaud and Tyrrell.

House File 88

Labor and Industrial Relations: Ollie, Chair; Beatty, Branstad, Gill and Rafferty.

House File 203

Labor and Industrial Relations: Ollie, Chair; Beatty, Branstad, Gill and Rafferty.

House File 210

Labor and Industrial Relations: Sherzan, Chair; Branstad, Connors, McNeal and Wissing.

House File 211

Labor and Industrial Relations: Connors, Chair; Branstad, McNeal, Sherzan and Wissing.

House File 257

Judiciary and Law Enforcement: Jay, Chair; Blanshan and McKean.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 153**

Labor and Industrial Relations: Gill, Chair; Millage and Wissing.

House Study Bill 158

Labor and Industrial Relations: Brammer, Chair; Beatty, Jochum, McKean and Millage.

House Study Bill 159

Labor and Industrial Relations: Teaford, Chair; Gill, Hansen of Woodbury, Kistler and Plasier.

House Study Bill 163

Small Business, Economic Development and Trade: Brand, Chair; Weidman and Wise.

House Study Bill 164

Small Business, Economic Development and Trade: Groninga, Chair; Branstad and Burke.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 166 Education**

To permit the board of educational examiners to deem national board certificate holders as meeting the requirements for Iowa teachers' licenses or endorsements.

H.S.B. 167 Education

Relating to employment of personnel under sharing agreements.

H.S.B. 168 Education

Relating to the educational excellence program, providing for minimum salary increases, increases in salaries for experienced teachers, supplemental funds for additional teacher contract work days, and the development of a statewide administrator staff development program.

H.S.B. 169 Education

Relating to the accreditation process for schools and school districts.

H.S.B. 170 Transportation

Making technical Code changes relating to transportation.

H.S.B. 171 Commerce

Creating a statewide dual party relay service system, establishing telephone utility assessments, and authorizing distribution of telecommunications devices to the deaf.

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

ADMINISTRATIVE RULES REVIEW COMMITTEE

Committee Bill, requiring the state department of transportation to adopt administrative rules relating to damage to highways and highway structures.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1991.

Committee Bill, relating to the omission of nullified administrative rules from the Iowa administrative code.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 1991.

COMMITTEE ON ETHICS

Committee Resolution, to amend the rules governing lobbyists in the House of Representatives.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1991.

Committee Resolution, to amend the House code of ethics.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1991.

RESOLUTIONS FILED

HCR 6, by Beaman, Poncy, Tyrrell, Daggett, Spenner, Branstad, Renken, Halvorson of Clayton, Corbett, De Groot, Kremer, Weidman, Eddie, Petersen of Muscatine, Harbor, Bennett, Shoning, Bartz, Kistler, Krebsbach, Royer, Garman, Hester, Maulsby, Banks, Johnson, Hahn, Hanson of Delaware, Grubbs, Fogarty and Mertz, a concurrent resolution urging the Congress of the United States to propose an amendment to the Constitution of the United States granting Congress and the states the power to prohibit the physical desecration of the flag of the United States.

Referred to committee on **state government**.

HCR 7, by Bartz, a concurrent resolution relating to distribution of printed legislative materials.

Referred to committee on **local government**.

HR 8, by committee on ethics, a resolution to amend the rules governing lobbyists in the House of Representatives.

Laid over under **Rule 25**.

HR 9, by committee on ethics, a resolution to amend the House code of ethics.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3060	H.F.	117	Spear of Lee
H-3061	H.F.	233	Tyrrell of Iowa
H-3062	H.R.	9	Tyrrell of Iowa
			McKean of Jones
H-3063	H.R.	9	Tyrrell of Iowa
H-3064	H.R.	9	McKean of Jones
			Tyrrell of Iowa
H-3065	H.R.	9	McKean of Jones
H-3066	H.R.	8	Peterson of Carroll

On motion by McKinney of Dallas, the House adjourned at 5:15 p.m., until 10:00 a.m., Monday, February 18, 1991.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day — Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 18, 1991

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

Prayer was offered by Reverend Perry De Groot, pastor of Hope Reformed Church, Spencer.

The Journal of Thursday, February 14, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hester of Pottawattamie on request of Van Maanen of Mahaska; Connors of Polk on request of Brammer of Linn; Gipp of Winneshiek on request of Halvorson of Clayton; Dickinson of Jackson on request of Gill of Woodbury; Spenner of Henry on request of Eddie of Buena Vista; Chapman of Linn on request of Renaud of Polk; Haverland of Polk on request of Holveck of Polk, all until their arrival; Ollie of Clinton, for an indefinite period, on request of Koenigs of Mitchell.

INTRODUCTION OF BILLS

House File 261, by Neuhauser and Dvorsky, a bill for an act raising the city transit property tax levy limit.

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

House File 262, by Shoultz, a bill for an act establishing an Iowa crime prevention center.

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

House File 263, by Hammond, Bernau, Dvorsky, Shoultz, Hanson of Black Hawk, Diemer, Teaford and Neuhauser, a bill for an act relating to the time of making decisions for and notice of final decisions for increases in tuition, fees, or charges at institutions of higher education under the control of the state board of regents.

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

House File 264, by Poncy, a bill for an act authorizing purchase of alcoholic liquors by liquor control licensees from the alcoholic beverages division.

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

House File 265, by Corbett, a bill for an act prohibiting the operation of motorized bicycles on paved roadways of city streets where the speed limit is in excess of thirty-five miles per hour and making a penalty applicable.

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

House File 266, by Poncy, Beaman, Branstad, Kremer and Koenigs, a bill for an act relating to veterans affairs, providing for the establishment of a department of veterans affairs, transferring the control of the Iowa veterans home to the department of veterans affairs, and providing properly related matters.

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

House File 267, by Peterson of Carroll, a bill for an act relating to registration plates for retired United States armed forces personnel.

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

House File 268, by Corbett, a bill for an act relating to abortion as a means of sex selection and providing for civil and criminal penalties.

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

House File 269, by Daggett, a bill for an act establishing the practice of aesthetics under the board of cosmetology and imposing fees.

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

House File 270, by Schrader, a bill for an act relating to the reimbursement paid redemption centers and dealers for beverage containers.

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

House File 271, by Shoultz, a bill for an act relating to the formation and powers of a public service monopoly to implement solid waste management projects which are part of city and county comprehensive plans to establish and implement comprehensive solid waste reduction programs.

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

House File 272, by Spear, a bill for an act relating to the removal of appointive or elective officers from office for intoxication.

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

House File 273, by Shoultz, a bill for an act relating to the removal, dismantling, or demolition of property purchased by a county at a scavenger tax sale, assessment of costs, and creation of a lien.

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

House File 274, by administrative rules review committee, a bill for an act relating to the omission of nullified administrative rules from the Iowa administrative code.

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

House File 275, by administrative rules review committee, a bill for an act requiring the state department of transportation to adopt administrative rules relating to damage to highways and highway structures.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 110, a bill for an act relating to collateral acceptable to secure a loan or other transaction with a state bank, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 110)

The ayes were, 86:

Baker	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Hibbard	Holveck
Hurley	Iverson	Jesse	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg

Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Rafferty	Renaud	Renken
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Spear	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 14:

Adams	Chapman	Connors	Daggett
Dickinson	Gipp	Haverland	Hester
Jay	Jochum	Ollie	Royer
Shearer	Spenner		

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

House File 73, a bill for an act relating to the definition of vacancy in office for elected county officers, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered amendment H-3052 filed by him and requested division as follows:

H-3052

1 Amend House File 73 as follows:

H-3052A

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

4 "Sec. _____. Section 69.2, subsection 6, Code 1991,
5 is amended to read as follows:

6 6. The conviction of incumbent of a felony, an
7 aggravated misdemeanor, or of any public offense
8 involving the violation of the incumbent's oath of
9 office."

H-3052B

10 2. Page 1, by striking lines 7 through 10 and
11 inserting the following:

12 "NEW SUBSECTION. 7. The board of supervisors
13 declares a vacancy in an elected county office upon
14 finding that the county officer has willfully or
15 habitually neglected or refused to perform the duties
16 of the office."

17 3. By numbering and renumbering as necessary.

On motion by Spear of Lee, amendment H-3052A was adopted.

Spear of Lee offered the following amendment H—3054 filed by him and moved its adoption:

H—3054

- 1 Amend House File 73 as follows:
- 2 1. Page 1, line 9, by striking the word
- 3 "physically".

Amendment H—3054 lost.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3049 filed by him on February 11, 1991.

Muhlbauer of Crawford offered the following amendment H—3050 filed by him and Royer of Page and moved its adoption:

H—3050

- 1 Amend House File 73 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "days" the words "except in the case of a medical
- 4 emergency".

Amendment H—3050 was adopted.

The House resumed consideration of amendment H—3052B.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3052B.

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. 73)

The ayes were, 86:

Baker	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Burke	Carpenter	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fogarty
Garman	Gill	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy

Nielsen	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 4:

Branstad	Doderer	Halvorson, R. N.	Neuhauser
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Absent or not voting, 10:

Adams	Chapman	Dickinson	Gipp
Groninga	Haverland	Hester	Jay
Ollie	Spenner		

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

House Joint Resolution 4, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the disqualification from office for parties in a duel, with report of committee recommending passage was taken up for consideration.

Shoning of Woodbury 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.

House Joint Resolution 4, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the disqualification from office for parties to a duel.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 5 of Article I of the Constitution of the State of Iowa is repealed.

Sec. 2. The foregoing proposed amendment, having been adopted and agreed to by the Seventy-third General Assembly, 1989 Session, thereafter duly published, and now adopted and agreed to by the Seventy-fourth General Assembly in this joint resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year nineteen hundred ninety-two in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

On the question "Shall the joint resolution be adopted and agreed to by the House?" (H.J.R. 4)

The yeas were, 63:

Baker	Beaman	Beatty	Bennett
Bernau	Bisignano	Blanshan	Brand
Burke	Carpenter	Cohoon	Connors
Daggett	Dvorsky	Fogarty	Garman
Gill	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Hatch	Hibbard	Holveck
Hurley	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lundby
McKinney	McNeal	Metcalf	Millage
Muhlbauer	Murphy	Nielsens	Osterberg
Pavich	Peterson, M. K.	Plasier	Poncy
Renaud	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Teaford	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 28:

Banks	Bartz	Black	Brammer
Branstad	Brown	Corbett	De Groot
Diemer	Doderer	Eddie	Halvorson, R. A.
Hansen, S. D.	Hanson, D. E.	Iverson	Krebsbach
Kremer	Lageschulte	Maulsby	McKean
Mertz	Miller	Neuhauser	Petersen, D. F.
Rafferty	Renken	Svoboda	Tyrrell

Absent or not voting, 9:

Adams	Chapman	Dickinson	Gipp
Haverland	Hester	Jay	Ollie
Spanner			

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

House File 200, a bill for an act relating to the minutes required to be maintained by governmental bodies, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 200)

The ayes were, 90:

Baker	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 10:

Adams	Chapman	Dickinson	Gipp
Haverland	Hester	Jay	Ollie
Spenner	Wise		

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

House File 198, a bill for an act relating to nonsubstantive Code and Act corrections, was taken up for consideration.

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?" (H.F. 198)

The ayes were, 90:

Baker	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand

Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 10:

Adams	Chapman	Dickinson	Gipp
Haverland	Hester	Jay	Nielsen
Ollie	Spenner		

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

House File 201, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates, was taken up for consideration.

Hibbard of Madison asked and received unanimous consent that House File 201 be deferred and that the bill retain its place on the calendar.

On motion by McKinney of Dallas, the House was recessed at 11:05 a.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday morning, February 18, 1991. Had I been present, I would have voted "aye" on House Files 73, 110, 198 and 200; and "yea" on House Joint Resolution 4.

ADAMS of Hamilton

I was necessarily absent from the House chamber on Monday morning, February 18, 1991. Had I been present, I would have voted "aye" on House Files 73, 110, 198 and 200; and "yea" on House Joint Resolution 4.

SPENNER of Henry

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 15th day of February, 1991: House File 173.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

February 15, 1991

The Honorable Bob Arnould
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 173, an act relating to reductions in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, a supplemental appropriation, and transferring moneys from the Iowa plan fund and other funds to the general fund of the state, and providing for retroactive applicability and various effective dates.

By deauthorizing \$59.4 million of spending, this bill is a positive action to address the projected shortfall in fiscal year 1991. The bill is an important first step toward bringing state spending in line with revenue. The spirit of cooperation shown by both parties and both houses in accomplishing this difficult task will serve the state well as you now go on to hold the line on spending increases in the year ahead.

House File 173 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 615, in its entirety. This section requires the Department of Management to report monthly on furloughs, layoffs, and the effects on services provided by the agency. The Department of Management will work with the General Assembly to provide information as needed without the burden of a monthly report.

I am unable to approve the item designated as Section 914, in its entirety. This provision would reduce funding for the operation of the Office of the Board of Regents and would impair the Board in carrying out its mission to oversee our state universities. While I am unable to approve this section, I do anticipate that the Office of the Board of Regents will revert at least \$38,000 to the general fund.

I am unable to approve the designated portion of Section 920. This portion of the section provides \$500,000 of additional financing for purposes not originally included in the list of capital projects as provided in Chapter 322, Section 3. Because this spending is over and above previously authorized amounts, I am unable to approve it at this time.

I am unable to approve the item designated as Section 1101, unnumbered paragraph two, in its entirety. This item provides that the balance in the Public Transit Assistance fund on June 30, 1991, that is needed to satisfy transit system contracts for the period from July 1, 1991, to September 30, 1991, shall not revert to the general fund of the state. This section, in addition to my recommended appropriations for public transit assistance for fiscal year 1992, would result in duplicate funding for the first quarter of fiscal year 1992.

I am unable to approve the item designated as Section 1101, unnumbered paragraph four, in its entirety. This language is overly restrictive as it relates to the cash balances being transferred, although it is very appropriate for fiscal year 1992 and succeeding years. This item would also reduce our efforts to move toward generally accepted accounting principles.

I am unable to approve the item designated as Section 1201, in its entirety. This section has the desirable intent of making the base budget of subsequent fiscal years reflect savings from the prior fiscal year. However, the construction of the section is flawed. I am willing to work with the General Assembly to develop language that better accomplishes the intent.

I am unable to approve the items designated as Section 1208, Section 1209, Section 1210, and Section 1211, in their entirety. These sections would require additional expenditures by the general fund in fiscal year 1992 for the administration of the fish and game protection fund.

I am unable to approve the item designated as Section 1240, in its entirety. This section would allow Insurance Division examiners to be paid directly by the insurance company being examined. This would have the undesirable result of circumventing internal control functions within state government and would also allow regulatory entity employees to receive direct reimbursement from companies being audited.

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 173 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 15, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 129, an act to legalize the proceedings of the City Council of the City of Mason City relating to its budget and certification of taxes pertaining to the City Library.

Senate File 90, an act making nonsubstantive changes in the Iowa small business new jobs training Act.

PRESENTATION OF VISITORS

Maulsby of Calhoun presented to the House the Honorable Delwyn Stromer, former member of the House representing Hancock County.

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

Sixty fifth grade students from Underwood Elementary School, Underwood, accompanied by Patrick Girard. By Weidman of Cass.

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

- | | |
|---------|--|
| 1991-12 | Steve Bailey, Washington — Recognition for attaining the Boy Scouts of America Eagle Scout rank. |
| 1991-13 | Tom Miller, Des Moines — Recognition for 12 years of dedicated and outstanding public service to the people of Iowa as Iowa Attorney General. |
| 1991-14 | Doll Distributing Company, Council Bluffs — Recognition for being named employer of the year by the Vocational Development Center of Council Bluffs. |
| 1991-15 | Gene Myers, Doon — Recognition for serving as Manager, for 34 years, of the Iowa State University Experimental Farms. |
| 1991-16 | Bryan Johnson, Oskaloosa — Recognition for attaining the Boy Scouts of America Eagle Scout rank. |

SUBCOMMITTEE ASSIGNMENTS

House File 11

Ways and Means: Adams, Chair; Chapman and De Groot.

House File 234

Education: Neuhauser, Chair; Corbett and Nielsen.

House File 237

Commerce: Groninga, Chair; Holveck and Lundby.

House File 242

Human Resources: Haverland, Chair; Hurley and Nielsen.

House File 256

Local Government: Shearer, Chair; Diemer and Fogarty.

House File 258

Natural Resources and Outdoor Recreation: Schrader, Chair; Pavich and Weidman.

House File 273

Local Government: Bernau, Chair; Hahn and Mertz.

House Concurrent Resolution 6

State Government: Blanshan, Chair; Shoning and Teaford.

House Concurrent Resolution 7

Local Government: Hatch, Chair; Baker and Gipp.

Senate File 87

Commerce: Hansen of Woodbury, Chair; Gill and Shoning.

Senate File 97

Transportation: Hibbard, Chair; Beaman and Halvorson of Webster.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 79 (Reassigned)

Natural Resources and Outdoor Recreation: Fogarty, Chair; Gruhn and Royer.

House Study Bill 165

Transportation: Cohoon, Chair; Pavich and Spenner.

House Study Bill 166

Education: Neuhauser, Chair; Baker and Lageschulte.

House Study Bill 167

Education: Shoultz, Chair; Iverson and Wissing.

House Study Bill 168

Education: Ollie, Chair; Adams, Daggett, Hanson of Black Hawk and Wise.

House Study Bill 169

Education: Nielsen, Chair; Grubbs and Spear.

House Study Bill 171

Commerce: Blanshan, Chair; Kremer and Sherzan.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 172 Human Resources**

Requiring the department of human services to develop a health insurance proposal for certain former recipients of transitional medical assistance.

H.S.B. 173 Ways and Means

Relating to the membership of the state revenue estimating conference.

H.S.B. 174 Ways and Means

Relating to the membership of the state revenue estimating conference and providing an effective date.

H.S.B. 175 Labor and Industrial Relations

Including within the scope of collective bargaining negotiations insurance coverage for early retirees.

H.S.B. 176 State Government

To create an advisory commission on intergovernmental relations, specify its membership, enumerate its powers and duties, and make an appropriation.

H.S.B. 177 Small Business, Economic Development and Trade

Relating to updating criteria under the Iowa retraining program and providing an effective date.

H.S.B. 178 Small Business, Economic Development and Trade

Establishing the arts and cultural enhancement and endowment program.

H.S.B. 179 Commerce

Relating to adverse claims over deposits held by a savings and loan association.

H.S.B. 180 Commerce

Relating to permissible loan charges.

H.S.B. 181 Commerce

Relating to the payment of attorney's fees related to consumer credit transactions secured by real estate.

H.S.B. 182 Natural Resources and Outdoor Recreation

Relating to rural water districts.

H.S.B. 183 Commerce

Relating to the requirements for a notice of right to cure concerning an obligation secured by a deed of trust or mortgage.

H.S.B. 184 Agriculture

Relating to grain management, by providing for the regulation of grain dealers and grain warehouse operators, providing for the indemnification of grain depositors and sellers, providing for penalties, and providing effective dates and dates of applicability.

H.S.B. 185 State Government

Relating to publishing notice of write-in candidates for nonpartisan office and providing for a filing deadline and a penalty.

H.S.B. 186 State Government

Relating to regional and state library services and budgets.

H.S.B. 187 State Government

Allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act.

H.S.B. 188 State Government

Relating to political campaigns, providing limitations on certain contributions, restricting the use of campaign funds, providing additional disclosure requirements, increasing the income tax checkoff for political parties, providing a political contribution tax deduction, providing certain prohibitions, providing that the candidate for lieutenant governor is not considered a separate candidate for campaign finance purposes, providing penalties, and providing effective and applicability dates.

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 108, a bill for an act relating to participation in athletic conferences by accredited nonpublic schools and public school districts, and providing for mediation and final action by the director if mediation fails.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3068** February 14, 1991.

Committee Bill (Formerly House Study Bill 83), relating to area education agencies and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 44), relating to infectious waste incinerators by extending the moratorium on construction and operation and establishing a pilot project.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1991.

COMMITTEE ON STATE GOVERNMENT

House File 95, a bill for an act including veterans of the Persian Gulf Conflict as veterans eligible to serve on county commissions of veteran affairs, to receive certain veterans benefits, and to be eligible for a property tax exemption, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3070** February 14, 1991.

Pursuant to Rule 31.7, House File 95 was referred to the committee on ways and means.

Committee Bill (Formerly House Study Bill 46), 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 **Amend and Do Pass** February 14, 1991.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 175), relating to driver's license reciprocity for minors.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1991.

AMENDMENTS FILED

H-3067	H.F.	233	Spear of Lee
H-3068	H.F.	108	Committee on Education
H-3069	H.F.	233	Spear of Lee
H-3070	H.F.	95	Committee on State Government
H-3071	H.F.	232	Schrader of Marion
H-3072	H.F.	253	Spear of Lee

On motion by McKinney of Dallas, the House adjourned at 4:55 p.m., until 9:00 a.m., Tuesday, February 19, 1991.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day — Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 19, 1991

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

Prayer was offered by the Honorable Josephine Gruhn, state representative from Dickinson County.

The Journal of Monday, February 18, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Groninga of Cerro Gordo on request of McKinney of Dallas; Hanson of Black Hawk, for February 19, 20 and 21, on request of Van Maanen of Mahaska.

INTRODUCTION OF BILLS

House File 276, by committee on state government, 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 and providing for the repeal of this Act.

Read first time and placed on the calendar.

House File 277, by Muhlbauer, a bill for an act amending the uniform commercial code, by providing for notice to secured parties relating to the lapse of effective financing statements.

Read first time and referred to committee on state government.

House File 278, by Diemer, a bill for an act to require transfer of proceeds of excise taxes on the sale of motor fuel used by snowmobiles to the special conservation fund, for use in snowmobile programs.

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

House File 279, by Corbett, a bill for an act relating to human growth and development.

Read first time and referred to committee on education.

House File 280, by Beatty, a bill for an act relating to the disclosure of certain information relating to live entertainment and making penalties applicable.

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

House File 281, by Shoultz, a bill for an act establishing a mechanism by which the director of the department of natural resources may prohibit the manufacture, use, or disposal of certain packages within the state.

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

House File 282, by Shearer, a bill for an act requiring licensure of orthopedic physician assistants, establishing a board of orthopedic physician assistant examiners, establishing fees and penalties, and providing for properly related matters.

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

House File 283, by committee on education, a bill for an act relating to media and educational services funding for area education agencies and providing an effective date.

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

House File 284, by Hatch, a bill for an act relating to job training and job-related benefits, providing penalties, recodifying a standing appropriation, and making necessary corresponding changes.

Read first time and referred to committee on **small business, economic development and trade**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 14, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 141, a bill for an act relating to media and educational services funding for area education agencies.

Also: That the Senate has on February 14, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 175, a bill for an act extending the lower state motor fuel tax rate for motor fuel containing at least ten percent alcohol distilled from cereal grains.

JOHN F. DWYER, Secretary

PRESENTATION OF IOWA'S FFA PRESIDENT

Brand of Benton presented to the House Sheryl Janko, the 1990-91 President of the Iowa FFA Association. Sheryl, who is from Shellsburg and is an Ag Journalism major at Iowa State University, was in Des Moines as part of the National FFA Week, February 16-23, and to remind the House of the Legislative Symposium to be held Thursday, February 21, at the Iowa Historical Building.

The House rose and expressed its welcome.

On motion by McKinney of Dallas, the House was recessed at 9:14 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

QUORUM CALL

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

PRESENTATION OF 1991 IOWA EASTER SEAL AMBASSADOR

Shearer of Louisa presented to the House, Lezlie Lemar from Columbus City, 1991 Easter Seal Adult Ambassador.

Lezlie, who suffered a spinal cord injury in a 1982 car accident, currently is attending the University of Iowa as a post-graduate student working on her masters degree in recreational therapy.

Burke of Marshall announced that Teresa Killborn, the 1991 Easter Seal State Ambassador from Marshalltown, was unable to be present in the House due to illness. Teresa is 10 years old and attends Hogle Elementary School in Marshalltown where she is in the third grade.

The House rose and expressed its welcome.

MOTION TO OVERRIDE GOVERNOR'S ITEM VETO

Jochum of Dubuque called up for consideration **House File 173**, a bill for an act relating to reductions in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, a supplemental appropriation, and transferring moneys from the Iowa plan fund and other funds to the general fund of the state, and providing for retroactive applicability and various effective dates, item vetoed by the Governor on

February 15, 1991 and moved that the House on reconsideration agree to pass Section 1101, unnumbered paragraph four, the objections of the Governor to the contrary notwithstanding.

The House stood at ease at 1:37 p.m. until the fall of the gavel.

The House resumed session and consideration of the motion on reconsideration to pass Section 1101, unnumbered paragraph four, to House File 173, at 2:35 p.m. Speaker Arnould in the chair.

Rule 75 was invoked.

On the question "Shall the House on reconsideration pass Section 1101, unnumbered paragraph four, the objections of the Governor to the contrary notwithstanding?" (H.F. 173)

The ayes were, 56:

Adams	Baker	Bartz	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Chapman	Cohoon	Connors	Dickinson
Doderer	Dvorsky	Fogarty	Gill
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Haverland	Hibbard	Holveck
Hurley	Jay	Jesse	Jochum
Knapp	Koenigs	McKinney	McNeal
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teaford	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 40:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Hanson, D. R.
Harbor	Hester	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Millage	Miller	Petersen, D. F.	Rafferty
Renken	Royer	Shoning	Siegrist
Spenner	Tyrrell	Van Maanen	Weidman

Absent or not voting, 4:

Groninga	Hanson, D. E.	Ollie	Plasier
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The motion having failed to receive a two-thirds majority was declared to have lost and the Governor's item veto was sustained.

McKinney of Dallas asked and received unanimous consent that further action on the Governor's item vetoes of House File 173 be indefinitely postponed and that the bill be removed from the Veto Messages Calendar.

REFERRED TO COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT.

McKinney of Dallas asked and received unanimous consent to refer House File 201, presently on the **regular calendar**, to the committee on **judiciary and law enforcement**.

ASSIGNMENT OF SEATS IN PRESS GALLERIES

The following named persons are accredited members of the press, TV and radio stations and are entitled to access to the press galleries:

AFSCME/Iowa Council 61 News	Larry Scarpino
Associated Press	Tom Seery, Mike Glover, David Speer, John Gaps, Jeff Davis, Charlie Niebergall, Roger Burdette
The Business Record	Sherry Gupta, Mark Couch, John Chesser, Paul Gates
Des Moines Register	David Yepsen, Thomas Fogarty, Jonathan Roos, Victoria Benning
Dubuque Telegraph Herald	Steven C. Webber
Gazette	John Kirsch, Rod Boshart
Iowa Legislative News Service	Jo VonStein, Kathi Marts-Foster, Jackie King
Iowa Newspaper Association	Harrison Weber
Iowa State Daily	Holli Hartman, Marietta Nelson, Nicki Saylor, Chris Romans, Jeff Hutton, Leshia Hillman
Jefferson Bee & Herald	Harrison Weber
KASI/KCCQ	Rich Fellingham
KCCI-TV	Sarah Jarvis, Michael Ericson, Mike Simms, Donna Smith, Tom Torpy, Eric Ulbrich, Todd Magel, Tim Bloomquist, Glen Bierman
KIMT-TV	Dawn Abrahamson, Monty Allen, Joel LaRue, Vince De Groot, Jim Grawe
KTIV-TV	John Grosvenor, Colette O'Mera, Bruce Scheid, Dave Boxum, Bette Hanson, Anne Woolson, Greg Keane, Ron Demers, Allyson Wood
Prayer & Action News Letter	Dave Leach
Quad-City Times	Clark Kauffman
Radio Iowa	Kay Henderson, Bob Rasmus, Todd Kimm, Dennis Sutterer, Mike Whitsell

Sioux City Journal	Dave Dreeszen
Waterloo Courier	Eric Woolson
WHO Radio	Kevin Teale, Jodi Chapman, Sue Pritchard, Chuck Shockley, Robert Quinn, Jerry Reno
WHO-TV 13	Scott Pope, Jim Strickland, Tom Hauser, Sharon Holland, Mary Milz, Therese Thompson
WOI Radio	Joyce Russell, Tim Stanley

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, February 18, 1991. Had I been present, I would have voted "aye" on House File 110.

DAGGETT of Adams

I was necessarily absent from the House chamber on Monday, February 18, 1991. Had I been present, I would have voted "aye" on House Files 73, 110, 198 and 200; and "yea" on House Joint Resolution 4.

DICKINSON of Jackson

COMMUNICATION RECEIVED

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

The Fiscal Year 1990 Annual Report for the Iowa Industrial New Jobs Training Program, pursuant to Chapter 280B.7, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 235

Energy and Environmental Protection: Shoultz, Chair; Gipp and Neuhauser.

House File 236

Energy and Environmental Protection: Jesse, Chair; Dvorsky, Grubbs, Shearer and Siegrist.

House File 264

State Government: Renaud, Chair; Bisignano, Lundby, Pavich and Shoning.

House File 266

State Government: Knapp, Chair; Connors, Garman, Krebsbach and Peterson of Carroll.

House File 269

State Government: Poncy, Chair; Beatty, Knapp, Renken and Tyrrell.

House File 270

Energy and Environmental Protection: Schrader, Chair; Bernau, Dvorsky, Hahn and Petersen of Muscatine.

House File 272

State Government: Blanshan, Chair; Shoning and Teaford.

House File 274

State Government: Pavich, Chair; Carpenter and Connors.

House File 277

State Government: Carpenter, Chair; Bisignano, Poncy, Spenner and Teaford.

House File 281

Energy and Environmental Protection: Shultz, Chair; Adams, Gipp, Grubbs and Neuhauser.

House File 282

State Government: Knapp, Chair; Beatty, Poncy, Renken and Tyrrell.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 172**

Human Resources: Haverland, Chair; Bartz, Burke, Carpenter, Daggett, Grubbs, Hammond, Hester, Mertz, Murphy, Neuhauser, Nielsen, Plasier, Teaford and Wissing.

House Study Bill 174

Ways and Means: Groninga, Chair; Bennett and Blanshan.

House Study Bill 176

State Government: Peterson of Carroll, Chair; Connors, Garman, Knapp and Krebsbach.

House Study Bill 177

Small Business, Economic Development and Trade: Dickinson, Chair; Bennett and Haverland.

House Study Bill 178

Small Business, Economic Development and Trade: Renaud, Chair; Beaman and Nielsen.

House Study Bill 182

Natural Resources and Outdoor Recreation: Peterson of Carroll, Chair; Fogarty and Royer.

House Study Bill 184

Agriculture: Koenigs, Chair; Bennett, Muhlbauer, Petersen of Muscatine and Svoboda.

House Study Bill 185

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

House Study Bill 186

State Government: Garman, Chair; Connors, Knapp, Krebsbach and Peterson of Carroll.

House Study Bill 187

State Government: Teaford, Chair; Beatty, Halvorson of Webster, Hanson of Delaware, Krebsbach, Pavich and Renken.

House Study Bill 188

State Government: Halvorson of Webster, Chair; Beatty, Hanson of Delaware, Krebsbach, Pavich, Renken and Teaford.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 189 Energy and Environmental Protection**

Relating to the enforcement authority of the Iowa utilities board regarding intrastate pipelines and electric transmission lines and providing civil penalties.

H.S.B. 190 Energy and Environmental Protection

Relating to the protection of surface water from siltation and sedimentation, and subjecting violators to civil and criminal penalties.

H.S.B. 191 State Government

Relating to corrective changes to Iowa's election laws.

H.S.B. 192 State Government

Relating to the reorganization of the disaster services division of the department of public defense by renaming the division, providing for financial assistance, renaming local emergency management commissions and managers, making administrative changes, and making other amendments relevant to the reorganization.

H.S.B. 193 State Government

Relating to the department of human rights commission of Latino affairs and commission on the status of blacks.

H.S.B. 194 Local Government

Relating to contracts for the purchase of goods or services by a city.

H.S.B. 195 Human Resources

Establishing a state funding formula for the costs of services provided to persons with mental retardation, a developmental disability, or mental illness, and providing an effective date.

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 COMMERCE

Committee Bill (Formerly House Study Bill 68), relating to the obligations of a spouse of a director or officer of a state bank.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 1991.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 14), relating to child abuse record checks concerning facilities providing care to children.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 1991.

AMENDMENTS FILED

H-3073	H.F.	95	Kremer of Buchanan
H-3074	H.F.	252	Muhlbauer of Crawford
H-3075	H.F.	253	Spear of Lee

On motion by McKinney of Dallas, the House adjourned at 3:58 p.m., until 9:00 a.m., Wednesday, February 20, 1991.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day — Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 20, 1991

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

Prayer was offered by the Honorable Dan Petersen, state representative from Muscatine County.

The Journal of Tuesday, February 19, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Daggett of Adams from thirty-four constituents favoring full funding on the R.E.A.P. Program.

INTRODUCTION OF BILLS

House File 285, by Hanson of Delaware, Hester, Halvorson of Webster, Hammond, Haverland, Neuhauser, Krebsbach, Hurley, Garman, Grubbs, Johnson, Rafferty, Siegrist, Weidman, Millage, Bartz, Hahn, Hanson of Black Hawk, Gipp, McKean, Baker and Metcalf, a bill for an act relating to the approval of certain businesses or activities in a health care facility.

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

House File 286, by Doderer and Black, a bill for an act relating to the treatment of refund deposits on beverage containers as abandoned deposits by requiring distributors to establish a separate fund to which the deposits are credited, to remit a certain amount from the fund and on hand as of June 30, 1991, to the treasurer of state as abandoned deposits, to file semiannual reports with the treasurer, and providing penalties.

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

House File 287, by Jochum, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act and providing for the Act's retroactive applicability.

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

House File 288, by Diemer and Black, a bill for an act relating to boating registration requirements for boat manufacturers or dealers and providing an effective date.

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

House File 289, by Schrader, a bill for an act relating to the operation of snowmobiles, all-terrain vehicles, and motorcycles in certain special events and limiting safety certification to certain operators on public lands and waters.

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

House File 290, by Gruhn, a bill for an act relating to the operation of all-terrain vehicles and snowmobiles during the hours of darkness.

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

House File 291, by Doderer, a bill for an act relating to certain causes of action relating to insurance companies and their insureds, and extending the time period for certification of expert witnesses in a professional liability case.

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

House File 292, by Metcalf and Hanson of Black Hawk, a bill for an act relating to the organizational structure of the Wallace technology transfer foundation and the Iowa product development corporation.

Read first time and referred to committee on **small business, economic development and trade.**

House File 293, by Daggett, a bill for an act providing an enrollment adjustment under the state school foundation program for districts with fewer than three and one-half students per square mile, and providing an effective date and an applicability date.

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

House File 294, by committee on commerce, a bill for an act relating to the obligations of a spouse of a director or officer of a state bank.

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

House File 295, by Bisignano, a bill for an act relating to the sale of alcoholic liquor, wine, and beer on Sunday.

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

House File 296, by committee on human resources, a bill for an act relating to record checks and evaluations concerning facilities providing care to children and state institutions controlled by the department of human services, and containing applicability provisions.

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

House File 297, by committee on transportation, a bill for an act relating to driver's license reciprocity for minors.

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

House File 298, by Gruhn, a bill for an act relating to the conduct of games and raffles by qualified organizations.

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

House File 299, by Halvorson of Webster, a bill for an act relating to elections, providing for special late registration to enable an eligible elector to vote at the polling place on election day, providing verification procedures, providing a durational residency requirement for voting, providing a proof of residency requirement for registering, and increasing the penalty for improper voting.

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

House File 300, by Van Maanen, a bill for an act to broaden eligibility requirements for extracurricular contracts for varsity head coach.

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

House File 301, by Metcalf, Hurley, Krebsbach, Carpenter, Millage, Hester, Johnson and Miller, a bill for an act relating to political campaigns, providing limitations on certain contributions, restricting the use of campaign funds, providing additional disclosure requirements, increasing the income tax checkoff for political parties, providing a political contribution tax deduction, providing certain prohibitions, providing that the candidate for lieutenant governor is not

considered a separate candidate for campaign finance purposes, providing penalties, and providing effective and applicability dates.

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

House File 302, by committee on energy and environmental protection, a bill for an act relating to infectious and radioactive waste treatment and disposal facilities by extending the moratorium on construction and operation, requiring operating permits for treatment and disposal facilities and collection and transportation operations, providing for emission limitations and standards, and providing an effective date.

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

House File 303, by Siegrist and Tyrrell, a bill for an act to prohibit the willful obstruction of a person who is lawfully hunting, fishing, or trapping, and providing a penalty.

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

House File 304, by Brammer, a bill for an act relating to the unemployment insurance tax liability of corporate officers and providing for the Act's applicability.

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

SENATE MESSAGES CONSIDERED

Senate File 141, by committee on education, a bill for an act relating to media and educational services funding for area education agencies.

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

Senate File 175, by committee on ways and means, a bill for an act extending the lower state motor fuel tax rate for motor fuel containing at least ten percent alcohol distilled from cereal grains.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 38, a bill for an act to establish a supercomputer commission responsible for the planning, development, and implementation of a statewide supercomputer network system.

Also: That the Senate has on February 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 42, a bill for an act relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances.

Also: That the Senate has on February 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 151, a bill for an act relating to peer review of certain certified public accountants.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 9:17 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 5, by Iverson, Banks, Bartz, Beaman, Bennett, Brammer, Branstad, Corbett, Daggett, De Groot, Diemer, Eddie, Garman, Gipp, Grubbs, Hahn, Halvorson of Clayton, Hanson of Black Hawk, Harbor, Hester, Hurley, Johnson, Kistler, Krebsbach, Kremer, Lageschulte, Lundby, Maulsby, McKean, McNeal, Mertz, Millage, Miller, Petersen of Muscatine, Rafferty, Renken, Royer, Shoning, Spenner, Svoboda, Tyrrell, Van Maanen and Weidman, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

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

House File 305, by committee on transportation, a bill for an act relating to the removal of trees, brush, and underbrush, and other growth within the highway right-of-way.

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

House File 306, by committee on labor and industrial relations, a bill for an act relating to the collateral effect of job service division determinations regarding claims for unemployment benefits.

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

House File 307, by committee on transportation, a bill for an act making technical Code changes relating to transportation.

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

House File 308, by committee on state government, a bill for an act relating to therapeutically certified optometrists.

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 19, 1991. Had I been present, I would have voted "aye" on the motion to override the Governor's item veto on House File 173.

GRONINGA of Cerro Gordo

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

The final report of the Entrepreneurship Task Force, pursuant to Chapter 1231.1(15), 1990 Acts of the Seventy-third General Assembly.

DEPARTMENT OF PERSONNEL

A quarterly report on average time to fill vacancies, pursuant to Chapter 1266.15(3)(b), 1990 Acts of the Seventy-third General Assembly.

SUBCOMMITTEE ASSIGNMENTS

House File 201

Judiciary and Law Enforcement: Hibbard, Chair; Jay and McKean.

House File 240

Labor and Industrial Relations: Poncy, Chair; Kremer, Plasier, Renaud and Wissing.

House File 255

Labor and Industrial Relations: Ollie, Chair; Beatty, Branstad, Gill and Rafferty.

House File 265

Transportation: Pavich, Chair; Beaman and Gruhn.

House File 267

Transportation: Muhlbauer, Chair; Harbor and Pavich.

House File 268

Judiciary and Law Enforcement: Jay, Chair; Blanshan and McKean.

House File 275

Transportation: Pavich, Chair; Lageschulte and Murphy.

House File 278

Natural Resources and Outdoor Recreation: Diemer, Chair; Koenigs and Pavich.

House File 280

Commerce: Bisignano, Chair; Blanshan and Rafferty.

House File 284

Small Business, Economic Development and Trade: Jesse, Chair; Banks, Groninga, Johnson and Renaud.

House File 287

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hibbard.

House File 288

Natural Resources and Outdoor Recreation: Pavich, Chair; Eddie and Knapp.

House File 289

Natural Resources and Outdoor Recreation: Schrader, Chair; Fogarty and Kistler.

House File 290

Natural Resources and Outdoor Recreation: Gruhn, Chair; Hanson of Black Hawk and Koenigs.

House File 291

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hibbard.

House File 292

Small Business, Economic Development and Trade: Wise, Chair; Beaman and Doderer.

House File 295

State Government: Renaud, Chair; Bisignano, Lundby, Pavich and Shoning.

House File 298

State Government: Pavich, Chair; Bisignano, Lundby, Renaud and Shoning.

House File 299

State Government: Teaford, Chair; Beatty, Halvorson of Webster, Hanson of Delaware, Krebsbach, Pavich and Renken.

House File 301

State Government: Halvorson of Webster, Chair; Beatty, Hanson of Delaware, Krebsbach, Pavich, Renken and Teaford.

House File 303

Natural Resources and Outdoor Recreation: Dickinson, Chair; Spear and Tyrrell.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 170**

Transportation: Chapman, Chair; Cohoon and Lageschulte.

House Study Bill 175

Labor and Industrial Relations: Sherzan, Chair; Branstad, Connors, McNeal and Wissing.

House Study Bill 179

Commerce: Bisignano, Chair; Brown and Kremer.

House Study Bill 180

Commerce: Sherzan, Chair; Groninga and Miller.

House Study Bill 181

Commerce: Halvorson of Webster, Chair; Halvorson of Clayton and Millage.

House Study Bill 183

Commerce: Chapman, Chair; Baker and Millage.

House Study Bill 189

Energy and Environmental Protection: Dvorsky, Chair; Holveck and Lundby.

House Study Bill 191

State Government: Pavich, Chair; Beatty, Halvorson of Webster, Hanson of Delaware, Krebsbach, Renken and Teaford.

House Study Bill 192

State Government: Krebsbach, Chair; Connors, Garman, Knapp and Peterson of Carroll.

House Study Bill 193

State Government: Connors, Chair; Garman, Knapp, Krebsbach and Peterson of Carroll.

House Study Bill 194

Local Government: Mertz, Chair; Eddie and Spear.

House Study Bill 195

Human Resources: Haverland, Chair; Osterberg and Plasier.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 196 Local Government**

Relating to the fees for publication of public notices.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 34, a bill for an act relating to the sale, offer for sale, or distribution of purple loosestrife.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 213), relating to the establishment of a well contractor certification program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1991.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 106), relating to the collateral effect of job service division determinations regarding claims for unemployment benefits.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1991.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 81), relating to therapeutically certified optometrists.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1991.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 189), relating to the removal of trees, brush, and underbrush, and other growth within the highway right-of-way.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1991.

Committee Bill (Formerly House Study Bill 89), relating to maximum lengths of saddle mounted or full mounted power unit combination vehicles.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1991.

Committee Bill (Formerly House Study Bill 170), making technical Code changes relating to transportation.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1991.

AMENDMENTS FILED

H-3076	H.F.	232	Bisignano of Polk Peterson of Carroll Harbor of Mills McNeal of Hardin
H-3077	H.F.	232	Pavich of Pottawattamie Iverson of Wright Schrader of Marion Jay of Appanoose
H-3078	H.F.	260	Baker of Polk
H-3079	H.F.	252	Corbett of Linn

On motion by McKinney of Dallas, the House adjourned at 5:09 p.m., until 9:00 a.m., Thursday, February 21, 1991.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day — Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 21, 1991

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

Prayer was offered by the Honorable Teresa Garman, state representative from Story County.

The Journal of Wednesday, February 20, 1991 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Shearer of Louisa, from four hundred eighty citizens of south-east Iowa favoring revision of child care laws to relax attendance caps for non-licensed providers in rural communities.

By Shearer of Louisa, from sixty-two property owners and residents of Washington, Jefferson and Keokuk Counties favoring legislation requiring the Department of Natural Resources to reduce the deer population in and surrounding Lake Darling State Park near Brighton, Iowa.

INTRODUCTION OF BILLS

House File 309, by committee on transportation, a bill for an act relating to maximum lengths of saddle mounted or full mounted power unit combination vehicles and the length of draw bar or other connections on certain towing vehicles.

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

House File 310, by Banks and Garman, a bill for an act relating to the penalty for a licensee or permittee convicted of selling alcohol to persons under legal age.

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

House File 311, by Maulsby, a bill for an act relating to the submission of budget estimates by departments and other establishments of the state government and providing an applicability date.

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

House File 312, by Groninga, a bill for an act authorizing a class "B" wine permittee who also holds a class "E" liquor control license to sell wine to liquor control licensees.

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

House File 313, by Osterberg and Gruhn, a bill for an act relating to the hunting of game by a person who is intoxicated and providing penalties.

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

House File 314, by Daggett, a bill for an act to require school districts to provide at the parents' or guardians' cost a private alternative method of delivery of human growth and development instruction to pupils whose parents or guardians object to the school's instructional materials or the manner in which the materials are presented.

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

House File 315, by Osterberg and Metcalf, a bill for an act relating to limitations on the use of automatic dialing-announcing device equipment and providing a penalty.

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

House File 316, by Bernau and Wise, a bill for an act relating to the testing of a person charged with certain offenses for certain contagious diseases.

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

House File 317, by Shearer, a bill for an act requiring that a portion of the early elementary grant funds for at-risk children be used for bilingual or other special language programs.

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

House File 318, by Daggett, a bill for an act establishing the practice of nail technology under the board of cosmetology and imposing fees.

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

House File 319, by Millage, Krebsbach, Hanson of Black Hawk, Johnson, Rafferty and McKean, a bill for an act relating to property subject to seizure and forfeiture.

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

House File 320, by Rafferty, Siegrist, Bartz, Johnson, Branstad, Daggett, Hester and Garman, a bill for an act extending the lower state motor fuel tax rate for motor fuel containing at least ten per cent alcohol distilled from cereal grains.

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

House File 321, by Wise and Jesse, a bill for an act relating to the organizational structure of the Wallace technology transfer foundation and the Iowa product development corporation.

Read first time and referred to committee on **small business, economic development and trade**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 20, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 209, a bill for an act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, and increasing the court civil penalty surcharge, and providing effective dates.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 9:16 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 322, by committee on small business, economic development and trade, a bill for an act relating to the establishment of a small business advisory council.

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

House File 323, by committee on commerce, a bill for an act relating to exempting a financial institution from providing evidence of financial security when making an application for registration as a travel agency.

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

House File 324, by committee on judiciary and law enforcement, a bill for an act relating to aiding and abetting and retaliation under the civil rights law.

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

House File 325, by committee on energy and environmental protection, a bill for an act relating to the establishment of a well contractor certification program, establishing fees, and making penalties applicable.

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

SENATE MESSAGE CONSIDERED

Senate File 209, by committee on appropriations, a bill for an act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, and increasing the court civil penalty surcharge, and providing effective dates.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 253, a bill for an act relating to the disposal of solid waste and providing penalties, was taken up for consideration.

Spear of Lee asked and received unanimous consent to temporarily defer action on amendment H—3072.

Spear of Lee offered amendment H—3075 filed by him and requested division as follows:

H-3075

1 Amend House File 253 as follows:

H-3075A

2 1. Page 1, line 10, by striking the words "this
3 activity" and inserting the following: "this activity
4 these activities."

5 2. Page 1, line 11, by striking the word "which"
6 and inserting the following: "~~which~~ The rules".

7 3. Page 1, line 12, by striking the word "which"
8 and inserting the following: "~~which~~".

H-3075B

9 4. Page 1, line 19, by inserting after the word
10 "site." the following:

11 "PARAGRAPH DIVIDED."

12 5. Page 1, lines 20 and 21, by striking the words
13 "disposal, or maintenance" and inserting the
14 following: "depositing, or maintaining".

15 6. Page 1, by striking lines 25 through 29, and
16 inserting the following: "by the commission if a both
17 of the following conditions are met:

18 1. A compliance schedule has been submitted by the
19 applicant specifying how and when the applicant will
20 meet the requirements for an operational sanitary
21 disposal project and the.

22 2. The director determines the public interest
23 will be best served by granting such temporary
24 permit."

On motion by Spear of Lee, amendment H-3075A was adopted.

On motion by Spear of Lee, amendment H-3075B was adopted.

The House resumed consideration of amendment H-3072, previously deferred.

Spear of Lee asked and received unanimous consent to withdraw amendment H-3072 filed by him on February 18, 1991.

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

On the question "Shall the bill pass?" (H.F. 253)

The ayes were, 89:

Adams
Beatty
Blanshan
Brown

Baker
Bernau
Brammer
Burke

Banks
Bisignano
Brand
Carpenter

Beaman
Black
Branstad
Chapman

Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hibbard	Holveck
Hurley	Jay	Jesse	Jochum
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhausser	Nielsen	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Poncy	Rafferty
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 9:

Bartz	Bennett	Eddie	Hester
Iverson	Johnson	Maulsby	Renken
Royer			

Absent or not voting, 2:

Ollie	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 File 89, a bill for an act relating to requiring county recorders to submit monthly reports of trade name statements or certificates of change filed during the preceding month, with report of committee recommending passage was taken up for consideration.

Baker 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. 89)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky

Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spanner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 2:

Bisignano Blanshan

Absent or not voting, 3:

Chapman Ollie Plasier

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

House File 231, a bill for an act relating to the number of presidents of a state bank which is established by merger or consolidation, was taken up for consideration.

Millage of Scott offered the following amendment H—3056 filed by him and Wissing of Scott and moved its adoption:

H—3056

1 Amend House File 231 as follows:

2 1. Page 1, by striking lines 6 through 11 and
3 inserting the following: "bank may have a
4 chairperson, additional presidents, additional vice
5 presidents, assistant vice presidents, assistant
6 cashiers, and other officers as may be prescribed by
7 the articles of incorporation or the bylaws. Upon
8 notice".

Amendment H—3056 was adopted.

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

On the question "Shall the bill pass?" (H.F. 231)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 2:

Jochum Ollie

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

House File 220, a bill for an act to create a lien against aircraft and certain aircraft equipment in favor of persons who have installed the equipment in the aircraft and providing priority of the lien against prior lienholders of record, 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. 220)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau

Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 3:

Hibbard Ollie Shoultz

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

House File 252, a bill for an act relating to exempting certain cargo tank motor vehicles from hazardous materials transportation regulations, was taken up for consideration.

Corbett of Linn offered the following amendment H—3079 filed by him:

H—3079

- 1 Amend House File 252 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 321.285, subsection 8, Code
- 5 1991, is amended to read as follows:
- 6 8. Notwithstanding any other speed restrictions,
- 7 the speed limit for all vehicular traffic, except
- 8 vehicles subject to the provisions of section 321.286
- 9 on fully controlled-access, divided, multilaned
- 10 highways including the national system of interstate

11 highways designated by the federal highway.
12 administration and this state (23 U.S.C. sec. 103 (e))
13 is ~~sixty-five~~ fifty-five miles per hour. However, the
14 department or cities with the approval of the
15 department may establish a lower speed limit upon such
16 highways located within the corporate limits of a city
17 and used as city alternate routes, commonly referred
18 to as "freeways." For the purposes of this subsection
19 a fully controlled-access highway is a highway that
20 gives preference to through traffic by providing
21 access connections with selected public roads only and
22 by prohibiting crossings at grade or direct private
23 driveway connections. A minimum speed of forty miles
24 per hour, road conditions permitting, is established
25 on the highways referred to in this subsection.

26 Sec. _____. Section 321.286, subsection 1, Code
27 1991, is amended to read as follows:

28 1. ~~Sixty-five~~ Fifty-five miles per hour on all
29 fully controlled-access, divided, multilaned highways
30 including interstate highways."

31 2. Page 1, by inserting after line 15 the
32 following:

33 "Sec. _____. Section 805.8, subsection 2, paragraph
34 g, subparagraph (4), Code 1991, is amended by striking
35 the subparagraph."

36 3. Title page, line 1; by inserting after the
37 word "to" the following: "lowering the maximum speed
38 limit to fifty-five miles per hour and".

39 4. By renumbering as necessary.

Muhlbauer of Crawford rose on a point of order that amendment H-3079 was not germane.

The Speaker ruled the point well taken and amendment H-3079 not germane.

Muhlbauer of Crawford offered the following amendment H-3074 filed by him:

H-3074

1 Amend House File 252 as follows:

2 1. Page 1, line 13, by inserting after the figure
3 "1989" the following: "and were domiciled in Iowa
4 prior to July 1, 1991,".

The following amendment H-3082, to amendment H-3074, filed by Spear of Lee from the floor was adopted by unanimous consent:

H-3082

1 Amend the amendment H-3074, to House File 252 as
2 follows:

- 3 1. Page 1, line 3, by striking the word "and" and
 4 inserting the following: ";

On motion by Muhlbauer of Crawford, amendment H—3074, as amended, was adopted.

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. 252)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Ollie

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

House File 20, a bill for an act to exclude Sunday and all legal public holidays as banking days for purposes of determining a bank's midnight deadline, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn offered the following amendment H—3045 filed by the committee on commerce and moved its adoption:

H—3045

- 1 Amend House File 20 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and
- 3 inserting the following: "bank's midnight deadline,
- 4 shall not include Saturday, Sunday, or any holiday
- 5 when the federal reserve banks are not performing
- 6 check clearing functions;"

The committee amendment H—3045 was adopted.

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

On the question "Shall the bill pass?" (H.F. 20)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Ollie

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

SPONSOR ADDED
(House Files 301 and 303)

Spenner of Henry requested to be added as a sponsor of House Files 301 and 303.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN RIGHTS
Advisory Council on Head Injuries

The Annual Report for Fiscal Year 90, pursuant to Chapter 601K.80(6)(f), Code of Iowa.

Division of Children, Youth and Families

The 1990 Annual Reports for the Commission on Children, Youth and Families and Juvenile Justice Advisory Council, pursuant to Chapters 601K.35 and 601K.137, Code of Iowa.

PRESENTATION OF VISITORS

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

Forty high school students from Union High School, La Porte City, accompanied by Bruce Wigg. By Brand of Benton.

SUBCOMMITTEE ASSIGNMENTS

House File 239

Transportation: Pavich, Chair; Lageschulte and Murphy.

House File 310

State Government: Renaud, Chair; Bisignano, Lundby, Pavich and Shoning.

House File 312

State Government: Renaud, Chair; Bisignano, Lundby, Pavich and Shoning.

House File 318

State Government: Knapp, Chair; Beatty, Poncy, Renken and Tyrrell.

Senate File 118

Agriculture: Bernau, Chair; Maulsby and Mertz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 190**

Energy and Environmental Protection: Bernau, Chair; Adams, Dvorsky, Johnson and Petersen of Muscatine.

House Study Bill 196

Local Government: Cohoon, Chair; Hatch and Iverson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 197 State Government**

Relating to cosmetologist licensure and making a fee applicable.

H.S.B. 198 Judiciary and Law Enforcement

Relating to unfair or discriminatory practices in housing and real estate, providing civil remedies, and a criminal penalty.

H.S.B. 199 Judiciary and Law Enforcement

Relating to unfair or discriminatory practices in housing and real estate, providing civil remedies, and a criminal penalty.

H.S.B. 200 Judiciary and Law Enforcement

Relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties.

H.S.B. 201 Commerce

Providing for the extension of limitation periods applied to the enforcement of certain judgments.

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 COMMERCE

Committee Bill (Formerly House Study Bill 67), relating to exempting a bank from providing evidence of financial security when making an application for registration as a travel agency.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 116, a bill for an act relating to the uniform controlled substances Act.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1991.

Committee Bill (Formerly House Study Bill 58), prohibiting the use of public funds for lobbying and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1991.

Committee Bill (Formerly House Study Bill 148), relating to aiding and abetting and retaliation under the civil rights law.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1991.

COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TRADE

Committee Bill (Formerly House Study Bill 119), relating to the establishment of a small business advisory council.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1991.

AMENDMENTS FILED

H-3080	H.F.	227	Doderer of Johnson
H-3081	H.F.	302	Dvorsky of Johnson

On motion by McKinney of Dallas, the House adjourned at 2:03 p.m., until 10:00 a.m., Monday, February 25, 1991.

JOURNAL OF THE HOUSE

Forty-third Calendar Day — Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 25, 1991

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

Prayer was offered by Father Paul Kelly, pastor of Immaculate Conception Parish, Graettinger.

The Journal of Thursday, February 21, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wissing of Scott, until his arrival, on request of Gill of Woodbury.

PETITION FILED

The following petition was received and placed on file:

By Daggett of Adams, from thirty-two constituents favoring a proposal restricting the amount of money that candidates may spend for campaigning.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 21, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 184, a bill for an act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILLS

House File 326, by Brown and Jesse, a bill for an act relating to property sold at tax sale, including the redemption period for such property and compliance with building and health codes for owner-occupied property or for rental property sold at tax sale to nonprofit corporations.

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

House File 327, by Garman, Maulsby, Branstad, Bartz, Iverson and McKean, a bill for an act relating to issuance of driver's licenses to minors attending a school district as the result of a sharing agreement.

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

House File 328, by Brammer, a bill for an act relating to domestic abuse, establishing a domestic abuse services fund and commission, providing for mandatory and permissive reporting of domestic abuse, increasing certain fees, and imposing criminal penalties, civil penalties, and mandatory minimum sentences and fines, and providing an effective date.

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

House File 329, by Hammond, Bernau, Burke, Neuhauser, Nielsen, Baker, Murphy, Teafor, Doderer, Hatch, Osterberg, Brown, Wissing, Jesse and Sherzan, a bill for an act relating to the establishment of an Iowa universal health insurance plan and providing an effective date.

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

House File 330, by Miller, Renken, Krebsbach, Van Maanen, Hanson of Delaware, Daggett, Kistler, Kremer, Johnson, Branstad, Hester, Bennett, Plasier, Maulsby, Bartz, Petersen of Muscatine, Grubbs, Hanson of Black Hawk, Hahn, De Groot, Gipp, Weidman, Royer, Eddie, Spenner, McKean, Iverson, Carpenter, McNeal, Rafferty, Shoning, Banks, Millage, Hurley, Lageschulte, Metcalf, Harbor, Halvorson of Clayton, Siegrist and Garman, a bill for an act relating to the appropriating of moneys to the general assembly and its legislative agencies for salaries, costs, and expenses of the general assembly and its agencies and providing effective dates.

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

House File 331, by Corbett, a bill for an act increasing the period of revocation for operating a motor vehicle while intoxicated by a person under the age of twenty-one, and providing for the applicability of the Act.

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

House File 332, by Metcalf, a bill for an act relating to membership on the house ethics committee by providing for equal representation for both the majority and minority parties and for public members.

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

House File 333, by committee on judiciary and law enforcement, a bill for an act prohibiting the use of public funds for lobbying and providing a penalty.

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

House File 334, by Muhlbauer, a bill for an act to permit districts which reorganize to include in the reorganization proposition an agreement on which area education agency will provide services to students in the new or enlarged district.

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

House File 335, by Millage, a bill for an act relating to a parent's right of action for the death of a child.

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

House File 336, by Diemer, a bill for an act to include bats as protected nongame species.

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

House File 337, by Shearer, a bill for an act to permit school buses from sending and receiving districts to transport pupils to and from other districts under open enrollment.

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

House File 338, by Johnson, Garman and Tyrrell, a bill for an act relating to certain tort actions by limiting the maximum liability for noneconomic damages and by modifying the statute of limitations for certain malpractice actions.

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

House File 339, by Spear, a bill for an act relating to residency requirements for commercial mussel fishers and providing an effective date.

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

House File 340, by Jesse, Brown, Hibbard, Mertz, Bernau, Hammond, Shearer, Murphy, Muhlbauer, Gruhn, Brammer, Beatty, Peterson of Carroll, Black, Fogarty, Renaud, Brand, Svoboda, Dvorsky, Jay, Nielsen and Knapp, a bill for an act establishing the rural small business transfer program.

Read first time and referred to committee on **small business, economic development and trade.**

House File 341, by Dickinson and Bisignano, a bill for an act to prohibit the intentional obstruction of a person who is lawfully hunting, fishing, or trapping, and providing a penalty.

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

House File 342, by Svoboda, a bill for an act granting urban renewal and urban revitalization authority to counties.

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

SENATE MESSAGES CONSIDERED

Senate File 38, by Welsh, a bill for an act to establish a super-computer commission responsible for the planning, development, and implementation of a statewide supercomputer network system.

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

Senate File 42, by Riordan, a bill for an act relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances.

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

Senate File 151, by committee on state government, a bill for an act relating to peer review of certain certified public accountants.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 109, a bill for an act to prohibit the shooting of a firearm across a public highway and subjecting violators to a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Dickinson of Jackson offered the following amendment H—3053 filed by the committee on natural resources and outdoor recreation:

H—3053

- 1 Amend House File 109 as follows:
- 2 1. Page 1, by striking everything after the
- 3 enacting clause and inserting the following:
- 4 "Section 1. Section 109.54, Code 1991, is amended
- 5 by striking the section and inserting in lieu thereof
- 6 the following:
- 7 109.54 SHOOTING FIREARMS OVER WATER, RAILROADS, OR
- 8 HIGHWAY.
- 9 1. A person shall not shoot a firearm on or over a
- 10 public roadway as defined in section 321.1, subsection
- 11 50, and shall not shoot a rifle on or over the public
- 12 waters of this state or a railroad right-of-way.
- 13 However, the department of natural resources shall
- 14 adopt rules authorizing a handicapped hunter to shoot
- 15 a shotgun on, but not over, public roadways.
- 16 2. Subsection 1 does not apply to peace officers
- 17 or military personnel while on duty."

Spear of Lee offered the following amendment H—3057, to the committee amendment H—3053, filed by him and moved its adoption:

H—3057

- 1 Amend the Committee amendment, H—3053, to House
- 2 File 109 as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "public" the following: "highways or".

Amendment H—3057 lost.

On motion by Dickinson of Jackson, the committee amendment H—3053 was adopted.

Dickinson 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. 109)

The ayes were, 72:

Adams	Baker	Bartz	Beaman
Beatty	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.

Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hibbard	Holveck	Hurley	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	McKean	McKinney	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Royer	Schrader	Sherzan
Shoultz	Siegrist	Spenner	Teaford
Tyrrell	Weidman	Wise	Mr. Speaker
			Arnould

The nays were, 25:

Banks	Bennett	Branstad	De Groot
Garman	Gipp	Grubbs	Hahn
Harbor	Hester	Iverson	Jesse
Kistler	Krebsbach	Lageschulte	Maulsby
McNeal	Petersen, D. F.	Rafferty	Renken
Shearer	Shoning	Spear	Svoboda
Van Maanen			

Absent or not voting, 3:

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

House File 254, a bill for an act relating to corn shellers and feed grinders and special mobile equipment, was taken up for consideration.

Connors of Polk in the chair at 10:51 a.m.

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

On the question "Shall the bill pass?" (H.F. 254)

The ayes were, 92:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Hurley	Jesse

Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 8:

Halvorson, R. A.	Holveck	Iverson	Jay
Miller	Plasier	Sherzan	Wissing

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

House File 233, a bill for an act relating to the hunter safety and ethics education program, and providing a penalty for violations, was taken up for consideration.

Spear of Lee offered the following amendment H—3067 filed by him and moved its adoption:

H—3067

- 1 Amend House File 233 as follows:
- 2 1. Page 2, by striking lines 13 through 20 and
- 3 inserting the following:
- 4 "7. A hunting license obtained under this section
- 5 by a person who gave false information or presented a
- 6 fraudulent certificate of completion shall be revoked
- 7 and a new hunting license shall not be issued for at
- 8 least two years from the date of conviction. A
- 9 hunting license obtained by a person who was born
- 10 after January 1, 1967, but has not satisfactorily
- 11 completed the hunter safety and ethics education
- 12 course or has not met the requirements established by
- 13 the commission, shall be revoked."

Amendment H—3067 was adopted.

Spear of Lee asked and received unanimous consent to defer action on amendment H—3069.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3061 filed by him on February 14, 1991.

Spear of Lee offered amendment H—3069, previously deferred, filed by him as follows and moved its adoption:

H—3069

- 1 Amend House File 233 as follows:
- 2 1. Page 2, by striking lines 23 and 24 and
- 3 inserting the following:
- 4 "NEW SUBSECTION. 10. A person under eighteen
- 5 years of age who is required to".

Amendment H—3069 was adopted.

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

On the question "Shall the bill pass?" (H.F. 233)

The ayes were, 95:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Hatch	Jay	Jochum	Plasier
Wissing			

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

ADOPTION OF HOUSE RESOLUTION 8

Peterson of Carroll called up for consideration House Resolution 8, a resolution to amend the rules governing lobbyists in the House of Representatives, as follows:

- 1 House Resolution No. 8
2 By Committee On Ethics
3 A Resolution to amend the rules governing lobbyists in the
4 House of Representatives.
5 *Be It Resolved By The House Of Representatives,*
6 That the HOUSE RULES GOVERNING LOBBYISTS be amended to
7 read as follows:
8 HOUSE RULES GOVERNING LOBBYISTS
9 1. DEFINITIONS OF TERMS. As used in these rules,
10 the word "gift" and the phrases "immediate family
11 members" and "public disclosure" have the meaning
12 provided in section 68B.2 of the Code and "person" has
13 the meaning provided in section 4.1 of the Code.
14 2. DEFINITION OF LOBBYIST. For the purposes of
15 these rules, "lobbyist" means a person who does any of
16 the following:
17 a. Receives compensation or reimbursement of
18 expenses to encourage the passage, defeat, or
19 modification of legislation or to influence the
20 decisions of members of a legislative committee or
21 subcommittee which relate to legislation.
22 b. Represents an organization which has as one of
23 its purposes the encouragement of the passage, defeat,
24 or modification of legislation or influencing the
25 decisions of the members of a legislative committee or
26 subcommittee which relate to legislation.
27 c. Is a federal, state, or local official or
28 employee representing the official position of the
29 official's or employee's department, commission,
30 board, or agency, who attempts to encourage the

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- 1 passage, defeat, or modification of legislation or to
2 influence the decisions of the members of a
3 legislative committee or subcommittee which relate to
4 legislation.
5 3. EXCEPTIONS. "Lobbyist" does not mean the
6 following:
7 a. Designated representatives of political parties
8 organized in this state which represent more than two
9 percent of the total votes cast for governor or
10 president in the preceding general election, but only

11 when representing the political party in an official
12 capacity.

13 b. Representatives of the news media, but only
14 when engaged in the reporting and disseminating of
15 news and editorial comment to the general public.

16 c. Officials and employees of federal, state, and
17 local government who in the course of their official
18 duties submit legislation or amendments to a
19 representative, a house committee or subcommittee, or
20 who are requested or required to provide information
21 to a representative, or who are requested or required
22 to appear before a house committee or subcommittee,
23 and who do not encourage the passage, defeat, or
24 modification of legislation.

25 d. Any elected state official.

26 e. Constituents of a legislator in lobbying their
27 legislator.

28 f. Legislative interns approved by the chief clerk
29 of the house.

30 g. Any person who does not receive compensation or

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1 reimbursement for expenses for lobbying or whose
2 activities are limited to formal appearances to give
3 testimony at public sessions of committees of the
4 house of representatives or public hearings of state
5 agencies and whose appearance, as a result of
6 testifying, is recorded in the records of the
7 committee or agency.

8 4. REGISTRATION REQUIRED. All lobbyists shall on
9 or before the day their lobbying activity begins,
10 register with the chief clerk of the house by filing a
11 lobbyist registration statement listing the following:

12 a. Name, permanent business and residential
13 addresses, temporary residential and business
14 addresses during the legislative session, if any, and
15 their telephone numbers.

16 b. The name and address of each individual,
17 company, firm, corporation, union, association, or
18 cause for which the lobbyist lobbies.

19 c. The general subjects of legislation in which
20 the lobbyist is or may be interested, the file number
21 of the bills and resolutions and the bill number of
22 study bills, if known, which will be lobbied, whether
23 the lobbyist intends to lobby for or against each
24 bill, resolution, or study bill, if known, and on
25 whose behalf the lobbyist is lobbying the bill,
26 resolution, or study bill.

27 Registration is effective from the time and day of
28 the year in which the application is submitted to the
29 chief clerk of the house until the first day of the
30 next legislative session.

Page 4

1 Any change in or addition to the information
2 required by this rule shall be registered with the
3 chief clerk of the house within ten days from the time
4 the change or addition is known to the lobbyist.

5 Only one registration statement need be filed by a
6 lobbyist, even if the lobbyist represents more than
7 one client.

8 5. CANCELLATION OF REGISTRATION. If a lobbyist's
9 service on behalf of a particular employer, client, or
10 cause is concluded prior to the end of the calendar
11 year, the lobbyist shall cancel the registration on
12 appropriate forms supplied by the chief clerk of the
13 house. Upon cancellation of registration, a person is
14 prohibited from engaging in any lobbying activity on
15 behalf of that particular employer, client, or cause
16 until reregistering and complying with these rules. A
17 lobbyist's registration is valid for the calendar
18 year.

19 6. PUBLIC ACCESS. All information filed under
20 these rules is a public record and open to public
21 inspection at any reasonable time.

22 7. GOVERNMENT OFFICIALS. Employees of federal,
23 state, and local government offices who are designated
24 representatives of their agency shall not lobby on
25 behalf of their offices without a letter of
26 authorization from their respective offices.

27 8. CHARGE ACCOUNTS. Lobbyists and the
28 organizations they represent shall not allow members
29 of the house to charge any amounts or items to a
30 charge account to be paid for by those lobbyists or by

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1 the organizations they represent.

2 9. ACCESS TO HOUSE FLOOR. Lobbyists shall only be
3 permitted on the floor of the house pursuant to rule
4 20 of the rules of the house.

5 10. FEE OR BONUS PROHIBITED. A fee or bonus shall
6 not be paid to any lobbyist with reference to any
7 legislative action that is conditioned wholly or in
8 part upon the results attained by the lobbyist.

9 11. OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY.
10 A lobbyist, or employer of a lobbyist, shall not offer
11 economic or investment opportunity or promise of
12 employment to any member of the house with intent to
13 influence conduct in the performance of official
14 duties.

15 12. PERSONAL OR FINANCIAL OBLIGATION. A lobbyist
16 shall not do anything with the purpose of placing a
17 member of the house under personal or financial
18 obligation to a lobbyist or a lobbyist's principal or
19 agent.

20 13. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT. A

21 lobbyist shall not cause or influence the introduction
22 of any bill or amendment for the purpose of being
23 employed to secure its passage or defeat.

24 14. CAMPAIGN SUPPORT. A lobbyist shall not
25 influence or attempt to influence a member's actions
26 by the promise of financial support for the member's
27 candidacy or threat of financial support for an
28 opposition candidate.

29 15. COMMUNICATION WITH MEMBER'S EMPLOYER
30 PROHIBITED. A lobbyist shall not communicate with a

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1 member's employer for the purpose of influencing a
2 vote of the member.

3 16. EXCESS PAYMENTS. A lobbyist shall not pay or
4 agree to pay to a member a price, fee, compensation,
5 or other consideration for the sale or lease of any
6 property or the furnishing of services which is
7 substantially in excess of that which other persons in
8 the same business or profession would charge in the
9 ordinary course of business.

10 17. REPORTING OF GIFTS.

11 a. A person who provides a gift or series of gifts
12 which exceeds fifteen dollars in cumulative value in
13 any one calendar day to any member, officer, or
14 employee of the house or the immediate family members
15 of a member, officer, or employee of the house shall
16 file a report, on the prescribed form, of the gift
17 with the chief clerk of the house. The report shall
18 show the nature, amount, date, donee, and donor of the
19 gift. If more than one person shares in the expense
20 of providing a gift or series of gifts which exceeds
21 fifteen dollars in cumulative value in any one
22 calendar day and which is required to be reported,
23 each of the persons sharing in the expense shall
24 report the gift to the chief clerk of the house as
25 provided in section 68B.11 of the Code regardless of
26 the amount of the person's share of the expense.

27 b. A person who provides a gift or series of gifts
28 to a member, officer, or employee of the house or the
29 immediate family members of a member, officer, or
30 employee of the house shall provide a copy of the

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1 report filed with the chief clerk of the house to the
2 member, officer, or employee stating the value of each
3 gift which is required to be reported by the member,
4 officer, or employee by the tenth day of the month
5 following the month in which a gift is provided.

6 c. Persons who provide gifts to members, officers,
7 and employees of the house and their immediate
8 families shall include in the report to the chief
9 clerk of the house the monthly total of all gifts made
10 by the person, and the employer or employers,
11 regardless of the dollar value, including the total of
12 each of the following listed separately:

13 (1) Food and beverage.

14 (2) Entertainment, including the cost of a
15 hospitality room.

16 (3) Travel.

17 (4) Recreation expense.

18 (5) Lodging expense.

19 (6) Other gifts, including the nature of the
20 gifts.

21 d. Persons who host a group event to which all
22 members of the house or all members of both houses
23 have been invited shall file a report with the chief
24 clerk of the house, separately for each event, listing
25 the date, location, and total expense incurred by the
26 donor or donors for food, beverages, registration, and
27 scheduled entertainment.

28 e. The reports required to be filed with the chief
29 clerk of the house under this rule shall be filed in
30 the office of the chief clerk by the fifteenth day of

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1 the month following the month in which a gift is
2 provided which is required to be reported or in which
3 an event is hosted.

4 18. FINANCIAL TRANSACTIONS. Each lobbyist shall
5 report any financial transaction with a value of at
6 least five hundred dollars between the lobbyist, or a
7 principal or agent of the lobbyist, and a member of
8 the house, a house member's immediate family, or a
9 business with which the member or the member's family
10 is associated. Each report shall include all of the
11 following:

12 a. The date of the transaction.

13 b. The nature of the transaction.

14 c. The parties to the transaction.

15 d. The amount involved in the transaction.

16 A financial transaction does not include a
17 transaction undertaken in the ordinary course of
18 business of a lobbyist if the primary business of the
19 lobbyist is something other than lobbying, if
20 consideration of equal or greater value is received by
21 the lobbyist, and if fair market value is given or
22 received for the benefit conferred.

23 The report shall be filed in the office of the
24 chief clerk of the house by the fifteenth day of the

25 month following the month in which the financial
26 transaction takes place.
27 19. GIFT LIMITS. A person is prohibited from
28 providing a gift or series of gifts to a member,
29 officer, or employee of the house which has a
30 cumulative value of thirty-five dollars or more in any

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1 one calendar day, pursuant to section 68B.5 of the
2 Iowa Code.
3 20. REPORTING OF HONORARIA. A lobbyist, or an
4 organization which a lobbyist represents that has as
5 one of its purposes the encouragement of the passage,
6 defeat, or modification of legislation, shall report
7 the amount of any honorarium paid to a member,
8 officer, or employee of the house for a speaking
9 engagement or other formal public appearance in the
10 official capacity of the member, officer, or employee.
11 The report shall be filed in the office of the chief
12 clerk of the house by the fifteenth day of the month
13 following the month in which the honorarium is paid.
14 21. COMPLAINTS. The procedures for complaints and
15 enforcement of these rules shall be the same as those
16 provided in the house code of ethics.
17 22. REPORTS AND FORMS. The chief clerk of the
18 house, subject to the approval of the house ethics
19 committee, shall prescribe procedures for compliance
20 with these rules, and shall prepare forms for the
21 filing of these reports and make them available to any
22 person who is required to file a report. The reports
23 filed with the chief clerk of the house shall be
24 maintained by the chief clerk of the house and be
25 available for public inspection as provided in chapter
26 22 of the Code. The committee on ethics may authorize
27 the chief clerk of the house to prepare and make
28 available to the public an annual summary of the
29 reports filed with the chief clerk of the house under
30 these rules.

Peterson of Carroll offered the following amendment H-3066
filed by him and moved its adoption:

H-3066

- 1 Amend House Resolution 8 as follows:
2 1. Page 4, lines 10 and 11, by striking the words
3 "prior to the end of the calendar year" and inserting
4 the following: "prior to the end of the calendar year
5 after the lobbyist submitted an application to the
6 chief clerk of the house but before the first day of
7 the next legislative session".
8 2. Page 4, lines 17 and 18, by striking the words

- 9 "for the calendar year" and inserting the following:
10 "for the calendar year from the time and day of the
11 year in which the application is submitted until the
12 first day of the next legislative session, or until
13 the registration is canceled, whichever is earlier".

Amendment H—3066 was adopted.

On motion by Peterson of Carroll, the resolution, as amended, was adopted.

On motion by McKinney of Dallas, the House was recessed at 11:05 a.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 343, by committee on energy and environmental protection, a bill for an act relating to the enforcement authority of the Iowa utilities board regarding intrastate pipelines and electric transmission lines and providing civil penalties.

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

House File 344, by committee on ways and means, a bill for an act relating to the membership of the state revenue estimating conference and providing an effective date.

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

SPONSOR ADDED

(House File 320)

Spenner of Henry requested to be added as a sponsor of House File 320.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber the week of February 18 through February 21, 1991. Had I been present, I would have voted "yea" on House Joint Resolution 4; and "aye" on House Files 20, 73, 110, 198, 220, 231, 252, 253; item veto override on House File 173; and Senate File 89.

OLLIE of Clinton

COMMUNICATIONS RECEIVED

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

UNIVERSITY OF IOWA

The annual report of the Iowa Center for Agricultural Safety and Health, pursuant to Chapter 1207.3(6), 1990 Acts of the Seventy-third General Assembly.

UNIVERSITY OF NORTHERN IOWA

The first interim report of the Applied Technology Program, pursuant to Chapter 1262.11(6), 1990 Acts of the Seventy-third General Assembly.

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

- | | |
|---------|---|
| 1991-17 | Nathan Hays, Albert City — For attaining the Boy Scouts of America Eagle Scout rank. |
| 1991-18 | Bryce Kerby, Storm Lake — For attaining the Boy Scouts of America Eagle Scout rank. |
| 1991-19 | The Karl King Municipal Band, Fort Dodge — For commemorating the 100th birthday of the late Dr. Karl King, February 21. |

SUBCOMMITTEE ASSIGNMENTS

House File 95

Ways and Means: Burke, Chair; Chapman and Daggett.

House File 227

Ways and Means: Doderer, Chair; Dickinson and McKean.

House File 261

Ways and Means: Adams, Chair; De Groot and Haverland.

House File 285

Human Resources: Murphy, Chair; Krebsbach and Mertz.

House File 313

Natural Resources and Outdoor Recreation: Gruhn, Chair; Peterson of Carroll and Weidman.

House File 316

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

House File 319

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 328

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 329

Human Resources: Haverland, Chair; Bartz, Burke, Carpenter, Daggett, Grubbs, Hammond, Hester, Mertz, Murphy, Neuhauser, Teaford and Wissing.

House File 331

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 332

State Government: Connors, Chair; Garman, Knapp, Krebsbach and Peterson of Carroll.

House File 333

State Government: Blanshan, Chair; Shoning and Teaford.

House File 335

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hibbard.

House File 336

Natural Resources and Outdoor Recreation: Diemer, Chair; Hatch and Shoultz.

House File 338

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 339

Natural Resources and Outdoor Recreation: Knapp, Chair; Kistler and Spear.

House File 341

Natural Resources and Outdoor Recreation: Dickinson, Chair; Spear and Tyrrell.

House File 342

Local Government: Hatch, Chair; Connors and Metcalf.

Senate File 42

State Government: Blanshan, Chair; Carpenter, Krebsbach, Pavich and Teaford.

Senate File 150

Appropriations: Brand, Chair; Bartz and Wise.

Senate File 151

State Government: Renken, Chair; Beatty, Knapp, Poncy and Tyrrell.

Senate File 209

Appropriations: Peterson of Carroll, Chair; Bartz, Hammond, Hester and Ollie.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 197**

State Government: Beatty, Chair; Poncy and Renken.

House Study Bill 198

Judiciary and Law Enforcement: Beatty, Chair; Brammer and Shoning.

House Study Bill 199

Judiciary and Law Enforcement: Beatty, Chair; Brammer and Shoning.

House Study Bill 200

Judiciary and Law Enforcement: Sherzan, Chair; Hurley, Knapp, McKean and Wissing.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 202 Education**

Relating to school instruction and attendance of children of compulsory school attendance age and providing for mediation of truancy issues, penalties, and a repealer.

H.S.B. 203 Ways and Means

Relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes.

H.S.B. 204 Ways and Means

Relating to the imposition of the state sales, services, and use tax on pay television service provided by a municipality.

H.S.B. 205 Human Resources

Relating to the establishment of a gamblers assistance program, creating an advisory committee, and specifying the powers and duties of director of the department of human services and the advisory committee.

H.S.B. 206 Transportation

Requiring the state department of transportation to publish an official Iowa map.

H.S.B. 207 Natural Resources and Outdoor Recreation

Relating to the operation of a watercraft by a person who is intoxicated and providing penalties.

H.S.B. 208 Transportation

Requiring a single registration plate to be displayed on the rear of a vehicle and providing for applicability.

H.S.B. 209 Agriculture

A house resolution to urge and request that the Senate Agriculture Committee and House Agriculture Committee of the United States Congress support American agriculture by immediately working to ensure that the federal 1990 Farm Bill improves family farm profitability in order to enhance this nation's vitality and economic revitalization.

H.S.B. 210 Transportation

Requiring the state department of transportation to witness donor signatures.

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 150, a bill for an act relating to the department of natural resources, by providing for the use of unexpended moneys in the fish and game protection fund, and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** February 25, 1991.

Senate File 209, a bill for an act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, and increasing the court civil penalty surcharge, and providing effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—3085** February 25, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 189), relating to the enforcement authority of the Iowa utilities board regarding intrastate pipelines and electric transmission lines and providing civil penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1991.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 174), relating to the membership of the state revenue estimating conference and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1991.

AMENDMENTS FILED

H-3083	H.F.	302	Banks of Plymouth
H-3084	H.R.	9	Metcalf of Polk
H-3085	S.F.	209	Committee on Appropriations
H-3086	H.F.	305	Fogarty of Palo Alto

On motion by McKinney of Dallas, the House adjourned at 4:42 p.m., until 9:00 a.m., Tuesday, February 26, 1991.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day — Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 26, 1991

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

Prayer was offered by the Honorable Charles Hurley, state representative from Fayette County.

The Journal of Monday, February 25, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bēaman of Clarke on request of Daggett of Adams; Krebsbach of Mitchell on request of Van Maanen of Mahaska, both until their arrival.

PETITION FILED

The following petition was received and placed on file:

By Branstad of Winnebago, from one thousand five hundred citizens opposing the sale of carry out cold alcoholic beverages purchased for immediate consumption.

INTRODUCTION OF BILLS

House File 345, by Pavich, a bill for an act relating to coverage of water rescue volunteers under a volunteer fire company's policy of group life, accident, or health insurance.

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

House File 346, by Nielsen, Black, Brown, Bernau, Burke, Jesse, Osterberg, Adams, Neuhauser, Shoultz, Hibbard, Fogarty, Brammer, Blanshan and Schrader, a bill for an act relating to the control of soil erosion and sedimentation, and providing penalties.

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

House File 347, by Svoboda and Burke, a bill for an act relating to instruction on the American free enterprise system in grades nine through twelve and providing an effective date.

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

House File 348, by Maulsby, a bill for an act relating to the administration of drainage or levee districts, by providing for repairs and improvements, and providing for the establishment of a district advisory committee.

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

House File 349, by Wise, a bill for an act to permit a person who has been issued a coaching authorization to be employed by a school district as head coach.

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

House File 350, by Metcalf, Chapman, Grubbs, Connors, Pavich, Neuhauser, Teaford and Murphy, a bill for an act to permit the televising of board proceedings of certain school districts in lieu of publication of those proceedings.

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

House File 351, by Bartz, a bill for an act relating to filing deadlines for state income tax purposes for military service related to the Persian Gulf Conflict and providing effective and applicability dates.

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

House File 352, by Bernau, a bill for an act to prohibit former legislators and other former governmental employees from engaging in activities designed to create, modify, defeat, or otherwise influence legislation or agency action within one year of leaving office or governmental employment.

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

House File 353, by Siegrist, a bill for an act relating to the possession or use of a device or appliance to stimulate or depress a race horse or dog and providing penalties.

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

House File 354, by Hanson of Black Hawk, McKean and Metcalf, a bill for an act relating to the violation of operating a motor vehicle while under the influence of an alcoholic beverage by reducing the per se alcohol concentration level.

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

House File 355, by Tyrrell, a bill for an act relating to bargaining by individual employees.

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

House File 356, by Gipp, Hanson of Delaware, McKean and Metcalf, a bill for an act relating to operation of a motor vehicle while under the influence of alcohol or a drug, providing for minimum hours of community service for certain offenders, and minimum periods of license revocation with earlier effective dates.

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

House File 357, by committee on judiciary and law enforcement, a bill for an act establishing the Iowa uniform premarital agreement Act, and providing effective date and applicability provisions.

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

SENATE MESSAGES CONSIDERED

Senate File 134, by committee on natural resources, a bill for an act relating to the use of fireworks in state parks and preserves and providing a penalty.

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

Senate File 184, by committee on education, a bill for an act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 21, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 23, a bill for an act relating to the teaching of American sign language in accredited schools.

Also: That the Senate has on February 21, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 172, a bill for an act establishing a state fair challenge grant foundation.

Also: That the Senate has on February 21, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 174, a bill for an act classifying the transfer of a nonpayable financial instrument to a livestock dealer or market agency as a fraudulent practice and making penalties applicable.

Also: That the Senate has on February 21, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 176, a bill for an act relating to providing an income tax exemption for payments received by persons providing in-home health-related care services to related individuals, and providing a retroactive applicability date.

Also: That the Senate has on February 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 188, a bill for an act relating to therapeutically certified optometrists.

JOHN F. DWYER, Secretary

SPECIAL PRESENTATION

Schrader of Marion presented to the House Zhu Xin, from the city of Shea-Gin, Hangzhou province of Zhejiang, Republic of China. Mr. Zhu Xin is a visiting professor at Central College in Pella and was accompanied by Mr. and Mrs. John Bowles.

The House rose and expressed its welcome.

On motion by McKinney of Dallas, the House was recessed at 9:20 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILL

House File 358, by committee on local government, a bill for an act relating to the requirements for acquisition plats of land divided solely for right-of-way purposes.

Read first time and placed on the calendar.

The House stood at ease at 1:12 p.m., until the fall of the gavel.

The House resumed session at 1:40 p.m., Speaker Arnould in the chair.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 34, a bill for an act relating to the sale, offer for sale, or distribution of purple loosestrife, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 34)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 1:

Grubbs

Absent or not voting, 2:

Blanshan

Krebsbach

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

ADOPTION OF HOUSE RESOLUTION 9

Peterson of Carroll called up for consideration House Resolution 9, a resolution to amend the House code of ethics, as follows:

1 House Resolution 9

2 By Committee On Ethics

3 A Resolution to amend the House code of ethics.

4 *Be It Resolved By The House Of Representatives,*

5 That the HOUSE CODE OF ETHICS be amended to read as
6 follows:

7 HOUSE CODE OF ETHICS

8 PREAMBLE. Every legislator and legislative
9 employee has a duty to uphold the integrity and honor
10 of the general assembly, to encourage respect for the
11 law and for the general assembly, and to observe the
12 house code of ethics. Each member and employee of the
13 house has a responsibility to conduct herself or
14 himself so as to reflect credit on the general
15 assembly, and to inspire the confidence, respect, and
16 trust of the public. The following rules are adopted
17 pursuant to chapter 68B of the Code, to assist the
18 members and employees in the conduct of their
19 activities:

20 1. DEFINITIONS. The definitions of terms provided
21 in chapter 68B of the Code apply to the use of those
22 terms in these rules.

23 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF
24 HOUSE.

25 a. Economic or investment opportunity. A member
26 or employee of the house shall not accept economic or
27 investment opportunity under circumstances where the
28 member or employee knows, or should know, that there
29 is a reasonable possibility that the opportunity is
30 being afforded with the intent to influence the

Page 2

1 member's or employee's conduct in the performance of
2 official duties. If a member or employee of the house
3 learns that an economic or investment opportunity
4 previously accepted was offered with the intent of
5 influencing the member's or employee's conduct in the
6 performance of the official duties, the member or
7 employee shall take steps to divest that member or
8 employee of that investment or economic opportunity,
9 and shall report the matter in writing to the
10 chairperson of the house ethics committee.

11 b. Excessive charges for services, goods, or
12 property interests. A member or employee of the house
13 shall not charge to or accept from a person known to
14 have a legislative interest, a price, fee,

15 compensation, or other consideration for the sale or
16 lease of any property or the furnishing of services
17 which is in excess of that which the member or
18 employee would ordinarily charge another person.
19 c. Use of confidential information. A member or
20 employee of the house, in order to further the
21 member's or employee's own economic interests, or
22 those of any other person, shall not disclose or use
23 confidential information acquired in the course of the
24 member's or employee's official duties. For the
25 purpose of this rule, information disclosed in open
26 session at a public meeting under chapter 21 and
27 information that is a public record under chapter 22
28 is not confidential information.
29 d. Employment. A member or employee of the house
30 shall not accept employment, either directly or

Page 3

1 indirectly, from a political action committee.
2 However, this paragraph shall not prohibit a member or
3 employee of the house from working for a candidate's
4 committee, a political party's action committee, or a
5 political action committee which does not support or
6 oppose a candidate for public office in this state or
7 a ballot issue in this state and which is not
8 interested in issues before the general assembly.

9 For the purpose of this rule, a political action
10 committee means a committee, but not a candidate's
11 committee, which accepts contributions, makes
12 expenditures, or incurs indebtedness in the aggregate
13 of more than two hundred fifty dollars in any one
14 calendar year for the purpose of supporting or
15 opposing a candidate for public office or a ballot
16 issue or for the purpose of influencing legislative
17 action.

18 e. A member or employee of the house shall not
19 solicit employment on behalf of the member or
20 employee, or on behalf of another legislator or
21 employee, as a lobbyist while the general assembly is
22 in session.

23 3. APPEARANCE BEFORE STATE AGENCY. A member or
24 employee of the house may appear before a state agency
25 in any representation case. Whenever a member or
26 employee of the house appears before a state agency,
27 the member or employee shall carefully avoid all
28 conduct which might in any way lead members of the
29 general public to conclude that the member or employee
30 is using the member's or employee's official position

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1 to further the member's or employee's professional
2 success or personal financial interest.

3 4. CONFLICTS OF INTEREST. In order for the
4 general assembly to function effectively, members of
5 the house may be required to vote on bills and
6 participate in committee work which will affect their
7 employment and other areas in which they may have a
8 monetary interest. Action on bills and in committee
9 work which specifically deals with a member's specific
10 employment or specific investment, as opposed to a
11 profession, trade, or business in general, should be
12 avoided. In making a decision relative to a member's
13 activity on particular bills or in committee work, the
14 following factors should be considered:

15 a. Whether a substantial threat to the member's
16 independence of judgment has been created by the
17 conflict situation.

18 b. The effect of the member's participation on
19 public confidence in the integrity of the general
20 assembly.

21 c. Whether the member's participation is likely to
22 have any significant effect on the disposition of the
23 matter.

24 d. The need for the member's particular
25 contribution, such as special knowledge of the subject
26 matter, to the effective functioning of the general
27 assembly.

28 If a member decides not to participate in committee
29 work or to abstain from voting because of a possible
30 conflict of interest, the member should disclose this

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1 fact to the legislative body. The member may,
2 however, decide to participate in a manner which is
3 contrary to the member's economic interest.

4 A member with a conflict of interest may
5 participate in floor debate if prior to the debate,
6 the member discloses the conflict of interest.

7 5. STATUTORY REQUIREMENTS. Members and employees
8 of the house are urged to familiarize themselves with
9 chapters 68B, 721, 722, and section 711.4 of the Code.

10 6. CHARGE ACCOUNTS. Members and employees of the
11 house shall not charge any amount or item to a charge
12 account to be paid for by a lobbyist or any
13 organization represented by a lobbyist.

14 7. TRAVEL EXPENSES. A member or employee of the
15 house shall not charge to the state of Iowa amounts
16 for travel and expenses unless the member or employee
17 actually has incurred those mileage and expense costs.
18 Members or employees shall not file the vouchers for

19 weekly mileage reimbursement required by section 2.10,
20 subsection 1, unless the travel expense was actually
21 incurred.

22 A member or employee of the house shall not file a
23 claim for per diem compensation for a meeting of an
24 interim study committee or a visitation committee
25 unless the member or employee attended the meeting.
26 However, the speaker may waive this provision and
27 allow a claim to be filed if the member or employee
28 attempted to attend the meeting but was unable to do
29 so because of circumstances beyond the member's or
30 employee's control.

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1 8. DISCLOSURE REQUIRED. A member, officer, or
2 employee of the house shall file a report with the
3 chief clerk of the house of the acceptance from any
4 one donor of any gift or series of gifts made to the
5 member, officer, or employee or to an immediate family
6 member which exceeds fifteen dollars in cumulative
7 value during any one calendar day. The report shall
8 list the nature, date, and donor of the gift.
9 However, the reporting of food and beverage for
10 immediate consumption in the presence of the donor is
11 not required.

12 The reports shall be filed in the office of the
13 chief clerk of the house by the fifteenth day of the
14 month following the month in which a gift is provided
15 which is required to be reported. Subject to the
16 approval of the committee on ethics, the chief clerk
17 of the house shall prepare forms for the filing of
18 these reports and make them available to any person
19 who is required to file a report. The reports filed
20 shall be maintained by the chief clerk of the house
21 and be available for public inspection as provided in
22 chapter 22 of the Code. The committee on ethics may
23 authorize the chief clerk of the house to prepare and
24 make available to the public an annual summary of the
25 reports filed under this rule.

26 9. COMPLAINTS.

27 a. Filing of complaint. A complaint under these
28 rules or under section 68B.10, subsection 4, of the
29 Code against any member or employee of the house or a
30 lobbyist operating in the house shall be in writing,

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1 made under oath, and filed with the chairperson of the
2 ethics committee of the house. A complaint shall
3 specify the person or persons against whom the
4 complaint is made, the date and location of any event,
5 incident or transaction involved, the connection of

6 the event, incident or transaction with the official
7 position of any accused member or employee or with the
8 lobbying activities of any accused lobbyist, the facts
9 or evidence on which the complainant relies, and the
10 section in the code of ethics, rules governing
11 lobbyists, or Code section or chapter which is alleged
12 to have been violated. The complainant shall attach
13 to the complaint a copy of any relevant document.

14 Complaints may be filed by any person believing
15 that a member or employee of the house or lobbyist is
16 guilty of a violation of the house code of ethics, the
17 house rules governing lobbyists, or chapter 68B of the
18 Code.

19 Complaint forms shall be available from the chief
20 clerk of the house, and the chairperson of the ethics
21 committee, but a complaint shall not be rejected for
22 failure to use the approved form if it complies with
23 the requirements of these rules.

24 The ethics committee may, upon its own motion,
25 initiate a complaint, investigation, or disciplinary
26 action.

27 A complaint shall be considered to be timely filed
28 if it is filed within forty-five days from the time
29 the complainant knew or should have known about the
30 alleged unethical or illegal conduct.

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1 b. Probable cause investigation and hearing. Upon
2 the receipt of a complaint in proper form, the
3 committee shall accept it for filing as a public
4 record. The chairperson of the ethics committee shall
5 deliver by certified mail, return receipt requested,
6 to the person or persons accused, a copy of the
7 complaint and any supporting information. The accused
8 person shall be requested to submit a written response
9 to the complaint within ten days. At the request of
10 the accused person and upon a showing of good cause,
11 the committee may extend the time for the response,
12 not to exceed ten additional calendar days. After the
13 expiration of the ten days, or the extension, the
14 committee shall then conduct such investigation as it
15 deems appropriate, including but not limited to,
16 requesting additional information from the complainant
17 and the accused person and reviewing the complaint and
18 relevant information.

19 The ethics committee may employ independent legal
20 counsel to assist it in carrying out its duties with
21 the approval of the house when the general assembly is
22 in session and with the approval of the speaker or the
23 majority leader of the house when the general assembly
24 is not in session.

25 During the committee's investigation, the accused
26 person may request in writing to the chairperson that
27 the ethics committee convene to receive testimony from
28 the accused person. If so requested by the accused
29 person, the ethics committee shall convene not less
30 than three nor more than ten days after the

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1 notification by the accused person that the accused
2 person wishes to testify. However, the accused person
3 may waive the deadlines for the convening of the
4 committee. When its investigation is complete, the
5 committee shall schedule a probable cause hearing.

6 At the probable cause hearing the accused person
7 may appear, present evidence, and cross-examine
8 witnesses. All testimony at the hearing shall be
9 under oath.

10 c. Formal hearing. If probable cause is found at
11 the probable cause hearing, the complaint shall be set
12 for hearing on notice to the accused person. The
13 notice shall be in writing and delivered either by
14 personal service as in civil cases or by certified
15 mail, return receipt requested.

16 The notice shall include a statement of the nature
17 of the charge, a statement of the time and place of
18 hearing, a short and plain statement of the facts
19 asserted, and a statement of the rights of the accused
20 person to be present and to be heard in person and by
21 counsel, to cross-examine witnesses, and to present
22 evidence.

23 Evidence at the hearing shall be received in
24 accordance with procedures in ordinary civil cases.
25 The Iowa rules of evidence apply. Independent counsel
26 designated by the committee shall present the evidence
27 in support of the complaint. The burden shall be on
28 the complainant to prove the charge by a preponderance
29 of clear and convincing evidence. Upon completion of
30 the hearing, the committee shall adopt written

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1 findings of fact and conclusions concerning the merits
2 of the complaint and make its report and
3 recommendation to the house.

4 The committee shall recommend to the house that the
5 complaint be dismissed, or that one or more of the
6 following be imposed:

7 (1) That the member or employee of the house or
8 lobbyist be censured or reprimanded, and the
9 recommended appropriate form of censure or reprimand
10 be used.

11 (2) That the member of the house be suspended or
12 expelled from membership in the house and required to
13 forfeit the member's salary for that period, the
14 employee of the house be suspended or dismissed from
15 employment, or that the lobbyist's lobbying privileges
16 be suspended.

17 10. PERMANENT RECORD. The chief clerk of the
18 house shall maintain a permanent record of all
19 complaints filed. The permanent record shall be
20 prepared by the ethics committee and shall contain the
21 date the complaint was filed, name and address of the
22 complainant, name and address of the accused person, a
23 brief statement of the charges made, and ultimate
24 disposition of the complaint. The chief clerk shall
25 keep each complaint confidential until public
26 disclosure is made by the ethics committee.

27 11. MEETING AUTHORIZATION. The house ethics
28 committee is authorized to meet one time at the
29 discretion of the committee chairperson during the
30 time the general assembly is not in session in order

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1 to conduct hearings and other business that properly
2 may come before it. Additional meetings of the
3 committee during the time the general assembly is not
4 in session shall require the authorization of the
5 speaker or the majority leader of the house. However,
6 authorization may be given at any time for as many
7 meetings as the speaker or the majority leader deems
8 necessary. If the committee submits a report seeking
9 house action against a member or employee of the house
10 or lobbyist after the second regular session of a
11 general assembly has adjourned sine die, the report
12 shall be submitted to and considered by the subsequent
13 general assembly.

14 12. ADVISORY OPINIONS. Advisory opinions may be
15 rendered as set out in section 68B.10 of the Code upon
16 request of a member of the general assembly.

Tyrrell of Iowa offered the following amendment H—3063 filed
by him and moved its adoption:

H—3063

1 Amend House Resolution 9 as follows:

2 1. Page 3, by inserting after line 1, the
3 following: "A member of the house shall not act as a
4 paid lobbyist for any organization."

Amendment H—3063 was adopted.

McKean of Jones offered the following amendment H—3064 filed by him and Tyrrell of Iowa:

H—3064

- 1 Amend House Resolution 9 as follows:
- 2 1. Page 3, by inserting after line 17, the
- 3 following:
- 4 “ . A member of the house shall not accept
- 5 campaign contributions during the legislative
- 6 session.”
- 7 2. By designating and redesignating as necessary.

Metcalf of Polk offered the following amendment H—3084, to amendment H—3064, filed by her and moved its adoption:

H—3084

- 1 Amend the amendment, H—3064, to House Resolution 9
- 2 as follows:
- 3 1. Page 1, line 4, by inserting before the word
- 4 “accept” the following: “solicit or”.

Amendment H—3084 lost.

McKean of Jones moved the adoption of amendment H—3064.

Roll call was requested by McKean of Jones and Connors of Polk.

On the question “Shall amendment H—3064 be adopted?”
(H.R. 9)

The ayes were, 29:

Banks	Beaman	Bennett	Branstad
Corbett	Daggett	De Groot	Eddie
Garman	Gipp	Hahn	Hanson, D. R.
Hatch	Hurley	Iverson	Johnson
Kistler	Maulsby	McKean	McNeal
Metcalf	Miller	Petersen, D. F.	Plasier
Renken	Shoning	Spear	Tyrrell
Van Maanen			

The nays were, 69:

Adams	Baker	Bartz	Beatty
Bernau	Bisignano	Black	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Gill	Groninga	Grubbs	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Harbor	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	Kremer

Lageschulte	Lundby	McKinney	Mertz
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Rafferty	Renaud
Royer	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spenner	Svoboda
Teaford	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 2:

Blanshan Krebsbach

Amendment H—3064 lost.

Tyrrell of Iowa offered the following amendment H—3062 filed by him and McKean of Jones and moved its adoption:

H—3062

- 1 Amend House Resolution 9 as follows:
- 2 1. Page 3, by inserting after line 22, the
- 3 following:
- 4 " . A member or employee of the house shall not
- 5 be employed as a lobbyist for a period of one year
- 6 after the member or employee leaves office or
- 7 employment in the house."
- 8 2. By renumbering as necessary.

Roll call was requested by Van Maanen of Mahaska and Garman of Story.

On the question "Shall amendment H—3062 be adopted?"
(H.R. 9)

The ayes were, 41:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Hanson, D. E.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Tyrrell	Van Maanen
Weidman			

The nays were, 57:

Adams	Baker	Bartz	Beatty
Bernau	Bisignano	Black	Brammer
Brand	Brown	Burke	Chapman

Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Spenner
Svoboda	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 2:

Blanshan Krebsbach

Amendment H—3062 lost.

McKean of Jones asked and received unanimous consent to withdraw amendment H—3065 filed by him on February 14, 1991.

On motion by Peterson of Carroll, the resolution, as amended, was adopted. (H.R. 9)

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 25, 1991. Had I been present, I would have voted "aye" on House Files 109, 233 and 254.

WISSING of Scott

PRESENTATION OF VISITORS

Bennett of Ida presented to the House foreign exchange students Kyoko Yamano, from Japan, and Ria Kreutzmann, from Greenland, both attending Ida Grove High School and accompanied by Jill Paulsrud from Maple Valley High School.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 203

Ways and Means: Murphy, Chair; Haverland and Iverson.

House Study Bill 204

Ways and Means: Dickinson, Chair; Metcalf and Svoboda.

House Study Bill 205

Human Resources: Carpenter, Chair; Haverland and Osterberg.

House Study Bill 207

Natural Resources and Outdoor Recreation: Gruhn, Chair; Peterson of Carroll and Weidman.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 211 State Government**

To permit the sale of disposable containers for the consumption of beer or wine by wholesalers to retailers for one-time use by retail customers on the premises of licensed establishments.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House Study Bill 56), establishing the Iowa uniform premarital agreement Act.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1991.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 191), relating to the requirements for acquisition plats of land divided solely for right-of-way purposes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 288, a bill for an act relating to boating registration requirements for boat manufacturers or dealers and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1991.

House File 290, a bill for an act relating to the operation of all-terrain vehicles and snowmobiles during the hours of darkness.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 25, 1991.

AMENDMENTS FILED

H—3088	S.F.	209	Bartz of Worth
H—3089	H.F.	333	Hurley of Fayette
H—3090	H.F.	323	Brammer of Linn
H—3091	H.F.	357	Brammer of Linn
			Millage of Scott
H—3092	H.F.	295	Bisignano of Polk

On motion by McKinney of Dallas, the House adjourned at 2:55 p.m., until 9:00 a.m., Wednesday, February 27, 1991.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day — Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 27, 1991

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

Prayer was offered by the Honorable Gregory Spenner, state representative from Henry County.

The Journal of Tuesday, February 26, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Shoning of Woodbury, from seventy-three constituents of the third district opposing the establishment of health insurance programs that are to be administered by the IPERS staff.

INTRODUCTION OF BILLS

House File 359, by Beatty, a bill for an act relating to special medical discounts for electricity and gas utility customers.

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

House File 360, by Peterson of Carroll, a bill for an act appropriating funds for the establishment of a national Danish museum.

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

House File 361, by Grubbs, a bill for an act relating to providing limited benefit health coverage policies, plans, or contracts, for the purpose of assuring access to medical treatment for basic health needs.

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

House File 362, by McNeal and Iverson, a bill for an act eliminating per diem compensation to members of the general assembly during the legislative interim.

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

House File 363, by Rafferty, Grubbs, Gipp, McNeal, Spenner, Lageschulte, Millage, Krebsbach, Corbett, Siegrist and Lundby, a bill

for an act relating to the required school attendance of certain persons as a condition of participation in the aid to dependent children program.

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

House File 364, by Baker, a bill for an act relating to access to files by former and current employees of an employer.

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

House File 365, by Van Maanen, a bill for an act relating to the administration of state government by requiring the development of proposals to reduce the number of full-time equivalent employees devoted to employee supervision and management in state government and providing an effective date.

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

House File 366, by Cohoon, a bill for an act relating to requirements for notice to an underground facility operator by a person planning certain excavation activities near the underground facility, establishing procedures, and providing for civil liability and injunctive relief.

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

House File 367, by Dvorsky, a bill for an act relating to demolition insurance reserves required for property within the corporate limits of a city.

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

House File 368, by Tyrrell, Bartz, Johnson, Metcalf, Siegrist, Eddie, Hurley, Hester, Millage, Grubbs, Beaman and Hahn, a bill for an act relating to a voluntary shared work program for unemployment compensation benefits to be administered by the department of employment services and providing an effective date.

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

House File 369, by Brown, Jay and Pavich, a bill for an act relating to the disposal of baled solid waste at a sanitary landfill.

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

House File 370, by Grubbs, a bill for an act relating to campaign finance and providing penalties.

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

SENATE MESSAGES CONSIDERED

Senate File 23, by Szymoniak, a bill for an act relating to the teaching of American sign language in accredited schools.

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

Senate File 172, by committee on state government, a bill for an act establishing a state fair challenge grant foundation.

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

Senate File 174, by committee on agriculture, a bill for an act classifying the transfer of a nonpayable financial instrument to a livestock dealer or market agency as a fraudulent practice and making penalties applicable.

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

Senate File 176, by committee on ways and means, a bill for an act relating to providing an income tax exemption for payments received by persons providing in-home health-related care services to related individuals, and providing a retroactive applicability date.

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

Senate File 188, by committee on state government, a bill for an act relating to therapeutically certified optometrists.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 46, a bill for an act relating to aboveground petroleum tanks and providing an effective date.

Also: That the Senate has on February 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 74, a bill for an act relating to the funds which may be set aside for debt retirement, capital improvements, and certain other purposes by pari-mutuel non-profit corporation licensees.

Also: That the Senate has on February 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 102, a bill for an act eliminating the requirement that the clerk of the district court file an annual report with the treasurer of state on certain fines, penalties, forfeitures, and recognizances.

Also: That the Senate has on February 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 180, a bill for an act to delete the requirement for personal identifying information in the collection of domestic abuse reports.

Also: That the Senate has on February 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 181, a bill for an act relating to the reorganization of the department of natural resources, by creating two separate departments, by assigning powers and duties to the two departments, by making necessary amendments to the Code, and providing effective dates.

Also: That the Senate has on February 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 182, a bill for an act relating to administrative rulemaking.

JOHN F. DWYER, Secretary

RESOLUTION ADOPTED BY LEGISLATIVE COUNCIL

The following resolution was adopted by the Legislative Council on February 26, 1991:

1 LEGISLATIVE COUNCIL RESOLUTION

2 A Resolution relating to the compensation
3 of employees of the central legislative staff agencies
4 for the Seventy-fourth General Assembly.

5 *Whereas*, past Senate Concurrent Resolutions of the
6 General Assembly have provided that it is the intent
7 of the General Assembly that the Legislative Council
8 adopt a resolution to provide for the compensation and
9 benefits of all central legislative staff agency
10 employees, and that the resolution be adopted as soon
11 as practicable after the convening of each new General
12 Assembly, *Now Therefore*,

13 *Be It Resolved By The Legislative Council*, That the
14 compensation of the central legislative staff agency
15 employees of the Seventy-fourth General Assembly shall
16 be set, effective from January 14, 1991, until January
17 11, 1993, in accordance with the following salary
18 schedule:

19	#8	#9	#10	#11	#12
20	\$10,753.60	\$11,273.60	\$11,856.00	\$12,459.20	\$13,083.20
21	5.17	5.42	5.70	5.99	6.29
22					
23	#13	#14	#15	#16	#17
24	\$13,728.00	\$14,456.00	\$15,204.80	\$15,953.60	\$16,702.40
25	6.60	6.95	7.31	7.67	8.03
26					
27	#18	#19	#20	#21	#22
28	\$17,513.60	\$18,324.80	\$19,260.80	\$20,134.40	\$21,132.80
29	8.42	8.81	9.26	9.68	10.16
30					

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1	#23	#24	#25	#26	#27
2	\$22,152.00	\$23,171.20	\$24,315.20	\$25,459.20	\$26,686.40
3	10.65	11.14	11.69	12.24	12.83
4					
5	#28	#29	#30	#31	#32
6	\$27,976.00	\$29,328.00	\$30,721.60	\$32,240.00	\$33,716.80
7	13.45	14.10	14.77	15.50	16.21
8					
9	#33	#34	#35	#36	#37
10	\$35,401.60	\$37,065.60	\$38,833.60	\$40,705.60	\$42,681.60
11	17.02	17.82	18.67	19.57	20.52
12					
13	#38	#39	#40	#41	#42
14	\$44,720.00	\$46,883.20	\$49,150.40	\$51,500.80	\$53,976.00
15	21.50	22.54	23.63	24.76	25.95
16					
17	#43	#44	#45	#46	#47
18	\$56,534.40	\$59,280.00	\$62,129.60	\$65,083.20	\$68,203.20
19	27.18	28.50	29.87	31.29	32.79

20 In this schedule, each numbered block shall be the
 21 yearly and hourly compensation for the pay grade of
 22 the number heading the block. Within each grade there
 23 shall be six steps numbered "1" through "6". In the
 24 above schedule the steps for all grades are determined
 25 in the following manner. Each numbered block is
 26 counted as the "1" step for that grade. The next
 27 higher block is counted as the "2" step; the next
 28 higher block is the "3" step; the next higher block is
 29 the "4" step; the next higher block is the "5" step;
 30 and the next higher block is the "6" step.

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1 All employees shall be available to work daily
 2 until completion of the needed work of the central
 3 legislative staff agencies. The directors of the
 4 central legislative staff agencies shall schedule all
 5 employees' working hours to, as far as possible,
 6 maintain regular working hours.
 7 All employees, other than those designated "part-
 8 time" and those on leave without pay, shall generally
 9 be compensated for 40 hours of work in a one-week pay
 10 period. Except for the personnel designated to the
 11 contrary in this resolution, employees who are
 12 required to work in excess of 40 hours in a one-week
 13 pay period shall either be compensated at a rate of
 14 pay equal to one and one-half times the hourly pay
 15 provided in this resolution or be allowed compensatory
 16 time off at a rate of one and one-half hours for each
 17 hour of overtime as provided in the personnel
 18 guidelines for central legislative staff agencies

- 19 adopted by the Legislative Council.
20 *Be It Further Resolved*, That, notwithstanding the
21 above salary schedule, the compensation for the
22 following agency directors for the period commencing
23 January 14, 1991, and ending January 11, 1993, shall
24 be within the following ranges:
25 Computer Support Bureau Director\$42,681.60 to \$58,056.44
26 Legislative Fiscal Bureau Director\$49,150.40 to \$67,860.00
27 Legislative Service Bureau Director.....\$49,150.40 to \$67,860.00
28 Citizens' Aide/Ombudsman\$40,705.60 to \$57,212.22
29 Within the indicated ranges, the exact compensation
30 shall be set or adjusted by the Service Committee and

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- 1 the Legislative Council.
2 The following personnel shall not be paid an
3 overtime premium:
4 CITIZENS' AIDE/OMBUDSMAN
5 Citizens' Aide/Ombudsman
6 Deputy Citizens' Aide/Ombudsman
7 Legal Counsel
8 All Assistants
9 COMPUTER SUPPORT BUREAU
10 Director
11 Software Analyst
12 Mapper Coordinator
13 Microcomputer Manager
14 All Microcomputer Support Analysts
15 Run Designer
16 LEGISLATIVE FISCAL BUREAU
17 Director
18 Deputy Director
19 All Principal Legislative Analysts
20 All Legislative Analysts
21 All Run Designers
22 All Software Analysts
23 LEGISLATIVE SERVICE BUREAU
24 Director
25 Deputy Director
26 Iowa Code Editor
27 Deputy Iowa Code Editor
28 Administrative Code Editor
29 Legal Services Administrator
30 Committee Services Administrator

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- 1 Legislative Information Office Director
2 Senior Finance Officer
3 All Legal Counsels
4 All Research Analysts
5 *Be It Further Resolved*, That session-only and part-

6 time employees shall be compensated at the scheduled
7 hourly rate for their pay grade and step.

8 *Be It Further Resolved*, That compensatory time off
9 shall be granted to employees not eligible for the
10 overtime premium in a uniform manner for all
11 legislative employees as determined by the Legislative
12 Council.

13 *Be It Further Resolved*, That in the event the
14 salary schedule for employees of the State of Iowa as
15 promulgated by the Personnel Commission pursuant to
16 section 19A.9, subsection 2, Code 1991, is revised
17 upward at any time during the Seventy-fourth General
18 Assembly, such revised schedule shall simultaneously
19 be adopted for the compensation of the central
20 legislative staff agency employees of the Seventy-
21 fourth General Assembly assigned a grade by this
22 resolution. The pay ranges of those positions
23 specifically listed on page three of this resolution
24 shall be automatically adjusted to reflect any cost of
25 living increases granted to those employees not
26 included in the collective bargaining agreements made
27 final under Iowa Code chapter 20 or to reflect any
28 increases provided by the Legislative Council.

29 *Be It Further Resolved*, That changes in pay grades
30 authorized for positions listed in this resolution and

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1 authorizations for new central legislative staff
2 agency positions may be made through an annual interim
3 review of all legislative employees. Such review
4 shall be conducted by a legislative committee made up
5 of members of the Service Committee of the Legislative
6 Council and the appropriate salary subcommittees of
7 the Senate and House. Only one such review may be
8 conducted in any fiscal year and changes or
9 authorizations proposed by such a review for central
10 legislative staff agency positions must be approved by
11 the Service Committee and Legislative Council.

12 *Be It Further Resolved*, That the central
13 legislative staff agency employees of the Seventy-
14 fourth General Assembly be placed in the following pay
15 grades:

16 CITIZENS' AIDE/OMBUDSMAN OFFICE

17 Position Classification	18 Pay Grade
19 Deputy Citizens' Aide/Ombudsman	35
20 Assistant III	33
21 Legal Counsel	31
22 Assistant II	30
23 Assistant I	27
24 Executive Secretary	23
Administrative Secretary	21

25	Citizens' Aide/Ombudsman Secretary	19
26	COMPUTER SUPPORT BUREAU	
27	<u>Position Classification</u>	<u>Pay Grade</u>
28	Software Analyst II	36
29	Mapper Coordinator II	35
30	Software Analyst I	34

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1	Microcomputer Manager I	33
2	Mapper Coordinator I	32
3	Run Designer III	30
4	Microcomputer Support Analyst II	30
5	Run Designer II	27
6	Microcomputer Support Analyst I	27
7	Computer Operator II	24
8	Run Designer I	24
9	Executive Secretary	23
10	Administrative Secretary	21
11	Computer Operator I	21
12	Computer Operator (Session Only)	21
13	LEGISLATIVE FISCAL BUREAU	
14	<u>Position Classification</u>	<u>Pay Grade</u>
15	Deputy Director	39
16	Principal Legislative Analyst	36
17	Senior Legislative Analyst	35
18	Software Analyst I	34
19	Legislative Analyst III	33
20	Legislative Analyst II	30
21	Run Designer III	30
22	Legislative Analyst I	27
23	Run Designer II	27
24	Run Designer I	24
25	Executive Secretary	23
26	Administrative Secretary	21
27	Page	Minimum Wage
28	LEGISLATIVE SERVICE BUREAU	
29	<u>Position Classification</u>	<u>Pay Grade</u>
30	Deputy Director	39

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1	Iowa Code Editor	38
2	Administrative Code Editor	38
3	Legal Services Administrator	37
4	Committee Services Administrator	36
5	Senior Legal Counsel	36
6	Senior Research Analyst	35
7	Deputy Iowa Code Editor	33
8	Legal Counsel II	33
9	Research Analyst III	33
10	Senior Finance Officer	31
11	Legal Counsel I	30

12	Research Analyst II	30
13	Legislative Information Office Director	30
14	Legislative Text Processor Supervisor	28
15	Assistant Editor II	27
16	Research Analyst I	27
17	Senior Legislative Librarian	27
18	Finance Officer II	27
19	Confidential Secretary	26
20	Senior Legislative Text Processor	25
21	Finance Officer I	24
22	Assistant Editor I	24
23	Legislative Librarian	24
24	Chief Indexer	24
25	Executive Administrator	23
26	Executive Secretary	23
27	Legislative Information Officer	22
28	Legislative Text Processor II	22
29	Assistant Librarian	22
30	Indexer	21

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1	Publication Coordinator	21
2	Administrative Secretary	21
3	Assistant Finance Officer	21
4	Administrative Assistant	20
5	Legislative Text Processor I	19
6	Assistant Indexer	18
7	Legislative Proofreader Coordinator	18
8	Senior Bill Clerk	18
9	Session Legislative Information Assistant	18
10	Proofreader-Indexer	17
11	Legislative Proofreader	16
12	Code Proofreader	15
13	Capitol Tour Guide Coordinator	14
14	Bill Clerk	13
15	Capitol Tour Guide	12
16	Page	Minimum Wage
17	<i>Be It Further Resolved</i> , That there shall be four	
18	classes of appointments as employees of the central	
19	legislative staff agencies:	
20	A "permanent full-time" or "permanent part-time"	
21	employee is one who is employed year round and	
22	eligible to receive state benefits.	
23	An "exempt full-time" employee is one who is	
24	employed for the period of the session with extensions	
25	post-session and pre-session as scheduled. This class	
26	is eligible to receive state benefits as provided in	
27	section 2.40.	
28	A "session-only" employee is one who is employed	
29	for only a portion of the year, usually the	
30	legislative session. This class is not eligible for	

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1 state benefits, except IPERS.

2 A temporary "part-time" employee is one who is
3 employed to work less than 40 hours per week and is
4 not employed year round. This class is not eligible
5 for state benefits, except IPERS if eligible.

6 *Be It Further Resolved*, That the exact
7 classification for individuals in a job series created
8 by this resolution shall be set or changed by the
9 agency directors subject to the review of the Service
10 Committee and Legislative Council. The agency
11 directors shall base the classification upon all of
12 the following factors:

13 1. The extent of formal education required of the
14 position.

15 2. The extent of the responsibilities to be
16 assigned to the position.

17 3. The amount of supervision placed over the
18 position.

19 4. The number of persons the position is assigned
20 to supervise and skill and responsibilities of those
21 positions supervised.

22 The agency directors shall report the exact
23 classifications assigned to each individual to the
24 Service Committee of the Legislative Council.

25 Recommendations for a pay grade for a new position
26 shall be developed in accordance with the factor
27 scores in the comparable worth report. Every four
28 years the Senate Rules and Administration Committee,
29 the House Administration Committee, and the
30 Legislative Council shall review all positions in the

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1 legislative branch to assure conformity to comparable
2 worth.

3 *Be It Further Resolved*, That employees of the
4 central legislative staff agencies of the General
5 Assembly may be eligible for promotion within a job
6 series and increases within a pay grade as provided in
7 the personnel guidelines for central legislative staff
8 agencies adopted by the Legislative Council.

9 *Be It Further Resolved*, That the entrance salary
10 for central legislative staff employees of the General
11 Assembly shall be at step 1 in the grade of the
12 position held. Such employee may be hired above the
13 entrance step if possessing outstanding and unusual
14 experience for the position, provided that the
15 entrance is not beyond step 3. Such employee who is
16 hired above the entrance step shall be mobile above
17 that step in the same period of time as other
18 employees in that same step. An employee who is moved

19 to another position may be considered for partial or
20 full credit for their experience in the former
21 position in determining the step in the new grade.
22 The entry level for the position of Analyst shall
23 be Legislative Analyst I, or Research Analyst I,
24 unless extraordinary conditions justify increasing
25 that entry level; however, that entry level shall not
26 be increased beyond Legislative Analyst II or Research
27 Analyst II. An Analyst must have shown knowledge of
28 legislative rules and procedures as well as the Code
29 of Iowa to be considered at any level above a
30 Legislative Analyst I or Research Analyst I. The

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1 entry level for the position of Legal Counsel shall be
2 Legal Counsel I unless extraordinary conditions
3 justify increasing that entry level; however, that
4 entry level shall not be increased beyond Legal
5 Counsel II. A Legal Counsel shall be a person who has
6 graduated from an accredited school of law. A Legal
7 Counsel must have shown knowledge of legislative rules
8 and procedures as well as the Code of Iowa to be
9 considered at any level above a Legal Counsel I.

10 *Be It Further Resolved*, That a pay increase for
11 exceptionally meritorious service may be made in
12 accordance with the personnel guidelines for central
13 legislative staff agencies adopted by the Legislative
14 Council.

15 *Be It Further Resolved*, That each agency director
16 shall receive applications for employment, arrange for
17 any necessary examinations and contacting of
18 references, and make hirings. The agency director
19 shall report the names of those hired for the filling
20 of any vacancies.

21 On the legislative day following the adoption of
22 this resolution, the director of each central
23 legislative staff agency shall submit to the Service
24 Committee of the Legislative Council and the
25 Legislative Council the list of names, titles,
26 classifications, and pay grade and step for each
27 employee. The Legislative Council shall publish the
28 lists in the journals of both houses.

29 *Be It Further Resolved*, That permanent central
30 legislative staff employees of the General Assembly

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1 shall receive those vacation allowances, sick leave,
2 health and accident insurance, life insurance, and
3 disability income insurance as are provided for full-
4 time, permanent state employees, and as provided in
5 the personnel guidelines for central legislative staff

- 6 agencies adopted by the Legislative Council. The
 7 computations shall be maintained by each central
 8 legislative staff agency and coordinated with the
 9 department of revenue and finance.
 10 *Be It Further Resolved*, That should any central
 11 legislative staff employee have a grievance concerning
 12 their compensation, hours of work, performance of
 13 work, or other matter, the grievance shall be resolved
 14 as provided by procedures determined by the
 15 Legislative Council pursuant to section 2.42,
 16 subsection 14, Code 1991 and the personnel guidelines
 17 for central legislative staff agencies adopted by the
 18 Legislative Council.

REPORT FROM THE LEGISLATIVE COUNCIL

MR. SPEAKER: Pursuant to the Pay Resolution adopted by the Legislative Council on February 26, 1991, the Iowa Legislative Council submits the following names of employees of the central legislative staff agencies, and their respective classifications, grades, and steps:

<u>POSITION</u>	<u>NAME</u>	<u>CLASS</u>	<u>GRADE</u>	<u>STEP</u>
<u>CITIZENS' AIDE/OMBUDSMAN</u>				
Citizens' Aide	William P. Angrick II	P-FT	\$57,212.22 Annual	
Deputy	Ruth L. Mosher	P-FT	35	6
Legal Counsel	Ruth H. Cooperrider	P-FT	31	2
Assistant III	Randy A. Meline	P-FT	33	4
Assistant II	Michael J. Ferjak	P-FT	30	3
Assistant I	Tina M. Eick	P-FT	27	2
Assistant I	Connie L. Bencke	P-FT	27	2
Assistant I	Wendy L. Sheetz	P-FT	27	1
Assistant I	Judi A. Stageberg	P-FT	27	1
Executive				
Secretary	Judy Green	P-FT	23	6
Administrative				
Secretary	Pat Nett	P-FT	21	6
CAO Secretary	Maureen Kennedy	P-FT	19	3

LEGISLATIVE COMPUTER SUPPORT BUREAU

Director	Sanford Scharf	P-FT	\$58,056.44 Annual	
Microcomputer				
Manager I	Ed Damman	P-FT	33	1
Microcomputer				
Support Analyst	Bryan Boyd	P-FT	27	1
Microcomputer				
Support Analyst	Roel Campos	P-FT	27	1

<u>POSITION</u>	<u>NAME</u>	<u>CLASS</u>	<u>GRADE</u>	<u>STEP</u>
Mapper				
Coordinator II	Kay Evans	P-FT	35	3
Run Designer II	Cheryl Porath	P-FT	27	3
Software Analyst I	Roger Murtfeld	P-FT	34	2
Admin. Secretary	Sherry Frederick	P-FT	21	4
Computer Operator I	Steven Nelson	P-FT	21	1
Computer Operator Session-Only	Pat Shepherd	S-O	21	1

LEGISLATIVE FISCAL BUREAU

Director	Dennis Prouty	P-FT	\$67,860.00 Annual	
Deputy Director	Tim Faller	P-FT	39	6
Legislative Analyst I	Jon Studer	P-FT	27	2
Legislative Analyst I	David Reynolds	P-FT	27	2
Legislative Analyst I	Pam Shipman	P-FT	27	2
Legislative Analyst I	Mary Shipman	P-FT	27	2
Legislative Analyst I	Leroy McGarity	P-FT	27	2
Legislative Analyst I	Larry Sigel	P-FT	27	2
Legislative Analyst II	Paul Durand	P-FT	30	3
Legislative Analyst II	John Hawley	P-FT	30	3
Legislative Analyst II	Beth Lenstra	P-FT	30	3
Legislative Analyst II	Carter Hawley	P-FT	30	3
Legislative Analyst II	Alice Wisner	P-FT	30	3
Legislative Analyst II	Jeff Robinson	P-FT	30	3
Legislative Analyst III	Robert Snyder	P-FT	33	3
Legislative Analyst III	Susan Lerdal	P-FT	33	3
Senior Legislative Analyst	Jon Neiderbach	P-FT	35	3
Principal Legislative Analyst	Doug Wulf	P-FT	36	6
Principal Legislative Analyst	Holly Lyons	P-FT	36	5
Principal Legislative Analyst	Dwayne Ferguson	P-FT	36	4

<u>POSITION</u>	<u>NAME</u>	<u>CLASS</u>	<u>GRADE</u>	<u>STEP</u>
Principal				
Legislative Analyst	Glen Dickinson	P-FT	36	5
Run Designer II	Cynthia Dufty	P-FT	27	3
Software Analyst I	Raymond Knapp	P-FT	34	4
Adm. Secretary	Nicole Navara	P-FT	21	1
Exec. Secretary	Lynn Sevedge	P-FT	23	5
Exec. Secretary	Charlotte Mosher	P-FT	23	2
Page	Katharine Foubert	S-O	Minimum Wage	

LEGISLATIVE SERVICE BUREAU

Director	Diane Bolender	P-FT	\$67,860.00 Annual	
Deputy Director	Richard Johnson	P-FT	39	4
Iowa Code Editor	JoAnn Brown	P-FT	38	6
Admin. Code Editor	Phyllis Barry	P-FT	38	3
Committee Services Administrator	John Pollak	P-FT	36	1
Deputy Iowa Code Editor	Janet Wilson	P-FT	33	6
Senior Legal Counsel	Michael Goedert	P-FT	36	5
Senior Legal Counsel	Gary Kaufman	P-FT	36	4
Senior Research Analyst	Thane Johnson	P-FT	35	6
Legal Counsel II	Douglas Adkisson	P-FT	33	4
Legal Counsel II	Mark Johnson	P-FT	33	3
Legal Counsel II	Leslie Workman	P-FT	33	4
Legal Counsel I	Aida Audeh	P-FT	30	3
Legal Counsel I	Mary Carr	P-FT	30	2
Legal Counsel I	Julie Smith			
	Craggs	P-FT	30	2
Legal Counsel I	Susan Crowley	P-FT	30	1
Legal Counsel I	Michael Kuehn	P-FT	30	1
Research Analyst II	Patricia Funaro	P-FT	30	4
Research Analyst I	Andrew Karl	P-FT	27	2
Research Analyst I	Gary Rudicil	P-FT	27	3
Research Analyst I	Kathleen Hanlon	P-FT	27	1
Legis. Information Office Director	Julie Livers	P-FT	30	2
Legislative Librarian	Jonetta Douglas	P-FT	24	2
Asst. Librarian	Ruth McGhee	P-PT	22	1
Legis. Information Officer	Lucinda Parker	P-FT	22	2
Legis. Information Officer	Gary Thompson	P-FT	22	2

<u>POSITION</u>	<u>NAME</u>	<u>CLASS</u>	<u>GRADE</u>	<u>STEP</u>
Capitol Tour Guide Coordinator	Henrietta Macaulay	P-PT	14	X
Capitol Tour Guide	Joan Arnett	P-PT	12	6
Capitol Tour Guide	Kathryn Farrell	P-PT	12	6
Capitol Tour Guide	Karen Nichols	P-PT	12	6
Capitol Tour Guide	Susan Wallace	P-PT	12	1
Capitol Tour Guide	Scott Robinson	P-PT	12	1
Assistant Editor II	Loanne Dodge	P-FT	27	5
Assistant Editor II	Donna Waters	P-FT	27	6
Assistant Editor I	Kathleen Bates	P-FT	24	4
Assistant Editor I	Joyann Benoit	P-FT	24	5
Assistant Editor I	Peter Dubec	P-FT	24	4
Publication Coordinator	Rosemary Drake	P-FT	21	3
Publication Coordinator	Bonnie King	P-FT	21	6
Iowa Code Indexer Admin. Code	Richard Schulze	P-FT	24	6
Indexer	Pamela Worden	P-FT	24	6
Indexer	Sarah Cartwright	P-FT	21	4
Indexer	Doris Stoner	P-FT	21	4
Assistant Indexer	Patricia Fettes	P-FT	18	6
Assistant Indexer	Mary Ann Scott	P-FT	18	3
Admin. Assistant	Alice Gossett	P-FT	20	3
Senior Finance Officer	Marge Knudsen	P-FT	31	4
Confidential Secretary	Donna Greenwood	P-FT	26	6
Executive Admin.	Kathaleen Miklus	P-FT	23	5
Assistant Finance Officer	K'Ann Brandt	P-FT	21	2
Legislative Text Processor Super.	Jean Wyer	P-FT	28	5
Senior Legislative Text Processor	Sarah Craig	P-FT	25	5
Senior Legislative Text Processor	Chris Fisher	P-FT	25	5
Legislative Text Processor II	Jody Jorgensen	P-FT	22	1
Legislative Text Processor II	Susan Weddell	P-FT	22	2
Legislative Text Processor I	Marva Cross	P-FT	19	3
Senior Bill Clerk	Bridget McNerney	P-FT	18	3
Bill Clerk	Julie Garrison	S-O	13	1
Bill Clerk	Nicole Graziano	S-O	13	1
Proofreader Coordinator	Andrea Meier	P-FT	18	4
Proofreader	Catherine Young	P-FT	16	3

<u>POSITION</u>	<u>NAME</u>	<u>CLASS</u>	<u>GRADE</u>	<u>STEP</u>
Proofreader	Diane Young	P-FT	16	4
Proofreader	Neal Baedke	P-FT	16	1
Proofreader	Sue Feters	S-O	16	1
Code Proofreader	Betty Snuggs	P-FT	15	6
Code Proofreader	Donna Munzenmaier	P-FT	15	3
Page	Chad Nowels	S-O	Minimum Wage	
Page	Linda Burbridge	S-O	Minimum Wage	

On motion by McKinney of Dallas, the House was recessed at 9:12 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS.

House File 371, by committee on education, a bill for an act relating to the formula used to calculate part-time student financial aid awards under the tuition grant program.

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

House File 372, by committee on agriculture, a bill for an act amending the pesticide Act of Iowa, by providing for the establishment and assessment of civil penalties.

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

The House stood at ease at 4:25 p.m., until the fall of the gavel.

The House resumed session at 7:15 p.m., Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Renken of Grundy, Spenner of Henry, Miller of Cherokee, Eddie of Buena Vista, Diemer of Black Hawk, Lageschulte of Bremer, Daggett of Adams, Beaman of Clarke, De Groot of Lyon, Hester of Pottawattamie, Harbor of Mills, Weidman of Cass and Royer of Page, all until their return, on request of Van Maanen of Mahaska.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

RULES SUSPENDED

McKinney of Dallas moved that the rules be suspended for the immediate consideration of Senate File 209.

A non-record roll call was requested.

The ayes were 53, nays 27.

The motion prevailed and the rules were suspended.

RULE 31.8 SUSPENDED

McKinney of Dallas asked for unanimous consent that Rule 31.8, relating to the timely filing of amendments, be suspended on Senate File 209.

Objection was raised.

McKinney of Dallas moved to suspend Rule 31.8, relating to the timely filing of amendments, on Senate File 209.

A non-record roll call was requested.

The ayes were 53, nays 28.

The motion prevailed and Rule 31.8 was suspended.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tyrrell of Iowa, for the remainder of the evening, on request of Kremer of Buchanan.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 209, a bill for an act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, and increasing the court civil penalty surcharge, and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Peterson of Carroll offered the following amendment H—3085 filed by the committee on appropriations:

H—3085

1 Amend Senate File 209, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 13, the
4 following:

5 "Sec. _____. There is appropriated from the general
6 fund of the state to the department of human services
7 for the fiscal year beginning July 1, 1990, and ending
8 June 30, 1991, the following amount, or so much
9 thereof as is necessary, to be used for the purpose
10 designated:

11 To supplement funds appropriated in 1990 Iowa Acts,
12 chapter 1262, section 17, for emergency assistance to
13 families with dependent children under Title IV-A of
14 the federal Social Security Act to match federal
15 dollars for homeless prevention programs:

16\$ 500,000".

17 2. Page 7, line 25, by striking the figure
18 "183,283" and inserting the following: "133,000".

19 3. By striking page 7, line 35, through page 8,
20 line 13.

21 4. Page 9, by inserting after line 9 the
22 following:

23 "Sec. _____. Moneys remaining unencumbered or
24 unobligated from the funds appropriated to the Iowa
25 finance authority for the housing assistance program
26 for the fiscal year beginning July 1, 1989, in section
27 99E.32, subsection 3, paragraph "u", shall be used by
28 the Iowa finance authority for the housing assistance
29 program under the conditions and criteria set out in
30 1990 Iowa Acts, chapter 1262, section 3, as amended by
31 section 23 of this Act, except that \$500,000 of such
32 money shall be transferred to and deposited in the
33 general fund of the state on the effective date of
34 this Act.

35 Notwithstanding section 8.33, section 99E.32,
36 subsection 7, and 1990 Iowa Acts, chapter 1255,
37 section 37, subsection 2, moneys for the housing
38 assistance program remaining unencumbered or
39 unobligated on June 30, 1991, shall not revert or be
40 transferred to any fund but shall be available for
41 expenditure for purposes of the housing assistance
42 program for the fiscal year beginning July 1, 1991."

43 5. By striking page 9, line 33, through page 10,
44 line 11.

45 6. Page 10, by inserting before line 12 the
46 following:

47 "Sec. _____. Section 99F.4, subsection 2, Code 1991,

48 is amended by adding the following new unnumbered
49 paragraph:
50 NEW UNNUMBERED PARAGRAPH. All license fees,

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1 operating fees, admissions fees, and penalties
2 collected under this chapter after July 1, 1993, shall
3 be deposited into the excursion boat gambling
4 revolving fund created in the office of the treasurer
5 of state.
6 Sec. _____. 1991 Iowa Acts, House File 173, section
7 1241, is amended by striking the section and inserting
8 in lieu thereof the following:
9 SEC. 1241. Section 523A.20, Code 1991, is amended
10 to read as follows:

11 523A.20 INSURANCE DIVISION'S REGULATORY FUND.

12 The insurance division may authorize the creation
13 of a special revenue fund in the state treasury, to be
14 known as the insurance division regulatory fund.
15 Commencing July 1, 1990, and annually thereafter, the
16 commissioner shall allocate from the fees paid
17 pursuant to section 523A.2, one dollar for each
18 agreement reported on an establishment permit holder's
19 annual report for deposit to the regulatory fund. The
20 remainder of the fees collected pursuant to section
21 523A.2 shall be deposited into the insurance revolving
22 fund; provided, however, that general fund of the
23 state. However, if the balance of the regulatory fund
24 on that July 1 exceeds two hundred thousand dollars,
25 the allocation to the regulatory fund shall not be
26 made and the total sum of the fees paid pursuant to
27 section 523A.2 shall be deposited in the insurance
28 revolving general fund of the state. The moneys in
29 the regulatory fund shall be retained in the fund
30 together with any interest or earnings that are earned
31 on the balance. However, for the fiscal period
32 beginning July 1, 1991, and ending June 30, 1993, any
33 interest or earnings that are earned on the balance
34 during that period shall be deposited into the general
35 fund of the state. The moneys are appropriated and,
36 subject to authorization by the commissioner, may be
37 used to pay investigative expenses and the expenses of
38 receiverships established pursuant to section 523A.19.
39 An annual assessment shall not be imposed if the
40 current balance of the fund exceeds two hundred
41 thousand dollars.

42 Sec. _____. 1991 Iowa Acts, House File 173, section
43 1242, is amended by striking the section and inserting
44 in lieu thereof the following:

45 SEC. 1242. Section 523E.20, Code 1991, is amended
46 to read as follows:

47 523E.20 INSURANCE DIVISION'S REGULATORY FUND.

48 The insurance division may authorize the creation
49 of a special revenue fund in the state treasury, to be
50 known as the insurance division regulatory fund.

Page 3

1 Commencing July 1, 1990, and annually thereafter, the
2 commissioner shall allocate from the fees paid
3 pursuant to section 523E.2, one dollar for each
4 agreement reported on an establishment permit holder's
5 annual report for deposit to the regulatory fund. The
6 remainder of the fees collected pursuant to section
7 523E.2 shall be deposited into the insurance revolving
8 fund; provided, however, that general fund of the
9 state. However, if the balance of the regulatory fund
10 on that July 1 exceeds two hundred thousand dollars,
11 the allocation to the regulatory fund shall not be
12 made and the total sum of the fees paid pursuant to
13 section 523E.2 shall be deposited in the insurance
14 revolving general fund of the state. The moneys in
15 the regulatory fund shall be retained in the fund
16 together with any interest or earnings that are earned
17 on the balance. However, for the fiscal period
18 beginning July 1, 1991, and ending June 30, 1993, any
19 interest or earnings that are earned on the balance
20 during that period shall be deposited into the general
21 fund of the state. The moneys are appropriated and,
22 subject to authorization by the commissioner, may be
23 used to pay investigative expenses and the expenses of
24 receiverships established pursuant to section 523E.19.
25 An annual assessment shall not be imposed if the
26 current balance of the fund exceeds two hundred
27 thousand dollars."

28 7. Page 10, by striking lines 12 through 24.

29 8. Page 10, lines 30 and 31, by striking the
30 words "twenty sixteen and two-thirds" and inserting
31 the following: "twenty".

32 9. Page 10, line 32, by striking the word
33 "Ninety" and inserting the following: "Ninety Ninety-
34 two".

35 10. Page 11, line 2, by striking the word "ten"
36 and inserting the following: "ten eight".

37 11. Page 11, line 3, by striking the word "ten"
38 and inserting the following: "ten eight".

39 12. Page 11, by inserting after line 6 the
40 following:

41 "Sec. _____. Moneys deposited into the general fund
42 of the state during the fiscal period beginning July
43 1, 1991, and ending June 30, 1993, that would have
44 been deposited into other funds or accounts but for
45 the provisions of 1991 Iowa Acts, House File 173,

46 division XII, shall only be used for the purposes for
47 which the moneys were collected.

48 Sec. 100. Notwithstanding any provision relating
49 to or contained in section 28.112, the value-added
50 agricultural products and processes financial

Page 4

1 assistance fund; section 117.54, the Iowa real estate
2 education fund; section 246.310, the canteen operating
3 fund; section 246.706, the revolving farm fund;
4 section 455A.18, the Iowa resources enhancement and
5 protection fund; section 467A.71, the conservation
6 practices revolving loan fund; and section 467F.4, the
7 water protection fund; any interest earned on or
8 income from investments of moneys in such funds
9 received during the fiscal period beginning July 1,
10 1991, and ending June 30, 1993, shall not be deposited
11 into such funds but shall be deposited into the
12 general fund of the state.

13 Sec. _____. 1991 Iowa Acts, House File 173, sections
14 1202, 1205, 1213, 1220, 1221, 1232, 1233, 1234, 1235,
15 and 1250, are repealed.

16 Sec. _____. EFFECTIVE DATE. Section 100 of this Act
17 takes effect July 1, 1991."

18 13. Page 11, line 7, by striking the words and
19 figure "Sections 27 and" and inserting the following:
20 "Section".

21 14. Page 11, line 8, by striking the word "take"
22 and inserting the following: "takes".

23 15. Page 11, line 9, by striking the word "apply"
24 and inserting the following: "applies".

25 16. Title page, lines 11 and 12, by striking the
26 words "and extending ethanol fuel project, and
27 increasing" and inserting the following: "relating to
28 certain interest, investment income, and funds
29 received, and relating to".

30 17. By renumbering, relettering, or redesignating
31 and correcting internal references as necessary.

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

The House resumed session and consideration of the committee amendment H—3085, to Senate File 209, at 8:26 p.m., Speaker Arnould in the chair.

McKinney of Dallas asked and received unanimous consent that Senate File 209 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—3085 pending.)

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 1, duly adopted, the following is a list of officers and employees of the House and their recommended classification grades and steps:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Switchboard Operator	Elizabeth Running	13-1	S-O	02/26/91

The above appointment is for a temporary duration due to a temporary assignment.

SHEARER of Louisa, Chair

SUBCOMMITTEE ASSIGNMENTS

House File 9

Education: Ollie, Chair; Daggett and Wissing.

House File 263

Education: Neuhauser, Chair; Corbett and Nielsen.

House File 271

Energy and Environmental Protection: Dvorsky, Chair; Gipp and Shoultz.

House File 279

Education: Cohoon, Chair; Iverson and Shearer.

House File 293

Education: Daggett, Chair; Ollie and Wise.

House File 300

Education: Wise, Chair; Baker and Siegrist.

House File 314

Education: Cohoon, Chair; Iverson and Shearer.

House File 315

Commerce: Doderer, Chair; Halvorson of Webster and Metcalf.

House File 317

Education: Neuhauser, Chair; Hammond and Hanson of Black Hawk.

House File 327

Transportation: Pavich, Chair; Beaman and Koenigs.

House File 334

Education: Shearer, Chair; Adams, Daggett, Kistler and Ollie.

House File 337

Education: Ollie, Chair; Daggett and Wissing.

House File 345

Commerce: Brown, Chair; Groninga and Miller.

House File 346

Energy and Environmental Protection: Bernau, Chair; Adams, Dvorsky, Johnson and Petersen of Muscatine.

House File 347

Education: Cohoon, Chair; Baker and Iverson.

House File 352

State Government: Peterson of Carroll, Chair; Spenner and Teaford.

House File 353

Judiciary and Law Enforcement: Blanshan, Chair; Hibbard and McNeal.

House File 354

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 356

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 361

Commerce: Corbett, Chair; Blanshan and Hansen of Woodbury.

House File 363

Human Resources: Hammond, Chair; Hester and Nielsen.

House File 366

Commerce: Sherzan, Chair; Gill and Lundby.

Senate File 78

Education: Nielsen, Chair; Corbett and Spear.

Senate File 134

Natural Resources and Outdoor Recreation: Koenigs, Chair; Beaman and Fogarty.

Senate File 141

Education: Shearer, Chair; Adams, Daggett, Kistler and Ollie.

Senate File 176

Human Resources: Nielsen, Chair; Grubbs and Wissing.

Senate File 184

Education: Wissing, Chair; Grubbs and Ollie.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 35 (Reassigned)**

Education: Neuhauser, Chair; Daggett, Hanson of Black Hawk, Ollie and Wissing.

House Study Bill 201

Commerce: Renken, Chair; Brown and Corbett.

House Study Bill 202

Education: Ollie, Chair; Daggett and Wissing.

House Study Bill 206

Transportation: Koenigs, Chair; Black and De Groot.

House Study Bill 208

Transportation: Jay, Chair; Maulsby and Murphy.

House Study Bill 210

Transportation: Halvorson of Webster, Chair; Black and Lageschulte.

House Study Bill 211

State Government: Renaud, Chair; Bisignano, Lundby, Pavich and Shoning.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 212 Commerce**

Relating to the establishment of consumer savings banks.

H.S.B. 213 Human Resources

Relating to the prevention of disabling conditions by establishing a prevention of disabilities policy board, an advisory council to the board, and the position of commissioner of disability prevention.

H.S.B. 214 Judiciary and Law Enforcement

Relating to the crime victim assistance programs.

H.S.B. 215 Judiciary and Law Enforcement

Relating to assault, domestic abuse, imposing liability for governmental entities for failure to make domestic abuse arrests, establishing a domestic abuse services fund and commission, providing for mandatory and permissive reporting of domestic abuse, requiring mandatory training for peace officers and health practitioners, increasing marriage license fees, increasing certain criminal penalties, and imposing mandatory minimum sentences or fines, and providing an effective date.

H.S.B. 216 Judiciary and Law Enforcement

Relating to unfair and discriminatory practices in employment of persons with disabilities and providing an effective date.

H.S.B. 217 Human Resources

Relating to child support by affecting informational requirements of the child support recovery unit and the receipt and disbursement of child support payments.

H.S.B. 218 Judiciary and Law Enforcement

Relating to joint and several liability.

H.S.B. 219 Judiciary and Law Enforcement

Relating to distribution of controlled substances and increasing penalties.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 20), amending the pesticide Act of Iowa, by providing for the establishment and assessment of civil penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 26, 1991.

COMMITTEE ON EDUCATION

Senate File 141, a bill for an act relating to media and educational services funding for area education agencies.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—3094** February 26, 1991.

Committee Bill (Formerly House Study Bill 33), relating to the formula used to calculate part-time student financial aid awards under the tuition grant program.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 336, a bill for an act to include bats as protected nongame species.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1991.

COMMITTEE ON STATE GOVERNMENT

House File 274, a bill for an act relating to the omission of nullified administrative rules from the Iowa administrative code.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1991.

RESOLUTION FILED

HCR 8, by Maulsby, a concurrent resolution to request a study to replace the property tax with a net worth tax.

Referred to committee on **ways and means**.

AMENDMENTS FILED

H-3093	H.F.	219	Gruhn of Dickinson Fogarty of Palo Alto
H-3094	S.F.	141	Committee on Education
H-3095	H.F.	232	Ollie of Clinton
H-3096	H.F.	325	Kremer of Buchanan
H-3097	H.F.	344	Bennett of Ida
H-3098	H.F.	302	Kremer of Buchanan Kistler of Jefferson
H-3099	H.F.	302	Jesse of Jasper
H-3100	S.F.	209	Halvorson of Clayton Jochum of Dubuque
H-3101	H.F.	274	Pavich of Pottawattamie
H-3102	H.F.	232	Pavich of Pottawattamie Lundby of Linn
			Iverson of Wright
			Jay of Appanoose
			Renaud of Polk
			Connors of Polk
H-3104	S.F.	209	Groninga of Cerro Gordo Bisignano of Polk
			Hammond of Story
H-3105	H.F.	297	Hester of Pottawattamie Garman of Story
			Maulsby of Calhoun
			Branstad of Winnebago
			Bartz of Worth
			Iverson of Wright
			McKean of Jones
H-3106	H.F.	325	Banks of Plymouth

H-3108	S.F.	209	Jesse of Jasper
H-3109	H.F.	336	Spear of Lee
H-3110	H.F.	336	Spear of Lee
H-3111	H.F.	232	Brown of Lucas
Groninga of Cerro Gordo			Renaud of Polk
Hansen of Woodbury			Mertz of Kossuth
Lundby of Linn			Bisignano of Polk
Sherzan of Polk			Poncy of Wapello
Iverson of Wright			Knapp of Dubuque
Jochum of Dubuque			Koenigs of Mitchell
H-3112	H.F.	336	Spear of Lee
H-3113	H.F.	336	Spear of Lee

On motion by McKinney of Dallas, the House adjourned at 8:27 p.m., until 9:00 a.m., Thursday, February 28, 1991.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day — Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 28, 1991

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

Prayer was offered by the Honorable Gene Blanshan, state representative from Greene County.

The Journal of Wednesday, February 27, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Royer of Page, De Groot of Lyon and Halvorson of Clayton, for the remainder of the week, on request of Van Maanen of Mahaska; Tyrrell of Iowa, until his arrival, on request of Diemer of Black Hawk.

INTRODUCTION OF BILLS

House File 373, by Pavich, a bill for an act authorizing the issuance of warning citations by state conservation officers and employees who are peace officers.

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

House File 374, by McNeal, Hahn, Gipp and Rafferty, a bill for an act allowing an employer to conduct random drug testing of employees in sensitive positions.

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

House File 375, by Shoultz, a bill for an act relating to the prohibiting of the disposal of baled solid waste at a sanitary landfill.

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

House File 376, by Poncy, a bill for an act relating to eliminating the requirement that a financial institution disclose certain information related to financial services offered by the financial institution.

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

House File 377, by Bennett, Bartz, Hanson of Delaware, Kremer, Maulsby, Krebsbach, Iverson and Renken, a bill for an act relating to commercial grain transactions, by providing protections to persons selling grain by credit-sale contracts, and making penalties applicable.

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

House File 378, by Hibbard and Brown, a bill for an act to permit private instruction of a child of compulsory attendance age by a parent, guardian, or custodian upon provision of notice to the clerk of the district court in the child's district of residence.

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

House File 379, by Hibbard, a bill for an act relating to controlled substance offenses, establishing criminal offenses, and increasing penalties for repeat offenders.

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

SENATE MESSAGES CONSIDERED

Senate File 46, by Priebe, a bill for an act relating to aboveground petroleum tanks and providing an effective date.

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

Senate File 74, by Connolly, a bill for an act relating to the funds which may be set aside for debt retirement, capital improvements, and certain other purposes by pari-mutuel nonprofit corporation licensees.

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

Senate File 102, by Gronstal, a bill for an act eliminating the requirement that the clerk of the district court file an annual report with the treasurer of state on certain fines, penalties, forfeitures, and recognizances.

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

On motion by McKinney of Dallas, the House was recessed at 9:21 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Maulsby of Calhoun, until his return, on request of Van Maanen of Mahaska.

INTRODUCTION OF BILL

House File 380, by committee on human resources, a bill for an act requiring the state registrar to provide a certified copy of a birth certificate when the certificate is registered.

Read first time and placed on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 294, a bill for an act relating to the obligations of a spouse of a director or officer of a state bank, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 294)

The ayes were, 89:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cphoon	Connors	Corbett
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Hurley
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Poncy	Rafferty
Renken	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spanner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 4:

Branstad	Halvorson, R. N.	Holveck	Lundby
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Absent or not voting, 7:

De Groot	Halvorson, R. A.	Jochum	Maulsby
Plasier	Renaud	Royer	

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

House File 307, a bill for an act making technical Code changes relating to transportation, 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. 307)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Poncy	Rafferty
Renken	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 7:

De Groot	Halvorson, R. A.	Jochum	Maulsby
Plasier	Renaud	Royer	

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

Senate File 116, a bill for an act relating to the uniform controlled substances Act, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 116)

The ayes were, 91:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Poncy	Rafferty	Renken
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 9:

De Groot	Halvorson, R. A.	Jochum	Lundby
Maulsby	Plasier	Renaud	Royer
Schrader			

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

House File 260, a bill for an act relating to the reservation of a bank name, was taken up for consideration.

Baker of Polk offered the following amendment H—3078 filed by him:

H—3078

- 1 Amend House File 260 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 505.20 RESERVED NAME.
- 5 1. A company, as defined in section 507.1, may
- 6 reserve the exclusive use of a corporate name, by
- 7 delivering an application to the commissioner for
- 8 filing. The application must set forth the name and
- 9 address of the applicant and the name proposed to be
- 10 reserved. If the commissioner finds that the
- 11 corporate name applied for is available, the
- 12 commissioner shall reserve the name for the
- 13 applicant's exclusive use for a nonrenewable one
- 14 hundred twenty day period.
- 15 2. The owner of a reserved corporate name may
- 16 transfer the reservation to another person by
- 17 delivering to the commissioner a signed notice of the
- 18 transfer that states the name and address of the
- 19 transferee.
- 20 3. If the commissioner of insurance finds the name
- 21 of the company to be so similar to one already
- 22 appropriated by a corporation of the same character as
- 23 to be likely to mislead the public or to cause
- 24 inconvenience, the commissioner shall refuse the
- 25 commissioner's certificate to its articles on that
- 26 ground."
- 27 2. Page 1, line 6, by striking the words "comply
- 28 with section 490.402 and".
- 29 3. Page 1, lines 9 and 10, by striking the words
- 30 "and complies with section 490.402".
- 31 4. Renumber as necessary.

Renken of Grundy rose on a point of order that amendment H—3078 was not germane.

The Speaker ruled the point well taken and amendment H—3078 not germane.

Baker 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. 260)

The ayes were, 91:

Adams
Beaman

Baker
Beatty

Banks
Bennett

Bartz
Bernau

Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, P. F.
Peterson, M. K.	Poncy	Rafferty	Renken
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 9:

De Groot	Halvorson, R. A.	Hester	Jochum
Maulsby	Plasier	Renaud	Royer
Svoboda			

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

House File 308, a bill for an act relating to therapeutically certified optometrists, was taken up for consideration.

SENATE FILE 188 SUBSTITUTED FOR HOUSE FILE 308

Renken of Grundy asked and received unanimous consent to substitute Senate File 188 for House File 308.

Senate File 188, a bill for an act relating to therapeutically certified optometrists, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 188)

The ayes were, 92:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brandstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Rafferty	Renken
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 2:

Garman Poncy

Absent or not voting, 6:

De Groot	Halvorson, R. A.	Jochum	Plasier
Renaud	Royer		

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

House File 297, a bill for an act relating to driver's license reciprocity for minors, was taken up for consideration.

Gruhn of Dickinson asked and received unanimous consent to withdraw amendment H—3087 filed by her on February 26, 1991.

Garman of Story offered the following amendment H—3105 filed by Garman, et al.:

H—3105

- 1 Amend House File 297 as follows:
- 2 1. Page 1, by inserting after line 20, the
- 3 following:
- 4 "Sec. _____. Section 321.194, subsection 1,

5 paragraph b, subparagraph (2), Code 1991, is amended

6 to read as follows:

7 (2) A district which is contiguous to the district
8 of residence of the parent or guardian of the student,
9 if the student is enrolled in the public school which
10 is not the school district of residence because of
11 open enrollment under section 282.18 or if the student
12 is enrolled in the school district of residence but
13 attends school in the contiguous district as a the
14 result of an election by the student's district of
15 residence to enter into one or more sharing agreements
16 pursuant to the procedures in chapter 282."

17 2. By renumbering as necessary.

Koenigs of Mitchell rose on a point of order that amendment H—3105 was not germane.

The Speaker ruled the point well taken and amendment H—3105 not germane.

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. 297)

The ayes were, 92:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Dickinson	Diemer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Johnson	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalfe	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Poncy	Rafferty	Renken
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 2:

Doderer

Kistler

Absent or not voting, 6:

De Groot

Halvorson, R. A.

Jochum

Plasier

Renaud

Royer

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

On motion by McKinney of Dallas, the House was recessed at 1:54 p.m., until 4:30 p.m.

LATE AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

The House stood at ease at 5:03 p.m., until the fall of the gavel.

The House resumed session at 5:42 p.m., Speaker Arnould in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 325, a bill for an act relating to the establishment of a well contractor certification program, establishing fees, and making penalties applicable, was taken up for consideration.

Banks of Plymouth offered the following amendment H-3106 filed by him:

H-3106

- 1 Amend House File 325 as follows:
- 2 1. Page 1, by inserting after line 18, the
- 3 following:
- 4 "_____. "Well contractors' council" means the
- 5 council established in subsection 3."
- 6 2. Page 1, by inserting after line 21, the
- 7 following:
- 8 "_____. "Written examination" means an examination
- 9 for well contractors which includes, but is not
- 10 limited to, relevant aspects of Iowa groundwater law,
- 11 well construction, well maintenance, and well
- 12 abandonment practices which protect groundwater and
- 13 water supplies."
- 14 3. Page 2, by striking lines 2 through 5.
- 15 4. Page 2, by striking lines 9 and 10, and
- 16 inserting the following:
- 17 "(1) The applicant provides documentation of at
- 18 least one year of work experience in well services

19 performed under the direct supervision of a certified
20 well contractor."

21 5. Page 2, line 11, by inserting before the word
22 "examination" the following: "written".

23 6. Page 2, by striking lines 24 through 32, and
24 inserting the following:

25 "h. The written examination shall be developed by
26 the department in consultation with the well
27 contractors' council. The examination shall be
28 updated as necessary to reflect current groundwater
29 law and well construction, maintenance, and
30 abandonment practices."

Osterberg of Linn offered the following amendment H—3121, to amendment H—3106, filed by him from the floor and moved its adoption:

H—3121

1 Amend amendment, H—3106, to House File 325 as
2 follows:

3 1. Page 1, line 8, by striking the words "Written
4 examination" and inserting the following:
5 "Examination".

6 2. Page 1, by striking lines 21 and 22.

7 3. Page 1, line 25, by striking the word
8 "written".

Amendment H—3121 was adopted.

On motion by Banks of Plymouth, amendment H—3106, as amended, was adopted.

Kremer of Buchanan offered the following amendment H—3096 filed by him and moved its adoption:

H—3096

1 Amend House File 325 as follows:

2 1. Page 3, by striking lines 30 and 31 and
3 inserting the following:

4 "f. Public members of the council shall receive
5 per diem as specified pursuant to section 7E.6.
6 However, a member shall not receive a per diem if the
7 member is receiving a salary as a full-time public
8 employee. Public members shall also be reimbursed for
9 actual and".

Amendment H—3096 was adopted.

Hatch of Polk in the chair at 5:57 p.m.

Wise of Lee in the chair at 6:08 p.m.

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

On the question "Shall the bill pass?" (H.F. 325)

The ayes were, 66:

Adams	Arnould, Spkr.	Baker	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Burke	Carpenter	Cohoon
Connors	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Gill
Gipp	Groninga	Gruhn	Hahn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hibbard
Holveck	Hurley	Jesse	Jochum
Kistler	Knapp	Koenigs	Lageschulte
Lundby	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Wissing	Wise		
	Presiding		

The nays were, 30:

Banks	Bartz	Beaman	Beatty
Bennett	Branstad	Brown	Corbett
Daggett	Garman	Grubbs	Harbor
Hester	Iverson	Jay	Johnson
Krebsbach	Kremer	Maulsby	McKean
McNeal	Mertz	Metcalf	Millage
Miller	Renken	Shoning	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 4:

Chapman	De Groot	Halvorson, R. A.	Royer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 344, a bill for an act relating to the membership of the state revenue estimating conference and providing an effective date, was taken up for consideration.

Bennett of Ida offered the following amendment H—3097 filed by him:

H-3097

- 1 Amend House File 344 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and insert-
- 3 ing the following: "director of the legislative
- 4 fiscal bureau, one member to be selected by the
- 5 auditor of state, one member to be selected by the
- 6 treasurer of state, and a third fifth member agreed".

Spear of Lee offered the following amendment H-3122, to amendment H-3097, filed by him from the floor and moved its adoption:

H-3122

- 1 Amend the amendment H-3097 to House File 344 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 6 and
- 4 inserting the following:
- 5 _____ By striking line 6 and inserting the
- 6 following: "state, or the auditor's designee, the
- 7 treasurer of state, or the treasurer's designee, and a
- 8 third fifth member agreed".

Amendment H-3122 was adopted.

Bennett of Ida moved the adoption of amendment H-3097, as amended.

A non-record roll call was requested.

The ayes were 42, nays 53.

Amendment H-3097, as amended, lost.

Speaker Arnould in the chair at 6:41 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. 344)

The ayes were, 53:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Cohoon
Connors	Corbett	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie.

Osterberg	Pavich	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Svoboda	Teaford	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 42:

Banks	Bartz	Beaman	Bennett
Carpenter	Daggett	Diemer	Eddie
Garman	Gipp	Grubbs	Hahn
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Peterson, M. K.
Plasier	Rafferty	Renken	Shoning
Siegrist	Spear	Spenner	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 5:

Branstad	Chapman	De Groot	Halvorson, R. A.
Royer			

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 344** be immediately messaged to the Senate.

SPONSOR ADDED

(House File 363)

Bartz of Worth requested to be added as a sponsor of House File 363.

PRESENTATION OF VISITOR

Garman of Story presented to the House the Honorable Virgil Corey, former member of the House representing Louisa County.

SUBCOMMITTEE ASSIGNMENTS

House File 377

Agriculture: Koenigs, Chair; Bennett, Mertz, Petersen of Muscatine and Svoboda.

House File 379

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

Senate File 102

Judiciary and Law Enforcement: Jay, Chair; Millage and Wissing.

Senate File 174

Agriculture: Muhlbauer, Chair; Brown and Johnson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 212**

Commerce: Bisignano, Chair; Baker and Rafferty.

House Study Bill 213

Human Resources: Neuhauser, Chair; Carpenter and Nielsen.

House Study Bill 214

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Harbor and Hibbard.

House Study Bill 215

Judiciary and Law Enforcement: Brammer, Chair; Beatty, Hurley, Kremer and Sherzan.

House Study Bill 216

Judiciary and Law Enforcement: Beatty, Chair; Brammer and Shoning.

House Study Bill 217

Human Resources: Neuhauser, Chair; Krebsbach and Wissing.

House Study Bill 218

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hibbard.

House Study Bill 219

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 127.1 (Revised) Energy and Environmental Protection**

Relating to waste tire management, imposing fees, and providing for a repeal.

H.S.B. 220 Labor and Industrial Relations

To provide interest on delayed medical benefits payments, and to provide an administrative remedy for delay in, or termination of, medical benefits.

H.S.B. 221 Labor and Industrial Relations

Relating to collective bargaining.

H.S.B. 222 Labor and Industrial Relations

Relating to a voluntary shared work program for unemployment compensation benefits to be administered by the department of employment services and providing an effective date.

H.S.B. 223 State Government

Relating to the required employment of a certified advanced emergency medical care provider by a person licensed to operate an excursion gambling boat, and making a penalty applicable.

H.S.B. 224 Transportation

Relating to transportation and liens against public property, and providing for the Act's applicability.

H.S.B. 225 Judiciary and Law Enforcement

Relating to the enforcement of civil rights law, individual rights, and establishing penalties.

H.S.B. 226 Agriculture

Relating to the county agricultural extension education tax by adjusting the maximum levy and increasing the maximum dollar amount of property tax revenue which may be raised, establishing state supplemental assistance for districts which are unable to raise a minimum dollar amount by the permitted property tax levy, and providing an appropriation and effective and applicability dates.

H.S.B. 227 Judiciary and Law Enforcement

Relating to the theft of milk containers and the applicability of a penalty.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 151), relating to public utility reorganizations.

Fiscal Note is not required.

Recommended Amend and Do Pass February 28, 1991.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 91), requiring the state registrar to provide a certified copy of a birth certificate when the certificate is registered.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 163, a bill for an act relating to notification of school officials of certain alcohol and drug offenses by minors.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3114** February 27, 1991.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 92, a bill for an act to create an advisory commission on intergovernmental relations, specify its membership, and enumerate its powers and duties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3115** February 27, 1991.

COMMITTEE ON TRANSPORTATION

House File 275, a bill for an act requiring the state department of transportation to adopt administrative rules relating to damage to highways and highway structures.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1991.

Committee Bill (Formerly House Study Bill 206), requiring the state department of transportation to publish an official Iowa map.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1991.

AMENDMENTS FILED

H—3114	H.F.	163	Committee on Judiciary and Law Enforcement
H—3115	S.F.	92	Committee on Local Government
H—3116	S.F.	92	Spear of Lee
H—3118	S.F.	141	Iverson of Wright
			Mertz of Kossuth
			Hester of Pottawattamie
			Bartz of Worth
			Petersen of Muscatine
			Renken of Grundy
			Spear of Lee
H—3119	H.F.	182	

H-3120	H.F.	305	McKean of Jones Osterberg of Linn
H-3123	H.F.	163	Iverson of Wright
H-3124	S.F.	141	Corbett of Linn Iverson of Wright
H-3125	S.F.	141	Corbett of Linn Iverson of Wright
H-3126	H.F.	302	Kremer of Buchanan Kistler of Jefferson Jesse of Jasper
H-3127	S.F.	141	Iverson of Wright
H-3128	S.F.	141	Iverson of Wright
H-3129	H.F.	302	Jesse of Jasper

On motion by McKinney of Dallas, the House adjourned at 6:50 p.m., until 9:00 a.m., Friday, March 1, 1991.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day — Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 1, 1991

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

Prayer was offered by the Honorable Don Shoning, state representative from Woodbury County.

The Journal of Thursday, February 28, 1991 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 6, by Kremer, a joint resolution to nullify an administrative rule of the environmental protection commission, under the department of natural resources, relating to corrective action levels for petroleum contamination and providing an effective date.

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

House File 381, by Peterson of Carroll, a bill for an act providing for adult court jurisdiction over children having been previously waived to adult court.

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

House File 382, by Millage, Metcalf, Diemer, Tyrrell, Garman, Hester, Plasier, McKean and Branstad, a bill for an act to provide the state with minimum hourly wage and training rates similar to those defined by federal law.

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

House File 383, by Millage, Metcalf, Diemer, Tyrrell, Garman, Hester, Plasier, McKean and Branstad, a bill for an act defining the retail or service establishment exemption to the Iowa minimum wage law previously contained in federal law.

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

House File 384, by Connors, a bill for an act to establish a single method for obtaining agency consent for an employee to sell goods or services to individuals, associations, or corporations subject to the regulatory authority of the agency.

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

House File 385, by committee on transportation, a bill for an act requiring the state department of transportation to publish an official Iowa map.

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

House File 386, by committee on energy and environmental protection, a bill for an act relating to public utility reorganizations.

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

House File 387, by Millage, a bill for an act relating to the taxation of pensions, annuities, and retirement allowances received for the purposes of state individual income tax and providing a retroactive applicability date.

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

House File 388, by Tyrrell, a bill for an act relating to limiting the amount of state general fund appropriations which the general assembly may make during a session and providing an effective date.

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

House File 389, by committee on education, a bill for an act relating to the educational excellence program, providing for minimum salary increases, increases in salaries for experienced teachers, supplemental funds for additional teacher contract work days, and the development of a statewide administrator staff development program.

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

House File 390, by Garman, Svoboda, Krebsbach, Hurley, Banks, Rafferty, Tyrrell, Plasier, Kremer, Mertz, Fogarty, Corbett, Petersen of Muscatine, Shoning, Branstad, Beaman, McKean, Grubbs, Eddie, Renken, Iverson, Daggett, Van Maanen, Maulsby, Johnson, Bartz, Gipp, Muhlbauer, Lundby, Spear, Millage, McNeal, Knapp and Hanson of Black Hawk, a bill for an act relating to the notification of a parent prior to the performance of an abortion on a minor, and providing a penalty.

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

ADOPTION OF HOUSE MEMORIAL RESOLUTION 1

Osterberg of Linn offered the following House Memorial Resolution 1 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 1

Whereas, the Honorable La Mar P. Foster of Cedar County, Iowa, who was a member of the Forty-fifth, Forty-fifth Extra, Forty-sixth, Forty-sixth Extra, Forty-seventh and Sixty-first General Assemblies and was the Speaker of the House during the Forty-seventh General Assembly, passed away January 3, 1991; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Osterberg of Linn, Johnson of Clinton and Dvorsky of Johnson.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 2

Weidman of Cass offered the following House Memorial Resolution 2 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 2

Whereas, The Honorable Lester L. Kluever, of Cass County, Iowa, who was a member of the Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, and Sixty-third General Assemblies, passed away February 18, 1991; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Weidman of Cass, Harbor of Mills and Hester of Pottawattamie.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 3

Fogarty of Palo Alto offered the following House Memorial Resolution 3 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 3

Whereas, The Honorable Edward Norland of Palo Alto County, Iowa who was a member of the Fifty-sixth General Assembly, passed away October 12, 1990; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Fogarty of Palo Alto, Mertz of Kossuth and Gruhn of Dickinson.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 4

Spear of Lee offered the following House Memorial Resolution 4 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 4

Whereas, The Honorable Stanley T. Shepherd of Lee County, Iowa, who was a member of the Sixty-second and Sixty-third General Assemblies, passed away April 26, 1990; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Spear of Lee, Doderer of Johnson and Harbor of Mills.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 5

Black of Jasper offered the following House Memorial Resolution 5 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 5

Whereas, The Honorable James Clifford West of Marshall County, Iowa, who was a member of the Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-seventh Extra and Sixty-eighth General Assemblies, passed away June 6th, 1990; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Black of Jasper, Burke of Marshall and Svoboda of Tama.

CONSIDERATION OF BILLS

Regular Calendar

House File 306, a bill for an act relating to the collateral effect of job service division determinations regarding claims for unemployment benefits, was taken up for consideration.

Connors of Polk in the chair at 9:19 a.m.

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

On the question "Shall the bill pass?" (H.F. 306)

The ayes were, 92:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Hester	Hibbard
Holveck	Hurley	Iverson	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Connors
			Presiding

The nays were, none.

Absent or not voting, 8:

De Groot	Halvorson, R. A.	Haverland	Jay
Jesse	Jochum	Muhlbauer	Royer

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

House File 343, a bill for an act relating to the enforcement authority of the Iowa utilities board regarding intrastate pipelines and electric transmission lines and providing civil penalties, 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?" (H.F. 343)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett

Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Connors
			Presiding

The nays were, none.

Absent or not voting, 4:

De Groot	Halvorson, R. A.	Jay	Royer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 9:32 a.m., until the fall of the gavel.

The House resumed session at 10:02 a.m., Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Beaman of Clarke on request of Van Maanen of Mahaska.

RULES SUSPENDED

McKinney of Dallas moved to suspend the rules for the immediate consideration of Senate File 141.

A non-record roll call was requested.

The ayes were 52, nays 38.

The motion prevailed and the rules were suspended.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 141, a bill for an act relating to media and educational services funding for area education agencies, with report of committee recommending amendment and passage was taken up for consideration.

Shearer of Louisa offered the following amendment H—3094 filed by the committee on education:

H—3094

- 1 Amend Senate File 141, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 32, by inserting after the word
- 4 "the" the following: "combined".
- 5 2. Page 1, by inserting after line 33 the fol-
- 6 lowing:
- 7 "1. For the budget year beginning July 1, 1991,
- 8 and succeeding budget years, the total amount funded
- 9 in each area for media services shall be computed as
- 10 provided in this subsection. For the budget year
- 11 beginning July 1, 1991, the total amount funded in
- 12 each area for media services in the base year,
- 13 including the cost for media resource material which
- 14 shall only be used for the purchase or replacement of
- 15 material required in section 273.6, subsection 1,
- 16 paragraphs "a", "b", and "c", shall be divided by the
- 17 enrollment served in the base year to provide an area
- 18 media services cost per pupil in the base year, and
- 19 the department of management shall compute the state
- 20 media services cost per pupil in the base year which
- 21 is equal to the average of the area media services
- 22 costs per pupil in the base year. For the budget year
- 23 beginning July 1, 1991, and succeeding budget years,
- 24 the department of management shall compute the
- 25 allowable growth for media services in the budget year
- 26 by multiplying the state media services cost per pupil
- 27 in the base year times the state percent of growth for
- 28 the budget year, and the total amount funded in each
- 29 area for media services cost in the budget year equals
- 30 the area media services cost per pupil in the base
- 31 year plus the allowable growth for media services in
- 32 the budget year times the enrollment served in the
- 33 budget year. Funds shall be paid to area education
- 34 agencies as provided in section 257.35.
- 35 2. For the budget year beginning July 1, 1991, the
- 36 per pupil amount included in the media services amount
- 37 per pupil shall be the per pupil amount included in
- 38 the base year for media resources plus the allowable

39 growth amount per pupil for media resources for the
40 budget year.

41 3. For the budget year beginning July 1, 1991, and
42 succeeding budget years, the total amount funded in
43 each area for educational services shall be computed
44 as provided in this subsection. For the budget year
45 beginning July 1, 1991, the total amount funded in
46 each area for educational services in the base year
47 shall be divided by the enrollment served in the area
48 in the base year to provide an area educational
49 services cost per pupil in the base year, and the
50 department of management shall compute the state

Page 2

1 educational services cost per pupil in the base year,
2 which is equal to the average of the area educational
3 services costs per pupil in the base year. For the
4 budget year beginning July 1, 1991, and succeeding
5 budget years, the department of management shall
6 compute the allowable growth for educational services
7 by multiplying the state educational services cost per
8 pupil in the base year times the state percent of
9 growth for the budget year, and the total amount
10 funded in each area for educational services for the
11 budget year equals the area educational services cost
12 per pupil for the base year plus the allowable growth
13 for educational services in the budget year times the
14 enrollment served in the area in the budget year.
15 Funds shall be paid to area education agencies as
16 provided in section 257.35."

17 3. Page 1, line 34, by striking the figure and
18 word "1. The" and inserting the following: "_____
19 Notwithstanding subsections 1 and 2, for the budget
20 year beginning July 1, 1992, and in succeeding budget
21 years, the".

22 4. Page 2, line 11, by striking the figure and
23 word "2. The" and inserting the following: "_____
24 Notwithstanding subsection 3, for the budget year
25 beginning July 1, 1992, and in succeeding budget
26 years, the".

27 5. By designating and redesignating as necessary.

Iverson of Wright offered the following amendment H-3118,
to the committee amendment H-3094, filed by Iverson, et al.,
and moved its adoption:

H-3118

1 Amend the amendment, H-3094, to Senate File 141, as
2 passed by the Senate, as follows:

3 1. Page 1, by striking line 5, and inserting the
4 following:

- 5 "2. By striking page 1, line 34, through page 2,
 6 line 19, and inserting the fol-"
 7 2. Page 2, by striking lines 17 through 26.

Roll call was requested by Shoultz of Black Hawk and Haverland of Polk.

On the question "Shall amendment H—3118, to the committee amendment H—3094, be adopted?" (S.F. 141)

The ayes were, 58:

Baker	Banks	Bartz	Bennett
Bisignano	Black	Blanshan	Branstad
Brown	Burke	Carpenter	Corbett
Daggett	Eddie	Fogarty	Garman
Gipp	Grubbs	Gruhn	Hahn
Halvorson, R. N.	Hanson, D. R.	Harbor	Hester
Hibbard	Hurley	Iverson	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Petersen, D. F.
Plasier	Rafferty	Renaud	Renken
Shearer	Sherzan	Siegrist	Spear
Spenner	Svoboda	Tyrrell	Van Maanen
Weidman	Wise		

The nays were, 37:

Adams	Beatty	Bernau	Brammer
Brand	Chapman	Cohoon	Connors
Dickinson	Diemer	Doderer	Dvorsky
Gill	Groninga	Hammond	Hansen, S. D.
Hanson, D. E.	Hatch	Haverland	Holveck
Jesse	Jochum	McKinney	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Schrader
Shoning	Shoultz	Teaford	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 5:

Beaman	De Groot	Halvorson, R. A.	Jay
Royer			

Amendment H—3118 was adopted.

The following amendments, to the committee amendment H—3094, were withdrawn by unanimous consent:

H—3128 filed by Iverson of Wright on February 28, 1991.

H—3124 filed by Corbett of Linn and Iverson of Wright on February 28, 1991.

On motion by Shearer of Louisa, the committee amendment H—3094, as amended, was adopted.

The following amendments were withdrawn by unanimous consent:

H—3127 filed by Iverson of Wright on February 28, 1991.

H—3125 filed by Corbett of Linn and Iverson of Wright on February 28, 1991.

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

On the question "Shall the bill pass?" (S.F. 141)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohon	Connors	Corbett
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teafor	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Beaman	De Groot	Halvorson, R. A.	Jay
Royer			

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

House File 324, a bill for an act relating to aiding and abetting and retaliation under the civil rights law, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 324)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jesse
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Rafferty
Renaud	Renken	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 7:

Beaman	De Groot	Halvorson, R. A.	Jay
Jochum	Royer	Teaford	

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

Appropriations Calendar.

Senate File 150, a bill for an act relating to the department of natural resources, by providing for the use of unexpended moneys in the fish and game protection fund, and providing an effective date, 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. 150)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Rafferty	Renaud	Renken	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Beaman	De Groot	Halvorson, R. A.	Jay
Royer			

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

House File 288, a bill for an act relating to boating registration requirements for boat manufacturers or dealers and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 288)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 6:

Beaman	De Groot	Halvorson, R. A.	Jay
Royer	Svoboda		

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

Regular Calendar

House File 302, a bill for an act relating to infectious and radioactive waste treatment and disposal facilities by extending the

moratorium on construction and operation, requiring operating permits for treatment and disposal facilities and collection and transportation operations, providing for emission limitations and standards, and providing an effective date, was taken up for consideration.

Sherzan of Polk in the chair at 10:35 a.m.

Jesse of Jasper offered the following amendment H—3099 filed by him and moved its adoption:

H—3099

- 1 Amend House File 302 as follows:
- 2 1. Page 1, line 18, by striking the word "Clear"
- 3 and inserting the following: "Clean".

Amendment H—3099 was adopted.

Banks of Plymouth offered the following amendment H—3083 filed by him:

H—3083

- 1 Amend House File 302 as follows:
- 2 1. Page 1, by striking lines 1 through 19.
- 3 2. By renumbering as necessary.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—3098, to amendment H—3083, filed by him and Kistler of Jefferson on February 27, 1991.

Kremer of Buchanan offered the following amendment H—3126, to amendment H—3083, filed by Kremer, et al., and moved its adoption:

H—3126

- 1 Amend the amendment H—3083, to House File 302 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3, and
- 4 inserting the following:
- 5 "_____. Page 1, line 19, by inserting after the
- 6 figure "1991," the following: "The commission shall
- 7 not adopt an emission standard or limitation for
- 8 infectious medical waste treatment or disposal
- 9 facilities prior to January 1, 1995, which exceeds the
- 10 standards or limitations promulgated by the
- 11 administrator of the United States environmental
- 12 protection agency or the requirements of the federal
- 13 Clean Air Act, as amended to January 1, 1991, for a
- 14 hospital, or a group of hospitals licensed under
- 15 chapter 135B which has been operating an infectious
- 16 medical waste treatment or disposal facility prior to
- 17 January 1, 1991." "

Amendment H—3126 was adopted.

On motion by Banks of Plymouth, amendment H—3083, as amended, was adopted.

Dvorsky of Johnson offered the following amendment H—3081 filed by him:

H—3081

- 1 Amend House File 302 as follows:
- 2 1. Page 1, line 20, by striking the word
- 3 "PATHOLOGICAL" and inserting the following:
- 4 "RADIOACTIVE MATERIALS —".

Dvorsky of Johnson offered the following amendment H—3130, to amendment H—3081, filed from the floor by Dvorsky, Osterberg, Jesse and Hatch and moved its adoption:

H—3130

- 1 Amend the amendment, H—3081 to House File 302, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 4, and
- 4 inserting the following:
- 5 "_____. Page 1, line 20, by striking the word
- 6 "INCINERATION" and inserting the following: "WASTE
- 7 INCINERATION FACILITIES — RADIOACTIVE MATERIALS".
- 8 _____. Page 1, by striking lines 22 through 32, and
- 9 inserting the following:
- 10 "1. The director shall require that a person who
- 11 operates or proposes to operate a waste incinerator
- 12 which provides for the incineration of pathological
- 13 radioactive materials conduct dispersion modeling,
- 14 under the direction of the Iowa department of public
- 15 health, for radiological isotopes to measure the
- 16 emission levels of alpha and gamma rays. The director
- 17 shall allow a three-month period during which time the
- 18 operator or person proposing operation of such an
- 19 incinerator shall conduct the required dispersion
- 20 modeling. In order to initiate or continue such
- 21 incineration, the results of the modeling shall
- 22 provide that the existing incinerator meets or the
- 23 proposed incinerator will meet the emission standards
- 24 established by the United States environmental
- 25 protection agency for a selected isotope."
- 26 _____. Page 1, line 35, by inserting after the word
- 27 "operator" the following: "or person proposing
- 28 operation".
- 29 _____. Page 2, by striking line 1 and inserting the
- 30 following: "provides for or will provide for the
- 31 incineration of pathological radioactive materials."
- 32 _____. Page 2, by striking lines 2 through 11, and

33 inserting the following:

34 "3. If the dispersion modeling results do not meet
35 the standards for emission limitations prescribed
36 under subsection 1, the director shall require the
37 operator or the person who proposes to operate a waste
38 incinerator which provides for the incineration of
39 pathological radioactive materials to employ or
40 conduct an additional dispersion modeling test
41 employing the best available control technology.
42 Following employment of the best available control
43 technology or the conducting of the additional
44 dispersion modeling, if the incinerator or proposed
45 incinerator does not or will not meet the standards
46 prescribed under subsection 2, the operator's permit
47 for incineration of pathological radioactive materials
48 shall be revoked or the permit for such proposed
49 incineration shall be denied.

50 Sec. _____. NEW SECTION. 455B.501A INFECTIOUS

Page 2

1 MEDICAL WASTE INCINERATORS -- REGENTS' UNIVERSITIES --
2 REQUIREMENTS.

3 1. The director shall require that a regents'
4 university which operates an infectious medical waste
5 incinerator shall conduct continuous monitoring, under
6 the direction of the Iowa department of public health,
7 and as required by the department of natural
8 resources, to measure compliance with the emission
9 limitations standards for toxic air pollutants adopted
10 by rule of the department of natural resources. In
11 order to continue incineration, the existing
12 incinerator shall continue to meet the emission
13 limitations standards for toxic air pollutants adopted
14 by rule of the department of natural resources.

15 2. If monitoring results do not meet the emission
16 limitations standards established, the director of the
17 department of natural resources shall require that the
18 university employ the best available control
19 technology for toxics as defined by rule of the
20 department of natural resources. Following employment
21 of the best available control technology for toxics,
22 if the incinerator does not meet the standards
23 established, the permit for operation of the
24 infectious medical waste incinerator shall be
25 revoked."

26 _____. By renumbering as necessary."

Amendment H—3130 was adopted.

On motion by Dvorsky of Johnson, amendment H—3081, as amended, was adopted.

Jesse of Jasper offered the following amendment H—3129 filed by him and moved its adoption:

H—3129

- 1 Amend House File 302 as follows:
- 2 1. Page 3, by striking lines 5 through 16, and
- 3 inserting the following: "department of natural
- 4 resources shall not grant a permit for the
- 5 construction or operation of a commercial infectious
- 6 waste incinerator prior to July 1, 1991 treatment or
- 7 disposal facility until such time as the department
- 8 adopts rules for operating permits for these
- 9 facilities and in any event not earlier than April 1,
- 10 1993. The moratorium does not apply to an infectious
- 11 waste treatment or disposal facility constructed or
- 12 operated by a hospital licensed pursuant to chapter
- 13 135B, or by two or more hospitals licensed pursuant to
- 14 chapter 135B that jointly construct or operate an
- 15 infectious waste treatment or disposal facility, which
- 16 only accepts infectious waste from other infectious
- 17 waste generators if the total amount of infectious
- 18 waste accepted from other generators is less than
- 19 sixty-six percent of the infectious waste incinerated,
- 20 including but not limited to hospitals, health care
- 21 facilities licensed pursuant to chapter 135C,
- 22 physicians' offices or clinics, and other health
- 23 service-related entities within the service area of
- 24 the hospital or hospitals operating the facility.
- 25 Owners and operators of small quantity generators of
- 26 infectious medical waste who do not treat or dispose
- 27 of the waste generated by the small quantity generator
- 28 shall take precautions to ensure the safety and well-
- 29 being of the public and especially persons directly
- 30 exposed to the waste in the course of disposal. The
- 31 precautions shall include but are not limited to
- 32 securing all sharps; separating and securing
- 33 infectious waste apart from general waste; clearly
- 34 marking the waste to indicate that the waste is
- 35 infectious; and ensuring that the waste is stored,
- 36 transported, treated, and disposed of in a safe and
- 37 secure manner."

Amendment H—3129 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. 302)

The ayes were, 95:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Sherzan	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Beaman	De Groot	Halvorson, R. A.	Jay
Royer			

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 391, by committee on state government, a bill for an act relating to the sale of alcoholic liquor, wine, and beer on Sunday.

Read first time and placed on the calendar.

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **Senate File 141** be immediately messaged to the Senate.

EXPLANATIONS OF VOTE

I inadvertently pushed the wrong button on Senate File 188 when the vote was taken on February 28, 1991. My intention was to vote "aye" on this bill.

GARMAN of Story

I was necessarily absent from the House chamber on Thursday, February 28, 1991. Had I been present, I would have voted "aye" on House Files 260, 307 and Senate File 116; "nay" on House File 294.

MAULSBY of Calhoun

I was necessarily absent from the House chamber on February 28, 1991. Had I been present, I would have voted "aye" on House Files 260, 294, 297, 307 and Senate Files 116 and 188.

RENAUD of Polk

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 1, 1991, he approved and transmitted to the Secretary of State the following bill:

Senate File 89, an act relating to requiring county recorders to submit monthly reports of trade name statements or certificates of change filed during the preceding month.

PRESENTATION OF VISITORS

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

Fifty-five fifth grade students from Cody Elementary School, Pleasant Valley, accompanied by Sonia Vogel and Kitty Miller. By Rafferty of Scott.

SUBCOMMITTEE ASSIGNMENTS

House File 349

Education: Wise, Chair; Shoultz and Siegrist.

House File 362

State Government: Connors, Chair; Krebsbach and Peterson of Carroll.

House File 365

State Government: Connors, Chair; Krebsbach and Peterson of Carroll.

House File 370

State Government: Halvorson of Webster, Chair; Beatty, Hanson of Delaware, Krebsbach, Pavich, Renken and Teaford.

House File 378

Education: Ollie, Chair; Daggett and Wissing.

Senate File 23

Education: Cohoon, Chair; Baker and Siegrist.

Senate File 172

State Government: Connors, Chair; Krebsbach and Peterson of Carroll.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 223**

State Government: Tyrrell, Chair; Beatty, Knapp, Poncey and Renken.

House Study Bill 224

Transportation: Muhlbauer, Chair; Gruhn and Spenner.

House Study Bill 225

Judiciary and Law Enforcement: Beatty, Chair; Brammer and Shoning.

House Study Bill 226

Agriculture: Fogarty, Chair; Brown, De Groot, Gruhn and Hahn.

House Study Bill 227

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 168), relating to the educational excellence program, providing for minimum salary increases, increases in salaries for experienced teachers, supplemental funds for additional teacher contract work days, and the development of a statewide administrator staff development program.

Fiscal Note is required.

Recommended **Do Pass** February 28, 1991.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 295), relating to the sale of alcoholic liquor, wine, and beer on Sunday.

Fiscal Note is not required.

Recommended Amend and Do Pass February 28, 1991.

Committee Bill (Formerly House Study Bill 185), relating to publishing notice of write-in candidates for nonpartisan office and providing for a filing deadline and a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass February 28, 1991.

On motion by Neuhauser of Johnson, the House adjourned at 11:00 a.m., until 10:00 a.m., Monday, March 4, 1991.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day — Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 4, 1991

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

Prayer was offered by Father Chuck Adam, St. Mary's Catholic Church, Iowa City.

The Journal of Friday, March 1, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper on request of Brown of Lucas; Svoboda of Tama on request of Burke of Marshall, both until their arrival.

INTRODUCTION OF BILLS

House File 392, by Burke and Jesse, a bill for an act relating to animals specially trained or being trained to assist a disabled or handicapped person, making a penalty applicable, and providing an effective date.

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

House File 393, by Hibbard, a bill for an act providing for the certification of pesticide applicators.

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

House File 394, by Teafor, a bill for an act relating to child abuse by requiring annual training of mandatory reporters, the provision of certain information during an investigation, and a witness to be present during the interview of a child.

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

House File 395, by Hammond and Metcalf, a bill for an act relating to access to and egress from a health facility and providing a penalty.

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

House File 396, by Teafor, a bill for an act relating to taking fingerprints and photographs of juveniles.

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

House File 397, by Hester, Spenner, Miller, Bartz, Branstad, Diemer and Plasier, a bill for an act relating to child in need of assistance proceedings and certain child abuse registry information.

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

House File 398, by Muhlbauer, a bill for an act establishing a preference for products and services provided by sheltered workshops in Iowa.

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

House File 399, by Spear, a bill for an act relating to the cost of fine arts in new state buildings.

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

House File 400, by Spear, a bill for an act relating to the disposition of daily journals and printed bills of the general assembly.

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

House File 401, by Kremer, Blanshan and Fogarty, a bill for an act amending the Iowa Uniform Securities Act, by exempting agricultural cooperative associations from certain requirements provided under the Act, providing for the retroactive application of the Act, and providing an effective date.

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

House File 402, by Schrader, a bill for an act permitting installation of aboveground petroleum storage tanks in certain locations.

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

House File 403, by Mertz, Svoboda, Plasier, Kremer, Fogarty and Banks, a bill for an act relating to the confidential reporting of terminations of pregnancy and establishing a penalty.

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

SENATE MESSAGES CONSIDERED

Senate File 180, by committee on judiciary, a bill for an act to delete the requirement for personal identifying information in the collection of domestic abuse reports.

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

Senate File 181, by committee on natural resources, a bill for an act relating to the reorganization of the department of natural resources, by creating two separate departments, by assigning powers and duties to the two departments, by making necessary amendments to the Code, and providing effective dates.

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

Senate File 182, by committee on local government, a bill for an act relating to administrative rulemaking.

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 February 27, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 231, a bill for an act relating to the number of presidents of a state bank which is established by merger or consolidation.

Also: That the Senate has on February 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 200, a bill for an act relating to soil conservation by providing for protection of land subject to a public interest.

Also: That the Senate has on February 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 211, a bill for an act relating to crimes against the elderly and disabled persons by creating a cause of action, creating a special fund, and providing a civil penalty.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 323, a bill for an act relating to exempting a financial institution from providing evidence of financial security when making an application for registration as a travel agency, was taken up for consideration.

Brammer of Linn offered the following amendment H—3090 filed by him:

H—3090

- 1 Amend House File 323 as follows:
- 2 1. Page 1, line 18, by inserting before the word
- 3 "financial" the following: "broadcast station or a".
- 4 2. Page 1, by inserting after line 22, the
- 5 following:
- 6 "As used in this subsection, "broadcast station"
- 7 means a commercial radio or television station
- 8 licensed by an agency of the federal government."
- 9 3. Title page, line 1, by inserting before the
- 10 word "financial" the following: "broadcast station or
- 11 a".

Renken of Grundy rose on a point of order that amendment H—3090 was not germane.

The Speaker ruled the point well taken and amendment H—3090 not germane.

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

On the question "Shall the bill pass?" (H.F. 323)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 1:

Corbett

Absent or not voting, 6:

Groninga

Jay

Jesse

Jochum

Miller

Svoboda

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

House File 322, a bill for an act relating to the establishment of a small business advisory council, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 322)

The ayes were, 89:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 4:

Dickinson

Groninga

Hanson, D. R.

Iverson

Absent or not voting, 7:

Harbor
Miller

Jay
Shoultz

Jesse
Svoboda

Jochum

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

House File 274, a bill for an act relating to the omission of nullified administrative rules from the Iowa administrative code, was taken up for consideration.

Pavich of Pottawattamie offered the following amendment H-3101 filed by him and moved its adoption:

H-3101

- 1 Amend House File 274 as follows:
- 2 1. Page 1, by striking lines 7 through 9 and
- 3 inserting the following: "the Constitution of the
- 4 State of Iowa."
- 5 2. Page 1, by striking lines 21 and 22 and
- 6 inserting the following:
- 7 "c. Resolutions nullifying administrative rules
- 8 passed by the general assembly pursuant to Article
- 9 III, section 40 of the Constitution of the State of
- 10 Iowa."

Amendment H-3101 was adopted.

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

On the question "Shall the bill pass?" (H.F. 274)

The ayes were, 95:

Adams	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean

McKinney	McNeal	Mertz	Metcalf
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Baker	Jay	Jesse	Miller
Svoboda			

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

House File 372, a bill for an act amending the pesticide Act of Iowa, by providing for the establishment and assessment of civil penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 372)

The ayes were, 70:

Adams	Baker	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Hatch	Haverland	Hibbard
Holveck	Jochum	Johnson	Knapp
Koenigs	Kremer	Lundby	McKean
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 27:

Banks	Bartz	Beaman	Branstad
Corbett	Daggett	De Groot	Garman
Hanson, D. E.	Harbor	Hester	Hurley
Iverson	Kistler	Krebsbach	Lageschulte
Maulsby	McNeal	Mertz	Metcalfe
Millage	Renken	Royer	Shoning
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 3:

Jay Jesse Miller

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

SPECIAL PRESENTATION

In celebration of Women's History Month, the Iowa Commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa sponsored a "Write Women Back Into History" essay contest.

Nielsen of Linn presented Amy Estlund, an eighth grader from Franklin Middle School, Cedar Rapids. She won second place for her essay on Elizabeth Blackwell.

Black of Jasper announced that Magda Hanna, a seventh grader from Berg Junior High School, Newton, had won first place for her essay on Leta Stetter Hollingworth.

Siegrist of Pottawattamie presented Sonya Smith, a seventh grader from Kirn Junior High School, Council Bluffs. She won second place for her essay on Clara Barton.

Carpenter of Polk presented Katie Eakins, a seventh grader from Stilwell Junior High School, West Des Moines. She won third place for her essay on Barbara Mack.

Fogarty of Palo Alto presented Danny Wagener, an eighth grader from Spencer Middle School, Spencer, a third place winner for his essay on Diane Campbell.

Bisignano of Polk presented Tracy Meier, an eighth grader from Weeks Middle School, Des Moines, a first place winner for her essay on Barbara Meier, as well as the winner of the Edith Sackett Memorial Award.

The House rose and expressed its welcome and congratulations.

MOTION TO RECONSIDER
(House File 323)

I move to reconsider the vote by which House File 323 passed the House on March 4, 1991.

RENKEN of Grundy

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 28 and March 1, 1991. Had I been present, I would have voted "aye" on House Files 260, 288, 294, 297, 302, 306, 307, 324 and 343; Senate Files 116, 141, 150 and 188; and "nay" on House Files 325 and 344.

DE GROOT of Lyon

I was necessarily absent from the House chamber on February 28 and March 1, 1991. Had I been present, I would have voted "aye" on House Files 260, 288, 294, 297, 302, 306, 307, 324, 325 and 343; Senate Files 116, 141, 150 and 188; and "nay" on House File 344.

ROYER of Page

COMMUNICATION RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

Iowa Governor's Planning Council for Developmental Disabilities

The final report on the evaluation of Iowa's Family Support Subsidy Program, pursuant to Chapter 225C.42, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

JOSEPH O'HERN
Chief Clerk of the House

- | | |
|---------|--|
| 1991-20 | Ruth Holtan, Forest City — Named Volunteer of the Year by the Council for the Advancement and Support of Education. |
| 1991-21 | Council Bluffs Garrison of the Iowa National Guard of Council Bluffs — Commendation for participation in the activation of the 34th Infantry (Red Bull) Division on Sunday, March 3, 1991. |

SUBCOMMITTEE ASSIGNMENTS

House File 321

Small Business, Economic Development and Trade: Wise, Chair; Beaman and Doderer.

House File 373

Natural Resources and Outdoor Recreation: Pavich, Chair; Peterson of Carroll and Weidman.

Senate File 181

Natural Resources and Outdoor Recreation: Schrader, Chair; Eddie and Hatch.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 42.1 (Revised) Natural Resources and Outdoor Recreation

To increase the fees for fishing, hunting, and related licenses.

H.S.B. 228 Ways and Means

Relating to providing additional state income tax filing time periods for certain military personnel, exempting from taxation income of persons killed in a combat zone or while serving overseas, and providing a retroactive applicability date and an effective date.

H.S.B. 229 Energy and Environmental Protection

Relating to energy efficiency by requiring certain employers to provide and pay for energy efficient transportation alternatives for employees.

H.S.B. 230 Local Government

Relating to the publication of notice for a public hearing on a county budget.

AMENDMENTS FILED

H-3131	H.F.	232	Grubbs of Scott
H-3132	H.F.	163	Peterson of Carroll
H-3133	H.F.	336	Spear of Lee
H-3134	H.F.	276	Bisignano of Polk
H-3135	H.F.	276	Bisignano of Polk
H-3136	H.F.	336	Spear of Lee
H-3137	H.F.	336	Spear of Lee
H-3138	H.F.	336	Spear of Lee
H-3139	S.F.	209	Jochum of Dubuque

On motion by McKinney of Dallas, the House adjourned at 10:59 a.m., until 9:00 a.m., Tuesday, March 5, 1991.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day — Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 5, 1991

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

Prayer was offered by the Honorable Bill Royer, state representative from Page County.

The Journal of Monday, March 4, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Burke of Marshall, until his arrival, on request of Schrader of Marion.

INTRODUCTION OF BILLS

House File 404, by committee on state government, a bill for an act relating to publishing notice of write-in candidates for certain non-partisan offices and special charter city offices, and providing for a filing deadline and a disqualification of votes cast.

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

House File 405, by Knapp and Holveck, a bill for an act relating to defective motor vehicles and providing statutory procedures under which a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the warranty, providing certain remedies, providing an administrative fine, making a penalty applicable, and providing an effective date.

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

House File 406, by Garman and Banks, a bill for an act relating to the operation of motor vehicles by persons under age twenty-one and prohibiting operation with an alcohol concentration of more than .02, enacting provisions governing implied consent to chemical testing and the use of a test result as a basis for a license revocation, providing penalties, and providing for other properly related matters.

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

House File 407, by Bartz, a bill for an act relating to child day care requirements by establishing an exception for certain children with a parent serving in the United States armed services and stationed outside the state due to the Persian Gulf Conflict and providing an effective date.

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

House File 408, by Beatty, a bill for an act relating to covenants not to compete in employment contracts.

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

House File 409, by Hibbard, a bill for an act relating to the taxation of income from certain pensions, annuities, and retirement allowances, allowance of refunds of income tax paid on income from certain pensions, annuities, and retirement allowances, and providing effective and retroactive applicability dates.

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

House File 410, by Brown, Jesse and Hibbard, a bill for an act abolishing the unemployment insurance administrative contribution surcharge and providing an effective date.

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

SENATE MESSAGES CONSIDERED

Senate File 200, by committee on agriculture, a bill for an act relating to soil conservation by providing for protection of land subject to a public interest.

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

Senate File 211, by committee on judiciary, a bill for an act relating to crimes against the elderly and disabled persons by creating a cause of action, creating a special fund, and providing a civil penalty.

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 February 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 99, a bill for an act relating to reimbursement for law enforcement officer training costs.

Also: That the Senate has on February 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 119, a bill for an act to provide a law enforcement training course for part-time law enforcement officers.

Also: That the Senate has on February 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 122, a bill for an act requiring that an instrument recorded by a county recorder contain the name, address, and signature of the person preparing the instrument.

Also: That the Senate has on February 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 162, a bill for an act relating to the use of topical external applications on horses and dogs engaged in racing.

Also: That the Senate has on February 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 170, a bill for an act to permit school or school district superintendents to serve concurrently as an elementary school principal in the school or school district.

Also: That the Senate has on February 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 218, a bill for an act relating to the formula used to calculate part-time student financial aid awards under the tuition grant program.

Also: That the Senate has on February 28, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 4, a concurrent resolution protesting the withholding of Federal Unemployment Tax Act (FUTA) funds by the federal government.

JOHN F. DWYER, Secretary

On motion by Schrader of Marion, the House was recessed at 9:16 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Cherokee, for the afternoon session, on request of Van Maanen of Mahaska.

SENATE MESSAGE CONSIDERED

Senate File 218, by committee on education, a bill for an act relating to the formula used to calculate part-time student financial aid awards under the tuition grant program.

Read first time and passed on file.

CONSIDERATION OF BILLS
Appropriations Calendar

The House resumed consideration of **Senate File 209**, a bill for an act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, and increasing the court civil penalty surcharge, and providing effective dates, and the committee amendment H-3085, found on pages 477 through 480 of the House Journal, previously deferred.

Jesse of Jasper asked and received unanimous consent to withdraw amendment H-3108, to the committee amendment H-3085, filed by him on February 27, 1991.

On motion by Peterson of Carroll, the committee amendment H-3085 was adopted.

Hester of Pottawattamie offered the following amendment H-3104 filed by Hammond of Story and her and moved its adoption:

H-3104

- 1 Amend Senate File 209 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 22, the
- 4 following:
- 5 "Sec. _____. Notwithstanding the provisions of 1990
- 6 Iowa Acts, chapter 1270, section 6, the department of
- 7 human services may revise the allocation of funds
- 8 appropriated in that section for protective and state
- 9 child care assistance as the department deems
- 10 necessary to prevent a deficit in the appropriation.
- 11 The revision actions the department may take include

12 but are not limited to transfers of allocated funds
13 between counties within a department of human
14 services' district, transfers between the districts,
15 and limiting the number of new persons who are
16 approved to receive state child care assistance. If a
17 transfer of allocated funds is necessary,
18 consideration shall be given to transferring funds
19 from those counties projecting a surplus in the
20 allocation which have no waiting list for services and
21 from those counties with unencumbered funds in the
22 allocation which have a waiting list."

23 2. By renumbering as necessary.

Amendment H—3104 was adopted.

Bartz of Worth asked and received unanimous consent to withdraw amendment H—3088 filed by him on February 26, 1991.

Halvorson of Clayton offered the following amendment H—3100 filed by him and Jochum of Dubuque and moved its adoption:

H—3100

1 Amend Senate File 209 as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. 100. Section 8.23, unnumbered paragraph 1,
6 Code 1991, is amended to read as follows:

7 On or before September 1, next prior to each
8 legislative session, all departments and
9 establishments of the government shall transmit to the
10 director, on blanks to be furnished by the director,
11 estimates of their expenditure requirements, including
12 every proposed expenditure, for the ensuing fiscal
13 year, classified so as to distinguish between
14 expenditures estimated for administration, operation,
15 and maintenance, and the cost of each project
16 involving the purchase of land or the making of a
17 public improvement or capital outlay of a permanent
18 character, together with supporting data and
19 explanations as called for by the director. The
20 budget estimates shall include for those agencies
21 which pay for energy directly a line item for energy
22 expenses itemized by type of energy and location. The
23 estimates of expenditure requirements shall be based
24 upon seventy-five percent of the funding provided for
25 the current fiscal year accounted for by program
26 reduced by the historical employee vacancy factor in
27 form specified by the director and the remainder of
28 the estimate of expenditure requirements prioritized
29 by program. The estimates shall be accompanied with

30 performance measures for evaluating the effectiveness
31 of the program. If a department or establishment
32 fails to submit estimates within the time specified,
33 the governor shall cause estimates to be prepared for
34 that department or establishment as in the governor's
35 opinion are reasonable and proper. The director shall
36 furnish standard budget request forms to each
37 department or agency of state government."

38 2. Page 11, line 10, by inserting after the word
39 "date." the following: "Section 100 of this Act
40 relating to departmental estimates takes effect July
41 1, 1991."

42 3. Title page, line 13, by inserting after the
43 word "surcharge," the following: "and future budget
44 estimates,".

45 4. Renumber as necessary.

Amendment H—3100 was adopted.

Jochum of Dubuque offered the following amendment H—3139
filed by him and moved its adoption:

H—3139

1 Amend Senate File 209, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 10, by inserting before line 25, the
4 following:

5 "Sec. _____. **NEW SECTION. 29C.22 PARTICIPATION IN**
6 **FUNDING DISASTER RECOVERY FACILITY.**

7 All state government departments and agencies may
8 participate in sharing the cost of the design,
9 construction, and operation of a disaster recovery
10 facility located in the STARC armory at Camp Dodge.
11 State departments and agencies may use funds from any
12 source, including but not limited to, user fees, and
13 appropriations for operational or capital purposes, to
14 participate in the facility."

Amendment H—3139 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. 209)

The ayes were, 98:

Adams
Beaman
Bisignano
Brand

Baker
Beatty
Black
Branstad

Banks
Bennett
Blanshan
Brown

Bartz
Bernau
Brammer
Burke

Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 1:

Hibbard

Absent or not voting, 1:

Miller

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that Senate File 209 be immediately messaged to the Senate.

Regular Calendar

House File 371, a bill for an act relating to the formula used to calculate part-time student financial aid awards under the tuition grant program, was taken up for consideration.

SENATE FILE 218 SUBSTITUTED FOR HOUSE FILE 371

Baker of Polk asked and received unanimous consent to substitute Senate File 218 for House File 371.

Senate File 218, a bill for an act relating to the formula used to calculate part-time student financial aid awards under the tuition grant program, was taken up for consideration.

Baker 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. 218)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Knapp	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

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

House File 296, a bill for an act relating to record checks and evaluations concerning facilities providing care to children and state institutions controlled by the department of human services, and containing applicability provisions, was taken up for consideration.

Murphy 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. 296)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Miller

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

House File 275, a bill for an act requiring the state department of transportation to adopt administrative rules relating to damage to highways and highway structures, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 275)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brämmer
Brand	Branstad	Brown	Burke

Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Miller

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

House File 336, a bill for an act to include bats as protected non-game species, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—3110 filed by him and moved its adoption:

H—3110

- 1 Amend House File 336 as follows:
- 2 1. Page 1, line 4, by striking the words "wild
- 3 fish," and inserting the following: "wild fish₇,"
- 4 2. Page 1, line 7, by striking the word "fish,"
- 5 and inserting the following: "fish₇,"

A non-record roll call was requested.

The ayes were 38, nays 42.

Amendment H—3110 lost.

Spear of Lee asked and received unanimous consent to withdraw amendments H—3109 and H—3113 filed by him on February 27, 1991.

Spear of Lee offered the following amendment H—3133 filed by him and moved its adoption:

H—3133

- 1 Amend House File 336 as follows:
- 2 1. Page 1, line 5, by inserting before the word
- 3 "reptiles" the following: "nonpoisonous".

A non-record roll call was requested.

The ayes were 37, nays 44.

Amendment H—3133 lost.

Spear of Lee offered the following amendment H—3137 filed by him and moved its adoption:

H—3137

- 1 Amend House File 336 as follows:
- 2 1. Page 1, line 5, by striking the word "product"
- 3 and inserting the following: "product nest".

A non-record roll call was requested.

The ayes were 36, nays 42.

Amendment H—3137 lost.

Spear of Lee offered the following amendment H—3136 filed by him and moved its adoption:

H—3136

- 1 Amend House File 336 as follows:
- 2 1. Page 1, line 6, by striking the words ", and a
- 3 dead body or part of a body" and inserting the
- 4 following: "; and a dead body or part of a body".

Amendment H—3136 lost.

Spear of Lee offered the following amendment H—3112 filed by him and moved its adoption:

H—3112

- 1 Amend House File 336 as follows:
- 2 1. Page 1, line 7, by striking the word "game,"
- 3 and inserting the following: "game;".

Amendment H—3112 lost.

Spear of Lee offered the following amendment H—3138 filed by him:

H—3138 •

1 Amend House File 336 as follows:

2 1. Page 1, line 8, by striking the word

3 "chapter." and inserting the following: "chapter, or

4 a wild fish, bird, bat, reptile, amphibian, a product,

5 nest, egg, or offspring, dead body, or part of a dead

6 body of a wild fish, bird, bat, reptile, or amphibian

7 which is in a building."

Spear of Lee offered amendment H—3143, to amendment H—3138, filed by him from the floor and requested division as follows:

H—3143

1 Amend the amendment, H—3138, to House File 336, as

2 follows:

H—3143A

3 1. Page 1, line 4, by striking the words "wild

4 fish,".

H—3143B

5 2. Page 1, line 5, by striking the words "egg,

6 or" and inserting the following: "egg,".

H—3143A

7 3. Page 1, line 6, by striking the words "wild

8 fish,".

Spear of Lee asked and received unanimous consent to withdraw amendment H—3143A.

On motion by Spear of Lee, amendment H—3143B was adopted.

Spear of Lee moved the adoption of amendment H—3138, as amended.

A non-record roll call was requested.

The ayes were 75, nays 18.

Amendment H—3138, as amended, was adopted.

Diemer of Black Hawk asked for unanimous consent to defer House File 336.

Objection was raised.

Diemer 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. 336)

The ayes were, 43:

Bartz	Bernau	Black	Brown
Burke	Chapman	Cohoon	Corbett
De Groot	Doderer	Eddie	Fogarty
Groninga	Gruhn	Hahn	Halvorson, R. N.
Hanson, D. R.	Hibbard	Hurley	Jesse
Jochum	Kistler	Koenigs	McKinney
McNeal	Mertz	Metcalf	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Schrader	Shearer	Shoultz
Spear	Svoboda	Teaford	Tyrrell
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 56:

Adams	Baker	Banks	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Brand	Branstad	Carpenter
Connors	Daggett	Dickinson	Diemer
Dvorsky	Garman	Gill	Gipp
Grubbs	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Harbor	Hatch	Haverland
Hester	Holveck	Iverson	Jay
Johnson	Knapp	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
Millage	Muhlbauer	Murphy	Neuhauser
Petersen, D. F.	Poncy	Rafferty	Renaud
Renken	Royer	Sherzan	Shoning
Siegrist	Spenner	Van Maanen	Weidman

Absent or not voting, 1:

Miller

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

MOTION TO RECONSIDER (House File 336)

I move to reconsider the vote by which House File 336 failed to pass the House on March 5, 1991.

DIEMER of Black Hawk

PRESENTATION OF VISITOR

De Groot of Lyon presented to the House the Honorable Juel Johnson, State Representative from South Dakota.

COMMUNICATION RECEIVED

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

IOWA FINANCE AUTHORITY

The Iowa Finance Authority's Annual Report, pursuant to Chapter 220.7(1), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 6

Energy and Environmental Protection: Hatch, Chair; Banks, Dvorsky, Lundby and Osterberg.

House File 57

Labor and Industrial Relations: Poncy, Chair; Renaud and Tyrrell.

House File 59

Labor and Industrial Relations: Poncy, Chair; Renaud and Tyrrell.

House File 60

Labor and Industrial Relations: Renaud, Chair; Poncy and Tyrrell.

House File 62

Labor and Industrial Relations: Renaud, Chair; Poncy and Tyrrell.

House File 66

Energy and Environmental Protection: Hatch, Chair; Banks, Dvorsky, Lundby and Osterberg.

House File 74

Energy and Environmental Protection: Jesse, Chair; Grubbs and Neuhauser.

House File 81

Energy and Environmental Protection: Hatch, Chair; Banks, Dvorsky, Lundby and Osterberg.

House File 154

Energy and Environmental Protection: Hatch, Chair; Banks, Dvorsky, Lundby and Osterberg.

House File 217

Energy and Environmental Protection: Osterberg, Chair; Banks, Dvorsky, Hatch and Lundby.

House File 286

Energy and Environmental Protection: Schrader, Chair; Neuhauser and Siegrist.

House File 304

Labor and Industrial Relations: Jochum, Chair; Beatty, Brammer, McKean and Millage.

House File 359

Energy and Environmental Protection: Dvorsky, Chair; Hanson of Delaware and Holveck.

House File 364

Labor and Industrial Relations: Teaford, Chair; Gill, Hansen of Woodbury, Kistler and Plasier.

House File 367

Local Government: Cohoon, Chair; Baker and Hahn.

House File 368

Labor and Industrial Relations: Poncy, Chair; Kremer, Plasier, Renaud and Wissing.

House File 369

Energy and Environmental Protection: Adams, Chair; Gipp and Holveck.

House File 375

Energy and Environmental Protection: Adams, Chair; Gipp and Holveck.

House File 393

Agriculture: Hibbard, Chair; Banks and Jesse.

House File 398

State Government: Spenner, Chair; Bisignano, Carpenter, Poncy and Teaford.

House File 399

State Government: Knapp, Chair; Connors, Garman, Krebsbach and Peterson of Carroll.

House File 400

State Government: Knapp, Chair; Connors, Garman, Krebsbach and Peterson of Carroll.

House File 402

Energy and Environmental Protection: Osterberg, Chair; Banks, Dvorsky, Hatch and Lundby.

Senate File 38

State Government: Blanshan, Chair; Carpenter and Teaford.

Senate File 46

Energy and Environmental Protection: Osterberg, Chair; Banks, Dvorsky, Hatch and Lundby.

Senate File 74

State Government: Knapp, Chair; Blanshan and Lundby.

Senate File 180

State Government: Teaford, Chair; Bisignano, Carpenter, Poncy and Spenner.

Senate File 182

State Government: Pavich, Chair; Shoning and Teaford.

Senate File 200

Agriculture: Brown, Chair; Jesse and Maulsby.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 220**

Labor and Industrial Relations: Beatty, Chair; Branstad, Gill, Ollie and Rafferty.

House Study Bill 221

Labor and Industrial Relations: Sherzan, Chair; Branstad, Connors, McNeal and Wissing.

House Study Bill 222

Labor and Industrial Relations: Poncy, Chair; Kremer, Plasier, Renaud and Wissing.

House Study Bill 228

Ways and Means: Burke, Chair; Doderer and Renken.

House Study Bill 229

Energy and Environmental Protection: Neuhauser, Chair; Adams, Hahn, Holveck and Petersen of Muscatine.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 231 Agriculture**

Relating to agricultural equipment dealership agreements by regulating the prices charged to dealers by suppliers of equipment.

H.S.B. 232 Agriculture

Relating to the agricultural development authority, by establishing programs to assist ruminant livestock producers, establishing a fund, and making appropriations.

H.S.B. 233 Energy and Environmental Protection

Relating to the development and adoption of energy efficiency standards, and providing a penalty.

H.S.B. 234 Judiciary and Law Enforcement

Relating to establishing a durable power of attorney authorized to make health care decisions.

H.S.B. 235 Commerce

Relating to regulation of foreign and domestic insurers licensed to do business in this state by amending provisions relating to administration of the tax on foreign insurance companies, amending certain filing requirements, filing fees, and the deposit of those fees by the insurance division, providing for the suspension of an insurer's license for certain violations, providing for the approval of certain policies or forms prior to their offering by an insurer, making modifications to certain meeting and license renewal requirements and providing for the Act's applicability.

H.S.B. 236 State Government

A joint resolution proposing an amendment to the Constitution of the State of Iowa to provide for the continuity of government during a proclaimed emergency by the Governor or the President of the United States.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON LOCAL GOVERNMENT

House File 167, a bill for an act relating to membership of county compensation boards.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3141 March 4, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Committee Bill (Formerly House Study Bill 79), relating to the resource enhancement and protection (REAP) program.

Fiscal Note is not required.

Recommended Amend and Do Pass March 4, 1991.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 227), relating to private club expense deductions for individual and corporate state income tax purposes.

Fiscal Note is not required.

Recommended Do Pass March 4, 1991.

RESOLUTION FILED

SCR 4, by committee on business and labor relations, a concurrent resolution protesting the withholding of Federal Unemployment Tax Act (FUTA) funds by the federal government.

Referred to committee on **labor and industrial relations**.

AMENDMENTS FILED

H-3140	H.F.	391	Bartz of Worth
H-3141	H.F.	167	Committee on Local Government
H-3142	S.F.	92	Renken of Grundy
H-3144	H.F.	386	Groninga of Cerro Gordo
H-3145	H.F.	404	Lundby of Linn
			Hanson of Delaware
			Pavich of Pottawattamie
			Halvorson of Webster
H-3146	H.F.	295	Corbett of Linn
			Branstad of Winnebago

On motion by McKinney of Dallas, the House adjourned at 2:26 p.m., until 9:00 a.m., Wednesday, March 6, 1991.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day — Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 6, 1991

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

Prayer was offered by the Honorable Scott Krebsbach, state representative from Mitchell County.

The Journal of Tuesday, March 5, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Metcalf of Polk on request of Millage of Scott; Shultz of Black Hawk on request of Petersen of Muscatine.

INTRODUCTION OF BILLS

House File 411, by Jochum, Doderer, Hanson of Delaware, Hatch and Neuhauser, a bill for an act relating to sexual abuse and exploitation and providing penalties.

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

House File 412, by Teaford and Corbett, a bill for an act relating to providing funeral and cemetery products and services by establishing a consumer protection fund and a fee on the filing of death certificates.

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

House File 413, by Jesse, a bill for an act regulating temporary agricultural advertising devices along primary highways, and making penalties applicable.

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

House File 414, by Grubbs, Krebsbach, Siegrist and Millage, a bill for an act relating to the establishment of an energy conservation program for nursing facilities.

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

House File 415, by Pavich, a bill for an act relating to training required for operation of private security businesses and training and

identification of proprietary security personnel, making penalties applicable, and establishing fees.

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

House File 416, by Iverson, Peterson of Carroll and Siegrist, a bill for an act relating to open enrollment, making certain changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts to participate in athletics without delay, and providing effective and applicability dates.

Read first time and referred to committee on education.

House File 417, by committee on ways and means, a bill for an act relating to private club expense deductions for individual and corporate state income tax purposes.

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

House File 418, by Daggett, a bill for an act to establish a math and science grant program under the administration of the department of education and creating a math and science account.

Read first time and referred to committee on education.

SENATE MESSAGES CONSIDERED

Senate File 99, by Jensen, a bill for an act relating to reimbursement for law enforcement officer training costs.

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

Senate File 119, by Jensen, a bill for an act to provide a law enforcement training course for part-time law enforcement officers.

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

Senate File 122, by Vande Hoef, a bill for an act requiring that an instrument recorded by a county recorder contain the name, address, and signature of the person preparing the instrument.

Read first time and referred to committee on local government.

Senate File 162, by Priebe, a bill for an act relating to the use of topical external applications on horses and dogs engaged in racing.

Read first time and referred to committee on state government.

Senate File 170, by Kibbie, Taylor, Tieden, Dieleman, Boswell, Hester, Fuhrman, Miller, Priebe, Hannon, Gettings, McLaren, Drake, Rensink, Borlaug, Hedge, Hagerla and Vande Hoef, a bill for an act to permit school or school district superintendents to serve concurrently as an elementary school principal in the school or school district.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 114, a bill for an act relating to the definition of a physician for the purpose of the practice of nursing.

Also: That the Senate has on March 5, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 141, a bill for an act relating to media and educational services funding for area education agencies.

Also: That the Senate has on March 4, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 171, a bill for an act providing for the identification and eradication of marijuana plants.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 9:14 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Cherokee and Hahn of Muscatine, for the remainder of the day, on request of Van Maanen of Mahaska.

CONSIDERATION OF BILLS

Regular Calendar

House File 357, a bill for an act establishing the Iowa uniform premarital agreement Act, and providing effective date and applicability provisions, was taken up for consideration.

Millage of Scott offered the following amendment H—3091 filed by Brammer of Linn and him and moved its adoption:

H—3091

- 1 Amend House File 357 as follows:
- 2 1. Page 3, by inserting after line 7 the
- 3 following:
- 4 "If a provision of the agreement or the application
- 5 of the provision to a party is found by the court to
- 6 be unenforceable, the provision shall be severed from
- 7 the remainder of the agreement and shall not affect
- 8 the provisions, or application, of the agreement which
- 9 can be given effect without the unenforceable
- 10 provision."

Amendment H—3091 was adopted.

Bisignano of Polk in the chair at 1:36 p.m.

McKinney of Dallas asked and received unanimous consent that House File 357 be deferred and that the bill retain its place on the calendar.

HOUSE FILE 283 WITHDRAWN

Shearer of Louisa asked and received unanimous consent to withdraw House File 283 from further consideration by the House.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 6th day of March, 1991: House File 231.

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:

Twelve eleventh grade students from Maharishi School, Fairfield, accompanied by Jean Symington and Alex Green. By Kistler of Jefferson.

SUBCOMMITTEE ASSIGNMENTS

House File 340

Small Business, Economic Development and Trade: Jesse, Chair; Brand and Branstad.

House File 348

Local Government: Fogarty, Chair; Eddie, Mertz, Muhlbauer and Royer.

House File 381

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House File 390

Judiciary and Law Enforcement: Jay, Chair; Blanshan and Kremer.

House File 396

Judiciary and Law Enforcement: Hibbard, Chair; Bisignano, Harbor, Hurley and Peterson of Carroll.

House File 397

Judiciary and Law Enforcement: Hibbard, Chair; Bisignano, Harbor, Hurley and Peterson of Carroll.

House File 403

Judiciary and Law Enforcement: Jay, Chair; Blanshan and Kremer.

House File 406

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

Senate File 122

Local Government: Hatch, Chair; Cohoon and Gipp.

Senate File 211

Judiciary and Law Enforcement: Jay, Chair; Hansen of Woodbury and Shoning.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 230

Local Government: Cohoon, Chair; Gipp and Hatch.

House Study Bill 231

Agriculture: Mertz, Chair; Eddie and Schrader.

House Study Bill 232

Agriculture: Gruhn, Chair; Bernau and De Groot.

House Study Bill 233

Energy and Environmental Protection: Shearer, Chair; Dvorsky, Groninga, Grubbs and Siegrist.

House Study Bill 234

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Blanshan and Kremer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 237 State Government**

Relating to documents required to be filed with the general assembly by officials and departments.

H.S.B. 238 Labor and Industrial Relations

Relating to wage payment collection.

H.S.B. 239 Commerce

Relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties.

H.S.B. 240 Commerce

Relating to the transfer of the regulatory authority of the superintendent of savings and loan associations to the superintendent of banking.

H.S.B. 241 Commerce

Relating to the definition of a supervised financial organization under the consumer credit code.

H.S.B. 242 Local Government

Relating to the reapportionment of county supervisor districts.

H.S.B. 243 Human Resources

Relating to the establishment of an Iowa health insurance plan for children; providing tax provisions, and providing an effective date and applicability provisions.

H.S.B. 244 Education

Relating to eligibility of school districts for the reorganization incentives and providing an effective date.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 174, a bill for an act classifying the transfer of a nonpayable financial instrument to a livestock dealer or market agency as a fraudulent practice and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1991.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 34), relating to student financial aid programs administered by the college student aid commission.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 127.1), relating to waste tire management, imposing fees, and providing for a repeal.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1991.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Resolution (Formerly House Study Bill 153), a concurrent resolution protesting the withholding of Federal Unemployment Tax Act (FUTA) funds by the federal government.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1991.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 191), relating to corrective changes to Iowa's election laws.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1991.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 149), relating to Pearl Harbor motor vehicle registration plates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1991.

Committee Bill (Formerly House Study Bill 165), relating to school bus traffic violations on private roads or driveways and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1991.

RESOLUTIONS FILED

HCR 9, by Bartz and Royer, a concurrent resolution petitioning the United States Navy for the return of the battleship USS Iowa's silver service.

Laid over under **Rule 25**.

HCR 10, by Fogarty, a concurrent resolution to urge Iowa's congressional delegation to support certain measures as part of the reauthorization of the Higher Education Act of 1965.

Referred to committee on **education**.

AMENDMENTS FILED

H—3147	H.F.	391	Corbett of Linn Branstad of Winnebago
H—3148	H.F.	358	Royer of Page Fogarty of Palo Alto
H—3149	H.F.	336	Spear of Lee
H—3150	H.F.	357	Banks of Plymouth

On motion by McKinney of Dallas, the House adjourned at 1:40 p.m., until 9:00 a.m., Thursday, March 7, 1991.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day — Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 7, 1991

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

Prayer was offered by the Honorable Janet Adams, state representative from Hamilton County.

The Journal of Wednesday, March 6, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Metcalf of Polk on request of Millage of Scott.

INTRODUCTION OF BILLS

House File 419, by committee on transportation, a bill for an act relating to school bus traffic violations and making a penalty applicable.

Read first time and placed on the calendar.

House File 420, by committee on state government, a bill for an act relating to corrective changes to Iowa's election laws and providing emergency powers to the state commissioner of elections.

Read first time and placed on the calendar.

House File 421, by Doderer, a bill for an act relating to establishing a registry of sex offenders and establishing penalties.

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

House File 422, by Hanson of Delaware, Lundby and Bennett, a bill for an act relating to vehicle roadblocks conducted to enforce compliance with prohibitions against operating while under the influence of alcohol or a drug.

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

House File 423, by committee on education, a bill for an act relating to student financial aid programs administered by the college student aid commission.

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

House File 424, by Bisignano, a bill for an act relating to absentee voting.

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

House File 425, by Krebsbach, Hanson of Delaware, Mertz and Van Maanen, a bill for an act providing immunity from liability for volunteers.

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

House File 426, by committee on transportation, a bill for an act relating to Pearl Harbor motor vehicle registration plates.

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

House File 427, by committee on natural resources and outdoor recreation, a bill for an act relating to the resource enhancement and protection program.

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

House File 428, by Branstad, a bill for an act relating to the sale of cold or refrigerated alcoholic beverages, and subjecting violators to an existing penalty.

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

House File 429, by Hanson of Delaware, Lundby, Weidman, Krebsbach, Iverson, Garman, Siegrist, Bennett, Petersen of Muscatine, Gipp, Rafferty, Hanson of Black Hawk and Millage, a bill for an act relating to the submission of an estimate of the total expenditure requirements of the judicial department.

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

SENATE MESSAGES CONSIDERED

Senate File 114, by Szymoniak, a bill for an act relating to the definition of a physician for the purpose of the practice of nursing.

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

Senate File 171, by committee on agriculture, a bill for an act providing for the identification and eradication of marijuana plants.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 260, a bill for an act relating to the reservation of a bank name.

JOHN F. DWYER, Secretary

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Arnould 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-fourth General Assembly were presented to the following Pages by Speaker Arnould and Minority Leader Van Maanen of Mahaska:

Brenna Conway
Julie Kelderman
Heather Lucas
Julie Moser
Heather Neessen
David A. Nelson, Jr.

Jill Ness
Leandra Oldaker
Kimberly Pearsall
Stephanie Sheil
Kelli Steggall
Stacy Van Gorp

The House rose and expressed its appreciation.

(LAID OVER UNDER RULE 25

The Speaker announced that **Senate Concurrent Resolution 4**, previously referred to the committee on **labor and industrial relations**, was laid over under **Rule 25**.

On motion by McKinney of Dallas, the House was recessed at 9:18 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 430, by committee on judiciary and law enforcement, a bill for an act relating to the crime victim assistance programs.

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

House File 431, by Brand, a bill for an act relating to the collection of real property and mobile home taxes, tax sales, tax redemptions, and tax deeds, and providing an effective date.

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

House File 432, by Baker, a bill for an act relating to the reservation of an insurance company name.

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

House File 433, by Lageschulte, a bill for an act relating to recorded and live performances by requiring certain warning labels, by prohibiting certain performances before minors, by allowing certain civil actions, and by providing penalties.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 386, a bill for an act relating to public utility reorganizations, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—3144 filed by him and moved its adoption:

H—3144

- 1 Amend House File 386 as follows:
- 2 1. Page 2, by inserting after line 4 the
- 3 following:
- 4 "Sec. _____. This Act, being deemed of immediate
- 5 importance, takes effect upon enactment."
- 6 2. Title page, line 1, by inserting after the
- 7 word "reorganizations" the following: "and providing
- 8 an effective date".
- 9 3. By renumbering as necessary.

Amendment H—3144 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. 386)

The ayes were, 97:

Adams
Beaman
Bisignano

Baker
Beatty
Black

Banks
Bennett
Blanshan

Bartz
Bernau
Brammer

Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 3:

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

House File 380, a bill for an act requiring the state registrar to provide a certified copy of a birth certificate when the certificate is registered, was taken up for consideration.

Nielsen 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. 380)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga

Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Millage	Muhlbauer	Murphy	Neuhausser
Nielsen	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 2:

Branstad Miller

Absent or not voting, 3:

Lageschulte Metcalf Osterberg

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

House File 385, a bill for an act requiring the state department of transportation to publish an official Iowa map, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 385)

The ayes were, 90:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum

Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lundby	Maulsby
McKean	McKinney	Mertz	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 7:

Eddie	McNeal	Miller	Rafferty
Renken	Tyrrell	Van Maanen	

Absent or not voting, 3:

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

The House resumed consideration of **House File 357**, a bill for an act establishing the Iowa uniform premarital agreement Act, and providing effective date and applicability provisions, previously deferred.

Banks of Plymouth offered the following amendment H—3150 filed by him:

H—3150

- 1 Amend House File 357 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. **NEW SECTION. 595A.1 DEFINITIONS.**
- 5 As used in this chapter, unless the context
- 6 otherwise requires:
- 7 1. "No fault marriage license" means a marriage
- 8 license providing that the marriage may be dissolved
- 9 in accordance with chapter 598.
- 10 2. "Fault marriage license" means a marriage
- 11 license providing that the marriage shall only be
- 12 dissolved upon a showing that one or both of the
- 13 parties is at fault for the breakdown of the marriage
- 14 relationship.
- 15 Sec. 2. **NEW SECTION. 595A.2 MARRIAGE LICENSE —**
- 16 **OPTION.**
- 17 At the option of the parties to be married, the
- 18 clerk of the district court shall issue the parties
- 19 either a no fault marriage license or a fault marriage

20 license, in accordance with the provisions of chapter
21 595.

22 Sec. 3. NEW SECTION. 595A.3 EFFECTIVE DATE.

23 This chapter takes effect on January 1, 1992, and
24 applies to any marriage license application filed on
25 or after that date. This chapter does not affect the
26 validity under Iowa law of any marriage license issued
27 prior to January 1, 1992."

28 2. Title page, by striking lines 1 and 2 and
29 inserting the following: "An Act establishing a fault
30 marriage license."

Brammer of Linn rose on a point of order that amendment H—3150 was not germane.

The Speaker ruled the point well taken and amendment H—3150 not germane.

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

On the question "Shall the bill pass?" (H.F. 357)

The ayes were, 77:

Adams	Baker	Bartz	Beatty
Bennett	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Burke	Carpenter	Chapman	Cphoon
Connors	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lundby	McKinney
McNeal	Mertz	Millage	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Royer	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 20:

Banks	Beaman	Branstad	Corbett
De Groot	Eddie	Garman	Halvorson, R. A.
Hanson, D. E.	Harbor	Iverson	Johnson

Krebsbach
Petersen, D. F.

Maulsby
Renken

McKean
Shoning

Miller
Van Maanen

Absent or not voting, 3:

Lageschulte

Metcalf

Osterberg

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

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 7, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 231, an act relating to the number of presidents of a state bank which is established by merger or consolidation.

Senate File 34, an act relating to the sale, offer for sale, or distribution of purple loosestrife.

Senate File 141, an act relating to media and educational services funding for area education agencies.

PRESENTATION OF VISITORS

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

Eight students from Church of the Nazarene, Cedar Rapids, accompanied by Bill Gartung. By Corbett of Linn.

Twenty-six junior and senior students from Dexfield High School, Redfield, accompanied by Dwain Swallow and Sam Guzzi. By McKinney of Dallas.

SUBCOMMITTEE ASSIGNMENTS

House File 119

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and Jochum.

House File 161

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and Jochum.

House File 311

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and Jochum.

House File 330

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and Jochum.

House File 360

Appropriations: Jochum, Chair; Hatch and Rafferty.

House File 376

Commerce: Groninga, Chair; Corbett and Gill.

House File 384

State Government: Pavich, Chair; Shoning and Teaford.

House File 388

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and Jochum.

House File 392

Human Resources: Burke, Chair; Hurley and Jesse.

House File 394

Human Resources: Mertz, Chair; Grubbs and Svoboda.

House File 395

Human Resources: Hammond, Chair; Carpenter and Wissing.

House File 401

Commerce: Bisignano, Chair; Millage and Renken.

House File 405

Commerce: Holveck, Chair; Baker and Halvorson of Clayton.

House File 407

Human Resources: Neuhauser, Chair; Bartz and Nielsen.

House File 408

Commerce: Halvorson of Webster, Chair; Doderer and Rafferty.

House File 410

Labor and Industrial Relations: Poncy, Chair; Kremer, Plasier, Renaud and Wissing.

House File 412

Commerce: Brammer, Chair; Hansen of Woodbury and Metcalf.

House File 424

State Government: Beatty, Chair; Halvorson of Webster, Hanson of Delaware, Krebsbach, Pavich, Renken and Teaford.

House File 428

State Government: Renaud, Chair; Bisignano, Lundby, Pavich and Shoning.

Senate File 114

State Government: Beatty, Chair; Knapp, Poncy, Renken and Tyrrell.

Senate File 121

Appropriations: Brand, Chair; Bartz and Hatch.

Senate File 162

State Government: Blanshan, Chair; Lundby and Renaud.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 235**

Commerce: Groninga, Chair; Brammer and Metcalf.

House Study Bill 236

State Government: Blanshan, Chair; Shoning and Teaford.

House Study Bill 237

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

House Study Bill 238

Labor and Industrial Relations: Brammer, Chair; Beatty, Jochum, McKean and Millage.

House Study Bill 239

Commerce: Halvorson of Webster, Chair; Blanshan and Kremer.

House Study Bill 240

Commerce: Chapman, Chair; Groninga and Halvorson of Clayton.

House Study Bill 241

Commerce: Groninga, Chair; Bisignano and Renken.

House Study Bill 242

Local Government: Dvorsky, Chair; Cohoon and Royer.

House Study Bill 243

Human Resources: Haverland, Chair; Bartz, Burke, Carpenter, Daggett, Grubbs, Hammond, Hester, Mertz, Murphy, Neuhauser, Nielsen, Plasier, Teaford and Wissing.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 195.1 (Revised) Human Resources**

Establishing a state funding formula for the costs of services provided to adults with mental retardation, a developmental disability, or mental illness, and providing an effective date.

H.S.B. 245 Commerce

Relating to the regulation of insurance.

H.S.B. 246 Human Resources

Relating to health insurance reforms by restricting small group premium rating practices and providing for the adoption of national standards concerning insurance access by small employer groups.

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 COMMERCE

Senate File 87, a bill for an act relating to the deposit insurance required of certain financial institutions, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 353, a bill for an act relating to the possession or use of a device or appliance to stimulate or depress a race horse or dog and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3152** March 6, 1991.

Committee Bill (Formerly House Study Bill 214), relating to the crime victim assistance programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1991.

COMMITTEE ON LOCAL GOVERNMENT

House File 197, a bill for an act relating to the operation and dissolution of certain special districts organized to provide a municipal service.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 373, a bill for an act authorizing the issuance of warning citations by state conservation officers and employees who are peace officers.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1991.

COMMITTEE ON STATE GOVERNMENT

Senate File 111, a bill for an act relating to the qualifications for licensure of an accounting practitioner.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1991.

Senate File 151, a bill for an act relating to peer review of certain certified public accountants.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1991.

RESOLUTION FILED

HCR 11, by committee on labor and industrial relations, a concurrent resolution protesting the withholding of Federal Unemployment Tax Act (FUTA) funds by the federal government.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3151	S.F.	92	Kremer of Buchanan
H-3152	H.F.	353	Committee on Judiciary and Law Enforcement
H-3153	S.F.	92	Spear of Lee
H-3154	H.F.	182	Grubbs of Scott
H-3155	H.F.	305	Fogarty of Palo Alto
			Royer of Page
H-3156	H.F.	389	Spear of Lee
H-3157	H.F.	305	Spenner of Henry
H-3158	H.F.	305	Hibbard of Madison
			Osterberg of Linn
H-3159	H.F.	167	Spear of Lee
H-3160	H.F.	305	Dvorsky of Johnson
H-3161	H.F.	305	Osterberg of Linn
H-3162	H.F.	167	Tyrrell of Iowa
H-3163	H.F.	417	Doderer of Johnson
			Groninga of Cerro Gordo

On motion by McKinney of Dallas, the House adjourned at 3:59 p.m., until 1:00 p.m., Monday, March 11, 1991.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day — Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 11, 1991

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

Prayer was offered by the Honorable Robert Dvorsky, state representative from Johnson County.

The Journal of Thursday, March 7, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his arrival, on request of Ollie of Clinton; Lageschulte of Bremer on request of Spenner of Henry; Harbor of Mills, until his arrival, on request of Halvorson of Clayton.

INTRODUCTION OF BILLS

House File 434, by Bisignano, a bill for an act relating to the filing of an application for a partial property tax exemption for industrial real estate, research-service facilities, warehouses, and distribution centers, and providing for retroactive applicability.

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

House File 435, by Gruhn, Shearer, Krebsbach, Shoultz, Daggett, Eddie, Beaman, Spenner, Petersen of Muscatine, Diemer, Adams, Hansen of Woodbury, Teaford, Hatch, Osterberg and Mertz, a bill for an act relating to the establishment of and payment from a trust fund for the cost of care for persons with head injury or spinal cord injuries.

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

House File 436, by Spear, Jesse, Shearer, Hibbard, Carpenter, Brammer and Nielsen, a bill for an act relating to the definitions of wine and beer, making a tax applicable, and providing an effective date.

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

House File 437, by Halvorson of Clayton, a bill for an act relating to a state general fund expenditure limitation and providing an effective date.

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

House File 438, by Bisignano, a bill for an act relating to drug testing of employees and applicants for employment.

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

House File 439, by Miller, a bill for an act relating to the extension of the effective date for the equipping of a sanitary landfill with a leachate control system.

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

House File 440, by Miller, a bill for an act relating to the protection of public land from discharges from concentrated commercial facilities as provided by the natural resource commission.

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

House File 441, by Jesse, a bill for an act relating to appeals from decisions or orders of boards of directors of school corporations to the state board of education and providing for an automatic stay of the enforcement of the school corporation board's decision or order.

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

House File 442, by Brand, a bill for an act allowing for personalized purple heart registration plates.

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

House File 443, by Poncy, Beaman, Sherzan, Daggett, Burke, Branstad, Renaud, Iverson and Brown, a bill for an act creating a service compensation fund for persons serving on active duty in the Persian Gulf Conflict and providing a tax exemption.

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

House File 444, by Adams, a bill for an act relating to plans for the development of curriculum and programs about biologically-based brain diseases at higher education institutions.

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

House File 445, by Lundby, a bill for an act relating to the maximum weekly workers' compensation benefits payable to injured workers and providing for the Act's applicability.

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

House File 446, by Pavich, Schrader, Osterberg, Hibbard and Shearer, a bill for an act relating to the regulation of information access telephone service and imposing an excise tax.

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

House File 447, by Kremer, a bill for an act relating to the use of a protected wetland.

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

House File 448, by Plasier, a bill for an act relating to the amount of federal income tax that is deductible in determining state individual income tax and providing a retroactive applicability date.

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

House File 449, by Hammond, a bill for an act relating to the composition of the advisory committee to the office of rural health.

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

House File 450, by Peterson of Carroll, Harbor and Siegrist, a bill for an act to prohibit the enforcement of rules and regulations of collegiate athletic associations which do not meet certain legal requirements by institutions of higher education or other persons in this state and establishing a civil cause of action.

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

House File 451, by Murphy and Brown, a bill for an act relating to certain policies of individual and group insurance by providing coverage for children suffering from Down's syndrome.

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

House File 452, by Hatch, a bill for an act requiring annual audit reports from those establishments required to collect a local hotel and motel tax.

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

House File 453, by McNeal, a bill for an act relating to certain administrative cost payments to the department of general services, and providing an effective date.

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

House File 454, by Hammond, a bill for an act to establish a teaching methods program for institutions of higher learning under the control of the state board of regents.

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

House File 455, by committee on education, a bill for an act relating to school instruction and attendance of children of compulsory school attendance age and providing for mediation of truancy issues, penalties, and a repealer.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 1991, 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 209, a bill for an act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, and increasing the court civil penalty surcharge, and providing effective dates.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 358, a bill for an act relating to the requirements for acquisition plats of land divided solely for right-of-way purposes, was taken up for consideration.

Royer of Page offered the following amendment H—3148 filed by him and Fogarty of Palo Alto and moved its adoption:

H—3148

- 1 Amend House File 358 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 409A.4, subsection 3,
- 5 paragraph c, Code 1991, is amended to read as follows:
- 6 c. The plat shall be signed and dated by a

7 surveyor, bear the surveyor's Iowa registration number
 8 and legible seal, the person performing the survey and
 9 shall show a north arrow and bar scale.
 10 Sec. 2. Section 409A.4, subsection 3, paragraph d,
 11 Code 1991, is amended to read as follows:
 12 d. The original drawing shall remain the property
 13 of the surveyor or the surveyor's agency person
 14 performing the survey or the person's agency or
 15 department and shall not be less than eight and one-
 16 half by eleven inches in size."

Amendment H—3148 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. 358)

The ayes were, 87:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Hurley
Iverson	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lundby	Maulsby	McKean	McKinney
McNeal	Metcalf	Millage	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 2:

Miller Spinner

Absent or not voting, 11:

Bisignano	Blanshan	Chapman	Harbor
Holveck	Jay	Jochum	Lageschulte
Mertz	Muhlbauer	Sherzan	

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

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 11th day of March, 1991: House File 260.

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 March 11, 1991, he approved and transmitted to the Secretary of State the following bills:

Senate File 116, an act relating to the uniform controlled substances act.

Senate File 150, an act relating to the department of natural resources, by providing for the use of unexpended moneys in the fish and game protection fund, and providing an effective date.

Senate File 188, an act relating to therapeutically certified optometrists.

PRESENTATION OF VISITOR

Doderer of Johnson presented to the House the Honorable Howard Sokel, former member of the House representing Osceola County.

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

- | | |
|---------|---|
| 1991-22 | Jesse Reynolds, Muscatine — For placing second in the IHSAA State Wrestling Tournament in the 130 pound weight class. |
| 1991-23 | Minnie Cline, Casey — Celebrating her 100th birthday. |
| 1991-24 | Lela H. Frederick, Earlham — Celebrating her 102nd birthday. |
| 1991-25 | Gretchen Gebers, Adair — Celebrating her 100th birthday. |
| 1991-26 | Glen and Thelma Birdsell, Spirit Lake — Celebrating their Sixtieth wedding anniversary on March 6, 1991. |
| 1991-27 | Mt. Pleasant High School Wrestlers, Mt. Pleasant — For participating in the 1991 State Wrestling Tournament. |

- 1991-28 Wapello/Winfield - Mt. Union - Morning Sun High School Wrestlers — For participating in the 1991 State Wrestling Tournament.
- 1991-29 New London High School Wrestlers, New London — For participating in the 1991 State Wrestling Tournament.
- 1991-30 Mike Uker, Osage High School — For being the 1991, Class 2-A, 145 pound State Wrestling Runner-up.
- 1991-31 Rick Moreno, Glenwood High School — For being the 1991, Class 2A, State Wrestling Champion.
- 1991-32 Jeff Bellows, Council Bluffs Lewis Central High School — For being the 1991, Class 3-A, 103 pound State Wrestling Runner-up.
- 1991-33 Darren Coppock, Council Bluffs Abraham Lincoln High School — For being the 1991, Class 3-A, 103 pound State Wrestling Champion.
- 1991-34 Lewis Central Coaches and Wrestling Team, Council Bluffs Lewis Central High School — For being the 1991, Class 3-A, State Wrestling Runner-up.
- 1991-35 Daryl Vaske, Manchester — For winning the 1991, Class 2A, 130 pound weight class, State Wrestling Championship.
- 1991-36 West Delaware Hawks Wrestling Team and Coaches — For winning the 1991, Class 2-A, State Wrestling Championship.
- 1991-37 Adam Hutchinson, Manchester — For winning second place in the 1991, Class 2-A, State Wrestling Tournament in the 125 pound weight class.
- 1991-38 Greg Lechtenberg, Bettendorf High School — For being the 1991, Class 3-A, State Wrestling Runner-up in the 171 pound weight class.
- 1991-39 Mark Wallace, Bettendorf High School — For being the 1991, Class 3-A, State Wrestling Runner-up in the 145 pound weight class.
- 1991-40 Rusty Van Wetzinger, Pleasant Valley High School — For being the 1991, Class 3-A, State Wrestling Runner-up in the 189 pound weight class.
- 1991-41 Sean Scarbrough, Waterloo Columbus High School — For being the 1991 State Wrestling Champion in the 160 pound weight class.
- 1991-42 Matt Dickey, Waterloo West High School — For being the 1991 State Wrestling Champion in the 119 pound weight class.
- 1991-43 Chad Caskey, Carson-Macedonia-Oakland High School — For being the 1991, Class 1-A, State Wrestling Champion in the 125 pound weight class.
- 1991-44 Corbon Kinney, Griswold — For being the 1991, Class 1-A, State Wrestling Champion in the 152 pound weight class.

- 1991-45 Jason Nurre, Dyersville Beckman High School — For winning the 1991, Class 2-A, State Wrestling Championship in the 112 pound weight class.
- 1991-46 Tony DeAnda, Sioux City — For winning the 1991, Class 3-A, State Wrestling Championship in the 130 pound weight class.
- 1991-47 Brian Moretz, North Central Northwood-Kensett — For winning his third State Wrestling Championship and having 89 consecutive victories in the heavyweight division.
- 1991-48 John Nagle, North Central Northwood-Kensett — For placing 6th at the 1991 State Wrestling Tournament in the 135 pound weight class.
- 1991-49 Will Smith, North Central Northwood-Kensett High School — For placing 4th at the 1991 State Wrestling Tournament in the 103 pound weight class.

SUBCOMMITTEE ASSIGNMENTS

House File 418

Education: Neuhauser, Chair; Hurley and Shoultz.

House File 421

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

House File 422

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 425

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hibbard.

House File 431

Local Government: Mertz, Chair; Fogarty and Hester.

House File 432

Commerce: Sherzan, Chair; Baker and Kremer.

House Concurrent Resolution 10

Education: Nielsen, Chair; Corbett and Spear.

Senate File 99

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

Senate File 119

Judiciary and Law Enforcement: Sherzan, Chair; Hurley, Knapp, McKean and Wissing.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 244

Education: Adams, Chair; Lageschulte and Shoultz.

House Study Bill 245

Commerce: Groninga, Chair; Brammer and Metcalf.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 246.1 (Revised) Human Resources

Relating to health insurance reforms by limiting small group premium rating practices, increasing access to affordable basic benefits health insurance, authorizing certain premium credits and tax exemptions for qualifying health insurance plans and insureds, and providing an appropriation.

H.S.B. 247 Commerce

Relating to franchise agreements by enactment of a model franchise investment Act and provisions relating to motor vehicle fuel franchises, establishing criminal penalties and administrative assessments, establishing fees, and providing applicability and effective dates.

H.S.B. 248 Human Resources

Relating to the collection and use of patient information by the health data commission, and providing penalties.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 202), relating to school instruction and attendance of children of compulsory school attendance age and providing for mediation of truancy issues, penalties, and a repealer.

Fiscal Note is required.

Recommended Amend and Do Pass March 7, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 169), relating to the establishment of a toxics reduction program, and providing for the imposition of toxics user and source permit fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1991.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 105), relating to the administration of the employment security law by the division of job service of the department of employment services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 341, a bill for an act to prohibit the intentional obstruction of a person who is lawfully hunting, fishing, or trapping, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3168** March 11, 1991.

AMENDMENTS FILED

H—3164	H.F.	167	Maulsby of Calhoun
H—3165	H.F.	167	Maulsby of Calhoun
H—3166	S.F.	209	Senate Amendment
H—3167	S.F.	92	Spear of Lee
H—3168	H.F.	341	Committee on Natural Resources and Outdoor Recreation
H—3169	H.F.	420	Hanson of Delaware
Halvorson of Webster			Pavich of Pottawattamie
Beatty of Warren			Teaford of Black Hawk
Renken of Grundy			Krebsbach of Mitchell
			Van Maanen of Mahaska

On motion by McKinney of Dallas, the House adjourned at 1:55 p.m., until 9:00 a.m., Tuesday, March 12, 1991.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day — Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 12, 1991

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

Prayer was offered by Reverend Richard Houg, pastor of the First Baptist Church, Creston.

The Journal of Monday, March 11, 1991 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Connors of Polk, from twenty-one constituents opposing any further increase in the state tax on cigarettes and also any other regulatory measure that is determined to discriminate against individuals who choose to smoke.

By Renaud of Polk, from forty-one constituents of the 78th District opposing any further increase in the state tax on cigarettes and also any other regulatory measure that is determined to discriminate against individuals who choose to smoke.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer on request of Spenner of Henry.

INTRODUCTION OF BILLS

House File 456, by Hurley, a bill for an act relating to the use of corporal punishment to discipline a student.

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

House File 457, by Hurley, a bill for an act increasing the penalty for improper use of a handicapped identification device and creating a penalty for piling snow or otherwise rendering unusable a handicapped parking space.

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

House File 458, by Shearer, a bill for an act relating to compensation and medical benefit payments under the workers' compensation law and providing a penalty.

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

House File 459, by committee on labor and industrial relations, a bill for an act relating to the administration of the employment security law by the division of job service of the department of employment services.

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

House File 460, by Neuhauser, a bill for an act relating to negotiations during a closed session by a governmental body which involve public utility and other services.

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

House File 461, by Hurley, a bill for an act relating to the immediate confiscation of hunting licenses by peace officers employed by the department of natural resources.

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

House File 462, by Bennett, a bill for an act relating to the eligibility date for school districts to receive the reorganization incentives and providing an effective date.

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

House File 463, by Kremer, a bill for an act relating to the determination of annual salaries for state officers and employees.

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

House File 464, by Daggett, a bill for an act relating to the criteria for the awarding of custody of a minor child following dissolution of a marriage.

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 March 7, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 179, a bill for an act relating to the protection of trade secrets and providing an effective date.

Also: That the Senate has on March 11, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 7, a concurrent resolution relating to a Biennial Memorial Session.

Also: That the Senate has on March 11, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 8, a concurrent resolution petitioning the United States Navy for the return of the battleship USS Iowa's silver service.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 92, a bill for an act to create an advisory commission on intergovernmental relations, specify its membership, and enumerate its powers and duties, with report of committee recommending amendment and passage was taken up for consideration.

Shearer of Louisa offered the following amendment H—3115 filed by the committee on local government and moved its adoption:

H—3115

- 1 Amend Senate File 92, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 33 through 35 and
- 4 inserting the following:
- 5 "3. In making all appointments, consideration
- 6 shall be given to gender, race or ethnic
- 7 representation, population and demographic factors,
- 8 and representation of different geographic regions."

The committee amendment H—3115 was adopted.

Renken of Grundy offered the following amendment H—3142 filed by him and moved its adoption:

H—3142

- 1 Amend Senate File 92, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 27, by striking the number "473B"
- 4 and inserting the following: "28I".

Amendment H—3142 was adopted.

Spear of Lee offered the following amendment H—3116 filed by him:

H—3116

- 1 Amend Senate File 92, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 29, by striking the words
- 4 "majority leader" and inserting the following:
- 5 "president".
- 6 2. Page 2, lines 22 and 23, by striking the words
- 7 "majority leader" and inserting the following:
- 8 "president".

Spear of Lee offered the following amendment H—3167, to amendment H—3116, filed by him and moved its adoption:

H—3167

- 1 Amend the amendment, H—3116, to Senate File 92, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 5 the
- 4 following:
- 5 "_____. Page 1, line 30, by inserting after the
- 6 word "senate" the following: "after consulting with
- 7 the majority and minority leaders" ".
- 8 2. Page 1, by inserting after line 8 the
- 9 following:
- 10 "_____. Page 1, line 32, by inserting after the
- 11 word "representatives" the following: "after con-
- 12 sulting with the majority and minority leaders" ".

Amendment H—3167 was adopted.

On motion by Spear of Lee, amendment H—3116, as amended, lost.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3153 filed by him on March 7, 1991.

Kremer of Buchanan offered the following amendment H—3151 filed by him and moved its adoption:

H—3151

- 1 Amend Senate File 92, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, lines 6 through 8, by striking the
- 4 words "Each member may also be eligible to receive
- 5 compensation as provided in section 7E.6." and
- 6 inserting the following: "An additional expense
- 7 allowance shall not be allowed except as provided in
- 8 section 7E.6, subsection 2."

Roll call was requested by Van Maanen of Mahaska and Garman of Story.

On the question "Shall amendment H—3151 be adopted?"
(S.F. 92)

The ayes were, 42:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lundby	Maulsby	McKean
McNeal	Mertz	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Royer	Shoning	Siegrist	Spenner
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Knapp
Koenigs	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poney	Renaud
Renken	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

Absent or not voting, 2:

Jochum Lageschulte

Amendment H—3151 lost.

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

On the question "Shall the bill pass?" (S.F. 92)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors

Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Gill	Gipp	Gróninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 5:

Corbett	Garman	Iverson	Maulsby
Tyrrell			

Absent or not voting, 2:

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

On motion by McKinney of Dallas, the House was recessed at 10:14 a.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 465, by committee on energy and environmental protection, a bill for an act relating to waste tire management, imposing fees, and providing for a repeal.

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

House File 466, by committee on energy and environmental protection, a bill for an act relating to the establishment of a toxics pollution prevention program, providing for the imposition of toxics pollution prevention and air contaminant source fees, and providing a penalty.

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

MOTION TO RECONSIDER

(Senate File 92)

I move to reconsider the vote by which Senate File 92 passed the House on March 12, 1991.

DODERER of Johnson

PRESENTATION OF VISITORS

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

Six students from Central Webster High School, Burnside, accompanied by Jim Ainslie. By Adams of Hamilton.

Eighty eighth grade students from Dallas Center-Grimes Junior High School, Grimes, accompanied by Bill Wineland. By McKinney of Dallas and Haverland of Polk.

COMMUNICATIONS RECEIVED

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

STATE OF NORTH CAROLINA

Davidson County

From the Board of Commissioners, a resolution requesting constitutional amendments to prohibit federally mandated local programs.

Person County

From the Board of Commissioners, a resolution requesting constitutional amendments to prohibit federally mandated local programs.

Rockingham County

From the Board of Commissioners, a resolution requesting constitutional amendments to prohibit federally mandated local programs.

SUBCOMMITTEE ASSIGNMENTS

House File 326

Ways and Means: Haverland, Chair; Holveck and Metcalf.

House File 411

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

House File 414

Human Resources: Osterberg, Chair; Grubbs and Jesse.

House File 415

Judiciary and Law Enforcement: Poncy, Chair; Knapp and Shoning.

House File 433

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

House File 434

Ways and Means: Hibbard, Chair; Blanshan and Carpenter.

House File 440

Natural Resources and Outdoor Recreation: Shoultz, Chair; Hanson of Black Hawk and Knapp.

House File 447

Natural Resources and Outdoor Recreation: Black, Chair; Dickinson and Diemer.

House File 450

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

House File 452

Ways and Means: Dickinson, Chair; Holveck and Plasier.

House File 453

State Government: Krebsbach, Chair; Connors, Garman, Knapp and Peterson of Carroll.

House File 460

State Government: Teaforde, Chair; Bisignano, Carpenter, Poncy and Spenner.

House File 461

Natural Resources and Outdoor Recreation: Black, Chair; Dickinson and Diemer.

House File 464

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 108 (Reassigned)**

Commerce: Brammer, Chair; Gill, Hansen of Woodbury, Lundby and Shoning.

House Study Bill 246

Human Resources: Haverland, Chair; Bartz, Burke, Carpenter, Daggett, Grubbs, Hammond, Hester, Mertz, Murphy, Neuhauser, Nielsen, Plasier, Teaforde and Wissing.

House Study Bill 247

Commerce: Blanshan, Chair; Gill and Rafferty.

House Study Bill 248

Human Resources: Haverland, Chair; Hammond and Plasier.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 249 State Government

Relating to the use of net receipts from bingo games.

H.S.B. 250 State Government

Relating to the health practice profession examining boards and the duties of the board of medical examiners, and providing penalties.

H.S.B. 251 State Government

Prohibiting elimination tournament boxing exhibitions and providing an effective date.

H.S.B. 252 State Government

Relating to the salaries paid to chaplains employed in state institutions and providing a retroactive applicability date.

H.S.B. 253 Ways and Means

Relating to the state income tax refund checkoff for Olympics.

H.S.B. 254 Ways and Means

Relating to the franchise tax on financial institutions and providing an effective date.

H.S.B. 255 Ways and Means

Relating to the exemptions from property tax for fruit tree and forest reservations and providing applicability and effective dates.

H.S.B. 256 Human Resources

Relating to the definition of family homes for persons with developmental disabilities for purposes of zoning.

H.S.B. 257 Agriculture

To increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date.

H.S.B. 258 Agriculture

Providing for the rescue and maintenance of neglected animals, providing for penalties, and providing for the repeal of a provision.

H.S.B. 259 Commerce

Relating to the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the insurance division as an approved insurance regulator by the national association of insurance commissioners, imposing civil liability, authorizing administrative and criminal penalties, and providing effective dates and applicability provisions.

H.S.B. 260 Commerce

Relating to the method of deregulation of communication services and facilities, certificated exchange boundaries for local exchange utilities, and incentive regulation for utilities furnishing communication services.

H.S.B. 261 Commerce

Relating to securities by regulating transactions involving securities and regulating persons engaged in businesses related to the issuance or trading of securities, and providing penalties.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 155), to establish a math and science grant program under the administration of the department of education and creating a math and science account.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 12, 1991.

Committee Bill (Formerly House Study Bill 166), to permit the board of educational examiners to deem national board certificate holders as meeting the requirements for Iowa teachers' licenses or endorsements.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1991.

COMMITTEE ON HUMAN RESOURCES

House File 91, a bill for an act exempting certain decorative fountains from regulation as swimming pools and spas.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3170** March 11, 1991.

House File 392, a bill for an act relating to animals specially trained or being trained to assist a disabled or handicapped person, making a penalty applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1991.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 102), relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a sales and services tax, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 1991.

RESOLUTIONS FILED

HCR 12, by McKinney and Van Maanen, a concurrent resolution relating to Pioneer Lawmakers.

Laid over under **Rule 25**.

SCR 7, by committee on rules and administration, a concurrent resolution relating to a Biennial Memorial Session.

Laid over under **Rule 25**.

SCR 8, by committee on rules and administration, a concurrent resolution petitioning the United States Navy for the return of the battleship USS Iowa's silver service.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—3170	H.F.	91	Committee on Human Resources
H—3171	H.F.	108	Corbett of Linn
H—3172	H.F.	420	Spear of Lee
H—3173	H.F.	423	Siegrist of Pottawattamie Corbett of Linn
H—3174	H.C.R.	9	Bartz of Worth
H—3175	S.F.	92	Doderer of Johnson Carpenter of Polk Shearer of Louisa
H—3176	H.F.	53	Maulsby of Calhoun

H-3177	H.F.	420	Halvorson of Webster Pavich of Pottawattamie Teaford of Black Hawk Hanson of Delaware
H-3178	H.F.	341	Schrader of Marion
H-3179	H.F.	455	Millage of Scott
H-3180	H.F.	167	Svoboda of Tama

On motion by McKinney of Dallas, the House adjourned at 4:58 p.m., until 9:00 a.m., Wednesday, March 13, 1991.

JOURNAL OF THE HOUSE

— Fifty-ninth Calendar Day — Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 13, 1991

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

Prayer was offered by Reverend John Augspurger, pastor of the First United Methodist Church, Iowa Falls.

The Journal of Tuesday, March 12, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Diemer of Black Hawk, Lageschulte of Bremer and Teafor of Black Hawk, from eleven constituents favoring current laws concerning reproductive choice and they do not want changed.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterberg of Linn, until his arrival, on request of Shearer of Louisa; Gruhn of Dickinson, until her return, on request of Shearer of Louisa; Grubbs of Scott, until his arrival, on request of Banks of Plymouth.

INTRODUCTION OF BILLS

House File 467, by Hurley, a bill for an act relating to chemical tests of motor vehicle operators involved in collisions resulting in death or in injury requiring transportation to a medical facility.

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

House File 468, by Ollie, a bill for an act relating to the administration of a city assessor's office.

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

House File 469, by Baker, a bill for an act relating to the appointment of city and county boards, commissions, committees, or other multimember appointive bodies.

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

House File 470, by Holveck, a bill for an act relating to providing a right to jury trial in certain civil rights actions.

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

House File 471, by Burke, a bill for an act relating to public employee candidacy and leaves of absence for service in elective or appointive office, making a penalty applicable, and providing an effective date.

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

House File 472, by Lundby, a bill for an act to require school districts to provide free transportation to pupils who live in areas determined to present public safety concerns which are located within certain distances of the school designated for attendance.

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

House File 473, by Schrader, a bill for an act relating to the calculation of budget enrollment for reorganized school districts and providing an effective date.

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

House File 474, by Millage, a bill for an act relating to salary adjustments and merit steps, and providing an effective date.

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

House File 475, by Lundby and Sherzan, a bill for an act relating to requiring insurance coverage for certain diagnostic or surgical procedures involving bones or joints of the face, neck, or head.

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

House File 476, by Krebsbach, McKean, Bennett, Hahn, Tyrrell, Branstad, Renken and Weidman, a bill for an act prohibiting the entry of deferred judgments and sentences and suspended sentences for certain controlled substance offenders.

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

House File 477, by Hanson of Delaware, Kremer, Carpenter, Hammond, Halvorson of Webster, McKean, Hanson of Black Hawk, Haverland and Weidman, a bill for an act relating to the sales of beer kegs, by requiring an identification number on each keg of beer, by recording the purchase of beer by the keg, by providing for collection and disposition of keg deposits, and subjecting violators to an existing penalty.

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

House File 478, by Jay, a bill for an act relating to prohibiting the combining of limits for underinsured motorist coverage.

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

SENATE MESSAGE CONSIDERED

Senate File 179, by committee on judiciary, a bill for an act relating to the protection of trade secrets 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 March 11, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 205, a bill for an act relating to residency requirements for commercial mussel fishers and providing an effective date.

Also: That the Senate has on March 11, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 288, a bill for an act requiring certain traffic signs posted on private roads or driveways to conform with the manual on uniform traffic-control devices.

JOHN F. DWYER, Secretary

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on February 5, 1991 and is on file in the office of the Chief Clerk:

February 5, 1991

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 118 claims of general nature that were denied by the State Appeal Board during April, 1990 through January, 1991.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

**DENIED GENERAL CLAIMS BY STATE APPEAL BOARD
SUBMITTED TO THE 74TH GENERAL ASSEMBLY — 1990
(April '90 - January '91)**

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G890143	Ronald Lee Carter	Des Moines, IA	Outdated Expenses	\$180.00
G890621	Kenneth Barker	Mt. Pleasant, IA	Outdated Invoice	\$920.00
G890848	Handicap Village, Inc.	Clear Lake, IA	Outdated Invoice	\$61,496.69
G890922	Scott County Clerk of Court	Davenport, IA	Misc. Refunds	\$650.00
G891013	Handicap Village, Inc.	Clear Lake, IA	Outdated Invoice	\$61,496.69
G891090	City of Prairie City	Prairie City, IA	Fuel Tax	\$881.17
G891100	Des Moines Public Housing Authority	Des Moines, IA	Misc. Refunds	\$27,399.06
G891150	Polk Co. Sheriff	Des Moines, IA	Misc. Refund	\$295.75
G891187	Siouxland Propane Co.	Treton, IA	Fuel Tax Refund	\$1,562.95
G891210	Williams & Sons Trucking Co.	Atlantic, IA	License Refund	\$1,695.00
G891212	Black Hawk County Board of Supervisors	Waterloo, IA	Misc Refund	\$3,174.82
G891222	Joan Thornton	West Des Moines, IA	License Refund	\$103.50
G891235	Timothy Gustin	Cedar Rapids, IA	License Refund	\$277.00
G891264	Delwin Antle	Newton, IA	License Refund	\$104.00
G891278	Scott County Auditor	Davenport, IA	Outdated Invoice	\$444.50
G891315	Madison County Attn: Marilyn Conner	Winterset, IA	Outdated Invoice	\$102.00
G891319	Robert W. Eason, Jr.	Sioux City, IA	License Refund	\$35.00
G891371	Lester Stohs	Pella, IA	License Refund	\$97.13
G891382	Henry J. Bernard	Des Moines, IA	License Refund	\$34.75
G891431	Johnson County Auditor	Iowa City, IA	Outdated Invoice	\$83.65
G891452	Kenneth R. Siggins	Lisbon, IA	License Refund	\$55.00
G900016	Lois Daprizia	Council Bluffs, IA	License Refund	\$534.16
G900021	Hawkeye Ford-Mercury	Red Oak, IA	Outdated Invoice	\$133.75

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G900038	Independence Community School District	Independence, IA	Fuel Refund	\$1,176.47
G900041	J. Drew Chambers	Clinton, IA	License Refund	\$21.00
G900064	Fred B. Rothman & Co.	Littleton, CO	Outdated Invoice	\$25.00
G900069	Kenneth James	Des Moines, IA	Outdated Invoice	\$74.25
G900073	George Hala	Clutier, IA	Fuel Refund	\$105.29
G900123	Dennis Anderson	State Center, IA	Tax Refund	\$59.60
G900142	Thunder Hills Country Club	Peosta, IA	Outdated Invoice	\$983.14
G900189	Des Moines Register	Des Moines, IA	Outdated Invoice	\$138.33
G900219	Dan Duggan	Marshalltown, IA	Outdated Invoice	\$9.00
G900224	IBM	Kansas City, MO	Outdated Invoice	\$184.60
G900228	City of Hartley Attn: Dennis Cmelik	Hartley, IA	Sales Tax Refund	\$3,073.50
G900254	Scott County Clerk of Court	Davenport, IA	Outdated Invoice	\$240.00
G900267	Bennett Quamme	Buffalo Center, IA	License Refund	\$41.00
G900299	Mills County Public Health Nursing Service	Malvern, IA	Outdated Invoice	\$242.76
G900300	Mills County Public Health Nursing Service	Malvern, IA	Outdated Invoice	\$232.88
G900311	Mills County Public Health Nursing Service	Malvern, IA	Outdated Invoice	\$2,634.08
G900327	Jim's Market & Locker, Inc.	Harlan, IA	Refund	\$2,518.21
G900356	Rolwes Farms Inc.	Farley, IA	License Refund	\$208.75
G900359	Mercy Medical Center	Cedar Rapids, IA	Outdated Invoice	\$1,458.74
G900363	Harvest Acres, Inc.	Rockwell City, IA	Outdated Invoice	\$344.10
G900369	Families, Inc.	West Branch, IA	Outdated Invoice	\$239.56
G900370	Families, Inc.	West Branch, IA	Outdated Invoice	\$62.29
G900398	Madelyn Wise	Montrose, IA	Outdated Invoice	\$171.90
G900427	Allen W. Messerschmidt	Cedar Falls, IA	License Refund	Undetermined
G900437	Clarke Electric Co-op	Osceola, IA	Outdated Invoice	\$11.96
G900449	Dr. David Crippin - BV Clinic	Storm Lake, Ia	Outdated Invoice	\$70.00
G900472	Cardiovascular Assoc. Attn: John T. Baller	Sioux City, Ia	Outdated Invoice	\$180.00
G900491	City of Aurelia	Aurelia, IA	Fuel Tax Refund	\$179.04
G900493	Northwest Telephone Cooperative Assoc.	Havelock, IA	Outdated Invoice	\$94.34
G900527	Suzan K. Connelly	Burlington, IA	License Refund	\$50.00
G900529	Linn County Auditor	Cedar Rapids, IA	Outdated Invoice	\$33.00
G900560	Kool & Nygren, Inc.	Cedar Rapids, IA	Outdated Invoice	\$132.15

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G900571	Story County Auditor	Nevada, IA	Outdated Invoice	\$767.00
G900623	South Iowa Area Crime Commission	Fairfield, IA	Outdated Invoice	\$439.52
G900650	K. Lynelle Sanders	Des Moines, IA	Property Loss	\$46.79
G900682	Gary Graves	Council Bluffs, IA	License Refund	\$15.80
G900689	Iowa Lutheran Hospital Pt. - Joan K. Mulcahy	Des Moines, IA	Outdated Invoice	\$265.00
G900692	Mark W. Linville	Davenport, IA	License Refund	\$55.00
G900696	Iowa Lutheran Hospital	Des Moines, IA	Outdated Invoice	\$265.00
G900710	Carroll Country Club, Inc.	Carroll, IA	MVF Refund	\$1,704.20
G900825	Northwest Iowa Mental Health Center	Spencer, IA	Outdated Invoice	\$297.50
G900827	Daniel Toal	Des Moines, IA	License Refund	\$87.50
G900851	William Devine	Moville, IA	License Refund	\$144.00
G900869	Jacqueline Ann Smith	Pleasant Hill, IA	License Refund	\$65.00
G900874	Tiny Tot Child Care Inc.	Des Moines, IA	Outdated Invoice	\$43.56
G900875	Tiny Tot Child Care Inc.	Des Moines, IA	Outdated Invoice	\$34.48
G900888	Mercy Medical Center Pt. James Payton	Des Moines, IA	Outdated Invoice	\$72.00
G900900	Christian Home Association - Childrens Square USA	Council Bluffs, IA	Outdated Invoice	\$1,244.25
G900901	Christian Home Association - Childrens Square USA	Council Bluffs, IA	Outdated Invoice	\$83.78
G900920	Bill D. Miller	Rock Valley, IA	Outdated Invoice	\$94.90
G900922	George R. Colt	Sioux City, IA	License Refund	\$157.00
G900923	NPC Leasing	Miami Beach, FL	License Refund	\$64.00
G900948	Black Hawk County Auditor	Waterloo, IA	Outdated Invoice	\$12.50
G900964	Phillip Cameron	Winterset, IA	MVF Refund	\$40.00
G901008	Jodie Kill	Cedar Falls, IA	License Refund	Undetermined
G901012	Michael R. Rosmann, Ph.D.	Harlan, IA	Outdated Invoice	\$300.00
G901047	Clinton County Auditor RE: Margaret Norman	Clinton, IA	Outdated Invoice	\$4,606.55
G901048	Clinton County Auditor RE: Joseph Jones	Clinton, IA	Outdated Invoice	\$1,348.00
G901049	Clinton County Auditor RE: Donna R. Vogel	Clinton, IA	Outdated Invoice	\$1,689.50
G901050	Mahaska County Auditor RE: Dennis J. Briles	Oskaloosa, IA	Outdated Invoice	\$102.00
G901058	Iowa State University - Attn: Bernard Randol	Ames, IA	Outdated Invoice	\$2,798.70
G901069	Dr. B. Kaza	Iowa Falls, IA	Outdated Invoice	\$75.00

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G901075	David G. Scieszinski	Des Moines, IA	Hmst Exmpt	\$918.46
G901108	Clinton County Auditor	Clinton, IA	Outdated Invoice	\$1,292.07
G901112	Richard G. Herrold	Perry, IA	Outdated Invoice	\$98.52
G901154	David L. Cole	Onawa, IA	License Refund	\$110.00
G901172	Larry L. Noble	Ankeny, IA	License Refund	\$50.25
G901177	Northwest Iowa Power Cooperative	Le Mars, IA	License Refund	\$334.00
G901196	Connie Wagner	Cedar Falls, IA	License Refund	\$65.00
G901221	Mason City Business Systems	Mason City, IA	Outdated Invoice	\$60.00
G901238	City of Winfield	Winfield, IA	Refund	\$10.00
G901244	City of Estherville	Estherville, IA	Outdated Invoice	\$40.00
G901249	Spencer Municipal Utilities	Spencer, IA	Outdated Invoice	\$30.00
G901257	Brian E. Fanton	Hiawatha, IA	License Refund	\$15.00
G901268	Lamoni Municipal Utilities	Lamoni, IA	Outdated Invoice	\$20.00
G901281	D & L Trucking Service Inc.	Clarksville, IN	Refund	\$100.00
G901300	Young House Family Services, Inc.	Burlington, IA	Outdated Invoice	\$90.96
G901301	Tommy L. Persinger	Davenport, IA	License Refund	\$17.00
G901311	Arthur L. DeSotel	Cedar Rapids, IA	License Refund	\$60.00
G901333	Carroll L. Jones	Des Moines, IA	License Refund	\$43.00
G901338	Donald Riedl	Dubuque, IA	License Refund	\$55.00
G901339	Families, Inc.	West Branch, IA	Outdated Invoice	\$186.87
G901343	East Buchanan Telephone Cooperative	Winthrop, IA	Outdated Invoice	\$89.83
G901350	DTA Transport Inc	Markesan, WI	Refund	\$27.00
G901359	Clinton County Auditor	Clinton, IA	Outdated Invoice	\$2,885.82
G901360	Clinton County Auditor	Clinton, IA	Outdated Invoice	\$4,784.75
G901369	Cedar Valley Family Counseling	Swisher, IA	Outdated Invoice	\$356.76
G901370	Cedar Valley Family Counseling	Swisher, IA	Outdated Invoice	\$237.84
G901371	Norman G. Swanson	Davenport, IA	License Refund	\$45.00
G901376	James D. Kidd	Clarence, IA	License Refund	\$55.00
G901409	Chileda Institute, Inc.	LaCrosse, WI	Outdated Invoice	\$1,029.00
G901413	Melvorn Andersen	Urbandale, IA	License Refund	\$33.30
G901482	West Iowa Community Mental Health Center	Denison, IA	Outdated Invoice	\$46.52
G901483	West Iowa Community Mental Health Center	Denison, IA	Outdated Invoice	\$23.26
G901485	Kenneth L. Kroupa	Everly, IA	License Refund	\$23.00
Total:				\$206,903.25

COMMUNICATION FROM THE DEPARTMENT OF MANAGEMENT

The following communication was received from the Department of Management on February 5, 1991 and is on file in the office of the Chief Clerk:

February 5, 1991

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

Dear Mr. O'Hern:

In accordance with Section 25A.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort Claims, Highway Tort Claims, and Settlements & Judgements (general torts and highway) paid during 1990 under Chapter 25A.

The attached report shows the claim number, claimant's name, a brief description of the claim, the amount requested and the amount approved.

Sincerely,
Gretchen Tegeler
Acting Director
Department of Management

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

CHAPTER 25A GENERAL TORT CLAIMS APPROVED BY STATE APPEAL BOARD - 1990

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T880197	Transamerican Insurance as Subrogee of Agatha McGowan	Injury due to fall at the Carver-Hawkeye Arena.	\$25,000.00	\$5,000.00
T880600	Donald E. Dauber	Medical malpractice against the UIHC.	\$65,000.00	\$13,000.00
T890123	Esther S. Nassif	Claimant tripped over a wooden toy at a DHS office in Woodbury County.	Undetermined	\$5,000.00
T890127	Ruth Marie Pecoy	Inmate at the North Central Correctional Facility broke claimant's glasses.	\$50.00	\$50.00
T890152	John Dean Starr	Claimant's coat was lost by the Mt. Pleasant Mental Health Institute staff.	\$250.00	\$85.00
T890160	Todd & Larry Clausen	Claimant's vehicle was in an accident due to a DNR vehicle parked at the side of the road which the claimant did not see.	\$1,486.79	\$1,000.00

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T890180	James R. Phelps	The claimant was injured while working out with weights at the Iowa Men's Reformatory.	\$100,000.00	\$1,000.00
T890234	Andrea Lawrence	Medical malpractice case against the University of Iowa Hospitals and Clinics.	Undetermined	\$3,000.00
T890241	Tracy Alan Thorpe	Rock thrown from a state owned weedeater damaged his vehicle.	\$103.62	\$103.62
T890314	Kathryn June Goldman	Due to the lack of guardrails and inappropriate warning markers, claimant's vehicle was damaged when it left the roadway.	\$3,400.00	\$150.00
T890319	Wilma Louise Wilson	Slip and fall injury occurring at the University of Iowa.	\$592.80	\$592.80
T890331	Elisabeth J. Gray	Claimant was injured when she fell in a depressed area of the parking lot at the National Guard.	\$530.76	\$530.76
T890362	Gregory L. Coyle	Claimant injured hand while trying to open a window at the Clarinda Treatment Unit.	\$25,000.00	\$4,000.00
T890366	Carol Nathan, Mother of Benjamin Ross Nathan & United of Omaha as Subrogee	Claimant fell from a bunkbed while at basketball camp at the University of Iowa.	\$2,305.12	\$2,771.42
T890388	David Michael Halley	Claimant's property was inadvertently disposed of by the ISP staff	\$50.00	\$50.00
T890391	Employers Mutual As Subrogee of Sylvester Nemmers	Their insured's vehicle was struck by a rock which was thrown by a state mower.	\$191.43	\$191.43
T890399	Carol Sue Merical	Claimant sat on a picnic table which was recently painted.	\$36.25	\$36.25
T890400	Allen Keith Williams	Personal injury due to mistaken identity.	\$485.00	\$485.00
T890412	Hubert Todd	Injury due to a slip and fall at the Iowa State Penitentiary.	\$10,000.00	\$500.00
T890414	Donald A. Glenn	Overdraft charges resulting in a one week delay of his regular payroll check.	\$80.00	\$50.00
T890426	State Farm Insurance & Daryl Sawin	Claimant's vehicle was damaged by residue left from construction at the University of Iowa.	\$342.00	\$139.80
T890432	Patricia J. Cox	Vehicle damaged by a metal rod which was protruding from a concrete curb stop in the parking lot at the new Historical Building.	\$435.50	\$435.50
T890448	Horace E. Cates	Rock thrown from a state owned mower damaged claimant's motor home.	\$762.00	\$762.00
T890452	Ray E. Tannehill	Claimant's shirt was damaged in the laundry room at the Iowa Veteran's Home.	\$20.00	\$20.00
T890453	James & Marian Chalstrom	State vehicle collided with claimant's vehicle.	\$214.60	\$214.60

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T890454	Joan J. Campbell	State vehicle collided with claimant's vehicle.	\$194.00	\$194.00
T890458	Annette B. Adkins	Claimant's uniform was damaged when acid leaked from a patient's wheelchair battery.	\$18.95	\$18.95
T890459	Theodore Steinkamp	Wool sweater was accidentally laundered by Iowa Veterans Home staff.	\$40.00	\$40.00
T890460	Eugene Blanshan	Claimant's vehicle was damaged when he ran over metal rods which were exposed in the capitol parking lot.	\$286.55	\$286.55
T890462	Mary Eckhoff	Injury due to a slip and fall at the fairgrounds.	Undetermined	\$710.34
T890469	Jean M. Wagner	Injury due to slip and fall at the state fairgrounds.	\$210.51	\$260.38
T890472	Douglas Steffen	State vehicle collided with claimant's vehicle.	\$3,666.55	\$3,064.42
T890473	Jeffrey T. Hankins	State vehicle collided with claimant's vehicle.	\$1,128.00	\$1,128.00
T890474	Sterling Elwynn Taylor	ISU street sweeper sideswiped the claimant's vehicle.	\$230.00	\$227.33
T890475	Rachel Ensminger	Injury due to slip and fall at the state fairgrounds.	\$403.60	\$403.60
T890477	Mark Alan Greimann	State vehicle collided with claimant's vehicle.	\$500.00	\$457.67
T890478	Steven L. Anderson	Property damage incurred due to a state vehicle obscuring the view of two other vehicles.	\$156.20	\$156.20
T890482	Alice K. Fennell	State vehicle collided with claimant's vehicle.	\$1,233.75	\$1,233.75
T890483	Wayne Kieffer	State owned fence line was wind damaged which allowed cattle to damage claimant's cornfield.	\$300.00	\$300.00
T890486	Tony's Collision Center	While inspecting vehicles at the claimant's residence, officers inadvertently damaged a windshield.	\$281.28	\$281.28
T890497	Jeffrey Robert Safley	Claimant was struck by a state vehicle while he was riding his bicycle.	\$104.57	\$104.57
T890498	State Farm Insurance Co. as Subrogee of Ann Renee Lewis	State vehicle collided with claimant's vehicle.	\$1,067.46	\$1,067.46
T890499	Robert E. Fellows	State vehicle collided with claimant's vehicle.	\$666.89	\$666.89
T890500	Samuel Frazier	State vehicle collided with claimant's vehicle.		\$595.76
T890501	Illinois Oil Products, Inc.	State vehicle collided with claimant's vehicle.	\$270.60	\$270.60

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T890502	Steven P. Judge	State vehicle collided with claimant's vehicle.	\$214.09	\$214.09
T890503	Thomas P. Groshens	State vehicle collided with claimant's vehicle.	\$162.75	\$162.75
T890504	Employers Mutual Insurance Co. as Subrogee of Carole Custer	State vehicle sideswiped the claimant's vehicle.	\$431.65	\$431.65
T890507	Craig Banker	Parking gate arm damaged the windshield on the claimant's motorcycle.	\$135.15	\$135.15
T890510	Norma Baker, for Toshia J. Baker	Tree limb at the state fairgrounds fell on the claimant's head.	\$382.58	\$382.58
T890518	Conroy J. Fagerland	Rock thrown from a DNR mower damaged claimant's trailer.	\$332.22	\$332.22
T890523	Michael Krantz	Rocks thrown from a state operated air blower damaged claimant's vehicle.	\$1,189.94	\$1,189.94
T890526	Ralph Basquin, Jr. by & through his Mother & next friend, Billie Basquin	Claimant was injured when he fell at the Glenwood State Hospital School.	\$100,000.00	\$15,000.00
T890527	Shirley Mae Thomas	Claimant caught her shoe on a corner of a sharp tin while working at the Cherokee Mental Health Institute.	\$20.00	\$20.00
T890536	David W. Kopf	State vehicle collided with claimant's vehicle.	\$820.63	\$591.49
T890538	Farm Bureau Insurance as Subrogee of Douglas Boland	State vehicle collided with claimant's vehicle.	\$279.04	\$279.04
T890539	Des Moines Bolt Supply Attn: Wayne Simmer	State vehicle collided with the claimant's vehicle.	\$892.60	\$892.60
T890542	Iowa Mutual Insurance Company as Subrogee for Willis Clark	State vehicle collided with claimant's vehicle.	\$1,450.76	\$1,450.76
T890546	James L. Koesling	State vehicle struck claimant's vehicle in the rear.	\$0.00	\$1,747.69
T890547	Marlene D. Berghuis	State vehicle sideswiped claimant's vehicle.	\$299.62	\$299.62
T890550	Allied Mutual Insurance as Subrogee of Lora Steffen	State vehicle collided with claimant's vehicle.	\$4,789.11	\$4,789.11
T890553	Gerrit Vander Kolk	Reimbursement of fines.	\$38.28	\$38.28
T900003	Gary Sheppard	State vehicle collided with claimant's vehicle.	\$1,296.85	\$1,201.50

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T900004	Progressive Insurance as Subrogee of Anita Concannon	State vehicle collided with claimant's vehicle.	\$1,813.33	\$1,813.33
T900005	James Koesling	State vehicle collided with claimant's vehicle.	\$204.58	\$204.58
T900006	Dianne Campbell	Rock thrown from ISU mower damaged claimant's vehicle.	\$181.02	\$175.76
T900013	Patricia L. Clark	Paint overspray damage to claimant's vehicle and car rental.	Undetermined	\$569.03
T900014	Michael P. Martin	State vehicle collided with claimant's vehicle.	\$962.00	\$962.00
T900016	Beverly Berch	State vehicle collided with claimant's vehicle.	\$468.99	\$468.99
T900018	Junior Waters	State vehicle collided with claimant's vehicle.	\$3,459.12	\$3,459.12
T900021	Marion R. Shaw	State vehicle collided with claimant's vehicle.	\$368.38	\$368.38
T900024	Sharon Spring	State vehicle collided with claimant's vehicle.	\$800.00	\$800.00
T900025	Allstate Insurance Company	State vehicle collided with claimant's vehicle.	\$1,183.76	\$1,183.76
T900026	American Family Insurance as Subrogee of Ronald Schleder	State vehicle collided with claimant's vehicle.	\$1,419.41	\$1,419.41
T900028	James Gesling	While a patient at Mt. Pleasant MHI, claimant's jacket was misplaced.	\$29.99	\$29.99
T900032	Shawn Lewis	Personal property which was damaged by Mt. Pleasant MHI staff.	\$55.00	\$55.00
T900033	Grinnell Mutual Insurance as Subrogee of William Haigh	State vehicle collided with claimant's vehicle.	\$1,158.09	\$1,158.09
T900035	Luke A. Miller	Injury occurring when the railing the claimant was leaning against broke free causing him to fall to the floor.	\$726.00	\$468.00
T900036	Deborah Crosser	State vehicle collided with claimant's vehicle.	\$350.38	\$347.06
T900038	Business Radio Sales & Service Inc.	State vehicle collided with claimant's building.	\$112.57	\$112.57
T900041	Robin Adams-Hays	Property misplaced by U of I staff.	\$1,000.00	\$245.00
T900042	Price Slate	State owned tractor collided with claimant's vehicle.	\$592.91	\$592.91
T900046	Lois R. Ross	Rocks were thrown at claimant's car by the DOT's broom sweeper.	\$532.64	\$532.64
T900047	David J. Christianson	State vehicle collided with claimant's vehicle.	\$241.22	\$241.22

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T900048	Richard Hendricks	State vehicle collided with claimant's vehicle.	\$669.41	\$563.86
T900051	Emerson C. Martin	State vehicle collided with claimant's vehicle.	\$926.36	\$690.00
T900054	State Farm Insurance	State vehicle collided with claimant's vehicle.	\$112.00	\$112.00
T900055	Larry L. Lawler	State vehicle collided with claimant's vehicle.	\$131.20	\$110.60
T900059	Darin L. Hoeness	State vehicle collided with claimant's vehicle.	\$376.20	\$348.14
T900062	Lanter Courier Corp.	State vehicle collided with claimant's vehicle.	\$769.06	\$769.06
T900063	Ruth E. Drake	State vehicle collided with claimant's vehicle.	\$204.00	\$219.00
T900068	David R. German	State vehicle collided with claimant's vehicle.	\$1,000.00	\$707.53
T900069	Gerald Russell	Emission from the U of I power plant damaged claimant's car.	Undetermined	\$366.86
T900071	Mary French	State vehicle collided with claimant's vehicle.	\$10,000.00	\$1,500.00
T900072	Mary French	State vehicle collided with claimant's vehicle.	\$10,000.00	\$0.00
T900075	Dennis L. Schintler	Emissions from the U of I power plant damaged claimant's car.	\$414.64	\$414.64
T900082	Douglas N. Barth	Claim for wrongfully obtaining arrest history.	\$18,500.00	\$5,000.00
T900084	Dawn Bracy	State vehicle collided with claimant's vehicle.	\$21.00	\$757.46
T900087	Jim Miller Lincoln Mercury	State vehicle collided with claimant's vehicle.	\$458.40	\$458.40
T900090	Continental Western Insurance Co. as Subrogee of Jason Full, C7246054	State vehicle collided with claimant's vehicle.	\$500.00	\$500.00
T900094	Ethel Noble	Personal property was misplaced by Iowa Correctional Institute For Women staff.	\$52.79	\$52.79
T900095	A. C. Rhoades	Reimbursement for electric razor which was thrown away by Ia. Veterans Home personnel.	\$59.95	\$59.95
T900097	Kip L. Alstrope	State vehicle collided with claimant's vehicle.	\$381.72	\$327.44
T900098	Russell E. Boos	Paint overspray damaged claimant's vehicle.	\$1,100.00	\$1,114.20
T900100	Laura K. Long	Personal injury due to termination of her teaching contract.	\$103,280.90	\$9,000.00

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T900102	Michael Mitchell	State vehicle collided with claimant's vehicle.	\$210.58	\$210.58
T900103	Shottenkirk, Inc.	Ladder rack on state vehicle caught on claimant's overhead door.	\$872.00	\$872.00
T900104	Wayne Voshell	State vehicle collided with claimant's vehicle.	\$247.36	\$247.36
T900105	Eleanore Bowers	State vehicle collided with claimant's vehicle.	\$75.33	\$75.33
T900106	Sam Sheronick	Claimant ripped his pants on a balcony seat in the house chambers.	\$68.64	\$68.64
T900108	Rhesa R. Leiding	State vehicle collided with claimant's vehicle.	\$123.65	\$108.00
T900111	Charles V. Lisle	State vehicle collided with claimant's vehicle.	Undetermined	\$594.26
T900112	Charles Harreld	State employee lost control of the state vehicle and damaged the claimant's fence.	\$284.00	\$284.00
T900114	General Casualty Insurance as Subrogee of Daniel Huff	State vehicle collided with claimant's vehicle.	\$420.13	\$420.13
T900116	Robert McKibben	State owned vehicle collided with claimant's vehicle.	\$28.00	\$28.00
T900119	David W. Hartman	Refund on class at U of I which was cancelled three weeks after it began.	\$422.99	\$422.99
T900120	Allstate Insurance as Subrogee of Kent Schulze Claim #4615562222	State vehicle collided with claimant's vehicle.	\$1,551.98	\$1,551.98
T900121	Keith O. Little	State vehicle collided with claimant's vehicle.	\$950.00	\$950.00
T900124	Glennyyce K. Drenner	State vehicle collided with claimant's vehicle.	\$172.07	\$172.07
T900125	David K. Swartzendruber	State vehicle collided with claimant's vehicle.	\$394.00	\$386.24
T900126	Cheryl Curtis	When working in the laundry room at the Veterans Home, a washing machine malfunctioned spraying the claimant's uniform.	\$32.00	\$32.00
T900127	John Kauffman	State vehicle collided with claimant's vehicle.	\$1,200.00	\$1,200.00
T900129	American Family Insurance Co. as Subrogee of Mark E. Toney	State snowplow damaged claimant's vehicle.	\$474.01	\$474.01
T900132	Thomas J. Wearmouth	State vehicle collided with claimant's vehicle.	\$500.00	\$271.03
T900136	John F. Kennedy	State vehicle collided with claimant's vehicle.	\$333.30	\$333.30

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T900137	Gerald L. Hammers	Windshield was cracked when trying to remove VIN number.	\$243.10	\$243.10
T900140	Kerr-McGee Refining Corporation	State vehicle lost control on icy road and struck claimant's gas pump.	\$1,095.80	\$1,095.80
T900146	Nancy J. Andersen	State vehicle collided with claimant's vehicle.	\$578.60	\$528.60
T900149	David Ray	State vehicle collided with claimant's vehicle.	\$269.95	\$296.06
T900153	Robert A. Cornell	Reimbursement for overcharge on hobby craft surcharge.	\$105.00	\$3.53
T900154	Dorothy Boudewyns	Reimbursement for a mirror which Veterans Home personnel damaged.	\$6.94	\$7.21
T900155	City of Des Moines Convention Center	State vehicle struck claimant's garage door track.	\$38.50	\$38.50
T900156	Jane A. Rowat	Parking gate arm damaged claimant's windshield.	\$156.20	\$156.20
T900157	Dean Nims	State vehicle collided with claimant's vehicle.	\$597.28	\$594.82
T900162	Sharon K. Howard	State vehicle collided with claimant's building.	\$465.00	\$465.00
T900163	Ronald Bishop	Property damaged by Veterans Home staff.	\$150.00	\$15.00
T900164	Brett A. Elder	Claimant's property was damaged when water leaked into his dorm room from the ceiling.	\$339.51	\$541.51
T900166	Angel Comeron	State vehicle collided with claimant's vehicle.	\$2,742.00	\$1,944.55
T900173	James Richard Colvin	State vehicle collided with claimant's vehicle.	\$346.40	\$346.48
T900176	Wayne E. Hamilton	Jacket damaged by brushing against wet paint at a rest stop.	\$65.00	\$65.00
T900177	Lori Horn	Property sent to inventory room at ICIW was lost.	\$69.00	\$67.00
T900178	Margaret A. Russell	State vehicle backed into claimant's vehicle.	\$910.10	\$891.28
T900179	Thomas E. Bang	Reimbursement for a radio which was broken by Iowa Vets Home Staff.	\$20.00	\$20.00
T900181	Mark J. Stein	State vehicle struck claimant's vehicle.	\$490.00	\$411.05
T900182	Mark H. Peters	State vehicle collided with claimant's vehicle.	\$2,286.21	\$1,175.00
T900183	Pamela A. Schoening	State vehicle collided with claimant's vehicle.	\$300.00	\$295.00
T900185	Cora Ann Frahm	Recovery cost for rental of vehicle.	\$218.80	\$141.70
T900186	Cora Ann Frahm	Parking gate arm damaged claimant's vehicle.	\$2,134.55	\$1,387.46
T900187	Lolita Mitchell	Money was taken from claimant's room.	\$20.00	\$20.00

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T900190	Travelers Insurance Co A/S/O West Brandt's Bowling	State vehicle rear ended the claimants vehicle.	\$3,593.79	\$3,593.79
T900191	Paul D. Houston	Sailboat damaged while in storage at the fairgrounds.	\$35.00	\$35.00
T900194	Kemmerer Marine Inc.	State employees unloading a snowmobile dropped it into the claimant's garage door.	\$1,116.00	\$1,116.00
T900195	Shirley Krueger	Lamp was broken by a housekeeper at the Veterans Home.	\$52.00	\$52.00
T900196	Hans Larsen, Jr.	State vehicle collided with claimant's vehicle.	\$231.92	\$231.92
T900199	Marsha D. Lewis	State owned vehicle collided with claimant's vehicle.	\$25,000.00	\$3,125.00
T900200	Lend Lease Cars, Inc.	State vehicle collided with claimant's vehicle.	Undetermined	\$355.06
T900202	Donna K. Daniel	State vehicle collided with claimant's vehicle.	\$4,393.72	\$3,000.00
T900203	Robert E. Daniel	State owned vehicle collided with claimant's vehicle.	\$4,390.83	\$2,000.00
T900205	Marilyn M. Wilbur	Vehicle damaged by a 55 gallon barrel being blown against it.	\$109.50	\$109.50
T900206	Linda L. Lee	State vehicle collided with claimant's vehicle.	\$1,049.51	\$107.21
T900207	Donna Bonz	Unsecure gate at UNI was blown into claimant's car.	\$674.14	\$674.14
T900208	Gertrude G. Champe	State vehicle collided with claimant's vehicle.	\$1,500.00	\$1,316.32
T900210	Nilda Keith	State tractor backed into claimant's vehicle.	\$511.80	\$504.21
T900211	BJ's Lounge	Resident of the WSHS while on work release, damaged claimant's TV.	\$478.50	\$400.00
T900212	Michael Halfman	State vehicle collided with claimant's vehicle.	\$315.00	\$315.00
T900215	Donna M. Keairns	State vehicle collided with claimant's vehicle.	\$1,449.00	\$1,449.00
T900216	Nabeeh Kandalaft	State vehicle collided with claimant's vehicle.	\$900.00	\$840.87
T900220	IMT Insurance as Subrogee of Richard Havier	State vehicle collided with claimant's vehicle.	\$409.76	\$409.76
T900221	IMT Insurance Company	State owned vehicle collided with claimant's vehicle.	\$1,800.00	\$2,516.00
T900222	Raymond Grosz	State vehicle collided with claimant's vehicle.	\$314.93	\$268.42
T900230	State Farm Insurance as Subrogee of David Cole	State vehicle collided with claimant's vehicle.	\$2,603.87	\$3,362.37

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T900233	Dean C. Robertson	Vehicle damaged by automatic parking gate arm.	\$211.66	\$211.66
T900237	Stephanie Graff	Injury from a fan, absent a guard cover, falling on the claimant's arm.	\$488.00	\$668.33
T900242	Michael Flaum, MD	State vehicle collided with claimant's vehicle.	\$1,075.48	\$780.06
T900247	Kurt Van Doren	State vehicle collided with claimant's vehicle.	\$307.03	\$307.03
T900251	Francis G. Contreras	State vehicle collided with claimant's vehicle.	\$345.00	\$329.56
T900253	Janice L. Nelson	Claimant was pushed down by a resident of the WSHS.	\$47.96	\$47.96
T900254	Pearson's Drug Store	State vehicle collided with claimant's vehicle.	\$340.68	\$340.68
T900255	John C. Long	U of I staff were emptying items into a dumpster when debris fell onto the claimant's vehicle.	\$175.00	\$175.00
T900258	David M. Slater	State vehicle collided with claimant's vehicle.	\$1,393.05	\$1,409.17
T900261	George Hajduczuk	State vehicle collided with claimant's vehicle.	\$580.05	\$569.19
T900264	Edward J. Gorman	State vehicle collided with claimant's vehicle.	\$1,776.00	\$1,719.38
T900266	Naomi Lee Overlin	Tree limb fell on claimant's vehicle causing damage.	\$258.58	\$258.58
T900267	Irvin McDannel, Jr.	Car window damaged by rock thrown from state owned mower.	\$266.19	\$266.19
T900268	Jeffrey S. Aten	Vehicle damaged by rock thrown from state owned weedeater.	\$203.42	\$203.42
T900270	James E. McCullough	Rock thrown from state owned mower claimant's vehicle.	\$255.79	\$255.79
T900273	Ginger French	State vehicle collided with claimant's vehicle.	\$1,000.00	\$925.00
T900274	Ginger French	State vehicle collided with claimant's vehicle.	\$1,000.00	\$0.00
T900275	Mary French as next friend to Wendi French	State vehicle collided with claimant's vehicle.	\$4,000.00	\$1,000.00
T900276	Mary French as next friend to Wendi French	State vehicle collided with claimant's vehicle.	\$4,000.00	\$0.00
T900277	State Farm Mutual Insurance Co. as Subrogee of Cheryl Zimmerman	UNI mower damaged claimant's vehicle.	\$269.43	\$269.43

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T900281	Marian Kathleen Brown	Claimant's vehicle was damaged by U of I staff when they were attempting to move property out of storage.	\$136.92	\$136.92
T900282	State Farm Insurance & Robert Van Vlair	State owned vehicle collided with claimant's vehicle.	\$5,799.81	\$5,799.81
T900283	Grinnell Mutual Group Reinsurance as Subrogee of Patricia Miller #02-555372	State owned vehicle collided with claimant's vehicle.	\$2,083.21	\$2,083.21
T900285	Marjorie M. Hall	Vehicle damaged by rock thrown from state owned mower.	\$154.76	\$154.76
T900287	Lisa A. Nord	Claimant's clothes were lost in the labeling room at Mt. Pleasant Mental Health Institute.	\$50.00	\$50.00
T900288	John Zane	State vehicle collided with claimant's vehicle.	\$870.00	\$860.08
T900289	Craig A. Welt	State owned vehicle collided with claimant's vehicle.	\$111.49	\$111.49
T900290	Jim D. Garcia	State vehicle collided with claimant's vehicle.	\$550.00	\$572.75
T900291	Albert D. Allen	Vehicle hit by a state owned mower.	\$349.68	\$349.68
T900292	Michelle P. Sweeting	State vehicle collided with claimant's vehicle.	\$812.74	\$721.35
T900295	O'Keefe Elevator Company Inc.	State vehicle collided with claimant's vehicle.	\$831.35	\$831.35
T900296	State Farm Insurance as Subrogee of Robert N. King #16-3546-430	State owned vehicle collided with claimant's vehicle.	\$3,445.95	\$3,445.95
T900297	Keith Westbrook	State vehicle collided with claimant's vehicle.	\$1,147.31	\$1,147.31
T900318	Douglas Wing	Claimant's beard trimmer was misplaced by staff at Clarinda MHI.	\$20.00	\$20.00
T900321	John R. Lough	State tractor mower struck claimant's vehicle.	\$960.98	\$958.83
T900324	Ruth Bullock	State vehicle collided with claimant's vehicle.	\$217.50	\$217.50
T900325	Harry L. Hott	Parking gate arm damaged claimant's vehicle.	\$402.00	\$402.00
T900328	Hawkeye Oil Co.	State vehicle collided with claimant's vehicle.	\$220.09	\$220.09
T900331	John E. Wishman, Jr.	Wool sweater damaged in laundry room of Iowa Veterans Home.	\$50.00	\$50.00
T900332	Ing-Tsau Chiu	Rock thrown from ISU mower damaged claimant's vehicle.	\$108.58	\$108.58

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T900334	John M. Liittschwager	State owned vehicle collided with claimant's vehicle.	Undetermined	\$359.78
T900335	Tom Ellison	State vehicle collided with claimant's vehicle.	\$740.02	\$583.92
T900337	Elmer H. Kuehl	State vehicle collided with claimant's vehicle.	\$369.60	\$324.61
T900340	Michelle M. Wilson	State vehicle collided with claimant's vehicle.	\$880.27	\$834.86
T900341	Patrick Rashed	State owned vehicle collided with claimant's vehicle.	\$700.00	\$305.08
T900342	Glenda R. Wing	State vehicle collided with claimant's vehicle.	\$26.36	\$26.36
T900343	Allstate Insurance Company	State vehicle collided with claimant's vehicle.	\$345.25	\$345.25
T900344	Gene F. Knoernschild	State vehicle collided with claimant's vehicle.	\$2,194.19	\$1,694.19
T900345	David M. Zeising	Wrong conviction code was entered on claimant's driving record.	\$902.00	\$902.00
T900346	Greg T. Brown	Property damage incurred while boat was stored on North Central Care Facility grounds.	\$308.53	\$155.00
T900347	Allied Insurance as Subrogee of Anne M. Plueger	State vehicle collided with claimant's vehicle.	\$575.34	\$575.34
T900351	Charmaine Wade	State vehicle collided with claimant's vehicle.	\$719.94	\$719.94
T900353	Kevin Eggers	State owned vehicle collided with claimant's vehicle.	\$56.68	\$56.68
T900357	Darla Sue Moreland	Rocks thrown from Glenwood State Hospital/School mower damaged claimant's vehicle.	\$112.60	\$112.60
T900364	Vertex Chemical Corporation	State owned vehicle collided with claimant's vehicle.	\$88.77	\$84.90
T900365	Jim Leaven	Vehicle window damaged by rock thrown from mower at the Oakdale campus.	\$147.00	\$147.45
T900369	David A. Hans	State owned tractor struck claimant's vehicle.	\$1,014.96	\$1,014.96
T900371	General Casualty Company as Subrogee of Nolan & Mary Lynn Bogaard	State owned mower collided with a telephone pole causing it to fall onto claimant's car.	\$4,977.01	\$4,977.01
T900372	General Casualty Company as Subrogee of Nolan & Mary Lynn Bogaard	State owned mower collided with telephone pole which fell on claimant's vehicle.	\$550.94	\$589.51
T900373	David W. Arens	State owned vehicle collided with claimant's vehicle.	\$546.70	\$546.70

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T900374	William J. Jackson	State owned vehicle collided with claimant's vehicle.	\$660.00	\$652.06
T900375	Casey's General Store (1169)	State owned vehicle collided with claimant's vehicle.	\$31.24	\$31.24
T900376	Mutual Fire & Automobile as Subrogee of Ramona Shalla	State vehicle collided with claimant's vehicle.	Undetermined	\$7,000.00
T900378	Duane R. Johnson	State owned boat collided with claimant's boat.	\$92.20	\$92.20
T900381	Donna J. Robinson	State owned vehicle collided with claimant's vehicle.	\$257.75	\$257.75
T900384	David G. Homann	State owned vehicle collided with claimant's vehicle.	\$455.75	\$455.75
T900385	American States Insurance as Subrogee of Marjorie Hall	Insured's vehicle was damaged by a state owned mower.	\$1,485.78	\$1,485.78
T900395	Leonard M. Upham	State owned mower scratched claimant's vehicle.	\$185.40	\$185.40
T900396	Max K. Hunt	State vehicle collided with claimant's vehicle.	\$587.60	\$587.60
T900405	Milwaukee Insurance Company as Subrogee of Angela & Dennis Jandry	State vehicle collided with claimant's vehicle.	\$1,942.15	\$1,942.15
T900406	Ronald L. Benedict	State vehicle collided with claimant's vehicle	\$2,281.65	\$2,281.65
T900412	Min-wei Huang	State vehicle collided with claimant's vehicle.	\$350.00	\$361.70
T900414	Pamela J. Hobbs	State vehicle collided with claimant's vehicle.	\$124.00	\$124.00
T900415	Laura A. Sandlin	State vehicle collided with claimant's vehicle.	\$1,255.16	\$1,109.00
T900416	Wilkie Liquor	State vehicle collided with claimant's vehicle.	\$4,264.00	\$4,264.00
T900431	Thomas G. Cook	State vehicle collided with claimant's vehicle.	\$342.72	\$342.72
T900433	State Farm Insurance as Subrogee of Lynda Elmore	State vehicle collided with claimant's vehicle.	\$358.05	\$358.05
T900440	Dawn M. Breiter	State vehicle collided with claimant's vehicle.	\$356.28	\$356.28
T900441	State Farm Insurance as Subrogee of Steven Trueblood	State vehicle collided with claimant's vehicle.	\$713.63	\$771.61
T900442	William C. Stranahan	State vehicle collided with claimant's vehicle.	\$960.00	\$960.68

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
T900443	Sherri Lynne Olsen	State vehicle collided with claimant's vehicle.	\$300.00	\$268.52
T900445	Zoe Rankin	State vehicle collided with claimant's vehicle.	\$1,263.00	\$1,263.00
T900451	Anderson Erickson Dairy Company	State vehicle collided with claimant's vehicle.	\$174.00	\$174.00
T900461	State Farm Insurance as Subrogee of Lelah Allison	State vehicle collided with claimant's vehicle.	\$572.14	\$572.14
T900465	Mrs. Donald Robinson, Sr.	State vehicle collided with claimant's vehicle.	\$337.97	\$337.97
T900471	Shirley Ann Wildman	State vehicle collided with claimant's vehicle.	\$1,627.39	\$1,627.39
T900475	State Farm Insurance as Subrogee of Silas Weir	State vehicle collided with claimant's vehicle.	\$1,311.98	\$1,311.98
Total:			\$671,426.01	\$234,834.60

**CHAPTER 25A HIGHWAY TORT CLAIMS APPROVED
BY STATE APPEAL BOARD - 1990**

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
H880153	Dorothy Springer	A loose DOT sign fell on claimant's vehicle.	\$74.37	\$1,000.00
H880154	Duane W. Springer	Companion claim to H8809153.	\$644.21	\$617.40
H890063	State Farm Mutual Automobile as Subrogee of Free Methodist Church	DOT vehicle collided with claimant's bus.	Undetermined.	\$1,623.80
H890180	Mark D. Storm	DOT vehicle collided with claimant's vehicle.	\$100,000.00	\$7,500.00
H890198	George R. Wellman	DOT vehicle struck claimant's fence.	\$100.00	\$50.00
H890207	Donald Wilbert Beckman	Rocks thrown from DOT mower damaged claimant's vehicle.	\$376.27	\$376.27
H890223	Steven P. Breuer	An oil spill caused claimant to lose control of his motorcycle.	\$957.99	\$959.46
H890232	Eldon P. Taylor	Rock thrown from DOT mower damaged claimant's car window.	\$173.91	\$173.91
H890247	Art-Ter Associates, Inc.	Rocks fell off of a DOT truck damaging claimant's vehicle.	\$97.19	\$97.19
H890249	Russell Dale Brandau	Rocks thrown from an edgerutting DOT truck damaged claimant's vehicle.	\$196.31	\$196.31
H890252	Daniel Beldon Hubbs	Rocks thrown from DOT mower damaged claimant's vehicle.	\$108.40	\$102.00
H890254	Glen Gale Green	Rocks thrown from DOT mower damaged claimant's vehicle.	\$84.00	\$84.00

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
H890255	George T. Fulcher	Rocks dumped by DOT truck damaged claimant's fence.	\$140.00	\$90.00
H890256	Dolores Harper	Rocks thrown from DOT mower damaged claimant's windshield.	\$358.64	\$347.46
H890258	Windfield Builders Supply	Objects thrown from DOT mower damaged claimant's windshield.	\$54.65	\$54.65
H890261	Melvin G. Dorr	Dirt falling out of a DOT truck damaged claimant's vehicle.	\$468.98	\$468.98
H890263	Allied Group Insurance as Subrogee of Ralph Messer	DOT snow plow sideswiped claimant's vehicle.	\$1,634.16	\$1,628.97
H890268	John H. Rosenboom	Debris thrown from DOT mower damaged claimant's vehicle.	\$322.28	\$322.28
H890269	Donald Emil Ogle	DOT vehicle collided with the claimant's vehicle.	\$500.00	\$500.00
H890271	Shirley Willcoxson	Debris thrown from DOT mower damaged claimant's vehicle.	\$147.32	\$147.32
H890272	Peoples Natural Gas Division of Utilicorp United, Inc.	Debris from DOT mower damaged claimant's vehicle.	\$750.30	\$750.30
H890274	Darol E. Cooling	DOT vehicle collided with the claimant's vehicle.	\$635.80	\$635.80
H890275	Vincent J. Millard	Claimant ran over a bag of trash which fell off of a DOT truck.	\$546.03	\$546.03
H890279	Steven L. Houp	Rocks thrown from a DOT edgerutting truck damaged claimant's vehicle.	\$228.68	\$228.68
H890280	Martin Eldon Cleland	DOT snow plow collided with claimant's vehicle.	\$1,233.60	\$1,050.00
H890283	Douglas Stiff	DOT vehicle collided with the claimant's vehicle.	\$595.00	\$595.00
H890284	Leland J. Neymeyer	Rocks thrown by DOT mower damaged claimant's vehicle.	\$305.00	\$316.91
H890286	Daniel A. Narber	Rock thrown from DOT mower damaged claimant's vehicle.	\$92.64	\$92.64
H890288	Kent Allen Powgnas	Rocks thrown from DOT mower damaged claimant's vehicle.	\$144.92	\$144.92
H890290	Farm Bureau Ins. Co. as Subrogee of Donovan Motors	DOT vehicle collided with claimant's vehicle.	\$711.00	\$711.00
H890294	Donovan Motors, Inc.	DOT vehicle collided with the claimant's vehicle.	\$695.71	\$695.71
H890300	US West Communications	DOT damaged claimant's telephone cable.	\$589.12	\$589.12
H890301	Lorella McKee	Rocks thrown from a DOT vehicle damaged claimant's vehicle.	\$258.34	\$239.56

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
H890305	Brown Electric	DOT vehicle collided with the claimant's vehicle.	\$1,530.20	\$765.10
H890307	Frank Noteboom	Rocks thrown from a DOT vehicle damaged claimant's vehicle.	\$0.00	\$245.00
H890310	Farmers Insurance Group as Subrogee of Paul Jones	Rocks thrown from a DOT mower damaged claimant's vehicle.	\$276.00	\$276.00
H890313	Obert Lillie	Rocks thrown during an edgerutting operation damaged claimant's vehicle.	\$177.90	\$177.90
H890314	Timothy Sampson	Rocks thrown from DOT mower damaged claimant's vehicle.	\$27.00	\$27.00
H890315	Julene B. Bishop	Rocks thrown from a DOT mower damaged claimant's vehicle.	\$170.83	\$170.83
H890316	Hawkeye Paving Corp.	DOT vehicle struck a concrete saw owned by claimant.	\$645.75	\$645.75
H890319	Klaus Waschewski	DOT vehicle collided with the claimant's vehicle.	\$0.00	\$344.40
H890320	United Services Automobile Association as Subrogee of James Jacoby Attn: Stella L. Medince	DOT vehicle collided with claimant's insured vehicle.	\$1,888.28	\$1,888.28
H890321	David Warren	Sand/salt mixture thrown from DOT vehicle damaged claimant's vehicle.	\$1,133.78	\$788.82
H890328	Joseph A. Frazier	Sand/salt mixture thrown from DOT vehicle damaged claimant's vehicle.	\$245.53	\$245.53
H890330	Grace M. Maker	Rock thrown from DOT vehicle damaged claimant's windshield.	Undeter.	\$62.30
H890337	House of Chairs	DOT vehicle collided with the claimant's vehicle.	\$4,162.48	\$4,120.62
H890343	Dean P. Lyons	DOT snow plow collided with claimant's vehicle.	\$767.80	\$767.80
H890344	A.Y. McDonald Supply	DOT snow plow collided with claimant's vehicle.	\$4,223.84	\$4,436.48
H890348	Bernard Owen	Debris thrown from DOT mower damaged claimant's vehicle.	\$414.96	\$414.96
H890353	Juanita Strub	Claimant slipped and fell on an icy sidewalk.	Undetermined	\$197.97
H900001	Tamara DeShepper	DOT snow plow collided with claimant's vehicle.	\$236.66	\$236.66
H900002	Dale A. Johnson	Rock thrown from DOT sanding truck damaged claimant's windshield.	\$253.08	\$202.02
H900003	Weinman Insurance Services as Subrogee of Norma Jean Ball	Rock thrown from DOT sanding truck damaged claimant's windshield.	\$306.81	\$306.81

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
H900006	Sheer Construction, Inc.	Rock thrown from DOT snow plow damaged claimant's windshield.	Undetermined	\$274.33
H900007	Earl F. Meiers	Sand thrown from DOT sanding truck damaged claimant's windshield.	\$41.55	\$41.55
H900008	Farm Bureau Mutual Insurance as Subrogee of Candy Uwazie	DOT vehicle collided with the claimant's vehicle.	\$3,028.48	\$2,375.61
H900009	Chris L. Rinner	DOT vehicle collided with the claimant's vehicle.	\$246.38	\$246.38
H900013	Kathy L. Francois	Rock thrown from DOT snow plow damaged claimant's vehicle.	\$225.00	\$223.74
H900018	Dairyland Insurance Co. as Subrogee of Dennis J. Campbell	Sand/salt mixture thrown from DOT truck damaged claimant's vehicle.	\$1,135.47	\$600.00
H900022	Robert L. Santi	Sand thrown from DOT truck damaged claimant's windshield.	\$211.00	\$210.39
H900023	Marlys K. Pfeiffer	DOT snow plow collided with claimant's vehicle.	\$313.84	\$313.84
H900024	Ethel Reese	DOT snow plow damaged 13 mailboxes at a mobile home park.	\$338.28	\$338.28
H900025	Kathryn Winegar	Sand sprayed by DOT truck damaged claimant's vehicle.	\$27.66	\$13.00
H900026	Eugene R. Johnson	Rock thrown from DOT snow plow damaged claimant's windshield.	\$185.80	\$185.80
H900029	Patti D. Hunter	Rocks thrown from DOT snow plow damaged claimant's vehicle.	\$230.99	\$228.28
H900031	Richard E Bohr	Salt/sand thrown from DOT truck damaged claimant's windshield.	Undetermined	\$278.33
H900032	Ronald Scheef	Sand thrown from a DOT truck damaged claimant's vehicle.	\$99.88	\$99.88
H900033	Rebecca J. Walsh	Rocks thrown from DOT snow plow damaged claimant's vehicle.	\$335.54	\$335.54
H900034	Michael R. Mullins	DOT vehicle collided with the claimant's vehicle.	\$3,500.00	\$1,250.00
H900036	US West Communications	DOT maintenance crew damaged underground cable.	\$584.12	\$584.12
H900040	Mervin & Jean Hartson	DOT vehicle collided with the claimant's vehicle.	\$930.10	\$930.10
H900047	Jerry Kobs, Inc.	DOT snow plow collided with claimant's vehicle.	\$1,151.30	\$1,000.00
H900048	Larry L. Sobaski	Rock thrown from DOT truck damaged claimant's vehicle.	Undetermined	\$292.77
H900049	Gordon Arens	DOT vehicle collided with the claimant's vehicle.	\$402.70	\$402.70
H900050	Richard Roth	Sand sprayed by DOT vehicle damaged claimant's vehicle.	\$212.06	\$212.06

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
H900051	Todd J. Ryan	Metal falling from DOT vehicle damaged claimant's vehicle.	\$90.36	\$90.36
H900053	Lindsey W. Marchant	DOT snow plow damaged claimant's mailbox.	\$29.53	\$29.53
H900055	Nancy Moree	Snow and ice thrown from DOT snow plow damaged claimant's vehicle.	\$303.52	\$230.34
H900056	US West Communications	DOT maintenance crew damaged claimant's underground cable.	\$1,293.52	\$1,293.52
H900057	Donald J. Hemingson	Claimant struck a DOT snow plow shoe left on roadway.	\$389.48	\$389.48
H900058	George H. Mayhew	Claimant struck a DOT snow plow shoe left on roadway.	\$331.21	\$331.21
H900059	Farmers Casualty Company as Subrogee of Clarence Ball Claim #0057333	Sand thrown from DOT truck damaged claimant's vehicle.	\$306.81	\$306.81
H900062	Griffith Oil Company	DOT vehicle collided with the claimant's vehicle.	\$1,263.29	\$1,263.29
H900063	Merle Halvorson	Sand thrown from a DOT sand blaster damaged claimant's vehicle.	\$385.62	\$385.62
H900065	Johnson DBA Vee-Jay Trucking	DOT truck backed into claimant's vehicle.	\$6,563.36	\$6,563.36
H900067	Kristin Blocker	Rock thrown from DOT truck damaged claimant's vehicle.	\$267.00	\$240.01
H900070	Farm Bureau Mutual Insurance as Subrogee of Gerry Dynie	Gravel and rock thrown from a DOT vehicle damaged claimant's insured's vehicle.	\$794.02	\$396.80
H900071	Floyd Roeder	Rock thrown from DOT vehicle damaged claimant's vehicle.	\$242.85	\$242.85
H900077	Ralph Renteria, Jr.	Rocks thrown from a DOT vehicle damaged claimant's vehicle.	\$243.40	\$243.40
H900079	Farmers Casualty Company Mutual	DOT snow plow collided with claimant's vehicle.	\$1,425.97	\$1,425.97
H900081	Ronald G. Hayungs	Snow and ice thrown by DOT snow plow damaged claimant's vehicle.	\$161.85	\$161.85
H900082	Roberta A. Shinbori	DOT vehicle sprayed claimant's vehicle with oil and tar.	\$113.86	\$113.86
H900083	Kraig Wellman	Rocks thrown from a DOT truck damaged claimant's vehicle.	\$232.44	\$201.19
H900084	Sheila L. Grote	DOT vehicle collided with the claimant's vehicle.	\$282.72	\$282.72
H900085	Andrew Moore	Rocks and debris thrown from DOT truck damaged claimant's vehicle.	\$548.66	\$538.62
H900086	City of Sibley	DOT truck struck claimant's light pole.	\$557.48	\$557.48

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
H900087	Bryan Porter	DOT vehicle collided with the claimant's vehicle.	\$2,000.00	\$2,003.99
H900088	Ronald M. Atkins	DOT snow plow collided with claimant's vehicle.	\$1,793.46	\$1,793.46
H900089	Joseph E. Kelchen, Jr.	Damage which occurred to claimant's property due to DOT construction.	\$13,100.00	\$7,500.00
H900093	Harold E. Coleman	DOT truck collided with claimant's vehicle.	\$613.36	\$613.36
H900094	Fern Marshall	Bushes damaged by DOT snow plows.	\$40.00	\$25.00
H900104	James L. Mulvihill	DOT vehicle backed into claimant's vehicle.	\$346.65	\$346.65
H900107	Robert W. Richardson	DOT backhoe collided with the claimant's vehicle.	\$212.67	\$212.67
H900109	Farm Bureau Insurance Company For Milo Ferrari, Jr.	DOT vehicle collided with the claimant's vehicle.	\$2,383.48	\$1,191.74
H900111	Gordon Krause	Debris falling from DOT vehicle damaged claimant's vehicle.	\$114.40	\$114.40
H900112	Nancy Van Surksum	Vehicle damaged by a rock thrown during edgerutting operation.	\$39.50	\$39.50
H900114	Robert Lee Dwight	Paint overspray landed on claimant's vehicle.	\$555.60	\$254.80
H900115	William Verwers	Vehicle damaged by debris falling from DOT truck.	\$346.22	\$346.22
H900117	Farmers Casualty Company Mutual as Subrogee of Tom Pickles	DOT vehicle collided with the claimant's vehicle.	\$1,855.70	\$2,201.60
H900118	Gary E. Taylor	Paint overspray landed on claimant's vehicle.	\$325.76	\$156.00
H900121	Charles C. Gilliland	Rocks thrown from DOT mower damaged claimant's vehicle.	\$185.40	\$162.00
H900122	Jon R. Dyas	DOT maintenance truck backed into claimant's vehicle.	\$453.72	\$343.20
H900131	James T. Miller	DOT vehicle backed into claimant's vehicle.	\$1,151.83	\$1,301.83
H900133	Kathy Senecaut	Injury occurring when claimant tripped over a right-of-way stake.	\$3,000.00	\$1,250.00
H900134	Teddy G. Johnson	Paint overspray landed on claimant's vehicle.	\$130.00	\$130.00
H900135	William J. McCormick	Rocks thrown from a DOT weedeater damaged claimant's vehicle.	\$271.39	\$271.39
H900137	Andrew Slycord	Vehicle damaged by debris falling from DOT truck.	Undetermined	\$210.36
H900138	Kurtis Lawler	Paint overspray landed on claimant's vehicle.	\$250.00	\$254.80

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
H900139	Delmar D. Hearn	Rocks falling out of DOT truck damaged claimant's vehicle.	\$357.15	\$290.40
H900149	Jerry Marsh	Rocks and dirt flew off of a DOT truck and damaged claimant's vehicle.	\$299.51	\$50.00
H900151	Kenneth G. Rugeberg	DOT vehicle damaged claimant's mailbox.	\$28.14	\$28.14
H900152	Robert G. Martin	Rocks thrown from DOT truck damaged claimant's windshield.	\$258.12	\$250.68
H900154	Rebecca L. Kile	DOT equipment which slid off of a cart, damaged claimant's vehicle.	\$93.00	\$93.00
H900156	Terri Jo Wood	Rock thrown from a DOT mower damaged claimant's windshield.	\$350.45	\$203.61
H900157	Michelle L. White	Claimant's vehicle was showered by rocks which fell off of a DOT truck.	\$542.45	\$542.45
H900158	Diesel Specialties Inc. Attn: Arnold F. Schroeter	Rock thrown from a DOT mower damaged claimant's car window.	\$83.96	\$83.96
H900161	American Family Ins. as Subrogee of Paul & Donna Comer	Light pole fell on claimant's vehicle.	\$1,838.52	\$1,838.52
H900165	Mrs. Gilbert Bentley	DOT truck rolled into claimant's vehicle.	\$680.65	\$680.65
H900168	United Fire & Casualty	DOT truck struck claimant's vehicle.	\$1,006.63	\$1,006.63
H900169	Hazel Miller	Rock thrown from DOT mower damaged claimant's window.	\$89.92	\$89.92
H900170	Walter Bernard	Rock thrown from DOT truck sweeper damaged claimant's vehicle.	\$276.84	\$276.84
H900173	John S. Kilworth	Property damaged due to weed overspray applied by DOT personnel.	\$1,085.00	\$600.00
H900174	Winnebago Industries, Inc.	Rocks thrown from DOT mower damaged claimant's camper.	\$243.36	\$243.36
H900175	John R. Baumgardner	Rock thrown from a DOT mower damaged claimant's vehicle.	\$122.68	\$122.68
H900184	Matthew Dostal	DOT vehicle collided with the claimant's vehicle.	\$2,038.88	\$950.00
H900189	Peggy L. Rol	Rock thrown from a DOT mower damaged claimant's vehicle.	\$289.14	\$289.14
H900192	William E. Erion	DOT mower damaged claimant's trees.	\$140.40	\$50.00
H900194	IMT Insurance Company as Subrogee for Richard R. Long	A sign blown off of a DOT truck struck claimant's vehicle.	\$1,154.08	\$1,154.08
H900196	Clarence P. Aitken	Claimant was struck by a DOT vehicle.	\$2,266.30	\$1,200.00
H900198	Matthew Walsh	DOT truck collided with claimant's vehicle.	\$387.16	\$387.16

<u>Claim</u>	<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Recommends</u>
H900203	Kathy Ann Nafziger	Rock thrown by DOT mower damaged claimant's vehicle.	Undetermined	\$84.90
H900208	Phillip D. Hetrick	Object thrown from DOT batwing mower damaged claimant's vehicle window.	\$158.08	\$158.08
H900209	Norma J. Exley	Rock thrown by a DOT weedeater damaged claimant's vehicle window.	\$175.62	\$175.62
H900218	David Nelson	Rocks thrown from DOT mower damaged claimant's vehicle.	\$218.72	\$218.72
H900237	Aspenson Enterprises, Inc. Attn: Gary Aspenson	DOT truck backed into claimant's vehicle.	\$264.34	\$264.34
Total:			\$202,331.06	\$97,036.72

**CHAPTER 25A — GENERAL TORT CLAIMS
JUDGEMENTS & SETTLEMENTS AT OR BEFORE TRIAL - 1990**

<u>Former Claim No.</u>	<u>Claimant</u>	<u>Amount of Claim</u>	<u>Amt. Paid By Board</u>
T88 0370	Helen Maxine Tridle, William Tridle & Richard McConville, their Atty.	\$15,000.00	\$10,000.00
T86 0416	David Lee Gerard & Leon Spies, Atty., University of Iowa Hospitals	\$10,000.00 \$1,378.69	\$3,500.00
T88 0460	Dave Davis & Robert H. Laden, Atty.	\$50,000.00	\$350.00
T88 0009	Patricia Wheeler Roby & George E. Wright, Atty.	\$500,000.00	\$500.00
T86 0361- T86 0364	Loren & Doris Stogdill & Atty., Dennis Emanuel	\$750,000.00	\$285,000.00
T88 0198 T88 0199	Safeco Life Insurance (Ehmke Settlement) Dennis Eaton (Ehmke Settlement)	\$2,000,000.00	\$10,000.00 \$2,555.00
T88 0310	Raymond V. Salsbury & Atty., Bruce Braley	\$25,000.00	\$2,500.00
T86 0378	Northwestern Bell DBA US West Communications	\$42,028.67	\$7,000.00
T88 0281	Paul & Lila Kern	\$41,070.00	\$25,000.00
T85 0411- T85 0413	Rose Thorp, Ind & as Admin. of Estate of Robert & Edwin Thorp and David Grace, Atty.	\$3,000,000.00	\$10,000.00
T86 0497	Douglas Jensen, Jr.; Douglas Jensen Sr.; Vickie Jensen & Atty., John Gailey	\$3,000,000.00	\$225,000.00
T88 0252	Betty Jo Cox & Luis Herrera	\$10,000.00	\$400.00
T89 0190	Theresa Ann Hill & Gregory T. Racette, Atty.	Undetermined	\$16,000.00

<u>Former Claim No.</u>	<u>Claimant</u>	<u>Amount of Claim</u>	<u>Amt. Paid By Board</u>
T88 0239- T88 0240	Rick M. Schamp & Cindy Schamp & George Werlein, Atty.	\$1,094,000.00	\$5,000.00
T85 0471	Jean Jew & Ms. Carolyn Chalmers	\$1,077,500.00	\$895,000.00
T87 0528	Chester C. Weiland & Judy Weiland & Estate of Luke D. Weiland, & Atty., Lyle Rodenburg	\$500,000.00	\$4,000.00
T86 0422	Michael Denney & Atty., Edward Keane University of Iowa Hosp/Clinics	\$250,000.00	\$76,727.04 \$1,165.04

**CHAPTER 25A - HIGHWAY TORT CLAIMS
JUDGEMENTS & SETTLEMENTS AT OR BEFORE TRIAL - 1990**

<u>Former Claim No.</u>	<u>Claimant</u>	<u>Amount of Claim</u>	<u>Amt. Paid By Board</u>
H850019	Paula Post Selchert, Lynda Post, Dennis Post, Economy Fire & Casualty Co. and Lawrence E. Blades, Their Atty.	\$5,000,000.00	\$20,000.00
H860352	Della Rae Loutsch-Van Donkelaar & Duane E. Hoffmeyer, Her Atty.	\$1,097.00	\$7,500.00
H89 0077	Frank R. Hill & Therese Sizer, Atty.	\$746.72	\$450.00
H89 0138	Kristine & Donald King & & John McHale, Atty.	\$300,000.00	\$1,000.00
H89 0072	Teddy & Jane McElhiney, Allstate Insurance Co. & Ed Wehr, Atty.	\$20,196.53	\$11,000.00
H86 0146	Mari Warrior Admin. of Estate of Jon Warrior & Attys., Bruce Stoltze & Pat Brick	\$1,000,000.00	\$70,000.00
H87 0162	Charles Hanson & Atty. Joseph Fitzgibbons	\$100,000.00	\$10,000.00
H87 0145	James & Tangela Nuetzman & Phil Redenbaugh, Atty.	\$750,000.00	\$5,000.00
H88 0138	Mark D. Garmon & David Dixon & Randy DeGeest, His Atty.	\$150,000.00	\$12,000.00
H88 0030	Chrystal Clearview, LTD. Glen Chrystal, Joyce Chrystal & Moyer & Bergman	\$43,461.71	\$5,000.00
H87 0112	Mary Esther Anderson & Hugh Albrecht, Atty., University of Iowa Hosp/Clinics	\$260,000.00	\$7,373.15 \$626.85
H88 0264	Robert L. Vagstad & Jack J. White	\$12,441.00	\$1,000.00
H88 0262- H88 0263	Martha J. Hicks & Gary Hicks & Atty., Roger Sunleaf	\$54,361.93	\$15,000.00
H89 0023- H89 0028	Donna, Darci, Audra, Selena & Lucinda Fahlgren, all By Their Parents & Next Friend, Donna Fahlgren & Attys., Robert Burnett & William Brewer	\$6,652,500.00	\$635,000.00
H90 0060	Constance A. Brown & Donald Brown & Atty. Matthew G. Novak	\$30,000.00	\$4,500.00

On motion by McKinney of Dallas, the House was recessed at 9:30 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, until her return, on request of McKinney of Dallas; Harbor of Mills, until his return, on request of Halvorson of Clayton.

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Peterson of Carroll called up for consideration **Senate File 209**, a bill for an act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer law-makers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, and increasing the court civil penalty surcharge, and providing effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—3166 to the House amendment:

H—3166

1 Amend the House amendment, S—3085, to Senate File
2 209 as follows:

3 1. Page 1, line 36, by striking the figure
4 "500,000" and inserting the following: "300,000".

5 2. Page 1, by inserting after line 36 the
6 following:

7 "_____. Page 7, by inserting after line 11, the
8 following:

9 "Sec. _____. There is appropriated from the general
10 fund of the state to the judicial department for the
11 fiscal year beginning July 1, 1990, and ending June
12 30, 1991, the following amounts, or so much thereof as
13 is necessary, to be used for the purposes designated:

14 1. To supplement other funds appropriated by the
15 general assembly in 1990 Iowa Acts, chapter 1268,

16 section 7, subsection 1, as amended by 1991 Iowa Acts,
 17 House File 173, for salaries of supreme court
 18 justices, appellate court judges, district court
 19 judges, district associate judges, judicial
 20 magistrates and staff, state court administrator,
 21 clerk of the supreme court, district court
 22 administrators, clerks of the district court, juvenile
 23 court officers, board of law examiners and board of
 24 examiners of shorthand reporters and judicial
 25 qualifications commission, receipt and disbursement of
 26 child support payments, and maintenance, equipment,
 27 and miscellaneous purposes:

28\$ 200,000".

29 3. Page 1, by striking lines 39 and 40.

30 4. Page 2, by striking lines 13 and 14.

31 5. Page 4, by striking line 33.

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

The motion lost and the House refused to concur in the Senate amendment H—3166, to the House amendment.

CONSIDERATION OF BILLS Regular Calendar

House File 419, a bill for an act relating to school bus traffic violations and making a penalty applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 419)

The ayes were, 92:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Garman
Gill	Gipp	Groninga	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hester	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Metcalf

Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spanner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 8:

Blanshan	Fogarty	Grubbs	Gruhn
Harbor	Hibbard	Mertz	Osterberg

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that Senate File 209 be immediately messaged to the Senate.

MOTION TO RECONSIDER PREVAILED (Senate File 92)

Doderer of Johnson called up for consideration the motion to reconsider Senate File 92, filed on March 12, 1991, and moved to reconsider the vote by which Senate File 92, a bill for an act to create an advisory commission on intergovernmental relations, specify its membership, and enumerate its powers and duties, passed the House and was placed on its last reading on March 12, 1991.

A non-record roll call was requested.

The ayes were 65, nays 10.

The motion prevailed and Senate File 92 was reconsidered.

Doderer of Johnson offered the following amendment H—3175 filed by Doderer, et al.:

H—3175

- 1 Amend Senate File 92, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 35, by inserting after the word
- 4 "state." the following: "All appointments shall
- 5 comply with sections 69.16 and 69.16A."

The following amendment, H—3190, to amendment H—3175, filed by Doderer of Johnson from the floor was adopted by unanimous consent:

H—3190

- 1 Amend amendment H—3175, to Senate File 92, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 and 4 and inserting
- 4 the following:
- 5 "1. Page 1, by inserting after line 35, the
- 6 following: "All appointments shall".

On motion by Doderer of Johnson, amendment H—3175, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 92)

The ayes were, 80:

Adams	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Gill	Gipp
Groninga	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Holveck
Hurley	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	McKean
McKinney	McNeal	Metcalf	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 11:

Banks	Corbett	Daggett	De Groot
Eddie	Garman	Krebsbach	Maulsby
Miller	Petersen, D. F.	Tyrrell	

Absent or not voting, 9:

Blanshan	Fogarty	Grubbs	Gruhn
Harbor	Hibbard	Jochum	Mertz
Osterberg			

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

On motion by McKinney of Dallas, the House was recessed at 1:43 p.m., until 4:00 p.m.

LATE AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 479, by committee on appropriations, a bill for an act relating to appropriations for state departments, agencies, programs, funds, and INTERNET, and increasing the tax on the sale of cigarettes and wine coolers, adjusting the school foundation aid program, repealing certain tax rate reductions, credits, or rent reimbursements, redirecting net lottery revenues, and providing for effective and applicability dates.

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

House File 480, by Mertz, a bill for an act relating to drainage districts.

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

House File 481, by Bisignano, a bill for an act relating to the preservation of bank records.

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

House File 482, by Hibbard, Blanshan, Shearer, Mertz, Gruhn, Svoboda, Fogarty, Jesse, Brown, Beatty, Burke, Black, Baker, Bernau, Poncy, Teaford, Nielsen, Chapman, Muhlbauer, Jay, Peterson of Carroll, Bisignano, Renaud, Brand, Koenigs, Jochum, Dickinson, Hammond, Wise, Sherzan, Murphy, Adams, Gill, Spear, Groninga, Wissing, Neuhauser, Harbor, Daggett, Halvorson of Clayton, Maulsby, Branstad, De Groot, Royer, Lageschulte, Tyrrell, Diemer, Bartz, Shoning, Banks, Johnson, Garman, Hester, Hahn, Petersen of Muscatine, Beaman, Hanson of Black Hawk, Weidman, McNeal and Gipp, a bill for an act relating to the enhancement of small business activity regarding petroleum storage tanks and raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor.

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

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 1, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Caucus Secretary	Jenifer L. Parsons	21-3 to 21-4	P-FT	03/01/91

SHEARER of Louisa, Chair

SUBCOMMITTEE ASSIGNMENTS

House File 435

Human Resources: Mertz, Chair; Krebsbach and Teaford.

House File 438

Labor and Industrial Relations: Sherzan, Chair; Branstad, Connors, McNeal and Wissing.

House File 441

Education: Baker, Chair; Hammond and Hurley.

House File 444

Education: Hammond, Chair; Adams and Kistler.

House File 449

Human Resources: Hammond, Chair; Daggett and Mertz.

House File 454

Education: Nielsen, Chair; Grubbs and Shearer.

House File 456

Education: Hammond, Chair; Baker and Kistler.

House File 462

Education: Adams, Chair; Lageschulte and Shoultz.

House File 468

Local Government: Connors, Chair; Hester and Mertz.

House File 469

Local Government: Hatch, Chair; Baker and Metcalf.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 249**

State Government: Bisignano, Chair; Lundby, Pavich, Renaud and Shoning.

House Study Bill 250

State Government: Carpenter, Chair; Beatty and Poncey.

House Study Bill 251

State Government: Spenner, Chair; Bisignano, Carpenter, Connors and Poncey.

House Study Bill 252

State Government: Carpenter, Chair; Bisignano, Poncey, Spenner and Teaford.

House Study Bill 253

Ways and Means: Murphy, Chair; Chapman and McKean.

House Study Bill 254

Ways and Means: Knapp, Chair; Doderer and Petersen of Muscatine.

House Study Bill 255

Ways and Means: Knapp, Chair; Haverland and Renken.

House Study Bill 256

Human Resources: Teaford, Chair; Jesse and Plasier.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 262 Education**

Relating to the special needs adjustment program for school districts.

H.S.B. 263 State Government

Relating to communication by permanent organizations with their members under the campaign finance disclosure law.

H.S.B. 264 State Government

Relating to the sale of alcoholic beverages in original containers for consumption off the premises and imposing a fee.

H.S.B. 265 Natural Resources and Outdoor Recreation

To create a Missouri river preservation and land use authority and fund.

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 appropriations for state departments, agencies, programs, funds, and INTERNET, and providing for a tax on the sale of cigarettes and wine coolers, adjusting the school foundation aid program, adjusting certain tax rate reductions, credits, or rent reimbursements, redirecting net lottery revenues, and providing for effective and applicability dates.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 13, 1991.

COMMITTEE ON EDUCATION

House File 263, a bill for an act relating to the time of making decisions for and notice of final decisions for increases in tuition, fees, or charges at institutions of higher education under the control of the state board of regents.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3182** March 12, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 86), relating to testing to detect the presence of radon gas or radon progeny.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 12, 1991.

COMMITTEE ON STATE GOVERNMENT

House File 168, a bill for an act relating to verification of primary election nomination petitions filed by candidates for state elective office and the general assembly.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—3181** March 12, 1991.

Senate File 180, a bill for an act to delete the requirement for personal identifying information in the collection of domestic abuse reports.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1991.

Committee Bill (Formerly House Study Bill 211), to permit the sale of disposable containers for the consumption of beer or wine by wholesalers to retailers for one-time use by retail customers on the premises of licensed establishments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1991.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 38), relating to acquisition of rights-of-way for highways.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1991.

Committee Bill (Formerly House Study Bill 224), relating to transportation and liens against public property, and providing for the Act's applicability.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 12, 1991.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 26), increasing the cigarette and tobacco taxes and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1991.

Committee Bill (Formerly House Study Bill 204), relating to the imposition of the state sales, services, and use tax on pay television service provided by a municipality.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1991.

Committee Bill (Formerly House Study Bill 228), relating to providing additional state income tax filing time periods for certain military personnel, exempting from taxation income of persons killed in a combat zone or while serving overseas, and providing a retroactive applicability date and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1991.

RESOLUTION FILED

HR 10, by Plasier, a resolution to provide for a secretarial pool to aid in the discharge of the clerical work of the House of Representatives.

Referred to committee on **administration**.

AMENDMENTS FILED

H-3181	H.F.	168	Committee on State Government
H-3182	H.F.	263	Committee on Education
H-3183	H.F.	420	Spenner of Henry
H-3184	H.F.	168	Spenner of Henry

H-3185	H.F.	455	Spear of Lee
H-3186	H.F.	455	Spear of Lee
H-3187	H.F.	420	Spear of Lee
H-3188	H.F.	309	Black of Jasper
H-3189	H.F.	167	Shearer of Louisa
			Brown of Lucas
			Jesse of Jasper
			Bernau of Story
H-3191	H.F.	426	Corbett of Linn
H-3192	H.F.	427	Rafferty of Scott

On motion by McKinney of Dallas, the House adjourned at 4:30 p.m., until 9:00 a.m., Thursday, March 14, 1991.

JOURNAL OF THE HOUSE

Sixtieth and Sixty-first Calendar Days — Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 14, 1991

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

Prayer was offered by Reverend Stan Long, pastor of the Galva and Silver Creek Methodist Churches, Galva.

The Journal of Wednesday, March 13, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his arrival, on request of Ollie of Clinton.

INTRODUCTION OF BILLS

House File 483, by committee on transportation, a bill for an act relating to permit fees for highway advertising devices.

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

House File 484, by committee on state government, a bill for an act to permit the sale of disposable containers for the consumption of beer or wine by wholesalers to retailers for one-time use by retail customers on the premises of licensed establishments.

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

House File 485, by committee on education, a bill for an act to establish a math and science grant program under the administration of the department of education, creating a math and science account, and providing for licensing changes by the board of educational examiners.

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

House File 486, by committee on education, a bill for an act to permit the board of educational examiners to deem national board certificate holders as meeting the requirements for Iowa teachers' licenses or endorsements.

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

House File 487, by committee on ways and means, a bill for an act relating to the imposition of the state sales, services, and use tax on pay television service provided by a municipality.

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

House File 488, by Spenner, a bill for an act establishing the offense of capital murder and imposing the penalties of death or life imprisonment, providing a procedure for the imposition and review of such penalties, and providing for the Act's applicability.

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

House File 489, by committee on ways and means, a bill for an act relating to providing additional state income tax filing time periods for certain military personnel, exempting from taxation income of persons killed in a combat zone or while serving overseas, and providing a retroactive applicability date and an effective date.

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

House File 490, by committee on ways and means, a bill for an act increasing the cigarette and tobacco taxes, amending the definition of wine and beer, making the tax applicable, and providing an effective date.

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

House File 491, by committee on transportation, a bill for an act relating to acquisition of rights-of-way for highways.

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

House File 492, by Spenner, a bill for an act to define the term adjacent district or adjacent territory for purposes of reorganization of a school district.

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

House File 493, by Teaford, a bill for an act relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science examiners, prohibiting the practice of marital and family therapy or mental health counseling without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, providing for a temporary waiver of certain licensing requirements, and providing other properly related matters.

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

House File 494, by McKean, a bill for an act relating to the designation of precincts for the purpose of ballot rotation.

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

SENATE MESSAGES CONSIDERED

Senate File 205, by Fraise, a bill for an act relating to residency requirements for commercial mussel fishers and providing an effective date.

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

Senate File 288, by committee on transportation, a bill for an act requiring certain traffic signs posted on private roads or driveways to conform with the manual on uniform traffic-control devices.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 73, a bill for an act relating to the definition of vacancy in office for elected county officers.

Also: That the Senate has on February 21, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 166, a bill for an act restricting the burning of vegetation or debris within rights-of-way of public roads and providing a penalty.

Also: That the Senate has on March 12, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 231, a bill for an act allowing the issuance of personalized collegiate registration plates for motor vehicles and providing an effective date.

JOHN F. DWYER, Secretary

PRESENTATION OF IOWA'S YOUNG WOMAN OF THE YEAR

Hammond of Story presented to the House Angie Kim, Iowa's Young Woman of the Year.

Angie, who attends Ames High School, participates in many activities including Key Club, Student Senate, SADD President and

Concert Chorale. Her interests include piano, violin, tennis and writing.

Angie will represent Iowa at the National Finals in Mobile, Alabama in June. She is the daughter of the late Dr. Paik Kim and Hannah Kim.

The House rose and expressed its welcome and congratulations. Angie responded with brief remarks.

HOUSE FILE 151 WITHDRAWN

Doderer of Johnson asked and received unanimous consent to withdraw House File 151 from further consideration by the House.

HOUSE FILE 371 WITHDRAWN

Ollie of Clinton asked and received unanimous consent to withdraw House File 371 from further consideration by the House.

HOUSE FILE 308 WITHDRAWN

Blanshan of Greene asked and received unanimous consent to withdraw House File 308 from further consideration by the House.

HOUSE JOINT RESOLUTION 1 WITHDRAWN

Blanshan of Greene asked and received unanimous consent to withdraw House Joint Resolution 1 from further consideration by the House.

CONSIDERATION OF BILLS

Regular Calendar

House File 391, a bill for an act relating to the sale of alcoholic liquor, wine, and beer on Sunday, was taken up for consideration.

Van Maanen of Mahaska asked and received unanimous consent to temporarily defer action on amendment H—3140.

Corbett of Linn offered the following amendment H—3147 filed by him and Branstad of Winnebago:

H—3147

1 Amend House File 391 as follows:

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

4 "Sec. _____. Section 123.49, subsection 2, Code
5 1991, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. 1. Sell or dispose any cold

- 8 alcoholic beverages at retail for consumption off the
 9 premises. As used in this subsection, "cold" means
 10 reduced in temperature by refrigeration or other means
 11 more than ten degrees Fahrenheit below the normal room
 12 temperature of the retail establishment at which the
 13 alcoholic beverage is sold."
 14 2. By renumbering sections as required.

Renaud of Polk rose on a point of order that amendment H—3147 was not germane.

The Speaker ruled the point well taken and amendment H—3147 not germane.

Corbett of Linn moved that the rules be suspended to consider amendment H—3147.

Roll call was requested by McKean of Jones and Lageschulte of Bremer.

On the question "Shall the rules be suspended to consider amendment H—3147?" (H.F. 391)

The ayes were, 46:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

The nays were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Jay	Jesse	Knapp
Koenigs	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poney
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

Absent or not voting, 3:

Gruhn

Holveck

Jochum

The motion to suspend the rules lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, until her return, on request of McKinney of Dallas.

Bartz of Worth offered the following amendment H—3140, previously deferred, filed by him and moved its adoption:

H—3140

- 1 Amend House File 391 as follows:
- 2 1. Page 1, line 9, by striking the words "ten
- 3 eight" and inserting the following: "ten".
- 4 2. Page 1, line 13, by striking the words "ten
- 5 eight" and inserting the following: "ten".
- 6 3. Page 1, line 31, by striking the words "ten
- 7 eight" and inserting the following: "ten".
- 8 4. Page 2, line 6, by striking the words "ten
- 9 eight" and inserting the following: "ten".
- 10 5. Page 2, line 15, by striking the words "ten
- 11 eight" and inserting the following: "ten".
- 12 6. Page 2, line 18, by striking the words "ten
- 13 eight" and inserting the following: "ten".
- 14 7. Page 2, line 31, by striking the words "ten
- 15 eight" and inserting the following: "ten".
- 16 8. Page 2, lines 33 and 34, by striking the words
- 17 "ten eight" and inserting the following: "ten".

Roll call was requested by Van Maanen of Mahaska and Bisignano of Polk.

On the question "Shall amendment H—3140 be adopted?"
(H.F. 391)

The ayes were, 47:

Banks	Bartz	Beaman	Bennett
Bernau	Branstad	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Holveck	Hurley	Iverson
Johnson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Miller	Nielsen	Ollie
Osterberg	Petersen, D. F.	Plasier	Renken
Royer	Shoning	Siegrist	Spear
Svoboda	Tyrrell	Van Maanen	

The nays were, 50:

Adams	Baker	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Gipp	Groninga
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Jay	Jesse	Jochum
Knapp	Koenigs	Krebsbach	McKinney
Millage	Muhlbauer	Murphy	Neuhauser
Pavich	Peterson, M. K.	Poncy	Rafferty
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spenner	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

Absent or not voting, 3:

Gruhn	Mertz	Teaford
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Amendment H—3140 lost.

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

On the question "Shall the bill pass?" (H.F. 391)

The ayes were, 55:

Adams	Baker	Bartz	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Eddie	Fogarty	Gill
Gipp	Groninga	Hansen, S. D.	Hanson, D. R.
Hibbard	Iverson	Jay	Jesse
Jochum	Knapp	Koenigs	Krebsbach
Lageschulte	Lundby	McKinney	Metcalf
Millage	Muhlbauer	Murphy	Neuhauser
Pavich	Peterson, M. K.	Poncy	Rafferty
Renaud	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spenner	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 41:

Banks	Bennett	Bernau	Branstad
Carpenter	Corbett	Daggett	De Groot
Diemer	Garman	Grubbs	Hahn

Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. E.
Harbor	Hatch	Hester	Holveck
Hurley	Johnson	Kistler	Kremer
Maulsby	McKean	McNeal	Miller
Nielsen	Ollie	Osterberg	Petersen, D. F.
Plasier	Renken	Royer	Shoning
Spear	Svoboda	Teaford	Tyrrell
Van Maanen			

Absent or not voting, 4:

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

RULE 31.8 SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, on House File 479.

The House stood at ease at 9:59 a.m., until the fall of the gavel.

The House resumed session at 10:57 a.m., Speaker Arnould in the chair.

PRESENTATION OF IRISH DIGNITARY

Fogarty of Palo Alto escorted to the front of the Speaker's station and presented to the House Brendan Kenneally, T.D. member of the Irish Parliament, from Waterford, Ireland. Mr. Kenneally, accompanied by his wife Martina, will be the honored dignitary at the St. Patrick's Celebration in Emmetsburg this weekend.

Mr. Kenneally, who is a third generation member of the Irish Parliament following his father and grandfather, gave a brief history of the city of Waterford and the economy of Ireland. He complimented Americans for their efforts in the Gulf and thanked Iowans for their warmth and hospitality, inviting everyone to visit Ireland. He noted his interest in basketball and stated he would be cheering for the Emmetsburg High School and University of Iowa teams today.

The House rose and expressed its welcome.

Dickinson of Jackson in the chair at 11:14 a.m.

On motion by McKinney of Dallas, the House was recessed at 11:16 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

The House stood at ease at 2:20 p.m., until the fall of the gavel.

The House resumed session at 2:59 p.m., Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gruhn of Dickinson on request of Shearer of Louisa.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-six members present, four absent.

RULES SUSPENDED

McKinney of Dallas moved that the rules be suspended for the immediate consideration of House File 479.

A non-record roll call was requested.

The ayes were 53, nays 44.

The motion prevailed and the rules were suspended.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 479, a bill for an act relating to appropriations for state departments, agencies, programs, funds, and INTERNET, and increasing the tax on the sale of cigarettes and wine coolers, adjusting the school foundation aid program, repealing certain tax rate reductions, credits, or rent reimbursements, redirecting net lottery revenues, and providing for effective and applicability dates, was taken up for consideration.

Van Maanen of Mahaska rose on a point of order and invoked Rule 32 to refer House File 479 to the committee on ways and means.

McKinney of Dallas moved to suspend Rule 32 on House File 479.

A non-record roll call was requested.

The ayes were 53, nays 43.

The motion prevailed and Rule 32 was suspended.

McKinney of Dallas moved to suspend the rules and take up out of order amendment H—3220.

A non-record roll call was requested.

The ayes were 52, nays 44.

The motion prevailed and the rules were suspended to take up out of order amendment H—3220.

Millage of Scott offered the following amendment H—3220 filed from the floor by Millage, Gipp, Bartz, Brown and Jesse:

H—3220

- 1 Amend House File 479 as follows:
- 2 1. By striking page 195, line 12 through page
- 3 196, line 32.
- 4 2. Title page, lines 2 and 3, by striking the
- 5 words "increasing the tax on the sale of cigarettes
- 6 and wine coolers,".

The House stood at ease at 3:25 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3220, to House File 479, at 4:55 p.m., Speaker Arnould in the chair.

Halvorson of Clayton offered the following amendment H—3235, to amendment H—3220, filed by him from the floor:

H—3235

- 1 Amend the amendment, H—3220, to House File 479 as
- 2 follows:
- 3 1. By striking lines 2 through 6 and inserting
- 4 the following:
- 5 "_____. By striking everything after the enacting
- 6 clause and inserting the following:
- 7 "Section 1. Notwithstanding any provision of the
- 8 Code or session laws, including standing unlimited
- 9 appropriations, for the fiscal year beginning July 1,
- 10 1991, except appropriations for telecommunications
- 11 there is appropriated from the state general fund for
- 12 each state department or agency an amount equal to the
- 13 amount appropriated for each state department or
- 14 agency for the fiscal year beginning July 1, 1990.
- 15 However, any revenue in excess of the amount to be
- 16 appropriated in this section, as determined by the
- 17 revenue estimating conference prior to April 15, 1991,
- 18 and any excess in estimated lottery revenues shall be

19 used to supplement other appropriations made by an
20 additional \$7 million for corrections, \$4 million for
21 family foster care, \$5 million for additional provider
22 services, \$17 million for additional medical
23 assistance, \$5 million for mental health, \$1 million
24 for AFDC, and fund school aid formula at the 83.5
25 percentile level, and any excess over those combined
26 amounts shall be allocated on a pro rata basis to the
27 standing unlimited appropriations contained in the
28 Code.

29 Sec. 2. Section 8.22A, Code 1991, is amended by
30 adding the following new unnumbered paragraph:
31 NEW UNNUMBERED PARAGRAPH. By December 15, 1992,
32 and each succeeding fiscal year, the conference shall
33 agree to a general fund revenue estimate and a general
34 fund ending balance estimate for the fiscal year
35 ending the following June 30. These estimates shall
36 be used to calculate the state general fund
37 expenditure limitation under section 8.56.

38 Sec. 3. Section 8.55, subsections 2 and 3, Code
39 1991, are amended to read as follows:

40 2. The maximum balance of the Iowa economic
41 emergency fund is the amount equal to ten percent of
42 the funds appropriated from the general fund of the
43 state during the preceding fiscal year. There is
44 appropriated from any surplus existing in the general
45 fund of the state at the conclusion of the fiscal year
46 to the Iowa economic emergency fund for each fiscal
47 year an amount equal to the smaller of the amount of
48 the surplus or the amount necessary to achieve the
49 maximum balance, or one percent of the previous fiscal
50 year's general fund revenues, as determined by the

Page 2

1 latest estimate of the revenue estimating conference
2 on or prior to December 15 of the previous fiscal
3 year.

4 3. The moneys in the Iowa economic emergency fund
5 may be appropriated by the general assembly only if at
6 least sixty percent of the members in each house vote
7 in favor of the bill, only in the fiscal year for
8 which the appropriation is made, and only for a
9 purpose for which the general assembly previously
10 appropriated funds for that fiscal year. However, the
11 balance in the Iowa economic emergency fund may be
12 used in determining the cash position of the general
13 fund of the state for the payment of state
14 obligations.

15 Sec. 4. NEW SECTION. 8.56 GENERAL FUND
16 EXPENDITURE LIMITATION.

17 1. There is created a state general fund

18 expenditure limitation for each fiscal year beginning
19 on or after July 1, 1991, calculated as provided in
20 this section.

21 2. The state general fund expenditure limitation
22 for a fiscal year equals the following:

23 a. The previous fiscal year's general fund
24 revenues, as determined by the latest estimate of the
25 revenue estimating conference on or prior to December
26 15 of the previous fiscal year.

27 b. Plus the previous fiscal year's general fund
28 ending balance, as determined by the latest estimate
29 of the revenue estimating conference on or prior to
30 December 15 of the previous fiscal year.

31 c. Minus the product of the fiscal year's
32 percentage limitation, reduced by one percentage
33 point, and the amount in paragraph "a". However, this
34 subtraction shall not be made for the fiscal year
35 beginning July 1, 1991.

36 d. Minus the product of one percent and the amount
37 in paragraph "a". However, this subtraction shall not
38 be made for the fiscal year beginning July 1, 1991.

39 3. For purposes of the computation under
40 subsection 2, the fiscal year's percentage limitation,
41 as used in subsection 2, paragraph "c" is the
42 following:

43 a. For the fiscal year beginning July 1, 1991,
44 zero percent.

45 b. For the fiscal year beginning July 1, 1992, one
46 percent.

47 c. For the fiscal year beginning July 1, 1993, two
48 percent.

49 d. For the fiscal year beginning July 1, 1994,
50 three percent.

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1 e. For the fiscal year beginning July 1, 1995,
2 four percent.

3 f. For the fiscal year beginning July 1, 1996, and
4 each subsequent fiscal year, five percent.

5 4. The state general fund expenditure limitation
6 provided for in this section shall be used by the
7 governor in the preparation of the budget under
8 section 8.22 and by the general assembly in the budget
9 process."

10 _____. Title page, by striking lines 3 through 7
11 and inserting the following: "state general fund
12 expenditure limitation." "

Halvorson of Clayton asked for unanimous consent to defer action
on amendment H—3235.

Objection was raised.

Halvorson of Clayton moved to defer action on amendment H—3235.

A non-record roll call was requested.

The ayes were 45, nays 54.

The motion to defer lost.

McKinney of Dallas rose on a point of order that amendment H—3235 was not germane, to amendment H—3220.

The Speaker ruled the point well taken and amendment H—3235 not germane, to amendment H—3220.

Halvorson of Clayton moved that the rules be suspended to consider amendment H—3235.

Roll call was requested by Van Maanen of Mahaska and Hansen of Woodbury.

On the question "Shall the rules be suspended to consider amendment H—3235?" (H.F. 479)

The ayes were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Shoning
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

The nays were, 54:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz

Spear
Wissing

Svoboda
Mr. Speaker
Arnould

Teaford

Wise

Absent or not voting, 1:

Gruhn

The motion to suspend the rules lost.

Millage of Scott moved the adoption of amendment H—3220.

Roll call was requested by Millage of Scott and Bartz of Worth.

On the question "Shall amendment H—3220 be adopted?"
(H.F. 479)

The ayes were, 76:

Banks	Bartz	Beaman	Beatty
Bennett	Bernau	Bisignano	Black
Brammer	Brand	Branstad	Brown
Burke	Cohon	Connors	Corbett
Daggett	De Groot	Dickinson	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Harbor	Hibbard	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Mertz	Millage	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing

The nays were, 23:

Adams	Baker	Blanshan	Carpenter
Chapman	Diemer	Hammond	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Holveck	Jochum	Koenigs	McKinney
Metcalf	Neuhauser	Osterberg	Schrader
Shearer	Shoultz	Mr. Speaker	
		Arnould	

Absent or not voting, 1:

Gruhn

Amendment H—3220 was adopted.

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

The House resumed session and consideration of House File 479 at 7:39 p.m., Speaker Arnould in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety members present, ten absent.

McKinney of Dallas moved to suspend the rules to take up out of order amendment H-3252.

A non-record roll call was requested.

The ayes were 52, nays 41.

The motion prevailed and the rules were suspended to take up out of order amendment H-3252.

Jochum of Dubuque offered amendment H-3252 filed by him from the floor. Division was requested as follows:

H-3252

1 Amend House File 479 as follows:

H-3252A

2 1. Page 17, by striking lines 21 through 26.

H-3252B

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

5 "Sec. _____. Section 8.22A, unnumbered paragraph 3,
6 Code 1991, is amended to read as follows:

7 By December 15, 1986 and each succeeding year the
8 conference shall agree to a revenue estimate for the
9 fiscal year beginning the following July 1. That
10 estimate shall be used by the governor in the
11 preparation of the budget message under section 8.22
12 and by the legislature in the budget process.
13 However, the governor shall not use the amount in or
14 estimated amount in the Iowa economic emergency fund
15 created in section 8.55 in the preparation of the
16 governor's budget document."

H-3252C

17 3. Page 116, line 30, by striking the figure
18 "55,185,887" and inserting the following:
19 "56,211,887".

20 4. Page 140, line 20, by inserting after the
21 figure "1991." the following: "Rates for family
22 foster care providers shall be increased by \$70.00 per
23 month over the rates in effect on June 30, 1991."

H-3252D

- 24 5. Page 196, line 32, by striking the words "This
25 division takes" and inserting the following:
26 "Sections 1001 through 1005 take".

H-3252E

- 27 6. Page 196, by inserting before line 33 the
28 following:
29 "Sec. 1331. Section 422.9, subsection 1, Code
30 1991, is amended to read as follows:
31 1. An optional standard deduction, after deduction
32 of federal income tax, equal to one thousand two
33 hundred thirty dollars for a married person who files
34 separately or a single person or equal to three
35 thousand thirty dollars for a husband and wife who
36 file a joint return, a surviving spouse, or an
37 unmarried head of household. The optional standard
38 deduction shall not exceed the amount remaining after
39 deduction of the federal income tax. The amount of
40 the federal income tax deducted shall not exceed the
41 amount as computed under subsection 2, paragraph "b".
42 Sec. 1332. Section 422.9, subsection 2, paragraph
43 b, Code 1991, is amended by striking the paragraph and
44 inserting in lieu thereof the following:
45 b. Add the amount of federal income taxes paid or
46 accrued, as the case may be, for the tax year. Also
47 add the amount of federal income taxes paid with the
48 federal return or as a result of an adjustment to a
49 federal return during the tax year for a prior year.
50 However, the amount of federal income taxes deducted

Page 2

- 1 for the tax year shall not exceed twenty-five thousand
2 dollars, except that any additional taxes paid with
3 the federal return or as a result of an adjustment to
4 a federal return during tax years ending prior to
5 January 1, 1991, are not subject to the twenty-five
6 thousand dollar limitation. Subtract the amount of
7 federal income tax refunds received for the tax year
8 to the extent that the federal income tax was deducted
9 in a previous year. Married persons who file
10 separately shall be limited to a federal income tax
11 deduction for federal income taxes paid during the tax
12 year not to exceed twenty-five thousand dollars in
13 total for both spouses. The amount of the federal
14 income tax deduction shall be divided between each
15 spouse by the ratio of federal adjusted gross income
16 of each spouse to total federal adjustment gross
17 income of both spouses unless they can show that
18 another method more accurately reflects the amount of
19 federal income tax to be paid by each.

H—3252E

20 Sec. 1333. Sections 1331 and 1332 apply
21 retroactively to January 1, 1991, for tax years
22 beginning on or after that date."

H—3252F

23 7. Page 204, by inserting after line 25 the
24 following:

25 "DIVISION XV
26 MISCELLANEOUS

27 Sec. _____. The general assembly shall develop a
28 budget reform program with the objective of holding
29 state spending within specified limits. The reform
30 program shall provide criteria for determining the
31 specific spending limitations. The budget reform
32 program shall be enacted by July 1, 1991."

33 8. Title page, line 6, by inserting after the
34 word "revenues," the following: "relating to the
35 amount of federal income taxes deductible for the
36 state individual income tax,".

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Royer of Page, for the remainder of the day, on request of Harbor of Mills.

With the previous adoption of amendment H—3220, amendment H—3252D was out of order.

On motion by Jochum of Dubuque, amendment H—3252A was adopted.

On motion by Jochum of Dubuque, amendment H—3252B was adopted.

Jochum of Dubuque moved the adoption of amendment H—3252C.

Roll call was requested by Neuhauser of Johnson and Sherzan of Polk.

On the question "Shall amendment H—3252C be adopted?"
(H.F. 479)

The ayes were, 86:

Adams	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer

Dvorsky	Eddie	Fogarty	Gill
Gipp	Groninga	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 11:

Banks	Corbett	Garman	Iverson
Krebsbach	Kremer	Lundby	Maulsby
Miller	Renken	Van Maanen	

Absent or not voting, 3:

Gruhn	Lageschulte	Royer
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Amendment H—3252C was adopted.

Poncy of Wapello in the chair at 8:35 p.m.

Connors of Polk in the chair at 9:13 p.m.

Speaker Arnould in the chair at 9:38 p.m.

Jochum of Dubuque moved the adoption of amendment H—3252E.

Roll call was requested by Bisignano of Polk and Dvorsky of Johnson.

On the question "Shall amendment H—3252E be adopted?"
(H.F. 479)

The ayes were, 55:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
McKinney	Mertz	Muhlbauer	Murphy

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Plasier	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 43:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Rafferty
Renken	Shoning	Siegrist	Spenner
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 2:

Gruhn Royer

Amendment H—3252E was adopted.

Jochum of Dubuque moved the adoption of amendment H—3252F.

A non-record roll call was requested.

The ayes were 90, nays 3.

Amendment H—3252F was adopted.

Halvorson of Clayton offered the following amendment H—3239 filed by him from the floor and moved its adoption:

H—3239

- 1 Amend House File 479 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Notwithstanding any provision of the
- 5 Code or session laws, including standing unlimited
- 6 appropriations, for the fiscal year beginning July 1,
- 7 1991, except appropriations for telecommunications
- 8 there is appropriated from the state general fund for
- 9 each state department or agency an amount equal to the
- 10 amount appropriated for each state department or
- 11 agency for the fiscal year beginning July 1, 1990.
- 12 However, any revenue in excess of the amount to be
- 13 appropriated in this section, as determined by the
- 14 revenue estimating conference prior to April 15, 1991,
- 15 and any excess in estimated lottery revenues shall be

16 used to supplement other appropriations made by an
17 additional \$7 million for corrections, \$4 million for
18 family foster care, \$5 million for additional provider
19 services, \$17 million for additional medical
20 assistance, \$5 million for mental health, \$1 million
21 for AFDC, and fund school aid formula at the 83.5
22 percentile level, and any excess over those combined
23 amounts shall be allocated on a pro rata basis to the
24 standing unlimited appropriations contained in the
25 Code.

26 Sec. 2. Section 8.22A, Code 1991, is amended by
27 adding the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. By December 15, 1992,
29 and each succeeding fiscal year, the conference shall
30 agree to a general fund revenue estimate and a general
31 fund ending balance estimate for the fiscal year
32 ending the following June 30. These estimates shall
33 be used to calculate the state general fund
34 expenditure limitation under section 8.56.

35 Sec. 3. Section 8.55, subsections 2 and 3, Code
36 1991, are amended to read as follows:

37 2. The maximum balance of the Iowa economic
38 emergency fund is the amount equal to ten percent of
39 the funds appropriated from the general fund of the
40 state during the preceding fiscal year. There is
41 appropriated from any surplus existing in the general
42 fund of the state at the conclusion of the fiscal year
43 to the Iowa economic emergency fund for each fiscal
44 year an amount equal to the smaller of the amount of
45 the surplus or the amount necessary to achieve the
46 maximum balance, or one percent of the previous fiscal
47 year's general fund revenues, as determined by the
48 latest estimate of the revenue estimating conference
49 on or prior to December 15 of the previous fiscal
50 year.

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1 3. The moneys in the Iowa economic emergency fund
2 may be appropriated by the general assembly only if at
3 least sixty percent of the members in each house vote
4 in favor of the bill, only in the fiscal year for
5 which the appropriation is made, and only for a
6 purpose for which the general assembly previously
7 appropriated funds for that fiscal year. However, the
8 balance in the Iowa economic emergency fund may be
9 used in determining the cash position of the general
10 fund of the state for the payment of state
11 obligations.

12 Sec. 4. NEW SECTION. 8.56 GENERAL FUND
13 EXPENDITURE LIMITATION.

- 14 1. There is created a state general fund
15 expenditure limitation for each fiscal year beginning
16 on or after July 1, 1991, calculated as provided in
17 this section.
- 18 2. The state general fund expenditure limitation
19 for a fiscal year equals the following:
- 20 a. The previous fiscal year's general fund
21 revenues, as determined by the latest estimate of the
22 revenue estimating conference on or prior to December
23 15 of the previous fiscal year.
- 24 b. Plus the previous fiscal year's general fund
25 ending balance, as determined by the latest estimate
26 of the revenue estimating conference on or prior to
27 December 15 of the previous fiscal year.
- 28 c. Minus the product of the fiscal year's
29 percentage limitation, reduced by one percentage
30 point, and the amount in paragraph "a". However, this
31 subtraction shall not be made for the fiscal year
32 beginning July 1, 1991.
- 33 d. Minus the product of one percent and the amount
34 in paragraph "a". However, this subtraction shall not
35 be made for the fiscal year beginning July 1, 1991.
- 36 3. For purposes of the computation under
37 subsection 2, the fiscal year's percentage limitation,
38 as used in subsection 2, paragraph "c" is the
39 following:
- 40 a. For the fiscal year beginning July 1, 1991,
41 zero percent.
- 42 b. For the fiscal year beginning July 1, 1992, one
43 percent.
- 44 c. For the fiscal year beginning July 1, 1993, two
45 percent.
- 46 d. For the fiscal year beginning July 1, 1994,
47 three percent.
- 48 e. For the fiscal year beginning July 1, 1995,
49 four percent.
- 50 f. For the fiscal year beginning July 1, 1996, and

Page 3

- 1 each subsequent fiscal year, five percent.
- 2 4. The state general fund expenditure limitation
3 provided for in this section shall be used by the
4 governor in the preparation of the budget under
5 section 8.22 and by the general assembly in the budget
6 process."
- 7 2. Title page, by striking lines 3 through 7 and
8 inserting the following: "state general fund
9 expenditure limitation."

Roll call was requested by Blanshan of Greene and Bennett of Ida.

On the question "Shall amendment H—3239 be adopted?"
(H.F. 479)

The ayes were, 43:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalfe
Millage	Miller	Petersen, D. F.	Rafferty
Renken	Shoning	Siegrist	Spenner
Tyrrell	Van Maanen	Weidman	

The nays were, 53:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 4:

Brammer	Gruhn	Plasier	Royer
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Amendment H—3239 lost.

Petersen of Muscatine offered the following amendment H—3226 filed by him and Mertz of Kossuth from the floor and moved its adoption:

H—3226

1 Amend House File 479 as follows:

2 1. Page 21, line 27, by striking the figure

3 "6,789,972" and inserting the following: "6,995,972".

4 2. Page 22, by striking line 16, and inserting

5 the following: "for soil conservation practices which

6 establish a permanent grass and buffer zone as

7 provided under section 467A.48."

- 8 3. Page 22, by striking lines 27 through 32.
 9 4. Page 22, line 34, by striking the words
 10 "paragraphs "b" and "d" " and inserting the following:
 11 "paragraph "b" ".
 12 5. Page 23, line 1, by striking the words
 13 "paragraphs "b" and "d" " and inserting the following:
 14 "paragraph "b" ".
 15 6. By relettering as necessary.

Roll call was requested by Petersen of Muscatine and Siegrist of Pottawattamie.

On the question "Shall amendment H—3226 be adopted?"
 (H.F. 479)

The ayes were, 45:

Banks	Bartz	Beaman	Branstad
Carpenter	Corbett	Daggett	De Groot
Diemer	Eddie	Fogarty	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Koenigs	Krebsbach	Kremer	Lundby
Maulsby	McNeal	Mertz	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Shoning	Siegrist
Spenner	Svoboda	Tyrell	Van Maanen
Weidman			

The nays were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Gill	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Lageschulte	McKean	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

Absent or not voting, 4:

Bennett	Brammer	Gruhn	Royer
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Amendment H—3226 lost.

Shoultz of Black Hawk offered the following amendment H—3245 filed by him from the floor and moved its adoption:

H—3245

1 Amend House File 479 as follows:

2 1. Page 32, by inserting after line 14, the
3 following:

4 "Sec. _____. Section 99D.13, subsection 2, Code
5 1991, is amended to read as follows:

6 2. Winnings from each racetrack forfeited under
7 subsection 1 shall escheat to the state and to the
8 extent appropriated by the general assembly shall be
9 used by the department of agriculture and land
10 stewardship to administer section 99D.22. To the
11 extent that the remainder paid over to the track is
12 from unclaimed winnings from dog racing, ten thousand
13 dollars shall be paid to each track licensed to race
14 dogs for purposes of administering section 99D.27. If
15 the amount paid to the commission is less than thirty
16 thousand dollars, each track licensed to race dogs
17 shall be paid an equal amount of the remainder. The
18 remainder forfeited under subsection 1 shall be paid
19 over to the commission to pay all or part of the cost
20 of drug testing at the tracks. To the extent the
21 remainder paid over to the commission, less the cost
22 of drug testing, is from unclaimed winnings from
23 harness racing meets, the remainder shall be used as
24 provided in subsection 3. To the extent the remainder
25 paid over to the commission, less the cost of drug
26 testing and dog adoption administration, is from
27 unclaimed winnings from tracks licensed for dog or
28 horse races, the commission, on an annual basis, shall
29 remit one-third of the amount to the treasurer of the
30 city in which the racetrack is located, one-third of
31 the amount to the treasurer of the county in which the
32 racetrack is located, and one-third of the amount to
33 the racetrack from which it was forfeited. If the
34 racetrack is not located in a city, then one-third
35 shall be deposited as provided in chapter 556. The
36 amount received by the racetrack under this subsection
37 shall be used only for retiring the debt of the
38 racetrack facilities and for capital improvements to
39 the racetrack facilities."

40 2. By renumbering as necessary.

Amendment H—3245 lost.

Schrader of Marion offered the following amendment H—3241 filed by him and Shoultz of Black Hawk from the floor and moved its adoption:

H—3241

- 1 Amend House File 479 as follows:
2 1. By striking page 33, line 34, through page 34,
3 line 2, and inserting the following: "for the best
4 interests of the fair, for any of the following
5 purposes after authorization. However, the board must
6 first submit a list of the purposes ranked by priority
7 and a purpose must be authorized by a constitutional
8 majority of each house of the general assembly and
9 approval by the governor. A purpose must be one of
10 the following:"
11 2. Page 34, by striking lines 11 and 12 and
12 inserting the following: ", subject to authorization
13 and approval required under subsection 1."

Amendment H—3241 was adopted.

Wise of Lee offered the following amendment H—3242 filed from the floor by Wise, Harbor, Groninga and Bennett and moved its adoption:

H—3242

- 1 Amend House File 479 as follows:
2 1. By striking page 39, line 33 through page 40,
3 line 26, and inserting the following:
4 "_____. Strategic investment fund
5 For deposit in the strategic investment fund
6 created in section 15.313 and for salaries and support
7 for not more than the following full-time equivalent
8 positions:
9\$ 4,680,000
10FTEs 9.40".
11 2. Page 51, by inserting after line 17 the
12 following:
13 "Sec. _____. Section 99E.31, subsection 2, Code
14 1991, is amended by striking the subsection.
15 Sec. _____. Section 99E.32, subsection 2, Code 1991,
16 is amended by striking the subsection.
17 Sec. _____. Section 15.241, unnumbered paragraphs 1
18 and 2, Code 1991, are amended to read as follows:
19 The department shall establish, contingent upon the
20 availability of funds authorized for the program,
21 There is established a "self-employment loan program,
22 account" within the strategic investment fund created
23 in section 15.313 to provide funding for the self-
24 employment loan program which program is to be

25 conducted in coordination with the job training
26 partnership program and other programs administered
27 under section 15.108, subsection 6, paragraph "c".
28 The department may contract with local community
29 action agencies or other local entities in
30 administering the program, and shall work with the
31 department of employment services and the department
32 of human services in developing the program.

33 The self-employment loan program shall administer a
34 low-interest loan program to provide loans to low-
35 income persons for the purpose of establishing or
36 expanding small business ventures. The terms of the
37 loans shall be determined by the department, but shall
38 not be in excess of five thousand dollars to any
39 single applicant or at a rate to exceed five percent
40 simple interest per annum. A self-employment loan
41 program revolving loan fund shall be established
42 within the department. The department shall maintain
43 records of all loans approved and the effectiveness of
44 those loans in establishing or expanding small
45 business ventures.

46 Sec. _____. Section 15.241, Code 1991, is amended by
47 adding the following new unnumbered paragraph:

48 NEW UNNUMBERED PARAGRAPH. Payments of interest and
49 repayments of moneys awarded under this program shall
50 be deposited into the strategic investment fund.

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1 Sec. _____. Section 15.247, subsections 2 and 3,
2 Code 1991, are amended to read as follows:

3 2. The department shall establish, contingent upon
4 the availability of funds authorized for the program,
5 There is established a "targeted small business
6 financial assistance program account" within the
7 strategic investment fund created in section 15.313,
8 to provide for loans, loan guarantees, revolving
9 loans, loans secured by accounts receivable, or grants
10 to targeted small businesses. A targeted small
11 business in any year shall receive under this program
12 not more than twenty-five thousand dollars in a loan
13 or grant, and not more than forty thousand dollars in
14 a guarantee, or a combination of loans, grants, or
15 guarantees. The program shall provide guarantees not
16 to exceed seventy-five percent for loans made by
17 qualified lenders. The department shall establish a
18 financial assistance reserve account from funds
19 provided for this allocated to the program account,
20 from which any default on a guaranteed loan under this
21 section shall be paid. In administering the program
22 the department shall not guarantee loan values in
23 excess of the amount credited to the reserve account

24 and only moneys set aside in the loan reserve account
25 may be used for the payment of a default.

26 3. All moneys designated for the targeted small
27 business financial assistance program shall be
28 credited to the financial assistance reserve program
29 account. The department shall also establish an
30 administrative account from which the operating costs
31 of the program shall be paid. The department may
32 transfer moneys between the reserve and the
33 administrative accounts except that not more than
34 twenty-five percent of the moneys shall be used to
35 administer the fund. The department shall determine
36 the actuarially sound reserve requirement for the
37 amount of guaranteed loans outstanding.

38 Sec. _____. Section 15.247, Code 1991, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 6. Payments of interest and
41 repayments of moneys awarded under this program shall
42 be deposited into the strategic investment fund."

43 3. Page 51, by inserting after line 34 the
44 following:

45 "Sec. _____. NEW SECTION. 15.311 STRATEGIC
46 INVESTMENT FUND.

47 This part shall be known as the "Iowa Strategic
48 Investment Fund" program.

49 Sec. _____. NEW SECTION. 15.312 PURPOSE.

50 The purpose of this part shall be to provide a

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1 mechanism for funding those programs listed in section
2 15.313, subsection 2, in order to more efficiently
3 meet the needs identified within those individual
4 programs.

5 Sec. _____. NEW SECTION. 15.313 STRATEGIC
6 INVESTMENT FUND.

7 1. There is created an "Iowa strategic investment
8 fund". The fund is a revolving fund and consists of
9 any money appropriated by the general assembly for
10 that purpose and any other moneys available to and
11 obtained or accepted by the department from the
12 federal government or private sources for placement in
13 the fund. The fund shall also include:

14 a. All unencumbered and unobligated funds from the
15 special community economic betterment program fund
16 created under 1990 Iowa Acts, chapter 1262, section 1,
17 subsection 18, remaining on June 30, 1991, and all
18 repayments of loans or other awards made under the
19 community economic betterment account or under the
20 community economic betterment program during the
21 preceding fiscal years beginning July 1, 1985, and
22 subsequent fiscal years.

23 b. All unencumbered and unobligated funds from the
24 self-employment loan program, the targeted small
25 business financial assistance program, the
26 microenterprise development revolving fund, and the
27 value-added agricultural products and processes
28 financial assistance fund remaining on June 30, 1991,
29 and all repayments of loans or other awards made under
30 these programs during the fiscal year beginning July
31 1, 1991, and subsequent fiscal years.

32 2. The assets of the fund shall be used by the
33 department for carrying out the purposes of the
34 following programs:

35 a. The community economic betterment program
36 created in sections 15.315 through 15.320.

37 b. The value-added agricultural products and
38 processes financial assistance program created in
39 sections 28.111 through 28.112.

40 c. The business development finance corporation
41 created in sections 28.131 through 28.149.

42 d. The self-employment loan program created in
43 section 15.241.

44 e. The targeted small business financial
45 assistance program created in section 15.247.

46 3. Annually the director shall submit to the
47 economic development board at a regular or special
48 meeting preceding the beginning of the fiscal year
49 planned allocations to be made for that fiscal year to
50 the community economic betterment program, the value-

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1 added agricultural products and processes financial
2 assistance program, the business development finance
3 corporation, the self-employment loan program, and the
4 targeted small business financial assistance program.
5 Plans may provide for increased or decreased
6 allocations if the demand in a program indicates that
7 the need exceeds the allocation for that program. The
8 director shall report to the board on the status of
9 the funds on a monthly basis and may present proposed
10 revisions for approval by the board in January and
11 April of each year. Unobligated and unencumbered
12 moneys remaining in the strategic investment fund or
13 any of its accounts on June 30 of each year shall be
14 considered part of the fund for purposes of the next
15 year's allocation.

16 4. Notwithstanding section 8.33, moneys in this
17 fund at the end of each fiscal year shall not revert
18 to any other fund but shall remain in this strategic
19 investment fund.

20 Sec. _____. NEW SECTION. 15.315 COMMUNITY ECONOMIC
21 BETTERMENT PROGRAM.

22 This part shall be known as the "Community Economic
23 Betterment Program."

24 Sec. _____. NEW SECTION. 15.316 PURPOSE.

25 The purpose of this program is to assist
26 communities and rural areas of the state with their
27 economic development efforts and to increase
28 employment opportunities for Iowans by increasing the
29 level of economic activity and development within the
30 state.

31 Sec. _____. NEW SECTION. 15.317 PROGRAM.

32 1. The department shall establish a program to
33 effectuate the purposes of this part by providing
34 financial assistance for small business gap financing,
35 new business opportunities, and new product and
36 entrepreneurial development. These purposes may be
37 accomplished by providing the following types of
38 assistance:

39 a. Principal buy-down program to reduce the
40 principal of a business loan.

41 b. Interest buy-down program to reduce the
42 interest of a business loan.

43 c. Loans or forgivable loans to aid in economic
44 development.

45 d. Loan guarantees for business loans made by
46 commercial lenders.

47 e. Equity-like investments.

48 2. Only a political subdivision of this state may
49 apply to receive funds for any of the above purposes.

50 The political subdivision shall make application to

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1 the department of economic development specifying the
2 purpose for which the funds will be used.

3 3. The department shall not provide more than one
4 million dollars for any project, unless at least two-
5 thirds of the members of the economic development
6 board vote for providing more.

7 Sec. _____. NEW SECTION. 15.318 RATING FACTORS AND
8 CRITERIA.

9 In ranking applications for funds, the department
10 shall consider a variety of factors including, but not
11 limited to:

12 1. The proportion of local match to be provided.

13 2. The proportion of private contribution to be
14 provided, including the involvement of financial
15 institutions.

16 3. The total number of jobs to be created or
17 retained.

18 4. The size of the business receiving assistance.
19 The department shall award more points to small
20 businesses as defined by the United States small

21 business administration.

22 5. The potential for future growth in the industry
23 represented by the business being considered for
24 assistance.

25 6. The need of the business for financial
26 assistance from governmental sources. More points
27 shall be awarded to a business for which the
28 department determines that governmental assistance is
29 most necessary to the success of the project.

30 7. The quality of the jobs to be created. In
31 rating the quality of the jobs the department shall
32 award more points to those jobs that have a higher
33 wage scale, have a lower turnover rate, are full-time
34 or career-type positions, provide comprehensive health
35 benefits, or have other related factors which could be
36 considered to be higher in quality. Businesses that
37 have wage scales substantially below that of existing
38 Iowa businesses in that area should be rated as
39 providing the lowest quality of jobs and should
40 therefore be given the lowest ranking for providing
41 such assistance.

42 8. The level of need of the political subdivision.

43 9. The impact of the proposed project on the
44 economy of the political subdivision.

45 10. The impact of the proposed project on other
46 businesses in competition with the business being
47 considered for assistance. The department shall make
48 a good faith effort to identify existing Iowa
49 businesses within an industry in competition with the
50 business being considered for assistance. The

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1 department shall make a good faith effort to determine
2 the probability that the proposed financial assistance
3 will displace employees of the existing businesses.
4 In determining the impact on businesses in competition
5 with the business being considered for assistance,
6 jobs created as a result of other jobs being displaced
7 elsewhere in the state shall not be considered direct
8 jobs created.

9 11. The impact to the state of the proposed
10 project. In measuring the economic impact the
11 department shall award more points for projects which
12 have greater consistency with the state strategic
13 plan, such as the following:

14 a. A business with a greater percentage of sales
15 out-of-state or of import substitution.

16 b. A business with a higher proportion of in-state
17 suppliers.

18 c. A project which would provide greater
19 diversification of the state economy.

- 20 d. A business with fewer in-state competitors.
21 e. A potential for future job growth.
22 f. A project which is not a retail operation.
23 12. If the business has a record of violations of
24 the law over a period of time that tends to show a
25 consistent pattern, the business shall be given the
26 lowest ranking for providing assistance. The
27 department shall make a good faith effort to compile
28 this information.
29 13. If a business has, within three years of
30 application for assistance, acquired or merged with an
31 Iowa corporation or company, the business shall make a
32 good faith effort to hire the workers of the acquired
33 or merged company.
34 14. To be eligible for assistance a business shall
35 provide for a preference for hiring residents of the
36 state or the economic development area, except for
37 out-of-state employees offered a transfer to Iowa or
38 the economic development area.
39 15. All known required environmental permits must
40 be granted and regulations met before moneys are
41 released.

42 Sec. _____. NEW SECTION. 15.319 MONITORING OF JOB
43 CREATION AND RETENTION.

- 44 1. The department shall develop definitions for
45 the terms "job creation" and "job retention" to
46 measure and identify the actual number of permanent,
47 full-time positions which the businesses actually
48 create or retain and which can be documented by
49 comparison of the payroll reports during the twenty-
50 four month period after the award.

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- 1 2. The department shall document the actual job
2 creation and retention effects of all businesses
3 receiving financial assistance from the program in the
4 context of the employer contribution and payroll
5 reports filed by the business.

- 6 3. The department shall require businesses which
7 receive assistance from the program to submit
8 historical copies of the employer contributions and
9 payroll reports with the application for funds,
10 require businesses to submit the reports after an
11 award on a timely basis, and require businesses to
12 estimate the expected job creation and retention
13 effects for the twelve-month and twenty-four month
14 periods after an award in terms of the number of
15 employees and total wages as displayed in the payroll
16 reports.

17 Sec. _____. NEW SECTION. 15.320 COMMUNITY ECONOMIC
18 BETTERMENT PROGRAM ACCOUNT.

19 1. A community economic betterment program account
20 is established within the strategic investment fund to
21 be used by the department of economic development for
22 the community economic betterment program. The
23 account shall consist of all appropriations, grants,
24 or gifts received by the department specifically for
25 use under this part and any moneys allocated to the
26 community economic betterment program account from the
27 strategic investment fund.

28 2. Payments of interest or repayments of moneys
29 awarded under the community economic betterment
30 program shall be deposited into the strategic
31 investment fund.

32 Sec. _____. Section 28.111, subsection 3, unnumbered
33 paragraph 1, Code 1991, is amended to read as follows:

34 The department of economic development may grant
35 financial or technical assistance to a person eligible
36 to receive assistance under this section, upon review
37 and evaluation of the person's application by the
38 agricultural products advisory council as established
39 in section 15.203. The council shall make
40 recommendations to approve or disapprove an
41 application to the department. The department shall
42 consider the recommendations council's evaluation in
43 granting or denying assistance. The department shall
44 not approve an application for assistance under this
45 section to refinance an existing loan, or to finance
46 traditional agricultural operations. An application
47 is eligible for consideration if the application seeks
48 assistance for any of the following purposes:

49 Sec. _____. Section 28.112, subsection 1, Code 1991,
50 is amended to read as follows:

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1 1. The department may establish There is
2 established a value-added agricultural products and
3 processes financial assistance fund account within the
4 strategic investment fund created in section 15.313.
5 The fund account shall be a revolving fund composed
6 consist of any money appropriated by the general
7 assembly for that purpose, moneys allocated to the
8 account from the strategic investment fund, any other
9 moneys available to and obtained or accepted by the
10 department from the federal government or private
11 sources for placement in the fund, and any earned
12 interest account. Except as otherwise provided in
13 subsection 2, the assets of the fund account shall be
14 used by the department only for carrying out the
15 purposes of section 28.111.

16 Sec. _____. Section 28.112, subsection 2, Code 1991,
17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. d. Payments of interest or
19 repayments of moneys awarded under the value-added
20 agricultural products and processes financial
21 assistance program shall be deposited into the
22 strategic investment fund."

23 4. Page 52, by striking line 6, and inserting the
24 following:

25 "Sec. _____. Section 28.143, subsection 1, paragraph
26 e, Code 1991, is amended to read as follows:

27 e. The superintendent of savings and loans credit
28 unions.

29 Sec. _____. Section 28.144, Code 1991, is amended by
30 striking the section and inserting in lieu thereof the
31 following:

32 28.144 PRESIDENT OF THE CORPORATION.

33 The director of the department shall appoint the
34 president of the corporation from the division within
35 the department that administers business financial
36 assistance programs. Administrative and staff support
37 shall be furnished by the department.

38 Sec. _____. Section 28.148, Code 1991, is amended to
39 read as follows:

40 28.148 STATE ASSISTANCE FUND.

41 There is created in the treasurer of state's office
42 a "business development finance corporation assistance
43 fund". The fund shall consist of all appropriations,
44 grants, or gifts received by the treasurer
45 specifically for assistance under this division and
46 moneys allocated from the strategic investment fund
47 created in section 15.313. Moneys in this fund are
48 appropriated to the corporation for the purposes
49 stated in this division. Moneys allocated to this
50 fund for purposes of the capital access program and

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1 repayments of moneys from the capital access program
2 which remain unobligated at the end of a fiscal year
3 may be returned to the strategic investment fund.

4 Sec. _____. Notwithstanding the provision in section
5 15.313 granting the director of the department of
6 economic development discretion in the allocation of
7 the moneys to the various accounts in the strategic
8 investment fund, for the fiscal year beginning July 1,
9 1991, a minimum of \$500,000 shall be allocated to the
10 targeted small business financial assistance program
11 account and a minimum of \$220,000 shall be allocated
12 to the self-employment loan program account. However,
13 any amounts of those two minimum allocations that have
14 not been committed on January 15, 1992, may be
15 reallocated to the other accounts in the strategic
16 investment fund.

- 17 Sec. _____. Sections 15.232 and 15.240, Code 1991,
18 are repealed."

Amendment H—3242 was adopted.

Wise of Lee offered the following amendment H—3255 filed by him from the floor and moved its adoption:

H—3255

- 1 Amend House File 479 as follows:
2 1. Page 42, line 34, by striking the figure
3 "285,000" and inserting the following: "340,000".
4 2. Page 44, line 5, by striking the figure
5 "200,000" and inserting the following: "145,000".

Amendment H—3255 was adopted.

Wise of Lee offered the following amendment H—3213 filed by him from the floor and moved its adoption:

H—3213

- 1 Amend House File 479 as follows:
2 1. Page 51, by inserting after line 17 the
3 following:
4 "Sec. _____. There is appropriated from the
5 community college job training fund created in section
6 280C.6, subsection 1, as amended by 1991 Iowa Acts,
7 Senate File 90, to the department of economic
8 development for the fiscal year beginning July 1,
9 1991, and ending June 30, 1992, the following amount,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:
12 For salaries, support, maintenance, and
13 miscellaneous purposes for the administration of the
14 Iowa small business new jobs training Act, and for not
15 more than the following full-time equivalent position:
16 \$ 38,954
17 FTEs .70"

Amendment H—3213 was adopted.

De Groot of Lyon offered the following amendment H—3198 filed by him from the floor:

H—3198

- 1 Amend House File 479 as follows:
2 1. Page 55, line 20, by striking the figure
3 "92,022,864" and inserting the following:
4 "92,050,864".
5 2. Page 55, line 26, by striking the figure
6 "2,326,257" and inserting the following: "2,354,257".

Neuhauser of Johnson in the chair at 10:35 p.m.

De Groot of Lyon offered the following amendment H—3216, to amendment H—3198, filed by him from the floor and moved its adoption:

H—3216

- 1 Amend amendment, H—3198, to House File 479 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "_____. Page 52, line 18, by striking the figure
- 6 "5,742,266" and inserting the following:
- 7 "5,714,266".
- 8 2. By renumbering as necessary.

Amendment H—3216 was adopted.

On motion by De Groot of Lyon, amendment H—3198, as amended, was adopted.

Koenigs of Mitchell asked and received unanimous consent to temporarily defer action on amendment H—3211.

Hibbard of Madison offered the following amendment H—3236 filed by him from the floor and moved its adoption:

H—3236

- 1 Amend House File 479 as follows:
- 2 1. Page 58, line 34, by striking the figure
- 3 "91,662,500" and inserting the following:
- 4 "68,662,500".
- 5 2. By striking page 199, line 4 through page 204,
- 6 line 18.
- 7 3. Title page, lines 4 and 5, by striking the
- 8 words "repealing certain tax rate reductions, credits,
- 9 or rent reimbursements,".

Amendment H—3236 lost.

Koenigs of Mitchell offered the following amendment H—3211, previously deferred, filed by him from the floor and moved its adoption:

H—3211

- 1 Amend House File 479 as follows:
- 2 1. Page 58, line 34, by striking the figure
- 3 "91,662,500" and inserting the following:
- 4 "81,662,500".
- 5 2. Page 204, lines 5 and 6, by striking the word
- 6 "forty-three" and inserting the following: "forty-
- 7 three fifty-three".

A non-record roll call was requested.

The ayes were 30, nays 49.

Amendment H—3211 lost.

Svoboda of Tama offered the following amendment H—3254 filed by her from the floor and moved its adoption:

H—3254

- 1 Amend House File 479 as follows:
- 2 1. Page 58, line 34, by striking the figure
- 3 "91,662,500" and inserting the following:
- 4 "37,562,500".
- 5 2. By striking page 196, line 35 through page
- 6 197, line 21.
- 7 3. By striking page 197, line 24 through page
- 8 198, line 3.
- 9 4. Page 198, by striking lines 6 through 22.
- 10 5. By striking page 203, line 21, through page
- 11 204, line 10.
- 12 6. Page 204, by striking lines 17 and 18.
- 13 7. Title page, by striking lines 2 through 4, and
- 14 inserting the following: "agencies, programs, funds,
- 15 and INTERNET, and repealing certain tax rate".

Amendment H—3254 lost.

Jochum of Dubuque offered the following amendment H—3247 filed by him from the floor and moved its adoption:

H—3247

- 1 Amend House File 479 as follows:
- 2 1. Page 62, line 34, by striking the word
- 3 "member" and inserting the following: "member's".
- 4 2. Page 113, line 14, by striking the figure
- 5 "273A.1" and inserting the following: "237A.1".
- 6 3. Page 143, line 6, by striking the word and
- 7 figure "subsection 4" and inserting the following:
- 8 "subsection 6".
- 9 4. Page 143, line 14, by striking the word and
- 10 figure "subsection 5" and inserting the following:
- 11 "subsection 4".

Amendment H—3247 was adopted.

Hibbard of Madison offered the following amendment H—3217 filed by him and Jochum of Dubuque from the floor and moved its adoption:

H—3217.

- 1 Amend House File 479 as follows:
- 2 1. Page 65, line 13, by striking the figure
- 3 "250,000" and inserting the following: "225,000".
- 4 2. Page 69, line 4, by striking the figure
- 5 "16,888,674" and inserting the following:
- 6 "16,913,674".
- 7 3. Page 69, by inserting after line 5, the
- 8 following:
- 9 "As a condition, limitation, and qualification of
- 10 the funds appropriated in this paragraph, \$25,000
- 11 shall be expended for a child farm safety program."

Amendment H—3217 was adopted.

Chapman of Linn offered the following amendment H—3221 filed by her from the floor and moved its adoption:

H—3221

- 1 Amend House File 479 as follows:
- 2 1. Page 69, line 19, by striking the figure
- 3 "59,792,405" and inserting the following:
- 4 "59,892,405".

Amendment H—3221 was adopted.

Corbett of Linn offered the following amendment H—3258 filed by him from the floor and moved its adoption:

H—3258

- 1 Amend House File 479 as follows:
- 2 1. Page 66, line 14, by inserting after the word
- 3 "abortions." the following: "For the purpose of this
- 4 section, a medically necessary abortion does not
- 5 include an abortion performed solely because of the
- 6 sex of the fetus."

A non-record roll call was requested.

The ayes were 25, nays 57.

Amendment H—3258 lost.

Speaker Arnould in the chair at 11:16 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Metcalf of Polk, for the remainder of the evening, on request of Van Maanen of Mahaska.

Tyrrell of Iowa offered the following amendment H—3243 filed from the floor by Tyrrell, Corbett, Eddie and Plasier and moved its adoption:

H—3243

- 1 Amend House File 479 as follows:
- 2 1. Page 76, by inserting after line 1 the
- 3 following:
- 4 "Sec. _____. Section 261.25, subsection 1, Code
- 5 1991, as amended by 1991 Iowa Acts, House File 173,
- 6 section 908, is amended to read as follows:
- 7 1. There is appropriated from the general fund of
- 8 the state to the commission for each fiscal year the
- 9 sum of ~~thirty-two~~ thirty-six million ~~six~~ eight hundred
- 10 ~~eight~~ eighty-eight thousand seven hundred ninety-five
- 11 dollars for tuition grants."
- 12 2. Page 204, line 24, by striking the figure
- 13 "20,000,000" and inserting the following:
- 14 "15,750,000".
- 15 3. Page 204, by inserting after line 24 the
- 16 following:
- 17 "Sec. _____. Notwithstanding section 455A.19, moneys
- 18 in the Iowa resource enhancement and protection fund
- 19 shall not be used for acquisition of land relating to
- 20 the Brushy Creek project."
- 21 4. By numbering and renumbering as necessary.

Roll call was requested by Van Maanen of Mahaska and Bartz of Worth.

On the question "Shall amendment H—3243 be adopted?"
(H.F. 479)

The ayes were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Eddie	Fogarty	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Holveck	Hurley	Iverson
Johnson	Krebsbach	Kremer	Maulsby
McKean	McNeal	Mertz	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Shearer	Shoning	Siegrist
Spear	Spenner	Tyrrell	Van Maanen
Weidman			

The nays were, 50:

Adams	Baker	Bernau	Bisignano
Black	Blanshan	Brand	Brown

Burke	Chapman	Cohon	Connors
Dickinson	Diemer	Doderer	Dvorsky
Gill	Groninga	Halvorson, R. N.	Hammond
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Lageschulte	Lundby	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poney	Renaud	Schrader	Sherzan
Shoultz	Svoboda	Teaford	Wise
Wissing	Mr. Speaker		
	Arnould		

Absent or not voting, 5:

Beatty	Brammer	Gruhn	Metcalf
Royer			

Amendment H—3243 lost.

Shearer of Louisa in the chair at 11:34 p.m.

Halvorson of Clayton offered the following amendment H—3251 filed by him from the floor and moved its adoption:

H—3251

- 1 Amend House File 479 as follows:
- 2 1. Page 76, by striking lines 2 through 7.
- 3 2. By striking page 196, line 35 through page
- 4 197, line 21.
- 5 3. By striking page 197, line 24 through page
- 6 198, line 3.
- 7 4. Page 198, by striking lines 6 through 22.
- 8 5. Page 204, by inserting after line 25 the
- 9 following:
- 10 "DIVISION _____
- 11 APPROPRIATIONS ADJUSTMENTS
- 12 Sec. _____. APPROPRIATIONS ADDITIONS. There is
- 13 appropriated from the general fund of the state to
- 14 each following designated agency of state government
- 15 for the fiscal year beginning July 1, 1991, and ending
- 16 June 30, 1992, the following amounts, or so much
- 17 thereof as is necessary, to be used for the purpose
- 18 designated:
- 19 1. To the department of human services, in
- 20 addition to the appropriation for the family support
- 21 subsidy program in section 625 of this Act:
- 22 \$ 200,000
- 23 2. To the college student aid commission, in
- 24 addition to the standing appropriation for tuition
- 25 grants in section 261.25, subsection 1:
- 26 \$ 100,000

27 3. To the department of agriculture and land
 28 stewardship, in addition to the appropriation for
 29 support of eradication of pseudorabies program in
 30 section 203 of this Act:
 31\$ 500,000
 32 4. To the department of economic development to
 33 supplement moneys appropriated for tourism and other
 34 economic development programs in division III of this
 35 Act:
 36\$ 1,000,000
 37 5. To the Iowa department of public health, in
 38 addition to the appropriation for the acquisition of
 39 emergency medical services equipment in section 505,
 40 subsection 3, paragraph "c" of this Act:
 41\$ 200,000
 42 Sec. _____. Notwithstanding section 18.137, the
 43 \$5,000,000 appropriated in that section for the fiscal
 44 year beginning July 1, 1991, shall not be deposited in
 45 the state communications network fund but shall be
 46 provided to the department of human services and used
 47 for medical assistance in addition to the moneys
 48 appropriated for that purpose in section 603 of this
 49 Act."
 50 6. Page 204, line 24, by striking the figure

Page 2

1 "20,000,000" and inserting the following:
 2 "10,000,000".
 3 7. Page 204, by inserting after line 24 the
 4 following:
 5 "Sec. 1402. Notwithstanding section 455A.19,
 6 moneys in the Iowa resource enhancement and protection
 7 fund shall not be used for land acquisition."

Roll call was requested by Black of Jasper and Hanson of Delaware.

On the question "Shall amendment H—3251 be adopted?"
 (H.F. 479)

The ayes were, 42:

Banks	Bartz	Beaman	Bennett
Branstad	Brown	Carpenter	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gipp	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McNeal	Mertz	Millage
Miller	Petersen, D. F.	Plasier	Renken
Shoning	Spear	Svoboda	Tyrrell
Van Maanen	Weidman		

The nays were, 54:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Burke	Chapman	Cohoon
Connors	Corbett	Dickinson	Doderer
Dvorsky	Gill	Groninga	Grubbs
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
McKean	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Rafferty
Renaud	Schrader	Sherzan	Shoultz
Siegrist	Spenner	Teaford	Wise
Wissing	Shearer		
	Presiding		

Absent or not voting, 4:

Brammer	Gruhn	Metcalf	Royer
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Amendment H—3251 lost.

Neuhauser of Johnson offered the following amendment H—3223 filed by her from the floor and moved its adoption:

H—3223

- 1 Amend House File 479, as follows:
- 2 1. Page 76, by inserting after line 21, the
- 3 following:
- 4 "Sec. _____. Section 279.51, subsection 1,
- 5 unnumbered paragraph 2, Code 1991, is amended to read
- 6 as follows:
- 7 Notwithstanding section 256A.3, subsection 6, of
- 8 the amount appropriated for the each fiscal year
- 9 beginning July 1, 1990, less the amount allocated
- 10 under paragraph "a", three and thirty-three hundredths
- 11 percent may be used for administrative costs."

Amendment H—3223 was adopted.

Chapman of Linn offered the following amendment H—3212 filed by her from the floor and moved its adoption:

H—3212

- 1 Amend House File 479, as follows:
- 2 1. Page 78, line 17, by striking the words
- 3 "refunded or" and inserting the following: "refunded
- 4 or,".
- 5 2. Page 78, line 18, by inserting after the word
- 6 "due" the following: ", or to allow for sufficient
- 7 funding of the escrow account on the bonds to be
- 8 refunded".

Amendment H—3212 was adopted.

Shoultz of Black Hawk offered the following amendment H—3215 filed by him from the floor and moved its adoption:

H—3215

1 Amend House File 479 as follows:

2 1. Page 80, by inserting after line 19, the
3 following:

4 "Sec. _____. Section 286A.19, Code 1991, is amended
5 to read as follows:

6 286A.19 GUARANTEE.

7 If the state general aid generated under this
8 chapter for an area school for a budget year is less
9 than the state general aid received by that area
10 school for the fiscal year beginning July 1, 1990
11 1991, the area school is entitled to receive
12 additional state aid for that budget year equal to the
13 difference between the state general aid generated for
14 that budget year and the state general aid received
15 for the fiscal year beginning July 1, 1990 1991.

16 There is appropriated from the general fund of the
17 state to the department of management an amount
18 sufficient to make the payments under this section."

19 2. Page 80, by striking line 34, and inserting
20 the following:

21 "Sec. _____. Sections 280A.69 and 280A.70, Code".

22 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 18, nays 57.

Amendment H—3215 lost.

Chapman of Linn offered the following amendment H—3201 filed by her from the floor and moved its adoption:

H—3201

1 Amend House File 479 as follows:

2 1. Page 80, by inserting after line 33 the
3 following:

4 "Sec. _____. Section 286A.14A, unnumbered paragraph
5 1, Code 1991, is amended to read as follows:

6 The department of education shall provide for the
7 establishment of a community college excellence 2000
8 account in the office of the treasurer of state for
9 deposit of moneys appropriated to the account for
10 purposes of funding quality instructional centers and
11 program and administrative sharing agreements under
12 sections 280A.45 and 280A.46. There is appropriated

- 13 from the general fund of the state to the department
14 of education, for the fiscal year beginning July 1,
15 1991, one million two hundred thousand dollars. There
16 is appropriated from the general fund of the state to
17 the department of education for the fiscal year
18 beginning July 1, 1992, an amount equal to two and
19 five-tenths percent of the total state general aid
20 generated for all community colleges during the budget
21 year under this chapter for deposit in the community
22 college excellence 2000 account. In the next
23 succeeding two fiscal years, the percent multiplier
24 shall be increased in equal increments until the
25 multiplier reaches seven and one-half percent of the
26 total state general aid generated for all community
27 colleges during the budget year."
28 2. By renumbering as necessary.

Amendment H—3201 was adopted.

Speaker Arnould in the chair at 12:04 a.m., Friday, March 15, 1991.

Chapman of Linn offered the following amendment H—3219 filed by her and Lageschulte of Bremer from the floor and moved its adoption:

H—3219

- 1 Amend House File 479 as follows:
2 1. Page 80, by striking lines 34 and 35 and
3 inserting the following:
4 "Sec. _____. Section 286A.19, Code 1991, is
5 repealed."
6 2. By numbering and renumbering as necessary.

Amendment H—3219 was adopted.

Teaford of Black Hawk offered the following amendment H—3206 filed by her from the floor and moved its adoption:

H—3206

- 1 Amend House File 479 as follows:
2 1. By striking page 87, line 22, through page 88,
3 line 26.
4 2. By renumbering and relettering as necessary.

Amendment H—3206 was adopted.

Teaford of Black Hawk offered the following amendment H—3250 filed by her and Hammond of Story from the floor and moved its adoption:

H—3250

- 1 Amend House File 479 as follows:
- 2 1. Page 93, by striking lines 27 through 33 and
- 3 inserting the following:
- 4 "(10) The Iowa department of public health, in
- 5 coordination with the department of human services,
- 6 shall encourage eligible children to be enrolled in
- 7 the Medicaid preventive program for children, and the
- 8 early and periodic screening, diagnosis, and treatment
- 9 program."

Amendment H—3250 was adopted.

Hammond of Story offered the following amendment H—3264 filed by her from the floor and moved its adoption:

H—3264

- 1 Amend House File 479 as follows:
- 2 1. Page 106, line 35, by inserting after the word
- 3 "and" the following: "if the ratio is found to be
- 4 favorable,".

Amendment H—3264 was adopted.

Mertz of Kossuth offered the following amendment H—3249 filed by her from the floor and moved its adoption:

H—3249

- 1 Amend House File 479 as follows:
- 2 1. Page 107, line 8, by inserting after the word
- 3 "for" the following: "50 percent of".

Roll call was requested by Hanson of Delaware and Siegrist of Pottawattamie.

Rule 75 was invoked.

On the question "Shall amendment H—3249 be adopted?"
(H.F. 479)

The ayes were, 47:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hibbard	Hurley	Iverson
Johnson	Kistler	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Mertz	Miller
Muhlbauer	Petersen, D. F.	Rafferty	Renken

Siegrist Tyrrell	Spear Van Maanen	Spenner Weidman	Svoboda
The nays were, 49:			
Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Gill	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Holveck
Jay	Jesse	Jochum	Knapp
McKinney	Millage	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Plasier	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 4:

Brammer	Gruhn	Metcalf	Royer
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Amendment H—3249 lost.

Murphy of Dubuque offered the following amendment H—3207 filed by him from the floor and moved its adoption:

H—3207

- 1 Amend House File 479 as follows:
- 2 1. Page 107, by inserting after line 24 the
- 3 following:
- 4 "_____. As a condition, limitation, and
- 5 qualification of the funds appropriated in this
- 6 section, notwithstanding the adoption of an
- 7 administrative rule limiting coverage of organ
- 8 transplants under the medical assistance program, the
- 9 department shall continue to provide medical
- 10 assistance coverage for organ transplants to
- 11 individuals who applied for and received approval from
- 12 the department on or before January 1, 1991, for
- 13 medical assistance coverage of an organ transplant."
- 14 2. By renumbering as necessary.

Amendment H—3207 was adopted.

Halvorson of Clayton offered the following amendment H—3224 filed by him and Harbor of Mills from the floor and moved its adoption:

H—3224

- 1 Amend House File 479 as follows:
- 2 1. Page 140, by striking lines 15 through 20 and

- 3 inserting the following:
 4 "_____. Notwithstanding section 18.137, the
 5 \$5,000,000 appropriated in that section for the fiscal
 6 year beginning July 1, 1991, shall not be deposited in
 7 the state communications network fund but shall be
 8 provided to the department of human services and
 9 fairly apportioned to increase reimbursement rates to
 10 social services providers reimbursed by the
 11 department, including family and group foster care and
 12 shelter care services providers for the fiscal year
 13 beginning July 1, 1991."
 14 2. By renumbering as necessary.

Roll call was requested by Bartz of Worth and Grubbs of Scott.

On the question "Shall amendment H-3224 be adopted?"
 (H.F. 479)

The ayes were, 71:

Baker	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Branstad	Brown	Carpenter
Corbett	Daggett	De Groot	Diemer
Doderer	Eddie	Fogarty	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Haverland	Hester
Holveck	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Mertz	Millage
Miller	Neuhausser	Nielsen	Osterberg
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wissing	

The nays were, 25:

Adams	Blanshan	Brand	Burke
Chapman	Cohoon	Connors	Dickinson
Dvorsky	Gill	Groninga	Hatch
Hibbard	Jochum	Knapp	Koenigs
McKinney	Muhlbauer	Murphy	Ollie
Pavich	Schrader	Sherzan	Wise
Mr. Speaker			
Arnould			

Absent or not voting, 4:

Brammer	Gruhn	Metcalf	Royer
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Amendment H—3224 was adopted, placing out of order lines 20 through 23 of amendment H—3252C, previously adopted.

Spear of Lee offered the following amendment H—3240 filed by him from the floor and moved its adoption:

H—3240

- 1 Amend House File 479 as follows:
- 2 1. Page 156, line 7, by striking the figure
- 3 "73,956,679" and inserting the following:
- 4 "74,956,679".

Amendment H—3240 lost.

Sherzan of Polk offered the following amendment H—3197 filed by him from the floor and moved its adoption:

H—3197

- 1 Amend House File 479 as follows:
- 2 1. Page 161, line 5, by inserting before the word
- 3 "renovating," the following: "constructing,".

Amendment H—3197 was adopted.

Jesse of Jasper offered the following amendment H—3253 filed by him from the floor and moved its adoption:

H—3253

- 1 Amend House File 479 as follows:
- 2 1. Page 161, line 23, by striking the words and
- 3 figures "unnumbered paragraph 2,".
- 4 2. Page 161, by inserting after line 24 the
- 5 following:
- 6 "4. Up to \$1,300,000 for construction of 60
- 7 minimum security dormitory style beds located in Polk
- 8 county at the Newton correctional facility."

Amendment H—3253 was adopted.

Garman of Story offered the following amendment H—3259 filed by her from the floor and moved its adoption:

H—3259

- 1 Amend House File 479 as follows:
- 2 1. Page 164, line 8, by striking the figure
- 3 "2,509,205" and inserting the following: "2,439,205".
- 4 2. Page 164, by striking lines 10 through 13, and
- 5 inserting the following:
- 6 "As a condition, limitation, and qualification of
- 7 the appropriation made in this subsection, the labor
- 8 commissioner shall not require the registration of

- 9 contractors doing business in Iowa during the fiscal
 10 year beginning July 1, 1991, notwithstanding the
 11 provisions of chapter 91C."
 12 3. Page 168, by striking lines 2 through 11.

Roll call was requested by Garman of Story and Hanson of Delaware.

On the question "Shall amendment H—3259 be adopted?"
 (H.F. 479)

The ayes were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Doderer	Eddie
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McNeal	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Shoning
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

The nays were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Dvorsky	Fogarty
Gill	Groninga	Hammond	Hansen, S. D.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

Absent or not voting, 4:

Brammer	Gruhn	Metcalf	Royer
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Amendment H—3259 lost.

Beatty of Warren offered the following amendment H—3196 filed by her from the floor and moved its adoption:

H—3196

- 1 Amend House File 479 as follows:
- 2 1. Page 165, line 30, by inserting after the word
- 3 "removal" the following: "or encapsulation".

Amendment H—3196 was adopted.

Bartz of Worth offered the following amendment H—3237 filed by him from the floor and moved its adoption:

H—3237

- 1 Amend House File 479 as follows:
- 2 1. Page 165, line 31, by inserting after the word
- 3 "Iowa" the following: "and for the support of the
- 4 county, labor survey, economic development teams to
- 5 assist in conducting labor availability surveys on a
- 6 county basis".

Amendment H—3237 lost.

Jay of Appanoose offered the following amendment H—3228 filed from the floor by Jay, Hibbard, McNeal, Peterson of Carroll and Millage, and moved its adoption:

H—3228

- 1 Amend House File 479 as follows:
- 2 1. By striking page 175, line 32 through page
- 3 178, line 18.
- 4 2. By striking page 182, line 27 through page
- 5 183, line 18.
- 6 3. By renumbering as necessary.

Amendment H—3228 was adopted.

Connors of Polk offered the following amendment H—3266 filed by him from the floor and moved its adoption:

H—3266

- 1 Amend House File 479 as follows:
- 2 1. Page 178, by striking lines 19 through 33.
- 3 2. Renumber as necessary.

Amendment H—3266 was adopted.

Jay of Appanoose offered the following amendment H—3230 filed from the floor by Jay, Hibbard, McNeal, Peterson of Carroll and Millage, and moved its adoption:

H-3230

- 1 Amend House File 479 as follows:
- 2 1. By striking page 181, line 11 through page
- 3 182, line 26.
- 4 2. By renumbering as necessary.

Amendment H-3230 was adopted.

Cohoon of Des Moines offered the following amendment H-3234 filed by him and Koenigs of Mitchell from the floor and moved its adoption:

H-3234

- 1 Amend House File 479 as follows:
- 2 1. Page 187, line 7, by striking the figure
- 3 "24,458,362" and inserting the following:
- 4 "24,198,122".
- 5 2. Page 187, line 8, by striking the figure
- 6 "456.00" and inserting the following: "452.00".
- 7 3. Page 187, by striking lines 12 through 14.

Amendment H-3234 was adopted.

Koenigs of Mitchell offered the following amendment H-3233 filed by him from the floor and moved its adoption:

H-3233

- 1 Amend House File 479 as follows:
- 2 1. Page 191, line 2, by striking the figure
- 3 "2,959.00" and inserting the following: "2,933.00".
- 4 2. Page 191, by inserting after line 2 the
- 5 following:
- 6 "As a condition, limitation, and qualification of
- 7 the appropriation in this paragraph, the department
- 8 shall conduct a pilot project for contracting with
- 9 counties for winter maintenance on state primary
- 10 highways. The department shall continue this project
- 11 for a duration that is sufficient to determine the
- 12 feasibility for performing permanent contractual
- 13 maintenance with counties. Participating counties
- 14 shall meet minimum criteria relating to highway
- 15 maintenance functions, as determined by the
- 16 department. The department shall submit an annual
- 17 report to the general assembly outlining the progress
- 18 of the pilot project."

A non-record roll call was requested.

The ayes were 57, nays 27.

Amendment H-3233 was adopted.

Svoboda of Tama asked and received unanimous consent to temporarily defer action on amendment H—3246.

Iverson of Wright offered the following amendment H—3263 filed by him from the floor and moved its adoption:

H—3263

1 Amend House File 479 as follows:

2 1. By striking page 1, line 1 through page 195,
3 line 11, and inserting the following:

4 "Section 1. Notwithstanding any provision of the
5 Code or session laws, including standing unlimited
6 appropriations, for the fiscal year beginning July 1,
7 1991, there is appropriated from the state general
8 fund for each state department or agency and state
9 program an amount equal to the amount appropriated for
10 each state department or agency and state program for
11 the fiscal year beginning July 1, 1990.

12 Sec. 2. Section 422.69, subsection 3, Code 1991,
13 is amended to read as follows:

14 3. The director shall estimate the amount of tax
15 revenues collected as a result of the sales tax
16 imposed under section 422.43, subsection 12, and the
17 amount of income tax revenues collected as a result of
18 limiting the federal income tax deduction to twenty-
19 five thousand for individual income tax purposes and
20 shall deposit a like amount these amounts in a "GAAP
21 escrow account" to be created within the general fund.
22 Amounts deposited in the GAAP escrow account shall be
23 used to implement generally accepted accounting
24 principles as required in 1986 Iowa Acts, chapter
25 1245, section 2046, as amended by 1986 Iowa Acts,
26 chapter 1238, section 59."

27 2. By striking page 196, line 33 through page
28 204, line 25.

29 3. Title page, by striking lines 3 through 6 and
30 inserting the following: "providing for GAAP
31 implementation and providing for effective and".

Roll call was requested by Jochum of Dubuque and Hansen of Woodbury.

On the question "Shall amendment H—3263 be adopted?"
(H.F. 479)

The ayes were, 34:

Banks	Beaman	Bennett	Branstad
Corbett	Daggett	De Groot	Diemer
Eddie	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Harbor	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach

Kremer	Lageschulte	Maulsby	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Shoning	Spenner	Tyrrell
Van Maanen	Weidman		

The nays were, 62:

Adams	Baker	Bartz	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Dickinson
Doderer	Dvorsky	Fogarty	Garman
Gill	Gipp	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
Lundby	McKean	McKinney	McNeal
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Svoboda	Teaford	Wise
Wissing	Mr. Speaker		
	Arnould		

Absent or not voting, 4:

Brammer	Gruhn	Metcalf	Royer
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Amendment H—3263 lost.

Jochum of Dubuque offered the following amendment H—3257 filed by him from the floor and moved its adoption:

H—3257

- 1 Amend House File 479 as follows:
- 2 1. Page 195, by inserting after line 11 the
- 3 following:
- 4 "DIVISION X
- 5 TAXATION".

Amendment H—3257 was adopted.

Schrader of Marion offered the following amendment H—3260 filed from the floor by Schrader, Shoultz, Groninga, Osterberg, Muhlbauer and Chapman and moved its adoption:

H—3260

- 1 Amend House File 479 as follows:
- 2 1. Page 198, by striking lines 25 through 27 and

3 inserting the following:

4 "Sec. 1201. Notwithstanding the requirement in
5 section 99E.10,".

6 2. Page 198, line 35, by inserting before the
7 word "subsection" the following: "section 99E.10,".

8 3. Page 199, by striking lines 1 and 2 and
9 inserting the following: "deposited into the CLEAN
10 fund but shall be used to reimburse the general fund
11 of the state for each dollar spent, up to the
12 following amounts, as a result of the appropriations
13 made for the following purposes:

14 1. Soil conservation cost share in section 201,
15 subsection 6, paragraph "b", up to \$6,789,972.

16 2. Filter strips in section 201, subsection 6,
17 paragraph "d", up to \$206,000.

18 3. Parks and preserves division in section 206,
19 subsection 4, up to \$5,000,000.

20 4. Forests and forestry division in section 206,
21 subsection 5, up to \$1,500,000.

22 5. Environmental protection division in section
23 206, subsection 7, up to \$1,750,000.

24 6. Agricultural experiment station at Iowa state
25 university of science and technology in section 410,
26 subsection 3, paragraph "f", up to \$4,354,028.

27 7. Leopold center at Iowa state university of
28 science and technology in section 410, subsection 3,
29 paragraph "j", up to \$600,000.

30 8. Iowa resource enhancement and protection fund
31 in section 1401, up to \$20,000,000.

32 Notwithstanding section 8.33, money in the lottery
33 fund not used for the reimbursement of general fund
34 expenditure for the purposes and in the amounts
35 specified in sections 1 through 8 shall not revert to
36 the general fund of the state but shall remain in the
37 lottery fund."

Amendment H—3260 was adopted.

Osterberg of Linn offered the following amendment H—3262 filed from the floor by Osterberg, Baker, Dvorsky and Halvorson of Webster and moved its adoption:

H—3262

1 Amend House File 479 as follows:

2 1. By striking page 199, line 6 through page 203,
3 line 20.

4 2. Page 204, by striking lines 11 through 16 and
5 inserting the following:

6 "Sec. 1321. 1990 Iowa Acts, chapter 1250, section
7 21, is amended to read as follows:

8 SEC. 21.

9 Sections 1, 6, 8, and 9 of this Act are effective
10 January 1, ~~1991~~ 1993, for mobile home tax claims and
11 property tax credit claims filed on or after that
12 date. Section 8 of this Act is applicable to rent
13 reimbursement claims filed on or after January 1, 1992
14 1994. Section 6 of this Act is also applicable to
15 rent reimbursement claims filed on or after January 1,
16 1992 1994.

17 Sec. 1322. 1990 Iowa Acts, chapter 1250, section
18 23, is amended to read as follows:

19 SEC. 23.

20 Section 5 of this Act is effective January 1, 1991
21 1993, for homestead tax credits allowed for property
22 taxes payable in fiscal years beginning on or after
23 July 1, ~~1991~~ 1993.

24 Sec. _____. Sections 1321 and 1322 of this division,
25 being deemed of immediate importance, take effect upon
26 enactment and apply retroactively to January 1, 1991."

27 2. Title page, line 4, by striking the word
28 "repealing" and inserting the following: "delaying
29 the effective date of".

Amendment H—3262 was adopted.

Bennett of Ida offered the following amendment H—3232 filed by
him and Lageschulte of Bremer from the floor and moved its adoption:

H—3232

1 Amend House File 479 as follows:

2 1. By striking page 203, line 21, through page
3 204, line 10.

4 2. Page 204, by inserting before line 11 the
5 following:

6 "Sec. 1331. Notwithstanding the provisions of
7 section 425A.1, for the fiscal year beginning July 1,
8 1991, funds shall not be appropriated or transferred
9 from any source to the family farm tax credit fund."

10 3. Page 204, by striking lines 17 and 18.

11 4. Page 204, by inserting before line 19 the
12 following:

13 "Sec. _____. Section 1331 is effective July 1,
14 1991."

Roll call was requested by Van Maanen of Mahaska and Jay of
Appanoose.

On the question "Shall amendment H—3232 be adopted?"
(H.F. 479)

The ayes were, 46:

Banks
Branstad

Bartz
Carpenter

Beaman
Corbett

Bennett
Daggett

De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Mertz	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Shoning
Siegrist	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman		

The nays were, 50:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cphoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Teaford	Wise
Wissing	Mr. Speaker Arnould		

Absent or not voting, 4:

Brammer	Gruhn	Metcalf	Royer
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Amendment H—3232 lost.

Halvorson of Clayton offered the following amendment H—3225 filed by him from the floor and moved its adoption:

H—3225

- 1 Amend House File 479 as follows:
- 2 1. Page 204, by inserting after line 24 the
- 3 following:
- 4 "It is the intent of the general assembly that
- 5 during the fiscal year beginning July 1, 1991, funds
- 6 appropriated to the Iowa resources enhancement and
- 7 protection fund shall not be used for land
- 8 acquisition."

A non-record roll call was requested.

The ayes were 27, nays 56.

Amendment H—3225 lost.

Dickinson of Jackson in the chair at 1:44 a.m.

Speaker Arnould in the chair at 1:46 a.m.

Kremer of Buchanan offered the following amendment H-3218 filed by him from the floor and moved its adoption:

H-3218

- 1 Amend House File 479 as follows:
- 2 1. Page 204, by inserting after line 25 the fol-
- 3 lowing:
- 4 "DIVISION XV
- 5 LEGISLATIVE BRANCH APPROPRIATIONS
- 6 Sec. 1501. Notwithstanding section 2.12 regarding
- 7 the standing unlimited appropriations to the
- 8 legislative branch, there is appropriated from the
- 9 general fund of the state to the legislative branch
- 10 for the fiscal year beginning July 1, 1991, and ending
- 11 June 30, 1992, the following amounts, or so much
- 12 thereof as is necessary:
- 13 1. For the purposes listed in section 2.12:
- 14 a. For the house of representatives:
- 15\$ 6,377,900
- 16 b. For the senate:
- 17\$ 3,897,682
- 18 c. For joint expenses:
- 19\$ 500,000
- 20 d. For the citizens' aide:
- 21\$ 513,887
- 22 e. For the computer support bureau:
- 23\$ 1,229,930
- 24 f. For the fiscal bureau:
- 25\$ 1,331,000
- 26 g. For the service bureau:
- 27\$ 3,187,440
- 28 2. For the administrative rules review committee
- 29 established under section 17A:8:
- 30\$ 64,486".

Roll call was requested by Kremer of Buchanan and Diemer of Black Hawk.

On the question "Shall amendment H-3218 be adopted?" (H.F. 479)

The ayes were, 43:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.

Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Shoning	Siegrist	Spenner
Tyrrell	Van Maanen	Weidman	

The nays were, 53:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shultz	Spear
Svoboda	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 4:

Brammer	Gruhn	Metcalf	Royer
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Amendment H—3218 lost.

Harbor of Mills offered the following amendment H—3248 filed by him from the floor and moved its adoption:

H—3248

1 Amend House File 479 as follows:
 2 1. Page 204, by inserting after line 25 the
 3 following:
 4 "DIVISION _____
 5 MISCELLANEOUS
 6 Sec. 1501. NEW SECTION. 25B.7 APPROPRIATIONS.
 7 There is appropriated from the general fund of the
 8 state to each political subdivision, upon which an Act
 9 of the general assembly enacted after April 1, 1991,
 10 imposes a state mandate, an amount equal to the amount
 11 of additional expenditures necessitated by the state
 12 mandate. The political subdivision receiving moneys
 13 as a result of a state mandate under this section
 14 shall continue to receive the amount of the
 15 expenditures necessitated by the state mandate for
 16 subsequent fiscal years until the state mandate has
 17 been repealed.

18 Sec. 1502. Section 1501 takes effect upon
19 enactment."

Roll call was requested by Halvorson of Clayton and Harbor of Mills.

On the question "Shall amendment H—3248 be adopted?"
(H.F. 479)

The ayes were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Mertz	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Shoning
Siegrist	Spanner	Tyrrell	Van Maanen
Weidman			

The nays were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Gill	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

Absent or not voting, 4:

Brammer	Gruhn	Metcalf	Royer
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Amendment H—3248 lost.

Rafferty of Scott offered the following amendment H—3261 filed by him from the floor and moved its adoption:

H—3261

- 1 Amend House File 479 as follows:
- 2 1. Page 44, by striking lines 2 through 5.

Roll call was requested by Hansen of Woodbury and Spenner of Henry.

Rule 75 was invoked.

On the question "Shall amendment H—3261 be adopted?"
(H.F. 479)

The ayes were, 48:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Connors	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hammond	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Jay	Johnson	Kistler	Knapp
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Mertz
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Shoning	Siegrist
Spear	Spenner	Van Maanen	Weidman

The nays were, 48:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Halvorson, R. N.	Hansen, S. D.
Hatch	Haverland	Hibbard	Holveck
Jesse	Jochum	Koenigs	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poney	Renaud	Schrader	Shearer
Sherzan	Shoultz	Svoboda	Teaford
Tyrrell	Wise	Wissing	Mr. Speaker
			Arnould

Absent or not voting, 4:

Brammer	Gruhn	Metcalf	Royer
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Amendment H—3261 lost.

Schrader of Marion in the chair at 2:22 a.m.

Neuhauser of Johnson called up for consideration the motion to reconsider amendment H—3224 filed by her from the floor (found on pages 680 and 681 of the House Journal), which was adopted by the House on March 15, 1991.

Speaker Arnould in the chair at 2:35 a.m.

On motion by Neuhauser of Johnson to reconsider amendment H—3224, a non-record roll call was requested.

Rule 75 was invoked.

The ayes were 48, nays 47.

The motion prevailed and amendment H—3224 was reconsidered.

The House stood at ease at 2:53 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3224 to House File 479 at 3:11 a.m., Speaker Arnould in the chair.

Halvorson of Clayton moved the adoption of amendment H—3224.

Roll call was requested by Van Maanen of Mahaska and Maulsby of Calhoun.

Rule 75 was invoked.

On the question "Shall amendment H—3224 be adopted?"
(H.F. 479)

The ayes were, 49:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.	Harbor
Haverland	Hester	Holveck	Hurley
Iverson	Jesse	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Mertz
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Shoning	Siegrist
Spear	Spenner	Tyrrell	Van Maanen
Weidman			

The nays were, 44:

Adams	Baker	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Burke	Chapman	Cohoon	Connors
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Hansen, S. D.	Hatch
Hibbard	Jay	Jochum	Knapp
Koenigs	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Teaford	Wise	Wissing	Mr. Speaker
			Arnould

Absent or not voting, 7:

Bernau	Brammer	Gruhn	Hammond
Metcalf	Royer	Svoboda	

Amendment H—3224 was adopted.

Svoboda of Tama asked and received unanimous consent to withdraw amendment H—3246, previously deferred, filed by her from the floor.

Sherzan of Polk in the chair at 3:56 a.m.

Speaker Arnould in the chair at 4:00 a.m.

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. 479)

The ayes were, 53:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 43:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Shoning	Siegrist	Spenner
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 4:

Brammer

Gruhn

Metcalf

Royer

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that House File 479 be immediately messaged to the Senate.

EXPLANATION OF VOTE

I inadvertently voted "nay" on amendment H-3220, to House File 479. I meant to vote "aye."

BAKER of Polk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 14, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 260, an act relating to the reservation of a bank name.

Senate File 218, an act relating to the formula used to calculate part-time student financial aid awards under the tuition grant program.

PRESENTATION OF VISITORS

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

Thirty-eight sixth grade students from Lenox Community School, Lenox, accompanied by Mrs. Janet Reed. By Daggett of Adams.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

The annual report on the Iowa Small Business New Jobs Training Program, pursuant to Chapter 280C.7, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH Homemaker-Home Health Aide

The 1991 annual report, pursuant to Chapter 1259.6(11)(d)(5), 1990 Acts of the Seventy-third General Assembly.

DEPARTMENT OF PUBLIC SAFETY

A report regarding Employee Drug Testing Alternatives: Law Enforcement, Probation, and Parole Officers.

SUBCOMMITTEE ASSIGNMENTS

House File 262

Education: Ollie, Chair; Daggett and Shoultz.

House File 350

Education: Wise, Chair; Daggett and Ollie.

House File 416

Education: Wissing, Chair; Daggett and Ollie.

House File 451

Commerce: Chapman, Chair; Brammer and Corbett.

House File 467

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

House File 470

Judiciary and Law Enforcement: Beatty, Chair; Brammer and Shoning.

House File 476

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 480

Agriculture: Mertz, Chair; Branstad and Hibbard.

Senate File 171

Agriculture: Gruhn, Chair; Brand and Maulsby.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 257

Agriculture: Fogarty, Chair; Banks and Mertz.

House Study Bill 258

Agriculture: Svoboda, Chair; Johnson and Muhlbauer.

House Study Bill 259

Commerce: Groninga, Chair; Holveck and Metcalf.

House Study Bill 260

Commerce: Doderer, Chair; Blanshan and Shoning.

House Study Bill 261

Commerce: Chapman, Chair; Gill and Halvorson of Clayton.

House Study Bill 262

Education: Shoultz, Chair; Hanson of Black Hawk and Shearer.

House Study Bill 265

Natural Resources and Outdoor Recreation: Hatch, Chair; Black and Royer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 195.2 (Revised) Human Resources**

Establishing a state funding formula for the costs of services provided to adults with mental retardation, a developmental disability, or mental illness, and providing an effective date.

H.S.B. 266 Agriculture

Relating to the Iowa finance authority, by providing assistance to farmers through the issuance of bonds or notes.

H.S.B. 267 Agriculture

Relating to facilities used to maintain animals for agricultural production or for scientific or educational purposes, and providing penalties.

H.S.B. 268 State Government

Relating to the effective date of collective bargaining agreements negotiated under chapter 20 by political subdivisions of this state, and providing an effective date.

H.S.B. 269 State Government

Relating to the liability of the state or a municipality concerning traffic control signals.

H.S.B. 270 Local Government

Relating to cooperative ownership of residential, business property, and providing an applicability date.

H.S.B. 271 Local Government

A concurrent resolution proclaiming National County Government Week and Iowa Local Government Week.

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 COMMERCE

Committee Bill (Formerly House File 376), relating to eliminating the requirement that a financial institution disclose certain information related to financial services offered by the financial institution.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1991.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 8), to establish a teacher exchange program within the state and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1991.

Committee Bill (Formerly House Study Bill 21), to establish an advanced placement summer program and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1991.

Committee Bill (Formerly House Study Bill 45), to create an adult literacy education program at the community colleges and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1991.

Committee Bill (Formerly House Study Bill 125), relating to the weighting plan to be used to provide funds for the excess costs of instruction of children requiring special education.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1991.

Committee Bill (Formerly House Study Bill 169), relating to the accreditation process for schools and school districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1991.

COMMITTEE ON HUMAN RESOURCES

House File 407, a bill for an act relating to child day care requirements by establishing an exception for certain children with a parent serving in the United States armed services and stationed outside the state due to the Persian Gulf Conflict and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3208** March 13, 1991.

Committee Bill (Formerly House Study Bill 141), relating to requirements for child day care facilities operated in a building in which child day care is an adjunct to the primary purpose of the building and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 13, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 450, a bill for an act to prohibit the enforcement of rules and regulations of collegiate athletic associations which do not meet certain legal requirements by institutions of higher education or other persons in this state and establishing a civil cause of action.

Fiscal Note is not required.

Committee Action: Failed to Pass March 13, 1991.

Committee Bill (Formerly House Study Bill 122), relating to changes and corrections in the court administration system.

Fiscal Note is not required.

Recommended Do Pass March 13, 1991.

Committee Bill (Formerly House Study Bill 234), relating to establishing a durable power of attorney authorized to make health care decisions.

Fiscal Note is not required.

Recommended Do Pass March 13, 1991.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 107), relating to workers' compensation medical benefits and weekly benefit claims, extraterritorial jurisdiction, burial expenses, and minimum benefit payments.

Fiscal Note is not required.

Recommended Amend and Do Pass March 13, 1991.

COMMITTEE ON LOCAL GOVERNMENT

House File 92, a bill for an act relating to establishing commencement dates and terms of office for airport commissioners by ordinance.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3195 March 13, 1991.

House File 431, a bill for an act relating to the collection of real property and mobile home taxes, tax sales, tax redemptions, and tax deeds, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3204 March 13, 1991.

Pursuant to Rule 31.7, House File 431 was referred to the committee on ways and means.

Committee Bill (Formerly House File 367), relating to demolition insurance reserves required for property within the corporate limits of a city.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 289, a bill for an act relating to the operation of snowmobiles, all-terrain vehicles, and motorcycles in certain special events and limiting safety certification to certain operators on public lands and waters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3205** March 13, 1991.

Senate File 134, a bill for an act relating to the use of fireworks in state parks and preserves and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1991.

Committee Bill (Formerly House Study Bill 42.1), to increase the fees for fishing, hunting, and related licenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1991.

COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TRADE

Committee Bill (Formerly House Study Bill 177), relating to updating criteria under the Iowa retraining program and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1991.

AMENDMENTS FILED

H—3195	H.F.	92	Committee on Local Government
H—3199	H.F.	455	Corbett of Linn
H—3200	H.F.	455	Banks of Plymouth
H—3202	H.F.	335	Millage of Scott
H—3203	H.F.	455	Lageschulte of Bremer
H—3204	H.F.	431	Committee on Local Government
H—3205	H.F.	289	Committee on Natural Resources and Outdoor Recreation
H—3208	H.F.	407	Committee on Human Resources
H—3210	H.F.	455	Spear of Lee
H—3214	H.F.	426	Rafferty of Scott
H—3244	S.F.	205	Spear of Lee

H—3256

H.F. 443

Hibbard of Madison
Jesse of Jasper
Baker of Polk
Bisignano of Polk
Wissing of Scott
Brown of Lucas
Lundby of Linn

H—3265

H.F. 305

On motion by McKinney of Dallas, the House adjourned at 4:02 a.m., Friday, March 15, 1991, until 10:00 a.m., Monday, March 18, 1991.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day — Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 18, 1991

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

Prayer was offered by the Honorable Lee Plasier, state representative from Sioux County.

The Journal of Thursday and Friday, March 14 and 15, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, until his return, on request of Van Maanen of Mahaska; Renken of Grundy, until his arrival, on request of McKean of Jones; Eddie of Buena Vista on request of Spenner of Henry.

INTRODUCTION OF BILLS

House File 495, by committee on local government, a bill for an act relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a sales and services tax, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

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

House File 496, by committee on natural resources and outdoor recreation, a bill for an act to increase the fees for fishing, hunting, and related licenses and providing effective dates.

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

House File 497, by Millage, a bill for an act relating to presence investigations.

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

House File 498, by committee on small business, economic development and trade, a bill for an act relating to updating criteria under the Iowa retraining program and providing an effective date.

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

House File 499, by committee on local government, a bill for an act relating to demolition insurance reserves required for property within the corporate limits of a city.

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

House File 500, by committee on human resources, a bill for an act relating to requirements for child day care facilities operated in a school building in which child day care is an adjunct to the primary purpose of the building and providing an effective date.

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

House File 501, by committee on judiciary and law enforcement, a bill for an act relating to establishing a durable power of attorney authorized to make health care decisions.

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

House File 502, by committee on commerce, a bill for an act relating to eliminating the requirement that a financial institution disclose certain information related to financial services offered by the financial institution.

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

House File 503, by Baker, a bill for an act relating to the establishment of a law enforcement review board in certain cities.

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

House File 504, by Jochum, a bill for an act relating to special motor vehicle registration plates for emergency medical care providers and fire fighters.

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

House File 505, by Baker, a bill for an act relating to funding and maintenance of certain local civil rights commissions and agencies and providing an effective date.

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

House File 506, by Peterson of Carroll, a bill for an act relating to the admission into evidence of reproduced, rerecorded, or duplicated original writings, documents, and other records kept in the regular course of business or activity.

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

House File 507, by Hurley, a bill for an act prohibiting the operation or possession of radar detectors and providing a penalty.

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

House File 508, by Hammond, a bill for an act relating to requirements for psychiatric medical institutions for children.

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

House File 509, by Poncy, a bill for an act extending the military service tax exemption to armed forces serving in the Lebanon, Grenada, and Panama conflicts, and providing applicability and effective dates.

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

House File 510, by Hammond and Spear, a bill for an act relating to the appointment of a county attorney or sheriff to serve more than one county.

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

SENATE MESSAGES CONSIDERED

Senate File 166, by committee on transportation, a bill for an act restricting the burning of vegetation or debris within rights-of-way of public roads and providing a penalty.

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

Senate File 231, by Horn, a bill for an act allowing the issuance of personalized collegiate registration plates for motor vehicles and providing an effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 233, a bill for an act relating to appeals from school board action under open enrollment, providing discretionary authority to the state board of education in hearing appeals, and providing for rulemaking.

Also: That the Senate has on March 13, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 13, a concurrent resolution relating to assistive technology and endorsing the efforts of the Iowa Council on Assistive Technology.

JOHN F. DWYER, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 8

Bartz of Worth called up for consideration Senate Concurrent Resolution 8, a concurrent resolution petitioning the United States Navy for the return of the battleship USS Iowa's silver service, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 426, a bill for an act relating to Pearl Harbor motor vehicle registration plates, was taken up for consideration.

Rafferty of Scott offered the following amendment H—3214 filed by him and moved its adoption:

H—3214

1 Amend House File 426 as follows:

2 1. Page 1, line 21, by inserting after the word

3 "fee," the following: "Seriously disabled veterans

4 who are exempted from payment of the annual

5 registration fee under section 321.105, shall pay only

6 the twenty-five dollar fee for issuance of the special

7 registration plates."

Amendment H—3214 was adopted.

Corbett of Linn offered the following amendment H—3191 filed by him:

H—3191

1 Amend House File 426 as follows:

2 1. Page 1, by inserting after line 26, the

3 following:

4 "Sec. 2. There is appropriated from the general

5 fund of the state to the department of public defense

6 for the fiscal year beginning July 1, 1991, and ending

7 June 30, 1992, the following amount, or so much

8 thereof as is necessary, for the designated purpose:

9 To be held in trust by the Iowa State Bank of Des
10 Moines, Iowa, to be used for the construction of a

- 11 Pearl Harbor Memorial on the capitol complex grounds:
 12 \$ 6,085".
 13 2. Title page, line 2, by inserting after the
 14 word "plates" the following: "and providing an
 15 appropriation for a Pearl Harbor Memorial".

Halvorson of Webster rose on a point of order that amendment H—3191 was not germane.

The Speaker ruled the point well taken and amendment H—3191 not germane.

Corbett of Linn moved that the rules be suspended to consider amendment H—3191.

A non-record roll call was requested.

The ayes were 38, nays 48.

The motion to suspend the rules lost.

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. 426)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spanner	Svoboda
Teaford	Tyrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Eddie
Royer

Harbor

Jay

Renken

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:

Corbett of Linn, for the remainder of the morning, on request of Van Maanen of Mahaska.

House File 309, a bill for an act relating to maximum lengths of saddle mounted or full mounted power unit combination vehicles and the length of draw bar or other connections on certain towing vehicles, was taken up for consideration.

Black of Jasper offered the following amendment H—3188 filed by him and moved its adoption:

H—3188

- 1 Amend House File 309 as follows:
- 2 1. Page 1, by striking lines 29 through 31 and
- 3 inserting the following: "a sign indicating that the
- 4 vehicle is a towed vehicle."

Amendment H—3188 was adopted.

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

On the question "Shall the bill pass?" (H.F. 309)

The ayes were, 79:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Chapman	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Hansen, S. D.	Hanson, D. E.	Hatch
Haverland	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKinney
McNeal	Mertz	Millage	Muhlbauer

Murphy	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Schrader	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 14:

Carpenter	Halvorson, R. N.	Hammond	Hanson, D. R.
Hester	Johnson	McKean	Metcalf
Miller	Neuhauser	Nielsen	Osterberg
Shearer	Shoultz		

Absent or not voting, 7:

Corbett	Eddie	Fogarty	Harbor
Jay	Renken	Royer	

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 417, a bill for an act relating to private club expense deductions for individual and corporate state income tax purposes, was taken up for consideration.

Doderer of Johnson offered the following amendment H—3163 filed by her and Groninga of Cerro Gordo and moved its adoption:

H—3163

- 1 Amend House File 417 as follows:
- 2 1. Page 1, line 23, by striking the word "Sub-
- 3 tract" and inserting the following: "Add".

Amendment H—3163 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. 417)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Garman

Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 1:

Iverson

Absent or not voting, 6:

Corbett	Eddie	Harbor	Jay
Renken	Royer		

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

INTRODUCTION OF BILLS

House File 511, by committee on education, a bill for an act relating to the weighting plan to be used to provide funds for the excess costs of instruction of children requiring special education.

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

House File 512, by committee on education, a bill for an act relating to the accreditation process for schools and school districts.

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

House File 513, by Connors, a bill for an act regulating transient food service establishments and providing for licensing fees.

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

House File 514, by Shearer, a bill for an act relating to the redemption of stock and payment of dividends by cooperative associations.

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

House File 515, by Hurley, a bill for an act relating to school bus and truck speed limits and making penalties applicable.

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

House File 516, by committee on education, a bill for an act to establish a teacher exchange program within the state.

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

House File 517, by committee on labor and industrial relations, a bill for an act relating to workers' compensation medical benefits and weekly benefit claims, burial expenses, and minimum benefit payments.

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

House File 518, by committee on education, a bill for an act to establish an advanced placement summer program.

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

House File 519, by committee on education, a bill for an act relating to adult literacy education programs at the community colleges and making an appropriation.

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

House File 520, by committee on energy and environmental protection, a bill for an act relating to testing to detect the presence of radon gas or radon progeny.

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

House File 521, by Daggett, a bill for an act relating to the disposal of motor oil filters.

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

RULE 57 SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, on committees meeting today.

SPONSOR ADDED

(House File 329)

Jay of Appanoose requested to be added as a sponsor of House File 329.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 14 and 15, 1991. Had I been present, I would have voted "aye" on House File 479.

GRUHN of Dickinson

I was necessarily absent from the House chamber on March 14 and 15, 1991. Had I been present, I would have voted "aye" on amendment H—3239 to House File 479 and "nay" on House File 479.

ROYER of Page

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

Copies of the Standard of Need of Iowa and A Profile of AFDC Recipients in Iowa, pursuant to Chapter 318.1(5), 1989 Acts of the Seventy-third General Assembly.

DEPARTMENT OF PUBLIC SAFETY

A report by the Iowa Division of Criminal Investigation regarding the scope of liquor importation by commercial licensees in Iowa, pursuant to Chapter 1267.3(3)(c), 1990 Acts of the Seventy-third General Assembly.

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

- | | |
|---------|--|
| 1991-50 | Don Lamb, Homer — For his outstanding contribution to his community. |
| 1991-51 | Shawn Zimmerman, Clear Lake High School — For placing second place in the Class 2A State Wrestling Tournament in the 130 pound weight class. |
| 1991-52 | Manuel Macias, Davenport — For being Runner-up in the Class 3A State Wrestling Tournament in the 125 pound weight class. |
| 1991-53 | Chad Whitecotton, Clear Lake High School — For qualifying for the State Wrestling Tournament in the Class 2A, 119 pound weight class. |
| 1991-54 | Ryan Behr, Mason City Newman High School — For winning the State Wrestling Championship in the Class 1A, heavyweight division. |

- 1991-55 Peter Taft, Mason City Newman High School — For winning the State Wrestling Championship in the Class 1A division, 103 pound weight class.
- 1991-56 Ryan Meis, Council Bluffs Abraham Lincoln High School — For being named to the 1991 Academic All-State Basketball Team.
- 1991-57 Brian Kruse, Council Bluffs — For attaining the Boy Scouts of America Eagle Scout Award.
- 1991-58 Burlington Greyhound Girl's Basketball Team and Coach, Don Gibbs; Burlington — For participating in the 1991 Girls' State Basketball Tournament.
- 1991-59 Academic Decathlon Team, Council Bluffs Thomas Jefferson High School — For earning third place in the Academic Decathlon State Meet.
- 1991-60 The Dubuque Wahlert Girl's Basketball Team — For participating in the 1991 Iowa Girls' State Basketball Tournament.
- 1991-61 Clear Lake Community Schools Wrestling Team and Coaches — For having an outstanding season, and for being the State Dual-Meet Runner-up in Class 2A.
- 1991-62 Paul Wilkerson, Wapello/Winfield-Mt. Union-Morning Sun High School — For winning the State Wrestling Championship in Class 2A, 103 pound weight class.
- 1991-63 Washington High School Wrestlers and Coaches — For placing third in the State 2A Wrestling Tournament.
- 1991-64 West Delaware Hawks Wrestling Team and Coaches — For winning the Class 2A, 1991 State Wrestling Dual-Meet Championship.
- 1991-65 Hunter Rawlings, III, University of Iowa — For being named to the National Association of Basketball Coaches' Silver All-America Team.

SUBCOMMITTEE ASSIGNMENTS

House File 471

State Government: Teaford, Chair; Beatty, Halvorson of Webster, Hanson of Delaware, Krebsbach, Pavich and Renken.

House File 477

State Government: Bisignano, Chair; Lundby, Pavich, Renaud and Shoning.

House File 494

State Government: Halvorson of Webster, Chair; Beatty, Hanson of Delaware, Krebsbach, Pavich, Renken and Teaford.

House File 503

Local Government: Hatch, Chair; Bernau and Diemer.

House File 505

Local Government: Baker, Chair; Hanson of Black Hawk and Shearer.

House File 510

Local Government: Spear, Chair; Connors and Hester.

Senate File 179

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Hibbard and Millage.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 263**

State Government: Halvorson of Webster, Chair; Beatty, Hanson of Delaware, Krebsbach, Pavich, Renken and Teaford.

House Study Bill 264

State Government: Renaud, Chair; Bisignano, Lundby, Pavich and Shoning.

House Study Bill 266

Agriculture: Hibbard, Chair; Petersen of Muscatine and Schrader.

House Study Bill 267

Agriculture: Svoboda, Chair; Johnson and Muhlbauer.

House Study Bill 268

State Government: Blanshan, Chair; Bisignano and Carpenter.

House Study Bill 269

State Government: Jay, Chair; Blanshan and Carpenter.

House Study Bill 270

Local Government: Muhlbauer, Chair; Bernau and Iverson.

House Study Bill 271

Local Government: Dvorsky, Chair; Royer and Spear.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 272 Education**

To establish a world class schools task force and making an appropriation.

H.S.B. 273 Judiciary and Law Enforcement

Relating to facilities used to maintain animals for agricultural production or for scientific or educational purposes, and providing penalties.

H.S.B. 274 Judiciary and Law Enforcement

Relating to the confidentiality of victim-identifying information in cases of sexual abuse.

H.S.B. 275 Judiciary and Law Enforcement

Requiring the execution of a bond by notaries public.

H.S.B. 276 Judiciary and Law Enforcement

Relating to the location of district court administrators' offices.

H.S.B. 277 Judiciary and Law Enforcement

Relating to the confidentiality of certain information relating to waste reduction under the public records law.

H.S.B. 278 Judiciary and Law Enforcement

Relating to forfeiture of excursion boats and related property and providing an effective date.

H.S.B. 279 Judiciary and Law Enforcement

Relating to the liability of the state in certain paternity actions.

H.S.B. 280 Judiciary and Law Enforcement

Relating to alimony.

H.S.B. 281 Transportation

A concurrent resolution naming a highway route and urging the United States House Public Works and Transportation Committee and the United States Senate Environment and Public Works Committee to establish priority funding measures for development of a four-lane highway in Missouri, Iowa, and Minnesota to connect the cities of St. Louis, Missouri, and St. Paul, Minnesota, more commonly referred to as "The Avenue of the Saints".

H.S.B. 282 State Government

Relating to the reassignment of duties from the division of children, youth, and families of the department of human rights to the division of child and family services within the department of human services.

H.S.B. 283 Energy and Environmental Protection

Relating to hazardous waste and hazardous substance disposal sites.

H.S.B. 284 Energy and Environmental Protection

Relating to the establishment of an agricultural chemical response and reimbursement program and imposing fees.

H.S.B. 285 Commerce

Relating to authorizing deductibles for policies of insurance providing workers' compensation coverage.

H.S.B. 286 Commerce

Providing for the enforcement of debts against mobile homes.

H.S.B. 287 Commerce

Relating to entities and subject matter subject to regulation under the regulated industries unit of the division of insurance, including business opportunity promotions, continuing care and senior adult congregate living retirement communities, and loan brokers, establishing certain fees, and making penalties applicable.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 33, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers, and providing for fees.

Fiscal Note is required.

Recommended **Do Pass** March 14, 1991.

COMMITTEE ON APPROPRIATIONS

Senate File 121, a bill for an act relating to the reversion of appropriations for the planning and construction of armories for the department of public defense and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** March 14, 1991.

RESOLUTIONS FILED

HCR 13, by Murphy, a concurrent resolution encouraging the federal government to establish a program for the sharing of child abuse registry information among the states.

Referred to committee on **human resources**.

HCR 14, by Hibbard, a concurrent resolution relating to the elimination of the federal social security payroll tax cap.

Referred to committee on **ways and means**.

HCR 15, by Doderer, Carpenter, Adams, Hammond, Nielsen, Gruhn, Teafor, Neuhauser, Mertz and Beatty, a concurrent resolution relating to ratification of the United Nations' Convention on the Elimination of All Forms of Discrimination against Women.

Laid over under **Rule 25**.

SCR 13, by Szymoniak, a concurrent resolution relating to assistive technology and endorsing the efforts of the Iowa Council on Assistive Technology.

Referred to committee on **human resources**.

On motion by McKinney of Dallas, the House adjourned at 11:21 a.m., until 9:00 a.m., Tuesday, March 19, 1991.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day — Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 19, 1991

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

Prayer was offered by Reverend and Air Force Chaplain Randolph McHone, pastor of Grace Lutheran Church, Waterloo.

The Journal of Monday, March 18, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, until his arrival, on request of Banks of Plymouth; Harbor of Mills, until his arrival, on request of Halvorson of Clayton; Eddie of Buena Vista on request of Spenner of Henry.

INTRODUCTION OF BILLS

House File 522, by Hibbard, Jochum, Knapp, Osterberg, Gruhn, Koenigs, Peterson of Carroll, Svoboda, Burke, Bernau, Brand, Gill, Mertz, Jay, Adams, Jesse and Shearer, a bill for an act relating to rural medical education programs.

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

House File 523, by Hahn, a bill for an act relating to persons who permit others to operate motor vehicles while intoxicated, and establishing penalties.

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

House File 524, by Daggett, a bill for an act providing that parties in certain contested cases involving the department of human services or department of inspections and appeals may appoint persons to represent the parties at evidentiary hearings.

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

House File 525, by Daggett, a bill for an act relating to procedures for intake of child abuse reports.

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

House File 526, by Daggett, a bill for an act relating to the provision of receipts by persons receiving child support payments.

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

House File 527, by Teaford, a bill for an act relating to the establishment of a confidential intermediary process for disclosure of adoption information and providing a penalty.

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

House File 528, by Cohoon, a bill for an act to establish a school bus driver education fund for school bus driver and passenger safety programs, and providing for a fee.

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

House File 529, by Adams, a bill for an act relating to joint financing of public works and facilities under chapter 28F.

Read first time and referred to committee on **energy and environmental protection**.

House File 530, by Doderer and Hammond, a bill for an act relating to group accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health maintenance organizations by mandating inclusion of newborn infant coverage for treatment, including routine well-baby care, under certain circumstances.

Read first time and referred to committee on **commerce**.

House File 531, by Hurley, a bill for an act relating to instruction in accredited schools on human sexuality, as part of the human growth and development curriculum or instruction, and providing that rules be adopted by the state board of education that require that instruction emphasize that abstinence from certain sexual contact is the only complete protection from pregnancy and other consequences of certain sexual activity.

Read first time and referred to committee on **education**.

House File 532, by Svoboda, a bill for an act relating to the control of junkyards by the county board of supervisors and declaring nonconforming junkyards a public nuisance.

Read first time and referred to committee on **local government**.

House File 533, by Grubbs, a bill for an act relating to exemptions from the state sales, services, and use taxes for certain nonprofit health organizations.

Read first time and referred to committee on **ways and means**.

House File 534, by committee on judiciary and law enforcement, a bill for an act relating to changes and corrections in the court administration system.

Read first time and placed on the **calendar**.

House File 535, by Brand, a bill for an act relating to the sale of fortified wine and subjecting violators to a penalty.

Read first time and referred to committee on **state government**.

House File 536, by Daggett, a bill for an act relating to limitations on immunity from liability for department of human services employees and others in cases of child abuse.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 537, by Hurley, a bill for an act providing a moratorium from the enforcement of debts and taxes owed by members of the military services serving in the Persian Gulf Conflict, and providing an effective date.

Read first time and referred to committee on **ways and means**.

House File 538, by Carpenter, a bill for an act relating to the state department of transportation's exemption from the prohibition on competition by state agencies with private enterprise.

Read first time and referred to committee on **transportation**.

House File 539, by Svoboda, a bill for an act relating to collection of debts, revenues, moneys, fines, penalties, and forfeitures, and permitting the county attorney to designate another county official or agency to assist in collection efforts.

Read first time and referred to committee on **local government**.

House File 540, by Holveck, a bill for an act relating to the use of automatic dialing-announcing device equipment and providing a penalty.

Read first time and referred to committee on **commerce**.

House File 541, by Cohoon, a bill for an act relating to tinted windows.

Read first time and referred to committee on **transportation**.

House File 542, by Siegrist, a bill for an act relating to physical education requirements, establishing a minimum level for grades one through eight, and doubling the current requirement for grades nine through twelve.

Read first time and referred to committee on **education**.

House File 543, by Svoboda, a bill for an act relating to the duties and powers of heads of departments and independent agencies to appoint division administrators.

Read first time and referred to committee on **state government**.

House File 544, by Siegrist, a bill for an act relating to prohibiting the sale or resale of admission tickets under certain conditions and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 545, by Fogarty, a bill for an act relating to election of public hospital trustees.

Read first time and referred to committee on **local government**.

House File 546, by Shearer and Baker, a bill for an act relating to racial and ethnic representation on state appointive boards, commissions, committees, and councils.

Read first time and referred to committee on **state government**.

House File 547, by Plasier, a bill for an act relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county.

Read first time and referred to committee on **energy and environmental protection**.

House File 548, by Siegrist, Spenner, Corbett, Lundby and Hanson of Delaware, a bill for an act relating to the prohibition of non-reserved seating at certain events held in indoor facilities.

Read first time and referred to committee on **commerce**.

House File 549, by Teaford, a bill for an act relating to the Iowa affordable heating program.

Read first time and referred to committee on **human resources**.

House File 550, by Brown, Grubbs, Beatty, Carpenter, Bernau, Krebsbach, Brammer, Rafferty, Dickinson, Dvorsky, Hammond, Hibbard, Murphy, Neuhauser, Nielsen, Teaford and Wissing, a bill for an act establishing an HIV and AIDS insurance continuation assistance program, and providing a repeal.

Read first time and referred to committee on **appropriations**.

SENATE MESSAGE CONSIDERED

Senate File 233, by Szymoniak and Murphy, a bill for an act relating to appeals from school board action under open enrollment, providing discretionary authority to the state board of education in hearing appeals, and providing for rulemaking.

Read first time and referred to committee on **education**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 199, a bill for an act relating to repayment of loans by local development corporations and providing an effective date.

Also: That the Senate has on March 14, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 294, a bill for an act relating to the obligations of a spouse of a director or officer of a state bank.

Also: That the Senate has on March 14, 1991 passed the following bill in which the concurrence of the House is asked:

Senate File 310, a bill for an act relating to the repeal of chapter 536B, and the restrictions on investments made by, and debt instruments offered for sale by, an industrial loan company.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 174, a bill for an act classifying the transfer of a non-payable financial instrument to a livestock dealer or market agency as a fraudulent practice and making penalties applicable, was taken up for consideration.

Muhlbauer of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 174)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 6:

Chapman	Corbett	Eddie	Hanson, D. E.
Harbor	Jochum		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 430, a bill for an act relating to the crime victim assistance programs, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 430)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer

Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Chapman	Corbett	Eddie	Harbor
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 353, a bill for an act relating to the possession or use of a device or appliance to stimulate or depress a race horse or dog and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Siegrist of Pottawattamie offered the following amendment H—3152 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3152

- 1 Amend House File 353 as follows:
- 2 1. Page 1, by striking lines 8 through 18.

The committee amendment H—3152 was adopted.

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. 353)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Chapman	Corbett	Eddie	Harbor
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 91, a bill for an act exempting certain decorative fountains from regulation as swimming pools and spas, with report of committee recommending amendment and passage was taken up for consideration.

Neuhauser of Johnson offered the following amendment H—3170 filed by the committee on human resources and moved its adoption:

H—3170

1 Amend House File 91 as follows:

2 1. Page 1, by striking lines 8 and 9 and

3 inserting the following: "as a wading or swimming

4 pool and the drain of which fountain is not connected

5 to any type of suction device for removing or

6 recirculating the water."

The committee amendment H—3170 was adopted.

Neuhauser of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 91)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 3:

Bisignano	Sherzan	Weidman
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Absent or not voting, 4:

Chapman	Corbett	Eddie	Harbor
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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 111, a bill for an act relating to the qualifications for licensure of an accounting practitioner, was taken up for consideration.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 111)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 6:

Chapman	Corbett	Eddie	Harbor
Jay	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 180, a bill for an act to delete the requirement for personal identifying information in the collection of domestic abuse reports, was taken up for consideration.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 180)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau

Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 4:

Chapman	Corbett	Eddie	Harbor
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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 BILLS

House File 551, by Bisignano, a bill for an act relating to professional licensing by regulating the profession of interior design, by restricting the use of the title "interior designer", and by providing limited exemptions from restrictions on the practice of architecture by registered landscape architects and interior designers performing their customary statutory duties.

Read first time and referred to committee on **state government**.

House File 552, by Svoboda, a bill for an act to reduce the number of area education agencies to nine.

Read first time and referred to committee on **education**.

House File 553, by Iverson, a bill for an act relating to the authority of cities and counties to enter into lease, lease-purchase, or

loan agreements, and by requiring an election under certain conditions for real and personal property and providing an applicability date.

Read first time and referred to committee on **local government**.

House File 554, by Spear, a bill for an act relating to the state sales, services, and use taxes by increasing the rate, exempting utilities from the taxes, and providing for the use of the revenues from the taxes, and providing applicability and effective dates.

Read first time and referred to committee on **ways and means**.

CONSIDERATION OF BILLS

Senate File 87, a bill for an act relating to the deposit insurance required of certain financial institutions, and providing an effective date, was taken up for consideration.

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. 87)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Chapman

Corbett

Eddie

Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REREFERRED TO COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Black of Jasper asked and received unanimous consent to rerefer **House File 427**, presently on the **regular calendar**, to the committee on **natural resources and outdoor recreation**.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty sixth grade students from Gladbrook Reinbeck Middle School, Gladbrook, accompanied by Terri Luehring. By Renken of Grundy and Svoboda of Tama.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF HUMAN RIGHTS Division of Community Action Agencies*

The 1990 Annual Report of Community Action Programs in Iowa, pursuant to Chapter 601K.92(3), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 439

Energy and Environmental Protection: Jesse, Chair; Banks and Shoultz.

House File 475

Commerce: Renken, Chair; Groninga and Halvorson of Clayton.

House File 478

Commerce: Chapman, Chair; Doderer and Millage.

House File 481

Commerce: Sherzan, Chair; Bisignano and Millage.

House File 482

Energy and Environmental Protection: Hatch, Chair; Banks, Dvorsky, Lundby and Osterberg.

House File 488

Judiciary and Law Enforcement: Jay, Chair; Blanshan and McKean.

House File 513

State Government: Knapp, Chair; Connors, Garman, Krebsbach and Peterson of Carroll.

House File 514

Agriculture: Jesse, Chair; Petersen of Muscatine and Schrader.

House File 521

Energy and Environmental Protection: Shoultz, Chair; Grubbs and Holveck.

House File 529

Energy and Environmental Protection: Adams, Chair; Holveck and Siegrist.

House File 535

State Government: Renaud, Chair; Bisignano, Lundby, Pavich and Shoning.

House File 543

State Government: Connors, Chair; Garman, Knapp, Krebsbach and Peterson of Carroll.

House File 546

State Government: Peterson of Carroll, Chair; Connors, Garman, Knapp and Krebsbach.

House File 547

Energy and Environmental Protection: Shoultz, Chair; Grubbs and Holveck.

House File 551

State Government: Poncy, Chair; Knapp and Renken.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 273**

Judiciary and Law Enforcement: Kremer, Chair; Blanshan and Jay.

House Study Bill 274

Judiciary and Law Enforcement: Poncy, Chair; Bisignano and Millage.

House Study Bill 275

Judiciary and Law Enforcement: Millage, Chair; Hibbard and Poncy.

House Study Bill 276

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House Study Bill 277

Judiciary and Law Enforcement: Jay, Chair; Hibbard and Hurley.

House Study Bill 278

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McNeal.

House Study Bill 279

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hibbard.

House Study Bill 280

Judiciary and Law Enforcement: Poney, Chair; Hansen of Woodbury and Harbor.

House Study Bill 282

State Government: Carpenter, Chair; Connors, Garman, Knapp and Peterson of Carroll.

House Study Bill 283

Energy and Environmental Protection: Shearer, Chair; Gipp and Jesse.

House Study Bill 284

Energy and Environmental Protection: Osterberg, Chair; Bernau, Hahn, Holveck and Petersen of Muscatine.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 288 Commerce**

Relating to the transfer of the regulatory authority of the superintendent of savings and loan associations to the director of the department of commerce and the superintendent of banking.

H.S.B. 289 Agriculture

Relating to the regulation of dairy products, and providing effective dates.

H.S.B. 290 Agriculture

Relating to the liability of persons establishing or maintaining practices relating to soil and water conservation.

H.S.B. 291 Energy and Environmental Protection

Relating to solid waste and providing for the appropriation of certain solid waste tonnage fees collected.

H.S.B. 292 State Government

Relating to gambling and the operation of pari-mutuel racetracks and excursion gambling boats, and providing an effective date.

H.S.B. 293 Education

Relating to renewal of a practitioner's licenses by the board of educational examiners.

H.S.B. 294 Judiciary and Law Enforcement

Relating to public access to court records and providing for the Act's applicability.

H.S.B. 295 Agriculture

Relating to alcohol blended gasoline, by changing references from gasohol to ethanol blended gasoline.

H.S.B. 296 Judiciary and Law Enforcement

Relating to the forfeiture of the rights of junior lienholders with respect to real estate contracts and providing an effective date.

H.S.B. 297 Judiciary and Law Enforcement

Prohibiting the purchase and use of certain automated traffic law enforcement equipment.

H.S.B. 298 Judiciary and Law Enforcement

Relating to the liability of certain persons rendering emergency medical care in good faith.

H.S.B. 299 Judiciary and Law Enforcement

Relating to the payment of certain court filing fees by the United States.

H.S.B. 300 Judiciary and Law Enforcement

Relating to inventory searches of locked containers in impounded vehicles.

H.S.B. 301 Judiciary and Law Enforcement

Relating to court fees for filings and orders.

H.S.B. 302 Judiciary and Law Enforcement

Relating to the reporting of treatment of wounds.

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 COMMERCE

House File 237, a bill for an act relating to the perpetual care of cemeteries and cemetery lots and spaces.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1991.

Committee Bill (Formerly House File 315), relating to limitations on the use of automatic dialing-announcing device equipment and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass March 18, 1991.

Committee Bill (Formerly House File 405), relating to defective motor vehicles and providing statutory procedures under which a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the warranty, providing certain remedies, providing an administrative fine, making a penalty applicable, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 18, 1991.

Committee Bill (Formerly House Study Bill 6), relating to the advertisement and sale of wood building materials and making certain consumer fraud penalties applicable.

Fiscal Note is not required.

Recommended Amend and Do Pass March 18, 1991.

Committee Bill (Formerly House Study Bill 51), relating to the repeal of chapter 536B, and the restrictions on investments made by, and debt instruments offered for sale by, an industrial loan company.

Fiscal Note is not required.

Recommended Do Pass March 18, 1991.

Committee Bill (Formerly House Study Bill 183), relating to the requirements for a notice of right to cure concerning an obligation secured by a deed of trust or mortgage.

Fiscal Note is not required.

Recommended Do Pass March 18, 1991.

COMMITTEE ON HUMAN RESOURCES

House File 285, a bill for an act relating to the approval of certain businesses or activities in a health care facility.

Fiscal Note is not required.

Recommended Do Pass March 18, 1991.

House File 329, a bill for an act relating to the establishment of an Iowa universal health insurance plan and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 18, 1991.

Pursuant to Rule 31.7, House File 329 was referred to the committee on appropriations.

Committee Bill (Formerly House Study Bill 195.2), establishing a state funding formula for the costs of services provided to adults with mental retardation, a developmental disability, or mental illness, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 18, 1991.

Committee Bill (Formerly House Study Bill 217), relating to child support by affecting informational requirements of the child support recovery unit and the receipt and disbursement of child support payments.

Fiscal Note is not required.

Recommended Do Pass March 18, 1991.

Committee Bill (Formerly House Study Bill 248), relating to the collection and use of patient information by the health data commission, and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass March 18, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 17, a bill for an act relating to the issuance of a preliminary injunction in actions for dissolution of marriage, annulment, or separate maintenance.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3271 March 18, 1991.

Committee Bill (Formerly House File 246), relating to the filing of marriage certificates.

Fiscal Note is not required.

Recommended Amend and Do Pass March 18, 1991.

Committee Bill (Formerly House Study Bill 124), relating to corporation law by providing electronic access to corporate records, relating to the removal or resignation of directors, relating to certain notice requirements, and by making certain non-substantive corrections.

Fiscal Note is not required.

Recommended Amend and Do Pass March 18, 1991.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 76), relating to the allowable reimbursement for the use of an automobile by a public officer or employee other than a state officer or employee.

Fiscal Note is not required.

Recommended Do Pass March 18, 1991.

Committee Bill (Formerly House Study Bill 194), relating to contracts for the purchase of goods or services by a city.

Fiscal Note is not required.

Recommended Do Pass March 18, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Committee Bill (Formerly House Study Bill 182), relating to rural water districts.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1991.

COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TRADE

House File 321, a bill for an act relating to the organizational structure of the Wallace technology transfer foundation and the Iowa product development corporation.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1991.

Committee Bill (Formerly House File 340), establishing the rural small business transfer program.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1991.

Committee Bill (Formerly House Study Bill 163), relating to economic development by transferring funds to the revolving fund of the rural community 2000 program, establishing time frames for the completion of the community builder program, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 1991.

AMENDMENTS FILED

H-3267	H.F.	455	Spear of Lee
H-3268	H.F.	420	Halvorson of Webster
			McKean of Jones
H-3269	H.F.	501	Peterson of Carroll
			Kremer of Buchanan
H-3270	H.F.	455	Spear of Lee
H-3271	H.F.	17	Committee on Judiciary
			and Law Enforcement
H-3272	H.F.	459	Teaford of Black Hawk
H-3273	H.F.	427	Garman of Story
H-3274	H.F.	455	Hibbard of Madison
			Miller of Cherokee
			Hurley of Fayette
H-3275	H.F.	142	Brammer of Linn
H-3276	H.F.	423	Maulsby of Calhoun
H-3277	H.F.	420	Halvorson of Webster
			Pavich of Pottawattamie
H-3278	H.F.	420	Tyrrell of Iowa
H-3279	H.F.	341	Osterberg of Linn

H—3280

H.F. 455

Ollie of Clinton

H—3281

H.F. 373

Osterberg of Linn

On motion by McKinney of Dallas, the House adjourned at 10:27 a.m., until 9:00 a.m., Wednesday, March 20, 1991.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day — Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 20, 1991

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by Dr. Gerald Stevens, Hudson Community Church, Hudson.

The Journal of Tuesday, March 19, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Connors of Polk, from fifty-six constituents opposing any further increase in the state tax on cigarettes and also any other regulatory measure that is intended to discriminate against individuals who choose to smoke.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wissing of Scott, for the morning session, on request of Gill of Woodbury.

INTRODUCTION OF BILLS

House Joint Resolution 7, by Tyrrell, a joint resolution proposing an amendment to the Constitution of the State of Iowa providing certain inherent and inalienable rights, including the right to keep and bear arms.

Read first time and referred to committee on **state government**.

House File 555, by committee on commerce, a bill for an act relating to the repeal of chapter 536B, and the restrictions on investments made by, and debt instruments offered for sale by, an industrial loan company.

Read first time and placed on the **calendar**.

House File 556, by committee on judiciary and law enforcement, a bill for an act relating to corporation law by providing electronic access to corporate records, relating to the removal or resignation of directors, relating to certain notice requirements, and by making certain nonsubstantive corrections.

Read first time and placed on the **calendar**.

House File 557, by Spear, a bill for an act relating to the office of county recorder.

Read first time and referred to committee on **local government**.

House File 558, by committee on human resources, a bill for an act relating to child support by affecting informational requirements of the child support recovery unit and the receipt and disbursement of child support payments.

Read first time and placed on the **calendar**.

House File 559, by Doderer, Hatch, Hammond, Beatty, Metcalf, Neuhauser, Dvorsky, Shoultz, Osterberg, Burke, Carpenter, Bernau and Teaford, a bill for an act relating to the establishment of an Iowa freedom of choice Act.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 560, by Petersen of Muscatine and De Groot, a bill for an act exempting from property taxation highly erodible land used solely for cattle grazing or hay crop production.

Read first time and referred to committee on **ways and means**.

House File 561, by Siegrist, a bill for an act relating to the cost of operation of the E-911 service.

Read first time and referred to committee on **local government**.

House File 562, by Bisignano, a bill for an act relating to the establishment and regulation of a state video lottery and video lottery machines by the state racing and gaming commission, and providing penalties for violations.

Read first time and referred to committee on **state government**.

House File 563, by McNeal, a bill for an act relating to county and township ambulance service.

Read first time and referred to committee on **ways and means**.

House File 564, by Hibbard and Bisignano, a bill for an act relating to a hiring freeze of state employees in supervisory and management positions.

Read first time and referred to committee on **appropriations**.

House File 565, by committee on local government, a bill for an act relating to contracts for the purchase of goods or services by a city.

Read first time and placed on the **calendar**.

House File 566, by committee on commerce, a bill for an act relating to defective motor vehicles and providing statutory procedures under which a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the warranty, providing certain remedies, providing an administrative fine, making a penalty applicable, and providing an effective date.

Read first time and placed on the **calendar**.

House File 567, by committee on commerce, a bill for an act relating to the requirements for a notice of right to cure concerning an obligation secured by a deed of trust or mortgage.

Read first time and placed on the **calendar**.

House File 568, by Mertz, a bill for an act relating to state employment, requiring furloughs and pay reductions for certain employees, and limiting the hiring of certain employees.

Read first time and referred to committee on **appropriations**.

House File 569, by committee on small business, economic development and trade, a bill for an act establishing the rural small business transfer program.

Read first time and placed on the **calendar**.

House File 570, by committee on commerce, a bill for an act relating to limitations on the use of automatic dialing-announcing device equipment and providing a penalty.

Read first time and placed on the **calendar**.

House File 571, by committee on commerce, a bill for an act relating to the advertisement and sale of wood products and making certain consumer fraud penalties applicable.

Read first time and placed on the **calendar**.

House File 572, by committee on local government, a bill for an act relating to the allowable reimbursement for the use of an automobile by a public officer or employee other than a state officer or employee.

Read first time and placed on the **calendar**.

House File 573, by Banks, a bill for an act relating to voter approval of storm water drainage system projects and providing for retroactive applicability.

Read first time and referred to committee on **local government**.

House File 574, by committee on small business, economic development and trade, a bill for an act relating to economic development by transferring funds to the revolving fund of the rural community 2000 program, establishing time frames for the completion of the community builder program, establishing a planning category in the rural community 2000 program, and providing an effective date.

Read first time and placed on the **calendar**.

House File 575, by committee on human resources, a bill for an act relating to the collection and use of patient information by the health data commission, and providing penalties.

Read first time and placed on the **calendar**.

House File 576, by Halvorson of Clayton and Renken, a bill for an act relating to the filing of loss ratio guarantees for individual accident and sickness insurance and nonprofit health service contracts.

Read first time and referred to committee on **commerce**.

House File 577, by Shearer, a bill for an act relating to required reporting on state parks and preserves.

Read first time and referred to committee on **natural resources and outdoor recreation**.

SENATE MESSAGE CONSIDERED

Senate File 310, by committee on commerce, a bill for an act relating to the repeal of chapter 536B, and the restrictions on investments made by, and debt instruments offered for sale by, an industrial loan company.

Read first time and **passed on file**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 110, a bill for an act relating to collateral acceptable to secure a loan or other transaction with a state bank.

Also: That the Senate has on March 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 146, a bill for an act relating to the time of making decisions for and notice of final decisions for increases in tuition, fees, or charges at institutions of higher education under the control of the state board of regents.

Also: That the Senate has on March 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 228, a bill for an act relating to primary election ballot vacancies.

Also: That the Senate has on March 14, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 268, a bill for an act establishing and allocating moneys to the arts and cultural enhancement and endowment program.

Also: That the Senate has on March 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 284, a bill for an act to permit the sale of disposable containers for the consumption of beer or wine by wholesalers to retailers for one-time use by retail customers on the premises of licensed establishments.

Also: That the Senate has on March 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 311, a bill for an act requiring registration of persons located outside of this state who issue credit cards, providing for an examination fee, and providing a penalty.

Also: That the Senate has on March 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 313, a bill for an act relating to the accreditation process for schools and school districts.

Also: That the Senate has on March 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 318, a bill for an act creating a statewide dual party relay service system, establishing telephone utility assessments, and authorizing distribution of telecommunications devices to the deaf.

JOHN F. DWYER, Secretary

HOUSE CONCURRENT RESOLUTION 9 WITHDRAWN

Bartz of Worth asked and received unanimous consent to withdraw House Concurrent Resolution 9 from further consideration by the House.

CONSIDERATION OF BILLS

Regular Calendar

House File 168, a bill for an act relating to verification of primary election nomination petitions filed by candidates for state elective office and the general assembly, with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—3181 filed by the committee on state government and moved its adoption:

H—3181

- 1 Amend House File 168 as follows:
- 2 1. Page 1, by striking lines 1 through 22 and in-
- 3 serting the following:
- 4 "Sec. _____. Section 43.15, subsection 2, Code 1991,
- 5 is amended to read as follows:
- 6 2. Each signer shall add the signer's residence,
- 7 with street and number, if any, the county of
- 8 residence, and the date of signing."
- 9 2. Title page, by striking lines 1 through 3 and
- 10 inserting the following: "An Act relating to primary
- 11 election nomination petitions and to nomination affi-
- 12 davits filed by candidates for the general assembly."

The committee amendment H—3181 was adopted.

Spenner of Henry offered the following amendment H—3184 filed by him:

H—3184

- 1 Amend House File 168 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 43.18, unnumbered paragraph 2,
- 5 Code 1991, is amended to read as follows:
- 6 I,, being duly sworn, say that I reside
- 7 at street, city of, county of
- 8 in the state of Iowa; that I am eligible to
- 9 the office for which I am a candidate, and that the
- 10 political party with which I affiliate is I am
- 11 registered with the party; that I am a
- 12 candidate for nomination to the office of
- 13 to be made at the primary election to be held on
- 14, and hereby request that my name be printed
- 15 upon the official primary ballot as provided by law,
- 16 as a candidate of that party. I furthermore declare
- 17 that if I am nominated and elected I will qualify as
- 18 such officer."

- 19 2. Title page, line 1, by inserting after the
 20 word "to" the following: "primary election nomination
 21 affidavits and to".
 22 3. By renumbering as necessary.

With the adoption of the committee amendment H—3181, lines 19 through 22 of amendment H—3184, are out of order.

On motion by Spenner of Henry, amendment H—3184 was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 168)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Arnould, Spkr.	Jay	Jochum	Muhlbauer
Wissing			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 197, a bill for an act relating to the operation and dissolution of certain special districts organized to provide a municipal service, with report of committee recommending passage was taken up for consideration.

Bernau of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 197)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 4:

Arnould, Spkr.	Jay	Jochum	Wissing
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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 4

Gill of Woodbury called up for consideration Senate Concurrent Resolution 4, a concurrent resolution protesting the withholding of Federal Unemployment Tax Act (FUTA) funds by the federal government, and moved its adoption.

The motion prevailed and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION 11 WITHDRAWN

Gill of Woodbury asked and received unanimous consent to withdraw House Concurrent Resolution 11 from further consideration by the House.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 12

McKinney of Dallas called up for consideration House Concurrent Resolution 12 as follows, and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 12
- 2 By McKinney and Van Maanen
- 3 A House Concurrent Resolution relating to
- 4 Pioneer Lawmakers.
- 5 *Whereas, the Seventy-fourth General Assembly is*
- 6 *advised of a meeting of the Pioneer Lawmakers Association*
- 7 *to be held on Wednesday April 10, 1991; and*
- 8 *Whereas, the Pioneer Lawmakers request the opportunity*
- 9 *to meet formally with the General Assembly, Now Therefore,*
- 10 *Be It Resolved by the House of Representatives, the*
- 11 *Senate Concurring, that the General Assembly meet in joint*
- 12 *session in the House chamber on Wednesday, April 10, 1991,*
- 13 *at 1:30 p.m. and that the Pioneer Lawmakers be invited to*
- 14 *attend and present a program on that occasion, and that the*
- 15 *Speaker of the House of Representatives and the President*
- 16 *of the Senate be designated to deliver the invitation*
- 17 *to them.*

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 7

Murphy of Dubuque called up for consideration Senate Concurrent Resolution 7 as follows, and moved its adoption:

- 1 SENATE CONCURRENT RESOLUTION 7
- 2 By Committee on Rules and Administration
- 3 A Senate Concurrent Resolution relating to a
- 4 Biennial Memorial Session.
- 5 *Whereas, it has been the custom to hold a biennial*
- 6 *memorial session in recognition of the public service*
- 7 *of deceased members of the general assembly; and*
- 8 *Whereas, both houses desire to participate in such*
- 9 *an observance; Now Therefore,*
- 10 *Be It Resolved by the Senate, the House of*
- 11 *Representatives Concurring, That an evening session of*
- 12 *the seventy-fourth general assembly be held in the*
- 13 *senate chamber Wednesday, April 10, 1991, at 7:00 p.m.*
- 14 *Be It Further Resolved, That a joint committee of*
- 15 *eight members be appointed, four from the senate to be*

16 appointed by the majority leader of the senate, and
17 four from the house to be appointed by the speaker of
18 the house, to make suitable arrangements for a joint
19 memorial session.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 373, a bill for an act authorizing the issuance of warning citations by state conservation officers and employees who are peace officers, with report of committee recommending passage was taken up for consideration.

Osterberg of Linn offered the following amendment H—3281 filed by him:

H—3281

1 Amend House File 373 as follows:

2 1. Page 1, by inserting after line 6 the
3 following:

4 "Sec. _____. NEW SECTION. 321.399 WARNING CITATION
5 FOR UNLIGHTED HEADLAMP.

6 The department shall adopt rules requiring a peace
7 officer to issue a warning citation to a person who is
8 charged with failure to have two lighted headlamps on
9 the person's motor vehicle. The rules shall provide
10 for a reasonable period of time before the warning
11 citation will expire in order to give the person time
12 to replace or repair the headlamp."

13 2. Title page, line 2, by inserting after the
14 words "peace officers" the following: "and by peace
15 officers for failure to operate a motor vehicle with
16 two lighted headlamps".

Corbett of Linn rose on a point of order that amendment H—3281 was not germane.

The Speaker ruled the point well taken and amendment H—3281 not germane.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 373)

The ayes were, 96:

Adams
Beatty

Banks
Bennett

Bartz
Bernau

Beaman
Bisignano

Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 4:

Arnould, Spkr.	Baker	Jochum	Wissing
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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

House File 487, a bill for an act relating to the imposition of the state sales, services, and use tax on pay television service provided by a municipality, was taken up for consideration.

Dickinson 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. 487)

The ayes were, 73:

Adams	Baker	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Carpenter	Chapman	Cohoon	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Gill	Groninga	Gruhn

Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Knapp	Koenigs	Kremer
Lageschulte	Lundby	McKinney	McNeal
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Poncy	Rafferty	Renaud	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Weidman	Wise
Connors			
Presiding			

The nays were, 24:

Banks	Bartz	Beaman	Branstad
Corbett	Daggett	De Groot	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hurley	Iverson	Johnson	Kistler
Krebsbach	Maulsby	McKean	Millage
Plasier	Renken	Tyrrell	Van Maanen

Absent or not voting, 3:

Arnould, Spkr.	Jochum	Wissing
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

House File 485, a bill for an act to establish a math and science grant program under the administration of the department of education, creating a math and science account, and providing for licensing changes by the board of educational examiners, was taken up for consideration.

Neuhauser of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 485)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer

Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Connors			
Presiding			

The nays were, none.

Absent or not voting, 3:

Arnould, Spkr. Schrader Wissing

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 92, a bill for an act relating to establishing commencement dates and terms of office for airport commissioners by ordinance, with report of committee recommending amendment and passage was taken up for consideration.

Shearer of Louisa offered the following amendment H—3195 filed by the committee on local government and moved its adoption:

H—3195

- 1 Amend House File 92 as follows:
- 2 1. Page 1, by striking lines 21 through 24 and
- 3 inserting the following: "existing on the effective
- 4 date of this Act. Vacancies shall be filled as
- 5 original".

The committee amendment H—3195 was adopted.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 92)

The ayes were, 96:

Adams	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 4:

Arnould, Spkr. Baker Groninga Wissing

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 459, a bill for an act relating to the administration of the employment security law by the division of job service of the department of employment services, was taken up for consideration.

Teaford of Black Hawk offered the following amendment H-3272 filed by her and moved its adoption:

H-3272

- 1 Amend House File 459 as follows:
- 2 1. Page 1, by inserting after line 25 the
- 3 following:
- 4 "Sec. _____. Section 96.5, subsection 10, Code 1991,
- 5 is amended to read as follows:
- 6 10. ALIENS — DISQUALIFIED. For services
- 7 performed by an alien unless such alien is an
- 8 individual who was lawfully admitted for permanent

9 residence at the time such services were performed,
10 was lawfully present for the purpose of performing
11 such services, or was permanently residing in the
12 United States under color of law at the time such
13 services were performed, including an alien who is
14 lawfully present in the United States as a result of
15 the application of the provisions of section 203(a)(7)
16 or section 212(d)(5) of the Immigration and
17 Nationality Act. Any data or information required of
18 individuals applying for benefits to determine whether
19 benefits are not payable to them because of their
20 alien status shall be uniformly required from all
21 applicants for benefits. In the case of an individual
22 whose application for benefits would otherwise be
23 approved, no determination that benefits to such
24 individual are not payable because of the individual's
25 alien status shall be made except upon a preponderance
26 of the evidence."

27 2. Page 4, by inserting after line 28 the
28 following:

29 "Sec. _____. Sections 6 and 7 of this Act take
30 effect October 1, 1991."

31 3. Title page, line 3, by inserting after the
32 word "services" the following: "and providing an
33 effective date".

34 4. By renumbering as necessary.

Amendment H—3272 was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 459)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby

Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Arnould, Spkr. Wissing

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:

Spenner of Henry, for the remainder of the day, on request of Eddie of Buena Vista.

House File 423, a bill for an act relating to student financial aid programs administered by the college student aid commission, was taken up for consideration.

Siegrist of Pottawattamie offered the following amendment H—3173 filed by him and Corbett of Linn and moved its adoption:

H—3173

- 1 Amend House File 423 as follows:
- 2 1. Page 2, line 19, by striking the words "and
- 3 the general assembly" and inserting the following: "
- 4 and to any member of the general assembly who submits
- 5 a request for information,".

Amendment H—3173 was adopted.

Maulsby of Calhoun offered the following amendment H—3276 filed by him and moved its adoption:

H—3276

- 1 Amend House File 423 as follows:
- 2 1. Page 4, by inserting after line 19, the
- 3 following:
- 4 "Sec. ____ RESIDENCY RULES. The state board of
- 5 regents and the college student aid commission shall,
- 6 in consultation with one another, adopt rules relating

- 7 to the criteria for establishment of Iowa residency
 8 which permit any person, who was an Iowa resident, who
 9 left the state, and who returns to the state and is
 10 enrolled in an institution of higher education to
 11 reestablish residency in a manner which does not
 12 require the person to drop out of school. Rules
 13 adopted may require, but are not limited to, a
 14 provision that the person be considered a nonresident
 15 and pay out-of-state tuition during a period of time
 16 in which residency is being reestablished and that the
 17 person have other ties to Iowa beyond mere presence in
 18 the state."

19 2. By renumbering as necessary.

Amendment H—3276 was adopted.

McKinney of Dallas asked and received unanimous consent that House File 423 be deferred and that the bill retain its place on the calendar.

House File 483, a bill for an act relating to permit fees for highway advertising devices, 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. 483)

The ayes were, 64:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brown	Burke	Chapman	Cohoon
Dickinson	Diemer	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Harbor	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	McKinney	Mertz
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Teaford	Weidman	Wise	Connors
			Presiding

The nays were, 32:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett

De Groot	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Hanson, D. R.
Hester	Hurley	Iverson	Johnson
Krebsbach	Maulsby	McKean	McNeal
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Tyrrell	Van Maanen

Absent or not voting, 4:

Arnould, Spkr.	Brand	Spenner	Wissing
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 486, a bill for an act to permit the board of educational examiners to deem national board certificate holders as meeting the requirements for Iowa teachers' licenses or endorsements, was taken up for consideration.

Neuhauser of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 486)

The ayes were, 94:

Adams	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Arnould, Spkr.
Spenner

Baker
Wissing

Brand

Hatch

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 151, a bill for an act relating to peer review of certain certified public accountants, with report of committee recommending passage was taken up for consideration.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 151)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernaü
Bisignano	Black	Blanshan	Brammer
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	

The nays were, 1:

Connors
Presiding

Absent or not voting, 4:

Arnould, Spkr.

Brand

Spenner

Wissing

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILLS

House File 578, by Shearer, a bill for an act relating to the funding for emergency medical services education, training, and equipment, authorizing a county to impose a local option tax or combination of taxes to provide local funding, and imposes a surcharge on certain motor vehicle violations.

Read first time and referred to committee on **local government**.

House File 579, by Murphy, a bill for an act relating to the establishment of a loan program to be administered by the veterans affairs commission to assist veterans groups in purchasing motor vehicles to transport disabled veterans.

Read first time and referred to committee on **state government**.

House File 580, by committee on education, a bill for an act to permit a person who has been issued a coaching authorization to be employed by a school district as head coach.

Read first time and placed on the **calendar**.

House File 581, by committee on agriculture, a bill for an act to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date.

Read first time and placed on the **calendar**.

House File 582, by committee on human resources, a bill for an act establishing a state funding formula for the costs of services provided to adults with mental retardation, a developmental disability, or mental illness, and providing an effective date.

Read first time and referred to committee on **ways and means**.

House File 583, by committee on education, a bill for an act relating to eligibility of school districts for the reorganization incentives and providing an effective date.

Read first time and placed on the **calendar**.

House File 584, by Hibbard, a bill for an act eliminating component part reviews and requiring county sheriffs to conduct salvage theft examinations.

Read first time and referred to committee on **transportation**.

House File 585, by Bartz, a bill for an act relating to aboveground petroleum storage tanks and imposing an environmental protection charge.

Read first time and referred to committee on **energy and environmental protection**.

House File 586, by committee on natural resources and outdoor recreation, a bill for an act relating to rural water districts.

Read first time and referred to committee on **local government**.

House File 587, by committee on judiciary and law enforcement, a bill for an act making changes in the statutes relating to marriage.

Read first time and placed on the **calendar**.

House File 588, by Grubbs, a bill for an act relating to limitations on the initiation of an administrative or judicial action regarding the removal or elimination of certain structures, dams, obstructions, deposits, excavations, or stream straightenings to a floodway.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 589, by committee on labor and industrial relations, a bill for an act relating to the administration of a voluntary shared work unemployment compensation program administered by the department of employment services, and providing an effective date.

Read first time and placed on the **calendar**.

MOTIONS TO RECONSIDER

(Amendment H—3173 to House File 423)

I move to reconsider the vote by which amendment H—3173 to House File 423 was adopted by the House on March 20, 1991.

NEUHAUSER of Johnson

(Amendment H—3276 to House File 423)

I move to reconsider the vote by which amendment H—3276 to House File 423 was adopted by the House on March 20, 1991.

CHAPMAN of Linn

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 1991, insisted on its amendment to Senate File 209, a bill for an act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, and increasing the court civil penalty surcharge, 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 Tama, Senator Husak; the Senator from Polk, Senator Szymoniak; the Senator from Black Hawk, Senator Lind; the Senator from Clayton, Senator Tieden.

Also: That the Senate has on March 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 259, a bill for an act relating to counties, amending county recorders' filing provisions, including parcel number designations on plats of survey, amending the real estate transfer tax exemption, requiring both the county auditor and treasurer to submit tax dedication documentation for participation in the resource enhancement and protection program, and establishing constructive notice of right-of-way easements in drainage districts.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday and Tuesday, March 18 and 19, 1991. Had I been present, I would have voted "aye" on House Files 91, 309, 353, 426, 430 and Senate Files 87, 111, 174 and 180; "nay" on House File 417.

EDDIE of Buena Vista

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

The Bellevue High School Basketball Team, Bellevue, accompanied by Ken Anderson. By Dickinson of Jackson.

Sixty fifth grade students from Pleasant View Elementary School, Pleasant Valley, accompanied by Mr. Wilson and Mrs. Hoffman. By Millage of Scott.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH

The report for the Council on Chemically Exposed Infants, pursuant to Chapter 235C.3(7), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS**House File 429**

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and Jochum.

House File 431

Ways and Means: Haverland, Chair; Holveck and Metcalf.

House File 437

Appropriations: Hatch, Chair; Brammer, Halvorson of Clayton, Jochum and McNeal.

House File 443

Appropriations: Poncy, Chair; Hatch and Lageschulte.

House File 463

Appropriations: Bisignano, Chair; Halvorson of Clayton and Jochum.

House File 472

Education: Neuhauser, Chair; Cohoon and Hanson of Black Hawk.

House File 473

Education: Adams, Chair; Lageschulte and Shoultz.

House File 474

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and Jochum.

House File 492

Education: Adams, Chair; Lageschulte and Shoultz.

House File 495

Ways and Means: Blanshan, Chair; Adams, Bennett, Carpenter and Murphy.

House File 496

Ways and Means: Hibbard, Chair; Dickinson and Iverson.

House File 497

Judiciary and Law Enforcement: Millage, Chair; Hibbard and Sherzan.

House File 506

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Hibbard and Siegrist.

House File 507

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 519

Appropriations: Peterson of Carroll, Chair; Bartz and Ollie.

House File 522

Education: Hammond, Chair; Grubbs and Nielsen.

House File 523

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 524

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 531

Education: Shoultz, Chair; Hammond and Siegrist.

House File 536

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Kremer.

House File 542

Education: Baker, Chair; Hurley and Shearer.

House File 544

Judiciary and Law Enforcement: Siegrist, Chair; Blanshan and Jay.

House File 550

Appropriations: Hammond, Chair; Hester and Wise.

House File 552

Education: Shearer, Chair; Adams, Daggett, Kistler and Ollie.

House File 557

Local Government: Spear, Chair; Eddie, Hahn, Mertz and Muhlbauer.

House File 559

Judiciary and Law Enforcement: Blanshan, Chair; Jay and McKean.

House File 561

Local Government: Bernau, Chair; Black and Diemer.

House File 577

Natural Resources and Outdoor Recreation: Gruhn, Chair; Fogarty and Kistler.

House File 578

Local Government: Shearer, Chair; Connors and Iverson.

House File 586

Local Government: Dvorsky, Chair; Cohoon and Gipp.

Senate File 205

Natural Resources and Outdoor Recreation: Knapp, Chair; Kistler and Spear.

Senate File 233

Education: Wissing, Chair; Daggett and Ollie.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 289**

Agriculture: De Groot, Chair; Koenigs and Mertz.

House Study Bill 290

Agriculture: Bernau, Chair; Brown and Eddie.

House Study Bill 291

Energy and Environmental Protection: Shoultz, Chair; Gipp and Holveck.

House Study Bill 292

State Government: Blanshan, Chair; Bisignano and Carpenter.

House Study Bill 293

Education: Shoultz, Chair; Hammond and Hurley.

House Study Bill 294

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard and McNeal.

House Study Bill 295

Agriculture: Johnson, Chair; Muhlbauer and Svoboda.

House Study Bill 296

Judiciary and Law Enforcement: McNeal, Chair; Hurley and Millage.

House Study Bill 297

Judiciary and Law Enforcement: Bisignano, Chair; Sherzan and Siegrist.

House Study Bill 298

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hibbard.

House Study Bill 299

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House Study Bill 300

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Bisignano and McNeal.

House Study Bill 301

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House Study Bill 302

Judiciary and Law Enforcement: Hibbard, Chair; Bisignano and Siegrist.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 303 Transportation**

Requiring administrative rules adopted by the director of transportation to first be approved by the state transportation commission.

H.S.B. 304 Transportation

Requiring the department of public safety to conduct component part reviews and salvage theft examinations.

H.S.B. 305 Transportation

Relating to issuance of junking certificates and certificates of title.

H.S.B. 306 Local Government

Relating to voluntary and involuntary annexation.

H.S.B. 307 Judiciary and Law Enforcement

Relating to campaign contributions to the governor and members of the general assembly during the legislative session and immediately thereafter, and making penalties applicable.

H.S.B. 308 Judiciary and Law Enforcement

Relating to personal service upon roommates.

H.S.B. 309 Commerce

Relating to the machines and access devices utilized to perform electronic transfer of funds.

H.S.B. 310 Education

A joint resolution to nullify an administrative rule of the department of education relating to the prohibition on corporal punishment and providing an effective date.

H.S.B. 311 Education

To permit school districts to provide educational programs to persons who are beyond the age prescribed as the school age.

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 393, a bill for an act providing for the certification of pesticide applicators.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—3283 March 19, 1991.

Committee Bill (Formerly House Study Bill 257), to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 19, 1991.

COMMITTEE ON EDUCATION

House File 334, a bill for an act to permit districts which reorganize to include in the reorganization proposition an agreement on which area education agency will provide services to students in the new or enlarged district.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3282 March 19, 1991.

Committee Bill (Formerly House File 349), to permit a person who has been issued a coaching authorization to be employed by a school district as head coach.

Fiscal Note is not required.

Recommended Do Pass March 19, 1991.

Committee Bill (Formerly House Study Bill 154), to require school districts to make payroll deductions authorized by an employee if the employee complies with certain conditions.

Fiscal Note is not required.

Recommended Amend and Do Pass March 19, 1991.

Committee Bill (Formerly House Study Bill 167), relating to employment of personnel under sharing agreements.

Fiscal Note is not required.

Recommended Amend and Do Pass March 19, 1991.

Committee Bill (Formerly House Study Bill 244), relating to eligibility of school districts for the reorganization incentives and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

House File 375, a bill for an act relating to the prohibiting of the disposal of baled solid waste at a sanitary landfill.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1991.

Committee Bill (Formerly House File 346), relating to the control of soil erosion and sedimentation, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1991.

Committee Bill (Formerly House Study Bill 85), relating to the disposal and treatment of solid waste, including special wastes, and providing fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1991.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 438, a bill for an act relating to drug testing of employees and applicants for employment.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1991.

Committee Bill (Formerly House Study Bill 37), relating to unemployment insurance tax liability for employee leasing companies and the administration of a voluntary shared work unemployment compensation program administered by the department of employment services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1991.

COMMITTEE ON STATE GOVERNMENT

House File 384, a bill for an act to establish a single method for obtaining agency consent for an employee to sell goods or services to individuals, associations, or corporations subject to the regulatory authority of the agency.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1991.

Senate File 182, a bill for an act relating to administrative rulemaking.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1991.

Committee Bill (Formerly House Study Bill 187), allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act.

Fiscal Note is not required.

Committee Action: Failed to Pass March 19, 1991.

Committee Bill (Formerly House Study Bill 237), relating to documents required to be filed with the general assembly by officials and departments.

Fiscal Note is not required.

Recommended Amend and Do Pass March 19, 1991.

COMMITTEE ON TRANSPORTATION

Committee Resolution (Formerly House Study Bill 281), a concurrent resolution naming a highway route and urging the United States House Public Works and Transportation Committee and the United States Senate Environment and Public Works Committee to establish priority funding measures for development of a four-lane highway in Missouri, Iowa, and Minnesota to connect the cities of St. Louis, Missouri, and St. Paul, Minnesota, more commonly referred to as "The Avenue of the Saints".

Fiscal Note is not required.

Recommended Amend and Do Pass March 19, 1991.

RESOLUTIONS FILED

HCR 16, by Mertz, a concurrent resolution to petition the President of the United States, the United States Congress, and the United States Secretary of Commerce to ensure that fair practices govern trade relations between the United States and Canada relating to subsidies paid to Canadian hog producers and duties imposed on pork products.

Referred to committee on **agriculture**.

HCR 17, by Ollie, Johnson, Chapman, Lundby, Nielsen, Brammer, Corbett, Brand, Svoboda, Burke, Black, Bernau, Hammond, Blanshan, Peterson of Carroll, Muhlbauer, Hester, Siegrist, Pavich and McKean, a concurrent resolution relating to a study of the feasibility of extending Amtrak rail passenger service.

Referred to committee on **transportation**.

HCR 18, by committee on transportation, a concurrent resolution naming a highway route and urging the United States House Public Works and Transportation Committee and the United States Senate Environment and Public Works Committee to establish priority funding measures for development of a four-lane highway in Missouri, Iowa, and

Minnesota to connect the cities of St. Louis, Missouri, and St. Paul, Minnesota, more commonly referred to as "The Avenue of the Saints".

Laid over under **Rule 25.**

AMENDMENTS FILED

H-3282	H.F.	334	Committee on Education
H-3283	H.F.	393	Committee on Agriculture
H-3284	H.F.	420	Kremer of Buchanan
H-3285	H.F.	517	Tyrrell of Iowa
H-3286	H.F.	423	Siegrist of Pottawattamie

On motion by McKinney of Dallas, the House adjourned at 10:46 a.m., until 9:00 a.m., Thursday, March 21, 1991.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day — Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 21, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by the Honorable Jane Svoboda, state representative from Tama County.

The Journal of Wednesday, March 20, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux on request of Petersen of Muscatine; Jesse of Jasper, until his arrival, on request of Brown of Lucas.

INTRODUCTION OF BILLS

House File 590, by committee on education, a bill for an act to require school districts to make payroll deductions authorized by an employee if the employee complies with certain conditions.

Read first time and placed on the calendar.

House File 591, by Chapman, a bill for an act repealing the capital gains deduction for state individual income tax purposes and providing a retroactive applicability date.

Read first time and referred to committee on ways and means.

SENATE MESSAGES CONSIDERED

Senate File 146, by Varn, Rosenberg, Lloyd-Jones and Lind, a bill for an act relating to the time of making decisions for and notice of final decisions for increases in tuition, fees, or charges at institutions of higher education under the control of the state board of regents.

Read first time and passed on file.

Senate File 228, by Kibbie, a bill for an act relating to primary election ballot vacancies.

Read first time and referred to committee on state government.

Senate File 259, by committee on local government, a bill for an act relating to counties, amending county recorders' filing provisions, including parcel number designations on plats of survey, amending the real estate transfer tax exemption, requiring both the county auditor and treasurer to submit tax dedication documentation for participation in the resource enhancement and protection program, and establishing constructive notice of right-of-way easements in drainage districts.

Read first time and referred to committee on **local government**.

Senate File 284, by committee on state government, a bill for an act to permit the sale of disposable containers for the consumption of beer or wine by wholesalers to retailers for one-time use by retail customers on the premises of licensed establishments.

Read first time and **passed on file**.

Senate File 311, by committee on commerce, a bill for an act requiring registration of persons located outside of this state who issue credit cards, providing for an examination fee, and providing a penalty.

Read first time and **passed on file**.

Senate File 313, by committee on education, a bill for an act relating to the accreditation process for schools and school districts.

Read first time and **passed on file**.

Senate File 318, by committee on commerce, a bill for an act creating a statewide dual party relay service system, establishing telephone utility assessments, and authorizing distribution of telecommunications devices to the deaf.

Read first time and referred to committee on **commerce**.

CONFERENCE COMMITTEE APPOINTED

(Senate File 209)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 209: Jochum of Dubuque, Chair; Harbor of Mills, Hester of Pottawattamie, Ollie of Clinton and Peterson of Carroll.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 121, a bill for an act relating to the reversion of appropriations for the planning and construction of armories for the

department of public defense and providing an effective date, 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. 121)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Halvorson, R. A.	Jesse	Jochum	Plasier
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

House File 501, a bill for an act relating to establishing a durable power of attorney authorized to make health care decisions, was taken up for consideration.

Peterson of Carroll offered the following amendment H—3269 filed by him and Kremer of Buchanan and moved its adoption:

H—3269

1 Amend House File 501 as follows:

2 1. Page 2, line 34, by inserting after the word
3 "state" the following: ", to the extent the document
4 is consistent with the laws of this state".

5 2. Page 3, by striking line 26 and inserting the
6 following: "giving health care or stopping health
7 care which is necessary to".

8 3. Page 4, line 13, by inserting after the word
9 "court" the following: "sitting in equity".

Amendment H—3269 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?" (H.F. 501)

The ayes were, 85:

Adams	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Poncy	Rafferty	Renaud	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 10:

Banks,	Branstad	Corbett	Daggett
De Groot	Garman	Krebsbach	Renken
Tyrrell	Van Maanen		

Absent or not voting, 5:

Gill	Jesse	Jochum	Plasier
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 9:52 a.m., until the fall of the gavel.

The House resumed session at 10:36 a.m., Speaker Arnould in the chair.

MEMORIAL COMMITTEE APPOINTED

Speaker Arnould announced the appointment of the following members to serve on the memorial committee in accordance with Senate Concurrent Resolution 7: The Honorable Mark Shearer, Chair; the Honorable Pat Murphy, the Honorable Brad Banks and the Honorable Ken De Groot.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 20, 1991. Had I been present, I would have voted "aye" on House Files 483 and 486 and Senate File 151.

SPENNER of Henry

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH

The annual report on the Homemaker-Home Health Aide/Chore program, pursuant to Chapter 1259.6(11)(d), 1990 Acts of the Seventy-third General Assembly.

SUBCOMMITTEE ASSIGNMENTS

House File 413

Transportation: Pavich, Chair; Koenigs and Spenner.

House File 427

Natural Resources and Outdoor Recreation: Fogarty, Chair; Black and Diemer.

House File 442

Transportation: Muhlbauer, Chair; Halvorson of Webster and Royer.

House File 457

Transportation: Gruhn, Chair; Jay and Royer.

House File 504

Transportation: Muhlbauer, Chair; Beaman and Pavich.

House File 508

Human Resources: Hammond, Chair; Spenner and Wissing.

House File 515

Transportation: Koenigs, Chair; Cohoon and Weidman.

House File 525

Human Resources: Jesse, Chair; Hester and Wissing.

House File 526

Human Resources: Neuhauser, Chair; Krebsbach and Svoboda.

House File 527

Human Resources: Haverland, Chair; Hurley and Nielsen.

House File 528

Transportation: Cohoon, Chair; Pavich and Weidman.

House File 530

Commerce: Groninga, Chair; Chapman and Millage.

House File 538

Transportation: Koenigs, Chair; De Groot and Pavich.

House File 540

Commerce: Doderer, Chair; Halvorson of Clayton and Metcalf.

House File 541

Transportation: Pavich, Chair; Diemer and Muhlbauer.

House File 548

Commerce: Renken, Chair; Bisignano and Halvorson of Clayton.

House File 549

Human Resources: Teaford, Chair; Grubbs and Osterberg.

House File 576

Commerce: Bisignano, Chair; Rafferty and Sherzan.

House File 585

Energy and Environmental Protection: Hatch, Chair; Banks, Dvorsky, Lundby and Osterberg.

House Concurrent Resolution 13

Human Resources: Murphy, Chair; Bartz and Jesse.

Senate File 166

Transportation: Fogarty, Chair; De Groot and Murphy.

Senate File 231

Transportation: Muhlbauer, Chair; Diemer and Pavich.

Senate File 288

Transportation: Murphy, Chair; Cohoon and Harbor.

Senate File 318

Commerce: Bisignano, Chair; Blanshan and Halvorson of Clayton.

Senate Concurrent Resolution 13

Human Resources: Svoboda, Chair; Hurley and Murphy.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 285**

Commerce: Renken, Chair; Brammer and Rafferty.

House Study Bill 286

Commerce: Hansen of Woodbury, Chair; Gill and Millage.

House Study Bill 287

Commerce: Baker, Chair; Millage and Rafferty.

House Study Bill 288

Commerce: Doderer, Chair; Chapman and Metcalf.

House Study Bill 303

Transportation: Pavich, Chair; Lageschulte and Murphy.

House Study Bill 304

Transportation: Koenigs, Chair; Cohoon, De Groot, Maulsby and Pavich.

House Study Bill 305

Transportation: Jay, Chair; De Groot and Muhlbauer.

House Study Bill 306

Local Government: Fogarty, Chair; Bernau and Hanson of Black Hawk.

House Study Bill 307

Judiciary and Law Enforcement: Sherzan, Chair; McKean and Wissing.

House Study Bill 308

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

House Study Bill 309

Commerce: Groninga, Chair; Halvorson of Clayton and Hansen of Woodbury.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 246.2 (Revised) Human Resources**

Relating to health insurance reforms by limiting small group premium rating practices, increasing access to affordable basic benefits health insurance, and authorizing certain premium credits and tax exemptions for qualifying health insurance plans and insureds.

H.S.B. 312 Transportation

Relating to certificates of title for wrecked, salvage, or stolen vehicles and eliminating component part reviews.

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 COMMERCE

Committee Bill (Formerly House File 30), to eliminate the requirement that the banking division compile and report a summary of the volume of consumer installment credit to the administrator of the Iowa consumer credit code.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 1991.

Committee Bill (Formerly House File 32), relating to the central location of original loan documentation recordkeeping functions at the office of a bank holding company.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1991.

Committee Bill (Formerly House File 401), amending the Iowa Uniform Securities Act, by exempting agricultural cooperative associations from certain requirements provided under the Act, providing for the retroactive application of the Act, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 108), relating to the appointment of the superintendent of banking by providing that an appointee shall not have a conflict of interest.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 136), requiring registration of persons located outside of this state who issue credit cards, providing for an examination fee, and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 235), relating to regulation of foreign and domestic insurers licensed to do business in this state by amending provisions relating to administration of the tax on foreign insurance companies, amending certain filing requirements, filing fees, and the deposit of those fees by the insurance division, providing for the suspension of an insurer's license for certain violations, providing for the approval of certain policies or forms prior to their offering by an insurer, making modifications to certain meeting and license renewal requirements and providing for the Act's applicability.

Fiscal Note is not required.

Recommended Amend and Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 239), relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass March 20, 1991.

COMMITTEE ON HUMAN RESOURCES

House File 449, a bill for an act relating to the composition of the advisory committee to the office of rural health.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3295 March 20, 1991.

Committee Bill (Formerly House File 228), establishing procedures for notification of an emergency care provider who is exposed to contagious or infectious diseases, and making penalties applicable.

Fiscal Note is not required.

Recommended Amend and Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 77), relating to the issuance of motorized bicycle licenses and providing for the Act's applicability.

Fiscal Note is not required.

Committee Action: Failed to Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 143), relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 87, a bill for an act relating to child abuse and criminal history information accessible by child day care resource and referral agencies.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

House File 201, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3297 March 20, 1991.

House File 335, a bill for an act relating to a parent's right of action for the death of a child.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3293 March 20, 1991.

House File 381, a bill for an act providing for adult court jurisdiction over children having been previously waived to adult court.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3294 March 20, 1991.

House File 497, a bill for an act relating to presentence investigations.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3292 March 20, 1991.

Committee Bill (Formerly House Study Bill 57), relating to the transfer of ownership of a vehicle by operation of law.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 63), relating to the taxation of attorney fees in prison disciplinary cases.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1991.

Committee Bill (Formerly House Study Bill 120), relating to transfer of title by affidavit of the surviving spouse.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 1991.

Committee Bill (Formerly House Study Bill 123), relating to the release of privileged information.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1991.

Committee Bill (Formerly House Study Bill 160), relating to the marketable title of real estate.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1991.

Committee Bill (Formerly House Study Bill 215), relating to assault, domestic abuse, imposing liability for governmental entities for failure to make domestic abuse arrests, establishing a domestic abuse services fund and commission, providing for mandatory and permissive reporting of domestic abuse, requiring mandatory training for peace officers and health practitioners, increasing marriage license fees, increasing certain criminal penalties, and imposing mandatory minimum sentences or fines, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 1991.

Committee Bill (Formerly House Study Bill 273), relating to facilities used to maintain animals for agricultural production or for scientific or educational purposes, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 1991.

Committee Bill (Formerly House Study Bill 274), relating to the confidentiality of victim-identifying information in cases of sexual abuse.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 1991.

Committee Bill (Formerly House Study Bill 277), relating to the confidentiality of certain information relating to waste reduction under the public records law.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1991.

Committee Bill (Formerly House Study Bill 278), relating to forfeiture of excursion boats and related property and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 296), relating to the forfeiture of the rights of junior lienholders with respect to real estate contracts and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 297), prohibiting the purchase and use of certain automated traffic law enforcement equipment.

Fiscal Note is not required.

Recommended Amend and Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 298), relating to the liability of certain persons rendering emergency medical care in good faith.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 299), relating to the payment of certain court filing fees by the United States.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 302), relating to the reporting of treatment of wounds.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 230), relating to the publication of notice for a public hearing on a county budget.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 242), relating to the reapportionment of county supervisor districts.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 270), relating to cooperative ownership of residential, business property, and providing an applicability date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 20, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Committee Bill (Formerly House Study Bill 131), relating to the protection of public land from discharges from concentrated commercial facilities as provided by the natural resource commission.

Fiscal Note is not required.

Recommended Amend and Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 265), to create a Missouri river preservation and land use authority and fund.

Fiscal Note is not required.

Recommended Amend and Do Pass March 20, 1991.

COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TRADE

Committee Bill (Formerly House Study Bill 15), relating to the Iowa community cultural grants program.

Fiscal Note is not required.

Recommended Do Pass March 20, 1991.

Committee Bill (Formerly House Study Bill 164), relating to economic development by creating a value-added linked investments program, changing the definition of targeted small business, modifying the use of prior year funds under the incubator programs, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 20, 1991.

AMENDMENTS FILED

H-3287	H.F.	455	Ollie of Clinton
H-3288	H.F.	455	Ollie of Clinton
H-3289	H.F.	517	Brammer of Linn
H-3290	S.F.	284	Lundby of Linn
H-3291	H.F.	423	Maulsby of Calhoun
H-3292	H.F.	497	Committee on Judiciary and Law Enforcement
H-3293	H.F.	335	Committee on Judiciary and Law Enforcement
H-3294	H.F.	381	Committee on Judiciary and Law Enforcement
H-3295	H.F.	449	Committee on Human Resources
H-3296	H.F.	534	Hansen of Woodbury
H-3297	H.F.	201	Committee on Judiciary and Law Enforcement
H-3298	H.F.	520	De Groot of Lyon

H—3299

H.F. 517

McNeal of Hardin
Tyrrell of Iowa

On motion by McKinney of Dallas, the House adjourned at 10:44 a.m., until 9:00 a.m., Friday, March 22, 1991.

JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day — Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 22, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by the Honorable Russell Eddie, state representative from Buena Vista County.

The Journal of Thursday, March 21, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Iverson of Wright, from the Hancock County Board of Supervisors opposing any change in the current structure of the Department of Human Services.

INTRODUCTION OF BILLS

House File 592, by committee on state government, a bill for an act relating to documents filed with the general assembly by officials and departments.

Read first time and placed on the calendar.

House File 593, by committee on education, a bill for an act relating to employment of personnel under sharing agreements and agreements to combine merged areas.

Read first time and placed on the calendar.

House File 594, by committee on judiciary and law enforcement, a bill for an act relating to the release of privileged information.

Read first time and placed on the calendar.

House File 595, by committee on judiciary and law enforcement, a bill for an act relating to the taxation of attorney fees in prison disciplinary cases.

Read first time and placed on the calendar.

House File 596, by committee on judiciary and law enforcement, a bill for an act relating to the liability of certain persons rendering emergency medical care in good faith.

Read first time and placed on the **calendar**.

House File 597, by committee on judiciary and law enforcement, a bill for an act relating to the forfeiture of the rights of junior lienholders with respect to real estate contracts and providing an effective date.

Read first time and placed on the **calendar**.

House File 598, by committee on judiciary and law enforcement, a bill for an act relating to the payment of certain court filing fees by the United States.

Read first time and placed on the **calendar**.

House File 599, by committee on judiciary and law enforcement, a bill for an act relating to the reporting of treatment of wounds.

Read first time and placed on the **calendar**.

House File 600, by committee on energy and environmental protection, a bill for an act relating to the control of soil erosion and sedimentation, and providing fees.

Read first time and placed on the **calendar**.

House File 601, by committee on commerce, a bill for an act relating to open end credit accounts by eliminating the requirement that the banking division compile and report a summary of the volume of consumer installment credit to the administrator of the Iowa consumer credit code and providing for a change in terms in the agreement.

Read first time and placed on the **calendar**.

House File 602, by committee on judiciary and law enforcement, a bill for an act relating to the transfer of ownership of a vehicle by operation of law.

Read first time and placed on the **calendar**.

House File 603, by Daggett, a bill for an act relating to the property tax exemption for charitable societies or organizations and providing a retroactive applicability date.

Read first time and referred to committee on **ways and means**.

House File 604, by Wissing, a bill for an act relating to special motor vehicle registration plates for armed forces reserve members.

Read first time and referred to committee on **transportation**.

House File 605, by Wissing, a bill for an act to permit the appointment of an attorney to represent the interests of a child and to permit investigations of circumstances surrounding the placement of a child in child custody hearings under the uniform child-custody jurisdiction provisions.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 606, by Mertz, Dickinson, Muhlbauer and Royer, a bill for an act relating to services provided to persons with mental retardation, a developmental disability, or chronic mental illness funded under the medical assistance program by creating a committee and establishing certain requirements for counties and the state.

Read first time and referred to committee on **human resources**.

House File 607, by committee on commerce, a bill for an act relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties.

Read first time and placed on the **calendar**.

House File 608, by committee on human resources, a bill for an act relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties.

Read first time and placed on the **calendar**.

House File 609, by committee on commerce, a bill for an act relating to the appointment of the superintendent of banking by providing that an appointee shall not have a conflict of interest.

Read first time and placed on the **calendar**.

RULE 57 SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on state government upon adjournment.

REREFERRED TO COMMITTEE ON WAYS AND MEANS

The Speaker announced that **House File 276**, presently on the **regular calendar**, was rereferred to the committee on **ways and means**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of

the House and the President of the Senate, and presented to the Governor for his approval on this 22nd day of March, 1991: House Files 73, 199 and 294.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 310

Education: Wise, Chair; Adams and Hurley.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 313 Local Government

Relating to the establishment of joint water utilities and their tax status.

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 207, a bill for an act establishing a grazing land tax credit fund, providing a tax credit, making an appropriation, and providing effective and applicability dates.

Fiscal Note is required.

Recommended **Do Pass** March 22, 1991.

Pursuant to Rule 31.7, House File 207 was referred to the committee on ways and means.

House File 480, a bill for an act relating to drainage districts.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1991.

COMMITTEE ON EDUCATION

House File 48, a bill for an act relating to filling school board member vacancies by appointment.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1991.

House File 85, a bill for an act relating to employee literacy education and providing a criminal penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3308 March 21, 1991.

Committee Bill (Formerly House Study Bill 35), to establish an extended school year program for school districts and to provide an appropriation and for the imposition of a tax.

Fiscal Note is required.

Recommended Amend and Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 262), relating to the special needs adjustment program for school districts.

Fiscal Note is required.

Recommended Amend and Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 272), to establish a world class schools task force and making an appropriation.

Fiscal Note is required.

Recommended Amend and Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 311), to permit school districts to provide educational programs to persons who are beyond the age prescribed as the school age.

Fiscal Note is not required.

Recommended Amend and Do Pass March 21, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

House File 547, a bill for an act relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3313 March 21, 1991.

COMMITTEE ON HUMAN RESOURCES

House File 214, a bill for an act relating to the reproductive toxicity of alcoholic beverages, and providing a penalty.

Fiscal Note is not required.

Recommended Do Pass March 22, 1991.

House File 395, a bill for an act relating to access to and egress from a health facility and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3306 March 21, 1991.

House File 435, a bill for an act relating to the establishment of and payment from a trust fund for the cost of care for persons with head injury or spinal cord injuries.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3315 March 22, 1991.

Pursuant to Rule 31.7, House File 435 was referred to the committee on ways and means.

House File 508, a bill for an act relating to requirements for psychiatric medical institutions for children.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3314 March 22, 1991.

Committee Bill (Formerly House Study Bill 90), relating to state programs and institutions serving persons with mental retardation, developmental disabilities, or mental illness.

Fiscal Note is not required.

Recommended Amend and Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 142), relating to federal-state public assistance programs.

Fiscal Note is not required.

Recommended Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 246.2), relating to health insurance reforms by limiting small group premium rating practices, increasing access to affordable basic benefits health insurance, and authorizing certain premium credits and tax exemptions for qualifying health insurance plans and insureds.

Fiscal Note is not required.

Recommended Do Pass March 21, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 13, a bill for an act relating to the inadmissibility of evidence pertaining to the manner of dress of an alleged victim of sexual abuse in a criminal case.

Fiscal Note is not required.

Recommended Do Pass March 21, 1991.

House File 216, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act.

Fiscal Note is not required.

Recommended Do Pass March 21, 1991.

House File 421, a bill for an act relating to establishing a registry of sex offenders and establishing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3312 March 21, 1991.

House File 506, a bill for an act relating to the admission into evidence of reproduced, rerecorded, or duplicated original writings, documents, and other records kept in the regular course of business or activity.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1991.

COMMITTEE ON LOCAL GOVERNMENT

House File 174, a bill for an act relating to the authority of cities to adopt by reference portions of the Code of Iowa.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3304** March 20, 1991.

House File 469, a bill for an act relating to the appointment of city and county boards, commissions, committees, or other multimember appointive bodies.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3305** March 20, 1991.

House File 503, a bill for an act relating to the establishment of a law enforcement review board in certain cities.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3302** March 20, 1991.

House File 505, a bill for an act relating to funding and maintenance of certain local civil rights commissions and agencies and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** March 20, 1991.

House File 510, a bill for an act relating to the appointment of a county attorney or sheriff to serve more than one county.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3303** March 20, 1991.

Committee Bill (Formerly House File 107), relating to alternative forms of local government and creating a new alternative form of local government for cities known as a consolidated metropolitan corporation, with provisions relating to its charter process, legislative body, tax collection, fee assessment, and service delivery.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 1991.

Committee Resolution (Formerly House Study Bill 271), a concurrent resolution proclaiming National County Government Week and Iowa Local Government Week.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 447, a bill for an act relating to the use of a protected wetland.

Fiscal Note is not required.

Recommended Do Pass March 21, 1991.

House File 577, a bill for an act relating to required reporting on state parks and preserves.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3307 March 21, 1991.

COMMITTEE ON STATE GOVERNMENT

House File 5, a bill for an act relating to the payment of pension benefits to surviving spouses under the chapters 97A, 410, and 411 retirement systems, and providing retroactive applicability dates.

Fiscal Note is required.

Recommended Do Pass March 21, 1991.

House File 298, a bill for an act relating to the conduct of games and raffles by qualified organizations.

Fiscal Note is not required.

Recommended Do Pass March 21, 1991.

House File 535, a bill for an act relating to the sale of fortified wine and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended Do Pass March 21, 1991.

RESOLUTION FILED

HCR 19, by Nielsen, Ollie, Murphy, Connors, Adams, Hibbard, Blanshan, Fogarty, Hester, Kistler, Shoning, Koenigs, Baker, Dickinson, Jesse, Poncy, Shoultz, Svoboda, Halvorson of Webster, Plasier, Doderer, Pavich, Bisignano, Renaud, Muhlbauer, Hatch, Brand, Dvorsky, Carpenter, Hammond, Mertz, Burke, Teaford, Haverland, Jay, Spear, Sherzan, Osterberg, Brammer, Knapp, Jochum, Beatty, Gill, Shearer, Neuhauser, Wissing, Black, Peterson of Carroll, Holveck, Groninga, Bernau and Gruhn, a concurrent resolution urging the United States Congress and the President of the United States to establish a health care coverage system for all persons in the United States.

Referred to committee on human resources.

AMENDMENTS FILED

H-3300	H.F.	232	Teaford of Black Hawk Plasier of Sioux Carpenter of Polk
H-3301	H.F.	232	Teaford of Black Hawk Plasier of Sioux Carpenter of Polk
H-3302	H.F.	503	Committee on Local Government
H-3303	H.F.	510	Committee on Local Government
H-3304	H.F.	174	Committee on Local Government
H-3305	H.F.	469	Committee on Local Government
H-3306	H.F.	395	Committee on Human Resources
H-3307	H.F.	577	Committee on Natural Resources and Outdoor Recreation
H-3308	H.F.	85	Committee on Education
H-3309	H.F.	572	Bartz of Worth
H-3310	H.F.	85	Iverson of Wright
H-3311	H.F.	395	Bartz of Worth
H-3312	H.F.	421	Committee on Judiciary and Law Enforcement
H-3313	H.F.	547	Committee on Energy and Environmental Protection
H-3314	H.F.	508	Committee on Human Resources
H-3315	H.F.	435	Committee on Human Resources.

On motion by McKinney of Dallas, the House adjourned at 9:51 a.m., until 10:00 a.m., Monday, March 25, 1991.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day — Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 25, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by Reverend Jane Mills, pastor of the Church of Christ, Manson-Moorland Parish, Manson.

The Journal of Friday, March 22, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wise of Lee on request of Cohoon of Des Moines; Dickinson of Jackson on request of Gill of Woodbury.

INTRODUCTION OF BILLS

House File 610, by committee on natural resources, a bill for an act to create a Missouri river preservation and land use authority and fund.

Read first time and placed on the **calendar**.

House File 611, by committee on commerce, a bill for an act amending the Iowa Uniform Securities Act, by exempting agricultural cooperative associations from certain requirements provided under the Act, providing for the retroactive application of the Act, and providing an effective date.

Read first time and placed on the **calendar**.

House File 612, by committee on local government, a bill for an act relating to the publication of notice for a public hearing on a county budget.

Read first time and placed on the **calendar**.

House File 613, by committee on small business, economic development and trade, a bill for an act changing the definition of targeted small business and providing an effective date.

Read first time and placed on the **calendar**.

House File 614, by committee on local government, a bill for an act relating to the reapportionment of county supervisor districts.

Read first time and placed on the **calendar**.

House File 615, by committee on judiciary and law enforcement, a bill for an act relating to the confidentiality of victim-identifying information in cases of sexual abuse, and providing for an automatic repeal.

Read first time and placed on the **calendar**.

House File 616, by committee on natural resources and outdoor recreation, a bill for an act relating to the protection of public land from discharges from concentrated commercial and agricultural facilities as provided by the natural resource commission.

Read first time and placed on the **calendar**.

House File 617, by committee on commerce, a bill for an act relating to the central location of original loan documentation recordkeeping functions at the office of a bank holding company.

Read first time and placed on the **calendar**.

SENATE MESSAGE CONSIDERED

Senate File 268, by committee on education, a bill for an act establishing and allocating moneys to the arts and cultural enhancement and endowment program.

Read first time and referred to committee on **education**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 363, a bill for an act to permit advanced nurse practitioners to prescribe noncontrolled substances or devices under certain circumstances.

JOHN F. DWYER, Secretary

ADOPTION OF HOUSE CONCURRENT RESOLUTION 15

Doderer of Johnson called up for consideration House Concurrent Resolution 15, a concurrent resolution relating to ratification of the United Nations' Convention on the Elimination of All Forms of Discrimination against Women, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 489, a bill for an act relating to providing additional state income tax filing time periods for certain military personnel, exempting from taxation income of persons killed in a combat zone or while serving overseas, and providing a retroactive applicability date and an effective date, was taken up for consideration.

Burke 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. 489)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 3:

Dickinson

Jay

Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

House File 237, a bill for an act relating to the perpetual care of cemeteries and cemetery lots and spaces, with report of committee recommending passage 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. 237)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 3:

Dickinson

Jay

Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 285, a bill for an act relating to the approval of certain businesses or activities in a health care facility, with report of committee recommending passage was taken up for consideration.

Murphy 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. 285)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Dickinson	Hibbard	Jay	Shoultz
Wise			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 351 WITHDRAWN

Bartz of Worth asked and received unanimous consent to withdraw House File 351 from further consideration by the House.

Regular Calendar

The House resumed consideration of **House File 423**, a bill for an act relating to student financial aid programs administered by the college student aid commission, previously deferred.

Neuhauser of Johnson called up for consideration the motion to reconsider amendment H—3173, filed by her and moved to reconsider the vote by which amendment H—3173 (found on page 754 of the House Journal) was adopted by the House on March 20, 1991.

The motion prevailed and amendment H—3173 was reconsidered.

Siegrist of Pottawattamie offered the following amendment H—3286, to amendment H—3173, filed by him and moved its adoption:

H—3286

- 1 Amend the amendment, H—3173, to House File 423, as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "following: "," the following: "the chief clerk of
- 5 the house of representatives, the secretary of the
- 6 senate, the majority and minority leaders of both
- 7 houses of the general assembly,".

Amendment H—3286 was adopted.

On motion by Siegrist of Pottawattamie, amendment H—3173, as amended, was adopted.

Chapman of Linn called up for consideration the motion to reconsider amendment H—3276, filed by her and moved to reconsider the vote by which amendment H—3276 (found on pages 754 and 755 of the House Journal) was adopted by the House on March 20, 1991.

The motion prevailed and amendment H—3276 was reconsidered.

Maulsby of Calhoun offered the following amendment H—3291, to amendment H—3276, filed by him and moved its adoption:

H—3291

- 1 Amend the amendment H—3276, to House File 423 as
- 2 follows:
- 3 1. Page 1, line 12, by striking the word "Rules".
- 4 2. Page 1, by striking lines 13 through 15, and
- 5 inserting the following: "However, the person shall
- 6 continue to pay out-of-state tuition during the period
- 7 of time required in current rules".

8 3. Page 1, line 16, by striking the words "and
9 that" and inserting the following: ". The rules may
10 require that".

A non-record roll call was requested.

The ayes were 49, nays 43.

Amendment H—3291 was adopted.

Chapman of Linn rose on a point of order that amendment H—3276 was not germane.

The Speaker ruled the point well taken and amendment H—3276 not germane.

Nielsen 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. 423)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 3:

Dickinson

Jay

Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 334, a bill for an act to permit districts which reorganize to include in the reorganization proposition an agreement on which area education agency will provide services to students in the new or enlarged district, with report of committee recommending amendment and passage was taken up for consideration.

Shearer of Louisa offered the following amendment H—3282 filed by the committee on education and moved its adoption:

H—3282

- 1 Amend House File 334, as follows:
- 2 1. Page 1, by striking lines 9 through 12, and
- 3 inserting the following: "for in section 275.18".
- 4 2. Page 1, line 13, by striking the word
- 5 "reside".
- 6 3. Page 1, line 16, by inserting after the word
- 7 "chapter." the following: "If a school district,
- 8 created or enlarged under this chapter and assigned to
- 9 an area education agency under this section, can
- 10 demonstrate that students in the district were
- 11 utilizing a service or program prior to the formation
- 12 of the new or enlarged district that is unavailable
- 13 from the area education agency to which the new or
- 14 enlarged district is assigned, the district may be
- 15 reassigned to the area education agency, which
- 16 formerly provided the service or program, upon an
- 17 affirmative majority vote of the boards of the
- 18 affected area education agencies to permit the
- 19 change."
- 20 4. Title page, line 1, by striking the words
- 21 "include in the" and inserting the following: "change
- 22 the area".
- 23 5. Title page, by striking line 2.
- 24 6. Title page, by inserting after the word
- 25 "agency" the following: "which".

The committee amendment H—3282 was adopted.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 334)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 3:

Dickinson	Jay	Wise
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 500, a bill for an act relating to requirements for child day care facilities operated in a school building in which child day care is an adjunct to the primary purpose of the building and providing an effective date, was taken up for consideration.

Neuhauser of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 500)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 3:

Dickinson

Jay

Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 384, a bill for an act to establish a single method for obtaining agency consent for an employee to sell goods or services to individuals, associations, or corporations subject to the regulatory authority of the agency, with report of committee recommending passage was taken up for consideration.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 384)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 3:

Dickinson	Jay	Wise
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 420, a bill for an act relating to corrective changes to Iowa's election laws and providing emergency powers to the state commissioner of elections, was taken up for consideration.

Hanson of Delaware asked and received unanimous consent to defer action on amendment H—3169.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3172 filed by him on March 12, 1991.

Halvorson of Webster offered the following amendment H—3177 filed by Halvorson, et al., and moved its adoption:

H-3177

1 Amend House File 420 as follows:

2 1. Page 2, by inserting after line 23 the
3 following:

4 "Sec. _____. Section 48.31, subsection 6, Code 1991,
5 is amended to read as follows:

6 6. When first-class mail, which is designated "not
7 to be forwarded", was addressed to the elector at the
8 address shown on the registration records and is
9 returned by the postal service. However, if any
10 first-class mail, other than a registration receipt
11 mailed pursuant to section 48.3, was addressed to a
12 qualified elector and is returned by the postal
13 service less than sixty days before the date of a
14 general election, the elector's registration shall not
15 be canceled until after the general election is held."

16 2. By renumbering as necessary.

Amendment H-3177 was adopted.

Halvorson of Webster offered the following amendment H-3268
filed by him and McKean of Jones and moved its adoption:

H-3268

1 Amend House File 420 as follows:

2 1. Page 2, by inserting after line 23 the fol-
3 lowing:

4 "Sec. _____. Section 49.31, subsection 6, Code 1991,
5 is amended to read as follows:

6 6. For the purposes purpose of ballot rotation the
7 absentee ballot and special voters precinct shall may
8 be considered a separate precinct, unless the office
9 will appear on the ballot in only one precinct other
10 than the absentee ballot and special voters precinct."

11 2. By renumbering as necessary.

Amendment H-3268 was adopted.

Tyrrell of Iowa offered the following amendment H-3278 filed
by him and moved its adoption:

H-3278

1 Amend House File 420 as follows:

2 1. Page 3, by inserting after line 34, the
3 following:

4 "Sec. _____. NEW SECTION. 49.114 IMPROPER VOTING.

5 1. For the purposes of this section, "improper
6 voting" means voting at any election authorized by
7 law, knowing oneself not to be qualified, including
8 voting at any general election authorized by law in
9 this state while at the same time being registered and

10 having voted in another jurisdiction, in the same
11 calendar year, in the biennial election held in
12 November for election of national officers.

13 2. If a precinct official or the county
14 commissioner has reason to believe, or has been
15 informed, that a voter improperly voted, the precinct
16 official shall notify the county commissioner. The
17 county commissioner shall immediately notify the state
18 commissioner who shall investigate the matter. During
19 the investigation, the votes cast in that precinct
20 shall be canvassed, pursuant to chapter 50.

21 3. Not later than thirty days before the date the
22 candidates-elect are to be sworn into office, the
23 state commissioner shall notify the county
24 commissioner of the precinct which initiated the
25 investigation of the findings of the investigation.
26 If the state commissioner finds that an elector voted
27 improperly, the state commissioner shall order a new
28 vote by special election in the precinct where the
29 improper voting occurred. A person who was not a
30 qualified elector in that precinct at the time of the
31 general election shall not be allowed to vote at the
32 special election. When the new vote is taken and
33 returned, the votes shall be canvassed, and the
34 results of the election shall be proclaimed pursuant
35 to section 50.11."

36 2. Page 8, by inserting after line 28, the
37 following:

38 "Sec. _____. Section 722.5, subsection 2, Code 1991,
39 is amended to read as follows:

40 2. Votes at any election authorized by law,
41 knowing oneself not to be qualified, including voting
42 at any general election authorized by law in this
43 state while at the same time being registered and
44 having voted in another jurisdiction, in the same
45 calendar year, in the biennial election held in
46 November for election of national officers."

47 3. Title page, line 1, by striking the words
48 "laws and" and inserting the following: "laws,".

49 4. Title page, line 3, by inserting after the
50 word "elections" the following: ", and relating to

Page 2

1 improper voting in a general election".

2 5. By renumbering as necessary.

Amendment H—3278 lost.

Spear of Lee offered the following amendment H—3187 filed by
him and moved its adoption:

H-3187

- 1 Amend House File 420 as follows:
- 2 1. Page 3, by inserting after line 34, the
- 3 following:
- 4 "This section does not apply to the following
- 5 public offices: county agricultural extension
- 6 council, soil and water conservation district
- 7 commission, or regional library board of trustees."

Amendment H-3187 was adopted.

Halvorson of Webster offered the following amendment H-3277 filed by him and Pavich of Pottawattamie:

H-3277

- 1 Amend House File 420 as follows:
- 2 1. Page 4, by inserting after line 31, the
- 3 following:
- 4 "Sec. _____. Section 53.2, unnumbered paragraph 1,
- 5 Code 1991, is amended to read as follows:
- 6 Any qualified elector, under the circumstances
- 7 specified in section 53.1, may on any day, except
- 8 election day, and not more than seventy days prior to
- 9 the date of the election, apply in person for an
- 10 absentee ballot at the commissioner's office or at any
- 11 location designated by the commissioner, or make
- 12 written application to the commissioner for an
- 13 absentee ballot. The state commissioner shall
- 14 prescribe a form for absentee ballot applications.
- 15 However, if an elector submits an application that
- 16 includes all of the information required in this
- 17 section, the prescribed form is not required.
- 18 Sec. _____. Section 53.7, Code 1991, is amended to
- 19 read as follows:
- 20 53.7 SOLICITATION BY PUBLIC EMPLOYEES.
- 21 1. It shall be unlawful for any employee of the
- 22 state or any employee of a political subdivision
- 23 thereof to solicit any application or request for
- 24 application for an absentee ballot, or to take an
- 25 affidavit in connection with any absentee ballot while
- 26 the employee is on the employer's premises or
- 27 otherwise in the course of employment. However, any
- 28 such employee may take such affidavit in connection
- 29 with an absentee ballot which is cast by the qualified
- 30 elector in person in the office where such employee is
- 31 employed in accordance with section 53.11. This
- 32 section subsection shall not apply to any elected
- 33 official.
- 34 2. Any public officer or employee, or any person
- 35 acting under color of a public officer or employee,
- 36 who knowingly requires that a public employee solicit

37 an application or request for an application for an
38 absentee ballot, or knowingly requires that an
39 employee take an affidavit or request for an affidavit
40 in connection with an absentee ballot application
41 commits a serious misdemeanor.

42 Sec. _____. Section 53.11, is amended to read as
43 follows:

44 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT.

45 The commissioner shall deliver an absentee ballot
46 to any qualified elector applying in person at the
47 commissioner's office, or at any location designated
48 by the commissioner, not more than forty days before
49 the date of the general election and the primary
50 election, and for all other elections, as soon as the

Page 2

1 ballot is available. The qualified elector shall
2 immediately mark the ballot, enclose and seal it in a
3 ballot envelope, subscribe to the affidavit on the
4 reverse side of the envelope, and return the absentee
5 ballot to the commissioner. The commissioner shall
6 record the numbers appearing on the application and
7 ballot envelope along with the name of the qualified
8 elector. The commissioner of any county in which
9 there is located a city of five thousand or more
10 population, which is not the county seat, may permit
11 qualified electors to appear in person at some
12 designated place within each such city and there cast
13 an absentee ballot in the manner prescribed by this
14 section."

15 2. Title page, line 1, by striking the words
16 "laws and" and inserting the following: "laws,".

17 3. Title page, line 3, by inserting after the
18 word "elections" the following: ", and relating to
19 absentee voting".

20 4. By renumbering as necessary.

The following amendment H—3316, to amendment H—3277, filed
by Halvorson of Webster from the floor was adopted by unanimous
consent:

H—3316

1 Amend the amendment, H—3277, to House File 420 as
2 follows:

3 1. Page 2, by striking lines 5 through 8 and
4 inserting the following: "ballot to the commissioner.
5 The commissioner shall record the numbers appearing on
6 the application and ballot envelope along with the
7 name of the qualified elector. The commissioner of
8 any county in which".

Kremer of Buchanan offered the following amendment H—3284, to amendment H—3277, filed by him and moved its adoption:

H—3284

- 1 Amend amendment H—3277, to House File 420, as
- 2 follows:
- 3 1. Page 1, line 49, by striking the word "and"
- 4 and inserting the following: "and or".

Amendment H—3284 was adopted.

On motion by Halvorson of Webster, amendment H—3277, as amended, was adopted.

Hanson of Delaware offered the following amendment H—3169, previously deferred, filed by Hanson, et al.:

H—3169

- 1 Amend House File 420 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 43.18, Code 1991, is amended
- 5 by adding the following new unnumbered paragraph after
- 6 unnumbered paragraph 2:
- 7 NEW UNNUMBERED PARAGRAPH. I am aware that I shall
- 8 not cause nomination papers for more than one public
- 9 office to be voted for at the primary election, to
- 10 remain filed in the office of the state commissioner
- 11 or the commissioner unless I, not later than the final
- 12 date for filing nomination papers, notify the state
- 13 commissioner or the commissioner by affidavit of the
- 14 office for which I elect to be a candidate. I am
- 15 aware that violation of section 43.20 will invalidate
- 16 my candidacy for any office to be filled at the
- 17 primary election."
- 18 2. Page 2, by inserting before line 1, the
- 19 following:
- 20 "Sec. _____. Section 43.67, Code 1991, is amended by
- 21 adding the following new unnumbered paragraph after
- 22 unnumbered paragraph 2:
- 23 NEW UNNUMBERED PARAGRAPH. I am aware that I shall
- 24 not cause nomination papers for more than one public
- 25 office to be filled at the general election, to remain
- 26 filed in the office of the state commissioner or the
- 27 commissioner unless I, not later than the final date
- 28 for filing nomination papers, notify the state
- 29 commissioner or the commissioner by affidavit of the
- 30 office for which I elect to be a candidate. I am
- 31 aware that violation of section 49.41 will invalidate
- 32 my candidacy for any office to be filled at the
- 33 general election.

34 Sec. _____. Section 44.3, subsection 2, Code 1991,
35 is amended by adding the following new unnumbered
36 paragraph after unnumbered paragraph 2:
37 NEW UNNUMBERED PARAGRAPH. I am aware that I shall
38 not cause nomination papers for more than one public
39 office to be filled at the general election, to remain
40 filed in the office of the state commissioner or the
41 commissioner unless I, not later than the final date
42 for filing nomination papers, notify the state
43 commissioner or the commissioner by affidavit of the
44 office for which I elect to be a candidate. I am
45 aware that violation of section 49.41 will invalidate
46 my candidacy for any office to be filled at the
47 general election.”
48 3. Page 2, by inserting after line 9, the
49 following:
50 “Sec. _____. Section 45.3, Code 1991, is amended by

Page 2

1 adding the following new unnumbered paragraph after
2 unnumbered paragraph 2:
3 NEW UNNUMBERED PARAGRAPH. I am aware that I shall
4 not cause nomination papers for more than one public
5 office to be filled at the general election, to remain
6 filed in the office of the state commissioner or the
7 commissioner unless I, not later than the final date
8 for filing nomination papers, notify the state
9 commissioner or the commissioner by affidavit of the
10 office for which I elect to be a candidate. I am
11 aware that violation of section 49.41 will invalidate
12 my candidacy for any office to be filled at the
13 general election.”
14 4. Title page, line 1, by striking the words
15 “laws and” and inserting the following: “laws.”
16 5. Title page, line 3, by inserting after the
17 word “elections” the following: “, and relating to
18 the affidavit filing requirements for a single public
19 office by primary election candidates and certain
20 general election candidates”.
21 5. By renumbering as necessary.

The following amendment H—3317, to amendment H—3169, filed by Hanson of Delaware from the floor, was adopted by unanimous consent:

H—3317

1 Amend amendment, H—3169, to House File 420 as
2 follows:
3 1. Page 1, line 17, by inserting after the word
4 “election.” the following:
5 “I am further aware that section 43.20, subsection

6 4, unnumbered paragraph 3, does not apply to the
7 offices of county agricultural extension council, soil
8 and water conservation district commission, or
9 regional library board of trustees."

10 2. Page 1, line 33, by inserting after the word
11 "election." the following:

12 "I am further aware that section 49.41, does not
13 apply to the offices of county agricultural extension
14 council, soil and water conservation district
15 commission, or regional library board of trustees."

16 3. Page 1, line 47, by inserting after the word
17 "election." the following:

18 "I am further aware that section 49.41, does not
19 apply to the offices of county agricultural extension
20 council, soil and water conservation district
21 commission, or regional library board of trustees."

22 4. Page 2, line 13, by inserting after the word
23 "election." the following:

24 "I am further aware that section 49.41, does not
25 apply to the offices of county agricultural extension
26 council, soil and water conservation district
27 commission, or regional library board of trustees."

Spenner of Henry asked and received unanimous consent to withdraw amendment H—3183, to amendment H—3169, filed by him on March 13, 1991.

With the previous adoption of amendment H—3277, page 2, lines 14 and 15 of amendment H—3169 are out of order.

On motion by Hanson of Delaware, amendment H—3169, as amended, was adopted.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 420)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte

Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Black	Dickinson	Groninga	Jay
Wise			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

On motion by McKinney of Dallas, the House was recessed at 11:43 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 502, a bill for an act relating to eliminating the requirement that a financial institution disclose certain information related to financial services offered by the financial institution, 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. 502)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga

Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 2:

Dickinson Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 556, a bill for an act relating to corporation law by providing electronic access to corporate records, relating to the removal or resignation of directors, relating to certain notice requirements, and by making certain nonsubstantive corrections, was taken up for consideration.

Adams of Hamilton in the chair at 1:50 p.m.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 556)

The ayes were, 64:

Arnould, Spkr.	Baker	Bartz	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Diemer	Doderer	Dvorsky
Fogarty	Gill	Groninga	Grubbs
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp

Koenigs	Kremer	Lundby	McKinney
Mertz	Millage	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Svoboda	Teaford	Wissing	Adams
			Presiding

The nays were, 34:

Banks	Beaman	Bennett	Branstad
Daggett	De Groot	Eddie	Garman
Gipp	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Harbor	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach
Lageschulte	Maulsby	McKean	McNeal
Metcalf	Miller	Petersen, D. F.	Renken
Royer	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 2:

Dickinson	Wise
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 392, a bill for an act relating to animals specially trained or being trained to assist a disabled or handicapped person, making a penalty applicable, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Burke 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. 392)

The ayes were, 98:

Arnould, Spkr.	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland

Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wissing	Adams		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Dickinson Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 167, a bill for an act relating to membership of county compensation boards, with report of committee recommending amendment and passage was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H—3141 filed by the committee on local government and moved its adoption:

H—3141

- 1 Amend House File 167 as follows:
- 2 1. Page 1, line 25, by striking the words “, the
- 3 county auditor, and the county treasurer” and
- 4 inserting the following: “The ordinance shall take
- 5 effect the first day of January following the next
- 6 general election held after its adoption.”

The committee amendment H—3141 was adopted.

Svoboda of Tama offered the following amendment H—3180 filed by her and moved its adoption:

H—3180

- 1 Amend House File 167 as follows:
- 2 1. Page 1, line 23, by inserting after the word
- 3 “supervisors” the following: “in a county with a
- 4 population of two hundred fifty thousand or more”.

Amendment H—3180 lost.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—3189 filed by Shearer, et al., on March 13, 1991.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendments H—3164 and H—3165 filed by him on March 11, 1991.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3162 filed by him on March 7, 1991.

Spear of Lee offered the following amendment H—3159 filed by him and moved its adoption:

H—3159

- 1 Amend House File 167 as follows:
- 2 1. Page 2, by striking lines 8 and 9 and
- 3 inserting the following: "county compensation board
- 4 may be changed by the board of supervisors after the
- 5 public hearing on the county budget. A copy of the
- 6 final compensation".

Amendment H—3159 was adopted.

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. 167)

The ayes were, 67:

Arnould, Spkr.	Baker	Bennett	Bernau
Bisignano	Brammer	Branstad	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hester	Holveck	Iverson	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Maulsby	McKinney	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Plasier	Rafferty
Renaud	Renken	Royer	Sherzan
Shoning	Shoultz	Spear	Teaford
Van Maanen	Wissing	Adams	
		Presiding	

The nays were, 31:

Banks	Bartz	Beaman	Beatty
Black	Blanshan	Brand	Brown
Daggett	Halvorson, R. A.	Halvorson, R. N.	Harbor
Hibbard	Hurley	Jay	Jesse
Kistler	Krebsbach	Lundby	McKean
McNeal	Petersen, D. F.	Peterson, M. K.	Poncy
Schrader	Shearer	Siegrist	Spenner
Svoboda	Tyrrell	Weidman	

Absent or not voting, 2:

Dickinson Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 518, a bill for an act to establish an advanced placement summer program, was taken up for consideration.

Neuhauser of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 518)

The ayes were, 63:

Arnould, Spkr.	Baker	Beaman	Beatty
Bennett	Bernau	Bisignano	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Chapman	Cphoon	Connors
Daggett	Diemer	Doderer	Dvorsky
Fogarty	Gill	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Lageschulte
McKinney	McNeal	Millage	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Wissing	Adams	
		Presiding	

The nays were, 35:

Banks	Bartz	Black	Carpenter
Corbett	De Groot	Eddie	Garman
Gipp	Groninga	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hurley
Iverson	Johnson	Kistler	Knapp

Koenigs	Krebsbach	Kremer	Lundby
Maulsby	McKean	Mertz	Metcalf
Miller	Petersen, D. F.	Renken	Royer
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 2:

Dickinson Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 571, a bill for an act relating to the advertisement and sale of wood products and making certain consumer fraud penalties applicable, was taken up for consideration.

Speaker Arnould in the chair at 3:40 p.m.

Black of Jasper in the chair at 3:50 p.m.

Baker 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. 571)

The ayes were, 79:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Blanshan	Brammer	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Gill	Gipp	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Koenigs	Kremer
Lageschulte	Lundby	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Plasier	Poncy
Renaud	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Svoboda	Teaford	Tyrrell
Weidman	Wissing	Black	
		Presiding	

The nays were, 19:

Banks	Branstad	Daggett	Garman
Groninga	Grubbs	Hahn	Jay
Knapp	Krebsbach	Maulsby	McKean
McNeal	Millage	Petersen, D. F.	Rafferty
Renken	Siegrist	Van Maanen	

Absent or not voting, 2:

Dickinson	Wise
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 589, a bill for an act relating to the administration of a voluntary shared work unemployment compensation program administered by the department of employment services, and providing an effective date, was taken up for consideration.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 589)

The ayes were, 97:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing
Black			
Presiding			

The nays were, none.

Absent or not voting, 3:

Blanshan

Dickinson

Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 567, a bill for an act relating to the requirements for a notice of right to cure concerning an obligation secured by a deed of trust or mortgage, 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. 567)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhausser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wissing	Black		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Dickinson

Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 575, a bill for an act relating to the collection and use of patient information by the health data commission, and providing penalties, was taken up for consideration.

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. 575)

The ayes were, 65:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Lageschulte	McKinney	Mertz	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Plasier
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Teaford	Wissing
Black			
Presiding			

The nays were, 31:

Banks	Bartz	Beaman	Bennett
Corbett	Daggett	De Groot	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Harbor	Hurley	Iverson	Johnson
Krebsbach	Kremer	Lundby	Maulsby
McKean	McNeal	Millage	Miller
Petersen, D. F.	Rafferty	Renken	Royer
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 4:

Dickinson	Murphy	Svoboda	Wise
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 565, a bill for an act relating to contracts for the purchase of goods or services by a city, was taken up for consideration.

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 565)

The ayes were, 92:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wissing	Black
			Presiding

The nays were, none.

Absent or not voting, 8:

Bisignano	Blanshan	Dickinson	Jochum
Knapp	Murphy	Renaud	Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILLS

House File 618, by committee on judiciary and law enforcement, a bill for an act relating to the marketable title of real estate.

Read first time and placed on the calendar.

House File 619, by committee on commerce, a bill for an act relating to the preservation of bank records.

Read first time and placed on the **calendar**.

House File 620, by committee on local government, a bill for an act relating to cooperative ownership of residential, business property, providing an applicability date, and providing an effective date.

Read first time and placed on the **calendar**.

House File 621, by committee on human resources, a bill for an act relating to state programs and institutions serving persons with mental retardation, developmental disabilities, or mental illness.

Read first time and placed on the **calendar**.

House File 622, by committee on judiciary and law enforcement, a bill for an act relating to authorizing a spouse to execute a power of attorney instrument sufficient to relinquish homestead rights and surviving spouse's statutory share in the homestead.

Read first time and placed on the **calendar**.

House File 623, by committee on transportation, a bill for an act requiring administrative rules adopted by the director of transportation to first be approved by the state transportation commission.

Read first time and placed on the **calendar**.

House File 624, by committee on transportation, a bill for an act relating to advertising devices in commercial or industrial zones or areas.

Read first time and placed on the **calendar**.

House File 625, by committee on transportation, a bill for an act relating to issuance of junking certificates and certificates of title.

Read first time and placed on the **calendar**.

House File 626, by committee on commerce, a bill for an act relating to adverse claims over deposits held by a savings and loan association.

Read first time and placed on the **calendar**.

House File 627, by committee on judiciary and law enforcement, a bill for an act relating to transfer of title by affidavit of the surviving spouse.

Read first time and placed on the **calendar**.

House File 628, by committee on human resources, a bill for an act relating to federal-state public assistance programs.

Read first time and placed on the **calendar**.

House File 629, by committee on state government, a bill for an act relating to the completion of an actuarial study of actions with respect to the retirement systems for public safety peace officers, police officers, and fire fighters within the year 1991, and providing effective and retroactive applicability dates.

Read first time and placed on the **calendar**.

House File 630, by committee on transportation, a bill for an act to establish a school bus driver education fund for school bus driver and passenger safety programs, and providing for a fee.

Read first time and placed on the **calendar**.

House File 631, by committee on state government, a bill for an act relating to the sale of alcoholic beverages in original containers for consumption off the premises and imposing a fee.

Read first time and placed on the **calendar**.

House File 632, by committee on judiciary and law enforcement, a bill for an act relating to domestic abuse and victim rights, imposing liability for governmental entities for failure to make domestic abuse arrests, establishing a victim assistance grant fund, providing for mandatory and permissive reporting of domestic abuse, requiring mandatory training for peace officers and health practitioners, increasing marriage license and dissolution of marriage court costs, increasing certain criminal penalties, and providing an effective date.

Read first time and placed on the **calendar**.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF EDUCATION

A report regarding Indoor and Outdoor Learning Environments Guidelines for Birth through 8 years; Guidelines for Class Size and Adult/Child Ratio, pursuant to Chapter 256.7(13), Code of Iowa.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nine high school students from Valley High School, West Des Moines, accompanied by Michele Frank. By Carpenter of Polk.

Eight Boy Scouts from Lisbon and Mt. Vernon, accompanied by Rich Yoder and Kevin Stensland; also Will Verhoef and his son from Holland. By Osterberg of Linn.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN

Chief Clerk of the House

- | | |
|---------|--|
| 1991-66 | The Volunteers of the Greater Quad Cities — For their contributions of time and energy to make their community a better place to live. |
| 1991-67 | Rose Marie Webster, Des Moines — For years of dedicated service in the African-American Community. |
| 1991-68 | Mt. Hebron Missionary Baptist Church, Education Department, Des Moines — For fostering enhanced educational programs, both religious and secular, in the African-American Community. |
| 1991-69 | Rhoda Bramhall Irvin, Keokuk — For decades of community service to the City of Keokuk and the County of Lee. |
| 1991-70 | Barb Franke, Cedar Falls High School — For being named Captain of the All-Tournament Team of the 1991 Girls State Five-Player Basketball Tournament. |
| 1991-71 | Coach Rich Hach and the Cedar Falls Girls Basketball Team — For being State Champions of the 1991 Girls State Five-Player Basketball Tournament. |
| 1991-72 | Jenny Sandvold, Cedar Falls High School — For being named to the All-Tournament Team of the 1991 Girls State Five-Player Basketball Tournament. |
| 1991-73 | Postville Boys Basketball Team and Coach Paul Jungblut — For participating in the 1991 Boys State Basketball Tournament. |
| 1991-74 | Postville Girls Basketball Team — For participating in the 1991 Girls State Basketball Tournament. |
| 1991-75 | Stanton High School Boys Basketball Team and Coach Don Hicks — For participating in the 1991 Boys State Basketball Tournament. |

- 1991-76 Essex Girls Basketball Team — For participating in the 1991 Girls State Basketball Tournament.
- 1991-77 Clarinda Boys Basketball Team — For participating in the 1991 Boys State Basketball Tournament.
- 1991-78 Colo-Nesco Girls Basketball Team — For being Runner-up in the 1991 Six-Player Girls State Basketball Tournament.
- 1991-79 Dennis and Helen Friest, Radcliffe — For being named Iowa's Outstanding Young Leaders by the Iowa Soybean Association.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 313

Local Government: Dvorsky, Chair; Cohoon and Gipp.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 18), relating to cost-sharing funds dedicated to support permanent soil and water conservation practices.

Fiscal Note is required.

Recommended **Do Pass** March 22, 1991.

Committee Bill (Formerly House Study Bill 49), relating to the administration of and programs administered by the department of agriculture and land stewardship and establishing certain fees.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 22, 1991.

Committee Bill (Formerly House Study Bill 140), prohibiting the commercial distribution of certain fuel which is not blended with ethanol, and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 22, 1991.

Committee Bill (Formerly House Study Bill 184), relating to grain management, by providing for the regulation of grain dealers and grain warehouse operators, providing for the indemnification of grain depositors and sellers, providing for penalties, and providing effective dates and dates of applicability.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 22, 1991.

Committee Bill (Formerly House Study Bill 226), relating to the county agricultural extension education tax by adjusting the maximum levy and increasing the maximum dollar amount of property tax revenue which may be raised, establishing state supplemental assistance for districts which are unable to raise a minimum dollar amount by the permitted property tax levy, and providing an appropriation and effective and applicability dates.

Fiscal Note is required.

Recommended Amend and Do Pass March 22, 1991.

Committee Bill (Formerly House Study Bill 232), relating to the agricultural development authority, by establishing programs to assist ruminant livestock producers, establishing a fund, and making appropriations.

Fiscal Note is required.

Recommended Do Pass March 22, 1991.

Committee Bill (Formerly House Study Bill 258), providing for the rescue and maintenance of neglected animals, providing for penalties, and providing for the repeal of a provision.

Fiscal Note is not required.

Recommended Do Pass March 22, 1991.

Committee Bill (Formerly House Study Bill 289), relating to the regulation of dairy products, and providing effective dates.

Fiscal Note is not required.

Recommended Do Pass March 22, 1991.

Committee Bill (Formerly House Study Bill 290), relating to the liability of persons establishing or maintaining practices relating to soil and water conservation.

Fiscal Note is not required.

Recommended Do Pass March 22, 1991.

Committee Bill (Formerly House Study Bill 295), relating to alcohol blended gasoline, by changing references from gasohol to ethanol blended gasoline.

Fiscal Note is not required.

Recommended Do Pass March 22, 1991.

COMMITTEE ON COMMERCE

Committee Bill (Formerly House File 481), relating to the preservation of bank records.

Fiscal Note is not required.

Recommended Amend and Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 137), relating to the regulation of pay-per-call service and advertisements and providing for the applicability of established penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 21, 1991.

Committee Bill (Formerly House Study Bill 179), relating to adverse claims over deposits held by a savings and loan association.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1991.

Committee Bill (Formerly House Study Bill 201), providing for the extension of limitation periods applied to the enforcement of certain judgments.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1991.

Committee Bill (Formerly House Study Bill 259), relating to the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the insurance division as an approved insurance regulator by the national association of insurance commissioners, imposing civil liability, authorizing administrative and criminal penalties, and providing effective dates and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 21, 1991.

Committee Bill (Formerly House Study Bill 261), relating to securities by regulating transactions involving securities and regulating persons engaged in businesses related to the issuance or trading of securities, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 271), relating to the formation and powers of a public service monopoly to implement solid waste management projects which are part of city and county comprehensive plans to establish and implement comprehensive solid waste reduction programs.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1991.

Committee Bill (Formerly House Study Bill 162), relating to expanding the entities entitled to financial assistance for implementing energy conservation measures, requiring implementation of life cycle cost analyses and providing exemptions from the implementation requirements, and requiring the appropriation of abandoned utility refunds and deposits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 21, 1991.

Committee Bill (Formerly House Study Bill 283), relating to hazardous waste and hazardous substance disposal sites.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1991.

Committee Bill (Formerly House Study Bill 284), relating to the establishment of an agricultural chemical response and reimbursement program and imposing fees.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1991.

Committee Bill (Formerly House Study Bill 291), relating to solid waste and providing for the appropriation of certain solid waste tonnage fees collected.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 21, 1991.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 72), relating to the certificate of need program and providing penalties.

Fiscal Note is not required.

• Recommended **Amend and Do Pass** March 22, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House Study Bill 61), relating to authorizing a spouse to execute a power of attorney instrument sufficient to relinquish homestead rights and inchoate surviving spouse's statutory share in the homestead.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1991.

Committee Bill (Formerly House Study Bill 198), relating to unfair or discriminatory practices in housing and real estate, providing civil remedies, and a criminal penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 21, 1991.

COMMITTEE ON LOCAL GOVERNMENT

House File 586, a bill for an act relating to rural water districts.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1991.

Committee Bill (Formerly House File 578), relating to the funding for emergency medical services education, training, and equipment, authorizing a county to impose a local option tax or combination of taxes to provide local funding, and imposes a surcharge on certain motor vehicle violations.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 22, 1991.

Committee Bill (Formerly House Study Bill 73), relating to motor vehicle registration fees.

Fiscal Note is required.

Recommended **Do Pass** March 22, 1991.

Committee Bill (Formerly House Study Bill 313), relating to the establishment of joint water utilities and their tax status.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1991.

COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TRADE

Committee Bill (Formerly House File 49), to require a business, as a condition of the receipt of state financial assistance, in the form of grants or forgivable loans, for economic development purposes to provide hospitalization coverage for its employees and a minimum wage per hour.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 1991.

COMMITTEE ON STATE GOVERNMENT

House File 352, a bill for an act to prohibit former legislators and other former governmental employees from engaging in activities designed to create, modify, defeat, or otherwise influence legislation or agency action within one year of leaving office or governmental employment.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 21, 1991.

House File 551, a bill for an act relating to professional licensing by regulating the profession of interior design, by restricting the use of the title "interior designer", and by providing limited exemptions from restricting on the practice of architecture by registered landscape architects and interior designers performing their customary statutory duties.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 22, 1991.

Committee Bill (Formerly House File 77), relating to the consumption of alcohol by persons under the age of twenty-one years.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 21, 1991.

Committee Bill (Formerly House File 157), relating to political campaigns, providing partial public financing of political campaigns, providing that the lieutenant governor is not considered a separate candidate for campaign finance purposes, appropriating funds, providing penalties, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended Amend and Do Pass March 21, 1991.

Committee Bill (Formerly House File 471), relating to public employee candidacy and leaves of absence for service in elective or appointive office, making a penalty applicable, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 97), relating to the completion of an actuarial study of actions with respect to the retirement systems for public safety peace officers, police officers, and fire fighters within the year 1991, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 187), allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act.

Fiscal Note is not required.

Recommended Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 250), relating to the health practice profession examining boards and the duties of the board of medical examiners, and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 263), relating to communication by permanent organizations with their members under the campaign finance disclosure law.

Fiscal Note is not required.

Recommended Amend and Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 264), relating to the sale of alcoholic beverages in original containers for consumption off the premises and imposing a fee.

Fiscal Note is not required.

Recommended Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 282), relating to the reassignment of duties from the division of children, youth, and families of the department of human rights to the division of child and family services within the department of human services.

Fiscal Note is not required.

Recommended Amend and Do Pass March 21, 1991.

Committee Bill (Formerly House Study Bill 292), relating to gambling and the operation of pari-mutuel racetracks and excursion gambling boats, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 21, 1991.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 193), relating to advertising devices in commercial or industrial zones or areas.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1991.

Committee Bill (Formerly House File 528), to establish a school bus driver education fund for school bus driver and passenger safety programs, and providing for a fee.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1991.

Committee Bill (Formerly House Study Bill 303), requiring administrative rules adopted by the director of transportation to first be approved by the state transportation commission.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1991.

Committee Bill (Formerly House Study Bill 305), relating to issuance of junking certificates and certificates of title.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1991.

RESOLUTION FILED

HCR 20, by committee on local government, a concurrent resolution proclaiming National County Government Week and Iowa Local Government Week.

Laid over under Rule 25.

AMENDMENTS FILED

H—3318	H.F. 587	Spear of Lee
H—3319	H.F. 534	Van Maanen of Mahaska
H—3320	H.F. 534	Van Maanen of Mahaska
H—3321	H.F. 17	Committee on
	Corrected	Judiciary and Law
	version of	Enforcement
	amendment	
	H—3271	

H-3322	H.F.	170	De Groot of Lyon
H-3323	H.F.	596	Spear of Lee
H-3324	H.F.	608	Mertz of Kossuth
H-3325	H.F.	520	Bernau of Story
H-3326	H.F.	590	McNeal of Hardin
			Hanson of Delaware
H-3327	H.F.	590	Tyrrell of Iowa
H-3328	H.F.	321	Bennett of Ida
H-3329	H.F.	583	Spenner of Henry

On motion by McKinney of Dallas, the House adjourned at 4:29 p.m., until 9:00 a.m., Tuesday, March 26, 1991.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day — Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 26, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by Reverend Paul Nordstrom, pastor of Nazareth Lutheran Church, Cedar Falls.

The Journal of Monday, March 25, 1991 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 8, by Harbor, a joint resolution proposing an amendment to the Constitution of the State of Iowa providing the right of citizens to keep and bear arms.

Read first time and referred to committee on **state government**.

House File 633, by committee on energy and environmental protection, a bill for an act relating to solid waste and providing for the appropriation of certain solid waste tonnage fees collected.

Read first time and placed on the **calendar**.

House File 634, by committee on commerce, a bill for an act relating to the regulation of the business of insurance, amending certain filing requirements, filing fees, and the deposit of those fees by the insurance division, providing for the prior review and approval of certain policy forms and rates prior to issuance or delivery, making modifications to certain meeting and license renewal requirements, providing administrative penalties, and providing for the Act's applicability.

Read first time and placed on the **calendar**.

House File 635, by committee on local government, a bill for an act relating to motor vehicle registration fees.

Read first time and placed on the **calendar**.

House File 636, by committee on agriculture, a bill for an act relating to the agricultural development authority, by establishing programs to assist ruminant livestock producers, establishing a fund, and making appropriations.

Read first time and referred to committee on **appropriations**.

House File 637, by committee on energy and environmental protection, a bill for an act relating to expanding the entities entitled to financial assistance for implementing energy conservation measures, requiring implementation of life cycle cost analyses and providing exemptions from the implementation requirements, requiring the appropriation of abandoned utility refunds and deposits, and making an annual appropriation.

Read first time and referred to committee on **appropriations**.

House File 638, by committee on human resources, a bill for an act relating to health insurance reforms by limiting small-group premium rating practices, increasing access to affordable basic benefits health insurance, and authorizing certain premium credits and tax exemptions for qualifying health insurance plans and insureds.

Read first time and referred to committee on **ways and means**.

House File 639, by committee on small business, economic development and trade, a bill for an act relating to the Iowa community cultural grants program.

Read first time and placed on the **calendar**.

House File 640, by committee on commerce, a bill for an act providing for the extension of limitation periods applied to the enforcement of certain judgments.

Read first time and placed on the **calendar**.

House File 641, by committee on energy and environmental protection, a bill for an act relating to the formation and powers of a public service monopoly to implement solid waste management projects which are part of city and county comprehensive plans to establish and implement comprehensive solid waste reduction programs.

Read first time and placed on the **calendar**.

House File 642, by committee on small business, economic development and trade, a bill for an act to require certain businesses, as a condition of the receipt of state financial assistance, in the form of grants or forgivable loans, for economic development purposes to provide basic health care coverage for their employees and an average wage per hour.

Read first time and placed on the **calendar**.

House File 643, by committee on commerce, a bill for an act relating to the regulation of pay-per-call service and advertisements and providing for the applicability of established penalties.

Read first time and placed on the **calendar**.

House File 644, by committee on state government, a bill for an act relating to communication by permanent organizations with their dues-paying members under the campaign finance disclosure law.

Read first time and placed on the **calendar**.

House File 645, by committee on energy and environmental protection, a bill for an act relating to the disposal and treatment of solid waste, including special wastes, and providing fees.

Read first time and placed on the **calendar**.

House File 646, by committee on education, a bill for an act to permit school districts to provide educational programs to persons who are beyond the age prescribed as the school age.

Read first time and placed on the **calendar**.

House File 647, by committee on education, a bill for an act relating to the special needs adjustment program for school districts.

Read first time and placed on the **calendar**.

SENATE MESSAGE CONSIDERED

Senate File 363, by committee on human resources, a bill for an act to permit advanced nurse practitioners to prescribe noncontrolled substances or devices under certain circumstances.

Read first time and referred to committee on **state government**.

CONSIDERATION OF BILLS

Regular Calendar

House File 499, a bill for an act relating to demolition insurance reserves required for property within the corporate limits of a city, was taken up for consideration.

Cohon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 499)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Jochum

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 17, a bill for an act relating to the issuance of a preliminary injunction in actions for dissolution of marriage, annulment, or separate maintenance, with report of committee recommending amendment and passage was taken up for consideration.

Beatty of Warren offered the following corrected amendment H—3321 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3321

- 1 Amend House File 17 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "court" the following: ", at the request of the
- 4 petitioner or respondent,".

The corrected committee amendment H—3321 was adopted, placing out of order amendment H—3271 filed by the committee on judiciary and law enforcement on March 19, 1991.

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 17)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 1:

McNeal

Absent or not voting, 1:

Jochum

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 201**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates, previously deferred.

Hibbard of Madison offered amendment H—3297 filed by the committee on judiciary and law enforcement. Division was requested as follows:

H—3297

1 Amend House File 201 as follows:

H—3297A

2 1. By striking page 3, line 12 through page 4,
3 line 9.

4 2. Page 4, by inserting before line 10, the
5 following:

6 "Sec. _____. Section 2.41, Code 1991, is amended to
7 read as follows:

8 2.41 LEGISLATIVE COUNCIL CREATED.

9 A continuing legislative council of twenty-four
10 members is created. The council is composed of the
11 president and president pro tempore of the senate, the
12 speaker and speaker pro tempore of the house of
13 representatives, the majority and minority floor
14 leaders of the senate, the chairperson of the senate
15 committee on appropriations, the minority party
16 ranking member of the senate committee on
17 appropriations, six members of the senate appointed by
18 the majority leader of the senate, the majority and
19 minority floor leaders of the house of
20 representatives, the chairperson of the house
21 committee on appropriations, the minority party
22 ranking member of the house committee on
23 appropriations, and six members of the house of
24 representatives appointed by the speaker of the house
25 of representatives. Of the six members appointed by
26 the majority leader of the senate and speaker of the
27 house, three from each house shall be appointed from
28 the majority party and three from each house shall be
29 appointed from the minority party. Members shall be
30 appointed prior to the fourth Monday in January first
31 Friday of the first regular session of each general
32 assembly and shall serve for two-year terms ending
33 upon the convening of the following general assembly
34 or when their successors are appointed. Vacancies on

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35 the council, including vacancies which occur when a
36 member of the council ceases to be a member of the
37 general assembly, shall be filled by the majority
38 leader of the senate and the speaker of the house
39 respectively. Insofar as possible at least two
40 members of the council from each house shall be
41 reappointed. The council shall hold regular meetings
42 at a time and place fixed by the council and shall
43 meet at any other time and place as the council deems
44 necessary."

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45 3. By striking page 5, line 30, and inserting the
46 following: "and rules ~~promulgated~~ adopted pursuant to
47 chapter 17A and provide the".

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48 4. Page 6, by inserting after line 8, the
49 following:
50 "Sec. _____. Section 13.2, subsection 2, Code 1991,

Page 2

1 is amended to read as follows:

2 2. Prosecute and defend in any other court or
3 tribunal, all actions and proceedings, civil or
4 criminal, in which the state may be a party or
5 interested, when, in the attorney general's judgment,
6 the interest of the state requires such action, or
7 when requested to do so by the governor, executive
8 council, ~~or~~ general assembly, or the supreme court."

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9 5. By striking page 14, line 10, and inserting
10 the following: "shall be known and may be cited as
11 "Iowa Code chapter (or section)".

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12 6. Page 20, by inserting after line 2 the fol-
13 lowing:
14 "Sec. _____. Section 20.4, Code 1991, is amended by
15 adding the following new subsection:
16 NEW SUBSECTION. 13. Persons employed by the
17 public employment relations board.

18 Sec. _____. Section 20.5, subsection 4, Code 1991,
19 is amended to read as follows:

20 4. The board may employ such persons as are
21 necessary for the performance of its functions, and
22 shall set their compensation. Personnel of Persons
23 employed by the board shall not be employed pursuant

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24 to the provisions of chapter 19A. The board may
25 discipline its employees for just cause only, and
26 shall adopt rules providing an employee who has been
27 subject to a disciplinary proceeding with the
28 opportunity to obtain review of the disciplinary
29 action by a disinterested third person. The review
30 shall determine whether the disciplinary action was
31 taken with just cause and may fashion an appropriate
32 remedy."

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33 7. By striking page 20, line 3 through page 23,
34 line 23.

35 8. Page 23, by inserting before line 24 the
36 following:

37 "Sec. _____. Section 21.2, subsection 1, paragraph
38 f, Code 1991, is amended to read as follows:

39 f. A nonprofit corporation other than a county or
40 district fair or agricultural society, whose
41 facilities or indebtedness are supported in whole or
42 in part with property tax revenue and which is
43 licensed to conduct pari-mutuel wagering pursuant to
44 chapter 99D or a nonprofit corporation which is a
45 successor to the nonprofit corporation which built the
46 facility.

47 Sec. _____. Section 22.1, unnumbered paragraphs 1
48 and 2, Code 1991, are amended to read as follows:

49 As used in this chapter, "public records" includes
50 all records, documents, tape, or other information,

Page 3

1 stored or preserved in any medium, of or belonging to
2 this state or any county, city, township, school
3 corporation, political subdivision, nonprofit
4 corporation other than a county or district fair or
5 agricultural society whose facilities or indebtedness
6 are supported in whole or in part with property tax
7 revenue and which is licensed to conduct pari-mutuel
8 wagering pursuant to chapter 99D, or tax-supported
9 district in this state, or any branch, department,
10 board, bureau, commission, council, or committee of
11 any of the foregoing.

12 The term "government body" means this state, or any
13 county, city, township, school corporation, political
14 subdivision, tax supported district, nonprofit
15 corporation other than a county or district fair or
16 agricultural society whose facilities or indebtedness
17 are supported in whole or in part with property tax
18 revenue and which is licensed to conduct pari-mutuel

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19 wagering pursuant to chapter 99D, or other entity of
20 this state, or any branch, department, board, bureau,
21 commission, council, committee, official or officer,
22 of any of the foregoing or any employee delegated the
23 responsibility for implementing the requirements of
24 this chapter."

25 9. Page 23, by inserting before line 24 the
26 following:

27 "Sec. _____. Section 22.7, subsection 27, Code 1991,
28 is amended to read as follows:

29 27. Applications, investigation reports, and case
30 records of persons applying for county general relief
31 assistance pursuant to section 252.25."

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32 10. Page 23, by inserting before line 24 the
33 following:

34 "Sec. _____. Section 68B.2, subsection 11, Code
35 1991, is amended to read as follows:

36 11. "Official" means an officer of the state of
37 Iowa receiving a salary or per diem whether elected or
38 appointed or whether serving full-time or part-time.

39 "Official" includes but is not limited to supervisory
40 personnel and members of state agencies and does not
41 include members of the general assembly or legislative
42 employees. "Official" includes but is not limited to
43 a member of a board or commission of the state,
44 whether the member serves full-time or part-time or
45 whether the member receives a salary or per diem.

46 Sec. _____. Section 68B.10, subsection 1, Code 1991,
47 is amended to read as follows:

48 1. Prepare a code of ethics within thirty days
49 after the commencement of the first regular session of
50 each general assembly.

Page 4

1 Sec. _____. Section 68B.10, subsection 5, unnumbered
2 paragraph 3, Code 1991, is amended to read as follows:

3 The code of ethics and rules relating to lobbyists
4 and lobbying activities shall not become effective
5 until approved by the members of the house to which
6 the proposed code and rules apply. The code or rules
7 may be amended either upon the recommendation of the
8 ethics committee or by members of the general
9 assembly, but in either case, the amendment to the
10 code or rules must be approved by a majority of the
11 members of the house to which the code or rule
12 amendment applies."

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13 11. Page 23, by inserting before line 24 the
14 following:

15 "Sec. _____. Section 85.61, subsection 13, paragraph
16 c, Code 1991, is amended to read as follows:

17 c. An owner-operator who, as an individual or
18 partner, or shareholder of a corporate owner-operator,
19 owns a vehicle licensed and registered as a truck,
20 road tractor, or truck tractor by a governmental
21 agency, is an independent contractor while performing
22 services in the operation of the owner-operator's
23 vehicle if all of the following conditions are
24 substantially present:

25 (1) The owner-operator is responsible for the
26 maintenance of the vehicle.

27 (2) The owner-operator bears the principal burden
28 of the vehicle's operating costs, including fuel,
29 repairs, supplies, collision insurance, and personal
30 expenses for the operator while on the road.

31 (3) The owner-operator is responsible for
32 supplying the necessary personnel to operate the
33 vehicle, and the personnel are considered the owner-
34 operator's employees.

35 (4) The owner-operator's compensation is based on
36 factors related to the work performed, including a
37 percentage of any schedule of rates or lawfully
38 published tariff, and not on the basis of the hours or
39 time expended.

40 (5) The owner-operator determines the details and
41 means of performing the services, in conformance with
42 regulatory requirements, operating procedures of the
43 carrier, and specifications of the shipper.

44 (6) The owner-operator enters into a contract
45 which specifies the relationship to be that of an
46 independent contractor and not that of an employee and
47 requires the owner-operator to provide and maintain a
48 certificate of workers' compensation insurance with
49 the carrier.

50 Sec. _____. Section 87.1, Code 1991, is amended to

Page 5

1 read as follows:

2 87.1 INSURANCE OF LIABILITY REQUIRED.

3 Every employer subject to the provisions of this
4 and chapters 85 and 86, unless relieved therefrom as
5 hereinafter provided, shall insure the employer's
6 liability thereunder in some corporation, association,
7 or organization approved by the commissioner of
8 insurance.

9 A motor carrier who contracts with an owner-
10 operator who is acting as an independent contractor

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11 pursuant to section 85.61, subsection 13, shall not be
12 required to insure the motor carrier's liability for
13 the owner-operator. A motor carrier may procure
14 compensation liability insurance coverage for these
15 owner-operators, and may charge the owner-operator for
16 the costs of the premiums. However, an owner-operator
17 shall remain responsible for providing compensation
18 liability insurance for the owner-operator's
19 employees.

20 Every such employer shall exhibit, on demand of the
21 industrial commissioner, evidence of the employer's
22 compliance with this section; and if such employer
23 refuses, or neglects to comply with this section, the
24 employer shall be liable in case of injury to any
25 worker in the employer's employ under the common law
26 as modified by statute.

27 Sec. _____. NEW SECTION. 87.23 COMPENSATION
28 LIABILITY INSURANCE NOT REQUIRED.

29 A corporation, association, or organization
30 approved by the commissioner of insurance to provide
31 compensation liability insurance shall not require a
32 motor carrier that contracts with an owner-operator
33 who is acting as an independent contractor pursuant to
34 section 85.61, subsection 13, to purchase compensation
35 liability insurance for the employer's liability for
36 the owner-operator or its employees."

37 12. Page 24, lines 1 through 3, by striking the
38 words "However, per diem and expenses shall not be
39 paid pursuant to this section when the general
40 assembly is actually in session at the seat of
41 government."

42 13. Page 24, line 5, by inserting after the
43 figure "2.12." the following: "However, per diem and
44 expenses shall not be paid pursuant to this section
45 when the general assembly is actually in session at
46 the seat of government."

47 14. By striking page 24, line 17, through page
48 25, line 4.

49 15. Page 25, by inserting before line 5 the
50 following:

Page 6

1 "Sec. _____. Section 110.24, subsection 16, Code
2 1991, is amended to read as follows:

3 16. Upon payment of the fee of thirty dollars for
4 a lifetime hunting and fishing combined license, the
5 department shall issue a hunting and fishing combined
6 license to a veteran who was disabled in combat during
7 the periods of a veteran's service listed in this
8 subsection or who was a prisoner of war during that

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9 veteran's military service. The department shall
10 prepare an application to be used by a person
11 requesting a hunting and fishing combined license
12 under this subsection. The veterans affairs division
13 of the department of public defense shall assist the
14 department in verifying the status or claims of
15 applicants under this subsection. As used in this
16 subsection, "veteran" means a person who is a resident
17 of Iowa and who served in the armed forces of the
18 United States of America at any time during World War
19 I between the dates of April 6, 1917, and July 2,
20 1921, World War II between the dates of December 7,
21 1941, and December 31, 1946, the Korean conflict
22 between the dates of June 27, 1950, and January 31,
23 1955, or the Vietnam conflict between August 5, 1964,
24 and May 7, 1975, all dates inclusive, and "disabled"
25 means entitled to compensation under the United States
26 Code, title 38, chapter 11."

27 16. Page 25, by striking lines 17 through 25.

28 17. Page 25, by inserting before line 26 the
29 following:

30 "Sec. _____. Section 149.3, subsection 3, Code 1991,
31 is amended to read as follows:

32 3. Pass an examination in the subjects of anatomy,
33 chemistry, dermatology, diagnosis, pharmacy and
34 materia medica, pathology, physiology, histology,
35 bacteriology, neurology, practical and clinical
36 podiatry, foot orthopedics, and others, as prescribed
37 by the board of podiatry examiners, and must obtain a
38 general average of at least seventy-five percent and
39 not less than seventy percent in any one subject."

40 18. By striking page 27, line 29 through page 28,
41 line 9.

42 19. Page 28, by inserting before line 10, the
43 following:

44 "Sec. _____. Section 232.162, Code 1991, is amended
45 to read as follows:

46 232.162 AUTHORITY TO ENTER AGREEMENTS.

47 The officers and agencies of this state and its
48 subdivisions having authority to place children are
49 hereby empowered to may enter into agreements with
50 appropriate officers or agencies of or in other party

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1 states pursuant to paragraph "b" of article V of the
2 interstate compact on the placement of children. Any
3 such agreement which contains a financial commitment
4 or imposes a financial obligation on this state or a
5 subdivision or agency thereof of this state shall not
6 be binding unless it has the approval in writing of

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7 the administrator of family and children's child and
8 family services in the case of the state and the
9 county general relief assistance director in the case
10 of a subdivision of the state."

11 20. By striking page 28, line 28 through page 36,
12 line 5.

13 21. Page 36, by inserting before line 6, the
14 following:

15 "Sec. _____. Section 252.6, Code 1991, is amended to
16 read as follows:

17 252.6 ENFORCEMENT OF LIABILITY.

18 Upon the failure of such relatives ~~so~~ to relieve
19 assist or maintain a poor person who has made
20 application for relief assistance, the county board of
21 supervisors, county social welfare board, or state
22 division of child and family services of the
23 department of human services may apply to the district
24 court of the county where ~~such~~ the poor person resides
25 or may be found, for an order to compel the same
26 assistance or maintenance.

27 Sec. _____. Section 252.8, Code 1991, is amended to
28 read as follows:

29 252.8 SCOPE OF ORDER.

30 The order may be for the entire or partial support
31 of the applicant, may be for the payment of money or
32 the taking of the applicant to a relative's house, or
33 may assign the applicant for a certain time to one and
34 for another period to another, as ~~may be~~ is just and
35 right, taking into view the means of the several
36 relatives liable, but no such assignment shall be made
37 to one who is willing to pay the amount necessary for
38 support. If the order ~~be is~~ is for relief assistance in
39 any other form than money, it shall state the extent
40 and value thereof of the assistance per week, and the
41 time ~~such relief assistance~~ shall continue; or the
42 order may make the time of continuance indefinite, and
43 it may be varied from time to time by a new order, as
44 circumstances may require, upon application to the
45 court by the trustees, the poor person, or the
46 relative affected, ten days' notice thereof being
47 given to the party or parties concerned.

48 Sec. _____. Section 252.13, Code 1991, is amended to
49 read as follows:

50 252.13 RECOVERY BY COUNTY.

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1 Any county having expended any money for the relief
2 assistance or support of a poor person, under the
3 provisions of this chapter, may recover the same money
4 from any of that person's kindred mentioned herein;

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5 the following: from such the poor person should if
6 the person become becomes able, or from the person's
7 estate; from relatives by action brought within two
8 years from the payment of such expenses the assistance
9 or support, from such the poor person by action
10 brought within two years after becoming the person
11 becomes able, and from such the person's estate by
12 filing the claim as provided by law. There shall be
13 allowed against the person's estate a claim of the
14 sixth class for that portion of the liability to the
15 county which exceeds the total amount of all claims of
16 the first through the fifth classes, inclusive, as
17 defined in section 633.425, which are allowed against
18 that estate.

19 Sec. _____. Section 252.22, unnumbered paragraph 1,
20 Code 1991, is amended to read as follows:

21 When relief assistance is granted to a poor person
22 having a settlement in another county, the auditor
23 shall at once by mail notify the auditor of the county
24 of settlement of that fact, and, within fifteen days
25 after receipt of the notice, the auditor shall inform
26 the auditor of the county granting relief assistance
27 if the claim of settlement is disputed. If it is not,
28 the poor person, at the request of the auditor or
29 board of supervisors of the county of settlement, may
30 be maintained where the person then is at the expense
31 of the county of legal settlement, and without
32 affecting legal settlement as provided in section
33 252.16.

34 Sec. _____. Section 252.23, Code 1991, is amended to
35 read as follows:

36 252.23 TRIAL.

37 If the alleged settlement is disputed, then, within
38 thirty days after notice thereof as above provided in
39 section 252.22, a copy of the notices sent and
40 received shall be filed in the office of the clerk of
41 the district court of the county against which claim
42 is made, and a cause docketed without other pleadings,
43 and tried as an ordinary action, in which the county
44 affording granting the relief assistance shall be
45 plaintiff, and the other defendant, and the burden of
46 proof shall be upon the county granting the relief
47 assistance.

48 Sec. _____. Section 252.24, Code 1991, is amended to
49 read as follows:

50 252.24 COUNTY OF SETTLEMENT LIABLE.

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1 The county where the settlement is shall be liable
2 to the county rendering relief granting assistance for

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3 all reasonable charges and expenses incurred in the
4 relief assistance and care of a poor person.

5 When relief as herein provided assistance is
6 furnished by any governmental agency of the county,
7 township, or city, such relief the assistance shall be
8 deemed to have been furnished by the county in which
9 such the agency is located and the agency furnishing
10 such relief the assistance shall certify the
11 correctness of the costs of such relief the assistance
12 to the board of supervisors of said that county and
13 said that county shall collect from the county of such
14 the person's settlement. The amounts herein collected
15 by said the county where the agency is located shall
16 be paid to the agency furnishing such relief the
17 assistance. This statute as herein amended shall
18 apply applies to services and supplies furnished as
19 provided in section 139.30.

20 Sec. _____. Section 252.25, Code 1991, is amended to
21 read as follows:

22 252.25 COUNTY GENERAL RELIEF ASSISTANCE.

23 The board of supervisors of each county shall
24 provide for the relief assistance of poor persons in
25 its county who are ineligible for, or are in immediate
26 need and are awaiting approval and receipt of,
27 assistance under programs provided by state or federal
28 law, or whose actual needs cannot be fully met by the
29 assistance furnished under such those programs. The
30 county board shall establish general rules as its
31 members deem necessary to properly discharge their
32 responsibility under this section.

33 All applications, investigation reports, and case
34 records of persons applying for county general relief
35 assistance under this chapter are privileged
36 communications and confidential, subject to use and
37 inspection only by persons authorized by law in
38 connection with their official duties relating to
39 financial audits and administration of this chapter or
40 as authorized by order of a district court.
41 Examination of an individual's applications, reports,
42 and records may also be authorized by a signed release,
43 from the individual.

44 Sec. _____. Section 252.26, Code 1991, is amended to
45 read as follows:

46 252.26 GENERAL RELIEF ASSISTANCE DIRECTOR.

47 The board of supervisors in each county shall
48 appoint or designate a general relief assistance
49 director for the county, who shall have the powers and
50 duties conferred by this chapter. In counties of one

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1 hundred thousand or less population, the county board
2 may designate as general relief assistance director an
3 employee of the state department of human services who
4 is assigned to work in that county and is directed by
5 the director of human services, pursuant to an
6 agreement with the county board, to exercise the
7 functions and duties of general relief assistance
8 director in that county. The director shall receive
9 as compensation an amount to be determined by the
10 county board.

11 Sec. _____. Section 252.27, Code 1991, is amended to
12 read as follows:

13 252.27 FORM OF RELIEF ASSISTANCE - CONDITION.

14 The board of supervisors shall determine the form
15 of the relief assistance. However, legal aid shall be
16 only in civil matters and provided only through a
17 legal aid program approved by the board of
18 supervisors. The amount of assistance issued shall be
19 determined by standards of assistance established by
20 the board of supervisors. They may require any able-
21 bodied person to work on public programs or projects
22 at the prevailing local rate per hour in payment for
23 and as a condition of granting relief assistance. The
24 labor shall be performed under the direction of the
25 officers having charge of such the public programs or
26 projects. Subject to the provisions of section 142.1,
27 relief assistance may consist of the burial of
28 nonresident indigent transients and the payment of the
29 reasonable cost of burial, not to exceed two hundred
30 fifty dollars.

31 The board shall record its proceedings relating to
32 the provision of relief assistance to specific persons
33 under this chapter. A person who is aggrieved by a
34 decision of the board may appeal the decision as if it
35 were a contested case before an agency and as if the
36 person had exhausted administrative remedies in
37 accordance with the procedures and standards in
38 section 17A.19, subsections 2 to 8 except paragraphs
39 "b" and "c" of subsection 8, and section 17A.20.

40 Sec. _____. Section 252.33, Code 1991, is amended to
41 read as follows:

42 252.33 APPLICATION FOR RELIEF ASSISTANCE.

43 The poor A person may make application for relief
44 assistance to a member of the board of supervisors, or
45 to the general relief assistance director of the
46 county where they may be the person is. If
47 application be is made to the general relief
48 assistance director and that officer is satisfied that
49 the applicant is in such a state of want as which
50 requires relief assistance at the public expense, the

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1 director may afford such temporary relief assistance,
2 subject to the approval of the board of supervisors,
3 as the necessities of the person require and shall
4 immediately report the case forthwith to the board of
5 supervisors, who may continue or deny relief
6 assistance, as they find cause.

7 Sec. _____. Section 252.35, Code 1991, is amended to
8 read as follows:

9 252.35 PAYMENT OF CLAIMS.

10 All claims and bills for the care and support of
11 the poor shall be certified to be correct by the
12 general relief assistance director and presented to
13 the board of supervisors, and, if the board is
14 satisfied that the claims and bills are reasonable and
15 proper, they shall be paid.

16 Sec. _____. Section 252.37, Code 1991, is amended to
17 read as follows:

18 252.37 APPEAL TO SUPERVISORS.

19 If any a poor person, on application to the general
20 relief assistance director, be is refused the required
21 relief assistance, the applicant may appeal to the
22 board of supervisors, who, upon examination into the
23 matter, may order the director to afford relief
24 provide assistance, or it may direct specific relief
25 assistance.

26 Sec. _____. Section 252.42, Code 1991, is amended to
27 read as follows:

28 252.42 CO-OPERATION ON WORK-RELIEF WORK-ASSISTANCE
29 PROJECTS.

30 The county board of supervisors may join and co-
31 operate with the United States government, or cities a
32 city within their the city's boundaries, or both the
33 United States government and cities a city within
34 their the city's boundaries, in sponsoring work
35 projects, provided that the money used does not exceed
36 the cost per month of supplying relief assistance to
37 the certified persons working on projects who would be
38 receiving direct relief assistance if they were not
39 employed on the projects.

40 Sec. _____. Section 255.2, Code 1991, is amended to
41 read as follows:

42 255.2 DUTY OF PUBLIC OFFICERS AND OTHERS.

43 It shall be the duty of physicians Physicians,
44 public health nurses, members of boards of
45 supervisors, general relief assistance directors,
46 sheriffs, police officers, and public school teachers,
47 having knowledge of persons suffering from any such
48 malady or deformity, to shall file or cause such a
49 complaint to be filed.

50 Sec. _____. Section 255.6, Code 1991, is amended to

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1 read as follows:

2 255.6 INVESTIGATION AND REPORT.

3 When such a complaint is filed, the clerk of
4 juvenile court shall furnish the county attorney and
5 board of supervisors with a copy thereof and said the
6 board shall, by the general relief assistance director
7 or such other agent as it may select selects, make a
8 thorough investigation of facts as to the legal
9 residence of the patient, and the ability of the
10 patient or others chargeable with the patient's
11 support to pay the expense of such treatment and care;
12 and shall file a report of such the investigation in
13 the office of the clerk, at or before the time of
14 hearing.

15 Sec. _____. Section 255.8, unnumbered paragraph 1,
16 Code 1991, is amended to read as follows:

17 The county attorney and the general relief
18 assistance director, or other agent of the board of
19 supervisors of the county where the hearing is held,
20 shall appear thereat at the hearing. The complainant,
21 the county attorney, the general relief assistance
22 director or other agent of the board of supervisors,
23 and the patient, or any person representing the
24 patient, may introduce evidence and be heard. If the
25 court finds that said the patient is a legal resident
26 of Iowa and is pregnant or is suffering from a malady
27 or deformity which can probably be improved or cured
28 or advantageously treated by medical or surgical
29 treatment or hospital care, and that neither the
30 patient nor any person legally chargeable with the
31 patient's support is able to pay the expenses thereof,
32 then the clerk of court, except in obstetrical cases
33 and orthopedic cases of crippled children, shall
34 immediately ascertain from the admitting physician at
35 the university hospital whether such the person can be
36 received as a patient within a period of thirty days,
37 and if the patient can be so received, the court, or
38 in the event of no actual contest, the clerk of the
39 court, shall then enter an order directing that said
40 the patient be sent to the university hospital for
41 proper medical and surgical treatment and hospital
42 care. If the court ascertain ascertains, excepting
43 except in obstetrical cases and orthopedic cases, that
44 a person of the age or sex of the patient, or
45 afflicted by the complaint, disease, or deformity with
46 which such the person is affected afflicted, cannot be
47 received as a patient at the university hospital
48 within the period of thirty days, then the court or
49 the clerk shall enter an order directing the board of
50 supervisors of the county to provide adequate

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1 treatment at county expense for the patient at home or
2 in a hospital. Obstetrical cases and orthopedic cases
3 may be committed to the university hospital without
4 regard to the limiting period of thirty days."

5 22. Page 36, by inserting after line 32, the
6 following:

7 "Sec. _____. Section 279.51, subsection 1, paragraph
8 d, Code 1991, is amended to read as follows:

9 d. For the fiscal year beginning July 1, 1990,
10 three million dollars, and for each fiscal year
11 thereafter, four million dollars of the funds
12 appropriated shall be allocated as grants to school
13 districts that have elementary schools that
14 demonstrate the greatest need for programs for at-risk
15 students with preference given to innovative programs
16 for the early elementary school years. The grant
17 allocations made in this paragraph may be renewed for
18 additional periods of time. Of the amount allocated
19 under this paragraph for each fiscal year, seventy-
20 five thousand dollars shall be allocated to school
21 districts which have an actual student population of
22 ten thousand or less and have an actual non-English
23 speaking student population which represents greater
24 than five percent of the total actual student
25 population for grants to elementary schools in those
26 districts."

27 23. By striking page 39, line 10 through page 41,
28 line 35.

29 24. Page 42, by inserting before line 1, the
30 following:

31 "Sec. _____. Section 321J.4A, subsection 3, Code
32 1991, is amended to read as follows:

33 3. If the court issues an impoundment order, the
34 registration certificate and registration plates shall
35 be surrendered to the court either three days after
36 the order is issued or on the date specified by the
37 court, whichever is later. If the registration plates
38 have been surrendered to the department pursuant to
39 section 321A.17, the defendant shall notify the court.
40 The court shall forward the notice and impoundment
41 order to the county treasurer. The court shall
42 forward surrendered registration certificates to the
43 county recorder treasurer within seven days after
44 surrender. The court may destroy the surrendered
45 registration plates. Except as provided in subsection
46 5, new registration plates shall not be issued to the
47 defendant or owner until the driver's license of the
48 violator has been reissued or reinstated. The court
49 shall notify the director within ten days after
50 issuing an impoundment order.

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1 Sec. _____. Section 321J.4A, subsection 4, paragraph
2 a, subparagraph (2), Code 1991, is amended to read as
3 follows:

4 (2) The defendant or owner has a temporary
5 restricted license issued pursuant to section 321J.20
6 321J.4, subsection 8.

7 Sec. _____. Section 321J.4A, subsection 4, paragraph
8 a, unnumbered paragraph 2, Code 1991, is amended to
9 read as follows:

10 The director may issue the special plates on
11 payment of a fifty twenty-five dollar fee for each
12 vehicle for which special plates are requested.

13 Sec. _____. Section 321J.4A, subsection 5, Code
14 1991, is amended to read as follows:

15 5. A registered owner shall not sell a motor
16 vehicle during the time its registration plates and
17 registration certificate have been ordered surrendered
18 or during the time its registration plates bear a
19 special series number, unless the registered owner
20 applies to the department for consent to transfer
21 title to the motor vehicle. If the department is
22 satisfied that the proposed sale is in good faith and
23 for valid consideration, that the registered owner
24 will be deprived of custody and control of the motor
25 vehicle, and that the sale is not for the purpose of
26 circumventing the provisions of this section, the
27 department may certify its consent to the county
28 recorder treasurer. The county recorder treasurer
29 shall then transfer the registration certificate title
30 to the new owner upon proper application and issue new
31 registration plates. After the registration plates
32 and registration certificate have been ordered
33 surrendered to the court under this section, if the
34 title to the motor vehicle is transferred by the
35 cancellation of a conditional sales contract, a sale
36 upon execution, or by decree or order of a court of
37 competent jurisdiction, the department shall order the
38 registration certificate title surrendered to the new
39 registered owner. The county recorder treasurer shall
40 then transfer the registration certificate title and
41 issue new registration plates to the new registered
42 owner.

43 Sec. _____. Section 321J.4A, Code 1991, is amended
44 by adding the following new subsection:

45 NEW SUBSECTION. 5A. A motor vehicle leased to a
46 defendant may be registered or sold upon approval by
47 the department where there is evidence showing that
48 the defendant will be deprived of custody and control
49 of the motor vehicle."

50 25. Page 42, by inserting before line 1, the

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1 following:

2 "Sec. _____. Section 321J.17, Code 1991, is amended
3 to read as follows:

4 321J.17 CIVIL PENALTY - SEPARATE FUND -
5 REINSTATEMENT.

6 When the department revokes a person's motor
7 vehicle license or nonresident operating privilege
8 under this chapter, the department shall assess the
9 person a civil penalty of one hundred dollars. The
10 money collected by the department under this section
11 shall be transmitted to the treasurer of state who
12 shall deposit the money in a the separate fund
13 dedicated to and used for the purposes of chapter 912
14 and section 709.10, and for the operation of a missing
15 person clearinghouse and domestic abuse registry by
16 the department of public safety. Notwithstanding
17 section 8.33, any balance in the fund on June 30 of
18 any fiscal year shall not revert to the general fund
19 of the state established in section 912.14. A
20 temporary restricted license shall not be issued or a
21 motor vehicle license or nonresident operating
22 privilege reinstated until the civil penalty has been
23 paid."

24 26. Page 42, by inserting before line 1, the
25 following:

26 "Sec. _____. Section 331.321, subsection 1,
27 paragraph i, Code 1991, is amended to read as follows:

28 i. A general relief assistance director in
29 accordance with section 252.26.

30 Sec. _____. Section 331.323, subsection 1, paragraph
31 f, Code 1991, is amended to read as follows:

32 f. General relief assistance director

33 Sec. _____. Section 331.381, subsection 8, Code
34 1991, is amended to read as follows:

35 8. Administer general relief assistance for the
36 poor in accordance with chapter 252.

37 Sec. _____. Section 347.16, subsection 2, Code 1991,
38 is amended to read as follows:

39 2. Free care and treatment shall be furnished in a
40 county public hospital to any sick or injured person
41 who fulfills the residency requirements under section
42 47.4, subsection 4, in the county maintaining the
43 hospital, and who is indigent. The board of hospital
44 trustees shall determine whether a person is indigent
45 and entitled to free care under this subsection, or
46 may delegate that determination to the general relief
47 assistance director or the office of the department of
48 human services in that county, subject to such
49 guidelines as the board may adopt in conformity with
50 applicable statutes."

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1 27. Page 42, by inserting after line 8, the
2 following:
3 "Sec. _____. Section 409A.4, subsection 1,
4 unnumbered paragraph 1, Code 1991, is amended to read
5 as follows:

6 The grantor of land which has been is divided using
7 a metes and bounds description shall have a plat of
8 survey made of the division, except as provided for in
9 subsection 3. The grantor or the surveyor shall
10 contact the county auditor who, for the purpose of
11 assessment and taxation, shall review the division to
12 determine whether the survey shall include only the
13 parcel being conveyed or both the parcel being
14 conveyed and the remaining parcel. The plat of survey
15 shall be prepared in compliance with chapter 114A and
16 shall be recorded. The plat shall be clearly marked
17 by the surveyor as a plat of survey and shall include
18 the following information for each parcel included in
19 the survey:"

20 28. Page 42, by inserting after line 28, the
21 following:

22 "Sec. _____. Section 455D.19, subsection 6,
23 paragraph a, Code 1991, is amended to read as follows:

24 a. Packaging or packaging components with a code
25 indicating a date of manufacture prior to July 1, 1990
26 1992, or packaging or packaging components which have
27 been delivered to a distributor or manufacturer prior
28 to July 1, 1992."

29 29. Page 42, by inserting after line 28, the
30 following:

31 "Sec. _____. Section 476.44, subsection 2, Code
32 1991, is amended to read as follows:

33 2. An electric utility shall not be required to
34 purchase, at any one time, more than fifteen megawatts
35 of power from alternate energy production and small
36 hydro facilities."

37 30. Page 44, by inserting after line 18 the
38 following:

39 "Sec. _____. Section 663A.5, Code 1991, is amended
40 to read as follows:

41 663A.5 PAYMENT OF COSTS.

42 1. If the applicant is unable to pay court costs
43 and expenses of legal representation, including
44 stenographic, printing, and or other legal services or
45 consultation, these costs and expenses shall be made
46 available to the applicant in the preparation of the
47 application, in the trial court, and on review.
48 However, nothing in this section shall be interpreted
49 to require payment of expenses of legal
50 representation, including stenographic, printing, or

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1 other legal services or consultation, when the
2 applicant is self-represented or is utilizing the
3 services of an inmate.

4 2. If an applicant confined in a state institution
5 seeks relief under section 663A.2, subsection 6, and
6 the court finds in favor of the applicant, or the
7 postconviction proceedings fail and, the costs and
8 expenses referred to in unnumbered paragraph
9 subsection 1 cannot be collected from the applicant,
10 shall be assessed to the applicant pursuant to
11 sections 910.2 and 910.3. In all cases these costs
12 and expenses initially shall be paid by the county in
13 which the state institution is located application was
14 filed. The facts of payment and the proceedings on
15 which it is based, with a statement of the amount of
16 costs and expenses incurred, shall be submitted to the
17 county in a timely manner with approval in writing by
18 the presiding or district judge appended to the
19 statement or endorsed on it, and shall be certified by
20 the clerk of the district court under seal to the
21 state executive council. The executive council shall
22 review the proceedings and authorize reimbursement for
23 the costs and expenses or for that part which the
24 executive council finds justified, and shall notify
25 the director of revenue and finance to draw a warrant
26 to the county treasurer on the state general fund for
27 the amount authorized."

28 31. By striking page 44, line 27 through page 45,
29 line 33.

30 32. Page 45, by inserting before line 34, the
31 following:

32 "Sec. _____. Section 709.10, Code 1991, is amended
33 to read as follows:

34 709.10 COST OF MEDICAL EXAMINATION IN CRIMES OF
35 SEXUAL ABUSE.

36 The cost of a medical examination for the purpose
37 of gathering evidence and the cost of treatment for
38 the purpose of preventing venereal disease shall be
39 borne by the department of justice paid from the fund
40 established in section 912.14."

41 33. Page 45, by inserting before line 34 the
42 following:

43 "Sec. _____. Section 724.15, subsection 2, paragraph
44 d, Code 1991, is amended to read as follows:

45 d. The person is at least twenty-one years of age
46 and has obtained a valid permit to carry weapons, as
47 provided in section 724.11."

48 34. Page 45, by inserting before line 34 the
49 following:

50 "Sec. _____. Section 809.17, Code 1991, is amended

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1 to read as follows:

2 809.17 PROCEEDS APPLIED TO VARIOUS PROGRAMS.

3 Except as provided in section 809.21, proceeds from
4 the disposal of seized or forfeited property pursuant
5 to this chapter may be transferred in whole or in part
6 to the victim reparation compensation fund created
7 pursuant to chapter 912 in section 912.14 at the
8 discretion of the recipient agency, political
9 subdivision, or department.

10 Sec. _____. Section 911.3, Code 1991, as amended by
11 1991 Iowa Acts, House File 173, section 817, is
12 amended to read as follows:

13 911.3 DISPOSITION OF SURCHARGE.

14 When a court assesses a surcharge under section
15 911.2, the clerk of the district court shall transmit
16 twenty percent of the surcharge collected to the
17 treasurer of state to be deposited pursuant to in the
18 fund established in section 321J.17 912.14. Ninety
19 percent of the remainder of the surcharge collected
20 shall be transmitted to the treasurer of state by the
21 fifteenth day of the following month. The treasurer
22 of state shall deposit that money in the general fund
23 of the state. The clerk of the district court shall
24 transmit ten percent of the remainder of the surcharge
25 to the county treasurer or shall remit ten percent of
26 the remainder of the surcharge to the city that was
27 the plaintiff in any action for deposit in the general
28 fund of the city.

29 Sec. _____. NEW SECTION. 912.14 VICTIM
30 COMPENSATION FUND.

31 A victim compensation fund is established as a
32 separate fund in the state treasury. Moneys deposited
33 in the fund shall be administered by the department
34 and dedicated to and used for the purposes of section
35 709.10 and this chapter. Notwithstanding section
36 8.33, any balance in the fund on June 30 of any fiscal
37 year shall not revert to the general fund of the
38 state."

39 35. By renumbering, relettering, or redesignating
40 and correcting internal references as necessary.

On motion by Hibbard of Madison, the committee amendment
H-3297A was adopted.

Connors of Polk in the chair at 10:04 a.m.

On motion by Hibbard of Madison, the committee amendment
H-3297B lost.

On motion by Hibbard of Madison, the committee amendment H—3297C lost.

Hibbard of Madison moved the adoption of the committee amendment H—3297D.

A non-record roll call was requested.

The ayes were 48, nays 33.

The committee amendment H—3297D was adopted.

Hibbard of Madison moved the adoption of the committee amendment H—3297E.

Roll call was requested by Hansen of Woodbury and Knapp of Dubuque.

On the question "Shall the committee amendment H—3297E be adopted?" (H.F. 201)

The ayes were, 50:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Burke	Chapman
Cohoon	Dickinson	Dvorsky	Fogarty
Gill	Gipp	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
McNeal	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Sherzan	Teaford	Wise
Wissing	Connors		
	Presiding		

The nays were, 47:

Banks	Bartz	Beaman	Bennett
Branstad	Brown	Carpenter	Corbett
Daggett	De Groot	Diemer	Doderer
Eddie	Garman	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spear	Spenner
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 3:

Shearer

Shoultz

Svoboda

The committee amendment H—3297E 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?" (H.F. 201)

The ayes were, 72:

Adams	Arnould, Spkr.	Baker	Beaman
Beatty	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Burke	Chapman	Cohoon	Corbett
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Gill	Gipp	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Jay	Jesse	Jochum
Knapp	Koenigs	Lageschulte	Lundby
McKean	McKinney	McNeal	Mertz
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Svoboda
Teaford	Wise	Wissing	Connors
			Presiding

The nays were, 26:

Banks	Bartz	Bennett	Branstad
Carpenter	Daggett	De Groot	Garman
Grubbs	Hahn	Halvorson, R. N.	Iverson
Johnson	Kistler	Krebsbach	Kremer
Maulsby	Metcalf	Miller	Petersen, D. F.
Plasier	Renken	Royer	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 2:

Fogarty

Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 335, a bill for an act relating to a parent's right of action for the death of a child, with report of committee recommending amendment and passage was taken up for consideration.

Millage of Scott offered the following amendment H—3293 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3293

- 1 Amend House File 335 as follows:
- 2 1. Page 1, by striking lines 18 through 23.

The committee amendment H—3293 was adopted, placing out of order amendment H—3202 filed by Millage of Scott on March 14, 1991.

Millage 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. 335)

The ayes were, 70:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Beatty	Bernau	Bisignano
Blanshan	Brammer	Brand	Branstad
Brown	Burke	Chapman	Cohoon
Corbett	Daggett	Dickinson	Doderer
Dvorsky	Eddie	Gill	Gipp
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Haverland	Hibbard
Holveck	Hurley	Jay	Jesse
Jochum	Kistler	Kremer	Lageschulte
McKean	McKinney	McNeal	Mertz
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Svoboda
Teaford	Van Maanen	Weidman	Wise
Wissing	Connors		
	Presiding		

The nays were, 29:

Banks	Bennett	Black	Carpenter
De Groot	Diemer	Garman	Groninga
Grubbs	Hahn	Halvorson, R. A.	Harbor
Hatch	Hester	Iverson	Johnson
Knapp	Koenigs	Krebsbach	Lundby
Maulsby	Metcalf	Miller	Petersen, D. F.
Plasier	Renken	Royer	Siegrist
Tyrrell			

Absent or not voting, 1:

Fogarty

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1991, adopted the conference committee report and passed Senate File 209, a bill for an act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, and increasing the court civil penalty surcharge, and providing effective dates.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 11:39 a.m., until 2:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 648, by committee on judiciary and law enforcement, a bill for an act prohibiting the use of certain automated traffic law enforcement equipment.

Read first time and placed on the **calendar**.

House File 649, by committee on energy and environmental protection, a bill for an act relating to hazardous waste and hazardous substance disposal sites.

Read first time and placed on the **calendar**.

House File 650, by committee on education, a bill for an act to establish a world class schools task force and making an appropriation.

Read first time and referred to committee on **appropriations**.

House File 651, by committee on state government, a bill for an act relating to gambling and the operation of pari-mutuel racetracks and excursion gambling boats, and providing an effective date.

Read first time and placed on the **calendar**.

House File 652, by committee on commerce, a bill for an act relating to securities by regulating transactions involving securities and regulating persons engaged in businesses related to the issuance or trading of securities, and providing penalties.

Read first time and placed on the **calendar**.

House File 653, by committee on agriculture, a bill for an act relating to regulation of animals.

Read first time and placed on the **calendar**.

House File 654, by committee on energy and environmental protection, a bill for an act relating to the establishment of an agricultural chemical response and reimbursement program, imposing and appropriating fees, and providing for a repeal.

Read first time and referred to committee on **ways and means**.

House File 655, by committee on human resources, a bill for an act relating to emergency care providers who are exposed to contagious or infectious diseases, and making penalties applicable.

Read first time and placed on the **calendar**.

House File 656, by committee on judiciary and law enforcement, a bill for an act relating to unfair or discriminatory practices in housing and real estate, providing civil remedies, and a criminal penalty.

Read first time and placed on the **calendar**.

House File 657, by committee on agriculture, a bill for an act relating to alcohol blended gasoline, by changing references from gasohol to ethanol blended gasoline.

Read first time and placed on the **calendar**.

House File 658, by committee on agriculture, a bill for an act relating to cost-sharing funds dedicated to support permanent soil and water conservation practices.

Read first time and placed on the **calendar**.

House File 659, by committee on local government, a bill for an act relating to the establishment of joint water utilities and their tax status.

Read first time and referred to committee on **ways and means**.

House File 660, by committee on agriculture, a bill for an act relating to the administration of and programs administered by the department of agriculture and land stewardship, establishing certain fees, and making penalties applicable.

Read first time and placed on the **calendar**.

House File 661, by committee on energy and environmental protection, a bill for an act relating to general permits for activities affecting the environment.

Read first time and placed on the **calendar**.

House File 662, by committee on judiciary and law enforcement, a bill for an act relating to facilities used to maintain animals, and providing penalties.

Read first time and placed on the **calendar**.

House File 663, by committee on local government, a bill for an act relating to alternative forms of local government and creating a new alternative form of local government for cities known as a consolidated metropolitan corporation, with provisions relating to its charter process, legislative body, tax collection, and service delivery, and to a new alternative form of county government.

Read first time and referred to committee on **ways and means**.

House File 664, by committee on state government, a bill for an act allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act.

Read first time and placed on the **calendar**.

House File 665, by committee on state government, a bill for an act relating to public employee candidacy, leaves of absence for employees who are candidates for the general assembly or an elective state office, and leaves of absence for service in elective or appointive office, making a penalty applicable, and providing an effective date.

Read first time and placed on the **calendar**.

The House stood at ease at 3:25 p.m., until the fall of the gavel.

The House resumed session at 4:26 p.m., Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Iverson of Wright, until his return, on request of Van Maanen of Mahaska.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 209)

Peterson of Carroll called up for consideration the report of the conference committee on Senate File 209 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 209

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 209, a bill for an act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, and increasing the court civil penalty surcharge, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H—3166.
2. That the House of Representatives recedes from its amendment, S—3085.
3. That Senate File 209, as amended, passed and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 22, the following:

"Sec. _____. Notwithstanding the provisions of 1990 Iowa Acts, chapter 1270, section 6, the department of human services may revise the allocation of funds appropriated in that section for protective and state child care assistance as the department deems necessary to prevent a deficit in the appropriation. The revision actions the department may take include but are not limited to transfers of allocated funds between counties within a department of human services' district, transfers between the districts, and limiting the number of new persons who are approved to receive state child care assistance. If a transfer of allocated funds is necessary, consideration shall be given to transferring funds from those counties projecting a surplus in the allocation which have no waiting list for services and from those counties with unencumbered funds in the allocation which have a waiting list."

2. Page 3, by inserting after line 13, the following:

"Sec. _____. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1262, section 17, for emergency assistance to families with dependent children under Title IV-A of the federal Social Security Act to match federal dollars for homeless prevention programs:
..... \$ 400,000".

3. Page 7, by inserting after line 11, the following:

"Sec. _____. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To supplement other funds appropriated by the general assembly in 1990 Iowa Acts, chapter 1268, section 7, subsection 1, as amended by 1991 Iowa Acts, House File 173, for salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, and maintenance, equipment, and miscellaneous purposes:
..... \$ 200,000".

4. Page 7, line 25, by striking the figure "183,283" and inserting the following: "133,000".

5. Page 9, by inserting after line 9 the following:

"Sec. _____. Moneys remaining unencumbered or unobligated from the funds appropriated to the Iowa finance authority for the housing assistance program for the fiscal year beginning July 1, 1989, in section 99E.32, subsection 3, paragraph "u", shall be used by the Iowa finance authority for the housing assistance program under the conditions and criteria set out in 1990 Iowa Acts, chapter 1262, section 3, as amended by section 23 of this Act, except that \$400,000 of such money shall be transferred to and deposited in the general fund of the state on the effective date of this Act.

Notwithstanding section 8.33, section 99E.32, subsection 7, and 1990 Iowa Acts, chapter 1255, section 37, subsection 2, moneys for the housing assistance program remaining unencumbered or unobligated on June 30, 1991, shall not revert or be transferred to any fund but shall be available for expenditure for purposes of the housing assistance program for the fiscal year beginning July 1, 1991."

6. Page 10, by inserting after line 11 the following:

"Sec. 100. Section 8.23, unnumbered paragraph 1, Code 1991, is amended to read as follows:

On or before September 1, next prior to each legislative session, all departments and establishments of the government shall transmit to the director, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, classified so as to distinguish between expenditures estimated for administration, operation, and maintenance, and the cost

of each project involving the purchase of land or the making of a public improvement or capital outlay of a permanent character, together with supporting data and explanations as called for by the director. The budget estimates shall include for those agencies which pay for energy directly a line item for energy expenses itemized by type of energy and location. The estimates of expenditure requirements shall be based upon seventy-five percent of the funding provided for the current fiscal year accounted for by program reduced by the historical employee vacancy factor in form specified by the director and the remainder of the estimate of expenditure requirements prioritized by program. The estimates shall be accompanied with performance measures for evaluating the effectiveness of the program. If a department or establishment fails to submit estimates within the time specified, the governor shall cause estimates to be prepared for that department or establishment as in the governor's opinion are reasonable and proper. The director shall furnish standard budget request forms to each department or agency of state government.

Sec. _____. Section 99F.4, subsection 2, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. All license fees, operating fees, admissions fees, and penalties collected under this chapter after July 1, 1993, shall be deposited into the excursion boat gambling revolving fund created in the office of the treasurer of state.

Sec. _____. 1991 Iowa Acts, House File 173, section 1241, is amended by striking the section and inserting in lieu thereof the following:

SEC. 1241. Section 523A.20, Code 1991, is amended to read as follows:

523A.20 INSURANCE DIVISION'S REGULATORY FUND.

The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. Commencing July 1, 1990, and annually thereafter, the commissioner shall allocate from the fees paid pursuant to section 523A.2, one dollar for each agreement reported on an establishment permit holder's annual report for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523A.2 shall be deposited into the insurance revolving fund; provided, however, that general fund of the state. However, if the balance of the regulatory fund on that July 1 exceeds two hundred thousand dollars, the allocation to the regulatory fund shall not be made and the total sum of the fees paid pursuant to section 523A.2 shall be deposited in the insurance revolving general fund of the state. The moneys in the regulatory fund shall be retained in the fund together with any interest or earnings that are earned on the balance. However, for the fiscal period beginning July 1, 1991, and ending June 30, 1993, any interest or earnings that are earned on the balance during that period shall be deposited into the general fund of the state. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay investigative expenses and the expenses of receiverships established pursuant to section 523A.19. An annual assessment shall not be imposed if the current balance of the fund exceeds two hundred thousand dollars.

Sec. _____. 1991 Iowa Acts, House File 173, section 1242, is amended by striking the section and inserting in lieu thereof the following:

SEC. 1242. Section 523E.20, Code 1991, is amended to read as follows:

523E.20 INSURANCE DIVISION'S REGULATORY FUND.

The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. Commencing July 1, 1990, and annually thereafter, the commissioner shall allocate from the fees paid pursuant to section 523E.2, one dollar for each agreement reported on an establishment permit holder's annual report for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523E.2 shall be deposited into the insurance revolving fund; provided, however, that general fund of the state. However, if the balance of the regulatory fund on that July 1 exceeds two hundred thousand dollars, the allocation to the regulatory fund shall not be made and the total sum of the fees paid pursuant to section 523E.2 shall be deposited in the insurance revolving general fund of the state. The moneys in the regulatory fund shall be retained in the fund together with any interest or earnings that are earned on the balance. However, for the fiscal period beginning July 1, 1991, and ending June 30, 1993, any interest or earnings that are earned on the balance during that period shall be deposited into the general fund of the state. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay investigative expenses and the expenses of receiverships established pursuant to section 523E.19. An annual assessment shall not be imposed if the current balance of the fund exceeds two hundred thousand dollars."

7. Page 10, by inserting after line 24, the following:

"Sec. ____ . NEW SECTION. 29C.22 PARTICIPATION IN FUNDING DISASTER RECOVERY FACILITY.

All state government departments and agencies may participate in sharing the cost of the design, construction, and operation of a disaster recovery facility located in the STARC armory at Camp Dodge. State departments and agencies may use funds from any source, including but not limited to, user fees, and appropriations for operational or capital purposes, to participate in the facility."

8. Page 10, line 32, by striking the word "Ninety" and inserting the following: "Ninety Ninety-four".

9. Page 11, line 2, by striking the word "ten" and inserting the following: "ten six".

10. Page 11, line 3, by striking the word "ten" and inserting the following: "ten six".

11. Page 11, by inserting after line 6 the following:

"Sec. ____ . Moneys deposited into the general fund of the state during the fiscal period beginning July 1, 1991, and ending June 30, 1993, that would have been deposited into other funds or accounts but for the provisions of 1991 Iowa Acts, House File 173, division XII, shall only be used for the purposes for which the moneys were collected.

Sec. 200. Notwithstanding any provision relating to or contained in section 28.112, the value-added agricultural products and processes financial assistance fund; section 117.54, the Iowa real estate education fund; section 246.310, the canteen operating fund; section 246.706, the revolving farm fund; section 455A.18, the Iowa resources enhancement and protection fund; section 467A.71, the conservation practices revolving loan fund; and section 467F.4, the water protection fund; any interest earned on or income from investments of moneys in such funds received during the fiscal period beginning July 1, 1991, and ending June 30, 1993, shall not be deposited into such funds but shall be deposited into the general fund of the state.

Sec. _____. 1991 Iowa Acts, House File 173, sections 1202, 1205, 1213, 1220, 1221, 1232, 1233, 1234, 1235, and 1250, are repealed.

Sec. _____. EFFECTIVE DATE. Section 200 of this Act takes effect July 1, 1991."

12. Page 11, by striking line 9 and inserting the following: "apply to fines and forfeitures collected on or".

13. Page 11, line 10, by inserting after the word "date," the following: "Section 100 of this Act relating to departmental estimates takes effect July 1, 1991."

14. Title page, line 12, by inserting after the word "project," the following: "relating to certain interest, investment income, and funds received, relating to future budget estimates,".

15. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

THOMAS JOCHUM, Chair
C. ARTHUR OLLIE
MICHAEL PETERSON

ON THE PART OF THE SENATE:

LEONARD BOSWELL, Chair
EMIL HUSAK
ELAINE SZYMONIAK

Roll call was requested by Hanson of Delaware and Hansen of Woodbury.

On the question "Shall the conference committee report be adopted?" (S.F. 209)

The ayes were, 55:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Hammond	Hansen, S. D.	Hanson, D. E.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spenner	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 44:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hester
Hurley	Johnson	Kistler	Krebsbach

Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Mertz	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Siegrist
Spear	Tyrrell	Van Maanen	Weidman

Absent or not voting, 1:

Iverson

The motion prevailed and the conference committee report 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. 209)

The ayes were, 73:

Adams	Baker	Beaman	Beatty
Bennett	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Burke	Chapman	Cohoon	Connors
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Gill
Gipp	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Jay	Jesse
Jochum	Knapp	Koenigs	Lageschulte
Lundby	McKean	McKinney	McNeal
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Poncy	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 26:

Banks	Bartz	Branstad	Carpenter
De Groot	Eddie	Garman	Grubbs
Hahn	Halvorson, R. A.	Harbor	Johnson
Kistler	Krebsbach	Kremer	Maulsby
Mertz	Metcalf	Millage	Miller
Plasier	Renken	Royer	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 1:

Iverson

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 209** be immediately messaged to the Senate.

Regular Calendar

House File 455, a bill for an act relating to school instruction and attendance of children of compulsory school attendance age and providing for mediation of truancy issues, penalties, and a repealer, was taken up for consideration.

Millage of Scott offered the following amendment H—3179 filed by him and moved its adoption:

H—3179

- 1 Amend House File 455 as follows:
- 2 1. Page 1, by striking lines 1 through 6.
- 3 2. Page 8, line 9, by striking the word "may" and
- 4 inserting the following: "may".
- 5 3. Page 8, line 10, by striking the word "shall"
- 6 and inserting the following: "shall".
- 7 4. Page 8, by striking lines 16 through 22, and
- 8 inserting the following: "the district truancy
- 9 officer."
- 10 5. By renumbering as necessary.

Roll call was requested by McKean of Jones and Tyrrell of Iowa.

On the question "Shall amendment H—3179 be adopted?"
(H.F. 455)

The ayes were, 56:

Banks	Bart	Beaman	Beatty
Bennett	Bisignano	Black	Branstad
Brown	Corbett	Daggett	De Groot
Garman	Gill	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.
Harbor	Hester	Hibbard	Hurley
Johnson	Kistler	Knapp	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Mertz	Metcalfe
Millage	Miller	Muhlbauer	Petersen, D. F.
Peterson, M. K.	Plasier	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Spear	Spenner
Svoboda	Tyrrell	Van Maanen	Weidman

The nays were, 41:

Adams	Baker	Blanshan	Brammer
Brand	Burke	Carpenter	Chapman
Cohoon	Connors	Dickinson	Diemer
Dvorsky	Eddie	Fogarty	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hanson, D. E.
Hatch	Haverland	Holveck	Jay
Jesse	Jochum	Koenigs	McKinney
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Poney	Shoultz
Siegrist	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 3:

Bernau	Doderer	Iverson
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Amendment H—3179 was adopted.

Banks of Plymouth offered the following amendment H—3200 filed by him:

H—3200

- 1 Amend House File 455 as follows:
- 2 1. Page 1, line 31, by striking the words "Except
- 3 as provided in section 299.2," and inserting the
- 4 following: "The state of Iowa recognizes that".
- 5 2. Page 1, line 32, by inserting after the word
- 6 "child" the following: "has the ultimate right and
- 7 responsibility for assuring that the child acquires
- 8 basic knowledge and skills that are essential for
- 9 effective citizenship. The state, in establishing the
- 10 state's right to ensure that this responsibility is
- 11 performed and to ensure that every child of compulsory
- 12 attendance has the opportunity to receive the basic
- 13 education necessary to become a productive citizen,
- 14 requires that the parent, guardian, or legal or actual
- 15 custodian of a child".

Hibbard of Madison offered the following amendment H—3348, to amendment H—3200, filed by him from the floor:

H—3348

- 1 Amend amendment, H—3200, to House File 455 as
- 2 follows:
- 3 1. Page 1, by inserting after line 15 the
- 4 following:
- 5 "_____. Page 12, by inserting after line 1 the
- 6 following: "A parent, guardian, or custodian of a
- 7 child of compulsory attendance age may provide

8 competent private instruction in either of the
9 following manners:"
10 _____. Page 12, line 2, by striking the word "A"
11 and inserting the following: "1. A".
12 _____. Page 12, line 3, by inserting after the word
13 "instruction" the following: "under this subsection".
14 _____. Page 12, line 5, by striking the figure "1."
15 and inserting the following: "a."
16 _____. Page 12, line 8, by striking the figure "2."
17 and inserting the following: "b."
18 _____. Page 12, line 12, by striking the figure
19 "3." and inserting the following: "c."
20 _____. Page 12, by inserting after line 15 the
21 following:
22 "2. The parent, guardian, or custodian of a child
23 of compulsory attendance age providing competent
24 private instruction to the child under this
25 subsection, shall send a written notice to the clerk
26 of the district court in the district of the child's
27 residence within thirty days of the earliest starting
28 date specified in section 279.10, subsection 1. The
29 clerk shall retain and file the notice and forward a
30 copy of the notice to the board of the local public
31 school district and the district's area education
32 agency. The notice shall state the names and ages of
33 the children under competent private instruction, the
34 location at which the private instruction by the
35 parent, guardian, or custodian is taking place, and
36 contain a certification that the parent, guardian, or
37 custodian will provide instruction in reading,
38 language arts, mathematics, social studies, and
39 science. The notice shall also include at least one
40 of the following:
41 a. Evidence that the parent, guardian, or
42 custodian providing the competent private instruction
43 holds a baccalaureate degree from an accredited public
44 or private higher education institution.
45 b. A written statement from a licensed teacher
46 which certifies that the teacher has examined a
47 portfolio of the child's work and that the child's
48 progress is adequate for the child's age and ability.
49 c. The results of a nationally normed standardized
50 achievement test that demonstrates progress of no less

Page 2

1 than the achievement of the fifteenth percentile in
2 the child's cumulative score, that is administered by
3 a person chosen by the parent, guardian, or custodian.
4 d. A written statement that the parent, guardian,
5 or custodian is conscientiously opposed, due to a bona
6 fide religious belief or training, to the child's
7 attendance at a public or accredited private school.

8 Instruction methods and curriculum used in
9 competent private instruction which is provided by a
10 parent, guardian, or custodian are not subject to
11 supervision or approval by a public school district,
12 area education agency, the department of education, or
13 the state board of education unless the parent,
14 guardian, or custodian consents to the supervision or
15 approval, nor is the district, area education agency,
16 department, or state board obligated to provide
17 services to children under this type of instruction.
18 A parent, guardian, or custodian providing instruction
19 under this section is also not required to provide
20 instruction in any particular subject matter areas. A
21 child who is the subject of a notice under this
22 subsection is not truant, as defined under chapter
23 299.

24 Sections 299B.4 through 299B.7 do not apply to a
25 parent providing competent private instruction under
26 this subsection."

27 _____. Page 15, by inserting after line 25, the
28 following:

29 "Sec. _____. Section 602.8102, Code 1991, is amended
30 by adding the following new subsection:

31 NEW SUBSECTION. 49A. Carry out duties relating to
32 receipt and recording of notice of private instruction
33 by a parent or guardian under section 299.4.

34 Sec. _____. Section 602.8105, subsection 1, Code
35 1991, is amended by adding the following new
36 paragraph:

37 NEW PARAGRAPH. v. For filing a notice of private
38 instruction by a parent or guardian under section
39 299.4, ten dollars."

40 2. By numbering and renumbering as necessary.

Ollie of Clinton rose on a point of order that amendment H—3348,
to amendment H—3200, was not germane.

The Speaker ruled the point well taken and amendment H—3348
not germane.

Banks of Plymouth moved the adoption of amendment H—3200.

Roll call was requested by Banks of Plymouth and Wise of Lee.

On the question "Shall amendment H—3200 be adopted?"
(H.F. 455)

The ayes were, 33:

Banks	Bartz	Beaman	Bennett
Branstad	Brown	Corbett	Daggett
De Groot	Eddie	Garman	Grubbs
Gruhn	Hahn	Hanson, D. R.	Hibbard

Hurley	Johnson	Krebsbach	Kremer
Maulsby	Mertz	Millage	Muhlbauer
Petersen, D. F.	Plasier	Rafferty	Renken
Royer	Shoning	Tyrrell	Van Maanen
Weidman			

The nays were, 62:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Burke	Carpenter	Chapman
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Gill
Gipp	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Haverland	Hester	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Lageschulte	Lundby	McKean
McKinney	McNeal	Metcalf	Miller
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Poncy	Renaud	Schrader
Shearer	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Wise
Wissing	Mr. Speaker		
	Arnould		

Absent or not voting, 5:

Harbor	Iverson	Osterberg	Peterson, M. K.
Sherzan			

Amendment H—3200 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, until his return, on request of Royer of Page.

Spear of Lee asked and received unanimous consent to defer action on amendment H—3186.

Ollie of Clinton offered the following amendment H—3280 filed by him:

H—3280

- 1 Amend House File 455 as follows:
- 2 1. Page 2, by striking lines 19 through 22 and
- 3 inserting the following:
- 4 "In lieu of such attendance such child may attend
- 5 upon equivalent instruction by a licensed teacher
- 6 elsewhere."
- 7 2. Page 11, line 4, by inserting after the words
- 8 "guardian, or" the following: "legal".

9 3. Page 11, line 8, by inserting after the words
10 "guardian, or" the following: "legal".

11 4. Page 11, line 23, by striking the words "and
12 not affiliated with".

13 5. Page 11, line 32, by inserting after the word
14 "taught." the following: "Competent private
15 instruction may include, but is not limited to,
16 instruction or instructional supervision offered
17 through a school district by a teacher, who is
18 employed by the school district, who assists and
19 supervises a parent, guardian, or legal custodian in
20 providing instruction to a child who is enrolled and
21 included in the basic enrollment of the school
22 district."

23 6. Page 12, line 2, by inserting after the words
24 "guardian, or" the following: "legal".

25 7. Page 12, line 9, by inserting after the word
26 "or" the following: "legal".

27 8. Page 12, line 22, by inserting before the word
28 "custodian" the following: "legal".

29 9. Page 12, line 23, by inserting after the word
30 "education." the following: "The department shall
31 provide information on the cost of and the
32 administration time required for each of the approved
33 tests. The department shall provide, as part of
34 approval procedures for tests to be used under this
35 section, a mechanism which permits the introduction
36 and approval of new or alternate methods of
37 educational testing which meet the requirements of
38 this chapter."

39 10. Page 12, line 34, by inserting after the
40 words "guardian, or" the following: "legal".

41 11. Page 13, line 1, by inserting after the words
42 "guardian, or" the following: "legal".

43 12. Page 13, by striking line 8 and inserting the
44 following:

45 "6. Except when a child has been enrolled in a
46 public school district under section 299B.8, the
47 parent, guardian, or legal custodian of the child
48 being".

49 13. Page 13, line 11, by inserting after the
50 words "guardian, or" the following: "legal".

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1 14. Page 14, line 34, by striking the word "A"
2 and inserting the following: "If a parent, guardian,
3 or legal custodian of a".

4 15. Page 14, line 35, by inserting after the word
5 "chapter" the following: "submits a request, the
6 child".

7 16. Page 15, line 1, by striking the words "The
8 child" and inserting the following: "If the child is
9 enrolled in a public school district for dual
10 enrollment purposes, the child shall be permitted to
11 participate in any academic activities in the district
12 and".

13 17. Page 15, line 4, by striking the words "
14 The" and inserting the following: ", and the parent,
15 guardian, or legal custodian shall not be required to
16 pay the costs of any annual testing under this
17 chapter. If the child is enrolled for dual enrollment
18 purposes, the".

Corbett of Linn offered the following amendment H—3340, to amendment H—3280, filed by him from the floor and moved its adoption:

H—3340

1 Amend amendment, H—3280, to House File 455 as
2 follows:

3 1. Page 1, by inserting after line 6, the
4 following:

5 "_____. Page 3, by striking lines 3 and 4, and
6 inserting the following:

7 "2 1. Whose educational qualifications are equal
8 to those of pupils who have completed the eighth
9 grade." "

10 2. By renumbering as necessary.

Amendment H—3340 lost.

Ollie of Clinton offered the following amendment H—3287, to amendment H—3280, filed by him and moved its adoption:

H—3287

1 Amend the amendment, H—3280, to House File 455, as
2 follows:

3 1. Page 1, by inserting after line 26, the
4 following:

5 "_____. Page 12, line 21, by inserting after the
6 word "test" the following: "or other nationally
7 recognized assessment tool".

8 2. Page 1, by striking lines 27 and 28, and
9 inserting the following:

10 "_____. Page 12, by striking line 22, and inserting
11 the following: "legal custodian from a list of
12 approved tests or assessment tools provided by the".

13 3. Page 1, line 37, by striking the word
14 "testing" and inserting the following: "assessment".

15 4. By numbering and renumbering as necessary.

Amendment H—3287 was adopted.

Daggett of Adams offered the following amendment H—3350, to amendment H—3280, filed by him from the floor and moved its adoption:

H—3350

1 Amend the amendment, H—3280, to House File 455, as
2 follows:

3 1. Page 1, by striking lines 43 through 48.

4 2. Page 2, by striking lines 1 through 18, and

5 inserting the following:

6 "_____. By striking page 14, line 33, through page
7 15, line 6."

8 3. By numbering and renumbering as necessary.

Roll call was requested by Daggett of Adams and Royer of Page.

On the question "Shall amendment H—3350 be adopted?"
(H.F. 455)

The ayes were, 38:

Banks	Bartz	Beaman	Bennett
Branstad	Corbett	Daggett	De Groot
Dvorsky	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Johnson	Krebsbach	Kremer	Maulsby
McKean	McNeal	Millage	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

The nays were, 60:

Adams	Baker	Beatty	Bernau
Black	Blanshan	Brand	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Dickinson	Diemer	Doderer
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Lageschulte	Lundby
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poney	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teaford	Wise	Wissing	Mr. Speaker
			Arnould

Absent or not voting, 2:

Bisignano Brammer

Amendment H—3350 lost.

Shearer of Louisa offered the following amendment H—3345, to amendment H—3280, filed from the floor by Shearer, Hibbard, Petersen of Muscatine, Grubbs, Corbett, Baker, Hurley, Plasier, Spenner, Iverson, Svoboda and Brown, and moved its adoption:

H—3345

1 Amend the amendment, H—3280, to House File 455 as
2 follows:

3 1. Page 1, by inserting after line 50, the
4 following:

5 "_____. Page 13, by inserting after line 13, the
6 following:

7 "7. In addition to the annual achievement tests, a
8 parent, guardian, or legal custodian of a child may
9 submit, as evidence of adequate academic progress, any
10 of the following:

11 a. A book of lesson plans, a diary, or other
12 written record indicating the subjects taught and
13 activities in which the child has been engaged.

14 b. A portfolio of the child's work, including but
15 not limited to, an outline of the curriculum used by
16 the child, copies of homework completed in conjunction
17 with the curriculum and instruction, and copies of
18 tests completed by the child which have been produced
19 by the parent, guardian, or legal custodian.

20 c. Completed assessment tests, other than the
21 annual achievement test, which are administered to a
22 pupil as part of the competent private instruction by
23 the parent, guardian, or legal custodian.

24 If a parent, guardian, or legal custodian submits
25 evidence under this section, the information shall be
26 reviewed by a person designated as an evaluator by the
27 director of the department of education. The
28 evaluator shall prepare a report based on a review of
29 the child's work submitted, which shall include an
30 assessment of the child's achievement or academic
31 progress levels. If the evidence demonstrates, in the
32 evaluator's opinion, that the child is achieving
33 adequate progress, the report shall create a
34 presumption that the child is making adequate progress
35 and may be used to refute the results of the annual
36 achievement test."

37 _____ Page 13, line 34, by inserting after the
38 word "made" the following: ", the child has
39 demonstrated adequate performance in the opinion of an
40 evaluator and documented in a report under section
41 299B.4, subsection 7,""

42 2. By numbering and renumbering as necessary.

A non-record roll call was requested.

The ayes were 52, nays 35.

Amendment H—3345 was adopted.

Ollie of Clinton offered the following amendment H—3341, to amendment H—3280, filed by him from the floor and moved its adoption:

H—3341

- 1 Amend the amendment, H—3280, to House File 455, as
- 2 follows:
- 3 1. Page 2, by inserting after line 18 the
- 4 following:
- 5 "_____. Page 15, by inserting after line 25, the
- 6 following:
- 7 "Sec. _____. ASSESSMENT FOR CERTAIN CHILDREN. The
- 8 department of education shall develop and recommend
- 9 and the state board of education shall adopt by July
- 10 1, 1993, rules which provide an alternative assessment
- 11 mechanism for children who meet age and educational
- 12 development criteria generally accepted for placing a
- 13 child in third or a lesser grade. Rules adopted shall
- 14 require that the assessment mechanism utilize
- 15 observation, anecdotal description of a child's
- 16 achievement, samples of the child's work, and other
- 17 samples of data relating to the child's academic
- 18 performance, and shall include requirements relating
- 19 to collection and evaluation of the information. In
- 20 developing the alternative assessment mechanism, the
- 21 department shall consult with any available
- 22 committees, councils, or task forces which are working
- 23 on assessment issues. The department shall also
- 24 develop any recommendations for legislation deemed
- 25 necessary to implement the alternative assessment
- 26 mechanism." "
- 27 2. By numbering and renumbering as necessary.

Amendment H—3341 was adopted.

On motion by Ollie of Clinton, amendment H—3280, as amended, was adopted, placing out of order amendment H—3186, previously deferred, filed by Spear of Lee on March 13, 1991.

Lageschulte of Bremer offered the following amendment H—3203 filed by him and moved its adoption:

H—3203

- 1 Amend House File 455 as follows:
- 2 1. Page 2, line 30, by striking the word "six"
- 3 and inserting the following: "seven".

A non-record roll call was requested.

The ayes were 26, nays 52.

Amendment H—3203 lost.

McKinney of Dallas asked and received unanimous consent that House File 455 be deferred and that the bill retain its place on the calendar.

MOTIONS TO RECONSIDER

(Amendment H—3179 to House File 455)

I move to reconsider the vote by which amendment H—3179 to House File 455 was adopted by the House on March 26, 1991.

SHERZAN of Polk

(House File 335)

I move to reconsider the vote by which House File 335 passed the House on March 26, 1991.

KREMER of Buchanan

(House File 335)

I move to reconsider the vote by which House File 335 passed the House on March 26, 1991.

MUHLBAUER of Crawford

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 505, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, March 25, 1991. Had I been present, I would have voted "aye" on House Files 237, 285, 334, 384, 392, 420, 423, 489, 500, 502, 518, 556, 565, 567, 575, 589; and "nay" on House Files 167 and 571.

DICKINSON of Jackson

I was temporarily absent from the House chamber on March 26, 1991. Had I been present, I would have voted "nay" on Senate File 209 and the conference committee report on Senate File 209 and "aye" on amendments H—3179 and H—3200 to House File 455.

IVERSON of Wright

I was necessarily absent from the House chamber on March 25, 1991. Had I been present, I would have voted "aye" on House Files 237, 285, 334, 384, 392, 420, 423, 489, 500, 502, 518, 556, 565, 567, 571, 575 and 589 and House Concurrent Resolution 15.

WISE of Lee

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of March, 1991: House File 110.

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 March 26, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 73, an act relating to the definition of vacancy in office for elected county officers.

House File 199, an act relating to repayment of loans by local development corporations and providing an effective date.

House File 294, an act relating to the obligations of a spouse of a director or officer of a state bank.

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

BOARD OF PAROLE

The Annual Report for the Fiscal Year 1990, pursuant to Chapter 904A.4B(5), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

A report from the Advisory Council, Child Abuse Prevention Program, pursuant to Chapter 235A.1(3), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

A report describing services and programs provided by public health nurses to the citizens of Iowa, pursuant to Chapter 1259.11(3)(c), 1990 Acts of the Seventy-third General Assembly.

IOWA COLLEGE AID COMMISSION

A copy of the College Student Aid Commission's Cosmetology and Chiropractic Study, pursuant to Chapter 1272.3(1), 1990 Acts of the Seventy-third General Assembly.

IOWA STATE UNIVERSITY

The 1990 Annual Report of the Iowa State University Agriculture and Home Economics Experiment Station, pursuant to Chapter 262.24, Code of Iowa.

PRESENTATION OF VISITORS

Beatty of Warren presented to the House Mr. Hashigushi and six college students from Japan, accompanied by Mr. Everett Laning. They are visiting Simpson College in Indianola.

Hanson of Delaware presented to the House eleven students from the Institute of Leningrad and the Moscow University of Foreign Languages, U.S.S.R. They were accompanied by Dr. Marian Krogmann, University of Northern Iowa, Cedar Falls.

Lageschulte of Bremer presented to the House the Honorable Wendell Pellett, former member of the House representing Cass County.

The Speaker announced that the following visitors were present in the House chamber:

Forty student council students from Holmes Junior High School, Cedar Falls, accompanied by David Andreason. By Diemer of Black Hawk.

Eight twelfth grade students from St. Edmund School, Fort Dodge, accompanied by Nancy Higgins. By Halvorson of Webster.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 8**

State Government: Blanshan, Chair; Shoning and Teaford.

House File 465

Ways and Means: Osterberg, Chair; Adams, Bennett, Groninga and Petersen of Muscatine.

House File 466

Ways and Means: Osterberg, Chair; Adams, Bennett, Groninga and Petersen of Muscatine.

Senate File 228

State Government: Teaford, Chair; Beatty, Halvorson of Webster, Hanson of Delaware, Krebsbach, Pavich and Renken.

Senate File 268

Education: Shearer, Chair; Cohoon and Corbett.

Senate File 363

State Government: Blanshan, Chair; Carpenter, Krebsbach, Pavich and Teaford.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 314 Ways and Means**

Granting urban renewal and urban revitalization authority to counties.

AMENDMENTS FILED

H-3330	H.F.	395	Tyrrell of Iowa
H-3331	H.F.	590	Iverson of Wright
H-3332	H.F.	520	Banks of Plymouth
H-3333	H.F.	435	Bartz of Worth
H-3334	H.F.	435	Bartz of Worth
H-3335	H.F.	520	Bartz of Worth
H-3336	H.F.	232	Grubbs of Scott
H-3337	H.F.	395	Grubbs of Scott
			Jochum of Dubuque
			Bisignano of Polk
			Hatch of Polk
			Svoboda of Tama
			Bartz of Worth
H-3338	H.F.	583	McNeal of Hardin
			Iverson of Wright
			Daggett of Adams
			Svoboda of Tama
H-3339	H.F.	517	Miller of Cherokee
H-3342	H.F.	232	Teaford of Black Hawk
			Plasier of Sioux
			Carpenter of Polk

H-3343	H.F.	395	Garman of Story Svoboda of Tama Banks of Plymouth
H-3344	H.F.	520	Bernau of Story
H-3346	H.F.	620	Kremer of Buchanan
H-3347	H.F.	534	McKean of Jones
H-3349	H.F.	520	Bartz of Worth
H-3351	H.F.	613	Spear of Lee
H-3352	H.F.	616	Spear of Lee
H-3353	H.F.	520	Bernau of Story
H-3354	H.F.	632	Kremer of Buchanan
H-3355	H.F.	381	Peterson of Carroll
H-3356	H.F.	503	Hammond of Story
H-3357	H.F.	455	Spear of Lee
H-3358	S.F.	33	Banks of Plymouth
H-3359	H.F.	455	Hibbard of Madison
H-3360	H.F.	455	Spear of Lee
H-3361	H.F.	503	Hatch of Polk
H-3362	H.F.	455	Hurley of Fayette Hibbard of Madison
H-3363	H.F.	455	Hibbard of Madison

On motion by McKinney of Dallas, the House adjourned at 6:33 p.m., until 9:00 a.m., Wednesday, March 27, 1991.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day — Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 27, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by Father Floyd White, pastor of Sacred Heart Catholic Church, Manilla.

The Journal of Tuesday, March 26, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Black Hawk on request of Diemer of Black Hawk; Koenigs of Mitchell on request of Royer of Page.

INTRODUCTION OF BILLS

House File 666, by committee on state government, a bill for an act relating to the reassignment of duties from the division of children, youth, and families of the department of human rights to the division of child and family services within the department of human services.

Read first time and placed on the **calendar**.

House File 667, by committee on agriculture, a bill for an act relating to the county agricultural extension education tax by adjusting the maximum levy and increasing the maximum dollar amount of property tax revenue which may be raised, establishing state supplemental assistance for districts which are unable to raise a minimum dollar amount by the permitted property tax levy, and providing an appropriation and effective and applicability dates.

Read first time and referred to committee on **ways and means**.

House File 668, by committee on human resources, a bill for an act relating to the certificate of need program and providing penalties.

Read first time and placed on the **calendar**.

House File 669, by committee on agriculture, a bill for an act relating to the liability of persons establishing or maintaining practices relating to soil and water conservation.

Read first time and placed on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 92, a bill for an act to create an advisory commission on intergovernmental relations, specify its membership, and enumerate its powers and duties.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 129, a bill for an act relating to the time period within which an information or indictment for sexual exploitation of a minor can be found.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 193, a bill for an act relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science examiners, prohibiting the practice of marital and family therapy and mental health counseling without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, providing for a temporary waiver of certain licensing requirements, and providing other properly related matters.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 254, a bill for an act relating to economic development by transferring funds to the revolving fund of the rural community 2000 program, establishing time frames for the completion of the community builder program, establishing a planning category in the rural community 2000 program, and providing an effective date.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 257, a bill for an act changing the definition of targeted small business and providing an effective date.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 291, a bill for an act relating to the date of completion of the transfer of responsibilities for certain child support orders from the department of human services to the judicial department.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 314, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 324, a bill for an act relating to authorized actions of local air pollution programs under the jurisdiction of the department of natural resources and providing penalties.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 329, a bill for an act authorizing the state department of transportation to adopt rules requiring public utilities to comply with the utility accommodation policy for certain Iowa road systems.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 331, a bill for an act extending traffic enforcement authority to mobile home parks.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 337, a bill for an act relating to contracts for road, bridge, and culvert construction.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 340, a bill for an act relating to retirement benefits of members of the Iowa public employees' retirement system who retire due to disability and providing an effective date and applicability date.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 343, a bill for an act relating to the medical assistance program.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 345, a bill for an act relating to state programs and institutions serving persons with mental retardation, developmental disabilities, or mental illness.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 384, a bill for an act relating to certain statutory provisions concerning the department of corrections.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 389, a bill for an act relating to the department of human rights commission of Latino affairs and commission on the status of blacks.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 429, a bill for an act relating to agricultural land held by corporations, limited partnerships, and trusts, and providing penalties.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 434, a bill for an act relating to judgment liens.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 435, a bill for an act relating to the transfer of regulatory authority over mortgage bankers and brokers from the superintendent of savings and loans to the superintendent of banking.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 453, a bill for an act relating to judicial officers having jurisdiction over civil commitment proceedings and providing an effective date.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 454, a bill for an act authorizing the state department of transportation to contract for a light rail study.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 461, a bill for an act requiring confidential use of social security numbers on noncommercial driver's license applications.

Also: That the Senate has on March 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 462, a bill for an act making it a felony to buy, sell, exchange, give away, or possess various vehicle identification number plates, labels, stickers, or rivets, removing, holding, or using a manufacturers vehicle identification plate as a fraudulent practice and creating a penalty.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 455**, a bill for an act relating to school instruction and attendance of children of compulsory school attendance age and providing for mediation of truancy issues, penalties, and a repealer, previously deferred.

The Speaker announced that amendment H—3267 filed by Spear of Lee on March 19, 1991 was out of order.

Spear of Lee offered the following amendment H—3185 filed by him:

H-3185

1 Amend House File 455 as follows:

2 1. Page 6, line 22, by striking the words "Any

3 person" and inserting the following: "Any person A

4 parent, guardian, or legal or actual custodian".

Spear of Lee asked and received unanimous consent to withdraw amendment H-3357, to amendment H-3185, filed by him on March 26, 1991.

Spear of Lee offered the following amendment H-3360, to amendment H-3185, filed by him and moved its adoption:

H-3360

1 Amend the amendment, H-3185, to House File 455 as
2 follows:

3 1. Page 1, by striking lines 2 through 4 and

4 inserting the following:

5 "_____. Page 6, line 22, by inserting after the

6 word "person" the following: "other than a child who

7 is the subject of a mediation agreement".

A non-record roll call was requested.

The ayes were 30, nays 51.

Amendment H-3360 lost.

Spear of Lee asked and received unanimous consent to withdraw amendment H-3185.

Hibbard of Madison offered the following amendment H-3274 filed by Hibbard, et al.:

H-3274

1 Amend House File 455 as follows:

2 1. Page 11, line 4, by striking the word "The"

3 and inserting the following: "It is the intent of the

4 general assembly in enacting this chapter to

5 facilitate a quality education for all children and to

6 maximize opportunities for the education of children

7 by the children's parents, guardians, or custodians in

8 the home. Therefore, a".

9 2. Page 12, line 32, by inserting before the word

10 "person" the following: "parent and".

11 3. Page 15, line 21, by inserting before the word

12 "person" the following: "parent and".

Brand of Benton in the chair at 9:40 a.m.

Speaker Arnould in the chair at 9:44 a.m.

Hibbard of Madison offered the following amendment H—3359, to amendment H—3274, filed by him and moved its adoption:

H—3359

1 Amend the amendment, H—3274, to House File 455, as
2 follows:

3 Page 1, by inserting after line 10, the following:

4 "_____. Page 12, line 33, by inserting after the
5 word "test." the following: "If the person
6 responsible for administering the test and the parent
7 cannot agree on a time and place for administration of
8 the test, the matter shall be submitted to a mediator
9 as provided in section 299B.101." "

10 2. Page 1, by inserting after line 12, the
11 following:

12 "_____. Page 15, line 22, by inserting after the
13 word "test." the following: "If the person
14 responsible for administering the test and the parent
15 cannot agree on a time and a place for administration
16 of the test, the matter shall be submitted to a
17 mediator as provided in section 299B.101." "

18 _____. Page 15, by inserting after line 25, the
19 following:

20 "Sec. _____. NEW SECTION. 299B.101 MEDIATION.

21 If the parent, guardian, or custodian and the
22 person responsible for administering the test, cannot
23 agree on a time or place for administration of the
24 test, the matter shall be referred to the county
25 attorney for mediation.

26 If the matter is referred for mediation, the county
27 attorney shall cause a notice of the referral to be
28 sent to the parent, guardian, or custodian and the
29 person responsible for administering the test and
30 shall designate a person to serve as mediator in the
31 matter. If mediation services are available in the
32 community, those services may be used as the
33 designated mediation service. If mediation services
34 are not available in the community, mediation shall be
35 provided by the county attorney or the county
36 attorney's designee. The mediator shall contact the
37 parent, guardian, or custodian, the person responsible
38 for administering the test, and any other person the
39 mediator deems appropriate in the matter and arrange
40 meeting dates and times for discussion of the matter.
41 The mediator shall attempt to ascertain the cause of
42 the failure to agree on a time and place for testing,
43 attempt to cause the parties to arrive at an agreement
44 relative to the child's testing, and initiate
45 referrals to any agencies or counseling that the
46 mediator believes to be appropriate under the
47 circumstances.

- 48 If the parties reach an agreement, the agreement
49 shall be reduced to writing and signed by the person
50 responsible for administering the test and the parent,

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- 1 guardian, or custodian. The mediator, the person
2 responsible for administering the test, and the
3 parent, guardian, or custodian shall each receive a
4 copy of the agreement, which shall set forth the
5 settlement of the issues and future responsibilities
6 of each party.
7 The school district shall be responsible for
8 monitoring any agreements arrived at through
9 mediation. If a parent, guardian, or custodian
10 refuses to engage in mediation or violates a term of
11 the agreement, the matter shall be rereferred to the
12 county attorney for prosecution under section 299.6.
13 The county attorney's office or the mediation service
14 shall require the parent, guardian, or custodian and
15 the school to pay a fee to help defray the
16 administrative cost of mediation services. The county
17 attorney's office or the mediation service shall
18 establish a sliding scale of fees to be charged
19 parents, guardians, and custodians based upon ability
20 to pay. A parent, guardian, or custodian shall not be
21 denied the services of a mediator solely because of
22 inability to pay the fee." "

Amendment H—3359 was adopted.

Hibbard of Madison moved the adoption of amendment H—3274,
as amended.

A non-record roll call was requested.

The ayes were 38, nays 47.

Amendment H—3274, as amended, lost.

Spear of Lee asked and received unanimous consent to withdraw
amendment H—3210 filed by him on March 14, 1991.

Ollie of Clinton offered the following amendment H—3288 filed
by him and moved its adoption:

H—3288

- 1 Amend House File 455 as follows:
2 1. Page 12, line 33, by inserting after the word
3 "test." the following: "Persons administering the
4 tests shall make every reasonable effort to administer
5 the tests at times and places which are convenient for

6 the parent, guardian, or legal custodian."
7 2. Page 15, line 22, by inserting after the word
8 "test." the following: "Persons administering the
9 tests shall make every reasonable effort to administer
10 the tests at times and places which are convenient for
11 the parent, guardian, or legal custodian."

Amendment H—3288 was adopted.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—3199 filed by him on March 14, 1991.

Hurley of Fayette offered the following amendment H—3362 filed by him and Hibbard of Madison:

H—3362

1 Amend House File 455 as follows:
2 "1. Page 13, line 32, by inserting after the word
3 "year," the following: "the child has been referred
4 for evaluation and identified as requiring special
5 education under section 299B.9,".
6 2. Page 15, line 10, by inserting after the word
7 "education" the following: "as defined".
8 3. Page 15, line 10, by striking the words "is
9 not" and inserting the following: "shall be".
10 4. Page 15, line 11, by striking the word
11 "without" and inserting the following: "if the
12 parent, guardian, or custodian secures, as part of the
13 competent private instruction, assistance from an
14 individual or organization which possesses the
15 necessary licensing and other credentials to be
16 qualified as a provider of special education
17 instruction. The parent, guardian, or custodian shall
18 annually provide the department of education with
19 written notice informing the department of the name of
20 the individual or organization possessing the special
21 education licensing and other credentials, providing
22 proof or a method of verifying the individual's or
23 organization's license and credentials, and verifying
24 that the individual or organization has approved the
25 special education program which is to be part of the
26 competent private instruction and that the parent,
27 guardian, or custodian has maintained contact with the
28 individual or organization possessing the special
29 education license and other credentials at least four
30 times each year."
31 5. Page 15, by striking lines 12 through 15."

The following amendment H—3367, to amendment H—3362, filed by Hurley of Fayette from the floor was adopted by unanimous consent:

H—3367

1 Amend amendment H—3362, to House File 455, as
2 follows:

3 1. Page 1, line 12, by inserting after the word
4 "or" the word "legal".

5 2. Page 1, line 17, by inserting after the word
6 "or" the word "legal".

7 3. Page 1, line 27, by inserting after the word
8 "or" the word "legal".

Hurley of Fayette moved the adoption of amendment H—3362, as amended.

A non-record roll call was requested.

The ayes were 40, nays 49.

Amendment H—3362, as amended, lost.

Hibbard of Madison offered the following amendment H—3363 filed by him and moved its adoption:

H—3363

1 Amend House File 455, as follows:

2 1. By striking page 12, line 2, through page 14,
3 line 19, and inserting the following:

4 "The parent, guardian, or custodian of a child who
5 is over six and under sixteen years of age by
6 September 15, who wishes to instruct the child without
7 the assistance of a licensed teacher, shall send a
8 written notice to the clerk of the district court in
9 the district of the child's residence within thirty
10 days of the earliest starting date specified in
11 section 279.10, subsection 1. The clerk shall retain
12 and file the notice and forward a copy of the notice
13 to the board of the local public school district and
14 the district's area education agency. The notice
15 shall state the names and ages of the children under
16 competent private instruction, the location at which
17 the private instruction by the parent, guardian, or
18 custodian is taking place, and contain a certification
19 that the parent, guardian, or custodian will provide
20 instruction in reading, language arts, mathematics,
21 social studies, and science. The notice shall also
22 include at least one of the following:

23 a. Evidence that the parent, guardian, or
24 custodian providing the competent private instruction
25 holds a baccalaureate degree from an accredited public
26 or private higher education institution.

27 b. A written statement from a licensed teacher
28 which certifies that the teacher has examined a

29 portfolio of the child's work and that the child's
30 progress is adequate for the child's age and ability.
31 c. The results of a nationally normed standardized
32 achievement test that demonstrates progress of no less
33 than the achievement of the fifteenth percentile in
34 the child's cumulative score, that is administered by
35 a person chosen by the parent, guardian, or custodian.
36 d. A written statement that the parent, guardian,
37 or custodian is conscientiously opposed, due to a bona
38 fide religious belief or training, to the child's
39 attendance at a public or accredited private school.
40 Instruction methods and curriculum used in
41 competent private instruction which is provided by a
42 parent, guardian, or custodian are not subject to
43 supervision or approval by a public school district,
44 area education agency, the department of education, or
45 the state board of education unless the parent,
46 guardian, or custodian consents to the supervision or
47 approval, nor is the district, area education agency,
48 department, or state board obligated to provide
49 services to children under this type of instruction.
50 A parent, guardian, or custodian providing instruction

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1 under this section is also not required to provide
2 instruction in any particular subject matter areas. A
3 child who is the subject of a notice under this
4 subsection is not truant, as defined in this chapter."
5 2. Page 15, by inserting after line 25, the
6 following:
7 "Sec. _____. Section 602.8102, Code 1991, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 49A. Carry out duties relating to
10 receipt and recording of notice of private instruction
11 by a parent or guardian under section 299.4.
12 Sec. _____. Section 602.8105, subsection 1, Code
13 1991, is amended by adding the following new
14 paragraph:
15 NEW PARAGRAPH. v. For filing a notice of private
16 instruction by a parent or guardian under section
17 299.4, ten dollars."

18 3. By renumbering as necessary.

Amendment H—3363 lost.

Spear of Lee offered the following amendment H—3270 filed by him and moved its adoption:

H—3270

- 1 Amend House File 455, as follows:
- 2 1. Page 15, by striking lines 26 and 27.
- 3 2. By renumbering as necessary.

Amendment H—3270 was adopted.

McKinney of Dallas asked and received unanimous consent that House File 455 be deferred and that the bill retain its place on the calendar.

House File 498, a bill for an act relating to updating criteria under the Iowa retraining program and providing an effective date, was taken up for consideration.

Dickinson 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. 498)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurléy
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 2:

Hanson, D. E. Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 421, a bill for an act relating to establishing a registry of sex offenders and establishing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Knapp of Dubuque offered the following amendment H—3312 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3312

- 1 Amend House File 421 as follows:
- 2 1. By striking page 4, line 24 through page 5,
- 3 line 5.

A non-record roll call was requested.

The ayes were none, nays 55.

The committee amendment H—3312 lost.

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. 421)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 2:

Hanson, D. E. Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 298, a bill for an act relating to the conduct of games and raffles by qualified organizations, with report of committee recommending passage was taken up for consideration.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 298)

The ayes were, 85:

Adams	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Krebsbach
Kremer	Lundby	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tyrrell	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 13:

Banks	Branstad	Corbett	Daggett
De Groot	Hammond	Holveck	Hurley
Lageschulte	Maulsby	McKean	Teaford
Van Maanen			

Absent or not voting, 2:

Hanson, D. E. Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 455**, a bill for an act relating to school instruction and attendance of children of compulsory school attendance age and providing for mediation of truancy issues, penalties, and a repealer, previously deferred.

Sherzan of Polk asked and received unanimous consent to withdraw the motion to reconsider amendment H—3179 filed by him on March 26, 1991.

Dickinson of Jackson in the chair at 11:21 a.m.

Speaker Arnould in the chair at 11:26 a.m.

The following amendment H—3372 filed by Ollie of Clinton from the floor was adopted by unanimous consent:

H—3372

- 1 Amend House File 455 as follows:
- 2 1. Title page, by striking line 3, and inserting
- 3 the following: "mediation of truancy issues and
- 4 penalties."

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. 455)

The ayes were, 64:

Adams	Baker	Beaman	Bennett
Bernau	Black	Blanshan	Brand
Brown	Burke	Carpenter	Chapman
Connors	De Groot	Diemer	Dvorsky
Fogarty	Gill	Gipp	Grubbs
Halvorson, R. A.	Hammond	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	McKean	McKinney	McNeal
Mertz	Metcalf	Miller	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 34:

Banks	Bartz	Beatty	Bisignano
Brammer	Branstad	Cohoon	Corbett
Daggett	Dickinson	Doderer	Eddie
Garman	Groninga	Gruhn	Hahn
Halvorson, R. N.	Hansen, S. D.	Holveck	Hurley
Iverson	Krebsbach	Maulsby	Millage
Muhlbauer	Rafferty	Renaud	Renken
Royer	Schrader	Svoboda	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 2:

Hanson, D. E. Koenigs

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 March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 276, a bill for an act amending the Iowa Uniform Securities Act, by exempting agricultural cooperative associations from certain requirements provided under the Act, providing for the retroactive application of the Act, and providing an effective date.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 378, a bill for an act relating to the weighting plan to be used to provide funds for the excess costs of instruction of children requiring special education.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 445, a bill for an act relating to the forfeiture of the rights of junior lienholders with respect to real estate contracts and providing an effective date.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 455, a bill for an act relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 12:12 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 670, by committee on commerce, a bill for an act relating to the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the insurance division as an approved insurance regulator by the national association of insurance commissioners, imposing civil liability, authorizing administrative and criminal penalties, and providing effective dates and applicability provisions.

Read first time and placed on the **calendar**.

House File 671, by committee on agriculture, a bill for an act relating to the regulation of dairy products, and providing effective dates.

Read first time and placed on the **calendar**.

House File 672, by committee on state government, a bill for an act relating to the health practice profession examining boards, the duties of the board of medical examiners, the composition of the board of podiatry examiners and its disciplinary hearing panel, and providing penalties.

Read first time and placed on the **calendar**.

House File 673, by committee on local government, a bill for an act relating to the funding for emergency medical services education, training, and equipment, authorizing a county to impose a local option tax or combination of taxes to provide local funding, requiring townships to provide ambulance services in counties not providing such service, and imposing a surcharge on certain motor vehicle violations.

Read first time and referred to committee on **ways and means**.

CONSIDERATION OF BILLS

Regular Calendar

House File 232, a bill for an act relating to the sale and furnishing of cigarettes and tobacco products to certain persons and providing penalties, was taken up for consideration.

Schrader of Marion offered amendment H—3071 filed by him. Division was requested as follows:

H-3071

- 1 Amend House File 232 as follows:

H-3071A

- 2 1. Page 1, by striking lines 1 through 7.

H-3071B

- 3 2. By striking page 2, line 14, through page 4,
4 line 3.

H-3071C

- 5 3. Page 4, by striking lines 26 through 30.

H-3071

- 6 4. By renumbering as necessary.

On motion by Schrader of Marion amendment H-3071A lost.

Ollie of Clinton offered the following amendment H-3095 filed by him and moved its adoption:

H-3095

- 1 Amend House File 232 as follows:
- 2 1. Page 1, by striking line 26 and inserting the
- 3 following: "shall not smoke, use, purchase, or
- 4 attempt to purchase any tobacco, tobacco".

Amendment H-3095 was adopted.

Teaford of Black Hawk offered the following amendment H-3301 filed by Teaford, et al., and moved its adoption:

H-3301

- 1 Amend House File 232 as follows:
- 2 1. Page 1, line 32, by striking the word "The".
- 3 2. By striking page 1, line 33 through page 2,
- 4 line 1.

Amendment H-3301 was adopted.

The House resumed consideration of amendment H-3071B.

On motion by Schrader of Marion, amendment H-3071B was adopted.

Grubbs of Scott asked and received unanimous consent to defer action on amendment H-3131.

Teaford of Black Hawk asked and received unanimous consent to withdraw amendment H-3300 filed by Teaford, et al., on March 22, 1991, placing out of order amendment H-3336, to amendment H-3300, filed by Grubbs of Scott on March 26, 1991.

Teaford of Black Hawk offered amendment H—3342 filed by Teaford, et al., and requested division as follows:

H—3342

- 1 Amend House File 232 as follows:

H—3342A

- 2 1. By striking page 2, line 14 through page 4,
- 3 line 3.

H—3342B

- 4 2. Page 4, line 10, by striking the word "of" and
- 5 inserting the following: "in".
- 6 3. Page 4, by striking lines 27 through 30, and
- 7 inserting the following: "to read as follows:
- 8 6. Any sales of cigarettes or tobacco products
- 9 made through a cigarette vending machine are subject
- 10 to rules and penalties relative to retail sales of
- 11 cigarettes and tobacco products provided for in this
- 12 division chapter. No cigarettes shall be sold through
- 13 any cigarette vending machine unless the cigarettes
- 14 have been properly stamped or metered as provided by
- 15 this division, and in case of violation of this
- 16 provision, the permit of the dealer authorizing retail
- 17 sales of cigarettes shall be canceled. Payment of the
- 18 license fee as provided in section 98.13 authorizes a
- 19 cigarette vendor to sell cigarettes or tobacco
- 20 products through vending machines, provided that the
- 21 following conditions are met: the machines are
- 22 located in places where the machines are under the
- 23 supervision of a person of legal age who is
- 24 responsible for prevention of purchase by minors from
- 25 the machines; the machines are equipped with a lock-
- 26 out device under the control of a person of legal age
- 27 who shall directly regulate the sale of items through
- 28 the machines, and which shall include a mechanism to
- 29 prevent the machines from functioning if the power
- 30 source for the lock-out device fails or if the lock-
- 31 out device is disabled, and a mechanism to ensure that
- 32 only one pack of cigarettes or one tobacco product is
- 33 dispensed at a time; and the location where the
- 34 machines are placed is covered by a local retail
- 35 permit. However, a lock-out device is not required
- 36 for machines operated in the following locations, if
- 37 the machines are not to be placed in a doorway or
- 38 other area readily accessible to minors: a commercial
- 39 establishment holding a class "C" liquor license or a
- 40 class "B" beer permit under chapter 123, if the
- 41 establishment is not also licensed as a food service
- 42 establishment under chapter 137B; a private facility

H-3342B

43 not open to the public; or a workplace not open to the
44 public. This section does not require a retail
45 licensee to buy a cigarette vendor's permit if the
46 retail licensee is in fact the owner of the cigarette
47 vending machines and the machines are operated in the
48 location described in the retail permit."
49 4. Page 6, by inserting after line 13, the
50 following:

Page 2

1 "Sec. _____ EFFECTIVE DATE AND TRANSITION
2 PROVISION. Section 7 of this Act takes effect upon
3 enactment. However, section 7 of this Act shall not
4 be enforced against persons in relationship to
5 cigarette vending machines in operation on or before
6 the enactment of this Act until July 1, 1994."
7 5. Title page, line 2, by inserting after the
8 word "penalties" the following: "and an effective
9 date".
10 6. By renumbering as necessary.

With the adoption of amendment H-3071B, amendment H-3342A was out of order.

Blanshan of Greene in the chair at 2:48 p.m.

On motion by Teaford of Black Hawk, amendment H-3342B was adopted.

The House resumed consideration of amendment H-3071C.

Ollie of Clinton in the chair at 3:10 p.m.

Blanshan of Greene in the chair at 3:16 p.m.

Schrader of Marion moved the adoption of amendment H-3071C.

Roll call was requested by Jay of Appanoose and Bisignano of Polk.

On the question "Shall amendment H-3071C be adopted?"
(H.F. 232)

The ayes were, 36:

Beaman	Beatty	Bisignano	Black
Brown	Cohoon	Connors	Dickinson
Diemer	Fogarty	Gill	Hansen, S. D.
Harbor	Iverson	Jay	Jochum
Knapp	Kremer	Lundby	Maulsby
Mertz	Muhlbauer	Pavich	Petersen, D. F.

Peterson, M. K.	Poncy	Renaud	Renken
Royer	Schrader	Sherzan	Svoboda
Tyrrell	Van Maanen	Weidman	Wise

The nays were, 59:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Bennett	Bernau	Brammer
Branstad	Burke	Carpenter	Chapman
Corbett	Daggett	De Groot	Doderer
Dvorsky	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Jesse	Johnson	Kistler	Krebsbach
Lageschulte	McKean	McKinney	McNeal
Metcalf	Millage	Miller	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Plasier	Rafferty	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Wissing	Blanshan	
		Presiding	

Absent or not voting, 5:

Brand	Groninga	Gruhn	Hanson, D. E.
Koenigs			

Amendment H—3071C lost.

Pavich of Pottawattamie offered the following amendment H—3102 filed by Pavich, et al., and moved its adoption:

H—3102

- 1 Amend House File 232 as follows:
- 2 1. Page 4, line 33, by striking the words "FREE
- 3 SAMPLES PROHIBITED" and inserting the following:
- 4 "TOBACCO PRODUCT AND CIGARETTE SAMPLES — RESTRICTIONS -
- 5 - ADMINISTRATION".
- 6 2. Page 4, line 34, by inserting before the word
- 7 "A" the following: "1."
- 8 3. Page 5, line 4, by inserting after the word
- 9 "product" the following: ", except as provided in
- 10 subsection 2".
- 11 4. Page 5, by inserting after line 4, the
- 12 following:
- 13 "2. a. A manufacturer, distributor, wholesaler,
- 14 retailer, or distributing agent or agent thereof shall
- 15 not give away any cigarettes or tobacco products to
- 16 any person under eighteen years of age, or within five
- 17 hundred feet of any playground, school, high school,
- 18 or other facility when such facility is being used
- 19 primarily by persons under age eighteen for
- 20 recreational, educational, or other purposes.

21 b. Proof of age shall be required if a reasonable
 22 person could conclude on the basis of outward
 23 appearance that a prospective recipient of a sample
 24 may be under eighteen years of age.

25 c. Persons engaged in sampling shall secure stocks
 26 of samples in safe locations in order to avoid
 27 inadvertent distribution of samples contrary to the
 28 provisions of this section.

29 d. Sampling shall cease at a particular location
 30 when circumstances arise that make it apparent that
 31 sampling cannot continue in a manner consistent with
 32 the provisions of this section; however, sampling may
 33 resume at that location when such circumstances abate.

34 e. All tobacco products and cigarette samples
 35 shall be shipped to a distributor that has a permit to
 36 stamp tobacco products and cigarettes or little cigars
 37 with Iowa tax. The manufacturer shipping samples
 38 under this section shall send an affidavit to the
 39 director stating the quantity and to whom the samples
 40 were shipped. The distributor receiving the shipment
 41 shall send an affidavit to the director stating the
 42 quantity and from whom the samples were shipped.
 43 These affidavits shall be duly notarized and submitted
 44 to the director at time of shipment and receipt of the
 45 samples. The distributor shall pay the tax on samples
 46 by separate remittance along with the affidavit."

47 5. Page 5, by striking lines 20 through 35.

48 6. By renumbering as necessary.

Roll call was requested by Pavich of Pottawattamie and Harbor of Mills.

On the question "Shall amendment H—3102 be adopted?"
 (H.F. 232)

The ayes were, 51:

Baker	Beaman	Beatty	Bisignano
Black	Brown	Cohoon	Connors
Dickinson	Diemer	Fogarty	Groning
Gruhn	Hahn	Halvorson, R. A.	Hansen, S. D.
Harbor	Hatch	Iverson	Jay
Jesse	Jochum	Johnson	Knapp
Kremer	Lageschulte	Lundby	Maulsby
McNeal	Mertz	Millage	Muhlbauer
Murphy	Pavich	Peterson, M. K.	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Siegrist
Spear	Spenner	Svoboda	Tyrrell
Weidman	Wise	Wissing	

The nays were, 45:

Adams	Arnould, Spkr.	Banks	Bartz
Bennett	Bernau	Brammer	Branstad
Burke	Carpenter	Chapman	Corbett
Daggett	De Groot	Doderer	Dvorsky
Eddie	Garman	Gill	Gipp
Grubbs	Halvorson, R. N.	Hammond	Hanson, D. R.
Haverland	Hester	Hibbard	Holveck
Hurley	Kistler	Krebsbach	McKean
McKinney	Metcalf	Miller	Neuhauser
Nielsen	Ollie	Osterberg	Plasier
Shoning	Shoultz	Teaford	Van Maanen
Blanshan			
Presiding			

Absent or not voting, 4:

Brand	Hanson, D. E.	Koenigs	Petersen, D. F.
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Amendment H—3102 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dickinson of Jackson, for the remainder of the day, on request of McKinney of Dallas.

Speaker Arnould in the chair at 4:04 p.m.

Brown of Lucas asked and received unanimous consent to withdraw amendment H—3111 filed by Brown, et al., on February 27, 1991.

Pavich of Pottawattamie offered the following amendment H—3077 filed by Pavich, et al., and moved its adoption:

H—3077

- 1 Amend House File 232 as follows:
- 2 1. Page 5, by striking lines 5 and 6 and
- 3 inserting the following:
- 4 "DIVISION III
- 5 Sec. _____. NEW SECTION. 98.51 UNIFORM
- 6 APPLICATION.
- 7 Enforcement of this chapter shall be implemented in
- 8 an equitable manner throughout the state. For the
- 9 purpose of equitable and uniform implementation,
- 10 application, and enforcement of state and local laws
- 11 and regulations, the provisions of this chapter shall
- 12 supersede any local law or regulation which is
- 13 inconsistent with or conflicts with the provisions of
- 14 this chapter."
- 15 2. By renumbering as necessary.

Roll call was requested by Iverson of Wright and Jay of Appanoose.

On the question "Shall amendment H—3077 be adopted?"
(H.F. 232)

The ayes were, 58:

Baker	Banks	Beaman	Bisignano
Black	Branstad	Brown	Cohoon
Connors	Corbett	Diemer	Eddie
Fogarty	Garman	Gill	Gipp
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Hansen, S. D.	Harbor	Hurley	Iverson
Jay	Jochum	Johnson	Knapp
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McNeal	Metcalf	Millage
Muhlbauer	Murphy	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Siegrist	Spenner
Svoboda	Tyrrell	Van Maanen	Weidman
Wise	Wissing		

The nays were, 35:

Adams	Bartz	Beatty	Bennett
Bernau	Blanshan	Brammer	Brand
Burke	Carpenter	De Groot	Doderer
Dvorsky	Groninga	Halvorson, R. N.	Hammond
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Jesse	Kistler
McKean	McKinney	Miller	Neuhauser
Nielsen	Ollie	Osterberg	Shoning
Spear	Teaford	Mr. Speaker	
		Arnould	

Absent or not voting, 7:

Chapman	Daggett	Dickinson	Hanson, D. E.
Koenigs	Mertz	Shultz	

Amendment H—3077 was adopted.

Cohoon of Des Moines in the chair at 4:35 p.m.

Bisignano of Polk asked and received unanimous consent to withdraw amendment H—3076 filed by Bisignano, et al., on February 20, 1991.

Grubbs of Scott asked and received unanimous consent to withdraw amendment H—3131, previously deferred, filed by him on March 4, 1991.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 232)

The ayes were, 72:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Bennett	Bernau	Blanshan
Brand	Branstad	Burke	Carpenter
Chapman	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Garman	Gill	Gipp
Groninga	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Jesse	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Metcalf	Millage	Miller
Murphy	Nielsen	Ollie	Osterberg
Peterson, M. K.	Plasier	Rafferty	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Teaford	Tyrrell
Van Maanen	Wise	Wissing	Cohoon
			Presiding

The nays were, 25:

Beaman	Beatty	Bisignano	Black
Brammer	Brown	Fogarty	Gruhn
Harbor	Iverson	Jay	Jochum
Knapp	Mertz	Muhlbauer	Neuhauser
Pavich	Petersen, D. F.	Poncy	Renaud
Renken	Royer	Schrader	Svoboda
Weidman			

Absent or not voting, 3:

Dickinson	Hanson, D. E.	Koenigs
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 375, a bill for an act relating to the prohibiting of the disposal of baled solid waste at a sanitary landfill, 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?" (H.F. 375)

The ayes were, 90:

Adams	Arnould, Spkr.	Baker	Banks
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer

Brand	Branstad	Brown	Burke
Carpenter	Chapman	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Krebsbach
Kremer	Lageschulte	Lundby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Cohoon		
	Presiding		

The nays were, 5:

Bartz	Hibbard	Maulsby	Renken
Royer			

Absent or not voting, 5:

Connors	Dickinson	Hanson, D. E.	Koenigs
Mertz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILLS

House File 674, by committee on state government, a bill for an act relating to the consumption of alcohol by persons under the age of twenty-one years.

Read first time and placed on the calendar.

House File 675, by committee on agriculture, a bill for an act relating to grain management, by providing for the regulation of grain dealers and grain warehouse operators, providing for the indemnification of grain depositors and sellers, providing for penalties, and providing dates of applicability.

Read first time and placed on the calendar.

House File 676, by committee on education, a bill for an act to establish a summertime education program for school districts, to provide an appropriation and for the imposition of a tax, and providing for interim pilot projects, a legislative study, and an effective date.

Read first time and referred to committee on **ways and means**.

House File 677, by committee on state government, a bill for an act relating to campaign finance by providing for voluntary limitation of campaign expenditures for certain elective officers, restrictions on acceptance of contributions for certain elective officers, a prohibition of certain accounts by officeholders, restrictions on certain transfers of campaign funds between candidate's committees, and providing penalties.

Read first time and placed on the **calendar**.

House File 678, by committee on agriculture, a bill for an act relating to agricultural production and commerce, by providing for the production and distribution of ethanol, and providing penalties.

Read first time and placed on the **calendar**.

House File 679, by committee on judiciary and law enforcement, a bill for an act relating to forfeiture of excursion boats and related property and providing an effective date.

Read first time and placed on the **calendar**.

House File 680, by committee on commerce, a bill for an act requiring registration of persons located outside of this state who issue credit cards, providing for an examination fee, and providing a penalty.

Read first time and placed on the **calendar**.

House File 681, by committee on judiciary and law enforcement, a bill for an act relating to the confidentiality of certain information relating to waste reduction under the public records law.

Read first time and placed on the **calendar**.

Regular Calendar

House File 506, a bill for an act relating to the admission into evidence of reproduced, rerecorded, or duplicated original writings, documents, and other records kept in the regular course of business or activity, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 506)

The ayes were, 97:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Cohoon			
Presiding			

The nays were, none.

Absent or not voting, 3:

Dickinson	Hanson, D. E.	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.

MOTIONS TO RECONSIDER (House File 232)

I move to reconsider the vote by which House File 232 passed the House on March 27, 1991.

TEAFORD of Black Hawk

(House File 232)

I move to reconsider the vote by which House File 232 passed the House on March 27, 1991.

SHERZAN of Polk

(House File 298)

I move to reconsider the vote by which House File 298 passed the House on March 27, 1991.

HALVORSON of Webster

(House File 421)

I move to reconsider the vote by which House File 421 passed the House on March 27, 1991.

KNAPP of Dubuque

(House File 421)

I move to reconsider the vote by which House File 421 passed the House on March 27, 1991.

CARPENTER of Polk

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday morning, March 26, 1991. Had I been present, I would have voted "aye" on House File 201.

SIEGRIST of Pottawattamie

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 27, 1991, he approved and transmitted to the Secretary of State the following bill:

Senate File 174, an act classifying the transfer of a nonpayable financial instrument to a livestock dealer or market agency as a fraudulent practice and making penalties applicable.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-one students from Anthon-Oto Community School, Anthon. By Bennett of Ida.

Forty fifth and sixth grade students from Paton-Churdan Elementary School, Paton, accompanied by Scott Cakerice. By Blanshan of Greene.

Government class from Cal High School, Latimer, accompanied by Sarah Pralle. By Iverson of Wright and McNeal of Hardin.

A group of students from Rockford Junior-Senior High School, Rockford, accompanied by Mr. Robert Druckery. By Krebsbach of Mitchell.

Twenty-eight high school government students from Highland Community School, Riverside, accompanied by Chris Samuelson. By Shearer of Louisa.

Six students from Iowa State University, Ames. By Svoboda of Tama.

SUBCOMMITTEE ASSIGNMENTS

House File 329

Appropriations: Peterson of Carroll, Chair; Gipp and Hammond.

House File 564

Appropriations: Peterson of Carroll, Chair; Miller and Teaford.

House File 568

Appropriations: Peterson of Carroll, Chair; Miller and Teaford.

House File 606

Human Resources: Mertz, Chair; Haverland and Plasier.

House Concurrent Resolution 19

Human Resources: Hester, Chair; Hammond and Nielsen.

Senate File 259

Local Government: Mertz, Chair; Cohoon and Hahn.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 315 Ways and Means

Relating to property taxes, including the mobile home tax reduction, property tax credit, rent reimbursement, family farm tax credit, and county expenditure for mental health, and providing effective and retroactive applicability dates.

H.S.B. 316 Ways and Means

Relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds or money market funds.

H.S.B. 317 Ways and Means

Relating to the property tax exemption for charitable societies or organizations and providing a retroactive applicability date.

H.S.B. 318 Ways and Means

Relating to the property tax exemption for low-rent elderly and handicapped housing and providing a retroactive applicability date.

H.S.B. 319 Ways and Means

Authorizing community colleges to train individuals to conduct gambling games on excursion gambling boats, making it legal for the community colleges to possess certain gambling devices and equipment, and providing for a credit on the wagering tax for the costs of the training.

H.S.B. 320 Ways and Means

Establishing a retroactive effective date for exemption from taxation of gross receipts from the sale of consumer rental purchase property and providing an effective date.

H.S.B. 321 Energy and Environmental Protection

Relating to petroleum underground storage tank release remediation and financial assistance and providing an effective date.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Resolution (Formerly House Concurrent Resolution 13), a concurrent resolution encouraging the federal government to establish a program for the sharing of child abuse registry information among the states.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 1991.

AMENDMENTS FILED

H-3364	H.F.	619	Renken of Grundy
H-3365	H.F.	616	Iverson of Wright
			Gruhn of Dickinson
			Mertz of Kossuth
			Bartz of Worth
H-3366	H.F.	517	Gill of Woodbury
H-3368	H.F.	520	Metcalf of Polk
H-3369	H.F.	610	Royer of Page
H-3370	H.F.	632	McKean of Jones
			Hurley of Fayette
H-3371	H.F.	395	Garman of Story
Mertz of Kossuth			Muhlbauer of Crawford
McKean of Jones			Shoning of Woodbury
Corbett of Linn			Krebsbach of Mitchell
Kremer of Buchanan			Renken of Grundy
Hanson of Delaware			Johnson of Clinton
Branstad of Winnebago			McNeal of Hardin
Plasier of Sioux			Van Maanen of Mahaska
Daggett of Adams			Hurley of Fayette
De Groot of Lyon			Banks of Plymouth
			Svoboda of Tama
H-3373	H.F.	616	Shoultz of Black Hawk
Black of Jasper			Fogarty of Palo Alto
Peterson of Carroll			Svoboda of Tama
Hanson of Black Hawk			Muhlbauer of Crawford
H-3374	H.F.	289	Schrader of Marion
H-3375	H.F.	534	Halvorson of Clayton
H-3376	H.F.	631	Renaud of Polk
H-3377	H.F.	298	Halvorson of Webster
			Gruhn of Dickinson
			Pavich of Pottawattamie
H-3378	H.F.	596	Halvorson of Clayton
H-3379	H.F.	566	Holveck of Polk
H-3380	H.F.	665	Tyrrell of Iowa

On motion by McKinney of Dallas, the House adjourned at 4:55 p.m., until 9:00 a.m., Thursday, March 28, 1991.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day — Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 28, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by the Honorable Steve Grubbs, state representative from Scott County.

The Journal of Wednesday, March 27, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Halvorson of Clayton.

SENATE MESSAGES CONSIDERED

Senate File 129, by Doyle, a bill for an act relating to the time period within which an information or indictment for sexual exploitation of a minor can be found.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 193, by committee on state government, a bill for an act relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science examiners, prohibiting the practice of marital and family therapy and mental health counseling without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, providing for a temporary waiver of certain licensing requirements, and providing other properly related matters.

Read first time and referred to committee on **state government**.

Senate File 257, by committee on small business and economic development, a bill for an act changing the definition of targeted small business and providing an effective date.

Read first time and **passed on file**.

Senate File 291, by Fuhrman and Varn, a bill for an act relating to the date of completion of the transfer of responsibilities for certain child support orders from the department of human services to the judicial department.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 314, by committee on education, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates.

Read first time and referred to committee on **education**.

Senate File 324, by Buhr, a bill for an act relating to authorized actions of local air pollution programs under the jurisdiction of the department of natural resources and providing penalties.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 329, by committee on transportation, a bill for an act authorizing the state department of transportation to adopt rules requiring public utilities to comply with the utility accommodation policy for certain Iowa road systems.

Read first time and referred to committee on **transportation**.

Senate File 331, by committee on transportation, a bill for an act extending traffic enforcement authority to mobile home parks.

Read first time and referred to committee on **transportation**.

Senate File 337, by committee on transportation, a bill for an act relating to contracts for road, bridge, and culvert construction.

Read first time and referred to committee on **transportation**.

Senate File 340, by Nystrom and Kibbie, a bill for an act relating to retirement benefits of members of the Iowa public employees' retirement system who retire due to disability and providing an effective date and applicability date.

Read first time and referred to committee on **state government**.

Senate File 343, by committee on human resources, a bill for an act relating to the medical assistance program.

Read first time and referred to committee on **human resources**.

Senate File 345, by committee on human resources, a bill for an act relating to state programs and institutions serving persons with mental retardation, developmental disabilities, or mental illness.

Read first time and **passed on file**.

Senate File 429, by committee on agriculture, a bill for an act relating to agricultural land held by corporations, limited partnerships, and trusts, and providing penalties.

Read first time and referred to committee on **agriculture**.

Senate File 434, by committee on commerce, a bill for an act relating to judgment liens.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 435, by committee on commerce, a bill for an act relating to the transfer of regulatory authority over mortgage bankers and brokers from the superintendent of savings and loans to the superintendent of banking.

Read first time and referred to committee on **commerce**.

Senate File 453, by committee on judiciary, a bill for an act relating to judicial officers having jurisdiction over civil commitment proceedings and providing an effective date.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 454, by committee on transportation, a bill for an act authorizing the state department of transportation to contract for a light rail study.

Read first time and referred to committee on **transportation**.

Senate File 461, by committee on transportation, a bill for an act requiring confidential use of social security numbers on noncommercial driver's license applications.

Read first time and referred to committee on **transportation**.

Senate File 462, by committee on transportation, a bill for an act making it a felony to buy, sell, exchange, give away, or possess various vehicle identification number plates, labels, stickers, or rivets, removing, holding, or using a manufacturers vehicle identification plate as a fraudulent practice and creating a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 505, by committee on state government, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing 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 March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 48, a bill for an act relating to professional titles and abbreviations of physical therapists and physical therapist assistants, and licensure, examination fees, and conditions of practice of physical therapist assistants.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 81, a bill for an act relating to safety procedures required for water skiers and surfboarders and subjecting violators to an existing penalty.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 101, a bill for an act relating to the loss of pay while on military leave of absence.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 213, a bill for an act relating to probate code provisions with respect to testamentary trusts, investments by fiduciaries, conservatorships, and the distribution of decedents' property by affidavit.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 216, a bill for an act relating to requirements for insulation in housing projects assisted under the rental assistance programs of the United States department of housing and urban development and providing a five-year grace period for owners of existing housing projects.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 217, a bill for an act authorizing nonambulatory persons to use all-terrain vehicles for hunting on private land and subjecting violators to a penalty.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 234, a bill for an act relating to the creation of a taxpayers' bill of rights and privileges, and an office of taxpayer ombudsman within the department of revenue and finance.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 279, a bill for an act relating to the requirements for approval of certain cremation permits.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 309, a bill for an act relating to the duties of the county compensation board.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 330, a bill for an act relating to tinted windows and making penalties applicable.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 362, a bill for an act relating to petroleum underground storage tanks by raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals, imposing an environmental damage offset, and providing an effective date.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 419, a bill for an act relating to voting hours for drainage or levee district trustee elections.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 422, a bill for an act allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 431, a bill for an act relating to financial responsibility requirements for commercial applicators of pesticides.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 436, a bill for an act to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 441, a bill for an act relating to workers' compensation self-insurance, imposing civil and criminal penalties, and providing an appropriation.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 457, a bill for an act relating to collective bargaining.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 470, a bill for an act relating to federal-state public assistance programs.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 471, a bill for an act relating to state policies and procedures affecting children.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 473, a bill for an act relating to accredited schools and school districts, making changes in the department of education's biennial report on the condition of schools, changing the requirements for certain pilot projects, providing exceptions to certain uses of funds received under an instructional support program, and changing the district in which shared-time pupils are counted under the postsecondary enrollment options Act.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 485, a bill for an act relating to authorized expenditures of enhanced 911 service surcharge revenues.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 488, a bill for an act relating to the appointment of the clerk or secretary to a city civil service commission.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 490, a bill for an act relating to the availability of certain information relating to escrow accounts maintained in connection with real estate loans.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 492, a bill for an act relating to the classified civil service status of two second deputy sheriffs in certain counties.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 494, a bill for an act relating to the transfer of the regulatory authority of the superintendent of savings and loan associations to the director of the department of commerce and the superintendent of banking.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 504, a bill for an act relating to the method of deregulation of communication services and facilities.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 520, a bill for an act relating to testing to detect the presence of radon gas or radon progeny, was taken up for consideration.

The following amendments were deferred by unanimous consent:

H—3332 filed by Banks of Plymouth.

H—3335 filed by Bartz of Worth.

Bernau of Story offered the following amendment H—3325 filed by him:

H—3325

1 Amend House File 520 as follows:

2 1. Page 1, line 24, by striking the word "for"
3 and inserting the following: "to".

4 2. Page 1, by inserting after line 32 the
5 following:

6 "_____. A provision which guarantees the integrity
7 of the test performed.

8 _____. A provision to notify a prospective buyer of
9 a residence of the prospective buyer's right to
10 request and receive the results of a radon test
11 performed on the residence."

12 3. Page 2, by inserting after line 15, the
13 following:

14 "The results of radon tests of facilities under the
15 control of the board required to conduct radon tests
16 under this section, which were conducted prior to July
17 1, 1991, in accordance with protocols established by
18 the United States environmental protection agency
19 shall be accepted by the Iowa department of public
20 health in lieu of the test results required to be
21 submitted under this section.

22 This section takes effect only if funds have been
23 made available to the board to pay the costs of the
24 radon testing."

Bernau of Story offered the following amendment H—3353, to amendment H—3325, filed by him and moved its adoption:

H—3353

- 1 Amend the amendment, H—3325, to House File 520 as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the fol-
- 4 lowing:
- 5 "_____. Page 1, line 5, by striking the word
- 6 "interpretation" and inserting the following:
- 7 "explanation".
- 8 _____. Page 1, line 6, by inserting after the word
- 9 "salesperson." the following: "This section shall not
- 10 be construed to impose any liability on the real
- 11 estate broker or salesperson regarding the explanation
- 12 of radon test results by the broker or salesperson and
- 13 shall not be construed as certifying a broker or
- 14 salesperson as a person who tests for the presence of
- 15 radon gas and radon progeny under chapter 136B." "
- 16 2. By renumbering as necessary.

Amendment H—3353 was adopted.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H—3368, to amendment H—3325, filed by her on March 27, 1991.

Bartz of Worth offered the following amendment H—3349, to amendment H—3325, filed by him and moved its adoption:

H—3349

- 1 Amend the amendment, H—3325, to House File 520 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1, the
- 4 following:
- 5 "_____. Page 1, by striking line 14 and inserting
- 6 the following: "RESIDENCE."
- 7 _____. Page 1, lines 18 and 19, by striking the
- 8 following: ", at the time of sale of the
- 9 residences"."
- 10 2. Page 1, by striking lines 8 through 11 and
- 11 inserting the following:
- 12 "_____. By striking page 1, line 33, through page
- 13 2, line 2, and inserting the following:
- 14 "_____. A person owning a single family residence is
- 15 not required by this section to test the residence for
- 16 radon gas or radon progeny prior to the transfer of
- 17 title of such residence." "
- 18 3. By renumbering as necessary.

Roll call was requested by Bernau of Story and Royer of Page.

Rule 75 was invoked.

On the question "Shall amendment H—3349 be adopted?"
(H.F. 520)

The ayes were, 52:

Banks	Bartz	Beaman	Bennett
Branstad	Brown	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Gipp	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Hester	Hibbard	Hurley	Iverson
Johnson	Kistler	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Mertz	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Shoning	Siegrist	Spenner
Svoboda	Tyrrell	Van Maanen	Weidman

The nays were, 45:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Burke	Cphoon	Connors
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Holveck
Jay	Jesse	Knapp	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Schrader	Shearer	Sherzan	Shoultz
Spear	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 3:

Chapman	Harbor	Jochum
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Amendment H—3349 was adopted.

McKinney of Dallas asked and received unanimous consent that House File 520 be deferred and that the bill retain its place on the calendar.

(Amendment H—3325, as amended, pending.)

House File 566, a bill for an act relating to defective motor vehicles and providing statutory procedures under which a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the warranty, providing certain remedies, providing an administrative fine, making a penalty applicable, and providing an effective date, was taken up for consideration.

Holveck of Polk offered the following amendment H—3379 filed by him and moved its adoption:

H—3379

- 1 Amend House File 566 as follows:
- 2 1. Page 3, lines 9 and 10, by striking the words
- 3 "living facilities such as".

Amendment H—3379 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. 566)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 2:

Chapman

Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 469, a bill for an act relating to the appointment of city and county boards, commissions, committees, or other multimember appointive bodies, with report of committee recommending amendment and passage was taken up for consideration.

Hatch of Polk offered amendment H—3305 filed by the committee on local government and requested division as follows:

H—3305

- 1 Amend House File 469 as follows:

H—3305A

- 2 1. Page 1, by striking lines 7 through 16 and
- 3 inserting the following: "county, the membership
- 4 shall be racially balanced to reflect the ratio of the
- 5 various racial groups in the city or county to the
- 6 general population of the city or county and shall, to
- 7 the extent possible, be gender balanced. These
- 8 requirements shall apply when an appointment is made
- 9 to fill a vacancy or a reappointment is being
- 10 considered."

H—3305B

- 11 2. Page 1, by striking lines 17 through 22.
- 12 3. By renumbering as necessary.

Hansen of Woodbury in the chair at 10:04 a.m.

Hatch of Polk moved the adoption of the committee amendment H—3305A.

A non-record roll call was requested.

The ayes were 41, nays 47.

The committee amendment H—3305A lost.

Speaker Arnould in the chair at 10:54 a.m.

Hatch of Polk moved the adoption of the committee amendment H—3305B.

Roll call was requested by Hanson of Delaware and Spenner of Henry.

On the question "Shall the committee amendment H—3305B be adopted?" (H.F. 469)

The ayes were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Blanshan	Brammer	Brand
Brown	Burke	Cohoon	Connors
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Haverland	Hibbard	Holveck	Jesse
Jochum	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 47:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. R.	Hester	Hurley
Iverson	Jay	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McNeal	Metcalf	Millage	Miller
Petersen, D. F.	Plasier	Rafferty	Renken
Royer	Siegrist	Spear	Spenner
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 2:

Chapman	Harbor
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The committee amendment H—3305B was adopted.

McKinney of Dallas asked and received unanimous consent that House File 469 be deferred and that the bill retain its place on the calendar.

On motion by McKinney of Dallas, the House was recessed at 11:18 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

SENATE MESSAGES CONSIDERED

Senate File 81, by Tinsman, Dieleman, Hester, Hagerla and Lloyd-Jones, a bill for an act relating to safety procedures required for water skiers and surfboarders and subjecting violators to an existing penalty.

Read first time and referred to committee on **natural resources and outdoor recreation**.

Senate File 213, by committee on judiciary, a bill for an act relating to probate code provisions with respect to testamentary trusts, investments by fiduciaries, conservatorships, and the distribution of decedents' property by affidavit.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 216, by Welsh, a bill for an act relating to requirements for insulation in housing projects assisted under the rental assistance programs of the United States department of housing and urban development and providing a five-year grace period for owners of existing housing projects.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 217, by Borlaug and Husak, a bill for an act authorizing nonambulatory persons to use all-terrain vehicles for hunting on private land and subjecting violators to a penalty.

Read first time and referred to committee on **natural resources and outdoor recreation**.

Senate File 254, by committee on small business and economic development, a bill for an act relating to economic development by transferring funds to the revolving fund of the rural community 2000 program, establishing time frames for the completion of the community builder program, establishing a planning category in the rural community 2000 program, and providing an effective date.

Read first time and **passed on file**.

Senate File 276, by Gronstal, a bill for an act amending the Iowa Uniform Securities Act, by exempting agricultural cooperative associations from certain requirements provided under the Act, providing for the retroactive application of the Act, and providing an effective date.

Read first time and **passed on file**.

Senate File 279, by Horn, a bill for an act relating to the requirements for approval of certain cremation permits.

Read first time and referred to committee on **local government**.

Senate File 309, by Welsh, a bill for an act relating to the duties of the county compensation board.

Read first time and referred to committee on **local government**.

Senate File 330, by committee on transportation, a bill for an act relating to tinted windows and making penalties applicable.

Read first time and referred to committee on **transportation**.

Senate File 378, by committee on education, a bill for an act relating to the weighting plan to be used to provide funds for the excess costs of instruction of children requiring special education.

Read first time and **passed on file**.

Senate File 384, by committee on judiciary, a bill for an act relating to certain statutory provisions concerning the department of corrections.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 389, by committee on state government, a bill for an act relating to the department of human rights commission of Latino affairs and commission on the status of blacks.

Read first time and referred to committee on **state government**.

Senate File 419, by Miller, a bill for an act relating to voting hours for drainage or levee district trustee elections.

Read first time and referred to committee on **local government**.

Senate File 431, by committee on agriculture, a bill for an act relating to financial responsibility requirements for commercial applicators of pesticides.

Read first time and referred to committee on **agriculture**.

Senate File 436, by committee on agriculture, a bill for an act to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date.

Read first time and **passed on file**.

Senate File 441, by committee on business and labor relations, a bill for an act relating to workers' compensation self-insurance, imposing civil and criminal penalties, and providing an appropriation.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 445, by committee on judiciary, a bill for an act relating to the forfeiture of the rights of junior lienholders with respect to real estate contracts and providing an effective date.

Read first time and **passed on file**.

Senate File 455, by committee on human resources, a bill for an act relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties.

Read first time and **passed on file**.

Senate File 457, by committee on business and labor relations, a bill for an act relating to collective bargaining.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 470, by committee on human resources, a bill for an act relating to federal-state public assistance programs.

Read first time and **passed on file**.

Senate File 471, by committee on human resources, a bill for an act relating to state policies and procedures affecting children.

Read first time and referred to committee on **human resources**.

Senate File 473, by committee on education, a bill for an act relating to accredited schools and school districts, making changes in the department of education's biennial report on the condition of schools, changing the requirements for certain pilot projects, providing exceptions to certain uses of funds received under an instructional support program, and changing the district in which shared-time pupils are counted under the postsecondary enrollment options Act.

Read first time and referred to committee on **education**.

Senate File 485, by committee on local government, a bill for an act relating to authorized expenditures of enhanced 911 service surcharge revenues.

Read first time and referred to committee on **local government**.

Senate File 488, by committee on local government, a bill for an act relating to the appointment of the clerk or secretary to a city civil service commission.

Read first time and referred to committee on **local government**.

Senate File 492, by committee on local government, a bill for an act relating to the classified civil service status of two second deputy sheriffs in certain counties.

Read first time and referred to committee on **local government**.

Senate File 494, by committee on commerce, a bill for an act relating to the transfer of the regulatory authority of the superintendent of savings and loan associations to the director of the department of commerce and the superintendent of banking.

Read first time and referred to committee on **commerce**.

Senate File 504, by committee on commerce, a bill for an act relating to the method of deregulation of communication services and facilities.

Read first time and referred to committee on **commerce**.

CONSIDERATION OF BILLS

Regular Calendar

House File 508, a bill for an act relating to requirements for psychiatric medical institutions for children, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H—3314 filed by the committee on human resources and moved its adoption:

H—3314

- 1 Amend House File 508 as follows:
- 2 1. Page 1, by striking lines 1 through 22.
- 3 2. By renumbering as necessary.

The committee amendment H—3314 was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 508)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grutbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Beaman	Chapman	Dvorsky	Harbor
Haverland			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 48, a bill for an act relating to filling school board member vacancies by appointment, with report of committee recommending passage was taken up for consideration.

Wissing 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. 48)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke

Carpenter	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Hester	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Chapman	Harbor	Haverland	Hibbard
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED (House File 298)

Halvorson of Webster called up for consideration the motion to reconsider House File 298, filed on March 27, 1991, and moved to reconsider the vote by which House File 298, a bill for an act relating to the conduct of games and raffles by qualified organizations, passed the House and was placed on its last reading on March 27, 1991.

A non-record roll call was requested.

The ayes were 67, nays 1.

The motion prevailed and House File 298 was reconsidered.

Halvorson of Webster offered the following amendment H-3377 filed by Halvorson, et al., and moved its adoption:

H-3377

- 1 Amend House File 298 as follows:
- 2 1. Page 1, line 12, by striking the words "all
- 3 games and".

Amendment H—3377 was adopted.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 298)

The ayes were, 95:

Baker	Banks	Beaman	Beatty
Bennett	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Adams	Bartz	Chapman	Harbor
Muhlbauer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 577, a bill for an act relating to required reporting on state parks and preserves, with report of committee recommending amendment and passage was taken up for consideration.

Gruhn of Dickinson offered the following amendment H—3307 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H-3307

- 1 Amend House File 577 as follows:
- 2 1. Page 1, line 4, by striking the words "and the
3 general assembly".
- 4 2. Page 1, line 5, by striking the word "two" and
5 inserting the following: "five".
- 6 3. Page 1, line 7, by inserting after the word
7 "parks" the following: ", recreation areas,".
- 8 4. Page 1, line 10, by striking the word
9 "biological".
- 10 5. Page 1, by striking line 11 and inserting the
11 following: "animal and plant life in state parks,
12 recreation areas, and preserves."
- 13 6. Page 1, line 15, by inserting after the word
14 "parks" the following: ", recreation areas,".
- 15 7. Page 1, by striking line 16 and inserting the
16 following: "The portion of the report dealing with
17 preserves shall be prepared in conjunction with the
18 state".
- 19 8. Page 1, line 17, by inserting after the word
20 "preserves." the following: "A copy of the report may
21 be requested by a member of the general assembly."

The committee amendment H-3307 was adopted.

Gruhn of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 577)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy

Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Bisignano	Chapman	Harbor	Hibbard
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 595, a bill for an act relating to the taxation of attorney fees in prison disciplinary cases, was taken up for consideration.

Wissing 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. 595)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 3:

Chapman Harbor Jesse

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 580, a bill for an act to permit a person who has been issued a coaching authorization to be employed by a school district as head coach, 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. 580)

The ayes were, 89:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Branstad	Brown
Burke	Carpenter	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 5:

Blanshan Garman Hammond Miller
Poncey

Absent or not voting, 6:

Brammer Brand Chapman Harbor
Plasier Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 216, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act, with report of committee recommending passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that House File 216 be deferred and that the bill retain its place on the calendar.

House File 510, a bill for an act relating to the appointment of a county attorney or sheriff to serve more than one county, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered the following amendment H—3303 filed by the committee on local government and moved its adoption:

H—3303

- 1 Amend House File 510 as follows:
- 2 1. Page 1, by striking lines 4 through 34, and
- 3 inserting the following: "shall be elected by a
- 4 majority of the votes cast for the office of county
- 5 sheriff in all of the counties which the county
- 6 sheriff will serve as provided in the agreement. The
- 7 election shall be conducted in accordance with section
- 8 47.2, subsection 2.
- 9 2. The effective date of the agreement shall be
- 10 January 1 of the year following the next general
- 11 election at which the county sheriff is elected as
- 12 provided by this section and section 39.17."
- 13 2. Title page, by striking line 1 and inserting
- 14 the following: "An Act relating to the election of a
- 15 county".

The committee amendment H—3303 was adopted.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 510)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke

Carpenter	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 4:

Chapman	Connors	Harbor	Hurley
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 505, a bill for an act relating to funding and maintenance of certain local civil rights commissions and agencies and providing an effective date, with report of committee recommending passage was taken up for consideration.

Baker 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. 505)

The ayes were, 92:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.

Hanson, D. E.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Rafferty	Renaud	Renken
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 8:

Bisignano	Chapman	Connors	Eddie
Hanson, D. R.	Harbor	Jesse	Royer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 547, a bill for an act relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county, with report of committee recommending amendment and passage was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H—3313 filed by the committee on energy and environmental protection:

H—3313

- 1 Amend House File 547 as follows:
- 2 1. By striking page 1, line 28 through page 2,
- 3 line 5 and inserting the following:
- 4 "2. The rules adopted by the commission under
- 5 subsection 1 shall provide that only fuel derived from
- 6 paper and paperboard products which are not recyclable
- 7 due to contamination, including contamination from
- 8 blood or egg, which occurred at the time of the use of
- 9 the product for its originally intended purpose, or
- 10 products which are not recyclable due to composition
- 11 of the product, such as wax-coated cardboard, are
- 12 included in the calculation."
- 13 2. By renumbering as necessary.

Koenigs of Mitchell in the chair at 2:39 p.m.

Shoultz of Black Hawk moved the adoption of the committee amendment H—3313.

A non-record roll call was requested.

The ayes were 46, nays 40.

The committee amendment H—3313 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. 547)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Koenigs
			Presiding

The nays were, none.

Absent or not voting, 4:

Chapman

Connors

Doderer

Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 232)

Teaford of Black Hawk called up for consideration the motion to reconsider House File 232, filed on March 27, 1991, and moved to reconsider the vote by which House File 232, a bill for an act relating to the sale and furnishing of cigarettes and tobacco products to certain persons and providing penalties, passed the House and was placed on its last reading on March 27, 1991.

A non-record roll call was requested.

The ayes were 8, nays 68.

The motion to reconsider lost, placing out of order the motion to reconsider filed by Sherzan of Polk on March 27, 1991.

Regular Calendar

The House resumed consideration of **House File 520**, a bill for an act relating to testing to detect the presence of radon gas or radon progeny, and amendment H—3325, as amended, (found on page 920 of the House Journal), previously deferred.

Bernau of Story offered the following amendment H—3389, to amendment H—3325, filed from the floor by Bernau, Renaud, Lundby and Banks and moved its adoption:

H—3389

- 1 Amend the amendment, H—3325, to House File 520 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the fol-
- 4 lowing:
- 5 "_____. Page 1, by inserting after line 6 the
- 6 following:
- 7 "Sec. _____. NEW SECTION. 117.49 RADON TEST —
- 8 PROSPECTIVE BUYER'S RIGHT TO REQUEST — OFFER TO BUY.
- 9 The real estate commission shall adopt rules which
- 10 require a real estate broker or salesperson to notify
- 11 a prospective buyer of a single-family residence of
- 12 the prospective buyer's right to request, as a
- 13 condition of the offer to buy, the performance and
- 14 disclosure of the results of a radon test." "

Amendment H—3389 was adopted.

On motion by Bernau of Story, amendment H—3325, as amended, was adopted.

De Groot of Lyon offered the following amendment H—3298 filed by him:

H-3298

- 1 Amend House File 520 as follows:
- 2 1. Page 3, by inserting after line 4 the
- 3 following:
- 4 "Sec. _____. REPORTING. The departments, state
- 5 board of regents, and commission required to adopt
- 6 rules, implement protocols, or conduct tests pursuant
- 7 to this Act, shall submit a report to the governor and
- 8 the general assembly evaluating the results of the
- 9 activities performed. The report shall be submitted
- 10 by December 1, 1992.
- 11 Sec. _____. REPEAL. Sections 117.48, 136B.6,
- 12 136B.7, and 279.48, as enacted by this Act, are
- 13 repealed effective July 1, 1994, and any rules adopted
- 14 pursuant to these sections are null and void as of
- 15 that date."
- 16 2. By renumbering as necessary.

The following amendment H-3395, to amendment H-3298, filed by De Groot of Lyon from the floor was adopted by unanimous consent:

H-3395

- 1 Amend amendment H-3298, to House File 520, as
- 2 follows:
- 3 1. Page 1, line 13, by striking the numerals
- 4 "1994" and inserting the numerals "1997".

Bernau of Story asked and received unanimous consent to withdraw amendment H-3344, to amendment H-3298, filed by him on March 26, 1991.

On motion by De Groot of Lyon, amendment H-3298, as amended, was adopted.

Banks of Plymouth offered the following amendment H-3332, previously deferred, filed by him and moved its adoption:

H-3332

- 1 Amend House File 520 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "progeny." the following: "The program shall include
- 4 a provision of information regarding the availability
- 5 and use of blow door tests to measure the energy
- 6 efficiency level of the home and the measurement's
- 7 implications relative to the presence of radon gas and
- 8 radon progeny."

Amendment H-3332 was adopted.

Bartz of Worth asked and received unanimous consent to withdraw amendment H-3335, previously deferred, filed by him on March 26, 1991.

Bernau of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 520)

The ayes were, 54:

Adams	Arnould, Spkr.	Baker	Banks
Beatty	Bernau	Bisignano	Blanshan
Brammer	Brand	Brown	Burke
Carpenter	Cohoon	Connors	Corbett
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Kistler	Knapp	Lundby
McKinney	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Renaud
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Teaford	Wise
Wissing	Koenigs		
	Presiding		

The nays were, 41:

Bartz	Beaman	Bennett	Black
Branstad	Daggett	De Groot	Diemer
Eddie	Garman	Gipp	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Hanson, D. E.
Hester	Hurley	Iverson	Johnson
Krebsbach	Kremer	Lageschulte	Maulsby
McNeal	Mertz	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Poncy
Rafferty	Renken	Royer	Shoning
Spenner	Svoboda	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 5:

Chapman	Harbor	McKean	Murphy
Neuhauser			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 602, a bill for an act relating to the transfer of ownership of a vehicle by operation of law, 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. 602)

The ayes were, 95:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Koenigs	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Carpenter	Chapman	Harbor	Murphy
Siegrist			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 631, a bill for an act relating to the sale of alcoholic beverages in original containers for consumption off the premises and imposing a fee, was taken up for consideration.

Renaud of Polk offered the following amendment H—3376 filed by him and moved its adoption:

H—3376

- 1 Amend House File 631 as follows:
- 2 1. Page 1, by striking lines 18 through 19 and
- 3 inserting the following: "the regular license fee
- 4 only, excluding any other surcharges or Sunday sale
- 5 license or permit fees otherwise imposed pursuant to

- 6 this section. The surcharges paid under this
 7 subsection shall be collected and deposited as
 8 provided in subsection 10."

Amendment H—3376 was adopted.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 631)

The ayes were, 62:

Adams	Arnould, Spkr.	Baker	Bartz
Beatty	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Burke	Cohoon	Connors	Dickinson
Diemer	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. A.	Hansen, S. D.
Hanson, D. E.	Hatch	Haverland	Hibbard
Jay	Jesse	Jochum	Knapp
Kremer	Lageschulte	Lundby	McKinney
Mertz	Millage	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peterson, M. K.	Poncy	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Wise
Wissing	Koenigs		
	Presiding		

The nays were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Doderer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. N.	Hammond
Hanson, D. R.	Hester	Holveck	Hurley
Iverson	Johnson	Kistler	Krebsbach
Maulsby	McKean	McNeal	Metcalf
Miller	Osterberg	Petersen, D. F.	Plasier
Renken	Royer	Van Maanen	Weidman

Absent or not voting, 2:

Chapman Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 617, a bill for an act relating to the central location of original loan documentation recordkeeping functions at the office of a bank holding company, was taken up for consideration.

Bisignano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 617)

The ayes were, 97:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Koenigs			
Presiding			

The nays were, none.

Absent or not voting, 3:

Beatty	Chapman	Harbor
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 469**, a bill for an act relating to the appointment of city and county boards, commissions, committees, or other multimember appointive bodies, previously deferred.

Hatch of Polk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—3391, filed by Hatch, Dvorsky and Baker from the floor as follows:

H—3391

1 Amend House File 469 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. NEW SECTION. 331.310 RACIAL
5 REPRESENTATION AND GENDER BALANCE ON LOCAL COMMITTEES,
6 BOARDS, AND COMMISSIONS.

7 In addition to other qualifications for appointment
8 which may be required, when a board of supervisors or
9 other appointing authority of a county appoints a
10 board, commission, committee, or other multimember
11 appointive body of the county, the membership shall be
12 gender balanced and shall, at a minimum, reflect the
13 ratio of the various racial groups to the general
14 population of the county. If the total membership is
15 odd-numbered, a person shall not be appointed or
16 reappointed to a board, commission, committee, or
17 other multimember body of a county if that appointment
18 or reappointment would cause the number of members of
19 the body of one gender to be more than one-half of the
20 total membership plus one. If the total membership is
21 even-numbered, not more than one-half of the
22 membership shall be of one gender."

23 2. Page 1, line 5, by striking the words "or
24 county".

25 3. Page 1, line 6, by striking the words "city
26 or" and inserting the following: "city".

27 4. Page 1, by striking lines 7 and 8 and
28 inserting the following: "the membership shall be
29 gender balanced and shall, at a minimum, reflect the
30 ratio of the various racial".

31 5. Page 1, line 9, by striking the words "or
32 county".

33 6. Page 1, line 12, by striking the words "or
34 county".

35 7. By renumbering as necessary.

Spear of Lee offered the following amendment H—3396, to amendment H—3391, filed by him from the floor and moved its adoption:

H—3396

- 1 Amend the amendment, H—3391, to House File 469 as
- 2 follows:
- 3 1. Page 1, line 22, by inserting after the word
- 4 "gender." the following: "This section does not apply
- 5 to the appointment of election boards."

Amendment H—3396 was adopted.

Spear of Lee offered the following amendment H—3397, to amendment H—3391, filed by him from the floor and moved its adoption:

H—3397

- 1 Amend the amendment, H—3391, to House File 469 as
- 2 follows:
- 3 1. Page 1, line 22, by inserting after the word
- 4 "gender." the following: "For the purposes of this
- 5 section, Hispanics shall be considered a racial
- 6 group."
- 7 2. Page 1, by inserting after line 34, the
- 8 following:
- 9 "____. Page 1, line 16, by inserting after the
- 10 word "gender." the following: "For the purposes of
- 11 this section, Hispanics shall be considered a racial
- 12 group." "
- 13 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 46, nays 22.

Amendment H—3397 was adopted.

On motion by Hatch of Polk, amendment H—3391, as amended, was adopted.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 469)

The ayes were, 58:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Carpenter	Cohoon	Connors	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Haverland	Hibbard	Holveck	Jay

Jesse	Jochum	Lundby	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Svoboda	Teaford
Wise	Wissing		

The nays were, 39:

Banks	Bartz	Beaman	Bennett
Branstad	Corbett	Daggett	De Groot
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. R.	Hester
Hurley	Iverson	Johnson	Kistler
Knapp	Krebsbach	Kremer	Lageschulte
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Tyrrell
Van Maanen	Weidman	Koenigs	
		Presiding	

Absent or not voting, 3:

Chapman	Harbor	Spenner
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spenner of Henry, for the remainder of the day, on request of Van Maanen of Mahaska.

House File 625, a bill for an act relating to issuance of junking certificates and certificates of title, was taken up for consideration.

Arnould of Scott in the chair at 4:04 p.m.

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. 625)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer

Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Royer	Schrader
Shearer	Sheran	Shoning	Shoultz
Siegrist	Spear	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Mr. Speaker			
Arnould			

The nays were, 2:

Miller Renken

Absent or not voting, 5:

Bennett Chapman Harbor Spenner
Wissing

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:

Bartz of Worth, for the remainder of the day, on request of Van Maanen of Mahaska.

House File 614, a bill for an act relating to the reapportionment of county supervisor districts, was taken up for consideration.

Hanson of Delaware asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—3399, filed by him from the floor as follows:

H—3399

- 1 Amend House File 614 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "board." the following: "If the board adopts a
- 4 supervisor redistricting plan with a variance in
- 5 excess of one percent, the board shall publish the

- 6 justification for the variance in one or more official
 7 newspapers as provided in chapter 349 within ten days
 8 after the action is taken."

On motion by Hanson of Delaware, amendment H—3399 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?" (H.F. 614)

The ayes were, 94:

Adams	Baker	Banks	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 6:

Bartz	Chapman	Diemer	Harbor
Lundby	Spenner		

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:

Lundby of Linn, for the remainder of the day, on request of Siegrist of Potawattamie.

House File 619, a bill for an act relating to the preservation of bank records, was taken up for consideration.

Renken of Grundy asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—3384, filed by him from the floor as follows:

H—3384

1 Amend House File 619 as follows:

2 1. Page 1, by inserting after line 31, the
3 following:

4 "Sec. _____. Section 534.106, subsection 7, Code
5 1991, is amended to read as follows:

6 7. Any association may cause any or all records
7 kept by such association to be copied or reproduced by
8 any photostatic, photographic or microfilming process
9 which correctly and permanently copies, reproduces or
10 forms a medium for copying or reproducing the original
11 record on a film or other durable material and such
12 association may thereafter dispose of the original
13 record. A copy of an original may be kept by an
14 association in lieu of any original records. For
15 purposes of this section, a copy includes any
16 duplicate, rerecording or reproduction of an original
17 record from any photograph, photostat, microfilm,
18 microcard, miniature or microphotograph, computer
19 printout, electronically stored data or image, or
20 other process which accurately reproduces or forms a
21 durable medium for accurately and legibly reproducing
22 an unaltered image or reproduction of the original
23 record. Any such copy or reproduction shall be is
24 deemed to be an original record for all purposes and
25 shall be treated as an original record in all courts
26 or administrative agencies for the purpose of its
27 admissibility in evidence. A facsimile,
28 exemplification or certified copy of any such copy or
29 reproduction reproduced from a film record shall, for
30 all purposes, be deemed a facsimile, exemplification
31 or certified copy of the original."

32 2. Title page, line 1, by striking the word
33 "bank" and inserting the following: "financial
34 institution".

On motion by Renken of Grundy, amendment H—3384 was adopted.

Renken of Grundy asked and received unanimous consent to withdraw amendment H—3364 filed by him on March 27, 1991.

Sherzan of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 619)

The ayes were, 94:

Adams	Baker	Banks	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 6:

Bartz	Chapman	Harbor	Lundby
Spenner	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 497, a bill for an act relating to presentence investigations, with report of committee recommending amendment and passage was taken up for consideration.

Millage of Scott offered the following amendment H—3292 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3292

1 Amend House File 497 as follows:

2 1. Page 1, line 18, by inserting after the word

3 "profiling," the following: "The court shall not

4 order a presentence investigation when the offense is

5 a class "A" felony."

The committee amendment H—3292 was adopted.

Millage 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. 497)

The ayes were, 90:

Adams	Baker	Banks	Beatty
Bennett	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fogarty
Garman	Gill	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Maulsby	McKean	McKinney
McNeal	Mertz	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 2:

Dickinson Dvorsky

Absent or not voting, 8:

Bartz	Beaman	Chapman	Gipp
Harbor	Lundby	Metcalf	Spinner

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 596, a bill for an act relating to the liability of certain persons rendering emergency medical care in good faith, was taken up for consideration.

Halvorson of Clayton offered the following amendment H—3378 filed by him and moved its adoption:

H—3378

1 Amend House File 596 as follows:

2 1. Page 1, by inserting after line 33 the
3 following:

4 "Sec. _____. NEW SECTION. 668.16 MAXIMUM LIABILITY
5 FOR NONECONOMIC DAMAGES.

6 1. In a verdict issued pursuant to this chapter,
7 that portion of a verdict attributable to noneconomic
8 damages against any one defendant shall not exceed two
9 hundred fifty thousand dollars, except as otherwise
10 provided pursuant to subsections 4 and 5.

11 2. In an action pursuant to this chapter and tried
12 to a jury, and in which noneconomic damages are sought
13 or argued, the court shall, unless otherwise agreed to
14 by all parties, instruct the jury that the portion of
15 a verdict attributable to noneconomic damages against
16 any one defendant shall not exceed two hundred fifty
17 thousand dollars.

18 3. In an action brought pursuant to this chapter
19 and tried to a jury, and in which noneconomic damages
20 are sought or argued, the court shall, unless
21 otherwise agreed to by all parties, require that the
22 jury return a verdict itemizing the injuries and
23 damages awarded pursuant to the verdict.

24 4. In an action brought pursuant to this chapter
25 and in which noneconomic damages are awarded in the
26 maximum amount allowed pursuant to subsection 1, the
27 claimant may petition the court which heard the
28 original action for a waiver of the maximum limitation
29 and for a granting of an increase in that portion of
30 the original verdict attributable to noneconomic
31 damages. A waiver of the maximum limitation and
32 subsequent increase in that portion of the original
33 verdict attributable to noneconomic damages is subject
34 to the following requirements:

35 a. A hearing shall first be granted at which all
36 parties may appear and present evidence and argument
37 relating to a waiver of the maximum limitation and
38 subsequent increase in the original verdict.

39 b. A waiver of the maximum limitation and
40 subsequent increase in the original verdict shall only
41 be made upon a determination that the portion of the
42 original verdict attributable to noneconomic damages
43 is clearly insufficient based upon the evidence

44 presented to the court in the original action and that
45 the failure to waive the maximum limitation would
46 result in significant hardship for the claimant.
47 c. An increase in that portion of the original
48 verdict attributable to noneconomic damages must be
49 consistent with the percentages of fault and evidence
50 as to total damages determined in the original action.

Page 2

1 5. The limitations on the amount recoverable for
2 noneconomic damages pursuant to this section shall be
3 indexed every two years on July 1 by rule of the
4 commissioner of insurance in proportion to the net
5 change in the United States city average consumer
6 price index for all urban consumers during the
7 preceding twenty-four months. The supreme court shall
8 implement the biennial indexing by the issuance of
9 rules as necessary."
10 2. Title page, line 2, by inserting after the
11 word "faith" the following: ", limiting the maximum
12 liability for noneconomic damages in certain tort
13 actions, and modifying the statute of limitations for
14 certain malpractice actions".
15 3. By renumbering as necessary.

Hansen of Woodbury rose on a point of order that amendment H—3378 was not germane.

The Speaker ruled the point well taken and amendment H—3378 not germane.

Spear of Lee offered the following amendment H—3323 filed by him and moved its adoption:

H—3323

1 Amend House File 596 as follows:
2 1. Page 1, line 26, by striking the word
3 "resuscitation" and inserting the following:
4 "resuscitation".

Amendment H—3323 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. 596)

The ayes were, 90:

Adams
Beatty

Baker
Bennett

Banks
Bernau

Beaman
Bisignano

Black	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Petersen, D. F.	Peterson, M. K.
Poncy	Rafferty	Renken	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 10:

Bartz	Blanshan	Chapman	Harbor
Lundby	Osterberg	Plasier	Renaud
Sherzan	Spenner		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 599, a bill for an act relating to the reporting of treatment of wounds, was taken up for consideration.

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?" (H.F. 599)

The ayes were, 92:

Adams	Baker	Banks	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn

Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 8:

Bartz	Blanshan	Chapman	Harbor
Lundby	Osterberg	Sherzan	Spenner

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 592, a bill for an act relating to documents filed with the general assembly by officials and departments, was taken up for consideration.

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 592)

The ayes were, 91:

Adams	Banks	Beaman	Beatty
Bennett	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Maulsby

McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 9:

Baker	Bartz	Chapman	Harbor
Hurley	Lundby	Murphy	Osterberg
Spenner			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 558, a bill for an act relating to child support by affecting informational requirements of the child support recovery unit and the receipt and disbursement of child support payments, was taken up for consideration.

Jay of Appanoose in the chair at 4:55 p.m.

Neuhauser of Johnson asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—3381 filed by her from the floor as follows:

H—3381

- 1 Amend House File 558 as follows:
- 2 1. Page 4, by inserting after line 19, the
- 3 following:
- 4 "Sec. _____. Section 598.26, subsection 1, Code
- 5 1991, is amended to read as follows:
- 6 1. Until a decree of dissolution has been entered,
- 7 the record and evidence shall be closed to all but the
- 8 court, and its officers, and the child support
- 9 recovery unit of the department of human services
- 10 pursuant to section 252B.9. No officer or other
- 11 person shall permit a copy of any of the testimony, or
- 12 pleading, or the substance thereof, to be made
- 13 available to any person other than a party to the
- 14 action or a party's attorney. Nothing in this
- 15 subsection shall be construed to prohibit publication

- 16 of the original notice as provided by the rules of
 17 civil procedure."
 18 2. By renumbering as necessary.

On motion by Neuhauser of Johnson, amendment H—3381 was adopted.

Neuhauser of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 558)

The ayes were, 91:

Adams	Arnould, Spkr.	Baker	Banks
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Garman
Gill	Gipp	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Jay	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Bartz	Chapman	Eddie	Groninga
Harbor	Jesse	Jochum	Lundby
Spanner			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 594, a bill for an act relating to the release of privileged information, was taken up for consideration.

Hansen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 594)

The ayes were, 92:

Adams	Arnould, Spkr.	Baker	Banks
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Jay
			Presiding

The nays were, none.

Absent or not voting, 8:

Bartz	Chapman	Eddie	Harbor
Jesse	Jochum	Lundby	Spenner

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 616, a bill for an act relating to the protection of public land from discharges from concentrated commercial and agricultural facilities as provided by the natural resource commission, was taken up for consideration.

Iverson of Wright offered amendment H—3365 filed by Iverson, et al. Division was requested as follows:

H-3365

1 Amend House File 616 as follows:

H-3365A

- 2 1. Page 1, lines 1 and 2, by striking the words
- 3 "PUBLIC USE AREAS" and inserting the following:
- 4 "STATE PARKS".
- 5 2. Page 1, by striking lines 5 through 7 and in-
- 6 serting the following: "section 455A.6, shall adopt
- 7 rules protecting state parks. The".
- 8 3. Page 1, line 9, by striking the word "area"
- 9 and inserting the following: "state park".
- 10 4. Page 1, line 11, by striking the word "area"
- 11 and inserting the following: "state park".
- 12 5. Page 1, line 12, by striking the words "and
- 13 waters".

H-3365B

- 14 6. Page 1, by striking lines 28 through 31 and
- 15 inserting the following: "distance of up to one-half
- 16 mile from the boundary of state parks. The commission
- 17 may grant a variance".

H-3365A

- 18 7. Page 1, line 34, by striking the words
- 19 "designated public use area" and inserting the
- 20 following: "state park".
- 21 8. Title page, line 1, by striking the words
- 22 "public land" and inserting the following: "state
- 23 parks".

The following amendment H-3411, to amendment H-3365A, filed by Iverson of Wright from the floor was adopted by unanimous consent:

H-3411

- 1 Amend amendment H-3365, to House File 616 as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "waters" " and the words "and inserting the words "and
- 5 lakes".

Iverson of Wright moved the adoption of amendment H-3365A, as amended.

A non-record roll call was requested.

The ayes were 41, nays 46.

Amendment H-3365A, as amended, lost.

Spear of Lee offered the following amendment H—3352 filed by him and moved its adoption:

H—3352

- 1 Amend House File 616 as follows:
- 2 1. Page 1, line 21, by striking the word
- 3 "experiences" and inserting the following:
- 4 "activities".

Amendment H—3352 was adopted.

Shoultz of Black Hawk offered the following amendment H—3373 filed by him:

H—3373

- 1 Amend House File 616 as follows:
- 2 1. Page 1, by striking lines 30 and 31 and in-
- 3 serting the following: "public use area. The
- 4 commission may grant a variance".
- 5 2. Page 2, by striking lines 2 through 5 and in-
- 6 serting the following: "permit issued by the
- 7 department for the construction or operation of air
- 8 pollution control facilities, wastewater treatment
- 9 facilities, gas and mineral exploration, sovereign
- 10 land construction, barge fleeting, and floodplain
- 11 development activities, if the facility engages in
- 12 activities related to industrial or agricultural
- 13 production, or waste management; but excluding a
- 14 facility operated by or for the department."

The following amendment H—3412, to amendment H—3373, filed by Shoultz of Black Hawk from the floor was adopted by unanimous consent:

H—3412

- 1 Amend amendment H—3373, to House File 616 as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "fleeting," the words "waste disposal system".

Shoultz of Black Hawk offered the following amendment H—3393, to amendment H—3373, filed by him and Diemer of Black Hawk from the floor and moved its adoption:

H—3393

- 1 Amend the amendment, H—3373, to House File 616 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1, the
- 4 following:
- 5 "_____. Page 1, line 6, by striking the word

- 6 "waters" and inserting the following: "lakes".
7 _____. Page 1, line 12, by striking the word
8 "waters" and inserting the following: "lakes".
9 2. Page 1, line 3, by inserting after the word
10 "area." the following: "The rules shall not apply to
11 a public use area within the corporate limits of a
12 city or within two miles of the corporate limits of
13 the city as provided in section 414.23."

Amendment H—3393 was adopted.

The House stood at ease at 6:07 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3373, as amended, to House File 616 at 6:12 p.m., Jay of Appanoose in the chair.

Mertz of Kossuth offered the following amendment H—3413, to amendment H—3373, filed by her and Svoboda of Tama from the floor and moved its adoption:

H—3413

- 1 Amend the amendment, H—3373, to House File 616 as
2 follows:
3 1. Page 1, by inserting after line 1, the
4 following:
5 "_____. Page 1, by inserting after line 19, the
6 following:
7 "_____. The private investment in any agricultural
8 facility or facility development in the area."
9 2. By renumbering as necessary.

Amendment H—3413 was adopted.

Svoboda of Tama offered the following amendment H—3414, to amendment H—3373, filed by her and Mertz of Kossuth from the floor:

H—3414

- 1 Amend amendment, H—3373, to House File 616 as
2 follows:
3 1. Page 1, by inserting after line 4 the
4 following:
5 "_____. Page 1, by inserting after line 34, the
6 following:
7 "Before adopting a rule under this section the
8 department shall comply with the requirements of
9 section 358A.7 to the extent the rule relates to the
10 area."
11 2. By renumbering as necessary.

Speaker Arnould in the chair at 6:25 p.m.

Svoboda of Tama moved the adoption of amendment H—3414, to amendment H—3373.

Roll call was requested by Hibbard of Madison and Mertz of Kossuth.

On the question "Shall amendment H—3414, to amendment H—3373, be adopted?" (H.F. 616)

The ayes were, 46:

Banks	Beaman	Bennett	Branstad
Brown	Corbett	Daggett	De Groot
Eddie	Fogarty	Garman	Gill
Gipp	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Hansen, S. D.	Hester	Hibbard
Hurley	Iverson	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Maulsby	McKean	Mertz	Millage
Muhlbauer	Petersen, D. F.	Peterson, M. K.	Renaud
Renken	Royer	Sherzan	Shoning
Siegrist	Svoboda	Tyrrell	Van Maanen
Weidman	Wissing		

The nays were, 46:

Adams	Baker	Beatty	Bernau
Black	Blanshan	Brammer	Brand
Burke	Carpenter	Cohoon	Connors
Dickinson	Diemer	Doderer	Dvorsky
Groninga	Halvorson, R. N.	Hammond	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Jay
Jesse	Lageschulte	McKinney	McNeal
Metcalf	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Plasier	Poncy	Rafferty	Schrader
Shearer	Shoultz	Spear	Teaford
Wise	Mr. Speaker		
	Arnould		

Absent or not voting, 8:

Bartz	Bisignano	Chapman	Harbor
Holveck	Jochum	Lundby	Spenner

Amendment H—3414 lost.

On motion by Shoultz of Black Hawk amendment H—3373, as amended, was adopted.

The House resumed consideration of amendment H—3365B.

Iverson of Wright moved the adoption of amendment H—3365B.

A non-record roll call was requested.

The ayes were 35, nays 48.

Amendment H—3365B lost.

Shoultz of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 616)

The ayes were, 54:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Burke	Carpenter	Cohoon	Connors
Corbett	Dickinson	Diemer	Doderer
Dvorsky	Gill	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Jay	Jesse
Knapp	Kremer	Lageschulte	McKinney
Metcalf	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Teaford	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 37:

Banks	Beaman	Bennett	Brand
Branstad	Brown	Daggett	De Groot
Eddie	Fogarty	Garman	Gipp
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Hester	Hurley	Iverson	Johnson
Kistler	Koenigs	Krebsbach	Maulsby
McKean	McNeal	Mertz	Millage
Muhlbauer	Petersen, D. F.	Renken	Royer
Siegrist	Svoboda	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 9:

Bartz	Chapman	Harbor	Hibbard
Holveck	Jochum	Lundby	Shoning
Spanner			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 524, a bill for an act relating to the state communications network and providing an effective date.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday afternoon, March 27, 1991. Had I been present, I would have voted "aye" on House Files 375 and 506; and "nay" on House File 232.

DICKINSON of Jackson

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 28, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 110, an act relating to collateral acceptable to secure a loan or other transaction with a state bank.

Senate File 87, an act relating to the deposit insurance required of certain financial institutions, and providing an effective date.

Senate File 111, an act relating to the qualifications for licensure of an accounting practitioner.

Senate File 121, an act relating to the reversion of appropriations for the planning and construction of armories for the department of public defense and providing an effective date.

Senate File 151, an act relating to peer review of certain certified public accountants.

Senate File 180, an act to delete the requirement for personal identifying information in the collection of domestic abuse reports.

PRESENTATION OF VISITOR

Shearer of Louisa presented to the House Janos Avar, from Hungary. He has been the Washington correspondent for Magyar Nemzet (Hungarian Nation) for the past ten years. He was accompanied by Mat Ric.

SUBCOMMITTEE ASSIGNMENTS

House File 207

Ways and Means: Doderer, Chair; Blanshan and De Groot.

House File 276

Ways and Means: Groninga, Chair; Blanshan, Carpenter, Doderer and Hanson of Delaware.

House File 435

Ways and Means: Doderer, Chair; Adams and Metcalf.

House File 560

Ways and Means: Doderer, Chair; Blanshan and Petersen of Muscatine.

House File 582

Ways and Means: Adams, Chair; Groninga, Hanson of Delaware and Iverson.

House File 591

Ways and Means: Groninga, Chair; Doderer, McKean, Osterberg and Petersen of Muscatine.

House File 603

Ways and Means: Hibbard, Chair; Dickinson and Plasier.

House File 654

Ways and Means: Osterberg, Chair; Adams, Bennett, Groninga and Petersen of Muscatine.

House File 659

Ways and Means: Dickinson, Chair; Hibbard and Iverson.

House File 663

Ways and Means: Blanshan, Chair; Adams, Bennett, Carpenter and Murphy.

House File 667

Ways and Means: Adams, Chair; Blanshan, Daggett, De Groot and Groninga.

House File 673

Ways and Means: Doderer, Chair; Adams and Metcalf.

House Concurrent Resolution 14

Ways and Means: Blanshan, Chair; De Groot and Svoboda.

Senate File 81

Natural Resources and Outdoor Recreation: Gruhn, Chair; Hatch and Tyrrell.

Senate File 129

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

Senate File 217

Natural Resources and Outdoor Recreation: Schrader, Chair; Pavich and Weidman.

Senate File 291

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard, McNeal, Millage and Peterson of Carroll.

Senate File 434

Judiciary and Law Enforcement: Poney, Chair; Halvorson of Clayton and Hansen of Woodbury.

Senate File 453

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Blanshan and Kremer.

Senate File 462

Judiciary and Law Enforcement: Jay, Chair; Hansen of Woodbury and Siegrist.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 314**

Ways and Means: Dickinson, Chair; Hibbard and Iverson.

House Study Bill 315

Ways and Means: Groninga, Chair; Doderer, Hanson of Delaware, Iverson and Osterberg.

House Study Bill 316

Ways and Means: Dickinson, Chair; Holveck and McKean.

House Study Bill 317

Ways and Means: Hibbard, Chair; Dickinson and Plasier.

House Study Bill 318

Ways and Means: Hibbard, Chair; Dickinson and McKean.

House Study Bill 319

Ways and Means: Murphy, Chair; Burke and Daggett.

House Study Bill 320

Ways and Means: Doderer, Chair; Hanson of Delaware 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

ADMINISTRATIVE RULES REVIEW COMMITTEE

Committee Bill, relating to searches by peace officers of locked compartments or containers in impounded vehicles.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 1991.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 466), relating to the establishment of a toxics pollution prevention program, providing for the imposition of toxics pollution prevention and air contaminant source fees, and providing a penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 28, 1991.

RESOLUTIONS FILED

HCR 21, by committee on human resources, a concurrent resolution encouraging the federal government to establish a program for the sharing of child abuse registry information among the states.

Laid over under **Rule 25**.

HR 11, by Mertz, a resolution to petition the President of the United States, the United States Congress, and the United States Secretary of Commerce to ensure that fair practices govern trade relations between the United States and Canada relating to subsidies paid to Canadian hog producers and duties imposed on pork products.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3382	H.F.	480	Hibbard of Madison
H-3383	H.F.	651	Jay of Appanoose
H-3385	H.F.	214	Bartz of Worth
H-3386	H.F.	656	McNeal of Hardin
			Iverson of Wright
H-3387	H.F.	651	Hansen of Woodbury

H-3388	H.F.	601	Doderer of Johnson
H-3390	H.F.	674	Banks of Plymouth
			Garman of Story
H-3392	H.F.	601	Doderer of Johnson
H-3394	S.F.	182	Hanson of Black Hawk
			Pavich of Pottawattamie
H-3398	H.F.	655	Kremer of Buchanan
			Jesse of Jasper
H-3400	H.F.	650	Ollie of Clinton
			Wissing of Scott
			Corbett of Linn
			Wise of Lee
			Daggett of Adams
			Shearer of Louisa
			Nielsen of Linn
			Cohoon of Des Moines
			Lageschulte of Bremer
			Shoultz of Black Hawk
H-3401	H.F.	618	Jay of Appanoose
			Millage of Scott
			McNeal of Hardin
			Tyrrell of Iowa
			Peterson of Carroll
H-3402	H.F.	271	Bernau of Story
H-3403	H.F.	651	Blanshan of Greene
H-3404	H.F.	341	Siegrist of Pottawattamie
H-3405	H.F.	421	Doderer of Johnson
H-3406	H.F.	661	Holveck of Polk
H-3407	H.F.	650	Spear of Lee
H-3408	H.F.	645	Siegrist of Pottawattamie
H-3409	H.F.	590	Carpenter of Polk
H-3410	H.F.	650	Spear of Lee
H-3415	H.F.	665	Rafferty of Scott
			Hanson of Delaware

On motion by McKinney of Dallas, the House adjourned at 7:39 p.m., until 1:00 p.m., Monday, April 1, 1991.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day — Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 1, 1991

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by the Honorable Brent Siegrist, state representative from Pottawattamie County.

The Journal of Thursday, March 28, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Wise of Lee, from one hundred sixty four sportsmen in Southeastern Iowa opposing the proposed legislation which would increase by 47 percent the cost of hunting and fishing permits for resident sportsmen.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Clinton on request of Banks of Plymouth; Dvorsky of Johnson on request of Bernau of Story; Knapp of Dubuque and Shearer of Louisa on request of Gruhn of Dickinson; Rafferty of Scott on request of McNeal of Hardin; Wissing of Scott on request of Gill of Woodbury; McKean of Jones on request of Hanson of Delaware; Grubbs of Scott, Royer of Page and Millage of Scott on request of Van Maanen of Mahaska; Murphy of Dubuque on request of Dickinson of Jackson; Holveck of Polk on request of Haverland of Polk; Halvorson of Clayton on request of Harbor of Mills; Mulbauer of Crawford on request of Iverson of Wright; Peterson of Carroll on request of Siegrist of Pottawattamie, all until their arrival.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 221, a bill for an act relating to amending or repealing city ordinances, and adopting by reference portions of the Code of Iowa.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 253, a bill for an act relating to income taxation by providing a new jobs tax credit for small businesses and providing a retroactive applicability date.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 273, a bill for an act authorizing a class "B" wine permittee who also holds a class "E" liquor control license to sell wine to liquor control licensees.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 297, a bill for an act relating to the confidentiality of information identifying inert ingredients in pesticides, and providing retroactive applicability and effective dates.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 308, a bill for an act relating to the Iowa uniform controlled substances Act.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 387, a bill for an act to establish a foreign study program for teachers with funding from phase III of the educational excellence program.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 477, a bill for an act relating to cooperative ownership of residential, business property, providing an applicability date, and providing an effective date.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 501, a bill for an act relating to collective bargaining by delineating certain duties and powers of the public employment relations board and modifying certain collective bargaining procedures for teachers.

Also: That the Senate has on March 27, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 511, a bill for an act relating to certified exchange boundaries for local exchange utilities.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILL

House File 682, by administrative rules review committee, a bill for an act relating to searches by peace officers of locked compartments or containers in impounded vehicles.

Read first time and referred to committee on judiciary and law enforcement.

SENATE MESSAGES CONSIDERED

Senate File 48, by Szymoniak, a bill for an act relating to professional titles and abbreviations of physical therapists and physical therapist assistants, and licensure, examination fees, and conditions of practice of physical therapist assistants.

Read first time and referred to committee on **state government**.

Senate File 101, by Running, a bill for an act relating to the loss of pay while on military leave of absence.

Read first time and referred to committee on **state government**.

Senate File 221, by committee on local government, a bill for an act relating to amending or repealing city ordinances, and adopting by reference portions of the Code of Iowa.

Read first time and referred to committee on **local government**.

Senate File 234, by Running, Hannon, Kibbie, Szymoniak, Miller, Varn, Doyle, Sturgeon, Murphy, Gronstal, Welsh and Horn, a bill for an act relating to the creation of a taxpayers' bill of rights and privileges, and an office of taxpayer ombudsman within the department of revenue and finance.

Read first time and referred to committee on **ways and means**.

Senate File 253, by committee on small business and economic development, a bill for an act relating to income taxation by providing a new jobs tax credit for small businesses and providing a retroactive applicability date.

Read first time and referred to committee on **small business, economic development and trade**.

Senate File 273, by Kibbie, Welsh and Tieden, a bill for an act authorizing a class "B" wine permittee who also holds a class "E" liquor control license to sell wine to liquor control licensees.

Read first time and referred to committee on **state government**.

Senate File 308, by Szymoniak, a bill for an act relating to the Iowa uniform controlled substances Act.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 362, by committee on environment and energy utilities, a bill for an act relating to petroleum underground storage tanks

by raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals, imposing an environmental damage offset, and providing an effective date.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 387, by Hannon, Horn, Lloyd-Jones, Szymoniak, Connolly and Deluhery, a bill for an act to establish a foreign study program for teachers with funding from phase III of the educational excellence program.

Read first time and referred to committee on **education**.

Senate File 422, by committee on state government, a bill for an act allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act.

Read first time and **passed on file**.

Senate File 477, by committee on local government, a bill for an act relating to cooperative ownership of residential, business property, providing an applicability date, and providing an effective date.

Read first time and **passed on file**.

Senate File 490, by committee on commerce, a bill for an act relating to the availability of certain information relating to escrow accounts maintained in connection with real estate loans.

Read first time and referred to committee on **commerce**.

Senate File 501, by committee on business and labor relations, a bill for an act relating to collective bargaining by delineating certain duties and powers of the public employment relations board and modifying certain collective bargaining procedures for teachers.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 511, by committee on commerce, a bill for an act relating to certified exchange boundaries for local exchange utilities.

Read first time and referred to committee on **commerce**.

CONSIDERATION OF BILLS

Regular Calendar

House File 449, a bill for an act relating to the composition of the advisory committee to the office of rural health, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H—3295 filed by the committee on human resources and moved its adoption:

H—3295

- 1 Amend House File 449 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "state," the following: "a representative of a rural
- 4 hospital in the state,".
- 5 2. Page 1, line 20, by inserting after the word
- 6 "physician" the following: "or a representative of a
- 7 rural hospital".

The committee amendment H—3295 was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 449)

The ayes were, 78:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Gruhn	Hahn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Hurley	Iverson	Jesse	Jochum
Kistler	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKinney
McNeal	Mertz	Metcalf	Miller

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Plasier	Poncy
Renken	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Connors		
	Presiding		

The nays were, 1:

Bisignano

Absent or not voting, 21:

Arnould, Spkr.	Chapman	Cohoon	Dvorsky
Grubbs	Halvorson, R. A.	Holveck	Jay
Johnson	Knapp	McKean	Millage
Muhlbauer	Murphy	Peterson, M. K.	Rafferty
Renaud	Royer	Shearer	Wise
Wissing			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 623, a bill for an act requiring administrative rules adopted by the director of transportation to first be approved by the state transportation commission, was taken up for consideration.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 623)

The ayes were, 72:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Gruhn	Hahn	Hammond	Hansen, S. D.
Hanson, D. E.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Jesse	Jochum	Kistler	Koenigs
Krebsbach	Lageschulte	Lundby	McKinney
McNeal	Mertz	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Plasier	Poncy	Renken	Schrader
Sherzan	Shoning	Shoultz	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Connors
			Presiding

The nays were, 9:

Carpenter	Halvorson, R. N.	Hanson, D. R.	Iverson
Kremer	Maulsby	Metcalf	Miller
Siegrist			

Absent or not voting, 19:

Arnould, Spkr.	Chapman	Cohoon	Dvorsky
Grubbs	Halvorson, R. A.	Jay	Johnson
Knapp	McKean	Millage	Muhlbauer
Murphy	Peterson, M. K.	Rafferty	Renaud
Royer	Shearer	Wissing	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 639, a bill for an act relating to the Iowa community cultural grants program, was taken up for consideration.

Burke 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. 639)

The ayes were, 80:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Gruhn	Hahn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Kistler
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKinney	McNeal
Mertz	Metcalf	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Plasier	Poncy	Renaud	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Van Maanen	Weidman	Wise	Connors
			Presiding

The nays were, 3:

Miller	Renken	Tyrrell
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Absent or not voting, 17:

Arnould, Spkr.	Cohoon	Dvorsky	Grubbs
Halvorson, R. A.	Jay	Johnson	Knapp
McKean	Millage	Muhlbauer	Murphy
Peterson, M. K.	Rafferty	Royer	Shearer
Wissing			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 480, a bill for an act relating to drainage districts, with report of committee recommending passage was taken up for consideration.

Hibbard of Madison offered the following amendment H—3382 filed by him and moved its adoption:

H—3382

1 Amend House File 480 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 468.27, unnumbered paragraph

5 2, Code 1991, is amended to read as follows:

6 Following its establishment, the drainage district

7 is deemed to have acquired by permanent easement all

8 right-of-way for drainage district ditches, tile

9 lines, settling basins and other improvements, unless

10 they are acquired by fee simple, in the dimensions

11 shown on the survey and report made in compliance with

12 sections 468.11 and 468.12 or as shown on the

13 permanent survey, plat and profile, if one is made.

14 The filing of the survey and report or permanent

15 survey, plat and profile, as set forth in sections

16 468.172 and 468.173, shall constitute constructive

17 notice to all persons of the rights conferred by this

18 section. The permanent easement includes the right of

19 ingress and egress across adjoining land and the right

20 of access for maintenance, repair, improvement, and

21 inspection. The owner or lessee shall be reimbursed

22 for any crop damages incurred in the maintenance,

23 repair, improvement, and inspection except within the

24 right-of-way of the drainage district."

25 2. Title page, line 1, by inserting after the

26 word "to" the following: "common outlet determination

27 and constructive notice of".

28 3. By renumbering as necessary.

Amendment H—3382 was adopted.

The following amendment H—3422, filed by Spear of Lee from the floor, was adopted by unanimous consent:

H-3422

- 1 Amend House File 480 as follows:
- 2 1. Title page, line 1, by inserting after the
- 3 word "to" the words "levee and".

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 480)

The ayes were, 82:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Gruhn	Hahn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Kistler
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKinney	McNeal
Mertz	Metcalf	Miller	Neuhauser
Nielsen	Osterberg	Pavich	Petersen, D. F.
Plasier	Poncy	Renaud	Renken
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 18:

Arnould, Spkr.	Cohoon	Dvorsky	Grubbs
Halvorson, R. A.	Jay	Johnson	Knapp
McKean	Millage	Muhlbauer	Murphy
Ollie	Peterson, M. K.	Rafferty	Royer
Shearer	Wissing		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

On motion by McKinney of Dallas, the House was recessed at 1:55 p.m., until 4:00 p.m.

LATE AFTERNOON SESSION

The House reconvened, 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 April 1, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 131, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act.

JOHN F. DWYER, Secretary

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 449, 480, 623 and 639.**

CONSIDERATION OF BILLS

Regular Calendar

House File 598, a bill for an act relating to the payment of certain court filing fees by the United States, was taken up for consideration.

Hansen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 598)

The ayes were, 85:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Gruhn	Hahn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Kistler
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKinney	McNeal

Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Plasier	Poncy
Renaud	Renken	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Connors			
Presiding			

The nays were, none.

Absent or not voting, 15:

Arnould, Spkr.	Bisignano	Blanshan	Grubbs
Halvorson, R. A.	Jay	Johnson	Knapp
McKean	Millage	Murphy	Peterson, M. K.
Rafferty	Royer	Wissing	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 491, a bill for an act relating to acquisition of rights-of-way for highways, 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. 491)

The ayes were, 69:

Adams	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Black
Blanshan	Brammer	Brand	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Gill	Gipp	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hatch	Haverland	Hester	Holveck
Jochum	Kistler	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	McKinney
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Plasier	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Van Maanen	Wise
Connors			
Presiding			

The nays were, 18:

Banks	Branstad	Brown	Garman
Hahn	Hanson, D. R.	Harbor	Hibbard
Hurley	Iverson	Jay	Jesse
Maulsby	McNeal	Mertz	Renken
Tyrrell	Weidman		

Absent or not voting, 13:

Arnould, Spkr.	Bisignano	Grubbs	Halvorson, R. A.
Johnson	Knapp	McKean	Millage
Murphy	Peterson, M. K.	Rafferty	Royer
Wissing			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 491 and 598.**

MOTIONS TO RECONSIDER (House File 631)

I move to reconsider the vote by which House File 631 passed the House on March 28, 1991.

SHEARER of Louisa

(House File 631)

I move to reconsider the vote by which House File 631 passed the House on March 28, 1991.

SHOULTZ of Black Hawk

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Thursday, March 28, 1991. Had I been present, I would have voted "aye" on House Files 497, 558, 592, 594, 596, 599, 614, 616, 619; and amendment H-3414, to amendment H-3373, to House File 616.

LUNDBY of Linn

I was necessarily absent from the House chamber on Thursday, March 28, 1991. Had I been present, I would have voted "aye" on House Files 497, 558, 592, 594, 596, 599, 614, 619 and 625; and "nay" on House Files 469 and 616.

SPENNER of Henry

GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

March 29, 1991

The Honorable Joseph Welsh
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

I hereby transmit Senate File 209, an act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, relating to certain interests, investment income, and funds received, relating to future budget estimates, and increasing the court civil penalty surcharge, and providing effective dates.

Senate File 209 makes necessary appropriations to meet the state's obligations yet in this fiscal year. In approving the additional funding for court ordered evaluations and treatment of juveniles and indigent defense in this bill, it is my understanding that the necessary statutory language to bring the costs of these programs under control will follow in subsequent legislation very soon. This is essential if we are to achieve the cost avoidance necessary to provide a balanced budget.

Senate File 209 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 30, in its entirety. This section would provide \$20,000 for what is known as the Brazilian truck project. Research and development of the use of ethanol fuel passed this project when the state of Iowa has purchased five automobiles which burn a fuel mixture of up to 85 percent ethanol. These vehicles are American made and are assigned for daily use in our fleet, as opposed to being an experiment. I fully support the increased use of ethanol as a fuel and believe these scarce resources should be used to purchase additional vehicles for our fleet.

I am unable to approve Section 32, in its entirety. This section would require the deposit of fees collected from excursion boat gambling activities into an excursion boat gambling revolving fund. House File 173, signed by me on February 15, 1991, transferred all revenues derived from excursion boat gambling after June 30, 1991, into the general fund of the state. Approval of this section would recreate a revolving fund, a step backward in our efforts to move toward Generally Accepted Accounting Principles (GAAP). To assure that progress and to also assure proper oversight over all state appropriations and revenue receipts, I disapprove the creation of this separate fund.

I am unable to approve Section 33, 34, 39, 40 and 41, in their entirety. These sections deal with interest earned from funds deposited in special funds outside of the general fund. House File 173 changed current law to require interest earned on the balances of fifteen separate funds to be deposited in the state's general fund. Senate File 209 would amend House File 173 to allow interest earned on these special fund balances to be credited to the general fund only for fiscal years 1992 and 1993. This would be an unfortunate reversal of progress toward GAAP.

All of the programs funded from these special funds derive benefit from the general operation of state government through the provision of basic services, i.e., accounting, payroll and general services functions including space and the use of the state facilities. Deposit of interest earned on special funds is a good means to reimburse the general fund for this expense and should be a permanent policy of the state. Therefore, the permanent and positive changes made in House File 173 should not be reversed.

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 209 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

CITIZENS' AIDE/OMBUDSMAN

The 1990 Annual Report, pursuant to Chapter 601G.18, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

The Job Training Annual Report for Program Year 1989, pursuant to Chapter 15.293(10), Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

- | | |
|---------|---|
| 1991-80 | Bellevue Boys Basketball Team — For participating in the final four of the 1991 1A Boys State Basketball Tournament. |
| 1991-81 | Irwin-Kirkman-Manilla Boys Basketball Team — For participating in the 1991 Boys State Basketball Tournament. |
| 1991-82 | Bryn Barnes, Atlantic — For being named to the Des Moines Register's Six-Player, Class 2A, Girls All-State Basketball First Team. |

- 1991-83 Diagonal High School Boys Basketball Team — For participating in the 1991 Boys State Basketball Tournament.
- 1991-84 Ames High School Academic Decathlon Team — For placing first in the 1991 State Academic Decathlon Competition.
- 1991-85 Ames High School Boys Basketball Team — For being the Class 3A Iowa Boys State Basketball Champions.
- 1991-86 Clarksville High School Wrestling Team — For winning the Class 1A, Iowa State Wrestling Championship.
- 1991-87 Aplington High School Boys Basketball Team — For winning the 1991, Class A, Iowa State Boys Basketball Tournament.
- 1991-88 Jim Reese, Storm Lake — For being inducted into the Iowa High School Athletic Association's Officials' Hall of Fame.
- 1991-89 Newell-Fonda High School Boys Basketball Team — For winning the 1991, Class 1A, Iowa Boys State Basketball Tournament.
- 1991-90 Ell Fredin, Gilmore City — For receiving the Iowa High School Athletic Association's School Administrators' Award and for being inducted into their Officials' Hall of Fame.
- 1991-91 Jesup Community High School Girls Softball Team — For winning third place in the 1990 State Girls Softball Tournament.
- 1991-92 Western Christian High School Boys Basketball Team, Hull — For winning the 1991, Class 2A, Boys State Basketball Tournament Championship.
- 1991-93 Boyden-Hull High School Boys Basketball Team — For winning 4th place in the 1991 Class 1A, Boys State Basketball Tournament.
- 1991-94 Erma Christensen, Sergeant Bluff — For being included in "Biography Internationale" honoring her for many years of service in local, national, and foreign affairs.

SUBCOMMITTEE ASSIGNMENTS

House File 638

Ways and Means: Haverland, Chair; Daggett, Doderer, Groninga and Plasier.

Senate File 343

Human Resources: Grubbs, Chair; Hammond and Murphy.

Senate File 471

Human Resources: Haverland, Chair; Carpenter, Hurley, Neuhauser and Nielsen.

RESOLUTION FILED

HCR 22, by Bernau, Teaford, Gill, Wise, Ollie, Dickinson, Neuhauser, Connors, Baker, Doderer, Shoultz, Burke, Pavich, Renaud, Peterson

of Carroll, Hansen of Woodbury, Cohoon, Halvorson of Webster, Blanshan, Poncy, Wissing, Jay, Jesse, Sherzan, Brammer, Hammond, Schrader, Murphy, Knapp, Fogarty, Svoboda, Daggett, Osterberg, Dvorsky, Brand, Koenigs, Hatch, Hibbard, Adams, Brown, Gruhn, Muhlbauer, Branstad, Mertz and De Groot, a concurrent resolution to request that Iowa's congressional delegation support measures to protect America's vital interests and to review and amend procedures to ensure that Congress retains its constitutional authority to amend trade agreements affecting the traditional rights of states and the citizens of the United States.

Laid over under Rule 25.

AMENDMENTS FILED

H-3416	H.F.	681	Spear of Lee
H-3417	H.F.	656	Spear of Lee
H-3418	H.F.	681	Spear of Lee
H-3419	H.F.	677	Spear of Lee
H-3420	H.F.	666	Spear of Lee
H-3421	H.F.	666	Spear of Lee
H-3423	H.F.	600	Banks of Plymouth Petersen of Muscatine
H-3424	H.F.	663	Connors of Polk
H-3425	H.F.	503	Hatch of Polk
H-3426	H.F.	652	Chapman of Linn
H-3427	H.F.	615	Shearer of Louisa
H-3428	H.F.	664	Carpenter of Polk
H-3429	H.F.	590	Wise of Lee
H-3430	H.F.	656	Spear of Lee
H-3431	H.F.	645	Brown of Lucas
H-3432	H.F.	675	Iverson of Wright Van Maanen of Mahaska
Bennett of Ida			Bartz of Worth
Krebsbach of Mitchell			Tyrrell of Iowa
Lageschulte of Bremer			Hibbard of Madison
Petersen of Muscatine			Siegrist of Pottawattamie
Metcalf of Polk			Renken of Grundy
Doderer of Johnson			Bisignano of Polk
Kistler of Jefferson			Banks of Plymouth
Mertz of Kossuth			Maulsby of Calhoun
H-3433	S.F.	511	

H-3434	H.F.	341	Hammond of Story Doderer of Johnson Carpenter of Polk Osterberg of Linn Teaford of Black Hawk
H-3435	H.F.	341	Hammond of Story Metcalf of Polk
H-3436	H.F.	651	Osterberg of Linn
H-3437	H.F.	643	Shearer of Louisa

On motion by McKinney of Dallas, the House adjourned at 4:55 p.m., until 9:00 a.m., Tuesday, April 2, 1991.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day — Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 2, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by Father John Cain, Sacred Heart Parish, Dow City, Iowa.

The Journal of Monday, April 1, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn on request Banks of Plymouth; Holveck of Polk on request of Hammond of Story, until their arrival.

SENATE MESSAGE CONSIDERED

Senate File 524, by committee on appropriations, a bill for an act relating to the state communications network and providing an effective date.

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 March 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 518, a bill for an act relating to the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the insurance division as an approved insurance regulator by the national association of insurance commissioners, imposing civil liability, authorizing administrative and criminal penalties, and providing effective dates and applicability provisions.

Also: That the Senate has on March 28, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 519, a bill for an act relating to entities and subject matter subject to regulation under the regulated industries unit of the division of insurance, including business opportunity promotions, continuing care and senior adult congregate living retirement communities, and loan brokers, establishing certain fees, and making penalties applicable.

JOHN F. DWYER, Secretary

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 18

Koenigs of Mitchell called up for consideration House Concurrent Resolution 18, a concurrent resolution naming a highway route and urging the United States House Public Works and Transportation Committee and the United States Senate Environment and Public Works Committee to establish priority funding measures for development of a four-lane highway in Missouri, Iowa, and Minnesota to connect the cities of St. Louis, Missouri, and St. Paul, Minnesota, more commonly referred to as "The Avenue of the Saints".

McKinney of Dallas asked and received unanimous consent that House Concurrent Resolution 18 be deferred and that the resolution retain its place on the calendar.

CONSIDERATION OF BILLS**Regular Calendar**

House File 581, a bill for an act to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date, was taken up for consideration.

SENATE FILE 436 SUBSTITUTED FOR HOUSE FILE 581

Fogarty of Palo Alto asked and received unanimous consent to substitute Senate File 436 for House File 581.

Senate File 436, a bill for an act to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date, 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.

Under the provisions of Rule 76, relating to conflict of interest, Bartz of Worth refrained from voting.

On the question "Shall the bill pass?" (S.F. 436)

The ayes were, 96:

Adams	Baker	Banks	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer

Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Bartz	Corbett	Holveck	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.

House File 289, a bill for an act relating to the operation of snowmobiles, all-terrain vehicles, and motorcycles in certain special events and limiting safety certification to certain operators on public lands and waters, with report of committee recommending amendment and passage was taken up for consideration.

Schrader of Marion offered the following amendment H—3205 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H—3205

- 1 Amend House File 289 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 321G.1, Code 1991, is amended
- 5 by adding the following new subsection:
- 6 **NEW SUBSECTION. 8A.** "Nonambulatory person" means
- 7 an individual with paralysis of the lower half of the
- 8 body with the involvement of both legs, usually caused
- 9 by disease of or injury to the spinal cord, or caused
- 10 by the loss of both legs or the loss of a part of both
- 11 legs.

12 Sec. 2. Section 321G.6, Code 1991, is amended by
13 adding the following new unnumbered paragraph:
14 NEW UNNUMBERED PARAGRAPH. A motorcycle, as defined
15 in section 321.1, subsection 3, paragraph "a", may be
16 registered as an all-terrain vehicle as provided in
17 this section. A motorcycle registered as an all-
18 terrain vehicle may participate in all programs
19 established for all-terrain vehicles under this
20 chapter except for the safety instruction and
21 certification program.

22 Sec. 3. Section 321G.13, subsection 11, Code 1991,
23 is amended to read as follows:

24 11. A person shall not operate or ride in an all-
25 terrain vehicle or snowmobile with a firearm in the
26 person's possession unless it is unloaded and enclosed
27 in a carrying case, or any bow unless it is unstrung
28 or enclosed in a carrying case. However, a
29 nonambulatory person may carry an uncased and unloaded
30 firearm while operating or riding an all-terrain
31 vehicle or a snowmobile."

32 2. By numbering sections as required.

The committee amendment H-3205 was adopted.

Schrader of Marion offered the following amendment H-3374
filed by him and moved its adoption:

H-3374

1 Amend House File 289 as follows:

2 1. Page 1, line 4, by striking the word
3 "commission" and inserting the following: "commission
4 department".

5 2. Page 1, line 6, by striking the word
6 "commission" and inserting the following: "commission
7 department".

8 3. Page 1, line 7, by striking the word
9 "commission" and inserting the following: "commission
10 department".

11 4. Page 1, line 13, by striking the word
12 "commission" and inserting the following:
13 "department".

14 5. Page 1, line 18, by striking the word
15 "commission" and inserting the following: "commission
16 department".

17 6. Page 1, line 21, by striking the word
18 "commission" and inserting the following: "commission
19 department".

20 7. Page 1, line 23, by striking the word
21 "commission" and inserting the following: "commission
22 department".

23 8. Page 1, line 24, by striking the word

24 "commission" and inserting the following: "commission
25 department".

26 9. Page 1, line 28, by inserting after the word
27 "snowmobile" the following: "on public land or land
28 purchased with snowmobile registration funds".

29 10. Page 1, line 29, by striking the word
30 "commission" and inserting the following: "commission
31 department".

32 11. Page 2, line 2, by inserting after the word
33 "land" the following: "or land purchased with all-
34 terrain vehicle registration funds".

35 12. Page 2, line 3, by striking the word
36 "commission" and inserting the word "department".

Amendment H—3374 was adopted.

The following amendment H—3454, filed by Spear of Lee from the floor, was adopted by unanimous consent:

H—3454

1 Amend House File 289, as follows:

2 1. Title page, line 2, by striking the words

3 "in certain special events".

Schrader of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 289)

The ayes were, 74:

Adams	Baker	Banks	Bartz
Beaman	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Burke	Cohoon	Connors	Daggett
Dickinson	Diemer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. E.	Harbor	Hatch
Haverland	Hester	Hibbard	Hurley
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lundby	McKinney	Mertz
Millage	Miller	Muhlbauer	Murphy
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Royer	Schrader	Sherzan
Shoning	Spear	Spenner	Svoboda
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 23:

Beatty	Bennett	Brown	Carpenter
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Chapman	De Groot	Doderer	Groninga
Halvorson, R. N.	Hammond	Hanson, D. R.	Lageschulte
Maulsby	McKean	McNeal	Metcalf
Neuhauser	Nielsen	Rafferty	Shearer
Shultz	Siegrist	Teaford	

Absent or not voting, 3:

Corbett	Holveck	Jochum
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE MESSAGE CONSIDERED

Senate File 518, by committee on commerce, a bill for an act relating to the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the insurance division as an approved insurance regulator by the national association of insurance commissioners, imposing civil liability, authorizing administrative and criminal penalties, and providing effective dates and applicability provisions.

Read first time and **passed on file**.

ADOPTION OF HOUSE RESOLUTION 11

Mertz of Kossuth called up for consideration House Resolution 11, a resolution to petition the President of the United States, the United States Congress, and the United States Secretary of Commerce to ensure that fair practices govern trade relations between the United States and Canada relating to subsidies paid to Canadian hog producers and duties imposed on pork products, and moved its adoption.

The motion prevailed and the resolution was adopted.

Regular Calendar

House File 657, a bill for an act relating to alcohol blended gasoline, by changing references from gasohol to ethanol blended gasoline, was taken up for consideration.

Johnson 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. 657)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke

Carpenter	Chapman	Cohoon	Connors
Daggett	De Groot	Dickinson	Diemer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Corbett	Doderer	Holveck	Jochum
Plasier			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 670, a bill for an act relating to the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the insurance division as an approved insurance regulator by the national association of insurance commissioners, imposing civil liability, authorizing administrative and criminal penalties, and providing effective dates and applicability provisions, was taken up for consideration.

SENATE FILE 518 SUBSTITUTED FOR HOUSE FILE 670

Groninga of Cerro Gordo asked and received unanimous consent to substitute Senate File 518 for House File 670.

Senate File 518, a bill for an act relating to the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the insurance division as an approved insurance regulator by the national association of insurance commissioners, imposing civil liability, authorizing administrative and criminal penalties, and providing effective dates and applicability provisions, 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?" (S.F. 518)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Corbett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 670 WITHDRAWN

Groninga of Cerro Gordo asked and received unanimous consent to withdraw House File 670 from further consideration by the House.

HOUSE FILE 581 WITHDRAWN

Fogarty of Palo Alto asked and received unanimous consent to withdraw House File 581 from further consideration by the House.

House File 679, a bill for an act relating to forfeiture of excursion boats and related property and providing an effective date, 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. 679)

The ayes were, 97:

Adams	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 2:

Banks Garman

Absent or not voting, 1:

Corbett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 289, 657 and 679.**

Regular Calendar

House File 651, a bill for an act relating to gambling and the operation of pari-mutuel racetracks and excursion gambling boats, and providing an effective date, was taken up for consideration.

Blanshan of Greene offered the following amendment H-3403 filed by him and moved its adoption:

H-3403

1 Amend House File 651 as follows:

2 1. Page 1, by inserting after line 6 the
3 following:

4 "Sec. _____. Section 99D.11, subsection 5, Code
5 1991, is amended to read as follows:

6 5. As each race is run the licensee shall deduct
7 sixteen percent from the total sum wagered on all
8 horses or dogs as first winners. The balance, after
9 deducting breakage, shall be paid to the holders of
10 certificates on the winning horse or dog in the
11 proportion that the amount wagered by each certificate
12 holder bears to the total amount wagered on all horses
13 or dogs in the race as first winners. The licensee
14 may pay a larger amount if approved by the commission.
15 The licensee shall likewise receive other wagers on
16 horses or dogs in places or combinations the
17 commission may authorize. The method, procedure, and
18 the authority and right of the licensee, as well as
19 the deduction allowed to the licensee, shall be as
20 specified with respect to wagers upon horses or dogs
21 selected to run first. However, the commission may
22 authorize the licensee to deduct a higher percent of
23 the total sum wagered not to exceed twenty percent on
24 multiple or exotic wagering involving not more than
25 one horse two horses or dog dogs. For exotic wagering
26 involving three or more horses or dogs, the commission
27 may authorize a licensee to deduct an additional two
28 percent from the total sum wagered on the exotic
29 wagers. One percent of the exotic wagers on three or
30 more horses or dogs shall be distributed as provided
31 in section 99D.12."

32 2. Page 1, by striking lines 34 and 35 and
33 inserting the following: "schedules no less than one
34 hundred five performances of seven live races each day
35 of the season. For purposes of the taxes imposed
36 under".

Amendment H-3403 was adopted.

Osterberg of Linn asked and received unanimous consent to withdraw amendment H-3436 filed by him on April 1, 1991.

Jay of Appanoose offered the following amendment H—3383 filed by him and moved its adoption:

H—3383

- 1 Amend House File 651 as follows:
- 2 1. Page 2, line 24, by striking the word "twenty-
- 3 one" and inserting the following: "twenty-one
- 4 eighteen".
- 5 2. Page 2, by striking lines 27 through 29, and
- 6 inserting the following: "being conducted."

Roll call was requested by Jay of Appanoose and Kremer of Buchanan.

On the question "Shall amendment H—3383 be adopted?"
(H.F. 651)

The ayes were, 49:

Adams	Bartz	Beatty	Bernau
Black	Brammer	Brand	Brown
Chapman	Cphoon	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. E.	Haverland	Holveck	Jay
Johnson	Knapp	Koenigs	Krebsbach
Kremer	Lundby	Maulsby	Mertz
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Peterson, M. K.	Poncy
Renaud	Schrader	Sherzan	Shoultz
Spear	Teaford	Weidman	Wise
Wissing			

The nays were, 50:

Baker	Banks	Beaman	Bennett
Bisignano	Blanshan	Branstad	Burke
Carpenter	Connors	Daggett	De Groot
Garman	Gill	Gipp	Grubbs
Gruhn	Hahn	Hammond	Hanson, D. R.
Harbor	Hatch	Hester	Hibbard
Hurley	Iverson	Jesse	Jochum
Kistler	Lageschulte	McKean	McKinney
McNeal	Metcalf	Miller	Ollie
Pavich	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shearer	Shoning
Siegrist	Spenner	Svoboda	Tyrrell
Van Maanen	Arnould, Spkr.		

Absent or not voting, 1:

Corbett

Amendment H—3383 lost.

Hansen of Woodbury offered the following amendment H—3387 filed by him:

H—3387

1 Amend House File 651 as follows:

2 1. Page 2, line 29, by inserting after the word
3 "licensee." the following: "The age limitation in
4 this subsection does not apply to persons who are on
5 active duty in the armed forces of the United States,
6 who are members of a United States military reserve
7 unit, or who are members of a state national guard
8 unit."

Grubbs of Scott offered the following amendment H—3447, to amendment H—3387, filed by him from the floor:

H—3447

1 Amend the amendment, H—3387, to House File 651, as
2 follows:

3 1. Page 1, line 8, by inserting after the word
4 "unit." the following: "A person who is less than
5 twenty-one and still enrolled in a high school shall
6 not be employed as a dealer."

Sherzan of Polk rose on a point of order that amendment H—3447 was not germane to amendment H—3387.

The Speaker ruled the point well taken and amendment H—3447 not germane.

Hansen of Woodbury moved the adoption of amendment H—3387.

Roll call was requested by Hansen of Woodbury and Krebsbach of Mitchell.

On the question "Shall amendment H—3387 be adopted?"
(H.F. 651)

The ayes were, 16:

Brammer	Brown	Dickinson	Diemer
Gill	Hansen, S. D.	Hanson, D. R.	Hibbard
Krebsbach	Kremer	Mertz	Muhlbauer
Murphy	Shoultz	Svoboda	Wissing

The nays were, 82:

Adams	Baker	Banks	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brand	Branstad
Burke	Carpenter	Chapman	Cohoon
Connors	Daggett	De Groot	Doderer

Dvorsky	Eddie	Fogarty	Garman
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. E.	Harbor	Hatch	Haverland
Hester	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Metcalf	Millage	Miller
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Mr. Speaker		
	Arnould		

Absent or not voting, 2:

Bartz Corbett

Amendment H—3387 lost.

Connors of Polk in the chair at 11:24 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. 651)

The ayes were, 53:

Adams	Arnould, Spkr.	Baker	Bartz
Beatty	Bisignano	Blanshan	Brammer
Brown	Burke	Cohoon	Dickinson
Eddie	Fogarty	Gill	Groninga
Grubbs	Halvorson, R. A.	Hansen, S. D.	Hanson, D. E.
Harbor	Hatch	Haverland	Hester
Hibbard	Iverson	Jesse	Jochum
Johnson	Lundby	McKinney	Mertz
Millage	Muhlbauer	Murphy	Ollie
Pavich	Peterson, M. K.	Poncy	Rafferty
Renaud	Royer	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Weidman	Wissing
Connors			
Presiding			

The nays were, 47:

Banks	Beaman	Bennett	Bernau
Black	Brand	Branstad	Carpenter

Chapman	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Garman
Gipp	Gruhn	Hahn	Halvorson, R. N.
Hammond	Hanson, D. R.	Holveck	Hurley
Jay	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Maulsby
McKean	McNeal	Metcalf	Miller
Neuhauser	Nielsen	Osterberg	Petersen, D. F.
Plasier	Renken	Schrader	Teaford
Tyrrell	Van Maanen	Wise	

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 651** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 503, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code concerning occupational safety and health penalties, boiler inspections, child labor laws, and out-of-state contractor bonding requirements.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 11:55 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILL

House File 683, by committee on ways and means, a bill for an act relating to the establishment of a toxics pollution prevention program, providing for the imposition of toxics pollution prevention and air contaminant source fees, and providing a penalty.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 131, by Varn, a bill for an act relating to the time

within which a claim must be brought by a minor or incompetent under the state tort claims Act.

Read first time and passed on file.

Senate File 297, by committee on agriculture, a bill for an act relating to the confidentiality of information identifying inert ingredients in pesticides, and providing retroactive applicability and effective dates.

Read first time and referred to committee on energy and environmental protection.

Senate File 503, by committee on business and labor relations, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code concerning occupational safety and health penalties, boiler inspections, child labor laws, and out-of-state contractor bonding requirements.

Read first time and referred to committee on labor and industrial relations.

Senate File 519, by committee on commerce, a bill for an act relating to entities and subject matter subject to regulation under the regulated industries unit of the division of insurance, including business opportunity promotions, continuing care and senior adult congregate living retirement communities, and loan brokers, establishing certain fees, and making penalties applicable.

Read first time and referred to committee on commerce.

CONSIDERATION OF BILLS

Regular Calendar

House File 381, a bill for an act providing for adult court jurisdiction over children having been previously waived to adult court, with report of committee recommending amendment and passage was taken up for consideration.

Hansen of Woodbury offered the following amendment H—3294 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3294

- 1 Amend House File 381 as follows:
- 2 1. Page 1, line 1, by inserting before the word
- 3 "DISTRICT" the following: "AND CONVICTION BY".
- 4 2. Page 1, line 4, by inserting after the figure
- 5 "232.45," the following: "and a conviction is entered

- 6 by the district court.”.
- 7 3. Page 1, line 6, by inserting after the figure
- 8 “8,” the following: “and the judgment of conviction”.
- 9 4. Page 1, line 8, by inserting before the word
- 10 “district” the following: “and convicted by the”.
- 11 5. Page 1, line 9, by striking the word “for” and
- 12 inserting the following: “in a”.
- 13 6. Page 1, line 12, by inserting before the word
- 14 “district” the following: “and convicted by”.
- 15 7. Page 1, lines 14 and 15, by striking the words
- 16 “waiver of juvenile court jurisdiction over” and
- 17 inserting the following: “conviction of”.
- 18 8. Page 1, line 23, by inserting before the word
- 19 “district” the following: “and convicted by the”.
- 20 9. Page 1, line 25, by inserting after the word
- 21 “waiver” the following: “and conviction”.
- 22 10. Title page, line 2, by inserting before the
- 23 word “adult” the following: “and convicted in”.

The committee amendment H—3294 was adopted.

Peterson of Carroll offered the following amendment H—3355 filed by him and moved its adoption:

H—3355

- 1 Amend House File 381 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 “Section 1. Section 232.22, Code 1991, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 6. If the court has waived its
- 7 jurisdiction over the child for the alleged commission
- 8 of a forcible felony offense pursuant to section
- 9 232.45, the child shall not be eligible for placement
- 10 in a facility under subsection 2, paragraph “a.”
- 11 2. Page 1, line 1, by striking the word and
- 12 figure “Section 1”, and inserting the following:
- 13 “Sec. 2”.

Amendment H—3355 was adopted.

Hansen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 381)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer

Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Connors

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 681, a bill for an act relating to the confidentiality of certain information relating to waste reduction under the public records law, was taken up for consideration.

Spear of Lee offered the following amendment H—3418 filed by him and moved its adoption:

H—3418

- 1 Amend House File 681 as follows:
- 2 1. Page 1, line 14, by striking the word
- 3 "physician's" and inserting the following:
- 4 "physician's physician".
- 5 2. Page 1, line 26, by striking the word
- 6 "physician's" and inserting the following:
- 7 "physician's physician".
- 8 3. Page 1, line 29, by striking the word
- 9 "physician's" and inserting the following:
- 10 "physician's physician".
- 11 4. Page 2, line 2, by striking the word

- 12 "physician's" and inserting the following:
 13 "physician's physician".
 14 5. Page 2, line 6, by striking the word
 15 "physician's" and inserting the following:
 16 "physician's physician".
 17 6. Page 2, line 8, by striking the word
 18 "physician's" and inserting the following:
 19 "physician's physician".
 20 7. Page 2, line 11, by striking the word
 21 "physician's" and inserting the following:
 22 "physician's physician".
 23 8. Page 2, line 19, by striking the word
 24 "physician's" and inserting the following:
 25 "physician's physician".

Amendment H—3418 was adopted.

Spear of Lee offered the following amendment H—3416 filed by him and moved its adoption:

H—3416

- 1 Amend House File 681 as follows:
 2 1. Page 1, lines 17 and 18, by striking the words
 3 "minister of the gospel or priest of any denomination"
 4 and inserting the following: "minister of the gospel
 5 or priest of any denomination or a person ordained or
 6 designated as a leader of a religious faith".

Amendment H—3416 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. 681)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs

Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Connors

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 681** be immediately messaged to the Senate.

MOTION TO RECONSIDER LOST (House File 335)

Kremer of Buchanan called up for consideration the motion to reconsider House File 335, filed on March 26, 1991, and moved to reconsider the vote by which House File 335, a bill for an act relating to a parent's right of action for the death of a child, passed the House and was placed on its last reading on March 26, 1991.

A non-record roll call was requested.

The ayes were 29, nays 59.

The motion to reconsider lost, placing out of order the motion to reconsider filed by Muhlbauer of Crawford on March 26, 1991.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 335** be immediately messaged to the Senate.

Regular Calendar

House File 5, a bill for an act relating to the payment of pension benefits to surviving spouses under the chapters 97A, 410, and 411 retirement systems, and providing retroactive applicability dates, with report of committee recommending passage was taken up for consideration.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 5)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Chapman	Hurley	Osterberg	Rafferty
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 590, a bill for an act to require school districts to make payroll deductions authorized by an employee if the employee complies with certain conditions, was taken up for consideration.

Carpenter of Polk offered amendment H—3409 filed by her. Division was requested as follows:

H—3409

1 Amend House File 590 as follows:

H-3409A

- 2 1. Page 1, by striking lines 2 and 3 and
- 3 inserting the following:
- 4 "A school district shall make payroll".
- 5 2. Page 1, line 4, by striking the word "the" and
- 6 inserting the following: "an".

H-3409B

- 7 3. Page 1, by inserting after line 10 the
- 8 following:
- 9 "A school district making payroll deductions under
- 10 this section for political committees under chapter 56
- 11 may retain up to one dollar from each political
- 12 committee deduction for the administrative costs of
- 13 making the payroll deduction."

On motion by Carpenter of Polk, amendment H-3409A was adopted.

Wise of Lee offered the following amendment H-3429 filed by him and moved its adoption:

H-3429

- 1 Amend House File 590 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "if" the following: "the school district's payroll
- 4 system is currently making deductions for
- 5 organizational dues, and if".
- 6 2. Page 1, by inserting after line 10, the
- 7 following:
- 8 "3. The political committee for which the
- 9 deduction is requested is related to the organization
- 10 for which the school district's payroll system is
- 11 currently making dues deductions."

Amendment H-3429 was adopted.

McNeal of Hardin offered the following amendment H-3326 filed by him and Hanson of Delaware and moved its adoption:

H-3326

- 1 Amend House File 590 as follows:
- 2 1. Page 1, by inserting after line 10 the
- 3 following:
- 4 "3. A school district may charge political
- 5 committees a reasonable fee to be determined by the
- 6 board of directors of the school district and not to
- 7 exceed the actual cost of administering the political
- 8 committees' deductions provided for in this section."

Roll call was requested by McNeal of Hardin and Van Maanen of Mahaska.

On the question "Shall amendment H—3326 be adopted?"
(H.F. 590)

The ayes were, 46:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Carpenter	Daggett
De Groot	Dickinson	Diemer	Eddie
Garman	Gipp	Hahn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

The nays were, 53:

Adams	Baker	Beatty	Bernau
Bisignano	Blanshan	Brammer	Brand
Brown	Burke	Cohon	Connors
Corbett	Doderer	Dvorsky	Fogarty
Gill	Groninga	Grubbs	Gruhn
Halvorson, R. N.	Hammond	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 1:

Chapman

Amendment H—3326 lost.

Tyrrell of Iowa offered the following amendment H—3327 filed by him and moved its adoption:

H—3327

- 1 Amend House File 590 as follows:
- 2 1. Page 1, by inserting after line 10 the
- 3 following:
- 4 "3. A school district may charge employees

- 5 authorizing payroll deductions for political
- 6 committees a reasonable fee to be determined by the
- 7 board of directors of the school district for the cost
- 8 of administering the political committees' deductions
- 9 provided for in this section."

A non-record roll call was requested.

The ayes were 37, nays 52.

Amendment H—3327 lost.

Iverson of Wright asked and received unanimous consent to withdraw amendment H—3331 filed by him on March 26, 1991.

The House resumed consideration of amendment H—3409B.

On motion by Carpenter of Polk, amendment H—3409B was adopted.

Wissing 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. 590)

The ayes were, 50:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Cohon	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hester
Hibbard	Holveck	Jesse	Jochum
Knapp	McKinney	Mertz	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Teaford	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 50:

Banks	Bartz	Beaman	Bennett
Branstad	Chapman	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Harbor	Hurley	Iverson
Jay	Johnson	Kistler	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf

Millage
Plasier
Spear
Van Maanen

Miller
Rafferty
Spenner
Weidman

Muhlbauer
Renken
Svoboda

Petersen, D. F.
Royer
Tyrrell

Absent or not voting, none.

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 5** be immediately messaged to the Senate.

House File 601, a bill for an act relating to open end credit accounts by eliminating the requirement that the banking division compile and report a summary of the volume of consumer installment credit to the administrator of the Iowa consumer credit code and providing for a change in terms in the agreement, was taken up for consideration.

Doderer of Johnson asked and received unanimous consent to defer action on amendment H—3388.

Doderer of Johnson offered the following amendment H—3392 filed by her and moved its adoption:

H—3392

- 1 Amend House File 601 as follows:
- 2 1. Page 1, by striking lines 23 through 29 and
- 3 inserting the following: "acquired in a bulk
- 4 acquisition of the portfolio."

Amendment H—3392 was adopted, placing out of order amendment H—3388, previously deferred, filed by Doderer of Johnson on March 28, 1991.

Sherzan of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 601)

The ayes were, 97:

Adams
Beaman
Bisignano
Branstad
Chapman
Daggett

Baker
Beatty
Black
Brown
Cohoon
De Groot

Banks
Bennett
Blanshan
Burke
Connors
Dickinson

Bartz
Bernau
Brammer
Carpenter
Corbett
Diemer

Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 2:

Holveck Maulsby

Absent or not voting, 1:

Brand

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 684, by committee on ways and means, a bill for an act relating to the administration of the individual income tax, by providing uniformity in the priority of the various income tax credits; specifying that the incomes covered in the government pension exclusion are considered for purposes of determining if taxpayers qualify for total exemption from tax; providing that qualification for the tuition and textbook deduction and the tuition and textbook credit is based on taxpayers' net incomes instead of their federal adjusted gross incomes; providing for revision in the computation of the child and dependent care credit and allocation of the credit between married taxpayers and nonresidents and part-year resident taxpayers; relating to the penalty for delinquent payment of fuel taxes resulting from a check given in payment but not honored because of insufficient funds; relating to access to confidential tax information by certain persons and the application of confidentiality laws of the state; relating to penalty provisions on the filing of certain tax returns and failure to

submit payment of taxes as required by the rules of the director of revenue and finance; relating to the due date for income tax returns for nonprofit corporations subject to the unrelated business income tax; relating to use tax on vehicles subject to registration or only subject to the issuance of title; relating to the exemption from inheritance tax of the share of the estate passing to the surviving spouse; relating to payment of interest to taxpayers owed refunds for inheritance tax; relating to payment of refunds of the environmental protection charge; and providing effective dates.

Read first time and placed on the ways and means calendar.

Regular Calendar

House File 583, a bill for an act relating to eligibility of school districts for the reorganization incentives and providing an effective date, was taken up for consideration.

McNeal of Hardin offered the following amendment H—3338 filed by McNeal, et al., and moved its adoption:

H—3338

- 1 Amend House File 583 as follows:
- 2 1. Page 3, line 21, by inserting after the word
- 3 "district." the following: "For those districts, in
- 4 which the fifth year of sharing under section 442.39A
- 5 took place during the school year commencing July 1,
- 6 1990, and ending June 30, 1991, and which reorganizes
- 7 effective during the school year commencing July 1,
- 8 1992, the additional pupils added under the
- 9 supplementary weighting plan shall be equal to the
- 10 pupils added by the application of the supplementary
- 11 weighting plan under section 442.39A in the fifth year
- 12 of the contract for sharing."

A non-record roll call was requested.

The ayes were 36, nays 52.

Amendment H—3338 lost.

Haverland of Polk in the chair at 4:04 p.m.

Spenner of Henry offered the following amendment H—3329 filed by him:

H—3329

- 1 Amend House File 583 as follows:
- 2 1. Page 3, by inserting after line 35 the fol-
- 3 lowing:

4 "Sec. _____. Section 275.1, unnumbered paragraph 1,

5 Code 1991, is amended to read as follows:

6 It is the policy of the state to encourage
7 economical and efficient school districts which will
8 ensure an equal educational opportunity to all
9 children of the state. All areas of the state shall
10 be in school districts maintaining kindergarten and
11 twelve grades. If a school district ceases to
12 maintain kindergarten and twelve grades except as
13 otherwise provided in section 28E.9, 256.13, 280.15,
14 282.7, subsection 1 or subsections 1 and 3, or 282.8,
15 it shall reorganize within six months or the state
16 board shall attach the school district not maintaining
17 kindergarten and twelve grades to one or more adjacent
18 districts. Voluntary reorganizations under this
19 chapter shall be commenced only if the affected school
20 districts are contiguous adjacent to one another. A
21 reorganized district shall meet the requirements of
22 section 275.3.

23 Sec. _____. Section 275.1, Code 1991, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 4. "Adjacent district" or
26 "adjacent territory" means a district or territory
27 which shares all or a portion of a boundary with a
28 second district or territory, or which is separated
29 from a second district or territory by property which
30 is part of a third school district which completely
31 surrounds the first district.

32 Sec. _____. Section 275.4, unnumbered paragraph 2,
33 Code 1991, is amended to read as follows:

34 In addition, the area education agency board shall
35 consult with the commissioner of public instruction in
36 the development of surveys and plans. The
37 commissioner of public instruction shall provide
38 assistance to the area education agency boards as
39 requested and shall advise the area education agency
40 boards concerning plans of contiguous adjacent area
41 education agencies and the reorganization policies
42 adopted by the state board of public instruction.

43 Sec. _____. Section 275.8, subsection 1, Code 1991,
44 is amended to read as follows:

45 1. Preparation of a written joint plan in which
46 contiguous adjacent territory in two or more area
47 education agencies is considered as a part of a
48 potential school district in the area education agency
49 on behalf of which such plan is filed with the state
50 department of public instruction by the area education

Page 2

1 agency board.

2 Sec. _____. Section 275.11, Code 1991, is amended to

3 read as follows:

4 275.11 PROPOSALS INVOLVING TWO OR MORE DISTRICTS.

5 Subject to the approval of the area education
6 agency board contiguous adjacent territory located in
7 two or more school districts may be united into a
8 single district in the manner provided in sections
9 275.12 to 275.22 hereof.

10 Sec. _____. Section 275.23A, subsection 1, Code
11 1991, is amended to read as follows:

12 1. School districts which have directors who
13 represent director districts as provided in section
14 275.12, subsection 2, paragraphs b through e, shall be
15 divided into director districts on the basis of
16 population as determined from the most recent federal
17 decennial census. The director districts shall be as
18 nearly equal as practicable to the ideal population
19 for the districts as determined by dividing the number
20 of director districts to be established into the
21 population of the school district. The director
22 districts shall be composed of contiguous adjacent
23 territory as compact as practicable.

24 Sec. _____. Section 275.51, unnumbered paragraph 1,
25 Code 1991, is amended to read as follows:

26 As an alternative to school district reorganization
27 prescribed in this chapter, the board of directors of
28 a school district may establish a school district
29 dissolution commission to prepare a proposal of
30 dissolution of the school district and attachment of
31 all of the school district to one or more contiguous
32 adjacent school districts and to include in the
33 proposal a division of the assets and liabilities of
34 the dissolving school district. A school district
35 dissolution commission may also be established by the
36 board of directors of a school district if a
37 dissolution proposal has been prepared by eligible
38 electors who reside within the district. The proposal
39 must contain the names of the proposed members of the
40 commission and be accompanied by a petition which has
41 been signed by at least twenty percent of the eligible
42 electors.

43 Sec. _____. Section 275.52, unnumbered paragraph 2,
44 Code 1991, is amended to read as follows:

45 The commission shall request statements from
46 contiguous adjacent school districts outlining each
47 district's willingness to accept attachments of the
48 affected school district to the contiguous adjacent
49 districts and what conditions, if any, the contiguous
50 adjacent school district recommends. The commission

1 shall meet with boards of contiguous adjacent school

2 districts and with residents of the affected school
3 district to the extent possible in drawing up the
4 dissolution proposal. The commission may seek
5 assistance from the area education agency and the
6 department of education.

7 Sec. _____. Section 275.54, unnumbered paragraph 1,
8 Code 1991, is amended to read as follows:

9 Within ten days following the filing of the
10 dissolution proposal with the board, the board shall
11 fix a date for a hearing on the proposal which shall
12 not be more than sixty days after the dissolution
13 petition was filed with the board. The board shall
14 publish notice of the date, time, and location of the
15 hearing at least ten days prior to the date of the
16 hearing by one publication in a newspaper in general
17 circulation in the district. The notice shall include
18 the content of the dissolution proposal. A person
19 residing or owning land in the school district may
20 present evidence and arguments at the hearing. The
21 president of the board shall preside at the hearing.
22 The board shall review testimony from the hearing and
23 shall adopt or amend and adopt the dissolution
24 proposal. The board shall notify by registered mail
25 the boards of directors of all school districts to
26 which area of the affected school district will be
27 attached and the director of the department of
28 education of the contents of the dissolution proposal
29 adopted by the board. If the board of a district to
30 which area of the affected school district will be
31 attached objects to the attachment, that portion of
32 the dissolution proposal will not be included in the
33 proposal voted upon under section 275.55 and the
34 director of the department of education shall attach
35 the area to a contiguous an adjacent school district.
36 If the board of a district to which area of the
37 affected school district will be attached objects to
38 the division of assets and liabilities contained in
39 the dissolution proposal, section 275.30 applies for
40 the division of assets and liabilities to that
41 district.

42 Sec. _____. Section 275.55, unnumbered paragraph 1,
43 Code 1991, is amended to read as follows:

44 The board of the school district shall call a
45 special election to be held not later than forty days
46 following the date of the final hearing on the
47 dissolution proposal. The special election may be
48 held at the same time as the regular school election.
49 The proposition submitted to the voters residing in
50 the school district at the special election shall

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- 1 describe each separate area to be attached to a
- 2 contiguous an adjacent school district and shall name
- 3 the school district to which it will be attached."
- 4 2. Title page, line 1, by striking the word
- 5 "the".
- 6 3. Title page, line 2, by inserting after the
- 7 word "reorganization" the following: "and".
- 8 4. By numbering and renumbering as necessary.

Adams of Hamilton rose on a point of order that amendment H—3329 was not germane.

The Speaker ruled the point well taken and amendment H—3329 not germane.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 583)

The ayes were, 99:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cphoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Tyrrrell	Van Maanen	Weidman
Wise	Wissing	Haverland	
		Presiding	

The nays were, 1:

Svoboda

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

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 583 and 601.**

Regular Calendar

House File 647, a bill for an act relating to the special needs adjustment program for school districts, was taken up for consideration.

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. 647)

The ayes were, 97:

Adams	Arnould, Spkr.	Baker	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalfe	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Haverland			
Presiding			

The nays were, 3:

Banks

Bartz

Svoboda

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

McKinney of Dallas asked and received unanimous consent that **House File 647** be immediately messaged to the Senate.

Regular Calendar

House File 646, a bill for an act to permit school districts to provide educational programs to persons who are beyond the age prescribed as the school age, was taken up for consideration.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 646)

The ayes were, 62:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Gill
Groninga	Grubbs	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
Lageschulte	McKean	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Wise
Wissing	Haverland		
	Presiding		

The nays were, 37:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Eddie	Garman	Gipp
Gruhn	Hahn	Hanson, D. R.	Harbor
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lundby	Maulsby

McNeal
Miller
Renken
Weidman

Mertz
Petersen, D. F.
Royer

Metcalf
Plasier
Tyrrell

Millage
Rafferty
Van Maanen

Absent or not voting, 1:

Blanshan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 646** be immediately messaged to the Senate.

MOTION TO RECONSIDER PREVAILED

Sherzan of Polk called up for consideration the motion to reconsider House File 381, filed by him from the floor, and moved to reconsider the vote by which House File 381, a bill for an act providing for adult court jurisdiction over children having been previously waived to adult court, passed the House and was placed on its last reading on April 2, 1991.

A non-record roll call was requested.

The ayes were 75, nays none.

The motion prevailed and the House reconsidered House File 381.

Sherzan of Polk asked and received unanimous consent to reconsider the vote by which amendment H—3355, found on page 1003 of the House Journal, was adopted by the House on April 2, 1991.

Sherzan of Polk offered the following amendment H—3463, to amendment H—3355, filed by him from the floor:

H—3463

- 1 Amend the amendment, H—3355, to House File 381 as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the words
- 4 "paragraph "a"." the following: "The child shall be
- 5 held in the county jail as any other postarrest or
- 6 pretrial detainee, notwithstanding the provisions of
- 7 section 232.22 for the detention of juveniles."

The following amendment H—3464, to amendment H—3463, to amendment H—3355, filed by Sherzan of Polk from the floor, was adopted by unanimous consent:

H-3464

- 1 Amend amendment H-3463 to amendment H-3355, to
- 2 House File 381 as follows:
- 3 1. Page 1, line 4, by striking the word "shall"
- 4 and inserting the word "may".

On motion by Sherzan of Polk, amendment H-3463, as amended, was adopted.

On motion by Peterson of Carroll, amendment H-3355, as amended, was adopted.

Hansen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 381)

The ayes were, 99:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Haverland	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Blanshan

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 1, 1991. Had I been present, I would have voted "aye" on House Files 449, 480, 491, 623 and 639.

MURPHY of Dubuque

I was necessarily absent from the House chamber on April 1, 1991. Had I been present, I would have voted "aye" on House File 480.

OLLIE of Clinton

I was necessarily absent from the House chamber on April 1, 1991. Had I been present, I would have voted "aye" on House Files 449, 480, 491, 598, 623 and 639.

PETERSON of Carroll

I was necessarily absent from the House chamber on April 1, 1991. Had I been present, I would have voted "aye" on House Files 449, 480, 491, 623 and 639.

ROYER of Page

I was necessarily absent from the House chamber on April 1, 1991. Had I been present, I would have voted "aye" on House Files 449, 480, 491, 598, 623 and 639.

WISSING of Scott

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF TRANSPORTATION

A report on the demonstration study to assess the economic and technical feasibility of establishing an intermodal transportation facility at or near a location on the Mississippi River that has access to year-around navigation, pursuant to Chapter 1265.1(5) and Chapter 1267.9(1)(f), 1990 Acts of the Seventy-third General Assembly.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Mary Huggins. By Carpenter of Polk.

Sixty fifth grade students from Mt. Ayr Elementary School, Mt. Ayr, accompanied by Marilyn Saville and Marcene Anderson. By Daggett of Adams.

SUBCOMMITTEE ASSIGNMENTS

House Concurrent Resolution 17

Transportation: Chapman, Chair; Black and Royer.

Senate File 48

State Government: Beatty, Chair; Poncy and Renken.

Senate File 101

State Government: Blanshan, Chair; Carpenter, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

Senate File 193

State Government: Lundby, Chair; Renken and Teaford.

Senate File 213

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Blanshan and Kremer.

Senate File 221

Local Government: Cohoon, Chair; Hahn and Shearer.

Senate File 273

State Government: Renaud, Chair; Bisignano, Lundby, Pavich and Shoning.

Senate File 279

Local Government: Black, Chair; Baker and Metcalf.

Senate File 308

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

Senate File 309

Local Government: Muhlbauer, Chair; Bernau, Eddie, Gipp and Hatch.

Senate File 314

Education: Adams, Chair; Cohoon and Hanson of Black Hawk.

Senate File 324

Energy and Environmental Protection: Holveck, Chair; Grubbs and Neuhauser.

Senate File 329

Transportation: Muhlbauer, Chair; Fogarty and Lageschulte.

Senate File 330

Transportation: Pavich, Chair; Beaman, Cohoon, Koenigs and Spenner.

Senate File 331

Transportation: Cohoon, Chair; Maulsby and Murphy.

Senate File 337

Transportation: Koenigs, Chair; De Groot and Pavich.

Senate File 340

State Government: Blanshan, Chair; Carpenter, Connors, Hanson of Delaware, Knapp, Lundby and Renaud.

Senate File 362

Energy and Environmental Protection: Hatch, Chair; Banks, Dvorsky, Lundby and Osterberg.

Senate File 384

Judiciary and Law Enforcement: Sherzan, Chair; Hurley, Knapp, McKean and Wissing.

Senate File 387

Education: Cohoon, Chair; Siegrist and Wissing.

Senate File 389

State Government: Connors, Chair; Garman, Knapp, Krebsbach and Peterson of Carroll.

Senate File 419

Local Government: Shearer, Chair; Fogarty and Iverson.

Senate File 429

Agriculture: Svoboda, Chair; Bennett and Mertz.

Senate File 431

Agriculture: Brown, Chair; Branstad and Schrader.

Senate File 435

Commerce: Chapman, Chair; Bisignano and Metcalf.

Senate File 441

Labor and Industrial Relations: Ollie, Chair; Beatty, Branstad, Gill and Rafferty.

Senate File 454

Transportation: Koenigs, Chair; Harbor and Pavich.

Senate File 457

Labor and Industrial Relations: Sherzan, Chair; Branstad, Connors, McNeal and Wissing.

Senate File 461

Transportation: Murphy, Chair; Diemer and Halvorson of Webster.

Senate File 473

Education: Nielsen, Chair; Grubbs and Shearer.

Senate File 485

Local Government: Bernau, Chair; Cohoon and Royer.

Senate File 488

Local Government: Connors, Chair; Hanson of Black Hawk and Hatch.

Senate File 490

Commerce: Sherzan, Chair; Baker and Miller.

Senate File 492

Local Government: Cohoon, Chair; Diemer and Mertz.

Senate File 494

Commerce: Chapman, Chair; Bisignano and Metcalf.

Senate File 501

Labor and Industrial Relations: Sherzan, Chair; Branstad, Connors, McNeal and Wissing.

Senate File 504

Commerce: Renken, Chair; Holveck and Halvorson of Clayton.

Senate File 505

State Government: Halvorson of Webster, Chair; Beatty, Hanson of Delaware, Krebsbach, Pavich, Renken and Teaford.

Senate File 511

Commerce: Doderer, Chair; Gill and Rafferty.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 53, a bill for an act relating to certificates required for moving swine, and creating penalties.

Fiscal Note is not required.

Recommended Do Pass April 2, 1991.

COMMITTEE ON EDUCATION

Senate File 78, a bill for an act relating to the membership of the college student aid commission, to substitute a representative from the community colleges for the member of the state council on vocational education.

Fiscal Note is not required.

Recommended Do Pass April 2, 1991.

COMMITTEE ON STATE GOVERNMENT

Senate File 363, a bill for an act to permit advanced nurse practitioners to prescribe noncontrolled substances or devices under certain circumstances.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3461 April 2, 1991.

Senate File 505, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties.

Fiscal Note is not required.

Recommended Do Pass April 2, 1991.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 132), relating to the administration of the individual income tax, by amending the requirement that each tax return include two voter registration forms; providing uniformity in the priority of the various income tax credits; specifying that the incomes covered in the government pension exclusion are considered for purposes of determining if taxpayers qualify for total exemption from tax; providing that qualification for the tuition and textbook deduction and the tuition and textbook credit is based on taxpayers' net incomes instead of their federal adjusted gross incomes; providing for revision in the computation of the child and dependent care credit and allocation of the credit between married taxpayers and nonresidents and part-year resident taxpayers; relating to the penalty for delinquent payment of fuel taxes resulting from a check given in payment but not honored because of insufficient funds; relating to access to confidential tax information by certain persons and the application of confidentiality laws of the state; relating to penalty provisions on the filing of certain tax returns and failure to submit payment of taxes as required by the rules of the director of revenue and finance; relating to the due date for income tax returns for nonprofit corporations subject to the unrelated business income tax; relating to use tax on vehicles subject to registration or only subject to the issuance of title; relating to the exemption from inheritance tax of the share of the estate passing to the surviving spouse; relating to payment of interest to taxpayers owed refunds for inheritance tax; relating to payment of refunds of the environmental protection charge; and providing effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass April 1, 1991.

AMENDMENTS FILED

H-3438	S.F.	422	Carpenter of Polk
H-3439	H.F.	615	Blanshan of Greene
H-3440	H.F.	615	Blanshan of Greene
H-3441	H.F.	666	Carpenter of Polk
H-3442	S.F.	276	Kremer of Buchanan
H-3443	H.F.	666	Spear of Lee
H-3444	H.F.	666	Spear of Lee
H-3445	H.F.	660	Schrader of Marion
H-3446	H.F.	615	Shearer of Louisa
H-3448	S.F.	445	McNeal of Hardin
H-3449	H.F.	645	Brown of Lucas
H-3450	H.F.	632	Millage of Scott
H-3451	H.F.	632	Millage of Scott
H-3452	H.F.	632	Millage of Scott
H-3453	H.F.	678	Jesse of Jasper
Bernau of Story			Brown of Lucas
Schrader of Marion			Hansen of Woodbury
Hibbard of Madison			Jay of Appanoose
H-3455	H.F.	674	Bartz of Worth
H-3456	H.F.	674	Bartz of Worth
H-3457	H.F.	674	Bartz of Worth
H-3458	H.F.	421	Doderer of Johnson
			Carpenter of Polk
H-3459	S.F.	422	Blanshan of Greene
H-3460	H.F.	630	Cohoon of Des Moines
H-3461	S.F.	363	Committee on
			State Government
H-3462	H.F.	655	Jesse of Jasper
H-3465	H.F.	675	Koenigs of Mitchell
H-3466	H.F.	600	Bartz of Worth
H-3467	H.F.	665	Spear of Lee
H-3468	H.F.	641	Bernau of Story
H-3469	H.F.	675	Bennett of Ida
H-3470	H.F.	678	Muhlbauer of Crawford
H-3471	H.F.	631	Shoultz of Black Hawk

On motion by McKinney of Dallas, the House adjourned at 5:02 p.m., until 9:00 a.m., Wednesday, April 3, 1991.

JOURNAL OF THE HOUSE

Eightieth Calendar Day — Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 3, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by the Honorable Joseph Kremer, state representative from Buchanan County.

The Journal of Tuesday, April 2, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Wise of Lee, from twenty-four constituents opposing the 47 percent increase in resident hunting and fishing licenses in 1992, followed by a subsequent 24 percent increase in 1995.

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 2, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 220, a bill for an act to create a lien against aircraft and certain aircraft equipment in favor of persons who have installed the equipment in the aircraft and providing priority of the lien against prior lienholders of record.

Also: That the Senate has on April 1, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 35, a bill for an act relating to the disposal of deer killed along secondary roads.

Also: That the Senate has on April 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 338, a bill for an act relating to movement of indivisible loads of excessive size and weight and increasing the fee for escort services.

Also: That the Senate has on April 1, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 356, a bill for an act relating to the administration of the individual income tax, by amending the requirement that each tax return include two voter registration forms; providing uniformity in the priority of the various income tax credits;

specifying that the incomes covered in the government pension exclusion are considered for purposes of determining if taxpayers qualify for total exemption from tax; providing that qualification for the tuition and textbook deduction and the tuition and textbook credit is based on taxpayers' net incomes instead of their federal adjusted gross incomes; providing for revision in the computation of the child and dependent care credit and allocation of the credit between married taxpayers and nonresidents and part-year resident taxpayers; relating to the penalty for delinquent payment of fuel taxes resulting from a check given in payment but not honored because of insufficient funds; relating to access to confidential tax information by certain persons and the application of confidentiality laws of the state; relating to penalty provisions on the filing of certain tax returns and failure to submit payment of taxes as required by the rules of the director of revenue and finance; relating to the due date for income tax returns for nonprofit corporations subject to the unrelated business income tax; relating to use tax on vehicles subject to registration or only subject to the issuance of title; relating to the exemption from inheritance tax of the share of the estate passing to the surviving spouse; relating to payment of interest to taxpayers owed refunds for inheritance tax; relating to payment of refunds of the environmental protection charge; and providing effective dates.

Also: That the Senate has on April 1, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 383, a bill for an act relating to the installation of smoke detectors in multiple-unit residential buildings and single-family dwellings and making penalties applicable.

Also: That the Senate has on April 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 507, a bill for an act relating to the authority of the superintendent of banking to remove officers and directors of state banks and to prohibit an institution-affiliated party from participating in the conduct of the affairs of a state bank, and providing civil penalties.

Also: That the Senate has on April 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 529, a bill for an act relating to and making appropriations to state departments, agencies, programs, funds, and the interstate agricultural grain marketing commission, and providing effective dates.

Also: That the Senate has on April 1, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 11, a concurrent resolution protesting the lack of progress and results of investigations of Americans missing in action in Southeast Asia.

JOHN F. DWYER, Secretary

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that House File 381 be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Regular Calendar

House File 678, a bill for an act relating to agricultural production and commerce, by providing for the production and distribution of ethanol, and providing penalties, was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H—3470 filed by him and moved its adoption:

H—3470

- 1 Amend House File 678 as follows:
- 2 1. Page 2, line 5, by striking the figure
- 3 "159A.4" and inserting the following: "159A.3".
- 4 2. Page 2, line 10, by striking the figure
- 5 "159A.4" and inserting the following: "159A.3".
- 6 3. Page 3, lines 22 and 23, by striking the words
- 7 "ethanol board" and inserting the following:
- 8 "alternative fuels advisory committee".
- 9 4. Page 5, by striking lines 13 and 14 and
- 10 inserting the following:
- 11 "_____. "Committee" means the "alternative fuels
- 12 advisory committee" established pursuant to section
- 13 159A.4."
- 14 5. Page 5, by striking lines 25 through 29.
- 15 6. Page 6, line 13, by inserting before the word
- 16 "duties" the following: "general".
- 17 7. Page 7, by inserting after line 17 the
- 18 following:
- 19 "_____. Cooperating with the committee in carrying
- 20 out the purposes of the committee as provided in
- 21 section 159A.6. The office shall regularly inform the
- 22 committee regarding its operations and programs
- 23 administered under this chapter, including financial
- 24 reports concerning the fund.
- 25 _____. A chief purpose of the office is to further
- 26 the production and consumption of ethanol fuel in this
- 27 state. The office shall be the primary state agency
- 28 charged to further educational and promotional
- 29 programs directed at increasing public consumption of
- 30 ethanol fuel.
- 31 _____. In carrying out its purpose, the office shall
- 32 have the following powers and duties:
- 33 a. Administer the ethanol production financing
- 34 programs, as provided in section 159A.7 and 159A.8.
- 35 b. Administer the ethanol production incentive
- 36 program, as provided in section 159A.6.
- 37 c. Administer the ethanol production fund as
- 38 provided in section 159A.10.
- 39 d. Certify ethanol production facilities pursuant
- 40 to section 159A.9.

- 41 e. Support educational programs designed to inform
- 42 the public or targeted groups regarding ethanol
- 43 production and use in motor vehicle fuel.
- 44 f. Support promotional programs or marketing
- 45 strategies designed to encourage public consumption of
- 46 ethanol-based motor vehicle fuel.
- 47 g. Serve as advisor to the department regarding
- 48 the use of ethanol as an alternative fuel, and ethanol
- 49 fuel programs, including incentives to promote ethanol
- 50 fuels.

Page 2

- 1 h. Serve as monitor of regulations and programs
- 2 administered in the state, in other states, or by the
- 3 federal government. The office shall collect
- 4 information and data related to these regulations and
- 5 programs, and provide referral and educational
- 6 assistance to interested persons and agencies. The
- 7 office shall coordinate the dissemination of materials
- 8 related to alternative fuel activities involving
- 9 ethanol which are produced and prepared by state
- 10 agencies, including regents' institutions.
- 11 i. Cooperate with persons and agencies involved in
- 12 alternative fuel activities involving ethanol,
- 13 including other states and the federal government, to
- 14 standardize regulations and programs, in order to
- 15 increase administrative effectiveness and reduce
- 16 administrative duplication.
- 17 j. Implement policies and procedures designed to
- 18 facilitate communication between persons involved in
- 19 alternative fuel activities involving ethanol.
- 20 k. Assist state or federal agencies or assist
- 21 commercial enterprises or commodity organizations
- 22 which are located in or desiring to locate in the
- 23 state.
- 24 l. Conduct studies relating to the viability of
- 25 producing or using ethanol fuel, including fuel
- 26 containing more than ten percent ethanol.
- 27 m. Prepare an annual report to the secretary
- 28 regarding ethanol fuel activities. The report shall
- 29 include an evaluation of activities with promising
- 30 potential, a summary of initiatives in other states,
- 31 and an analysis of state and federal regulations and
- 32 programs.
- 33 n. Cooperate with the Wallace technology transfer
- 34 foundation of Iowa in formulating long-range strategic
- 35 plans to guide state investment in applied research,
- 36 development, and commercial transfer of selected
- 37 scientific and technological innovation relating to
- 38 ethanol fuel technology."
- 39 8. Page 7, line 19, by striking the word "board"

- 40 and inserting the following: "committee".
41 9. Page 7, line 24, by striking the words
42 "ETHANOL BOARD" and inserting the following:
43 "ADVISORY COMMITTEE".
44 10. Page 7, line 25, by striking the words
45 "ethanol board" and inserting the following:
46 "alternative fuels advisory committee".
47 11. Page 7, line 26, by striking the word "board"
48 and inserting the following: "committee".
49 12. Page 7, line 28, by striking the word "board"
50 and inserting the following: "committee".

Page 3

- 1 13. Page 8, line 11, by striking the word "board"
2 and inserting the following: "committee".
3 14. Page 8, line 22, by striking the word "board"
4 and inserting the following: "committee".
5 15. Page 8, line 25, by striking the word "board"
6 and inserting the following: "committee".
7 16. Page 8, line 35, by striking the word "board"
8 and inserting the following: "committee".
9 17. Page 9, line 8, by striking the word "board"
10 and inserting the following: "committee".
11 18. Page 9, line 12, by striking the word "board"
12 and inserting the following: "committee".
13 19. Page 9, line 13, by striking the word "board"
14 and inserting the following: "committee".
15 20. Page 9, line 15, by striking the word "board"
16 and inserting the following: "committee".
17 21. By striking page 9, line 16, through page 11,
18 line 5, and inserting the following:
19 "Sec. _____. NEW SECTION. 159A.5 PURPOSE OF THE
20 COMMITTEE.
21 1. The purpose of the committee is to provide
22 general oversight of operations of the office and to
23 advise the office about all aspects concerning the
24 production and consumption of alternative fuels, and
25 especially renewable fuels, including ethanol.
26 However, the committee shall not control policy
27 decisions or direct the administration of this
28 chapter.
29 2. The committee shall monitor conditions,
30 practices, policies, programs, and procedures
31 affecting the production and consumption of
32 alternative fuels.
33 3. The committee shall monitor the condition of
34 the fund and financial reports concerning the fund
35 submitted by the office.
36 4. The committee shall review the annual report to
37 the secretary regarding ethanol fuel activities, as
38 provided in section 159A.3. The committee may make

39 comments to the report in writing. Upon request of
40 the committee, the coordinator shall include the
41 comments as part of the report.

42 5. The committee in cooperation with the
43 coordinator shall do all of the following:

44 a. Review the operations of the office and shall
45 make recommendations regarding the effectiveness of
46 programs provided under this chapter.

47 b. Establish performance goals for the office and
48 adopt recommendations relating to improving the
49 functions of the office and furthering the purposes of
50 this chapter.

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1 c. Encourage full support of programs designed to
2 inform the public or targeted groups regarding
3 alternative fuel production and consumption.

4 d. Support promotional programs or marketing
5 strategies designed to encourage public consumption of
6 alternative fuels."

7 22. Page 11, line 8, by striking the word "board"
8 and inserting the following: "office".

9 23. Page 11, line 13, by striking the words "by
10 the board".

11 24. Page 11, line 18, by striking the word
12 "board" and inserting the following: "office".

13 25. Page 11, line 19, by striking the word
14 "board" and inserting the following: "office".

15 26. Page 11, line 25, by striking the word
16 "board" and inserting the following: "office".

17 27. Page 12, line 3, by striking the word "board"
18 and inserting the following: "office".

19 28. Page 12, line 4, by striking the word "board"
20 and inserting the following: "office".

21 29. Page 12, line 10, by striking the word
22 "board" and inserting the following: "office".

23 30. Page 12, line 13, by striking the word
24 "board" and inserting the following: "office".

25 31. Page 12, line 16, by striking the word
26 "board" and inserting the following: "office".

27 32. Page 12, line 26, by striking the word
28 "board" and inserting the following: "office".

29 33. Page 12, line 32, by striking the word
30 "board" and inserting the following: "office".

31 34. Page 13, line 4, by striking the word "board"
32 and inserting the following: "office".

33 35. Page 13, line 8, by striking the word "board"
34 and inserting the following: "office".

35 36. Page 13, line 12, by striking the word
36 "board" and inserting the following: "office".

37 37. Page 13, line 21, by striking the word

- 38 "board" and inserting the following: "office".
39 38. Page 13, line 24, by striking the word
40 "board" and inserting the following: "office".
41 39. Page 13, line 26, by striking the word
42 "board" and inserting the following: "office".
43 40. Page 13, line 32, by striking the word
44 "board" and inserting the following: "office".
45 41. Page 13, line 33, by striking the word
46 "board" and inserting the following: "office".
47 42. Page 14, line 8, by striking the word "board"
48 and inserting the following: "office".
49 43. Page 14, line 9, by striking the words
50 "board. The board" and inserting the following:

Page 5

- 1 "office. The office".
2 44. Page 14, line 11, by striking the words
3 "board. The board" and inserting the following:
4 "office. The office".
5 45. Page 14, line 18, by striking the word
6 "board" and inserting the following: "office".
7 46. Page 14, line 30, by striking the word
8 "board" and inserting the following: "office".
9 47. Page 14, line 31, by striking the word
10 "board" and inserting the following: "office".
11 48. Page 15, line 14, by striking the word
12 "board" and inserting the following: "office".
13 49. Page 15, line 15, by striking the words
14 "board. The board" and inserting the following:
15 "office. The office".
16 50. Page 15, line 17, by striking the words
17 "board. The board" and inserting the following:
18 "office. The office".
19 51. Page 15, line 24, by striking the word
20 "board" and inserting the following: "office".
21 52. Page 15, line 25, by striking the word
22 "board" and inserting the following: "office".
23 53. Page 15, line 27, by striking the word
24 "board" and inserting the following: "office".
25 54. Page 15, line 30, by striking the word
26 "board" and inserting the following: "office".
27 55. Page 15, line 34, by striking the word
28 "board" and inserting the following: "office".
29 56. Page 15, line 35, by striking the words
30 "board. The board" and inserting the following:
31 "office. The office".
32 57. Page 16, line 3, by inserting after the word
33 "resources" the following: "and the county board of
34 supervisors".
35 58. Page 16, line 3, by inserting after the word
36 "shall" the following: "each".

- 37 59. Page 16, line 7, by striking the word "board"
38 and inserting the following: "office".
39 60. Page 16, line 10, by striking the word
40 "board" and inserting the following: "office".
41 61. Page 16, line 34, by striking the word
42 "board" and inserting the following: "office".
43 62. Page 16, line 35, by striking the word
44 "board" and inserting the following: "office".
45 63. Page 17, line 3, by striking the word "board"
46 and inserting the following: "office".
47 64. Page 17, line 21, by inserting after the word
48 "One" the following: "and one-half".
49 65. Page 17, line 23, by inserting after the word
50 "support" the following: ", and incurred by the

Page 6

- 1 committee".
2 66. Page 17, by striking lines 24 and 25.
3 67. Page 17, line 26, by striking the word
4 "board" and inserting the following: "office".
5 68. Page 17, line 27, by striking the word
6 "board" and inserting the following: "office".
7 69. Page 17, line 28, by striking the word
8 "board" and inserting the following: "coordinator".
9 70. Page 17, line 30, by striking the word
10 "board" and inserting the following: "coordinator".
11 71. Page 17, by striking lines 32 and 33 and
12 inserting the following: "production industry. The
13 coordinator shall inform the administrator of the
14 agricultural marketing division before the transfer is
15 made."
16 72. Page 18, line 2, by striking the words
17 "chairperson of the board" and inserting the
18 following: "coordinator".
19 73. Page 18, line 3, by striking the word "board"
20 and inserting the following: "office".
21 74. Page 18, line 6, by striking the word "board"
22 and inserting the following: "office".
23 75. By striking page 18, line 19 through page 19,
24 line 31.
25 76. Page 22, line 6, by striking the words "and
26 the ethanol board".
27 77. Page 22, line 9, by striking the words "the
28 board and".
29 78. Page 22, line 20, by striking the words "the
30 board and".
31 79. Page 23, line 9, by striking the words
32 "ethanol board" and inserting the following: "the
33 office of alternative fuels".
34 80. Page 23, line 14, by striking the word
35 "board" and inserting the following: "office of

36 alternative fuels".

37 81. Page 23, line 15, by striking the word
38 "board" and inserting the following: "office".

39 82. Title page, lines 2 and 3, by striking the
40 words "ethanol, and providing penalties" and inserting
41 the following: "ethanol".

42 83. By renumbering as necessary.

Amendment H—3470 was adopted.

Jesse of Jasper offered amendment H—3453 filed by Jesse, et al.
Division was requested as follows:

H—3453

1 Amend House File 678 as follows:

H—3453A

2 1. Page 9, by striking lines 31 and 32.

H—3453B

3 2. By striking page 15, line 22, through page 16,
4 line 31.

5 3. By renumbering as necessary.

The Speaker announced that amendment H—3453A was out of
order with the adoption of amendment H—3470.

Doderer of Johnson in the chair at 9:55 a.m.

Jesse of Jasper moved the adoption of amendment H—3453B.

Roll call was requested by Jesse of Jasper and Shearer of Louisa.

On the question "Shall amendment H—3453B be adopted?"
(H.F. 678)

The ayes were, 62:

Baker	Bartz	Beatty	Bernau
Bisignano	Black	Brammer	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	De Groot	Dickinson
Dvorsky	Eddie	Gill	Gipp
Grubbs	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Haverland	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Kistler	Knapp	McKean	McKinney
McNeal	Millage	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Plasier	Renaud	Schrader	Shearer

Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Wise
Wissing	Doderer		

The nays were, 35:

Banks	Beaman	Bennett	Blanshan
Branstad	Daggett	Diemer	Fogarty
Garman	Groninga	Gruhn	Hahn
Hanson, D. E.	Hester	Johnson	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	Mertz	Metcalf	Miller
Muhlbauer	Petersen, D. F.	Peterson, M. K.	Poncy
Rafferty	Renken	Royer	Shoultz
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 3:

Adams	Arnould, Spkr.	Connors
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Amendment H—3453B was adopted, placing out of order lines 19 through 40, page 5, of amendment H—3470, previously adopted.

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. 678)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Branstad	Brown	Burke	Carpenter
Chapman	Cohon	Corbett	Daggett
De Groot	Dickinson	Diemer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Doderer	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Arnould, Spkr. Brand
Metcalf

Connors

Grubbs

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 655, a bill for an act relating to emergency care providers who are exposed to contagious or infectious diseases, and making penalties applicable, was taken up for consideration.

Jesse of Jasper offered the following amendment H—3462 filed by him and moved its adoption:

H—3462

- 1 Amend House File 655 as follows:
- 2 1. Page 1, by inserting after line 15 the
- 3 following:
- 4 "_____. "Designated officer" means a person who is
- 5 designated by a department, agency, division, or
- 6 service organization to act as an infection control
- 7 liaison officer."
- 8 2. Page 2, line 16, by inserting after the word
- 9 "service" the following: "or law enforcement agency".
- 10 3. Page 5, line 5, by inserting after the word
- 11 "with" the following: "both of".
- 12 4. Page 5, line 6, by inserting after the word
- 13 "individual" the following: "when the individual's
- 14 condition permits,".
- 15 5. Page 5, by striking lines 11 through 15 and
- 16 inserting the following:
- 17 "Notwithstanding paragraphs "a" and "b"
- 18 notification shall be made when the individual denies
- 19 consent for or consent is not reasonably obtainable
- 20 for serological testing, and in the course of
- 21 admission, care, and treatment of the individual, the
- 22 individual is diagnosed or is confirmed as having HIV
- 23 infection."
- 24 6. Page 6, by inserting after line 30, the
- 25 following:
- 26 "_____. Notifications made pursuant to this section
- 27 shall not disclose the identity of the individual who
- 28 is diagnosed or confirmed as having HIV infection
- 29 unless the individual provides a specific written
- 30 release as provided in section 141.23, subsection 1,
- 31 paragraph "a".
- 32 _____. If notification is made under this section,
- 33 and discloses the identity of the individual who is
- 34 diagnosed or confirmed as having HIV infection, or

35 otherwise allows the emergency care provider to
 36 determine the identity of the individual, the identity
 37 of the individual shall be confidential information
 38 and shall not be disclosed by the emergency care
 39 provider to any other person unless a specific written
 40 release is obtained from the individual."

41 7. Page 7, line 9, by striking the word and
 42 figure "subsection 2" and inserting the following:
 43 "subsection 11".

44 8. Page 7, by striking lines 17 and 18 and
 45 inserting the following:

46 "_____. The employer of an emergency care provider
 47 who submits a significant exposure report under this
 48 section shall pay the costs of HIV testing and
 49 counseling for the individual and the".

Amendment H—3462 was adopted.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—3398 filed by him and Jesse of Jasper on March 28, 1991.

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. 655)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Corbett	Daggett	De Groot	Dickinson
Diemer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist

Spear
Tyrrell
Wissing

Spenner
Van Maanen
Doderer
Presiding

Svoboda
Weidman

Teaford
Wise

The nays were, none.

Absent or not voting, 2:

Connors

Ollie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Teaford of Black Hawk in the chair at 10:35 a.m.

House File 484, a bill for an act to permit the sale of disposable containers for the consumption of beer or wine by wholesalers to retailers for one-time use by retail customers on the premises of licensed establishments, was taken up for consideration.

SENATE FILE 284 SUBSTITUTED FOR HOUSE FILE 484

Pavich of Pottawattamie asked and received unanimous consent to substitute Senate File 284 for House File 484.

Senate File 284, a bill for an act to permit the sale of disposable containers for the consumption of beer or wine by wholesalers to retailers for one-time use by retail customers on the premises of licensed establishments, was taken up for consideration.

Lundby of Linn asked and received unanimous consent to withdraw amendment H—3290 filed by her on March 21, 1991.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 284)

The ayes were, 97:

Adams
Bartz
Bernau
Brammer
Carpenter
Daggett
Doderer
Garman
Grubbs
Halvorson, R. N.
Hanson, D. R.

Arnould, Spkr.
Beaman
Bisignano
Brand
Chapman
De Groot
Dvorsky
Gill
Gruhn
Hammond
Harbor

Baker
Beatty
Black
Brown
Cohoon
Dickinson
Eddie
Gipp
Hahn
Hansen, S. D.
Hatch

Banks
Bennett
Blanshan
Burke
Corbett
Diemer
Fogarty
Groninga
Halvorson, R. A.
Hanson, D. E.
Haverland

Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Teaford			
Presiding			

The nays were, 1:

Branstad

Absent or not voting, 2:

Connors

Ollie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 20

Dvorsky of Johnson called up for consideration House Concurrent Resolution 20, a concurrent resolution proclaiming National County Government Week and Iowa Local Government Week, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 610, a bill for an act to create a Missouri river preservation and land use authority and fund, was taken up for consideration.

Royer of Page offered the following amendment H—3369 filed by him and moved its adoption:

H—3369

- 1 Amend House File 610 as follows:
- 2 1. Page 3, line 22, by inserting after the word
- 3 "river" the following: "and for annual payment of
- 4 property taxes on any land purchased. The county
- 5 treasurer shall certify the amount of taxes due to the
- 6 authority. The assessed value of the property held by
- 7 the authority shall be that value determined under

8 section 427.1, subsection 31, and the authority may
 9 protest the assessed value in the manner provided by
 10 law for any property owner to protest an assessment.
 11 For purposes of chapter 257, the assessed value of any
 12 property which was acquired by the authority shall be
 13 included in the valuation base of the school district
 14 and the payments made by the authority shall be con-
 15 sidered as property tax revenues and not as
 16 miscellaneous income”.

Amendment H—3369 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. 610)

The ayes were, 97:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Teaford			
Presiding			

The nays were, none.

Absent or not voting, 3:

Connors	Ollie	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

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 610, 655 and 678.**

MOTION TO RECONSIDER PREVAILED
(House File 421)

Knapp of Dubuque called up for consideration the motion to reconsider House File 421, filed on March 27, 1991, and moved to reconsider the vote by which House File 421, a bill for an act relating to establishing a registry of sex offenders and establishing penalties, passed the House and was placed on its last reading on March 27, 1991.

A non-record roll call was requested.

The ayes were 53, nays 11.

The motion prevailed and the House reconsidered House File 421, placing out of order the motion to reconsider filed by Carpenter of Polk on March 27, 1991.

Doderer of Johnson offered the following amendment H—3405 filed by her:

H—3405

- 1 Amend House File 421 as follows:
- 2 1. By striking page 4, line 34, through page 5,
- 3 line 2, and inserting the following:
- 4 "2. The specimens shall be forwarded to the
- 5 division of criminal investigation of the department
- 6 of pubic safety which shall, upon appropriation or
- 7 receipt of sufficient funds, carry out
- 8 deoxyribonucleic acid (DNA) analysis and profiling and
- 9 other genetic typing analysis. The division may
- 10 contract with private entities for DNA profiling.
- 11 "DNA profiling" means the procedure established by the
- 12 division for determining a person's genetic identity.
- 13 The DNA profiling and other genetic typing analysis
- 14 shall be used for law enforcement purposes only."

Doderer of Johnson offered the following amendment H—3458, to amendment H—3405, filed by her and Carpenter of Polk and moved its adoption:

H—3458

- 1 Amend the amendment, H—3405, to House File 421 as
- 2 follows:

- 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "_____. Page 4, line 25, by striking the word "A"
 6 and inserting the following: "Upon appropriation or
 7 receipt of sufficient funds by the division of
 8 criminal investigation of the department of public
 9 safety to carry out deoxyribonucleic acid (DNA)
 10 analysis and profiling and other genetic typing
 11 analysis, a".
 12 2. Page 1, line 4, by striking the word "The" and
 13 inserting the following: "Upon appropriation or
 14 receipt of sufficient funds by the division of
 15 criminal investigation of the department of public
 16 safety, the".
 17 3. Page 1, by striking lines 5 through 9 and
 18 inserting the following: "division which shall carry
 19 out DNA analysis and profiling and other genetic
 20 typing analysis. The division may".
 21 4. By renumbering as necessary.

Amendment H—3458 was adopted.

On motion by Doderer of Johnson, amendment H—3405, as amended, was adopted.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 421)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhausser
Nielsen	Osterberg	Pavich	Petersen, D. F.

Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Teaford		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Connors Ollie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 484 WITHDRAWN

Pavich of Pottawattamie asked and received unanimous consent to withdraw House File 484 from further consideration by the House.

HOUSE FILE 228 WITHDRAWN

Renaud of Polk asked and received unanimous consent to withdraw House File 228 from further consideration by the House.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that House File 421 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, for April 3 and 4, on request of Siegrist of Pottawattamie.

Regular Calendar

House File 661, a bill for an act relating to general permits for activities affecting the environment, was taken up for consideration.

Holveck of Polk offered amendment H—3406 filed by him and requested division as follows:

H—3406

1 Amend House File 661 as follows:

H—3406A

- 2 1. Page 1, line 1, by inserting after the word
- 3 "PERMITS —" the following: "STORMWATER SYSTEM —".
- 4 2. Page 1, line 3, by inserting after the word
- 5 "chapter" the following: "for a stormwater system".

H-3406A

6 3. Page 1, line 13, by inserting after the word
7 "permit." the following: "Notwithstanding section
8 17A.4, subsection 1, paragraph "b", a public hearing
9 shall be held regarding the proposed rules in two or
10 more locations throughout the state."

11 4. Page 1, line 17, by inserting after the word
12 "department." the following: "A person shall also
13 provide public notice of intent to conduct activities
14 covered under the general permit by publishing notice
15 in two newspapers with the largest circulation in the
16 area in which the facility is located."

17 5. Page 1, by inserting after line 33, the
18 following:

19 "_____. The department shall perform on-site
20 inspections and review monitoring data to assess the
21 effectiveness of general permits. If a significant
22 adverse environmental problem exists for an individual
23 facility or class of facilities due to regulation
24 under a general permit, the facility or class of
25 facilities shall be required to obtain individual
26 permits.

27 "_____. An applicant for a general permit shall pay a
28 fee for the costs of monitoring and on-site
29 inspections as required by rule of the commission.
30 Fees shall be remitted to the department and shall be
31 used to administer the general permit program.

32 "_____. The department shall establish a procedure
33 for the filing of complaints by persons believing
34 themselves to be adversely affected by a facility
35 operating under a general permit under this section."

36 6. Page 1, by inserting after line 35, the
37 following:

38 "_____. Three years after the adoption of a general
39 permit by rule, the department shall assess the
40 activities which have been conducted under the general
41 permit and determine whether any significant adverse
42 environmental consequences have resulted."

H-3406B

43 7. Page 2, by inserting after line 11, the
44 following:

45 "Sec. _____. NEW SECTION. 455B.146A CRIMINAL
46 ACTION.

47 A person who negligently or knowingly violates a
48 provision of this division of this chapter, a permit,
49 rule, standard, or order issued under this division of
50 this chapter, a condition or limitation included in

H-3406B

Page 2

1 any permit issued under this division of this chapter,
2 or who negligently or knowingly introduces into the
3 air a pollutant or hazardous substance which the
4 person knew or reasonably should have known could
5 cause personal injury, property damage, or adverse
6 environmental impacts, is guilty of a serious
7 misdemeanor for a negligent violation and is guilty of
8 an aggravated misdemeanor for a knowing violation. A
9 conviction for a negligent violation is punishable by
10 a fine of not more than twenty-five thousand dollars
11 for each day of violation or by imprisonment for not
12 more than one year, or both. If the conviction is for
13 a second or subsequent negligent violation committed
14 by a person under this section, the conviction is
15 punishable by a fine of not more than fifty thousand
16 dollars for each day of violation or by imprisonment
17 for not more than two years, or both. A conviction
18 for a knowing violation is punishable by a fine of not
19 more than fifty thousand dollars for each day of
20 violation or by imprisonment for not more than two
21 years, or both. If the conviction is for a second or
22 subsequent violation committed by a person under this
23 section, the conviction is punishable by a fine of not
24 more than one hundred thousand dollars for each day of
25 violation or by imprisonment for not more than five
26 years, or both. As used in this section, "hazardous
27 substance" means hazardous substance as defined in
28 section 455B.381 or 455B.411.

29 A person who knowingly makes a false statement,
30 representation, or certification in an application,
31 record, report, plan or other document filed or
32 required to be maintained under this division of this
33 chapter, or who falsifies, tampers with or knowingly
34 renders inaccurate a monitoring device or method
35 required to be maintained under this division of this
36 chapter or by a permit, rule, regulation, or order
37 issued under this division of this chapter, is guilty
38 of an aggravated misdemeanor and is subject to a fine
39 of not more than ten thousand dollars or imprisonment
40 in the county jail for not more than six months, or
41 both.

42 Sec. _____. Section 455B.307, Code 1991, is amended
43 by adding the following new subsection:

44 **NEW SUBSECTION. 4.** A person who negligently or
45 knowingly violates a provision of this part of this
46 division, a permit, rule, standard, or order issued
47 under this part of this division, or a condition or
48 limitation included in a permit issued under this part
49 of this division, is guilty of a serious misdemeanor
50 for a negligent violation and is guilty of an

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Page 3

1 aggravated misdemeanor for a knowing violation. A
2 conviction for a negligent violation is punishable by
3 a fine of not more than twenty-five thousand dollars
4 for each day of violation or by imprisonment for not
5 more than one year, or both. If the conviction is for
6 a second or subsequent negligent violation committed
7 by a person under this subsection, the conviction is
8 punishable by a fine of not more than fifty thousand
9 dollars for each day of violation or by imprisonment
10 for not more than two years, or both. A conviction
11 for a knowing violation is punishable by a fine of not
12 more than fifty thousand dollars for each day of
13 violation or by imprisonment for not more than two
14 years, or both. If the conviction is for a second or
15 subsequent violation committed by a person under this
16 subsection, the conviction is punishable by a fine of
17 not more than one hundred thousand dollars for each
18 day of violation or by imprisonment for not more than
19 five years, or both.

20 A person who knowingly makes a false statement,
21 representation, or certification in an application,
22 record, report, plan or other document filed or
23 required to be maintained under this part of this
24 division, or who falsifies, tampers with or knowingly
25 renders inaccurate a monitoring device or method
26 required to be maintained under this part of this
27 division, or by a permit, rule, regulation, or order
28 issued under this part of this division, is guilty of
29 an aggravated misdemeanor and is subject to a fine of
30 not more than ten thousand dollars or imprisonment in
31 the county jail for not more than six months, or both.

32 Sec. _____. Section 455D.9, subsection 2, Code 1991,
33 is amended to read as follows:

34 2. The department shall assist local communities
35 cities and counties in the development of collection
36 systems for yard waste generated from residences and
37 shall assist in the establishment of local composting
38 facilities. Within one hundred twenty days of the
39 adoption of rules by the department regarding yard
40 waste, each city and county shall, by ordinance,
41 require persons within the city or county to separate
42 yard waste from other solid waste generated.
43 Municipalities Cities and counties which provide a
44 collection system for solid waste shall provide for a
45 collection system for yard waste which is not
46 composted. Cities may utilize different types of
47 collection systems for solid waste and yard waste."

48 8. Title page, line 1, by striking the words
49 "general permits for".

50 9. Title page, line 2, by inserting after the

H—3406B

Page 4

- 1 word "environment" the following: ", and providing
- 2 penalties".
- 3 10. By renumbering and relettering as necessary.

Holveck of Polk asked and received unanimous consent to temporarily defer action on amendment H—3406A.

Banks of Plymouth rose on a point of order that amendment H—3406B was not germane.

The Speaker ruled the point well taken and amendment H—3406B not germane.

Holveck of Polk moved the adoption of amendment H—3406A.

A non-record roll call was requested.

The ayes were 20, nays 58.

Amendment H—3406A lost.

Holveck of Polk asked for unanimous consent to defer House File 661.

Objection was raised.

Muhlbauer of Crawford moved that House File 661 be deferred and that the bill retain its place on the calendar.

Speaker Arnould in the chair at 11:42 a.m.

McKinney of Dallas asked and received unanimous consent to withdraw the motion to defer.

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. 661)

The ayes were, 89:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Blanshan	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn

Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Nielsen	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 6:

Black	Diemer	Hatch	Jay
Schrader	Teaford		

Absent or not voting, 5:

Bisignano	Connors	Jochum	Neuhauser
Ollie			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE MESSAGES CONSIDERED

Senate File 35, by Priebe, a bill for an act relating to the disposal of deer killed along secondary roads.

Read first time and referred to committee on **natural resources and outdoor recreation**.

Senate File 338, by committee on transportation, a bill for an act relating to movement of indivisible loads of excessive size and weight and increasing the fee for escort services.

Read first time and referred to committee on **transportation**.

Senate File 356, by committee on ways and means, a bill for an act relating to the administration of the individual income tax, by amending the requirement that each tax return include two voter registration forms; providing uniformity in the priority of the various income tax credits; specifying that the incomes covered in the government pension exclusion are considered for purposes of determining if taxpayers qualify for total exemption from tax; providing

that qualification for the tuition and textbook deduction and the tuition and textbook credit is based on taxpayers' net incomes instead of their federal adjusted gross incomes; providing for revision in the computation of the child and dependent care credit and allocation of the credit between married taxpayers and nonresidents and part-year resident taxpayers; relating to the penalty for delinquent payment of fuel taxes resulting from a check given in payment but not honored because of insufficient funds; relating to access to confidentiality tax information by certain persons and the application of confidentiality laws of the state; relating to penalty provisions on the filing of certain tax returns and failure to submit payment of taxes as required by the rules of the director of revenue and finance; relating to the due date for income tax returns for nonprofit corporations subject to the unrelated business income tax; relating to use tax on vehicles subject to registration or only subject to the issuance of title; relating to the exemption from inheritance tax of the share of the estate passing to the surviving spouse; relating to payment of interest to taxpayers owed refunds for inheritance tax; relating to payment of refunds of the environmental protection charge; and providing effective dates.

Read first time and passed on file.

Senate File 383, by committee on commerce, a bill for an act relating to the installation of smoke detectors in multiple-unit residential buildings and single-family dwellings and making penalties applicable.

Read first time and referred to committee on state government.

Senate File 507, by committee on commerce, a bill for an act relating to the authority of the superintendent of banking to remove officers and directors of state banks and to prohibit an institution-affiliated party from participating in the conduct of the affairs of a state bank, and providing civil penalties.

Read first time and referred to committee on commerce.

Senate File 529, by committee on appropriations, a bill for an act relating to and making appropriations to state departments, agencies, programs, funds, and the interstate agricultural grain marketing commission, and providing effective dates.

Read first time and referred to committee on appropriations.

Regular Calendar

House File 660, a bill for an act relating to the administration of and programs administered by the department of agriculture and land

stewardship, establishing certain fees, and making penalties applicable, was taken up for consideration.

Schrader of Marion offered the following amendment H-3445 filed by him and moved its adoption:

H-3445

1 Amend House File 660 as follows:

2 1. Page 8, by striking lines 19 through 21 and
3 inserting the following: "certified by the regis-
4 trant.".

Amendment H-3445 was adopted.

Schrader of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 660)

The ayes were, 85:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Haverland	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Koenigs	Krebsbach
Lageschulte	Lundby	Maulsby	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Nielsen
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Rafferty	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 15:

Branstad

Connors

Hanson, D. R.

Harbor

Hester
Neuhauser
Renken

Knapp
Ollie
Royer

Kremer
Poncy
Shoning

McKean
Renaud

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 660** be immediately messaged to the Senate.

On motion by McKinney of Dallas, the House was recessed at 12:01 p.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

REREFERRED TO COMMITTEE ON WAYS AND MEANS

The Speaker announced that Senate File 253, previously referred to the committee on **small business, economic development and trade**, was rereferred to the committee on **ways and means**.

CONSIDERATION OF BILLS

Regular Calendar

House File 570, a bill for an act relating to limitations on the use of automatic dialing-announcing device equipment and providing a penalty, was taken up for consideration.

Doderer of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 570)

The ayes were, 88:

Adams
Beaman
Bisignano
Brand
Carpenter
Daggett
Doderer
Garman
Gruhn
Hansen, S. D.
Hester
Iverson
Johnson
Krebsbach

Baker
Beatty
Black
Branstad
Chapman
De Groot
Dvorsky
Gill
Halvorson, R. A.
Hanson, D. R.
Hibbard
Jay
Kistler
Kremer

Banks
Bennett
Blanshan
Brown
Cohoon
Dickinson
Eddie
Gipp
Halvorson, R. N.
Harbor
Holveck
Jesse
Knapp
Lageschulte

Bartz
Bernau
Brammer
Burke
Corbett
Diemer
Fogarty
Groninga
Hammond
Hatch
Hurley
Jochum
Koenigs
Lundby

Maulsby	McKean	McKinney	McNeal
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Van Maanen	Wise	Mr. Speaker
			Arnould

The nays were, 11:

Grubbs	Hahn	Hanson, D. E.	Haverland
Mertz	Millage	Petersen, D. F.	Rafferty
Tyrrell	Weidman	Wissing	

Absent or not voting, 1:

Connors

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 570** be immediately messaged to the Senate.

The House stood at ease at 3:48 p.m., until the fall of the gavel.

The House resumed session at 6:00 p.m., Speaker Arnould in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

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 3, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 326, a bill for an act exempting members, employees, and the secretary of the board of trustees for the statewide fire and police retirement system from certain liabilities, providing per diem compensation for board members, appropriating funds to the board, changing the date for completion of an actuarial study, providing that certain cities that did not participate in a chapter 411 retirement system as of May 3, 1990, are not required to participate in the statewide system, and providing retroactive applicability and effective date provisions.

JOHN F. DWYER, Secretary

Regular Calendar

House File 675, a bill for an act relating to grain management, by providing for the regulation of grain dealers and grain warehouse operators, providing for the indemnification of grain depositors and sellers, providing for penalties, and providing dates of applicability, was taken up for consideration.

Koenigs of Mitchell offered the following amendment H-3465 filed by him:

H-3465

1 Amend House File 675 as follows:

2 1. Page 7, line 6, by inserting before the word
3 "violation" the following: "person in".

4 2. Page 8, line 6, by striking the word "ten" and
5 inserting the following: "sixty".

6 3. Page 8, line 22, by striking the word "thirty"
7 and inserting the following: "one hundred eighty".

8 4. Page 8, line 30, by striking the words "to a"
9 and inserting the following: "to an interest".

10 5. Page 8, by striking line 31 and inserting the
11 following: "which is perfected subsequent to the".

12 6. Page 10, by striking lines 12 through 27, and
13 inserting the following:

14 "Sec. _____. Section 542.15, Code 1991, is amended
15 by adding the following new subsection:

16 **NEW SUBSECTION. 8A.** A credit-sale contract shall
17 be void unless the contract contains a notice warning
18 sellers that the grain purchased by credit-sale
19 contract is not protected by the grain depositors and
20 sellers indemnity fund. The notice shall be
21 prominently displayed in the center of the front page
22 of the contract. The notice shall be surrounded by a
23 boldface outline, and the message shall be in capital
24 letters in at least ten point boldface type, in the
25 following form:

26 **NOTICE**

27 THIS PURCHASE IS MADE BY CREDIT-SALE CONTRACT. AS A
28 SELLER OF GRAIN PURCHASED PURSUANT TO CREDIT-SALE
29 CONTRACT, YOU MAY BE AN UNSECURED CREDITOR AND YOU MAY
30 JEOPARDIZE A FINANCIAL POSITION BY ENGAGING IN THIS
31 TRANSACTION. BEWARE THAT GRAIN PURCHASED BY CREDIT-
32 SALE CONTRACT IS NOT PROTECTED BY THE GRAIN DEPOSITORS
33 AND SELLERS INDEMNITY FUND. THE STATE OF IOWA WILL
34 NOT INDEMNIFY A LOSS RESULTING FROM THIS TRANSACTION."

35 7. Page 12, by striking lines 5 through 10 and
36 inserting the following: "year. The warehouse
37 operator may elect, however, to submit a financial
38 statement that is accompanied by the report of a

39 certified public accountant licensed in this state
40 that is based upon a review performed by the certified
41 public accountant in lieu of the audited financial
42 statement specified in this paragraph. However, at
43 any time the".

44 8. Page 13, by striking lines 3 through 8 and
45 inserting the following: "year. The warehouse
46 operator may elect, however, to submit a financial
47 statement that is accompanied by the report of a
48 certified public accountant licensed in this state
49 that is based upon a review performed by the certified
50 public accountant in lieu of the audited financial

Page 2

1 statement specified in this paragraph. However, at
2 any time the".

3 9. Page 13, line 30, by striking the words "grain
4 dealer" and inserting the following: "warehouse
5 operator".

6 10. Page 13, by striking lines 33 through 35.

7 11. Page 14, line 33, by striking the word "ten"
8 and inserting the following: "thirty".

9 12. Page 15, line 15, by striking the word
10 "thirty" and inserting the following: "one hundred
11 eighty".

12 13. Page 17, line 17, by inserting before the
13 word "violation" the following: "person in".

14 14. Page 19, by striking line 26, and inserting
15 the following:

16 "Sec. _____. DATES OF APPLICABILITY.

17 1. Notwithstanding sections 542.3 and 543.6 as
18 amended by this Act, a grain dealer or warehouse
19 operator may still submit a financial statement that
20 is accompanied by a report of a certified public
21 accountant licensed in this state that is based upon a
22 review performed by the certified public accountant in
23 lieu of an audited financial statement as provided in
24 sections 542.3 and 543.6 prior to the effective date
25 of this Act. However, this subsection shall not apply
26 to a grain dealer or warehouse operator required to
27 submit a financial statement as provided in section
28 542.3 or 543.6 after the end of the fiscal year of the
29 grain dealer or warehouse operator when the end of the
30 fiscal year is on or after January 1, 1992.

31 2. The liens established in sections 542.12A and
32 ".

Fogarty of Palo Alto offered the following amendment H-3476,
to amendment H-3465, filed by him from the floor and moved its
adoption:

H-3476

- 1 Amend amendment, H-3465, to House File 675 as
- 2 follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 "_____. Page 2, by inserting after line 13 the
- 6 following:
- 7 "Sec. _____. Section 542.2, Code 1991, is amended by
- 8 adding the following new unnumbered paragraph:
- 9 **NEW UNNUMBERED PARAGRAPH.** The department may enter
- 10 into contracts or cooperative agreements with the
- 11 United States, or any of its agencies, including the
- 12 commodity credit corporation, to allow federal
- 13 warehouse examiners to conduct grain dealer
- 14 inspections for facilities which are licensed by the
- 15 federal government as warehouses and licensed by the
- 16 state as grain dealers. Grain dealer examinations
- 17 conducted under any such contract or agreement must be
- 18 in accordance with the requirements of state law." "
- 19 2. By renumbering as necessary.

Amendment H-3476 was adopted.

Koenigs of Mitchell offered the following amendment H-3477, to amendment H-3465, filed by him from the floor and moved its adoption:

H-3477

- 1 Amend amendment, H-3465, to House File 675 as
- 2 follows:
- 3 1. Page 1, by striking lines 17 through 23 and
- 4 inserting the following: "be void unless the contract
- 5 contains a notice acknowledged in writing by the
- 6 seller. The notice shall be surrounded by a boxed
- 7 bold face outline. Within the boxed outline and
- 8 beneath the message there shall be a signature line
- 9 for the seller's acknowledgement. The message shall
- 10 be in capital".
- 11 2. Page 1, line 26, by striking the word "NOTICE"
- 12 and inserting the following: "ATTENTION!".
- 13 3. Page 2, by inserting after line 8 the
- 14 following:
- 15 "_____. Page 15, line 14, by striking the words
- 16 "grain dealer" and inserting the following:
- 17 "warehouse operator".
- 18 4. By renumbering as necessary.

Amendment H-3477 was adopted.

On motion by Koenigs of Mitchell, amendment H-3465, as amended, was adopted.

Iverson of Wright offered the following amendment H—3432 filed by Iverson, et al.:

H—3432

1 Amend House File 675 as follows:

2 1. By striking page 10, line 13, through page 11,
3 line 10, and inserting the following: "amended by
4 striking the subsection."

5 2. Page 18, by inserting after line 15 the
6 following:

7 "Sec. _____. Section 543A.1, subsection 9, Code
8 1991, is amended to read as follows:

9 9. "Seller" means a person who sells grain which
10 the person has produced or caused to be produced to a
11 licensed grain dealer, but excludes a person who
12 executes a credit sale contract as a seller. However,
13 "seller" does not include a person licensed as a grain
14 dealer in any jurisdiction who sells grain to a
15 licensed grain dealer.

16 Sec. _____. Section 543A.3, subsection 2, paragraph
17 c, Code 1991, is amended by striking the paragraph."

18 3. Page 18, by inserting after line 19 the
19 following:

20 "Sec. _____. Section 543A.6, subsection 3, paragraph
21 d, Code 1991, is amended to read as follows:

22 d. That the claim derives from a covered
23 transaction. For purposes of this paragraph, a claim
24 derives from a covered transaction if the claimant is
25 a seller who transferred title to the grain to the
26 grain dealer other than by credit sale contract within
27 six months of the incurrence date, or if the claimant
28 is a depositor who delivered the grain to the
29 warehouse operator.

30 Sec. _____. Section 543A.6, subsection 7, Code 1991,
31 is amended to read as follows:

32 7. Payment of claims. Upon a determination that
33 the claim is eligible for payment, the board shall
34 provide for payment of ninety percent of the loss, as
35 determined under subsection 4, but not. If the claim
36 is based on grain sold to a grain dealer by credit-
37 sale contract, the board shall provide for payment of
38 fifty percent of the loss, as determined under
39 subsection 5. However, a claimant shall not receive
40 more than one hundred fifty thousand dollars per
41 claimant. If at any time the board determines that
42 there are insufficient funds to make payment of all
43 claims, the board may order that payment be deferred
44 on specified claims. The department, upon the board's
45 instruction, shall hold those claims for payment until
46 the board determines that the fund again contains
47 sufficient assets."

- 48 4. Page 19, by inserting after line 29, the
49 following:
50 "Sec. _____. RETROACTIVE APPLICABILITY.

Page 2

- 1 Sections 543A.1, and 543A.6 as amended by this Act,
2 are retroactively applicable on and after July 1,
3 1987. The department shall honor all qualified claims
4 based on grain sold to a grain dealer by credit-sale
5 contract if the incurrence date as provided in section
6 543A.6 is on or after July 1, 1987. The board may
7 deduct from the claim the per-bushel fee on each
8 bushel of grain subject to the credit-sale contract
9 which would have been assessed pursuant to sections
10 543A.3 and 543A.5, under this Act."
11 5. By renumbering as necessary.

The following amendment H—3493, to amendment H—3432, filed by Iverson of Wright from the floor, was adopted by unanimous consent:

H—3493

- 1 Amend the amendment H—3432, to House File 675 as
2 follows:
3 1. Page 1, by striking lines 2 and 3, and
4 inserting the following:
5 "1. By striking page 10, line 12, through page 11,
6 line 10, and inserting the following:
7 "Sec. 10. Section 542.15, subsection 8, Code 1991,
8 is amended by".

Koenigs of Mitchell rose on a point of order that amendment H—3432 was not germane.

The Speaker ruled the point well taken and amendment H—3432 not germane.

Iverson of Wright moved that the rules be suspended to consider amendment H—3432.

A non-record roll call was requested.

The ayes were 46, nays 52.

The motion to suspend the rules lost.

Bennett of Ida offered the following amendment H—3469 filed by him:

H—3469

- 1 Amend House File 675 as follows:
2 1. By striking page 10, line 13, through page 11,

3 line 10, and inserting the following: "amended by
4 striking the subsection."

5 2. Page 18, by inserting after line 15 the
6 following:

7 "Sec. _____. Section 543A.1, subsection 9, Code
8 1991, is amended to read as follows:

9 9. "Seller" means a person who sells grain which
10 the person has produced or caused to be produced to a
11 licensed grain dealer; but excludes a person who
12 executes a credit sale contract as a seller. However,
13 "seller" does not include a person licensed as a grain
14 dealer in any jurisdiction who sells grain to a
15 licensed grain dealer.

16 Sec. _____. Section 543A.3, subsection 2, Code 1991,
17 is amended to read as follows:

18 2. A per-bushel fee shall be assessed on all
19 purchased grain. A separate per-bushel fee shall be
20 assessed on all purchased grain purchased by credit-
21 sale contract. As used in this chapter, "purchased
22 grain" means grain which is entered in the company
23 owned paid position as evidenced on the grain dealer's
24 daily position record. However, if the grain dealer
25 provides documentation regarding the transaction
26 satisfactory to the department, the following
27 transactions shall be excluded from the fee:

28 a. Grain purchased from the United States
29 government or any of its subdivisions or agencies.

30 b. Grain purchased from a person licensed as a
31 grain dealer in any jurisdiction.

32 c. Grain purchased under a credit sale contract
33 entered into on or before the date of delivery.

34 The grain dealer shall forward the each per-bushel
35 fee to the department on a quarterly basis in the
36 manner and using the forms prescribed by the
37 department. A licensee is delinquent if the licensee
38 fails to submit the full fee or quarterly forms when
39 due, or if upon examination, an underpayment of the
40 fee is found by the department. The grain dealer is
41 subject to a penalty of ten dollars for each day the
42 grain dealer is delinquent or an amount equal to the
43 amount of the deficiency, whichever is less. However,
44 a licensee who fails to submit the full fee or
45 quarterly forms when due, is subject to a minimum
46 payment of ten dollars. The department may establish
47 and apply a margin of error in determining whether a
48 grain dealer is delinquent. If the per-bushel fee and
49 any penalty due have not been received by the
50 department within thirty days after notice by the

2 suspended. The A per-bushel fee shall be collected
3 only once on each bushel of grain."

4 Sec. _____. Section 543A.5, Code 1991, is amended to
5 read as follows:

6 543A.5 ADJUSTMENTS TO FEE.

7 1. The board shall review annually the debits of
8 and credits to the grain depositors and sellers
9 indemnity fund created in section 543A.3 and shall
10 make any adjustments in the per-bushel fee required
11 under section 543A.3, subsection 2, and the dealer-
12 warehouse fee required under section 543A.3,
13 subsection 3, that are necessary to maintain the fund
14 within the limits established under this section. Not
15 later than the first day of May of each year, the
16 board shall determine the proposed amount of the per-
17 bushel fee based on the expected volume of grain on
18 which the fee is to be collected and that is likely to
19 be handled under this chapter, and shall also
20 determine any adjustment to the dealer-warehouse fee.
21 The board shall make any changes in the previous
22 year's fees in accordance with chapter 17A. Changes
23 in the fees shall become effective on the following
24 first day of July. The per-bushel fee shall not
25 exceed one-quarter cent per bushel on all purchased
26 grain as defined in section 543A.3. However, a
27 separate one-half cent fee shall be assessed on
28 purchased grain purchased by credit-sale contract.
29 The per-bushel fee paid on purchased grain purchased
30 by credit-sale contract shall not be less than one-
31 half cent per bushel. Until the per-bushel fee is
32 adjusted or waived as provided in this section, the
33 per-bushel fee is one-quarter cent on all purchased
34 grain.

35 2. If, at the end of any three-month period, the
36 assets of the fund exceed six million dollars, less
37 any encumbered balances or pending or unsettled
38 claims, the per-bushel fee required under section
39 543A.3, subsection 2, and the dealer-warehouse fee
40 required under section 543A.3, subsection 3, shall be
41 waived and the fees are not assessable or owing. The
42 fees paid on purchased grain purchased by credit-sale
43 contract shall not be waived and the fees are
44 assessable and owing regardless of the amount of
45 assets in the fund. The board shall reinstate the
46 fees if the assets of the fund, less any unencumbered
47 balances or pending or unsettled claims, are three
48 million dollars or less."

49 3. Page 18, by inserting after line 19 the
50 following:

Page 3

- 1 "Sec. _____. Section 543A.6, subsection 3, paragraph
 2 d, Code 1991, is amended to read as follows:
 3 d. That the claim derives from a covered
 4 transaction. For purposes of this paragraph, a claim
 5 derives from a covered transaction if the claimant is
 6 a seller who transferred title to the grain to the
 7 grain dealer other than by credit sale contract within
 8 six months of the incurrence date, or if the claimant
 9 is a depositor who delivered the grain to the
 10 warehouse operator."
 11 4. By renumbering as necessary.

Koenigs of Mitchell rose on a point of order that amendment H—3469 was not germane.

The Speaker ruled the point well taken and amendment H—3469 not germane.

Bennett of Ida asked for unanimous consent to consider amendment H—3469.

Objection was raised.

Bennett of Ida moved that the rules be suspended to consider amendment H—3469.

Roll call was requested by Bennett of Ida and Krebsbach of Mitchell.

On the question "Shall the rules be suspended to consider amendment H—3469?" (H.F. 675)

The ayes were, 44:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shoning	Siegrist
Spenner	Tyrrell	Van Maanen	Weidman

The nays were, 55:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Dickinson	Doderer	Dvorsky

Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

Absent or not voting, 1:

Connors

The motion to suspend the rules lost.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 675)

The ayes were, 90:

Baker	Bartz	Beaman	Beatty
Bennett	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Burke	Carpenter	Chapman	Cohoon
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 8:

Banks	Branstad	Corbett	Daggett
De Groot	Hibbard	Maulsby	Renken

Absent or not voting, 2:

Adams

Connors

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST

(House File 675)

Koenigs of Mitchell called up for consideration the motion to reconsider House File 675, filed by him from the floor.

Schrader of Marion in the chair at 7:10 p.m.

Koenigs of Mitchell moved to reconsider the vote by which House File 675, a bill for an act relating to grain management, by providing for the regulation of grain dealers and grain warehouse operators, providing for the indemnification of grain depositors and sellers, providing for penalties, and providing dates of applicability, passed the House and was placed on its last reading on April 3, 1991.

Roll call was requested by Iverson of Wright and Lageschulte of Bremer.

Rule 75 was invoked.

On the question "Shall the motion to reconsider prevail?"
(H.F. 675)

The ayes were, 46:

Baker	Banks	Bartz	Beaman
Bennett	Branstad	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Hester
Hurley	Iverson	Jesse	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

The nays were, 52:

Arnould, Spkr.	Beatty	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Burke	Chapman	Cohon
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Hatch

Haverland	Hibbard	Holveck	Jay
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teaford	Wise	Wissing	Schrader
			Presiding

Absent or not voting, 2:

Adams Connors

The motion to reconsider lost, placing out of order the motions to reconsider filed from the floor by Iverson of Wright and Bennett of Ida.

Regular Calendar

House File 615, a bill for an act relating to the confidentiality of victim-identifying information in cases of sexual abuse, and providing for an automatic repeal, was taken up for consideration.

Speaker Arnould in the chair at 7:35 p.m.

Blanshan of Greene asked and received unanimous consent to withdraw amendments H—3440 and H—3439 filed by him on April 2, 1991.

Shearer of Louisa offered the following amendment H—3427 filed by him:

H—3427

- 1 Amend House File 615 as follows:
- 2 1. Page 1, line 32, by striking the words
- 3 "address, and the" and inserting the following:
- 4 "address."
- 5 2. Page 1, by striking lines 33 and 34.

Shearer of Louisa offered the following amendment H—3446, to amendment H—3427, filed by him and moved its adoption:

H—3446

- 1 Amend the amendment, H—3427, to House File 615 as
- 2 follows:
- 3 1. Page 1, by inserting after line 5 the
- 4 following:
- 5 "_____. Page 3, line 1, by striking the words
- 6 "address, and the" and inserting the following:
- 7 "address."
- 8 "_____. Page 3, by striking lines 2 and 3."
- 9 2. By renumbering as necessary.

Roll call was requested by Shearer of Louisa and Miller of Cherokee.

On the question "Shall amendment H—3446, to amendment H—3427, be adopted?" (H.F. 615)

The ayes were, 54:

Adams	Banks	Bartz	Beatty
Blanshan	Branstad	Brown	Carpenter
Cohoon	Corbett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Gill	Grubbs	Gruhn	Hammond
Hansen, S. D.	Hanson, D. E.	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Jesse	Kistler	Knapp	Koenigs
Lundby	Maulsby	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Rafferty	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spenner
Teaford	Wise		

The nays were, 44:

Baker	Beaman	Bennett	Bernau
Bisignano	Black	Brammer	Brand
Burke	Daggett	Fogarty	Garman
Gipp	Groninga	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Iverson
Jay	Jochum	Johnson	Krebsbach
Kremer	Lageschulte	McKean	McKinney
McNeal	Millage	Murphy	Petersen, D. F.
Poncy	Renaud	Renken	Royer
Sherzan	Spear	Svoboda	Tyrrell
Van Maanen	Weidman	Wissing	Arnould, Spkr.

Absent or not voting, 2:

Chapman Connors

Amendment H—3446 was adopted.

Shearer of Louisa moved the adoption of amendment H—3427, as amended.

Roll call was requested by Shearer of Louisa and Murphy of Dubuque.

On the question "Shall amendment H—3427, as amended, be adopted?" (H.F. 615)

The ayes were, 53:

Banks	Bartz	Beaman	Beatty
Blanshan	Branstad	Brown	Carpenter

Cohoon	Corbett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Gill	Grubbs	Gruhn	Hammond
Hansen, S. D.	Hanson, D. E.	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Kistler	Knapp	Koenigs
Lundby	Maulsby	Mertz	Metcalf
Miller	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Plasier	Rafferty
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spanner	Svoboda	Teaford
Tyrrell			

The nays were, 44:

Adams	Baker	Bennett	Bernau
Bisignano	Black	Brammer	Brand
Burke	Daggett	Fogarty	Garman
Gipp	Groninga	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Jay
Jesse	Jochum	Johnson	Krebsbach
Kremer	Lageschulte	McKean	McKinney
McNeal	Millage	Muhlbauer	Murphy
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Royer	Sherzan	Spear
Van Maanen	Weidman	Wissing	Mr. Speaker
			Arnould

Absent or not voting, 3:

Chapman	Connors	Wise
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Amendment H—3427, as amended, was adopted.

Neuhauser of Johnson in the chair at 8:40 p.m.

Arnould of Scott in the chair at 9:12 p.m.

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. 615)

The ayes were, 65:

Adams	Baker	Bartz	Beaman
Bennett	Bernau	Bisignano	Black
Brammer	Brand	Brown	Burke
Corbett	Daggett	Diemer	Doderer
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Hester	Holveck

Hurley	Iverson	Jay	Jochum
Johnson	Krebsbach	Kremer	Lageschulte
Maulsby	McKean	McKinney	McNeal
Millage	Muhlbauer	Murphy	Neuhauser
Osterberg	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Sherzan	Siegrist	Spear	Svoboda
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 34:

Banks	Beatty	Blanshan	Branstad
Carpenter	Chapman	Cohoon	De Groot
Dickinson	Dvorsky	Gruhn	Hammond
Hanson, D. E.	Haverland	Hibbard	Jesse
Kistler	Knapp	Koenigs	Lundby
Mertz	Metcalf	Miller	Nielsen
Ollie	Pavich	Royer	Schrader
Shearer	Shoning	Shoultz	Spenner
Teaford	Tyrrell		

Absent or not voting, 1:

Connors

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 615** be immediately messaged to the Senate.

Regular Calendar

House File 503, a bill for an act relating to the establishment of a law enforcement review board in certain cities, with report of committee recommending amendment and passage was taken up for consideration.

Hatch of Polk offered the following amendment H—3302 filed by the committee on local government:

H—3302

- 1 Amend House File 503 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 372.16 POLICE INTERNAL
- 5 AFFAIRS DEPARTMENT — CITIES OF FORTY-FIVE THOUSAND OR
- 6 MORE.
- 7 1. A city having a population of forty-five

8 thousand or more shall establish an internal affairs
9 department to investigate complaints. The chief of
10 police may establish an internal affairs committee to
11 assist the department in investigating complaints.
12 The committee shall have the number of members as
13 determined by the chief of police except that one-
14 third of the members shall represent the general
15 public and shall be appointed by the mayor. The
16 remaining members shall be appointed by the chief of
17 police.

18 2. Upon completing the investigation, the internal
19 affairs department shall report its findings to the
20 chief of police.

21 Sec. 2. Section 601G.6, Code 1991, is amended by
22 adding the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. The citizens' aide shall
24 appoint an assistant who shall be primarily
25 responsible for investigating complaints relating to
26 public safety."

27 2. Title page, by striking lines 1 and 2 and
28 inserting the following: "An Act relating to the
29 establishment of a police internal affairs department
30 and the appointment of an assistant citizens' aide for
31 public safety investigations."

Hammond of Story offered the following amendment H—3356, to the committee amendment H—3302, filed by her and moved its adoption:

H—3356

1 Amend the Committee amendment, H—3302, to House
2 File 503 as follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 "3. In lieu of the procedures provided for in
6 subsection 1, the chief of police may request the
7 county attorney to implement alternative procedures to
8 investigate complaints regarding the police
9 department."

Amendment H—3356 was adopted.

Hatch of Polk offered the following amendment H—3361, to the committee amendment H—3302, filed by him and moved its adoption:

H—3361

1 Amend the committee amendment, H—3302, to House
2 File 503 as follows:

3 1. Page 1, by inserting after line 20, the
4 following:

5 "_____. This section does not authorize the

- 6 disclosure of confidential personnel records during or
7 as a result of an investigation."
8 2. By renumbering as necessary.

Amendment H—3361 was adopted.

Hatch of Polk offered the following amendment H—3425, to the committee amendment H—3302, filed by him and moved its adoption:

H—3425

- 1 Amend the amendment, H—3302, to House File 503 as
2 follows:
3 1. Page 1, line 26, by inserting after the word
4 "safety" the following: "matters".

Amendment H—3425 was adopted.

Blanshan of Greene in the chair at 9:44 p.m.

On motion by Hatch of Polk, the committee amendment H—3302, as amended, was adopted.

Sherzan of Polk moved that House File 503 be rereferred to the committee on local government.

Sherzan of Polk asked and received unanimous consent to withdraw the motion to rerefer to committee.

McKinney of Dallas asked and received unanimous consent that House File 503 be deferred and that the bill retain its place on the calendar.

MOTIONS TO RECONSIDER

(House File 590)

I move to reconsider the vote by which House File 590 failed to pass the House on April 2, 1991.

DICKINSON of Jackson

(House File 661)

I move to reconsider the vote by which House File 661 passed the House on April 3, 1991.

HOLVECK of Polk

(House File 661)

I move to reconsider the vote by which House File 661 passed the House on April 3, 1991.

BANKS of Plymouth

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 3, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 478, a bill for an act to establish a parent education program and making teachers participating in the program eligible for performance-based pay.

JOHN F. DWYER, Secretary

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty senior students from Sioux Central High School, Sioux Rapids, accompanied by Dean Miller. By Eddie of Buena Vista.

Twenty-four senior students from Rockwell-Swaledale High School, Rockwell, accompanied by Randy Bushbaum. By Krebsbach of Mitchell.

Thirty-three gifted students from four schools in Charter Oaks, East Monona, Maple Village and Schleswig, accompanied by Lowell Lae. By Muhlbauer of Crawford and Bennett of Ida.

Twenty-two students from Grundy Center, accompanied by Keith Hall. By Renken of Grundy.

Thirty-four senior students from Waco High School, Wayland, accompanied by Greg Thomas, Perry Ross and Linda Messer. By Spenner of Henry.

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

AUDITOR OF STATE

The Audit Report concerning the Department of General Services through June 30, 1990, pursuant to Chapter 11.28, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The Final Report of the Transportation Task Force, pursuant to Chapter 601J.4(2), Code of Iowa.

SUBCOMMITTEE ASSIGNMENT

Senate File 519

Commerce: Gill, Chair; Brown and Rafferty.

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 524, a bill for an act relating to the state communications network and providing an effective date.

Fiscal Note is required.

Committee Action: **Failed to Pass** April 2, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 308, a bill for an act relating to the Iowa uniform controlled substances Act.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1991.

Senate File 384, a bill for an act relating to certain statutory provisions concerning the department of corrections.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1991.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 259, a bill for an act relating to counties, amending county recorders' filing provisions, including parcel number designations on plats of survey, amending the real estate transfer tax exemption, requiring both the county auditor and treasurer to submit tax dedication documentation for participation in the resource enhancement and protection program, and establishing constructive notice of right-of-way easements in drainage districts.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1991.

Pursuant to Rule 31.7, Senate File 259 was referred to the committee on ways and means.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Senate File 205, a bill for an act relating to residency requirements for commercial mussel fishers and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3487** April 3, 1991.

COMMITTEE ON STATE GOVERNMENT

Senate File 42, a bill for an act relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3473 April 2, 1991.

RESOLUTION FILED

SCR 11, by Boswell; Hutchins, Running, Husak, Dieleman, Jensen, Hedge, Rensink, Rittmer, Kibbie, Murphy, Deluhery, Kersten, Hannon, Soorholtz, Tieden, Taylor, Drake, Szymoniak, Fraise, Hagerla, Lloyd-Jones and Borlaug, a concurrent resolution protesting the lack of progress and results of investigations of Americans missing in action in Southeast Asia.

Referred to committee on state government.

AMENDMENTS FILED

H-3472	H.F.	220	Senate Amendment
H-3473	S.F.	42	Committee on State Government
H-3474	H.F.	672	Spear of Lee
H-3475	H.F.	512	Ollie of Clinton
H-3478	H.F.	634	Groninga of Cerro Gordo
H-3479	H.F.	632	Millage of Scott
H-3480	H.F.	517	Gill of Woodbury
H-3481	H.F.	652	Chapman of Linn
H-3482	H.F.	534	McKean of Jones
H-3483	H.F.	214	Doderer of Johnson
			Carpenter of Polk.
			Neuhauser of Johnson
			Hurley of Fayette
			Hammond of Story
			Dvorsky of Johnson
H-3484	H.F.	648	Bisignano of Polk
H-3485	H.F.	656	Spear of Lee
H-3486	S.F.	505	Tyrrell of Iowa
H-3487	S.F.	205	Committee on Natural Resources and Outdoor Recreation
H-3488	H.F.	214	Bartz of Worth
H-3489	H.F.	574	Brand of Benton
H-3490	H.F.	683	Hatch of Polk
H-3491	S.F.	131	Jochum of Dubuque

H-3492	H.F.	656	Beatty of Warren
H-3494	H.F.	214	Bartz of Worth
H-3495	H.F.	634	Groninga of Cerro Gordo
H-3496	H.F.	600	Gipp of Winneshiek
			Grubbs of Scott
			Lundby of Linn
H-3497	H.F.	600	Bernau of Story
H-3498	H.F.	569	Jesse of Jasper

On motion by McKinney of Dallas, the House adjourned at 9:55 p.m., until 9:00 a.m., Thursday, April 4, 1991.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day — Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 4, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by the Honorable Mary Lundby, state representative from Linn County.

The Journal of Wednesday, April 3, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dvorsky of Johnson on request of Cohoon of Des Moines.

SENATE MESSAGES CONSIDERED

Senate File 326, by committee on state government, a bill for an act exempting members, employees, and the secretary of the board of trustees for the statewide fire and police retirement system from certain liabilities, providing per diem compensation for board members, appropriating funds to the board, changing the date for completion of an actuarial study, providing that certain cities that did not participate in a chapter 411 retirement system as of May 3, 1990, are not required to participate in the statewide system, and providing retroactive applicability and effective date provisions.

Read first time and referred to committee on **state government**.

Senate File 478, by committee on education, a bill for an act to establish a parent education program and making teachers participating in the program eligible for performance-based pay.

Read first time and referred to committee on **education**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 307, a bill for an act making technical Code changes relating to transportation.

Also: That the Senate has on April 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 163, a bill for an act relating to proposed city public improvements which require sealed competitive bids.

Also: That the Senate has on March 11, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 186, a bill for an act relating to the patents depository library within the state library.

Also: That the Senate has on April 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 290, a bill for an act relating to the provision of transportation by receiving district and district of residence school buses for transporting pupils under open enrollment, and providing for the charging of a fee under certain circumstances.

Also: That the Senate has on April 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 332, a bill for an act relating to safety standards for privately owned, public use airports and providing an effective date.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 377, a bill for an act relating to the assignment of indigent criminal and juvenile cases to the state public defender and providing an effective date.

Also: That the Senate has on April 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 382, a bill for an act relating to rural water districts.

Also: That the Senate has on April 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 412, a bill for an act relating to the department of inspections and appeals by expanding its investigatory authority, providing that certain information regarding health care facilities be available to the public, relating to health care facilities under receivership, providing additional grounds for suspension and revocation of certain licenses issued by the department, increasing criminal penalties for wanton neglect of a resident of a health care facility, and providing an effective date and a penalty.

Also: That the Senate has on April 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 495, a bill for an act relating to the ability of a mentally disabled person to obtain a marriage license or an annulment, and findings by the court in guardianship proceedings concerning capacity to contract a valid marriage.

JOHN F. DWYER, Secretary

ADOPTION OF HOUSE MEMORIAL RESOLUTION 6

Poncy of Wapello offered the following House Memorial Resolution 6 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 6

Whereas, The Honorable Charles C. Ayres, Jr. of Wapello County, Iowa, who was a member of the Forty-sixth General Assembly, passed away June 24, 1990; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee the gentleman from Wapello, Mr. Poncy, the gentleman from Appanoose, Mr. Jay and the gentleman from Jefferson, Mr. Kistler.

SPECIAL PRESENTATION

Krebsbach of Mitchell presented to the House the Honorable Betty Jean "Beje" Clark, former member of the House representing Cerro Gordo County. Mrs. Clark, who is recuperating from an auto accident, was presented with a bouquet of red roses with wishes for a speedy recovery.

The House rose and expressed its welcome.

Wise of Lee in the chair at 9:48 a.m.

SENATE AMENDMENT CONSIDERED

Chapman of Linn called up for consideration **House File 220**, a bill for an act to create a lien against aircraft and certain aircraft equipment in favor of persons who have installed the equipment in the aircraft and providing priority of the lien against prior lienholders of record, amended by the Senate, and moved that the House concur in the following Senate amendment H-3472:

H-3472

- 1 Amend House File 220, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 20, the
- 4 following:
- 5 "Sec. _____. This Act, being deemed of immediate
- 6 importance, takes effect upon enactment."
- 7 2. Title page, line 4, by inserting after the
- 8 word "record" the following: ", and providing an
- 9 effective date".

The motion prevailed and the House concurred in the Senate amendment H-3472.

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. 220)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wissing	Wise		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Arnould, Spkr.	Bennett	Connors	Dvorsky
Plasier	Shoultz		

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 517, a bill for an act relating to workers' compensation medical benefits and weekly benefit claims, burial expenses, and minimum benefit payments, was taken up for consideration.

McNeal of Hardin offered the following amendment H—3299 filed by him and moved its adoption:

H-3299

- 1 Amend House File 517 as follows:
- 2 1. Page 1, by inserting before line 1 the follow-
- 3 ing:
- 4 "Section 1. NEW SECTION. 85.4 IMPARTIAL APPLICA-
- 5 TION OF WORKERS' COMPENSATION ACT TO EMPLOYERS AND
- 6 EMPLOYEES.
- 7 This chapter and chapters 85A, 85B, 86, and 87
- 8 shall be construed liberally for the purpose of
- 9 determining which employees and employers are covered
- 10 by the provisions of the chapters and are entitled to
- 11 the protections of the chapters. In any proceeding to
- 12 determine benefits payable under the chapters, the
- 13 provisions of the chapters shall be applied
- 14 impartially to both employers and employees."
- 15 2. By renumbering as necessary.

Amendment H-3299 lost.

Brammer of Linn asked and received unanimous consent to withdraw amendment H-3289 filed by him on March 21, 1991.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H-3285 filed by him on March 20, 1991.

Gill of Woodbury asked and received unanimous consent to defer action on amendment H-3366.

Gill of Woodbury offered the following amendment H-3480 filed by him and moved its adoption:

H-3480

- 1 Amend House File 517 as follows:
- 2 1. By striking page 4, line 20 through page 5,
- 3 line 5 and inserting the following: "were
- 4 unreasonably delayed or denied."

Amendment H-3480 was adopted, placing out of order amendment H-3366, previously deferred, filed by Gill of Woodbury on March 27, 1991.

Miller of Cherokee offered the following amendment H-3339 filed by him:

H-3339

- 1 Amend House File 517 as follows:
- 2 1. Page 5, by inserting after line 5, the
- 3 following:
- 4 "Sec. _____. Section 86.39, Code 1991, is amended to
- 5 read as follows:

6 86.39 FEES — APPROVAL — LIEN.

7 All fees or claims for legal, medical, hospital,
 8 and burial services rendered under this chapter and
 9 chapters 85, 85A, 85B, and 87 are subject to the
 10 approval of the industrial commissioner, and no lien
 11 for such service is enforceable without the approval
 12 of the amount of the lien by the industrial
 13 commissioner. For services rendered in the district
 14 court and appellate courts, the attorney's fee is
 15 subject to the approval of a judge of the district
 16 court.

17 A fee or claim of an attorney for services rendered
 18 under this chapter or chapter 85, 85A, 85B, or 87 to
 19 secure compensation by agreement, order, award, or
 20 court judgment, for an employee or an employee's
 21 dependent shall not exceed one-third of the first
 22 three thousand dollars of weekly benefits and medical,
 23 hospital, and burial compensation paid, and shall not
 24 exceed one-fourth of the next twenty-seven thousand
 25 dollars of such compensation paid, unless additional
 26 fees are allowed to the attorney upon a hearing by the
 27 industrial commissioner. Allowable fees shall be
 28 applied only to amounts of such compensation in
 29 dispute."

30 2. Title page, line 2, by striking the word
 31 "and".

32 3. Title page, line 3, by inserting after the
 33 word "payments" the following: ", and attorney fees".

Gill of Woodbury rose on a point of order that amendment H—3339 was not germane.

The Speaker ruled the point well taken and amendment H—3339 not germane.

Gill of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 517)

The ayes were, 82:

Adams	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	De Groot
Dickinson	Doderer	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor

Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	McKean	McKinney
Mertz	Metcalf	Millage	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Tyrrell	Van Maanen	Weidman
Wissing	Wise		
	Presiding		

The nays were, 14:

Banks	Daggett	Diemer	Hahn
Hanson, D. E.	Hurley	Iverson	Johnson
Krebsbach	Maulsby	McNeal	Miller
Renken	Royer		

Absent or not voting, 4:

Arnould, Spkr.	Connors	Dvorsky	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.

The House stood at ease at 10:12 a.m., until the fall of the gavel.

The House resumed session at 11:44 a.m., Speaker Arnould in the chair.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 517** be immediately messaged to the Senate.

Adams of Hamilton in the chair at 12:54 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 April 4, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 317, a bill for an act relating to the regulation of pay-per-call service and advertisements and providing for the applicability of established penalties.

Also: That the Senate has on April 4, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 327, a bill for an act requiring that certain settlements of claims involving governmental bodies be filed with the governmental bodies as public records.

Also: That the Senate has on April 4, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 446, a bill for an act relating to agricultural chemicals, by regulating the use of chemicals in irrigation distribution systems, providing for fees, providing for penalties, and providing for an effective date and date of applicability.

Also: That the Senate has on April 4, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 502, a bill for an act relating to workers' health, safety, and welfare, by providing funding for the second injury fund and providing applicability and effective dates.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 12:59 p.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 220** be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 503**, a bill for an act relating to the establishment of a law enforcement review board in certain cities, previously deferred.

Hatch of Polk moved to reconsider the vote by which the committee amendment H—3302, as amended, found on pages 1068 and 1069 of the House Journal, was adopted by the House on April 3, 1991.

The motion prevailed and amendment H—3302 was reconsidered.

Hatch of Polk offered the following amendment H—3502, to the committee amendment H—3302, filed by him from the floor and moved its adoption:

H—3502

- 1 Amend the amendment, H—3302, to House File 503 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word
- 4 "DEPARTMENT" and inserting the following: "DIVISION".
- 5 2. Page 1, by striking lines 8 and 9 and
- 6 inserting the following: "thousand or more shall
- 7 establish within the city's police department an

- 8 internal affairs division to investigate citizen
- 9 complaints relating to the department or any of its
- 10 employees. The chief of".
- 11 3. Page 1, line 11, by striking the word
- 12 "department" and inserting the following: "division".
- 13 4. Page 1, line 19, by striking the word
- 14 "department" and inserting the following: "division".
- 15 5. Page 1, line 29, by striking the word
- 16 "department" and inserting the following: "division".

Amendment H—3502 was adopted.

Hansen of Woodbury offered the following amendment H—3504, to the committee amendment H—3302, filed by him from the floor and moved its adoption:

H—3504

- 1 Amend amendment, H—3302, to House File 503 as
- 2 follows:
- 3 1. Page 1, by striking lines 5 and 6 and
- 4 inserting the following: "AFFAIRS DEPARTMENT."
- 5 2. Page 1, by striking lines 7 and 8, and
- 6 inserting the following:
- 7 "1. Each city shall establish an internal
- 8 affairs".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 49.

Amendment H—3504 lost.

Sherzan of Polk offered the following amendment H—3506, to the committee amendment H—3302, filed by him from the floor and moved its adoption:

H—3506

- 1 Amend the amendment, H—3302, to House File 503 as
- 2 follows:
- 3 1. Page 1, by inserting after line 20 the
- 4 following:
- 5 "3. The committee members representing the general
- 6 public shall be compensated by the city at the rate of
- 7 fifty dollars per diem."

A non-record roll call was requested.

The ayes were 35, nays 47.

Amendment H—3506 lost.

McKinney of Dallas asked and received unanimous consent that House File 503 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—3302, as amended, pending.)

On motion by McKinney of Dallas, the House was recessed at 2:20 p.m., until 4:00 p.m.

LATE AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

SENATE MESSAGES CONSIDERED

Senate File 163, by Vande Hoef and Miller, a bill for an act relating to proposed city public improvements which require sealed competitive bids.

Read first time and referred to committee on **local government**.

Senate File 186, by Page, Slife and Welsh, a bill for an act relating to the patents depository library within the state library.

Read first time and referred to committee on **state government**.

Senate File 290, by committee on education, a bill for an act relating to the provision of transportation by receiving district and district of residence school buses for transporting pupils under open enrollment, and providing for the charging of a fee under certain circumstances.

Read first time and referred to committee on **education**.

Senate File 332, by committee on transportation, a bill for an act relating to safety standards for privately owned, public use airports and providing an effective date.

Read first time and referred to committee on **transportation**.

Senate File 377, by committee on judiciary, a bill for an act relating to the assignment of indigent criminal and juvenile cases to the state public defender and providing an effective date.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 412, by committee on human resources, a bill for an act relating to the department of inspections and appeals by expanding its investigatory authority, providing that certain information regarding health care facilities be available to the public, relating to

health care facilities under receivership, providing additional grounds for suspension and revocation of certain licenses issued by the department, increasing criminal penalties for wanton neglect of a resident of a health care facility, and providing an effective date and a penalty.

Read first time and referred to committee on **human resources**.

Senate File 495, by committee on judiciary, a bill for an act relating to the ability of a mentally disabled person to obtain a marriage license or an annulment, and findings by the court in guardianship proceedings concerning capacity to contract a valid marriage.

Read first time and referred to committee on **judiciary and law enforcement**.

The House stood at ease at 4:10 p.m., until the fall of the gavel.

The House resumed session at 5:34 p.m. Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Polk, for the remainder of the day and April 5, 1991 on request of McKinney of Dallas.

MOTION TO WITHDRAW FROM COMMITTEE LOST

Van Maanen of Mahaska invoked Rule 60, to withdraw **Senate File 524**, a bill for an act relating to the state communications network and providing an effective date, from the committee on appropriations.

Roll call was requested by Hanson of Delaware and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall the motion to withdraw Senate File 524 from committee prevail?"

The ayes were, 46:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Dickinson	Diemer	Eddie
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spanner	Tyrrell
Van Maanen	Weidman		

The nays were, 50:

Beatty	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Burke	Chapman	Cohoon	Doderer
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Teaford	Wise
Wissing	Mr. Speaker		
	Arnould		

Absent or not voting, 4:

Adams	Baker	Connors	Dvorsky
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The motion to withdraw lost.

CONSIDERATION OF BILLS

Regular Calendar

House File 648, a bill for an act prohibiting the use of certain automated traffic law enforcement equipment, was taken up for consideration.

Bisignano of Polk offered the following amendment H—3484 filed by him and moved its adoption:

H—3484

- 1 Amend House File 648 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following: "automated enforcement
- 4 equipment to determine that a motorist has violated a
- 5 traffic law, ordinance, regulation, or rule unless a
- 6 peace officer is present at the location of the
- 7 automated equipment and is supervising its operation
- 8 at the time the offense occurs. Automated".
- 9 2. Page 1, by striking lines 11 and 12 and
- 10 inserting the following: "weight measuring devices."

A non-record roll call was requested.

The ayes were 42, nays 39.

Amendment H—3484 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 648)

The ayes were, 51:

Beatty	Bisignano	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Dickinson	Diemer	Doderer
Fogarty	Gill	Groninga	Gruhn
Hammond	Hansen, S. D.	Hatch	Haverland
Holveck	Jay	Jesse	Jochum
Knapp	Krebsbach	Kremer	Lundby
Maulsby	McKinney	Millage	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spenner	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 44:

Banks	Bartz	Beaman	Bennett
Bernau	Black	Branstad	Carpenter
Corbett	Daggett	De Groot	Eddie
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hibbard	Hurley
Iverson	Johnson	Kistler	Koenigs
Lageschulte	McKean	McNeal	Mertz
Metcalf	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Shoning
Spear	Tyrrell	Van Maanen	Weidman

Absent or not voting, 5:

Adams	Baker	Connors	Dvorsky
Svoboda			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 609, an act relating to the appointment of the superintendent of banking by providing that an appointee shall not have a conflict of interest, was taken up for consideration.

Brown of Lucas in the chair at 6:15 p.m.

McKinney of Dallas asked and received unanimous consent that House File 609 be deferred and that the bill retain its place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Svoboda of Tama, until her return, on request of Peterson of Carroll; Lageschulte of Bremer, for the remainder of the evening, on request of Spenner of Henry.

House File 593, a bill for an act relating to employment of personnel under sharing agreements and agreements to combine merged areas, was taken up for consideration.

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. 593)

The ayes were, 67:

Arnould, Spkr.	Beatty	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Burke	Carpenter	Chapman	Cohoon
Corbett	Dickinson	Diemer	Doderer
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hibbard	Holveck
Hurley	Jay	Jesse	Jochum
Kistler	Knapp	Koenigs	Lundby
McKean	McKinney	McNeal	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poney	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Teaford
Wise	Wissing	Brown	
		Presiding	

The nays were, 27:

Banks	Bartz	Beaman	Bennett
Branstad	Daggett	De Groot	Eddie
Hahn	Halvorson, R. A.	Harbor	Hester
Iverson	Johnson	Krebsbach	Kremer
Maulsby	Mertz	Millage	Miller
Petersen, D. F.	Plasier	Renken	Royer
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 6:

Adams	Baker	Connors	Dvorsky
Lageschulte	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 593 and 648.**

House File 634, a bill for an act relating to the regulation of the business of insurance, amending certain filing requirements, filing fees, and the deposit of those fees by the insurance division, providing for the prior review and approval of certain policy forms and rates prior to issuance or delivery, making modifications to certain meeting and license renewal requirements, providing administrative penalties, and providing for the Act's applicability, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—3495 filed by him:

H—3495

1 Amend House File 634 as follows:

2 1. Page 1, by inserting after line 35, the
3 following:

4 "Sec. _____. Section 508.7, Code 1991, is amended to
5 read as follows:

6 508.7 LOANS TO OFFICERS.

7 Except as permitted in ~~section~~ sections 508.8 and
8 508.8A, the capital or other funds shall not be loaned
9 directly or indirectly to an officer, director,
10 stockholder, or employee of the company or directly or
11 indirectly to a relative of an officer or director of
12 the company.

13 Sec. _____. NEW SECTION. 508.8A LOANS TO
14 EMPLOYEES.

15 1. A life insurance company having a ratio of
16 statutory surplus to admitted assets of at least four
17 percent may make, acquire, and hold loans to
18 employees, officers, and directors under the following
19 terms and conditions:

20 a. The company may make a mortgage loan on real
21 property owned by an employee of the company which is
22 to serve as the employee's dwelling, provided the
23 company is regularly and actively involved in making
24 residential mortgage loans to the public.

25 b. The company may acquire a mortgage loan on real
26 property owned by an employee of the company which is
27 to serve as the employee's dwelling, provided the
28 company acquiring such loan is regularly and actively
29 involved in acquiring residential mortgage loans not

- 30 involving employees from sources in the secondary
31 market.
- 32 c. The company may acquire a mortgage loan on real
33 property owned by an employee, officer, or director
34 which is included in a portfolio of mortgages
35 initiated by others and acquired by the life insurance
36 company. The mortgage loans in any such acquired
37 portfolio of mortgage loans must satisfy both of the
38 following conditions:
- 39 (1) More than seventy-five percent of the dollar
40 value of the mortgage loans must be for real property
41 that is owned by persons who are not employees,
42 officers, or directors of the company.
- 43 (2) More than seventy-five percent of the mortgage
44 loans must be for real property that is owned by
45 persons who are not employees, officers, or directors
46 of the company.
- 47 d. The company may continue to hold a mortgage
48 loan on real estate which is assumed by an employee,
49 officer, or director if the mortgage was originally
50 properly made or acquired by the life insurance

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- 1 company, provided that all terms and conditions of the
2 mortgage loan remain unchanged and the mortgage loan
3 is serviced in accordance with customary servicing
4 practices of prudent lending institutions.
- 5 e. The company may continue to hold a mortgage on
6 real estate owned by an officer or director which was
7 properly made or acquired by the company before the
8 officer or director became an officer or director of
9 the company, provided that all terms and conditions of
10 the mortgage loan remain unchanged and the mortgage
11 loan is serviced in accordance with customary
12 servicing practices of prudent lending institutions.
- 13 2. As used in this section, "employee" does not
14 include officers or directors of a life insurance
15 company."
- 16 2. Renumber as necessary.

Renken of Grundy rose on a point of order that amendment H-3495 was not germane.

The Speaker ruled the point not well taken and amendment H-3495 germane.

On motion by Groninga of Cerro Gordo, amendment H-3495 was adopted.

Groninga of Cerro Gordo offered the following amendment H-3478 filed by him and moved its adoption:

H-3478

1 Amend House File 634 as follows:

2 1. Page 3, by inserting after line 7, the
3 following:

4 "Sec. _____. Section 510.7, subsection 1, as enacted
5 by 1991 Iowa Acts, Senate File 518, is amended to read
6 as follows:

7 510.7 PENALTIES AND LIABILITIES.

8 1. If the commissioner finds, after a hearing
9 conducted in accordance with chapter 17A, that any
10 person has violated one or more provisions of this
11 chapter, the commissioner may order do one or more of
12 the following:

13 a. For each separate violation, order the
14 imposition of an administrative penalty of not more
15 than ten thousand dollars.

16 b. Revocation Order the revocation or suspension
17 of the producer's license.

18 c. Reimbursement Bring a civil suit seeking
19 reimbursement by the managing general agent of the
20 insurer, the rehabilitator, or the liquidator of the
21 insurer for any losses incurred by the insurer caused
22 by a violation of this chapter committed by the
23 managing general agent.

24 Sec. _____. Section 510A.4, subsection 1, as enacted
25 by 1991 Iowa Acts, Senate File 518, is amended to read
26 as follows:

27 1. a. If the commissioner has reason to believe
28 that a controlling producer has committed or is
29 committing an act which could be determined to be a
30 violation, as defined in section 510A.2, the
31 commissioner shall serve upon the controlling producer
32 in the manner provided by chapter 17A, a statement of
33 the charges and notice of a hearing to be conducted in
34 accordance with chapter 17A.

35 b. At such hearing, the commissioner must
36 establish that the controlling producer engaged in a
37 violation, as defined in section 510A.2. The
38 controlling producer shall have an opportunity to be
39 heard and to present evidence rebutting the charges
40 and to establish that the insolvency of the controlled
41 insurer arose out of events not attributable to the
42 violation. The decision, determination, or order of
43 the commissioner is subject to judicial review
44 pursuant to chapter 17A.

45 b. At such hearing the commissioner shall
46 determine whether the controlling producer engaged in
47 a violation, as defined in section 510A.2. The
48 controlling producer shall have an opportunity to be
49 heard and to present evidence rebutting the alleged
50 violations. The final action of the commissioner is

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1 subject to judicial review pursuant to chapter 17A.

2 c. Upon the commissioner's finding of a violation
3 by a controlling producer, the commissioner may bring
4 a civil suit seeking reimbursement from the
5 controlling producer as provided in paragraph "d". In
6 the suit, the controlling producer shall have the
7 burden of establishing that the insolvency of the
8 controlled insurer arose out of events not
9 attributable to the violation.

10 e d. Upon a finding, pursuant to this section,
11 that the controlling producer committed a violation
12 and the controlling producer failed to establish that
13 the violation did not substantially contribute to the
14 insolvency, the controlling producer shall reimburse
15 the state guaranty funds, created pursuant to chapter
16 515B for all payments made for losses, loss
17 adjustment, and administrative expenses on the
18 business placed by the producer in excess of gross
19 earned premiums and investment income earned on
20 premiums and loss reserves for such business.

21 d e. This section does not affect the right of the
22 commissioner to impose any other penalties provided
23 for under Title XX."

24 2. Page 8, by inserting after line 2, the
25 following:

26 "Sec. _____. Section 521C.11, subsection 1,
27 paragraph c, as enacted by 1991 Iowa Acts, Senate File
28 518, is amended to read as follows:

29 c. If a violation was committed by the reinsurance
30 intermediary, a civil action brought by the
31 commissioner seeking restitution by the reinsurance
32 intermediary to the insurer, reinsurer, rehabilitator,
33 or liquidator of the insurer or reinsurer for the net
34 losses incurred by the insurer or reinsurer
35 attributable to the violation.

36 Sec. _____. 1991 Iowa Acts, Senate File 518, section
37 63, is amended to read as follows:

38 Sec. 63. Sections 10 through 13, the producer
39 controlled property and casualty insurer Act, division
40 II of this Act, take effect July 1, 1991. An insurer
41 or producer subject to division II of this Act shall
42 not continue, renew, or initiate a contract, or place
43 business on or after July 1, 1991, unless in
44 compliance with division II of this Act, regardless of
45 the date on which the original contract was entered
46 into between the parties. The commissioner shall have
47 the authority to suspend enforcement of sections 10
48 through 13 of this Act until the earlier of July 1,
49 1992, or affirmative action of the national
50 association of insurance commissioners to require

Page 3

- 1 enforcement of the Act as a condition of
- 2 accreditation. If the national association of
- 3 insurance commissioners rescinds the model producer
- 4 controlled property and casualty insurer Act or
- 5 materially amends the Act, the commissioner shall
- 6 submit the repeal or revisions in a division prefiled
- 7 bill for consideration by the general assembly."
- 8 3. By renumbering as necessary.

Amendment H—3478 was adopted.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 634)

The ayes were, 91:

Arnould, Spkr.	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lundby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Brown	
		Presiding	

The nays were, 1:

Maulsby

Absent or not voting, 8:

Adams	Baker	Connors	Dvorsky
Harbor	Lageschulte	Peterson, M. K.	Svoboda

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, until his return, on request of Halvorson of Clayton.

House File 627, a bill for an act relating to transfer of title by affidavit of the surviving spouse, was taken up for consideration.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 627)

The ayes were, 91:

Arnould, Spkr.	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Black
Blanshan	Brammer	Brand	Branstad
Burke	Carpenter	Chapman	Cohoon
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Brown	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Adams	Baker	Bisignano	Connors
Dvorsky	Halvorson, R. N.	Harbor	Lageschulte
Svoboda			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 668, a bill for an act relating to the certificate of need program and providing penalties, was taken up for consideration.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 668)

The ayes were, 89:

Arnould, Spkr.	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lundby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Teaford
Tyrrell	Weidman	Wise	Wissing
Brown			
Presiding			

The nays were, 3:

Grubbs	Maulsby	Van Maanen
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Absent or not voting, 8:

Adams	Baker	Connors	Dvorsky
Harbor	Lageschulte	Shoultz	Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 627, 634 and 668.**

House File 656, a bill for an act relating to unfair or discriminatory practices in housing and real estate, providing civil remedies, and a criminal penalty, was taken up for consideration.

Beatty of Warren offered the following amendment H—3492 filed by her and moved its adoption:

H—3492

1 Amend House File 656 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 601A.2, subsection 8, Code
5 1991, is amended to read as follows:

6 8. "Familial status" means one or more individuals
7 under the age of eighteen domiciled with either one of
8 the following:

9 a. A parent or another person having legal custody
10 of the individual or individuals.

11 b. The designee of the parent or the other person
12 having custody of the individual or individuals, with
13 the written permission of the parent or other person.

14 c. A person who is pregnant or is in the process
15 of securing legal custody of the individual or
16 individuals."

17 2. Page 2, by inserting after line 16 the
18 following:

19 "In the case of a rental, a landlord may, where
20 reasonable to do so, condition permission for a
21 modification on the renter's agreement to restore the
22 interior of the premises to the condition that existed
23 before the modification, reasonable wear and tear
24 excepted."

25 3. Page 2, lines 22 and 23, by striking the word
26 and figures "March 12, 1991" and inserting the
27 following: "January 1, 1992".

28 4. Page 5, by inserting after line 3 the
29 following:

30 "Sec. _____. Section 601A.12, subsection 4, Code
31 1991, is amended by striking the subsection."

32 5. Page 9, line 27, by inserting after the word
33 "same" the following: "natural".

34 6. By renumbering as necessary.

Amendment H—3492 was adopted.

Spear of Lee offered the following amendment H—3485 filed by him and moved its adoption:

H—3485

1 Amend House File 656 as follows:

2 1. Page 1, line 18, by striking the words ", for
3 profit,".

Amendment H—3485 was adopted.

Spear of Lee offered the following amendment H—3417 filed by him and moved its adoption:

H—3417

- 1 Amend House File 656 as follows:
- 2 1. Page 2, line 18, by striking the word "be" and
- 3 inserting the following: "are".

Amendment H—3417 was adopted.

McNeal of Hardin offered the following amendment H—3386 filed by him and Iverson of Wright and moved its adoption:

H—3386

- 1 Amend House File 656 as follows:
- 2 1. Page 1, lines 4 and 5, by striking the words
- 3 "investigations and".
- 4 2. Page 9, by striking lines 3 through 32 and
- 5 inserting the following: "the commission may order
- 6 appropriate injunctive or equitable relief. The
- 7 commission shall not impose any monetary damages."
- 8 3. Page 9, line 33, by striking the letter "d"
- 9 and inserting the following: "b".
- 10 4. Page 10, line 3, by striking the word
- 11 "ELECTED".
- 12 5. Page 10, by striking lines 5 through 16.
- 13 6. Page 10, line 17, by striking the figure and
- 14 letter "2. a." and inserting the following: "1."
- 15 7. Page 10, line 24, by striking the letter "b"
- 16 and inserting the following: "2".
- 17 8. Page 10, line 30, by striking the letter "c"
- 18 and inserting the following: "3".
- 19 9. Page 10, line 35, by striking the letter "d"
- 20 and inserting the following: "4".
- 21 10. Page 11, line 5, by striking the letter "e"
- 22 and inserting the following: "5".
- 23 11. Page 11, by striking lines 12 through 15 and
- 24 inserting the following:
- 25 "1. a. If a claimant desires to claim money
- 26 damages on a claim pending before the commission, the
- 27 commission shall refer the pending matter to the
- 28 attorney general who, within thirty days after the
- 29 referral, shall file a civil action on behalf of the
- 30 aggrieved".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 44, nays 49.

Amendment H—3386 lost.

Spear of Lee offered the following amendment H—3430 filed by him:

H—3430

- 1 Amend House File 656 as follows:
- 2 1. Page 1, by striking lines 24 and 25 and
- 3 inserting the following:
- 4 "2. A person shall not represent to a person of a
- 5 particular race, color, creed, sex, religion, national
- 6 origin".

The following amendment H—3517, to amendment H—3430, filed by Doderer of Johnson from the floor was adopted by unanimous consent:

H—3517

- 1 Amend amendment H—3430, to House File 656 as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word "origin"
- 4 and inserting the word "origin,".

On motion by Spear of Lee, amendment H—3430, as amended, was adopted.

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 656)

The ayes were, 80:

Arnould, Spkr.	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Gruhn
Hahn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hatch	Haverland	Hester
Holveck	Hurley	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lundby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Royer	Schrader	Shearer

Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Teaford	Tyrrell
Weidman	Wise	Wissing	Brown
			Presiding

The nays were, 12:

Banks	Bartz	Grubbs	Halvorson, R. A.
Hibbard	Iverson	Johnson	Krebsbach
Maulsby	Petersen, D. F.	Renken	Van Maanen

Absent or not voting, 8:

Adams	Baker	Connors	Dvorsky
Hanson, D. R.	Harbor	Lageschulte	Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 612, a bill for an act relating to the publication of notice for a public hearing on a county budget, was taken up for consideration.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 612)

The ayes were, 87:

Arnould, Spkr.	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Hahn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Brown	
		Presiding	

The nays were, 4:

Halvorson, R. N. Millage

Petersen, D. F.

Rafferty

Absent or not voting, 9:

Adams
Dvorsky
Svoboda

Baker
Gruhn

Connors
Harbor

Doderer
Lageschulte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 569, a bill for an act establishing the rural small business transfer program, was taken up for consideration.

Jesse of Jasper offered the following amendment H—3498 filed by him:

H—3498

1 Amend House File 569 as follows:

2 1. Page 1, line 33, by striking the words "make
3 matching grants" and inserting the following:
4 "provide funds for interest buy-down".

5 2. Page 2, line 8, by inserting after the word
6 "agency." the following: "Key small businesses"
7 includes only those for which no local competition
8 exists in the principal realm of business activity of
9 the key small businesses, and the loss of which will
10 work a hardship on the rural community."

11 3. Page 2, line 22, by striking the words "Grants
12 are" and inserting the following: "The program is".

13 4. Page 2, by striking lines 23 through 26 and
14 inserting the following: "ownership of existing
15 businesses. The loans shall be made as matching funds
16 and shall be used to provide interest buy-down and a
17 lengthening of the period for repayment when deemed
18 necessary."

19 5. Page 2, line 34, by striking the words "Make
20 matching grants" and inserting the following:
21 "Provide loans for interest buy-down".

22 6. Page 3, by striking lines 3 and 4 and
23 inserting the following:

24 "The funds provided under this program shall be
25 deposited in trust in the bank or financial
26 institution financing the sale of the key small
27 business. Funds from this trust shall be used on an
28 annual basis to pay that portion of the interest that
29 is to be bought down. In the event of the failure of
30 the business or the sale of the business without the
31 prior approval of the authority, the funds in the
32 trust shall revert to the general fund of the state."

- 33 7. Page 3, line 10, by striking the words "grant
34 is to be used" and inserting the following: "funds
35 are to be used for interest buy-down".
36 8. Page 3, by inserting after line 15 the
37 following:
38 "4. Where funds have been provided for interest
39 buy-down, the authority shall develop a loan repayment
40 program that shall not begin or accrue interest until
41 the time the business has retired the debt for which
42 the interest buy-down funds were used."
43 9. Page 3, line 18, by striking the words "a
44 matching grant" and inserting the following: "a
45 matching interest buy-down loan".
46 10. Page 3, line 25, by striking the words "a
47 grant" and inserting the following: "an interest buy-
48 down loan".
49 11. Page 3, line 28, by inserting after the word
50 "capital" the following: "invested".

Page 2

- 1 12. Page 4, line 2, by inserting after the word
2 "successfully" the following: ", and will assume
3 direct personal responsibility for the daily
4 operations of the key small business".
5 13. Page 4, by inserting after line 2 the
6 following:
7 "7. A verification from the bank or financial
8 institution that will be the principal lender in the
9 sale that the purchaser is qualified and, with this
10 interest buy-down, has a reasonable prospect of
11 success."
12 14. Page 4, by inserting after line 2 the
13 following:
14 "Sec. ____ NEW SECTION. 220.170 BANK
15 PARTICIPATION.
16 Bank participation in interest buy-down under the
17 rural small business loan program shall qualify as a
18 community reinvestment activity as defined in section
19 453.6A."
20 15. By renumbering as necessary.

Iverson of Wright asked for unanimous consent to defer action on House File 569.

Objection was raised.

Iverson of Wright moved to defer action on House File 569.

Speaker Arnould in the chair at 7:53 p.m.

On the motion to defer House File 569, roll call was requested by Brown of Lucas and Black of Jasper.

On the question "Shall House File 569 be deferred?"

The ayes were, 37:

Banks	Beaman	Bennett	Corbett
Daggett	De Groot	Diemer	Eddie
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Holveck
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lundby	Maulsby
McNeal	Metcalf	Millage	Miller
Petersen, D. F.	Rafferty	Renken	Royer
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

The nays were, 55:

Bartz	Beatty	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Chapman
Cohoon	Dickinson	Doderer	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hester	Hibbard	Jay	Jesse
Jochum	Knapp	Koenigs	McKean
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Plasier	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Spear	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

Absent or not voting, 8:

Adams	Baker	Carpenter	Connors
Dvorsky	Garman	Lageschulte	Svoboda

The motion to defer lost.

On motion by Jesse of Jasper, amendment H—3498 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. 569)

The ayes were, 68:

Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Cohoon	Daggett	Dickinson

Doderer	Eddie	Fogarty	Garman
Gill	Gipp	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. E.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Krebsbach	Kremer	McKean	McKinney
McNeal	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Royer	Shearer	Sherzan	Shoning
Shoultz	Spear	Teaford	Tyrrell
Van Maanen	Weidman	Wissing	Mr. Speaker
			Arnould

The nays were, 25:

Banks	Carpenter	Chapman	Corbett
De Groot	Diemer	Groninga	Grubbs
Hahn	Halvorson, R. N.	Hanson, D. R.	Iverson
Johnson	Lundby	Maulsby	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Schrader	Siegrist
Spenner			

Absent or not voting, 7:

Adams	Baker	Connors	Dvorsky
Lageschulte	Svoboda	Wise	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 569, 612 and 656.**

RULE 32 INVOKED

McKinney of Dallas invoked Rule 32 to refer House File 630, presently on the **regular calendar**, to the committee on **ways and means**.

Regular Calendar

House File 626, a bill for an act relating to adverse claims over deposits held by a savings and loan association, was taken up for consideration.

Bisignano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 626)

The ayes were, 93:

Banks	Bartz	Beaman	Beatty
Bennett	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 1:

Hibbard

Absent or not voting, 6:

Adams	Baker	Connors	Dvorsky
Lageschulte	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 438, a bill for an act relating to drug testing of employees and applicants for employment, with report of committee recommending passage was taken up for consideration.

Sherzan of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 438)

The ayes were, 94:

Banks	Bartz	Beaman	Beatty
Bennett	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 6:

Adams	Baker	Connors	Dvorsky
Lageschulte	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 438 and 626.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, April 3, 1991. Had I been present, I would have voted "aye" on House File 675 and "nay" on the motion to reconsider House File 675.

ADAMS of Hamilton

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 4th day of April, 1991: House File 220.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 27, 1991 and is on file in the office of the Chief Clerk:

March 27, 1991

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 25 claims of general nature that were denied by the State Appeal Board on February 14, 1991 and March 18, 1991. This supplements our filing of February 5, 1991.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

**DENIED GENERAL CLAIMS BY STATE APPEAL BOARD
SUBMITTED TO THE 74TH GENERAL ASSEMBLY
(February 14, 1991)**

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G890360	Overland Grain Corp.	Wever, IA	License Fee	
G900402	Sudenga Industries, Inc.	George, IA	Outdated Invoice	\$90.00

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G900431	Family Health Center	Storm Lake, IA	Outdated Invoice	\$215.00
G900768	Monroe County Auditor	Albia, IA	Outdated Invoice	\$8,061.74
G900958	Nanette M. Behnken	Ottumwa, IA	Outdated Invoice	\$540.00
G901173	Linda E. Mullins	Paton, IA	License Refund	\$59.00
G901240	City of Bellevue	Bellevue, IA	MVF Refund	\$277.40
G901326	Associates Leasing, Inc.	Madison, WI	License Refund	\$111.00
G901377	Francis D. Bjstrom	Okoboji, IA	Real Estate Refund	\$32.59
G901445	Pak-A-Way Container Service	Burlington, IA	Fine Refund	\$1,138.00
G901484	Jerry C. Rann	Le Mars, IA	License Refund	\$26.00
G901539	Frank Agnich	Little Sioux, IA	Outdated Invoice	\$75.25
G901555	Broadlawns Medical Center	Des Moines, IA	Outdated Invoice	\$858.50
G901556	Broadlawns Medical Center	Des Moines, IA	Outdated Invoice	\$927.40
G901576	Family Services	Sioux City, IA	Outdated Invoice	\$49.59
G901763	Dale R. Wassmuth, M.D., Associates for Mental Health	Sioux City, IA	Outdated Invoice	\$240.00
G901798	Buena Vista County Hospital	Storm Lake, IA	Outdated Invoice	\$900.00
Total				\$13,601.47

**DENIED GENERAL CLAIMS BY STATE APPEAL BOARD
SUBMITTED TO THE 74TH GENERAL ASSEMBLY
(March 18, 1991)**

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G900934	James Kemp	Des Moines, IA	License Refund	\$5.00
G901627	Larry G. Briley	Percival, IA	License Refund	\$135.00
G901638	Eunice Morse	Des Moines, IA	License Refund	
G901650	Lisa A. Gengler	Le Mars, IA	License Refund	\$94.00
G901696	Dennis Kahler	Minden, IA	License Refund	\$208.64
G901721	Barbara Ashby	West Union, IA	License Refund	\$58.00
G901862	Mercy Medical Center	Cedar Rapids, IA	Outdated Invoice	\$1,083.13
G901938	David W. Kirchner	Cedar Falls, IA	Outdated Invoice	\$3,851.64
Total				\$5,435.41

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF INSPECTIONS AND APPEALS

The annual report for the Iowa Department of Inspections and Appeals, pursuant to Chapter 7E.3(4), Code of Iowa.

PRESENTATION OF VISITORS

Shearer of Louisa presented to the House the Honorable Dale Rickert, former member of the House representing Louisa and Muscatine Counties.

The Speaker announced that the following visitors were present in the House chamber:

Forty seventh grade students from Thompson Middle School, Thompson, accompanied by Larry Hill. By Branstad of Winnebago.

Students from Titonka Middle School, Titonka, accompanied by Randy Tjaden. By Branstad of Winnebago.

Fifty fifth grade students from Rex Mathis Elementary School, West Des Moines, accompanied by Thalya Hanson. By Carpenter of Polk.

Seven senior students from Diagonal High School, Diagonal, accompanied by Shirley Stauer and Ed Seitz. By Daggett of Adams.

Fifteen 4-H Citizenship Study Tour students from Jackson County, accompanied by Carol Grote, Owen Eads and Kate Carinder. By Dickinson of Jackson.

SUBCOMMITTEE ASSIGNMENTS

House File 636

Appropriations: Brand, Chair; Beatty and Gipp.

House File 637

Appropriations: Hatch, Chair; Maulsby and Wise.

House File 650

Appropriations: Ollie, Chair; Corbett and Wise.

Senate File 216

Energy and Environmental Protection: Dvorsky, Chair; Jesse and Johnson.

Senate File 297

Energy and Environmental Protection: Osterberg, Chair; Hahn, Neuhauser, Petersen of Muscatine and Shearer.

Senate File 326

State Government: Blanshan, Chair; Carpenter, Connors, Lundby and Renaud.

Senate File 383

State Government: Knapp, Chair; Connors, Peterson of Carroll, Shoning and Spenner.

Senate File 503

Labor and Industrial Relations: Wissing, Chair; Kremer, Plasier, Poncy and Renaud.

Senate Concurrent Resolution 11

State Government: Poncy, Chair; Pavich and Shoning.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 322 Ways and Means**

Relating to residential development within certain urban renewal areas and providing an effective date.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 171, a bill for an act providing for the identification and eradication of marijuana plants.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1991.

COMMITTEE ON STATE GOVERNMENT

Senate File 48, a bill for an act relating to professional titles and abbreviations of physical therapists and physical therapist assistants, and licensure, examination fees, and conditions of practice of physical therapist assistants.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1991.

Senate File 104, a bill for an act relating to certain administrative functions of the department of personnel.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1991.

Senate File 114, a bill for an act relating to the definition of a physician for the purpose of the practice of nursing.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H--3513** April 4, 1991.

COMMITTEE ON TRANSPORTATION

Senate File 97, a bill for an act increasing penalties for interfering with a traffic control device.

Fiscal Note is not required.

Recommended **Amend and Do Pass** with amendment H—3512 April 4, 1991.

Senate File 337, a bill for an act relating to contracts for road, bridge, and culvert construction.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1991.

RESOLUTION FILED

HR 12, by Baker, a resolution honoring the founders of the National Bar Association.

Read first time and referred to committee on **judiciary and law enforcement**.

AMENDMENTS FILED

H—3499	H.F.	684	Holveck of Polk
H—3500	S.F.	356	Holveck of Polk
H—3501	H.F.	608	Burke of Marshall
H—3503	H.F.	503	Hansen of Woodbury
H—3505	S.F.	505	Tyrrell of Iowa
H—3507	H.F.	644	Halvorson of Webster
H—3508	H.F.	600	Bernau of Story
H—3509	H.F.	683	Grubbs of Scott
H—3510	H.F.	683	Grubbs of Scott
H—3511	H.F.	503	Hatch of Polk
H—3512	S.F.	97	Committee on Transportation
H—3513	S.F.	114	Committee on State Government
H—3514	H.F.	645	Jesse of Jasper
H—3515	H.F.	393	Banks of Plymouth
H—3516	H.F.	435	Gruhn of Dickinson
H—3518	H.F.	661	Holveck of Polk Banks of Plymouth
H—3519	H.F.	624	Hibbard of Madison

On motion by McKinney of Dallas, the House adjourned at 8:41 p.m., until 9:00 a.m., Friday, April 5, 1991.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day — Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 5, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by the Honorable Donald Knapp, state representative from Dubuque County.

The Journal of Thursday, April 4, 1991, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer on request of Van Maanen of Mahaska; Connors of Polk on request of Siegrist of Pottawattamie; Blanshan of Greene on request of Bisignano of Polk.

INTRODUCTION OF BILL

House File 685, by Chapman, a bill for an act requiring parking fees for state capitol complex parking lots.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 327, by committee on state government, a bill for an act requiring that certain settlements of claims involving governmental bodies be filed with the governmental bodies as public records.

Read first time and referred to committee on **state government**.

Senate File 446, by committee on agriculture, a bill for an act relating to agricultural chemicals, by regulating the use of chemicals in irrigation distribution systems, providing for fees, providing for penalties, and providing for an effective date and date of applicability.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 502, by committee on business and labor relations, a bill for an act relating to workers' health, safety, and welfare, by providing funding for the second injury fund and providing applicability and effective dates.

Read first time and referred to committee on **labor and industrial relations**.

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 3, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 322, a bill for an act relating to the establishment of a small business advisory council.

Also: That the Senate has on April 3, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 344, a bill for an act relating to the membership of the state revenue estimating conference and providing an effective date.

Also: That the Senate has on April 3, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 2, a bill for an act relating to sexual exploitation by a counselor or therapist and providing penalties.

Also: That the Senate has on February 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 138, a bill for an act requiring the acceptance of a student's postsecondary options credits as high school academic or vocational-technical credits by a school district or accredited nonpublic school.

Also: That the Senate has on April 3, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 210, a bill for an act relating to agreements by physicians restricting professional practices, providing that such agreements violate public policy, and providing effective date and retroactive applicability provisions.

Also: That the Senate has on April 3, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 294, a bill for an act providing for the establishment of agricultural enterprise zones, restricting nuisance suits, providing for tax exemptions on facilities within such zones, and providing a penalty.

Also: That the Senate has on April 3, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 323, a bill for an act relating to delegates to the Iowa congress on resource enhancement and protection.

Also: That the Senate has on April 4, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 403, a bill for an act relating to the state income tax refund checkoff for Olympics.

Also: That the Senate has on April 4, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 411, a bill for an act relating to the availability of certain information concerning nonprofit agencies or corporations receiving public funds.

Also: That the Senate has on April 4, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 458, a bill for an act including within the scope of collective bargaining negotiations insurance costs for retirees.

JOHN F. DWYER, Secretary

REREFERRED TO COMMITTEE ON APPROPRIATIONS

The Speaker announced that House File 389, presently on the **regular calendar**, was rereferred to the committee on **appropriations**.

CONSIDERATION OF BILLS

Regular Calendar

House File 516, a bill for an act to establish a teacher exchange program within the state, was taken up for consideration.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 516)

The ayes were, 77:

Adams	Bartz	Beaman	Beatty
Bennett	Bernau	Bisignano	Black
Brammer	Brand	Branstad	Brown
Burke	Cohoon	Daggett	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Harbor	Hester	Hibbard	Holveck
Hurley	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lundby	McKean	McKinney	McNeal
Mertz	Millage	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 16:

Banks	Carpenter	Chapman	Corbett
De Groot	Eddie	Hanson, D. R.	Iverson
Krebsbach	Maulsby	Metcalf	Miller
Plasier	Renken	Royer	Tyrrell

Absent or not voting, 7:

Baker	Blanshan	Connors	Hatch
Haverland	Jochum	Lageschulte	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 665, a bill for an act relating to public employee candidacy, leaves of absence for employees who are candidates for the general assembly or an elective state office, and leaves of absence for service in elective or appointive office, making a penalty applicable, and providing an effective date, was taken up for consideration.

Spear of Lee offered the following amendment H—3467 filed by him and moved its adoption:

H—3467

- 1 Amend House File 665 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "elected" the following: "to a school district board
- 4 or".

Amendment H—3467 was adopted.

Tyrrell of Iowa offered the following amendment H—3380 filed by him and moved its adoption:

H—3380

- 1 Amend House File 665 as follows:
- 2 1. Page 1, by striking lines 21 through 23, and
- 3 inserting the following: "years. The leave of
- 4 absence granted by this section".
- 5 2. Page 2, by striking lines 22 through 24, and
- 6 inserting the following: "periods. An employee who
- 7 is a candidate for any elective".

A non-record roll call was requested.

The ayes were 48, nays 33.

Amendment H—3380 was adopted.

Hatch of Polk in the chair at 9:54 a.m.

Rafferty of Scott offered the following amendment H—3415 filed by him and Hanson of Delaware:

H—3415

1 Amend House File 665 as follows:

2 1. Page 1, by striking lines 19 through 23 and
3 inserting the following: "employers which employ
4 twenty or more full-time persons. The leave of
5 absence granted by this section need not exceed six
6 years. An employer must allow the employee to return
7 to a position equivalent to that held by the employee
8 when the leave of absence was granted at an equal or
9 greater rate of pay. The leave of absence granted by
10 this section".

11 2. Page 2, by striking lines 22 through 24 and
12 inserting the following: "periods. An employer must
13 allow the employee to return to a position equivalent
14 to that held by the employee when the leave of absence
15 was granted at an equal or greater rate of pay. An
16 employee who is a candidate for any elective".

McKinney of Dallas asked and received unanimous consent that House File 665 be deferred and that the bill retain its place on the calendar.

(Amendment H—3415 pending.)

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that House File 516 be immediately messaged to the Senate.

Regular Calendar

House File 658, a bill for an act relating to cost-sharing funds dedicated to support permanent soil and water conservation practices, 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?" (H.F. 658)

The ayes were, 81:

Adams	Arnould, Spkr.	Banks	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Brammer	Brand	Brown
Burke	Carpenter	Chapman	Cohoon
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Garman

Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	Krebsbach	Kremer
Lundby	McKean	McKinney	McNeal
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Poney	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Weidman	Wise	Wissing
Hatch			
Presiding			

The nays were, 15:

Bartz	Branstad	De Groot	Eddie
Hurley	Iverson	Johnson	Kistler
Maulsby	Millage	Plasier	Renken
Royer	Tyrrell	Van Maanen	

Absent or not voting, 4:

Baker	Blanshan	Connors	Lageschulte
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 644, a bill for an act relating to communication by permanent organizations with their dues-paying members under the campaign finance disclosure law, was taken up for consideration.

Halvorson of Webster offered the following amendment H—3507 filed by him and moved its adoption:

H—3507

- 1 Amend House File 644 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "organization" the following: ", which is a nonprofit
- 4 organization,".
- 5 2. Title page, line 1, by inserting after the
- 6 word "permanent" the following: "nonprofit".

Amendment H—3507 was adopted.

Halvorson of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 644)

The ayes were, 95:

Adams	Arnould, Spkr.	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teafor	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Hatch	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Baker	Blanshan	Connors	Jay
Lageschulte			

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:

Tyrrell of Iowa, for the remainder of the day, on request of Kremer of Buchanan.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 644 and 658.**

Regular Calendar

House File 645, a bill for an act relating to the disposal and treatment of solid waste, including special wastes, and providing fees, was taken up for consideration.

Brown of Lucas asked and received unanimous consent to withdraw amendment H—3431 filed by him on April 1, 1991.

Brown of Lucas offered the following amendment H—3449 filed by him and moved its adoption:

H—3449

- 1 Amend House File 645 as follows:
- 2 1. Page 1, line 2, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 1, by inserting after line 25, the
- 6 following:
- 7 "NEW SUBSECTION. 17. The commission shall adopt
- 8 rules which prohibit the issuance of a permit for the
- 9 establishment and operation of a transfer station for
- 10 the purpose of processing solid waste from a state
- 11 other than Iowa, the final destination of which is a
- 12 third state, when the purpose and result of such
- 13 processing is the circumvention of the solid waste
- 14 laws and rules of the receiving state."
- 15 3. Page 3, by inserting after line 16, the
- 16 following:
- 17 "Sec. _____. EFFECTIVE DATE. This Act, being deemed
- 18 of immediate importance, takes effect upon enactment."
- 19 4. Title page, line 2, by striking the words "and
- 20 providing fees" and inserting the following:
- 21 "providing fees, and providing an effective date".
- 22 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 46, nays 37.

Amendment H—3449 was adopted.

Jesse of Jasper offered the following amendment H—3514 filed by him:

H—3514

- 1 Amend House File 645 as follows:
- 2 1. Page 1, by striking lines 1 through 4, and
- 3 inserting the following:
- 4 "Section 1. NEW SECTION. 455B.304A. WASTE
- 5 DISPOSAL AT APPROPRIATE SANITARY DISPOSAL PROJECT.

6 Solid waste shall be disposed of at the nearest".

7 2. Page 1, by striking lines 11 through 15, and
8 inserting the following: "the solid waste which is
9 designated to be the site to which that solid waste is
10 intended to be shipped according to the approved
11 comprehensive plan on file with the department."

12 3. Page 1, line 16, by striking the words "also
13 require a" and inserting the following: "A".

14 4. Page 1, line 18, by striking the words "to pay
15 a fee" and inserting the following: "shall pay a
16 surcharge".

17 5. Page 1, line 19, by striking the word "fee"
18 and inserting the following: "surcharge".

19 6. Page 1, line 20, by striking the word "Fees"
20 and inserting the following: "Surcharges".

21 7. Page 1, by striking lines 21 through 25, and
22 inserting the following: "collected by the department
23 and deposited in the solid waste account of the
24 groundwater protection fund created under section
25 455E.11."

26 8. Page 2, line 9, by inserting after the word
27 "the" the following: "special waste portion of the".

28 9. Page 2, line 10, by inserting after the words
29 "system for" the following: "each"

30 10. Page 2, line 10, by inserting after the word
31 "liners" the following: "or the equivalent".

32 11. Page 2, line 12, by inserting after the word
33 "leakage" the following: "and is equipped with a
34 leachate collection system".

35 12. Page 2, by inserting after line 19, the
36 following:

37 "_____. A permitted sanitary disposal project which
38 currently receives special wastes or that intends to
39 receive special waste shall not be required to seek a
40 new siting permit for the special waste grid, but
41 shall file a plan of action for handling the special
42 waste in accordance with the requirements
43 established."

44 13. Page 2, line 31, by inserting after the word
45 "program" the following: "and the random sampling
46 program. The fees shall include funding for
47 additional staff required which shall not exceed the
48 employment of more than three additional staff".

49 14. Page 3, line 5, by inserting after the word
50 "the" the following: "special waste grid pocket of

Page 2

1 the".

2 15. Page 3, by striking lines 10 through 16.

3 16. By renumbering, relettering, and correcting
4 internal references as necessary.

Speaker Arnould in the chair at 10:54 a.m.

On motion by Jesse of Jasper amendment H—3514 was adopted, placing out of order lines 2 through 4 of amendment H—3449, previously adopted.

Siegrist of Pottawattamie offered the following amendment H—3408 filed by him and moved its adoption:

H—3408

- 1 Amend House File 645 as follows:
- 2 1. Page 3, by inserting after line 9, the
- 3 following:
- 4 "Sec. _____. Section 455D.9, Code 1991, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 7. Notwithstanding the
- 7 requirements of this section, the department shall
- 8 adopt rules which provide an exemption from the yard
- 9 waste separation requirement for cities and counties
- 10 which dispose of solid waste outside of the state in a
- 11 sanitary landfill which does not require separation of
- 12 yard waste."
- 13 2. Title page, line 2, by inserting after the
- 14 word "wastes" the following: "and yard waste".
- 15 3. By renumbering as necessary.

Amendment H—3408 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 645)

The ayes were, 51:

Adams	Beatty	Bernau	Bisignano
Black	Brammer	Brand	Brown
Burke	Chapman	Cohoon	Dickinson
Doderer	Dvorsky	Fogarty	Gill
Groninga	Grubbs	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Kistler	Knapp	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 44:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Harbor	Hester	Hurley
Iverson	Johnson	Koenigs	Krebsbach
Kremer	Lundby	Maulsby	McKean
McNeal	Mertz	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shoning	Siegrist
Spenner	Svoboda	Van Maanen	Weidman

Absent or not voting, 5:

Baker	Blanshan	Connors	Lageschulte
Tyrrell			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 87, a bill for an act relating to child abuse and criminal history information accessible by child day care resource and referral agencies, with report of committee recommending passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that House File 87 be deferred and that the bill retain its place on the calendar.

On motion by McKinney of Dallas, the House was recessed at 11:23 a.m., until 12:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 645** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day, on request of Van Maanen of Mahaska.

CONSIDERATION OF BILLS

Regular Calendar

House File 182, a bill for an act relating to the annexation of land surrounded by one or more cities, was taken up for consideration.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3044 filed by him on February 7, 1991, placing out of order amendment H—3059 (to amendment H—3044) filed by Iverson of Wright and Grubbs of Scott on February 13, 1991.

Spear of Lee offered the following amendment H—3119 filed by him:

H—3119

1 Amend House File 182 as follows:

2 1. Page 1, line 5, by striking the word "A" and
3 inserting the following: "However, a".

4 2. Page 1, by inserting after line 24 the
5 following:

6 "Sec. _____. Section 368.7, unnumbered paragraph 3,
7 Code 1991, is amended to read as follows:

8 An application for annexation of territory within
9 the urbanized area of a city other than the city to
10 which the annexation is directed must be approved both
11 by resolution of the council which receives the
12 application and by the board. The board shall not
13 approve an application which creates an island. In
14 the discretion of a city council, the resolution may
15 include a provision for a transition for the
16 imposition of taxes as provided in section 368.11,
17 subsection 13. The annexation is completed when the
18 board has filed copies of applicable portions of the
19 proceedings as required by section 368.20, subsection
20 2."

21 3. Page 1, lines 27 and 28, by striking the words
22 "or includes".

23 4. By striking page 1, line 29 through page 2,
24 line 3, and inserting the following:

25 "Sec. _____. ANNEXATION OF EXISTING ISLANDS.

26 1. On or before January 15, 1992, the board of
27 supervisors of each county shall notify the city
28 development board of the existence of any islands
29 within the county that have not become a part of a
30 city by annexation or incorporation as of the date of
31 notification. The notification shall include a legal
32 description of the island and a map showing its
33 location in relationship to the city or cities
34 surrounding the island. The city development board
35 shall verify each county's identification of an
36 island, giving notice and opportunity to contest the
37 identification to each city within whose boundaries
38 the identified island is located as part of the
39 verification process. The city development board
40 shall also give notice and the opportunity to protest
41 the pending annexation to the landowners of the

42 island.

43 2. If the island is within the boundaries of only
44 one city, the board shall certify the verification to
45 the city and declare the island annexed to the city as
46 of the date of certification.

47 3. If the island is described by the boundaries of
48 more than one city, the board shall conduct a public
49 hearing for the purpose of determining to which city
50 the island should be annexed. The board may determine

Page 2

1 that the island's territory shall be divided among the
2 cities in a manner the board finds appropriate. The
3 board's declaration of annexation to each city shall
4 describe how the island is divided among the cities.

5 4. However, if a majority of the landowners of the
6 island protests the annexation and the board finds
7 that the residents of the island have adequate fire
8 protection, police protection, emergency medical
9 services, and road construction and maintenance
10 services, the board shall discontinue the annexation
11 proceedings.

12 5. All applicable provisions of section 368.20
13 shall be followed with regard to annexations pursuant
14 to this section."

Grubbs of Scott offered the following amendment H—3154, to amendment H—3119, filed by him and moved its adoption:

H—3154

1 Amend the amendment, H—3119, to House File 182 as
2 follows:

3 1. Page 2, by striking lines 5 through 11 and
4 inserting the following:

5 "4. However, if a majority of the landowners of
6 the island protest the annexation, the board shall
7 discontinue the annexation proceedings unless the
8 board finds that the residents of the island do not
9 have adequate fire protection, police protection,
10 emergency medical services, and road construction and
11 maintenance services."

Amendment H—3154 was adopted.

On motion by Spear of Lee, amendment H—3119, as amended, was adopted.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 182)

The ayes were, 92:

Adams	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 8:

Baker	Blanshan	Connors	Harbor
Lageschulte	Muhlbauer	Plasier	Tyrrell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 624, a bill for an act relating to advertising devices in commercial or industrial zones or areas, was taken up for consideration.

Hibbard of Madison offered the following amendment H—3519 filed by him and moved its adoption:

H—3519

- 1 Amend House File 624 as follows:
- 2 1. Page 1, by striking lines 3 and 4 and
- 3 inserting the following:
- 4 "3. Advertising devices within the adjacent area
- 5 located in commercial or".
- 6 2. Page 1, line 7, by inserting after the word
- 7 "department" the following: "or official county signs
- 8 designated pursuant to a policy adopted by county

- 9 ordinance or regulation to promote tourism and
 10 economic development, located in county rights-of-way
 11 or on private property leased or rented to the
 12 county".

Amendment H—3519 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?" (H.F. 624)

The ayes were, 92:

Adams	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Poney	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 8:

Baker	Blanshan	Connors	Harbor
Lageschulte	Muhlbauer	Plasier	Tyrrell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 649, a bill for an act relating to hazardous waste and hazardous substance disposal sites, was taken up for consideration.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 649)

The ayes were, 90:

Adams	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 10:

Baker	Blanshan	Connors	Fogarty
Hanson, D. E.	Harbor	Lageschulte	Muhlbauer
Plasier	Tyrrell		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 182, 624 and 649.**

MOTION TO RECONSIDER LOST
(House File 631)

McKinney of Dallas called up for consideration the motion to reconsider House File 631, filed on April 1, 1991 by Shearer of Louisa.

Shearer of Louisa moved to reconsider the vote by which House File 631, a bill for an act relating to the sale of alcoholic beverages in original containers for consumption off the premises and imposing a fee, passed the House of March 28, 1991.

A non-record roll call was requested.

The ayes were 32, nays 51.

The motion lost, placing out of order the motion to reconsider filed by Shoultz of Black Hawk on April 1, 1991 and amendment H-3471 filed by Shoultz of Black Hawk on April 2, 1991.

House File 214, a bill for an act relating to the reproductive toxicity of alcoholic beverages, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Bartz of Worth asked and received unanimous consent to defer action on amendment H-3488.

Objection was raised.

Bartz of Worth moved to defer action on amendment H-3488.

A non-record roll call was requested.

The ayes were 31, nays 43.

The motion to defer lost.

Bartz of Worth offered the following amendment H-3488 filed by him:

H-3488

- 1 Amend House File 214 as follows:
- 2 1. Page 1, line 7, by striking the word "first".

Bartz of Worth offered the following amendment H-3494, to amendment H-3488, filed by him:

H-3494

- 1 Amend amendment, H-3488, to House File 214 as
- 2 follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "_____. Page 1, by inserting after line 17 the
- 6 following:

7 "_____. This section shall not apply to a person who
8 holds a license or permit under chapter 123 who sells
9 alcoholic beverages for consumption on the premises if
10 all of the alcoholic beverages sold by the person are
11 labeled pursuant to the health warning label
12 requirement for alcoholic beverages pursuant to 27
13 U.S.C. § 215 and the federal rules promulgated
14 thereunder in 27 C.F.R. § 16.21." "
15 2. By renumbering as necessary.

Doderer of Johnson rose on a point of order that amendment H—3494 was not germane to amendment H—3488.

The Speaker ruled the point well taken and amendment H—3494 not germane to amendment H—3488.

On motion by Bartz of Worth, amendment H—3488 was adopted.

Bartz of Worth offered the following amendment H—3385 filed by him:

H—3385

1 Amend House File 214 as follows:
2 1. Page 1, by inserting after line 17 the
3 following:
4 "_____. This section shall not apply to a person who
5 holds a license or permit under chapter 123 who sells
6 alcoholic beverages for consumption on the premises if
7 all of the alcoholic beverages sold by the person are
8 labeled pursuant to the health warning label
9 requirement for alcoholic beverages pursuant to 27
10 U.S.C. § 215 and the federal rules promulgated
11 thereunder in 27 C.F.R. § 16.21."
12 2. By renumbering as necessary.

Doderer of Johnson offered the following amendment H—3483, to amendment H—3385, filed by Doderer, et al., and moved its adoption:

H—3483

1 Amend the amendment, H—3385, to House File 214 as
2 follows:
3 1. Page 1, line 11, by inserting after the figure
4 "16.21" the following: "and providing that the person
5 serving the alcoholic beverage shows the consumer, at
6 the time of purchase and prior to consumption, the
7 warning label on the alcoholic beverage container or
8 reads the warning label to the consumer".

A non-record roll call was requested.

The ayes were 46, nays 20.

Amendment H—3483 was adopted.

Bartz of Worth asked and received unanimous consent to withdraw amendment H—3385, as amended.

Peterson of Carroll in the chair at 2:29 p.m.

Wissing 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. 214)

The ayes were, 59:

Adams	Arnould, Spkr.	Banks	Beaman
Bernau	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Doderer	Dvorsky	Eddie
Garman	Gill	Groninga	Grubbs
Gruhn	Halvorson, R. N.	Hammond	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hibbard
Holveck	Hurley	Jesse	Jochum
Johnson	Kistler	McKean	McKinney
Metcalf	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Plasier	Poncy
Rafferty	Shearer	Sherzan	Shoning
Shoultz	Spear	Teaford	Van Maanen
Wise	Wissing	Peterson, M. K.	
		Presiding	

The nays were, 32:

Bartz	Beatty	Bennett	Bisignano
Black	Diemer	Fogarty	Gipp
Hahn	Hansen, S. D.	Hester	Iverson
Jay	Knapp	Koenigs	Krebsbach
Kremer	Lundby	Maulsby	McNeal
Mertz	Millage	Miller	Pavich
Petersen, D. F.	Renaud	Renken	Schrader
Siegrist	Spenner	Svoboda	Weidman

Absent or not voting, 9:

Baker	Blanshan	Connors	Halvorson, R. A.
Harbor	Lageschulte	Muhlbauer	Royer
Tyrrell			

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:

Halvorson of Clayton, for the remainder of the day, on request of Van Maanen of Mahaska.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 214** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 18

The House resumed consideration of House Concurrent Resolution 18, a concurrent resolution naming a highway route and urging the United States House Public Works and Transportation Committee and the United States Senate Environment and Public Works Committee to establish priority funding measures for development of a four-lane highway in Missouri, Iowa, and Minnesota to connect the cities of St. Louis, Missouri, and St. Paul, Minnesota, more commonly referred to as "The Avenue of the Saints", previously deferred.

On motion by Koenigs of Mitchell, the resolution was adopted.

Regular Calendar

House File 574, a bill for an act relating to economic development by transferring funds to the revolving fund of the rural community 2000 program, establishing time frames for the completion of the community builder program, establishing a planning category in the rural community 2000 program, and providing an effective date, was taken up for consideration.

Brand of Benton offered the following amendment H—3489 filed by him and moved its adoption:

H—3489

- 1 Amend House File 574 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following: "Annually, not more than three hundred
- 4 thousand dollars of the funds for the program shall be
- 5 allocated for the planning category."
- 6 2. Page 2, line 34, by striking the words
- 7 "decision-support" and inserting the following:
- 8 "decision-support".
- 9 3. Page 2, line 35, by striking the word
- 10 "support".
- 11 4. Page 3, line 35, by inserting after the word
- 12 "department." the following: "If, during a fiscal
- 13 year, moneys are not appropriated for the specific
- 14 purpose of the housing category, the executive
- 15 director of the Iowa finance authority may retain up
- 16 to twenty-five percent of the funds appropriated for
- 17 the program."

Amendment H—3489 was adopted.

SENATE FILE 254 SUBSTITUTED FOR HOUSE FILE 574

Brand of Benton asked and received unanimous consent to substitute Senate File 254 for House File 574.

Senate File 254, a bill for an act relating to economic development by transferring funds to the revolving fund of the rural community 2000 program, establishing time frames for the completion of the community builder program, establishing a planning category in the rural community 2000 program, 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?" (S.F. 254)

The ayes were, 74:

Adams	Arnould, Spkr.	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Groninga	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hester	Hibbard *	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
McKean	McKinney	Mertz	Metcalf
Miller	Murphy	Nielsen	Ollie
Osterberg	Pavich	Plasier	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Weidman	Wise
Wissing	Peterson, M. K.		
	Presiding		

The nays were, 13:

Gipp	Grubbs	Hahn	Halvorson, R. N.
Hurley	Iverson	Johnson	Maulsby
McNeal	Millage	Rafferty	Renken
Van Maanen			

Absent or not voting, 13:

Baker	Blanshan	Connors	Gruhn
Halvorson, R. A.	Harbor	Lageschulte	Muhlbauer
Neuhauser	Petersen, D. F.	Royer	Shoultz
Tyrrell			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 574 WITHDRAWN

Brand of Benton asked and received unanimous consent to withdraw House File 574 from further consideration by the House.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 254 and House Concurrent Resolution 18.**

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 5, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 4, a bill for an act relating to consideration of voluntary and involuntary annexation petitions which concern the same territory or city.

Also: That the Senate has on April 5, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 269, a bill for an act regulating transient food service establishments and providing for licensing fees.

Also: That the Senate has on April 5, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 342, a bill for an act relating to the prevention of disabling conditions by establishing a prevention of disabilities policy board and a technical assistance committee of the board and by making an appropriation.

Also: That the Senate has on April 5, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 346, a bill for an act relating to payments made pursuant to public contracts.

Also: That the Senate has on April 5, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 355, a bill for an act relating to authorizing a spouse to execute a power of attorney instrument sufficient to relinquish homestead rights and surviving spouse's statutory share in the homestead.

Also: That the Senate has on April 5, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 444, a bill for an act relating to law enforcement, victim services, and domestic abuse, establishing certain training and certification requirements, establishing and increasing certain criminal penalties, imposing mandatory minimum sentences, establishing a domestic abuse services fund, establishing an income tax check-off for domestic abuse, increasing certain court costs and fees, eliminating certain court

costs, requiring batterers treatment by offenders, establishing a pilot program, and containing effective date and applicability provisions.

Also: That the Senate has on April 5, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 452, a bill for an act relating to the administration of fairs.

Also: That the Senate has on April 5, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 476, a bill for an act relating to campaign finance disclosure by changing the definition of a candidate's committee, requiring the reporting to the treasurer of a committee of all contributions received by a person for the committee, requiring disclosure reports of out-of-state political action committees, changing the number of disclosure reports required in nonelection years, providing that the treasurer of a committee is not responsible for filing disclosure reports or liable for civil penalties, directing the use of leftover campaign funds, and providing for a civil penalty for violations regarding placement of political signs.

Also: That the Senate has on April 5, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 479, a bill for an act relating to the reassignment of duties from the division of children, youth, and families of the department of human rights to the division of child and family services within the department of human services.

Also: That the Senate has on April 5, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 520, a bill for an act relating to securities by regulating transactions involving securities and regulating persons engaged in businesses related to the issuance or trading of securities, and providing penalties.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 4, 1991. Had I been present, I would have voted "aye" on House Files 438, 569, 593, 612, 626, 627, 634, 648, 656 and 668; and "nay" on the motion to suspend Rule 60 on Senate File 524 and the motion to defer on House File 569.

ADAMS of Hamilton

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 4, 1991, he approved and transmitted to the Secretary of State the following bill:

Senate File 92, an act to create an advisory commission on intergovernmental relations, specify its membership, and enumerate its powers and duties.

PRESENTATION OF VISITORS

Sherzan of Polk presented to the House the Honorable Doris Peick, former member of the House representing Linn County.

The Speaker announced that the following visitors were present in the House chamber:

Sixty fifth grade students from Hanawalt Elementary School, Des Moines, accompanied by Larry Burns and Karen Bush. By Carpenter of Polk.

Twenty-seven fifth grade students from Lakeview Elementary School, Centerville, accompanied by Mrs. Stephens and Mrs. Wehrle. By Jay of Appanoose.

Thirty eighth grade students from Paullina Primghar Middle School, Primghar, accompanied by Dave Larson. By Plasier of Sioux.

SUBCOMMITTEE ASSIGNMENTS

Senate File 338

Transportation: Koenigs, Chair; Gruhn and Maulsby.

Senate File 478

Education: Shoultz, Chair; Adams, Kistler, Lageschulte and Nielsen.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Senate File 324, a bill for an act relating to authorized actions of local air pollution programs under the jurisdiction of the department of natural resources and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1991.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 441, a bill for an act relating to workers' compensation self-insurance, imposing civil and criminal penalties, and providing an appropriation.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-3521 April 4, 1991.

Pursuant to Rule 31.7, Senate File 441 was referred to the committee on appropriations.

COMMITTEE ON TRANSPORTATION

Committee Resolution, (Formerly House Concurrent Resolution 17), a concurrent resolution relating to a study of the feasibility of extending Amtrak rail passenger service.

Fiscal Note is not required.

Recommended Do Pass April 4, 1991.

RESOLUTION FILED

HCR 23, by committee on transportation, a concurrent resolution relating to a study of the feasibility of extending Amtrak rail passenger service.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3520	H.F.	341	Schrader of Marion
H-3521	S.F.	441	Committee on Labor and Industrial Relations
H-3522	S.F.	313	Nielsen of Linn
H-3523	S.F.	356	Holveck of Polk
H-3524	S.F.	115	Hammond of Story
			Carpenter of Polk
H-3525	H.F.	587	Hurley of Fayette
H-3526	S.F.	313	Ollie of Clinton
H-3527	H.F.	665	Rafferty of Scott
			Hanson of Delaware
H-3528	H.F.	671	De Groot of Lyon
H-3529	H.F.	87	Bartz of Worth
H-3530	H.F.	662	Hammond of Story
			Kremer of Buchanan
H-3531	H.F.	685	Groninga of Cerro Gordo

On motion by McKinney of Dallas, the House adjourned at 3:05 p.m., until 10:00 a.m., Monday, April 8, 1991.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day — Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 8, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by the Honorable Arthur Ollie, state representative from Clinton County.

The Journal of Friday, April 5, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Grubbs of Scott on request of Banks of Plymouth; Murphy of Dubuque on request of Muhlbauer of Crawford, both until their arrival; Brammer of Linn, for an indefinite period of time, on request of Dvorsky of Johnson.

INTRODUCTION OF BILL

House File 686, by Daggett and Beaman, a bill for an act providing a pastureland tax credit for agricultural land placed into pasture, a funding mechanism, and providing an effective date.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 2, by Szymoniak, a bill for an act relating to sexual exploitation by a counselor or therapist and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 138, by committee on education, a bill for an act requiring the acceptance of a student's postsecondary options credits as high school academic or vocational-technical credits by a school district or accredited nonpublic school.

Read first time and referred to committee on **education**.

Senate File 210, by committee on judiciary, a bill for an act relating to agreements by physicians restricting professional practices, providing that such agreements violate public policy, and providing effective date and retroactive applicability provisions.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 294, by committee on agriculture, a bill for an act providing for the establishment of agricultural enterprise zones, restricting nuisance suits, providing for tax exemptions on facilities within such zones, and providing a penalty.

Read first time and referred to committee on **agriculture**.

Senate File 323, by committee on state government, a bill for an act relating to delegates to the Iowa congress on resource enhancement and protection.

Read first time and referred to committee on **natural resources and outdoor recreation**.

Senate File 403, by Husak, a bill for an act relating to the state income tax refund checkoff for Olympics.

Read first time and referred to committee on **appropriations**.

Senate File 411, by Buhr, a bill for an act relating to the availability of certain information concerning nonprofit agencies or corporations receiving public funds.

Read first time and referred to committee on **commerce**.

Senate File 458, by committee on business and labor relations, a bill for an act including within the scope of collective bargaining negotiations insurance costs for retirees.

Read first time and referred to committee on **labor and industrial relations**.

CONSIDERATION OF BILLS

Regular Calendar

House File 620, a bill for an act relating to cooperative ownership of residential, business property, providing an applicability date, and providing an effective date, was taken up for consideration.

Kremer of Buchanan offered the following amendment H—3346 filed by him and moved its adoption:

H—3346

- 1 Amend House File 620 as follows:
- 2 1. Page 1, by striking line 21 and inserting the
- 3 following: "same indorse articles, endorse the
- 4 secretary of state's approval".

- 5 2. Page 2, by striking line 9 and inserting the
 6 following:
 7 "A co-operation may cooperative shall have only one
 8 or more".
 9 3. Page 3, line 7, by striking the word
 10 "cooperation" and inserting the following:
 11 "cooperative".

Amendment H—3346 was adopted.

SENATE FILE 477 SUBSTITUTED FOR HOUSE FILE 620

Muhlbauer of Crawford asked and received unanimous consent to substitute Senate File 477 for House File 620.

Senate File 477, a bill for an act relating to cooperative ownership of residential, business property, providing an applicability date, 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?" (S.F. 477)

The ayes were, 92:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jesse
Jochum	Johnson	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Poncy	Rafferty	Renaud	Renken
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 8:

Brammer
Kistler

Chapman
Murphy

Grubbs
Plasier

Jay
Royer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 620 WITHDRAWN

Muhlbauer of Crawford asked and received unanimous consent to withdraw House File 620 from further consideration by the House.

MOTION TO RECONSIDER PREVAILED (House File 661)

Holveck of Polk called up for consideration the motion to reconsider House File 661, filed on April 3, 1991, and moved to reconsider the vote by which House File 661, a bill for an act relating to general permits for activities affecting the environment, passed the House and was placed on its last reading on April 3, 1991.

A non-record roll call was requested.

The ayes were 60, nays 4.

The motion prevailed and the House reconsidered House File 661, placing out of order the motion to reconsider filed by Banks of Plymouth on April 3, 1991.

Holveck of Polk offered the following amendment H-3518 filed by him and Banks of Plymouth and moved its adoption:

H-3518

- 1 Amend House File 661 as follows:
- 2 1. Page 1, line 1, by inserting after the word
- 3 "PERMITS -" the following: "STORMWATER DISCHARGE -".
- 4 2. Page 1, line 3, by inserting after the word
- 5 "chapter" the following: "for stormwater discharge".
- 6 3. Page 1, line 17, by inserting after the word
- 7 "department." the following: "A person shall also
- 8 provide public notice of intent to conduct activities
- 9 covered under the general permit by publishing notice
- 10 in two newspapers with the largest circulation in the
- 11 area in which the facility is located."
- 12 4. Page 1, by inserting after line 33, the
- 13 following:
- 14 "_____. The department shall perform on-site
- 15 inspections and review monitoring data to assess the
- 16 effectiveness of general permits. If a significant
- 17 adverse environmental problem exists for an individual

18 facility or class of facilities due to regulation
 19 under a general permit, the facility or class of
 20 facilities shall be required to obtain individual
 21 permits.

22 _____. The department shall establish a procedure
 23 for the filing of complaints by persons believing
 24 themselves to be adversely affected by the
 25 environmental impact of the discharge of a facility
 26 operating under a general permit under this section."

27 5. Page 1, by inserting after line 35, the
 28 following:

29 "_____. Three years after the adoption of a general
 30 permit by rule, the department shall assess the
 31 activities which have been conducted under the general
 32 permit and determine whether any significant adverse
 33 environmental consequences have resulted."

34 6. Title page, line 1, by inserting after the
 35 word "to" the following: "certain".

36 7. By renumbering and relettering as necessary.

Amendment H—3518 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. 661)

The ayes were, 91:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Cohoon
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
Rafferty	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spanner	Svoboda

Teaford
Wise

Tyrrell
Wissing

Van Maanen
Mr. Speaker
Arnould

Weidman

The nays were, none.

Absent or not voting, 9:

Bisignano
Grubbs
Renaud

Brammer
Jay

Chapman
Murphy

Connors
Plasier

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 661** be immediately messaged to the Senate.

On motion by McKinney of Dallas, the House was recessed at 10:45 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

SENATE MESSAGES CONSIDERED

Senate File 4, by Riordan, a bill for an act relating to consideration of voluntary and involuntary annexation petitions which concern the same territory or city.

Read first time and referred to committee on **local government**.

Senate File 269, by Buhr, a bill for an act regulating transient food service establishments and providing for licensing fees.

Read first time and referred to committee on **state government**.

Senate File 342, by committee on human resources, a bill for an act relating to the prevention of disabling conditions by establishing a prevention of disabilities policy board and a technical assistance committee of the board and by making an appropriation.

Read first time and referred to committee on **human resources**.

Senate File 355, by committee on judiciary, a bill for an act relating to authorizing a spouse to execute a power of attorney instrument sufficient to relinquish homestead rights and surviving spouse's statutory share in the homestead.

Read first time and **passed on file**.

Senate File 444, by committee on judiciary, a bill for an act relating to law enforcement, victim services, and domestic abuse, establishing certain training and certification requirements, establishing and increasing certain criminal penalties, imposing mandatory minimum sentences, establishing a domestic abuse services fund, establishing an income tax checkoff for domestic abuse, increasing certain court costs and fees, eliminating certain court costs, requiring batterers treatment by offenders, establishing a pilot program, and containing effective date and applicability provisions.

Read first time and referred to committee on judiciary and law enforcement.

Senate File 452, by Kinley, a bill for an act relating to the administration of fairs.

Read first time and referred to committee on agriculture.

Senate File 476, by committee on state government, a bill for an act relating to campaign finance disclosure by changing the definition of a candidate's committee, requiring the reporting to the treasurer of a committee of all contributions received by a person for the committee, requiring disclosure reports of out-of-state political action committees, changing the number of disclosure reports required in nonelection years, providing that the treasurer of a committee is not responsible for filing disclosure reports or liable for civil penalties, directing the use of leftover campaign funds, and providing for a civil penalty for violations regarding placement of political signs.

Read first time and referred to committee on state government.

Senate File 479, by committee on human resources, a bill for an act relating to the reassignment of duties from the division of children, youth, and families of the department of human rights to the division of child and family services within the department of human services.

Read first time and passed on file.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 465, a bill for an act relating to the department of inspections and appeals by creating new licensing and fee requirements for gaming activities.

Also: That the Senate has on April 8, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 525, a bill for an act relating to the regulation of dairy products, providing for the repeal of certain sections, and providing effective dates.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 672, a bill for an act relating to the health practice profession examining boards, the duties of the board of medical examiners, the composition of the board of podiatry examiners and its disciplinary hearing panel, and providing penalties, was taken up for consideration.

Spear of Lee offered the following amendment H—3474 filed by him and moved its adoption:

H—3474

1 Amend House File 672 as follows:

2 1. Page 1, line 6, by inserting after the word

3 "members" the following: "one male and one

4 female,".

5 2. Page 1, line 13, by inserting after the word

6 "members" the following: "not more than two of whom

7 are of the same gender,".

8 3. Page 1, line 20, by inserting after the word

9 "members" the following: "not more than two of whom

10 are the same gender,".

A non-record roll call was requested.

The ayes were 22, nays 47.

Amendment H—3474 lost.

Carpenter 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. 672)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cphoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty

Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Brammer	Hanson, D. E.	Jay	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 597, a bill for an act relating to the forfeiture of the rights of junior lienholders with respect to real estate contracts and providing an effective date, was taken up for consideration.

SENATE FILE 445 SUBSTITUTED FOR HOUSE FILE 597

McNeal of Hardin asked and received unanimous consent to substitute Senate File 445 for House File 597.

Senate File 445, a bill for an act relating to the forfeiture of the rights of junior lienholders with respect to real estate contracts and providing an effective date, was taken up for consideration.

McNeal of Hardin offered the following amendment H—3448 filed by him and moved its adoption:

H—3448

1 Amend Senate File 445, as passed by the Senate, as
2 follows:

3 1. Page 1, line 7, by striking the words "has a
4 lien upon" and inserting the following: "asserts a
5 claim against".

6 2. Page 1, lines 10 and 11, by striking the words
7 "having a lien upon the vendee's interest".

8 3. Page 1, line 12, by striking the words
9 "prescribed by the county recorder," and inserting the
10 following: "which substantially complies with the
11 following form,".
12 4. Page 1, by inserting after line 14 the
13 following:
14 "REQUEST FOR NOTICE PURSUANT TO
15 IOWA CODE SECTION 652.2, SUBSECTION 2
16 The undersigned requests service of notice under
17 Iowa Code sections 656.1 and 656.2 to forfeit the con-
18 tract recorded on the _____ day of _____, 19____, in
19 book or roll _____, image or page _____, office of the
20 _____ county recorder, _____
21 county, Iowa, wherein _____ is/are seller(s)
22 and _____ is/are buyer(s), for sale of
23 real estate legally described as:
24 [insert complete legal description]

25
26
27 NAME
28
29
30
31

32 ADDRESS

33 CAUTION: Your name and address must be correct. If
34 not correct, you will not receive notice requested
35 because notice need only be served on you at the above
36 address. If your address changes, a new request for
37 notice must be filed.

38 The request for notice shall be indexed pursuant to
39 section 558.50."

40 5. Page 1, line 16, by striking the words "at
41 least sixty days" and inserting the following: "after
42 acquisition of the vendee's interest but".

Amendment H—3448 was adopted.

McNeal of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 445)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer

Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 2:

Brammer Jay

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 597 WITHDRAWN

McNeal of Hardin asked and received unanimous consent to withdraw House File 597 from further consideration by the House.

The House resumed consideration of **House File 503**, a bill for an act relating to the establishment of a law enforcement review board in certain cities, and the committee amendment H—3302, as amended, (found on pages 1068 and 1069 of the House Journal) previously deferred.

Hatch of Polk offered the following amendment H—3511, to the committee amendment H—3302, filed by him and moved its adoption:

H—3511

- 1 Amend the amendment, H—3302, to House File 503 as
- 2 follows:
- 3 1. Page 1, by striking lines 21 through 31, and
- 4 inserting the following:
- 5 "_____. Title page, by striking lines 1 and 2 and
- 6 inserting the following: "An Act relating to the
- 7 establishment of an internal affairs division within

- 8 police departments of certain cities and providing
- 9 alternative procedures to be implemented by the county
- 10 attorney." "

Amendment H—3511 was adopted, placing out of order amendment H—3425, and lines 15 and 16 of amendment H—3502, both previously adopted and filed by Hatch of Polk on April 1 and 4 respectively.

On motion by Hatch of Polk, the committee amendment H—3302, as amended, was adopted, placing out of order amendment H—3503 filed by Hansen of Woodbury on April 4, 1991.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 503)

The ayes were, 45:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Carpenter	Cohoon
Doderer	Dvorsky	Eddie	Fogarty
Gipp	Groninga	Gruhn	Halvorson, R. N.
Hatch	Haverland	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
McKinney	McNeal	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Peterson, M. K.	Poncy	Schrader
Shearer	Svoboda	Teaford	Wise
Mr. Speaker			
Arnould			

The nays were, 53:

Banks	Bartz	Beaman	Bennett
Branstad	Chapman	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Garman	Gill	Grubbs	Hahn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hester	Hurley
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Millage
Miller	Pavich	Petersen, D. F.	Rafferty
Renaud	Renken	Royer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spanner	Tyrell	Van Maanen	Weidman
Wissing			

Absent or not voting, 2:

Brammer

Plasier

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux, until his return, on request of Hahn of Muscatine.

SENATE MESSAGE CONSIDERED

Senate File 520, by committee on commerce, a bill for an act relating to securities by regulating transactions involving securities and regulating persons engaged in businesses related to the issuance or trading of securities, and providing penalties.

Read first time and **passed on file**.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 672** be immediately messaged to the Senate.

Fogarty of Palo Alto in the chair at 2:16 p.m.

House File 534, a bill for an act relating to changes and corrections in the court administration system, was taken up for consideration.

Hansen of Woodbury offered the following amendment H-3296 filed by him:

H-3296

1 Amend House File 534 as follows:

2 1. Page 1, by striking lines 6 through 18 and
3 inserting the following:

4 "Sec. ____ Section 144.35, Code 1991, is amended
5 to read as follows:

6 144.35 EXTENSIONS OF TIME BY RULES.

7 The department may, by regulation and upon such
8 conditions as it may prescribe to assure compliance
9 with the purposes of this chapter, provide for

10 extension of the periods prescribed in sections
11 144.26, 144.28, 144.29, and 144.31, and 144.32 for
12 filing of death certificates, fetal death

13 certificates, and medical certifications of cause of
14 death and for the obtaining of burial-transit permits
15 in cases in which compliance with the applicable
16 prescribed period would result in undue hardship.

17 Regulation of the department may provide for the
18 issuance of a burial-transit permit under section
19 144.32 prior to the filing of a complete certificate
20 of death or fetal death upon conditions designed to
21 assure compliance with the purposes of this chapter in
22 cases in which compliance with the requirement that
23 the complete certificate be filed prior to the
24 issuance of the permit would result in undue
25 hardship."

26 2. Page 8, by inserting after line 12 the
27 following:

28 "Sec. _____. Section 692.17, Code 1991, is amended
29 to read as follows:

30 692.17 EXCLUSIONS.

31 Criminal history data in a computer data storage
32 system shall not include arrest or disposition data
33 after the person has been acquitted or the charges
34 dismissed.

35 For the purposes of this section, "criminal history
36 data" includes information maintained by any criminal
37 justice agency if the information otherwise meets the
38 definition of criminal history data set forth in
39 section 692.1.

40 Criminal history data may be collected for
41 management or research purposes."

42 3. Page 8, line 33, by inserting after the figure
43 "21." the following: "Section 144.32, and".

44 4. By renumbering as necessary.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—3320, to amendment H—3296, filed by him on March 25, 1991.

On motion by Hansen of Woodbury, amendment H—3296 was adopted.

Van Maanen of Mahaska offered the following amendment H—3319 filed by him:

H—3319

1 Amend House File 534 as follows:

2 1. Page 2, by inserting after line 12 the
3 following:

4 "Sec. _____. Section 602.1301, subsection 2,
5 paragraph b, Code 1991, is amended to read as follows:

6 b. Before December 1, the supreme court shall
7 submit to the director of management an estimate of
8 the total expenditure requirements of the judicial
9 department. The director of management shall submit
10 this estimate received from the supreme court to the
11 governor for inclusion without change in the

- 12 governor's proposed budget for the succeeding fiscal
 13 year. The estimate shall also be submitted to the
 14 chairpersons of the committees on appropriations."
 15 2. By renumbering as necessary.

Jochum of Dubuque rose on a point of order that amendment H—3319 was not germane.

The Speaker ruled the point well taken and amendment H—3319 not germane.

Van Maanen of Mahaska moved that the rules be suspended to consider amendment H—3319.

Roll call was requested by Bennett of Ida and Van Maanen of Mahaska.

On the question "Shall the rules be suspended to consider amendment H—3319?" (H.F. 534)

The ayes were, 44:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Rafferty
Renken	Royer	Shoning	Siegrist
Spenner	Tyrrell	Van Maanen	Weidman

The nays were, 53:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing
Fogarty			
Presiding			

Absent or not voting, 3:

Bisignano

Brammer

Plasier

The motion to suspend the rules lost.

McKean of Jones offered the following amendment H—3347 filed by him and moved its adoption:

H—3347

- 1 Amend House File 534 as follows:
- 2 1. Page 2, by inserting after line 12 the
- 3 following:
- 4 "Sec. _____. Section 602.1401, Code 1991, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 5. The pay plan shall set the
- 7 compensation of court employees within the funds
- 8 appropriated by the general assembly."
- 9 2. By renumbering as necessary.

Amendment H—3347 was adopted.

Halvorson of Clayton offered the following amendment H—3375 filed by him:

H—3375

- 1 Amend House File 534 as follows:
- 2 1. Page 2, by inserting after line 12 the
- 3 following:
- 4 "Sec. _____. Section 602.1301, subsection 2, Code
- 5 1991, is amended by adding the following new
- 6 paragraph:
- 7 NEW PARAGRAPH. c. The general assembly shall
- 8 include without change or amendment the estimate from
- 9 the judicial department in an appropriations bill for
- 10 the succeeding fiscal year."
- 11 2. By renumbering as necessary.

Jochum of Dubuque rose on a point of order that amendment H—3375 was not germane.

The Speaker ruled the point well taken and amendment H—3375 not germane.

Halvorson of Clayton moved that the rules be suspended to consider amendment H—3375:

Roll call was requested by Harbor of Mills and Peterson of Carroll.

On the question "Shall the rules be suspended to consider amendment H—3375?" (H.F. 534)

The ayes were, 45:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Gipp	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Mertz
Metcalf	Millage	Miller	Petersen, D. F.
Rafferty	Renken	Royer	Shoning
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

The nays were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Blanshan	Brand	Brown
Burke	Chapman	Cohoon	Connors
Dickinson	Doderer	Dvorsky	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poney
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Fogarty	
		Presiding	

Absent or not voting, 4:

Arnould, Spkr.	Brammer	Grubbs	Plasier
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The motion to suspend the rules lost.

McKean of Jones offered the following amendment H—3482 filed by him and moved its adoption:

H—3482

- 1 Amend House File 534 as follows:
- 2 1. Page 7, by striking line 13 and inserting the
- 3 following: "fifteen dollars. Five dollars of the
- 4 docket fee".

Roll call was requested by McKean of Jones and Peterson of Carroll.

On the question "Shall amendment H—3482 be adopted?"
(H.F. 534)

The ayes were, 45:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Poncy	Rafferty	Renken	Royer
Shoning	Siegrist	Tyrrell	Van Maanen
Weidman			

The nays were, 53:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Renaud	Schrader	Shearer
Sherzan	Shultz	Spear	Spencer
Svoboda	Teaford	Wise	Wissing
Fogarty			
Presiding			

Absent or not voting, 2:

Brammer Plasier

Amendment H—3482 lost.

Hansen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 534)

The ayes were, 55:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Dickinson
Doderer	Dvorsky	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Hatch	Haverland	Hibbard

Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poney	Renaud	Schrader	Shearer
Sherzan	Shoultz	Svoboda	Teaford
Wise	Wissing	Fogarty	
		Presiding	

The nays were, 43:

Banks	Bartz	Beaman	Bennett
Branstad	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Hanson, D. E.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McNeal	Metcalf	Millage	Miller
Petersen, D. F.	Rafferty	Renken	Royer
Shoning	Siegrist	Spear	Spenner
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 2:

Brammer Plasier

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 534** be immediately messaged to the Senate.

House File 618, a bill for an act relating to the marketable title of real estate, was taken up for consideration.

Jay of Appanoose offered the following amendment H—3401 filed by Jay, et al.:

H—3401

- 1 Amend House File 618 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 Section 1. **NEW SECTION. 557C.1 LAPSE OF MINERAL**
- 5 **INTEREST — PREVENTION.**
- 6 An interest in coal, oil and gas, or other
- 7 minerals, shall be extinguished twenty years after its
- 8 creation, transfer, or preservation, unless a
- 9 statement of claim is filed in accordance with section
- 10 557C.3, and the ownership shall revert to the person

11 who was then the owner of the interest from which the
12 mineral interest was created, transferred, or
13 preserved. Upon the filing of a statement of claim
14 within the specified period, the mineral interest
15 shall be deemed to have been preserved for an
16 additional period of twenty years, or a shorter period
17 as may be specified in the instrument creating the
18 interest.

19 Sec. 2. NEW SECTION. 557C.2 MINERAL INTEREST —
20 DEFINITION.

21 A mineral interest means an interest created by an
22 instrument which creates or transfers either by grant,
23 assignment, reservation, or otherwise, an interest of
24 any kind in coal, as described in chapter 83, oil and
25 gas, as described in chapter 84, or other minerals, as
26 described in chapter 83A without limitation on the
27 manner of mining the minerals.

28 Sec. 3. NEW SECTION. 557C.3 STATEMENT OF CLAIM -
29 - FILING — REQUIREMENTS.

30 The statement of claim provided in section 1 shall
31 be filed by the owner of the mineral interest prior to
32 the end of the twenty year period set forth in section
33 557C.1 or within three years after July 1, 1986,
34 whichever is later, and shall contain the name and
35 address of the owner of the interest, and a
36 description of the real estate on, or under, which the
37 mineral interest is located. The statement of claim
38 shall be filed in the office of the recorder in the
39 county in which the real estate is located.

40 Sec. 4. NEW SECTION. 557C.4 STATEMENT OF CLAIM -
41 - FILING — RECORDER'S DUTY.

42 Upon the filing of the statement of claim provided
43 for in section 557C.3 in the recorder's office for the
44 county where the real estate on, or under, which the
45 mineral interest exists, is located, the recorder
46 shall record the statement of claim and index it in
47 the claimant's book.

48 Sec. 5. NEW SECTION. 557C.5 WAIVER PROHIBITED.

49 The provisions of this chapter shall not be waived
50 by an agreement of the parties."

Page 2

1 2. Page 1, line 1, by striking the words "Section
2 1" and inserting the following: "Sec. 6".

3 3. Title page, line 1, by inserting after the
4 word "estate" the following: "and the lapse of stale
5 mineral interests".

6 4. By renumbering as necessary.

Jay of Appanoose offered the following amendment H—3536, to amendment H—3401, filed by him from the floor and moved its adoption:

H—3536

- 1 Amend the amendment, H—3401, to House File 618 as
- 2 follows:
- 3 1. Page 1, line 33, by striking the figure "1986"
- 4 and inserting the following: "1991".
- 5 2. Page 1, by inserting after line 47 the
- 6 following:
- 7 "Sec. _____. NEW SECTION. 557C.5 RESERVATION IN
- 8 OTHER CONVEYANCE.
- 9 A reservation of a mineral interest or an exception
- 10 of a mineral interest, contained in a conveyance of
- 11 the interest out of which it is carved, by a nonowner
- 12 of the mineral interest shall not be deemed to satisfy
- 13 the requirements of this chapter or as a revival of a
- 14 mineral interest otherwise extinguished under this
- 15 chapter.
- 16 Sec. _____. NEW SECTION. 557C.6 EXEMPTION.
- 17 The filing of the claim required under section
- 18 557C.3 to preserve the mineral interest shall not be
- 19 required of an owner if the mineral interest was
- 20 separately taxed for real estate tax purposes at any
- 21 time after July 1, 1971."
- 22 3. By renumbering and correcting internal
- 23 references as necessary.

Amendment H—3536 was adopted.

On motion by Jay of Appanoose, amendment H—3401, as amended, was adopted.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 618)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Dvorsky	Eddie	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor

Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Fogarty Presiding

The nays were, 2:

Doderer Hahn

Absent or not voting, 2:

Brammer Plasier

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 8, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 372, a bill for an act relating to child in need of assistance proceedings and certain child abuse registry information.

Also: That the Senate has on March 26, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 390, a bill for an act relating to the reorganization of the disaster services division of the department of public defense by renaming the division, providing for financial assistance, renaming local emergency management commissions and managers, making administrative changes, and making other amendments relevant to the reorganization.

Also: That the Senate has on April 8, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 506, a bill for an act relating to establishing incentive regulation for utilities furnishing communication services.

JOHN F. DWYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 506, by committee on commerce, a bill for an act relating to establishing incentive regulation for utilities furnishing communication services.

Read first time and referred to committee on **commerce**.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 618** be immediately messaged to the Senate.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 8, 1991, he approved and transmitted to the Secretary of State the following bill:

House File 220, an act to create a lien against aircraft and certain aircraft equipment in favor of persons who have installed the equipment in the aircraft and providing priority of the lien against prior lienholders of record, and providing an effective date.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-two sixth grade students from Meservey-Thornton Elementary School, Thornton, accompanied by Alice Hertland. By Bartz of Worth.

Sixty senior students from Central Lyon High School, Rock Rapids, accompanied by Eldon Maxwell and Hank Grant. By De Groot of Lyon.

Eight students from Andrew Community School District, Andrew, accompanied by Joyce Till. By Dickinson of Jackson.

Forty-one fifth grade students from Villisca Elementary School, Villisca. By Harbor of Mills.

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

- 1991-95 Fleetguard, Inc., Lake Mills — For its innovativeness in developing their "Back-to-Basics" employee education program, greatly improving the skills effectiveness and self-esteem of their employees.
- 1991-96 Matthew Monthei, Armstrong — For attaining Eagle Scout, the highest rank in the Boy Scouts of America.
- 1991-97 Dubuque Area Recycling Network, Dubuque — For their efforts to promote recycling in the Dubuque area.
- 1991-98 Vernon "Bud" McLearn, Mediapolis — For his 706-80 record, 21 State Tournament berths, and 2 championships as coach of the girls' basketball team.
- 1991-99 WOI Television Station, Ames — For its substance abuse prevention efforts.
- 1991-100 Munn's Building Center, Ames — The celebration of its Centennial.
- 1991-101 Chet Randolph, Adel — For forty years of service to agriculture.
- 1991-102 Mrs. Ilma Blake, Dallas Center — On the celebration of her 100th birthday.
- 1991-103 Lance Hampton, Mt. Pleasant Community High School — For being named an Outstanding Performer at the Iowa High School Speech Association State Contest.
- 1991-104 Dale Wilt, Mt. Pleasant Community High School — For being named an Outstanding Performer at the Iowa High School Speech Association State Contest.
- 1991-105 Belinda Ford, Mt. Pleasant Community High School — For being named an Outstanding Performer at the Iowa High School Speech Association State Contest.

SUBCOMMITTEE ASSIGNMENTS

House File 630

Ways and Means: Svoboda, Chair; Burke and De Groot.

Senate File 259

Ways and Means: Holveck, Chair; Burke and Renken.

Senate File 323

Natural Resources and Outdoor Recreation: Black, Chair; Diemer and Fogarty.

Senate File 342

Human Resources: Neuhauser, Chair; Carpenter and Nielsen.

Senate File 412

Human Resources: Burke, Chair; Hurley and Mertz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 322

Ways and Means: Groninga, Chair; Bennett and Doderer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 323 Ways and Means

Relating to the imposition of a countrywide equalization levy for tax exempt property to make up for the loss of tax revenues due to property being tax exempt and providing an applicability date.

H.S.B. 324 Commerce

A concurrent resolution relating to the establishment of an interim committee to study the establishment of a statewide one-call notification program.

AMENDMENTS FILED

H-3532	H.F.	683	Hatch of Polk
H-3533	S.F.	317	Shearer of Louisa
H-3534	H.F.	587	Spear of Lee
H-3535	H.F.	609	Hansen of Woodbury
H-3537	H.F.	404	Hanson of Delaware
H-3538	S.F.	356	Connors of Polk
			Hammond of Story
			Carpenter of Polk
H-3539	H.F.	389	Connors of Polk
Bisignano of Polk			Baker of Polk
Renaud of Polk			Neuhauser of Johnson
Pavich of Pottawattamie			Corbett of Linn
Hammond of Story			Iverson of Wright
Brammer of Linn			Hurley of Fayette
H-3540	H.F.	653	Svoboda of Tama
H-3541	H.F.	653	Svoboda of Tama
H-3542	H.F.	653	Svoboda of Tama
H-3543	H.F.	608	Burke of Marshall
H-3544	H.F.	608	Burke of Marshall
H-3545	H.F.	608	Burke of Marshall
H-3546	S.F.	384	Krebsbach of Mitchell
Banks of Plymouth			Grubbs of Scott
Johnson of Clinton			McKean of Jones
Renken of Grundy			Hahn of Muscatine
Iverson of Wright			Corbett of Linn
Millage of Scott			Branstad of Winnebago
Bartz of Worth			

H—3547

H.F. 665

Halvorson of Clayton

On motion by McKinney of Dallas, the House adjourned at 3:10 p.m., until 9:00 a.m., Tuesday, April 9, 1991.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day — Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 9, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by Reverend Roger Dykstra, pastor of the First Lutheran Church, Dows.

The Journal of Monday, April 8, 1991 was approved.

SENATE MESSAGES CONSIDERED

Senate File 372, by committee on human resources, a bill for an act relating to child in need of assistance proceedings and certain child abuse registry information.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 382, by committee on natural resources, a bill for an act relating to rural water districts.

Read first time and **passed on file**.

Senate File 465, by committee on state government, a bill for an act relating to the department of inspections and appeals by creating new licensing and fee requirements for gaming activities.

Read first time and referred to committee on **state government**.

Senate File 525, by committee on agriculture, a bill for an act relating to the regulation of dairy products, providing for the repeal of certain sections, and providing effective dates.

Read first time and **passed on file**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 10, a bill for an act relating to the establishment and registration of elder family homes.

Also: That the Senate has on April 8, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 260, a bill for an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, issue general or essential purpose bonds, and by requiring an election under certain conditions for real property and providing an applicability date.

Also: That the Senate has on April 8, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 491, a bill for an act relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 611, a bill for an act amending the Iowa Uniform Securities Act, by exempting agricultural cooperative associations from certain requirements provided under the Act, providing for the retroactive application of the Act, and providing an effective date, was taken up for consideration.

SENATE FILE 276 SUBSTITUTED FOR HOUSE FILE 611

Bisignano of Polk asked and received unanimous consent to substitute Senate File 276 for House File 611.

Senate File 276, a bill for an act amending the Iowa Uniform Securities Act, by exempting agricultural cooperative associations from certain requirements provided under the Act, providing for the retroactive application of the Act, and providing an effective date, was taken up for consideration.

Kremer of Buchanan offered the following amendment H-3442 filed by him and moved its adoption:

H-3442

- 1 Amend Senate File 276 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 21 through 27, and
- 4 inserting the following:
- 5 "d. Any other entity which is organized on a
- 6 cooperative basis under the laws of this state for the
- 7 purpose of engaging in the activities of an
- 8 agricultural association as defined in section 499.2."
- 9 2. Page 2, line 7, by inserting after the word
- 10 "indebtedness" the following: "and are issued after
- 11 July 1, 1991".

- 12 3. Page 2, by striking lines 8 and 9, and
 13 inserting the following: "administrator a written
 14 notice specifying the name of the".
 15 4. Page 2, line 14, by inserting after the word
 16 "made" the following: "in accordance with such rules
 17 as prescribed by the administrator".

Amendment H—3442 was adopted.

Bisignano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 276)

The ayes were, 96:

Adams	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Baker	Brammer	Chapman	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.

HOUSE FILE 611 WITHDRAWN

Bisignano of Polk asked and received unanimous consent to withdraw House File 611 from further consideration by the House.

Regular Calendar

House File 263, a bill for an act relating to the time of making decisions for and notice of final decisions for increases in tuition, fees, or charges at institutions of higher education under the control of the state board of regents, with report of committee recommending amendment and passage was taken up for consideration.

SENATE FILE 146 SUBSTITUTED FOR HOUSE FILE 263

Neuhauser of Johnson asked and received unanimous consent to substitute Senate File 146 for House File 263.

Senate File 146, a bill for an act relating to the time of making decisions for and notice of final decisions for increases in tuition, fees, or charges at institutions of higher education under the control of the state board of regents, was taken up for consideration.

Neuhauser of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 146)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer

Schrader
Shoultz
Svoboda
Weidman

Shearer
Siegrist
Teaford
Wise

Sherzan
Spear
Tyrrell
Wissing

Shoning
Spenner
Van Maanen
Mr. Speaker
Arnould

The nays were, 1:

Rafferty

Absent or not voting, 3:

Brammer

Groninga

Jochum

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 263 WITHDRAWN

Neuhauser of Johnson asked and received unanimous consent to withdraw House File 263 from further consideration by the House.

House File 664, a bill for an act allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act, was taken up for consideration.

SENATE FILE 422 SUBSTITUTED FOR HOUSE FILE 664

Teaford of Black Hawk asked and received unanimous consent to substitute Senate File 422 for House File 664.

Senate File 422, a bill for an act allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act, was taken up for consideration.

Bisignano of Polk in the chair at 9:31 a.m.

Teaford of Black Hawk asked and received unanimous consent that Senate File 422 be deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 146 and 276**.

House File 662, a bill for an act relating to facilities used to maintain animals, and providing penalties, was taken up for consideration.

Hammond of Story offered the following amendment H-3530 filed by her and Kremer of Buchanan and moved its adoption:

H—3530

- 1 Amend House File 662 as follows:
- 2 1. Page 2, by striking lines 20 through 28, and
- 3 inserting the following: "facility is not open to the
- 4 public, if the person has an intent to do one of the
- 5 following:
- 6 (1) Disrupt an activity conducted at the animal
- 7 facility.
- 8 (2) Destroy property of the animal facility.
- 9 (3) Injure an animal maintained at the animal
- 10 facility."

Amendment H—3530 was adopted.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 662)

The ayes were, 99:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalfe	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Bisignano	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED

(House File 336)

Diemer of Black Hawk called up for consideration the motion to reconsider House File 336, filed on March 5, 1991, and moved to reconsider the vote by which House File 336, a bill for an act to include bats as protected nongame species, failed to pass the House on March 5, 1991.

A non-record roll call was requested.

The ayes were 63, nays 2.

The motion prevailed and the House reconsidered House File 336.

Diemer of Black Hawk asked and received unanimous consent to rerefer **House File 336** to the committee on **natural resources and outdoor recreation**.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 662** be immediately messaged to the Senate.

Regular Calendar

House File 511, a bill for an act relating to the weighting plan to be used to provide funds for the excess costs of instruction of children requiring special education, was taken up for consideration.

SENATE FILE 378 SUBSTITUTED FOR HOUSE FILE 511

Cohoon of Des Moines asked and received unanimous consent to substitute Senate File 378 for House File 511.

Senate File 378, a bill for an act relating to the weighting plan to be used to provide funds for the excess costs of instruction of children requiring special education, was taken up for consideration.

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. 378)

The ayes were, 98:

Adams
Bartz

Arnould, Spkr.
Beaman

Baker
Beatty

Banks
Bennett

Bernau	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Bisignano		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Brammer Muhlbauer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 511 WITHDRAWN

Cohoon of Des Moines asked and received unanimous consent to withdraw House File 511 from further consideration by the House.

Regular Calendar

House File 622, a bill for an act relating to authorizing a spouse to execute a power of attorney instrument sufficient to relinquish homestead rights and surviving spouse's statutory share in the homestead, was taken up for consideration.

SENATE FILE 355 SUBSTITUTED FOR HOUSE FILE 622

Peterson of Carroll asked and received unanimous consent to substitute Senate File 355 for House File 622.

Senate File 355, a bill for an act relating to authorizing a spouse to execute a power of attorney instrument sufficient to relinquish

homestead rights and surviving spouse's statutory share in the homestead, was taken up for consideration.

Peterson of Carroll asked and received unanimous consent that Senate File 355 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 609**, a bill for an act relating to the appointment of the superintendent of banking by providing that an appointee shall not have a conflict of interest, previously deferred.

Hansen of Woodbury offered the following amendment H—3535 filed by him:

H—3535

1 Amend House File 609 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 17.8, Code 1991, is amended to
5 read as follows:

6 17.8 SUPERINTENDENT OF BANKING.

7 The annual report of the superintendent of banking
8 shall cover the year ending June 30 of each year, and
9 shall be filed as soon as practicable after said date
10 and not later than September 1 December 31."

11 2. Page 1, by inserting after line 13, the
12 following:

13 "Sec. _____. Section 524.901, subsection 6, Code
14 1991, is amended to read as follows:

15 6. A state bank may, in the exercise of the powers
16 granted in this chapter, purchase cash value life
17 insurance contracts which may include provisions for
18 the lump sum payment of premiums and which may include
19 insurance against the loss of the lump sum payment.
20 The cash value life insurance contracts purchased from
21 any one company shall not exceed twenty percent of
22 capital and surplus of the state bank and in the
23 aggregate from all companies, shall not exceed twenty-
24 five percent of total equity capital of the state bank
25 unless the state bank has obtained the approval of the
26 superintendent prior to the purchase of any cash value
27 life insurance contract in excess of this limitation.

28 Sec. _____. 1990 Iowa Acts, chapter 1274, unnumbered
29 paragraph 1 after the enacting clause, is amended to
30 read as follows:

31 That the banking laws contained in Code chapter
32 524, as identified by the superintendent of banking,
33 are suspended to the extent that the laws restrict any
34 state or nationally chartered bank located in Iowa or

35 bank holding company owning a bank located in Iowa in
36 the acquisition of savings associations eligible for
37 assistance or their assets or liabilities. Such
38 suspension shall remain in effect until July 1, 1991
39 1992. On and after July 1, 1991 1992, the
40 restrictions in Code chapter 524 shall be applied as
41 though acquisitions made pursuant to this resolution
42 had not been made."
43 3. By renumbering as necessary.

Corbett of Linn rose on a point of order that amendment H—3535 was not germane.

The Speaker ruled the point well taken and amendment H—3535 not germane.

McKinney of Dallas asked and received unanimous consent that House File 609 be deferred and that the bill retain its place on the calendar.

House File 613, a bill for an act changing the definition of targeted small business and providing an effective date, was taken up for consideration.

SENATE FILE 257 SUBSTITUTED FOR HOUSE FILE 613

Groninga of Cerro Gordo asked and received unanimous consent to substitute Senate File 257 for House File 613.

Senate File 257, a bill for an act changing the definition of targeted small business and providing an effective date, was taken up for consideration.

Groninga of Cerro Gordo asked and received unanimous consent that Senate File 257 be deferred and that the bill retain its place on the calendar.

House File 633, a bill for an act relating to solid waste and providing for the appropriation of certain solid waste tonnage fees collected, was taken up for consideration.

Shoultz of Black Hawk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—3551 filed from the floor by Shoultz, Osterberg, Gipp and Holveck as follows:

H—3551

1 Amend House File 633 as follows:

2 1. Page 1, line 15, by striking the figure and
3 word "4. The" and inserting the following: "4. a.
4 One-half of the".

5 2. Page 1, by striking lines 19 through 33 and
6 inserting the following: "shall be allocated to the
7 Iowa waste reduction center at the university of
8 northern Iowa established pursuant to section 268.4,
9 to further implement the by-products and waste search
10 service. The center, in coordination with the
11 department of economic development and the department
12 of natural resources, shall distribute the moneys
13 received through grants to regional economic
14 development centers on a request for proposals basis.
15 The center, in coordination with the department of
16 economic development and the department of natural
17 resources, shall evaluate the proposals submitted and
18 may award grants to an individual regional economic
19 development center in an amount not to exceed thirty
20 thousand dollars. The request for proposal submitted
21 shall include all of the following provisions:

22 (1) The collection of accurate information
23 regarding waste materials and by-products generated by
24 Iowa industries.

25 (2) The locating of potential users of the wastes
26 and by-products identified within the area represented
27 by the regional economic development center, or
28 providing for the transfer of such information to
29 other entities for use in matching potential users
30 with generators of waste materials and by-products.

31 (3) The organization and promotion of networks of
32 comparable types of businesses and industries in order
33 to develop and implement waste reduction practices
34 specific to the particular segment of business or
35 industry identified.

36 (4) The development or utilization of waste
37 reduction training programs for businesses and
38 industries which are predominant in the economic
39 sector of the region and which provide for the
40 dissemination of such programs outside of the region
41 with the assistance of the center, the department of
42 economic development, or the department of natural
43 resources.

44 (5) The identification of new businesses or
45 industries and the expansion of existing businesses or
46 industries based upon the amount, type, and
47 concentration of waste materials and by-products
48 generated.

49 The center shall assist the regional economic
50 development centers receiving grants under this

Page 2

1 subsection in applying for and obtaining additional
2 private and federal funding for supplementation of the
3 state grant moneys received for expansion of the by-
4 product and waste search service program.
5 The center may use not more than ten percent of the
6 moneys allocated to the center for administrative
7 purposes."

8 3. Page 1, by inserting after line 33 the
9 following:

10 "b. One-half of the tonnage fee moneys collected
11 and allocated pursuant to section 455E.11, subsection
12 2, paragraph "a", subparagraph (11), subparagraph
13 subdivision (b), and deposited in the waste volume
14 reduction and recycling fund shall be used by the
15 waste management authority for purposes related to
16 household hazardous waste."

17 4. By renumbering, relettering, and correcting
18 internal references as necessary.

Shoultz of Black Hawk moved the adoption of amendment
H—3551.

A non-record roll call was requested.

The ayes were 57, nays 27.

Amendment H—3551 was adopted.

Carpenter of Polk rose on a point of order and invoked Rule 32
to refer House File 633 to the committee on appropriations.

The Speaker ruled the point well taken, Rule 32 in order and
House File 633 referred to the committee on **appropriations**.

Regular Calendar

House File 621, a bill for an act relating to state programs and
institutions serving persons with mental retardation, developmental
disabilities, or mental illness, was taken up for consideration.

SENATE FILE 345 SUBSTITUTED FOR HOUSE FILE 621

Mertz of Kossuth asked and received unanimous consent to sub-
stitute Senate File 345 for House File 621.

Senate File 345, a bill for an act relating to state programs and
institutions serving persons with mental retardation, developmental
disabilities, or mental illness, was taken up for consideration.

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 345)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Blanshan	Branstad
Brown	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Bisignano
			Presiding

The nays were, none.

Absent or not voting, 4:

Brammer	Brand	Burke	Schrader
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 621 WITHDRAWN

Mertz of Kossuth asked and received unanimous consent to withdraw House File 621 from further consideration by the House.

Regular Calendar

House File 652, a bill for an act relating to securities by regulating transactions involving securities and regulating persons engaged in businesses related to the issuance or trading of securities, and providing penalties, was taken up for consideration.

Speaker Arnould in the chair at 11:09 a.m.

SENATE FILE 520 SUBSTITUTED FOR HOUSE FILE 652

Chapman of Linn asked and received unanimous consent to substitute Senate File 520 for House File 652.

Senate File 520, a bill for an act relating to securities by regulating transactions involving securities and regulating persons engaged in businesses related to the issuance or trading of securities, and providing penalties, was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 520)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Brammer	Brand	Connors	Murphy
Renaud			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 652 WITHDRAWN

Chapman of Linn asked and received unanimous consent to withdraw House File 652 from further consideration by the House.

HOUSE FILE 145 WITHDRAWN

Chapman of Linn asked and received unanimous consent to withdraw House File 145 from further consideration by the House.

Regular Calendar

The House resumed consideration of **House File 216**, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act, previously deferred.

SENATE FILE 131 SUBSTITUTED FOR HOUSE FILE 216

Jay of Appanoose asked and received unanimous consent to substitute Senate File 131 for House File 216.

Senate File 131, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act, was taken up for consideration.

Jochum of Dubuque offered the following amendment H-3491 filed by him:

H-3491

- 1 Amend Senate File 131, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 31, the
- 4 following:
- 5 "Sec. ____ RETROACTIVE APPLICABILITY. This Act is
- 6 retroactively applicable to January 1, 1980, and is
- 7 applicable on and after that date."
- 8 2. By renumbering as necessary.

Poncy of Wapello in the chair at 11:32 a.m.

Jochum of Dubuque moved the adoption of amendment H-3491.

Roll call was requested by Brown of Lucas and Murphy of Dubuque.

On the question "Shall amendment H-3491 be adopted?"
(S.F. 131)

The ayes were, 63:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Chapman
Cohoon	Connors	Corbett	Dickinson
Doderer	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Lundby	McKean	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Wise	Wissing	Poncy	
		Presiding	

The nays were, 35:

Bartz	Beaman	Bennett	Branstad
Carpenter	Daggett	De Groot	Diemer
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. E.	Harbor
Hurley	Iverson	Johnson	Krebsbach
Kremer	Lageschulte	Maulsby	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Renken	Royer	Shoning
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 2:

Banks	Brammer
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Amendment H—3491 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. 131)

The ayes were, 84:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs

Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lundby	McKean	McKinney	McNeal
Mertz	Millage	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Wise	Wissing	Poncy
			Presiding

The nays were, 15:

Bennett	Carpenter	Hahn	Halvorson, R. A.
Harbor	Iverson	Krebsbach	Lageschulte
Maulsby	Metcalf	Miller	Renken
Royer	Van Maanen	Weidman	

Absent or not voting, 1:

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 131** be immediately messaged to the Senate.

HOUSE FILE 216 WITHDRAWN

Jay of Appanoose asked and received unanimous consent to withdraw House File 216 from further consideration by the House.

On motion by McKinney of Dallas, the House was recessed at 12:08 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould 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 9, 1991, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 12, a concurrent resolution relating to Pioneer Lawmakers.

Also: That the Senate has on April 9, 1991, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 20, a concurrent resolution proclaiming National County Government Week and Iowa Local Government Week.

Also: That the Senate has on April 9, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 5, a concurrent resolution relating to the recognition of the thirtieth anniversary of Iowa's sister state relationship with Yamanashi prefecture, Japan.

Also: That the Senate has on April 9, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 6, a concurrent resolution relating to memorializing the United States Congress to support and enact legislation directing federal agencies to disclose information concerning United States armed forces personnel classified as prisoners of war or missing in action.

Also: That the Senate has on April 9, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 14, a concurrent resolution relating to ratification of the United Nations' Convention on the Elimination of All Forms of Discrimination against Women.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 10, by Tinsman, a bill for an act relating to the establishment and registration of elder family homes.

Read first time and referred to committee on **human resources**.

Senate File 260, by committee on local government, a bill for an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, issue general or essential purpose bonds, and by requiring an election under certain conditions for real property and providing an applicability date.

Read first time and referred to committee on **local government**.

Senate File 317, by committee on commerce, a bill for an act relating to the regulation of pay-per-call service and advertisements and providing for the applicability of established penalties.

Read first time and **passed on file**.

Senate File 346, by Varn, a bill for an act relating to payments made pursuant to public contracts.

Read first time and referred to committee on **state government**.

Senate File 390, by committee on state government, a bill for an act relating to the reorganization of the disaster services division of the department of public defense by renaming the division, providing for financial assistance, renaming local emergency management commissions and managers, making administrative changes, and making other amendments relevant to the reorganization.

Read first time and referred to committee on **state government**.

Senate File 491, by committee on commerce, a bill for an act relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties.

Read first time and **passed on file**.

The House stood at ease at 1:20 p.m., until the fall of the gavel.

The House resumed session at 2:55 p.m., Speaker Arnould in the chair.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 9th day of April, 1991: House Files 307, 322 and 344.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

IOWA BUSINESS COUNCIL

The 1991 report and also a report entitled "Labor Supply in Iowa: Policies for Economic Growth."

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifteen Consumer Economics students from Center Point-Urbana High School, Center Point, accompanied by Mrs. Sharyl Stulken. By Brand of Benton and Corbett of Linn.

Eighteen students from Mormon Trail High School, Garden Grove, accompanied by Bill Shwuey. By Brown of Lucas and Daggett of Adams.

Sixty-four 4-H members from Linn County, accompanied by Sandy Teggatz. By Nielsen of Linn.

Forty sixth grade students from Twin Cedars Elementary School, Bussey, accompanied by Mark Law. By Schrader of Marion.

Six Government students from Iowa Western Community College, Council Bluffs, accompanied by Mike Knedler. By Siegrist of Pottawattamie.

Twelve students from Pleasant Hill School, Marshalltown, accompanied by Richard Vubiral. By Svoboda of Tama.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2

Judiciary and Law Enforcement: Knapp, Chair; Brammer, Harbor, Jay and Millage.

Senate File 4

Local Government: Bernau, Chair; Cohoon, Dvorsky, Hanson of Black Hawk and Metcalf.

Senate File 163

Local Government: Muhlbauer, Chair; Baker and Diemer.

Senate File 186

State Government: Peterson of Carroll, Chair; Connors, Garman, Knapp and Krebsbach.

Senate File 210

Judiciary and Law Enforcement: Wissing, Chair; Poncy and Siegrist.

Senate File 269

State Government: Poncy, Chair; Beatty, Knapp, Renken and Tyrrell.

Senate File 294

Agriculture: Fogarty, Chair; Eddie, Hibbard, Johnson, Mertz, Petersen of Muscatine and Svoboda.

Senate File 327

State Government: Teaford, Chair; Bisignano, Carpenter, Poncy and Spenner.

Senate File 377

Judiciary and Law Enforcement: Jay, Chair; Hansen of Woodbury and Millage.

Senate File 411

Commerce: Chapman, Chair; Miller and Halvorson of Webster.

Senate File 452

Agriculture: Gruhn, Chair; Brand and Maulsby.

Senate File 458

Labor and Industrial Relations: Wissing, Chair; Branstad, Connors, McNeal and Sherzan.

Senate File 476

State Government: Halvorson of Webster, Chair; Beatty, Hanson of Delaware, Krebsbach, Pavich, Renken and Teaford.

Senate File 502

Labor and Industrial Relations: Beatty, Chair; Branstad, Gill, Ollie and Rafferty.

Senate File 506

Commerce: Sherzan, Chair; Hansen of Woodbury and Renken.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 323**

Ways and Means: Blanshan, Chair; Adams, Bennett, Carpenter and Murphy.

House Study Bill 324

Commerce: Sherzan, Chair; Gill and Lundby.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Resolution (Formerly House Study Bill 324), a concurrent resolution relating to the establishment of an interim committee to study the establishment of a statewide one-call notification program.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1991.

COMMITTEE ON HUMAN RESOURCES

House Concurrent Resolution 19, a concurrent resolution urging the United States Congress and the President of the United States to establish a health care coverage system for all persons in the United States.

Fiscal Note is not required.

Recommended **Do Pass** and laid over under Rule 25 April 8, 1991.

Senate Concurrent Resolution 13, a concurrent resolution relating to assistive technology and endorsing the efforts of the Iowa Council on Assistive Technology.

Fiscal Note is not required.

Recommended **Do Pass** and laid over under Rule 25 April 8, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 179, a bill for an act relating to the protection of trade secrets and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1991.

Senate File 453, a bill for an act relating to judicial officers having jurisdiction over civil commitment proceedings and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1991.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 419, a bill for an act relating to voting hours for drainage or levee district trustee elections.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Senate File 81, a bill for an act relating to safety procedures required for water skiers and surfboarders and subjecting violators to an existing penalty.

Fiscal Note is not required.

Committee Action: **Failed to Pass** April 8, 1991.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 431), relating to the collection of real property and mobile home taxes, tax sales, tax redemptions, and tax deeds, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 8, 1991.

RESOLUTIONS FILED

HR 13, by Doderer, Hammond, Halvorson of Webster, Dickinson and Svoboda, a resolution urging the Governor to delay proceeding with implementation of the state communications network until the state's financial condition is improved.

Referred to committee on **appropriations**.

SCR 5, by Lloyd-Jones, Boswell, Hagerla, Kramer, Rife and Szymoniak, a concurrent resolution relating to the recognition of the thirtieth anniversary of Iowa's sister state relationship with Yamanashi prefecture, Japan.

Laid over under **Rule 25**.

SCR 6, by Running, a concurrent resolution relating to memorializing the United States Congress to support and enact legislation directing federal agencies to disclose information concerning United States armed forces personnel classified as prisoners of war or missing in action.

Laid over under **Rule 25**.

SCR 14, by Gronstal, a concurrent resolution relating to ratification of the United Nations' Convention on the Elimination of All Forms of Discrimination against Women.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3548	S.F.	257	Baker of Polk
			Groninga of Cerro Gordo
H-3549	H.F.	586	Dvorsky of Johnson
H-3550	H.F.	407	Bartz of Worth
			Neuhauser of Johnson
H-3552	S.F.	382	Dvorsky of Johnson
H-3553	S.F.	505	Brown of Lucas
			Bisignano of Polk
			Jesse of Jasper
			Shearer of Louisa
			Pavich of Pottawattamie
H-3554	S.F.	355	Doderer of Johnson
H-3555	S.F.	257	Spear of Lee
H-3556	H.F.	643	Hansen of Woodbury
H-3557	S.F.	505	Grubbs of Scott
H-3558	S.F.	48	Hanson of Delaware

On motion by McKinney of Dallas, the House adjourned at 2:58 p.m., until 9:00 a.m., Wednesday, April 10, 1991.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day — Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 10, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by the Honorable Rick Dickinson, state representative from Jackson County.

The Journal of Tuesday, April 9, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Osterberg of Linn, from forty Iowans opposing the Department of Natural Resources' decision to flood the Brushy Creek Valley near Fort Dodge.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago on request of Maulsby of Calhoun; Millage of Scott and Rafferty of Scott on request of Van Maanen of Mahaska, all until their arrival.

INTRODUCTION OF BILL

House File 687, by committee on ways and means, a bill for an act relating to the collection and administration of ad valorem property taxes, special assessments, mobile home taxes, and various rates and charges, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 309, a bill for an act relating to maximum lengths of saddle mounted or full mounted power unit combination vehicles and the length of draw bar or other connections on certain towing vehicles.

Also: That the Senate has on April 9, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 385, a bill for an act requiring the state department of transportation to publish an official Iowa map.

Also: That the Senate has on April 9, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 159, a bill for an act requiring the commission on substance abuse to develop a reporting system for substance abuse treatment providers, and providing an effective date.

Also: That the Senate has on April 9, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 278, a bill for an act relating to the salaries paid to chaplains employed in state institutions and providing a retroactive applicability date.

Also: That the Senate has on April 9, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 364, a bill for an act relating to joint investment of funds by public entities.

Also: That the Senate has on April 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 481, a bill for an act relating to voter approval of storm water drainage system projects and providing for retroactive applicability.

Also: That the Senate has on April 9, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 508, a bill for an act relating to energy efficiency by expanding the entities entitled to financial assistance for implementing energy conservation measures, requiring implementation of life cycle cost analyses and providing exemptions from the implementation requirements, requiring the appropriation of abandoned utility refunds and deposits, establishing energy efficiency standards for certain products, establishing various energy efficiency-related programs and projects, and providing for a sales and use tax credit for the purchase of fuel-efficient motor vehicles.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 643, a bill for an act relating to the regulation of pay-per-call service and advertisements and providing for the applicability of established penalties, was taken up for consideration.

SENATE FILE 317 SUBSTITUTED FOR HOUSE FILE 643

Hansen of Woodbury asked and received unanimous consent to substitute Senate File 317 for House File 643.

Senate File 317, a bill for an act relating to the regulation of pay-per-call service and advertisements and providing for the applicability of established penalties, was taken up for consideration.

Hansen of Woodbury asked and received unanimous consent that Senate File 317 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of Senate File 257, a bill for an act changing the definition of targeted small business and providing an effective date, previously deferred.

Spear of Lee offered the following amendment H—3555 filed by him and moved its adoption:

H—3555

- 1 Amend Senate File 257, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "native" the following: "American".

Amendment H—3555 was adopted.

Baker of Polk offered the following amendment H—3548 filed by him and Groninga of Cerro Gordo:

H—3548

- 1 Amend Senate File 257 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 15 the
- 4 following:
- 5 "Sec. _____. Section 73.17, Code 1991, is amended by
- 6 adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. A community college or
- 8 area education agency shall, on a quarterly basis, and
- 9 a school district shall, on an annual basis, review
- 10 the community college's, area education agency's, or
- 11 school district's anticipated purchasing requirements.
- 12 A community college, area education agency, or school
- 13 district shall notify the department of education,
- 14 which shall report to the department of economic
- 15 development, of their anticipated purchases and
- 16 recommended procurements with unit quantities and
- 17 total costs for procurement contracts designated to
- 18 satisfy the targeted small business procurement goal
- 19 not later than August 15 of each fiscal year and
- 20 quarterly thereafter, except that school districts
- 21 shall report annually.
- 22 Sec. _____. Section 73.18, Code 1991, is amended to
- 23 read as follows:
- 24 73.18 NOTICE OF SOLICITATION FOR BIDS —
- 25 IDENTIFICATION OF TARGETED SMALL BUSINESSES.
- 26 The director of each agency or department releasing
- 27 a solicitation for bids or request for proposal under

the targeted small business procurement goal program shall notify the director of the department of economic development prior to or upon release of the solicitation. A community college, area education agency, or school district shall notify the department of education which shall notify the department of economic development prior to or upon release of the release of the solicitation. The director of the department of economic development shall notify the soliciting agency or department, or community college, area education agency, or school district, of any targeted small businesses which have been certified pursuant to section 10A.104, subsection 8, and which may be qualified to bid.

Sec. _____. Section 73.19, Code 1991, is amended to read as follows:

73.19 NEGOTIATED PRICE OR BID CONTRACT.

In awarding a contract under the targeted small business procurement goal program, a director of an agency or department, or community college, area education agency, or school district, having purchasing authority may use either a negotiated price or bid contract procedure. A director of an agency or

Page 2

department, or community college, area education agency, or school district, using a negotiated contract shall consider any targeted small business engaged in that business. The director of the department of economic development or the director of the department of management may assist in the negotiation of a contract price under this section. Surety bonds guaranteed by the United States small business administration are acceptable security for a construction award under this section."

2. Page 1, line 16, by striking the word "This" and inserting the following: "Section 1 of this".

3. Title page, line 1, by inserting after the word "business" the following: ", correcting inconsistent references relating to community colleges', area education agencies', and school districts' participation in the targeted small business procurement provisions,".

4. By renumbering as necessary.

Corbett of Linn rose on a point of order that amendment H—3548 was not germane.

The Speaker ruled the point well taken and amendment H—3548 not germane.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 257)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Brammer	Branstad	Jochum	Millage
Rafferty			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 586, a bill for an act relating to rural water districts, was taken up for consideration.

SENATE FILE 382 SUBSTITUTED FOR HOUSE FILE 586

Dvorsky of Johnson asked and received unanimous consent to substitute Senate File 382 for House File 586.

Senate File 382, a bill for an act relating to rural water districts, was taken up for consideration.

Dvorsky of Johnson offered the following amendment H—3552 filed by him and moved its adoption:

H—3552

1 Amend Senate File 382 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 6, line 27 through page 7,
4 line 16, and inserting the following:

5 "A nonprofit corporation incorporated under the
6 laws of the state of Iowa chapter 504A for the
7 specific purpose of operating a rural water system may
8 petition the supervisors for incorporation of a
9 district, in the manner provided by section 357A.2.
10 The signatures of the corporation's officers on the
11 petition and a resolution adopted by the corporation's
12 board of directors approving the petition shall
13 suffice in lieu of signatures of owners of fifty
14 percent of the land real property in the proposed
15 district, provided if the corporation presents
16 evidence satisfactory to the supervisors that a
17 sufficient number of members of the proposed district
18 will subscribe to benefit units to make its operation
19 feasible. The procedure for hearing and determination
20 of disposition of the petition shall be as provided by
21 this chapter.

22 PARAGRAPH DIVIDED. In any district incorporated
23 upon the petition of a nonprofit corporation, the
24 following procedures shall apply:

25 1. After final approval of the petition by a board
26 of supervisors, the secretary of the corporation shall
27 file a notice with the secretary of state dissolving
28 the nonprofit corporation in accordance with chapter
29 504A.

30 2. Upon filing of the notice, the nonprofit
31 corporation shall cease to exist as a chapter 504A
32 entity and all assets and liabilities of the nonprofit
33 corporation become the assets and liabilities of the
34 newly organized district without a need for any
35 further meetings, voting, notice to creditors, or
36 other actions by the members or board.

37 3. The officers and board of directors of the
38 corporation shall be the officers and board of the
39 district.

40 4. The applicable laws of the state and the
41 articles of incorporation and bylaws of the
42 corporation shall control the initial size and initial
43 term of office of such officers and board, in lieu of
44 sections 357A.7, 357A.9, and 357A.10. At the first

- 45 annual meeting of the participating members and board
 46 of directors; the
 47 5. The district shall bring its operation and
 48 structure in compliance with sections 357A.7 to
 49 357A.10 at the first annual meeting of the
 50 participating members and board of directors."

Amendment H—3552 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. 382)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brand	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 7:

Blanshan	Brammer	Branstad	Jochum
Millage	Osterberg	Rafferty	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 586 WITHDRAWN

Dvorsky of Johnson asked and received unanimous consent to withdraw House File 586 from further consideration by the House.

HOUSE FILE 613 WITHDRAWN

Groninga of Cerro Gordo asked and received unanimous consent to withdraw House File 613 from further consideration by the House.

Regular Calendar

House File 666, a bill for an act relating to the reassignment of duties from the division of children, youth, and families of the department of human rights to the division of child and family services within the department of human services, was taken up for consideration.

SENATE FILE 479 SUBSTITUTED FOR HOUSE FILE 666

Carpenter of Polk asked and received unanimous consent to substitute Senate File 479 for House File 666.

Senate File 479, a bill for an act relating to the reassignment of duties from the division of children, youth, and families of the department of human rights to the division of child and family services within the department of human services, was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 479 be deferred and that the bill retain its place on the calendar.

On motion by McKinney of Dallas, the House was recessed at 9:48 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

SENATE MESSAGES CONSIDERED

Senate File 159, by Szymoniak, a bill for an act requiring the commission on substance abuse to develop a reporting system for substance abuse treatment providers, and providing an effective date.

Read first time and referred to committee on **human resources**.

Senate File 278, by Dieleman, a bill for an act relating to the salaries paid to chaplains employed in state institutions and providing a retroactive applicability date.

Read first time and referred to committee on **state government**.

Senate File 364, by Nystrom, a bill for an act relating to joint investment of funds by public entities.

Read first time and referred to committee on **state government**.

Senate File 481, by committee on judiciary, a bill for an act relating to voter approval of storm water drainage system projects and providing for retroactive applicability.

Read first time and referred to committee on **local government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 245, a bill for an act providing immunity from liability for volunteers.

Also: That the Senate has on April 10, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 496, a bill for an act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties.

JOHN F. DWYER, Secretary

COMMITTEE TO NOTIFY THE SENATE

Poncy of Wapello 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 Poncy of Wapello, Burke of Marshall and Hester of Pottawattamie.

The House stood at ease at 1:16 p.m., until the fall of the gavel.

The House resumed session at 1:35 p.m., Speaker Arnould in the chair.

Poncy of Wapello, 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
FIFTY-FIRST BIENNIAL SESSION
(House Chamber — 1:30 p.m.)**

In accordance with House Concurrent Resolution 12 duly adopted, the joint convention was called to order, President Kibbie presiding.

President Kibbie 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 Doyle of Woodbury and Rittmer of Clinton, on the part of the Senate, and Representatives Chapman of Linn and Kistler of Jefferson, on the part of the House.

The committee escorted the Pioneer Lawmakers into the House chamber.

President Kibbie presented Senator Jean Lloyd-Jones of Johnson, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kibbie 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 Kibbie presented Representative Harbor of Mills who responded to the welcome.

Representative Harbor announced the 1971-1972 class of legislators who were eligible to become members of the Pioneer Lawmakers; and introduced James B. West, a thirty year veteran of the third House, who was awarded honorary membership in the Pioneer Lawmakers Association.

President Kibbie presented The Honorable Ralph McCartney, Chief Judge of the Second Judicial District, Charles City, Iowa, and former member of the Senate and House of Representatives, who addressed the joint convention as follows:

What do you say to a group that has heard it all before? Some things did occur to me that I'd like to mention.

First of all, these present and past legislators constitute, I think, a very select and honored group. I don't know the statistics but my guess is there aren't over fifteen hundred people in the state of Iowa at any one time, living people, who have had the honor and the privilege of representing the citizens of this grand state of ours. In other words, a great amount of faith and trust has been reposed in the hands of the legislators over the years. I think that it's about the highest honor that the public can bestow, to ask you to come here and serve.

The service is unique. I don't know of any job that's really comparable to being a lawmaker. It is unique, and as I used to tell Bill Gannon — I don't know if he's here today or not — "Bill, ours is a strange and unique relationship. You're strange and I'm unique." He didn't think it was very funny either at the time. Bill was the leader of the honorable opposition when I served here in this chamber.

There are some things though, that are comparable. I said it's unique, but there are some things that are comparable to service on the bench. I've been on the bench, now, going on thirteen years and I'm currently serving as Chief Judge of our judicial district, so I've seen a lot of it too, if not all of it.

You have to judge between various points of view and attitudes, you have to listen to arguments, and you have to decide. But, there are some dissimilarities, too, between what I'm doing now and what I used to do here in this chamber and in the Senate.

No one interrupts me anymore. In the courtroom, nobody rises to a point of order. Nobody makes a point of personal privilege in the courtroom, and frankly that's not all bad. I do have one caveat, please keep in mind that after you go home the citizens of the state have to deal with the legislation that you've enacted.

The other thing, and I think Bill alluded to it or possibly Jack Kibbie, the friendships that you make. I've created some deep and lasting friendships out of my service here. I see so many friends that I haven't had a chance to visit with. That's the real perk of this office. I don't know of any phase in my life where I've made more good, decent, friends than I did in my years here in the legislature and I'm most proud of that and I know you all share that same thought. As time goes by the disputes, the problems, the disagreements, fade. You don't think about them, they're transitory. What stays is the bedrock of the service and of the people that you've met and still know.

I talked to Bill Harbor, "What do I talk about, what's this all about? I don't recall, frankly, a joint session of the general assembly with the Pioneer Lawmakers. I do remember the Memorial Services. But then it may be just my memory, which a number of people have said plays mean tricks sometimes." I do have some things in mind, though, I'd like to share with you, but they all concern the Pioneer members who are still active.

I would be remiss if I didn't mention Richard Drake as a freshman legislator here in this chamber, dozing quietly at his desk until somebody would mention migrant workers or tomato fields in Muscatine County. That would get Drake's attention. That, or any talk of a bridge, and guess where that was to be located?

George Kinley was a first-term member of the Senate when I was in there. George cut so many deals that he got lost. So help me, Art Neu called me in and said, "Would you sit down with George and help him get it straightened out?", and I did. You're going to find this hard to believe, but I saw Chuck Grassley rendered speechless in a debate with Joan Lipsky. I never saw such a putdown. He slammed his mike down so hard that we had to get a technician to come in and repair it. Bill Harbor in the chair for eleven hours in a reapportionment debate in 1970. When I went to the Senate Berl Priebe asked me how many cattle we had on feed in Floyd County. I think Berl thought that voting in the Senate was done on a proportional basis, based upon that fact. So far as I know, he probably still believes that.

Jack Nystrom and Bill Palmer were always most helpful in matters of pension legislation. If you had a question, they'd share their knowledge with you. It was true of Don Doyle in the judiciary committee. Wally Horn was quite knowledgeable in school problems at that time. I could go on and on but I'm trying to touch on the people that are still active here. Charles Poncy, another good friend, who was helpful.

I surely hope that Bill Rabedaux is present because I'm going to tell the story whether he is or not. Many of you remember Lloyd Smith who was State Auditor. Lloyd was one of a kind. I was in the cafeteria one morning talking to several newsmen, including Jim Flansberg, and Lloyd came over as was his wont, a very cordial fellow and started to visit. Flansberg said, "Well, have you heard the latest rumor?" to Smith. "No, he hadn't," he said. "Well, Bill Rabedaux is really upset with your office and he's thinking of running against you in the primary." If anything would set off Lloyd Smith, it would be the threat of some opposition. Flansberg turned to me and said, "Have you heard it?" Well I could honestly say yes because I had just heard it. So, I said "Yes, I've heard that rumor." Of course it wasn't true, it was made out of hole cloth, but I went up to the Senate chamber then and within fifteen minutes there was Lloyd and he had Bill Rabedaux cornered. I watched Rabedaux's face and there was perplexity, questioning, some confusion and finally anger. Of course, he headed right for me because he knew if something happened to Rabedaux, McCartney was probably involved in it. Well, I denied it then, I deny it today. I simply told the truth, I had heard that rumor and told Lloyd Smith that I had heard it. But, I got the blame.

Some things never change. I noticed that David Yepsen and Flansberg still haven't found honest employment, they're still writing for the Des Moines Register. Some things do change, I ran for the Senate in 1972. I dug up some old papers, documents, and it still shocks me. I spent almost \$1,200 on that election campaign. I read the papers and know what it takes today and I'm sure we all agree it's tough duty. To be responsible to the public and to still get the necessary funds to be elected, which after all, President Roosevelt said, is the first duty of any politician, you've got to get elected.

Bob Rigler and I both left the legislature about the same time. I visited with Bob, of course we only live about eighteen miles apart. Bob's reaction to leaving the legislature was one of, I think, not a depression but he really missed it the first year or so and then he moved on. My reaction was totally the opposite. I didn't miss it at all, but after a year or so I started to wish I had stood for reelection. There are times I deeply miss not being in the legislature, this year simply doesn't happen to be one of those times. I don't envy the tasks that are set before you, but I have faith in the institution and in the people and I know the tasks are going to be solved and they're going to be solved in the total public interest. I know they're going to be solved fairly and without any permanent rancor. That's the history of our general assembly in the years past and I'm sure that will be extended into the future.

These are random thoughts. I hope that I've had something of merit to say. It's so good to see all of you. Again, thank you for allowing me to share with you this afternoon. I hope to see you after the conclusion.

Thank you.

Representative Peterson of Carroll sang "Promise Me You'll Remember" the theme from "Godfather III," accompanied by Jo Masters Hanson.

Muhlbauer of Crawford moved that the joint convention be now dissolved at 2:14 p.m., which motion prevailed.

The House reconvened at 2:15 p.m., Connors of Polk in the chair.

The House stood at ease at 2:16 p.m., until the fall of the gavel.

The House resumed session at 2:30 p.m., Connors of Polk in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, for the remainder of the day and April 11 and 12, on request of Van Maanen of Mahaska.

CONSIDERATION OF BILLS Ways and Means Calendar

House File 684, a bill for an act relating to the administration of the individual income tax, by providing uniformity in the priority of the various income tax credits; specifying that the incomes covered in the government pension exclusion are considered for purposes of determining if taxpayers qualify for total exemption from tax; providing that qualification for the tuition and textbook deduction and the tuition and textbook credit is based on taxpayers' net incomes instead of their federal adjusted gross incomes; providing for revision in the computation of the child and dependent care credit and allocation of the credit between married taxpayers and nonresidents and part-year resident taxpayers; relating to the penalty for delinquent payment of fuel taxes resulting from a check given in payment but not honored because of insufficient funds; relating to access to confidential tax information by certain persons and the application of confidentiality laws of the state; relating to penalty provisions on the filing of certain tax returns and failure to submit payment of taxes as required by the rules of the director of revenue and finance; relating to the due date for income tax returns for nonprofit corporations subject to the unrelated business income tax; relating to use tax on vehicles subject to registration or only subject to the issuance of title; relating

to the exemption from inheritance tax of the share of the estate passing to the surviving spouse; relating to payment of interest to taxpayers owed refunds for inheritance tax; relating to payment of refunds of the environmental protection charge; and providing effective dates, was taken up for consideration.

SENATE FILE 356 SUBSTITUTED FOR HOUSE FILE 684

Holveck of Polk asked and received unanimous consent to substitute Senate File 356 for House File 684.

Senate File 356, a bill for an act relating to the administration of the individual income tax, by amending the requirement that each tax return include two voter registration forms; providing uniformity in the priority of the various income tax credits; specifying that the incomes covered in the government pension exclusion are considered for purposes of determining if taxpayers qualify for total exemption from tax; providing that qualification for the tuition and textbook deduction and the tuition and textbook credit is based on taxpayers' net incomes instead of their federal adjusted gross incomes; providing for revision in the computation of the child and dependent care credit and allocation of the credit between married taxpayers and non-residents and part-year resident taxpayers; relating to the penalty for delinquent payment of fuel taxes resulting from a check given in payment but not honored because of insufficient funds; relating to access to confidential tax information by certain persons and the application of confidentiality laws of the state; relating to penalty provisions on the filing of certain tax returns and failure to submit payment of taxes as required by the rules of the director of revenue and finance; relating to the due date for income tax returns for nonprofit corporations subject to the unrelated business income tax; relating to use tax on vehicles subject to registration or only subject to the issuance of title; relating to the exemption from inheritance tax of the share of the estate passing to the surviving spouse; relating to payment of interest to taxpayers owed refunds for inheritance tax; relating to payment of refunds of the environmental protection charge; and providing effective dates, was taken up for consideration.

Holveck of Polk asked and received unanimous consent that Senate File 356 be deferred and that the bill retain its place on the calendar.

Regular Calendar

House File 628, a bill for an act relating to federal-state public assistance programs, was taken up for consideration.

SENATE FILE 470 SUBSTITUTED FOR HOUSE FILE 628

Nielsen of Linn asked and received unanimous consent to substitute Senate File 470 for House File 628.

Senate File 470, a bill for an act relating to federal-state public assistance programs, was taken up for consideration.

Nielsen 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. 470)

The ayes were, 88:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Corbett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Teaford
Van Maanen	Weidman	Wissing	Connors
			Presiding

The nays were, 3:

Maulsby	Rafferty	Renken
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Absent or not voting, 9:

Arnould, Spkr.	Brammer	Chapman	Daggett
Eddie	McKean	Shoultz	Tyrrell
Wise			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 628 WITHDRAWN

Nielsen of Linn asked and received unanimous consent to withdraw House File 628 from further consideration by the House.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 10, 1991. Had I been present, I would have voted "aye" on Senate Files 257 and 382.

BRANSTAD of Winnebago

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty-two fifth grade students from Westridge Elementary School, West Des Moines, accompanied by Elaine Hoke-Hoffman. By Carpenter of Polk.

SUBCOMMITTEE ASSIGNMENTS

Senate File 138

Education: Wise, Chair; Cohoon and Siegrist.

Senate File 260

Local Government: Connors, Chair; Iverson and Mertz.

Senate File 290

Education: Shearer, Chair; Daggett and Ollie.

Senate File 332

Transportation: Chapman, Chair; Gruhn and Maulsby.

Senate File 372

Judiciary and Law Enforcement: Hibbard, Chair; Bisignano, Harbor, Hurley and Peterson of Carroll.

Senate File 444

Judiciary and Law Enforcement: Sherzan, Chair; Beatty, Hurley, Kremer and Peterson of Carroll.

Senate File 446

Energy and Environmental Protection: Bernau, Chair; Adams and Banks.

Senate File 465

State Government: Pavich, Chair; Lundby and Teaford.

Senate File 495

Judiciary and Law Enforcement: Sherzan, Chair; Beatty, Hurley, Kremer and Peterson of Carroll.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 203.1 Revised Ways and Means

Relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes and providing retroactive applicability and effective dates.

H.S.B. 325 Ways and Means

Relating to the collection of delinquent criminal fines by counties.

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

Senate File 184, a bill for an act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3562** April 9, 1991.

Senate File 268, a bill for an act establishing and allocating moneys to the arts and cultural enhancement and endowment program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3563** April 9, 1991.

Senate File 314, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates.

Fiscal Note is not required.

Committee Action: **Failed to Pass** April 9, 1991.

Committee Resolution (Formerly House Study Bill 310), a joint resolution to nullify an administrative rule of the department of education relating to the prohibition on corporal punishment and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Senate File 46, a bill for an act relating to aboveground petroleum tanks and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3580 April 9, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 102, a bill for an act eliminating the requirement that the clerk of the district court file an annual report with the treasurer of state on certain fines, penalties, forfeitures, and recognizances.

Fiscal Note is not required.

Recommended Do Pass April 10, 1991.

Senate File 210, a bill for an act relating to agreements by physicians restricting professional practices, providing that such agreements violate public policy, and providing effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3581 April 10, 1991.

Senate File 213, a bill for an act relating to probate code provisions with respect to testamentary trusts, investments by fiduciaries, conservatorships, and the distribution of decedents' property by affidavit.

Fiscal Note is not required.

Recommended Do Pass April 10, 1991.

Senate File 444, a bill for an act relating to law enforcement, victim services, and domestic abuse, establishing certain training and certification requirements, establishing and increasing certain criminal penalties, imposing mandatory minimum sentences, establishing a domestic abuse services fund, establishing an income tax check-off for domestic abuse, increasing certain court costs and fees, eliminating certain court costs, requiring batterers treatment by offenders, establishing a pilot program, and containing effective date and applicability provisions.

Fiscal Note is not required.

Recommended Do Pass April 10, 1991.

Senate File 495, a bill for an act relating to the ability of a mentally disabled person to obtain a marriage license or an annulment, and findings by the court in guardianship proceedings concerning capacity to contract a valid marriage.

Fiscal Note is not required.

Recommended Do Pass April 10, 1991.

House Resolution 12, a resolution honoring the founders of the National Bar Association.

Fiscal Note is not required.

Recommended Do Pass and laid over under Rule 25 April 10, 1991.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 503, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code concerning occupational safety and health penalties, boiler inspections, child labor laws, and out-of-state contractor bonding requirements.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3571 April 9, 1991.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 163, a bill for an act relating to proposed city public improvements which require sealed competitive bids.

Fiscal Note is not required.

Committee Action: Failed to Pass April 10, 1991.

Senate File 488, a bill for an act relating to the appointment of the clerk or secretary to a city civil service commission.

Fiscal Note is not required.

Recommended Do Pass April 10, 1991.

COMMITTEE ON STATE GOVERNMENT

Senate File 193, a bill for an act relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science examiners, prohibiting the practice of marital and family therapy and mental health counseling without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, providing for a temporary waiver of certain licensing requirements, and providing other properly related matters.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3566 April 9, 1991.

Senate File 273, a bill for an act authorizing a class "B" wine permittee who also holds a class "E" liquor control license to sell wine to liquor control licensees.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3565 April 9, 1991.

Senate File 326, a bill for an act exempting members, employees, and the secretary of the board of trustees for the statewide fire and police retirement system from certain liabilities, providing per diem compensation for board members, appropriating funds to the board, changing the date for completion of an actuarial study, providing that certain cities that did not participate in a chapter 411 retirement system as of May 3, 1990, are not required to participate in the statewide system, and providing retroactive applicability and effective date provisions.

Fiscal Note is not required.

Recommended Do Pass April 9, 1991.

Senate File 383, a bill for an act relating to the installation of smoke detectors in multiple-unit residential buildings and single-family dwellings and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1991.

Senate File 389, a bill for an act relating to the department of human rights commission of Latino affairs and commission on the status of blacks.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1991.

COMMITTEE ON TRANSPORTATION

Senate File 231, a bill for an act allowing the issuance of personalized collegiate registration plates for motor vehicles and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1991.

Senate File 331, a bill for an act extending traffic enforcement authority to mobile home parks.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1991.

Senate File 338, a bill for an act relating to movement of indivisible loads of excessive size and weight and increasing the fee for escort services.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3574** April 9, 1991.

Senate File 454, a bill for an act authorizing the state department of transportation to contract for a light rail study.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1991.

AMENDMENTS FILED

H-3559	S.F.	465	Garman of Story
H-3560	H.F.	680	Halvorson of Webster
			Kremer of Buchanan
H-3561	S.F.	311	Halvorson of Webster
			Kremer of Buchanan
H-3562	S.F.	184	Committee on Education
H-3563	S.F.	268	Committee on Education
H-3564	H.F.	385	Senate Amendment

H-3565	S.F.	273	Committee on State Government
H-3566	S.F.	193	Committee on State Government
H-3567	S.F.	479	Spear of Lee
H-3568	S.F.	479	Spear of Lee
H-3569	S.F.	479	Spear of Lee
H-3570	S.F.	479	Spear of Lee
H-3571	S.F.	503	Committee on Labor and Industrial Relations
H-3572	S.F.	356	Holveck of Polk Groninga of Cerro Gordo
H-3573	S.F.	505	Connors of Polk Pavich of Pottawattamie Wissing of Scott Murphy of Dubuque Shoning of Woodbury
H-3574	S.F.	338	Renaud of Polk Bisignano of Polk Committee on Transportation
H-3575	S.F.	476	Connors of Polk Wissing of Scott Renaud of Polk Bisignano of Polk Pavich of Pottawattamie Murphy of Dubuque Shoning of Woodbury
H-3576	S.F.	505	McNeal of Hardin
H-3577	H.F.	607	Halvorson of Webster
H-3578	S.F.	268	Shearer of Louisa
H-3579	H.F.	512	Nielsen of Linn
H-3580	S.F.	46	Committee on Energy and Environmental Protection
H-3581	S.F.	210	Committee on Judiciary and Law Enforcement
H-3582	H.C.R.	19	Hammond of Story
H-3583	H.F.	687	Royer of Page

On motion by McKinney of Dallas, the House adjourned at 2:48 p.m., until 9:00 a.m., Thursday, April 11, 1991.

JOINT MEMORIAL SERVICE

Invocation Senator H. Kay Hedge

"Love Divine" Wesley & Beecher
Jennifer Whitmire and Tony Ladehoff, accompanied by Dorothy Callaway

MEMORIALS—SENATE

Reading: Senator Eugene S. Fraise

MEMORIALS—HOUSE

Reading: Representative Daniel Fogarty

MEMORIALS—SENATE

Reading: Senator Linn Fuhrman

MEMORIALS—HOUSE

Reading: Representative Dave Osterberg,

"Heaven Came Down and Glory Filled My Soul" John W. Peterson
Mens' Quartet: Senators Jack Hester, Jim Riordan, Harry Slife and Ray Taylor,
accompanied by Senator Mary Kramer

MEMORIALS—HOUSE AND SENATE

Reading: Senator Elaine Szymoniak

Reading: Senator Linn Fuhrman

Reading: Senator George Kinley

"My Tribute" Andrae Crouch
Harriet Vande Hoef, accompanied by Senator Mary Kramer

MEMORIALS—HOUSE

Reading: Representative Mark S. Shearer

MEMORIALS—SENATE

Reading: Senator Eugene S. Fraise

MEMORIALS—HOUSE

Reading: Representative Daniel Fogarty

MEMORIALS—SENATE

Reading: Senator H. Kay Hedge

"Because He Lives" Gloria Gaither and William J. Gaither
Mixed Quartet: Senator and Mrs. Ray Taylor, Harriet Vande Hoef and
Senator Harry Slife, accompanied by Senator Mary Kramer

IN MEMORIAM**SERVED IN THE HOUSE OF REPRESENTATIVES AND SENATE**

Honorable Robert D. Blue (Wright County) House—46th, 47th, 48th and 49th.
(Wright County) Senate—50th.

Honorable Elmer F. Lange (Sac County) House—59th, 60th and 60x. (Sac County)
Senate—61st, 62nd and 63rd.

Honorable George F. Milligan (Polk County) House—63rd. (Polk County) Senate
64th and 65th.

Honorable Howard C. Reppert, Jr. (Polk County) House—56th, 57th, 58th, 60th
and 60x. (Polk County) Senate—61st and 62nd.

Honorable Carl H. Ringgenberg (Story County) House—54th, 55th and 56th. (Story
County) Senate—57th and 58th.

Honorable Earl M. Willits (Polk County) House—64th. (Polk County) Senate—
65th, 66th, 67th and 68th.

SERVED IN THE SENATE

Honorable Tom Dailey (Des Moines County) 54th, 55th, 56th and 57th.

Honorable Pearle P. DeHart (Story County) 62nd and 63rd.

Honorable Alden Erskine (Woodbury County) 62nd and 63rd.

Honorable Stanley M. Heaberlin (Marion County) 61st and 62nd.

Honorable Dewey B. Phelps, Sr. (Henry County) 59th and 60th.

Honorable Forrest V. Schwengels (Jefferson County) 65th, 66th, 67th, 68th, 69th,
70th, 71st and 72nd.

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Charles C. Ayres, Jr. (Wapello County) 46th.

Honorable Paul W. Eggers (Marion County) 58th.

Honorable La Mar P. Foster (Cedar County) 45th, 45x, 46th, 46x and 47th.

Honorable Lester L. Kluever (Cass County) 57th, 58th, 59th, 60th, 60x, 61st, 62nd
and 63rd.

Honorable Arnold R. Lindeen (Henry County) 66th and 67th.

Honorable Raymond J. Miller (Dubuque County) 62nd.

Honorable Edward Norland (Palo Alto County) 56th.

Honorable Robert L. Oeth (Dubuque County) 54th.

Honorable George N. Pierson (Mahaska County) 62nd, 63rd and 64th.

Honorable Stanley T. Shepherd (Lee County) 62nd and 63rd.

Honorable Elmer Vermeer (Marion County) 55th, 56th, 57th, 59th and 60th.

Honorable James C. West (Marshall County) 65th, 66th, 67th, 67x and 68th.

CANDLELIGHTERS

Senator Jack Hester
Senator Sheldon Rittmer
Representative Clay Spear
Representative Gordon Burke

HOSTS

Senator Florence Buhr
Senator Donald Doyle
Senator Sheldon Rittmer
Representative Clay Spear
Representative Gordon Burke
Representative Don Knapp

HOUSE MEMORIAL COMMITTEE

Honorable Mark Shearer, Chair
Honorable Pat Murphy
Honorable Brad Banks
Honorable Kenneth De Groot

SENATE MEMORIAL COMMITTEE

Honorable Wally E. Horn, Chair
Honorable Donald V. Doyle
Honorable H. Kay Hedge
Honorable Sheldon Rittmer

Piano compliments of Critchett Piano and Organ Co., Inc., Des Moines

Flowers arranged by The Bloomin' Greenery, Indianola, Iowa

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day — Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 11, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by Reverend John Quam, pastor of the First Lutheran Church, Manchester.

The Journal of Wednesday, April 10, 1991 was approved.

INTRODUCTION OF BILL

House Joint Resolution 9, by committee on education, a joint resolution to nullify an administrative rule of the department of education relating to the prohibition on corporal punishment and providing an effective date.

Read first time and placed on the **calendar**.

SENATE MESSAGES CONSIDERED

Senate File 245, by Borlaug, a bill for an act providing immunity from liability for volunteers.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 496, by committee on judiciary, a bill for an act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 508, by committee on environment and energy utilities, a bill for an act relating to energy efficiency by expanding the entities entitled to financial assistance for implementing energy conservation measures, requiring implementation of life cycle cost analyses and providing exemptions from the implementation requirements, requiring the appropriation of abandoned utility refunds and deposits, establishing energy efficiency standards for certain products, establishing various energy efficiency-related programs and projects, and providing for a sales and use tax credit for the purchase of fuel-efficient motor vehicles.

Read first time and referred to committee on energy and environmental protection.

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 9, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 274, a bill for an act relating to the omission of nullified administrative rules from the Iowa administrative code.

Also: That the Senate has on April 11, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 336, a bill for an act relating to the historical resource development program.

Also: That the Senate has on April 11, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 484, a bill for an act relating to operating a motor vehicle while under the influence by eliminating the restitution limit.

JOHN F. DWYER, Secretary

MOTION TO WITHDRAW FROM COMMITTEE LOST

Iverson of Wright invoked Rule 60, to withdraw House Joint Resolution 5, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments, from the committee on ways and means.

Roll call was requested by Iverson of Wright and Peterson of Carroll.

Rule 75 was invoked.

On the question "Shall the motion to withdraw from committee prevail?" (H.J.R. 5)

The ayes were, 43:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	De Groot
Diemer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Harbor	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Rafferty	Renken
Royer	Shoning	Siegrist	Spenner
Tyrrell	Van Maanen	Weidman	

The nays were, 53:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Spear	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 4:

Brammer	Daggett	Plasier	Svoboda
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The motion to withdraw lost.

CONSIDERATION OF BILLS

Regular Calendar

House File 108, a bill for an act relating to participation in athletic conferences by accredited nonpublic schools and public school districts, and providing for mediation and final action by the director if mediation fails, with report of committee recommending amendment and passage was taken up for consideration.

Wise of Lee offered the following amendment H—3068 filed by the committee on education and moved its adoption:

H—3068

- 1 Amend House File 108, as follows:
- 2 1. Page 1, by striking line 2 and inserting the
- 3 following: "SCHOOL AND SCHOOL DISTRICT PARTICIPATION
- 4 — DISAGREEMENTS".
- 5 2. Page 1, line 12, by inserting after the word
- 6 "education," the following: "pursuant to rules
- 7 adopted by the state board of education,".
- 8 3. By striking page 1, line 16, through page 2,
- 9 line 12, and inserting the following:
- 10 "2. An accredited public or nonpublic school shall
- 11 not enter into an athletic scheduling or conference
- 12 contract or agreement with another accredited public
- 13 or nonpublic school or schools that unfairly excludes
- 14 or prevents another accredited public or nonpublic
- 15 school from participating in athletic events or
- 16 contests with schools of comparable size and in close
- 17 geographic proximity. The state board of education

18 shall adopt rules which define when an agreement
19 unfairly excludes or prevents a school from
20 participating in athletic events or contests. Rules
21 adopted shall include, but are not limited to,
22 situations where a school evidences an express intent
23 to prevent another school of comparable size and close
24 geographic proximity from participating in athletic
25 events or contests with the school.

26 3. An accredited public or nonpublic school which
27 believes that it has been unfairly excluded or
28 prevented from participating in athletic events or
29 contests with schools of comparable size and in close
30 geographic proximity by another accredited school or
31 schools may file a request for hearing with the
32 director of the department of education in accordance
33 with the procedures contained in chapter 17A. In the
34 request for hearing the complaining school shall
35 identify the school or schools which have caused the
36 situation to arise and indicate any requested relief.
37 At the hearing, if the director, or the director's
38 designee, determines that the school has been unfairly
39 excluded or prevented from participating in athletic
40 events or contests with schools of comparable size and
41 in close geographic proximity, the director or the
42 director's designee may place the school in a local
43 athletic conference, or take other appropriate action
44 to remedy the situation. In determining what action
45 is appropriate to remedy the situation, the director,
46 or the director's designee, shall consult with and may
47 rely on any recommendations made by any appropriate
48 athletic organization which is regulated under section-
49 280.13. If a designee of the director hears the
50 matter, the findings of the director's designee shall

Page 2

1 be reviewed by and are subject to the approval of the
2 director."

3 4. Title page, by striking lines 3 and 4, and
4 inserting the following: "providing for rulemaking by
5 the state board of education and for hearing and final
6 action by the director of the department of education
7 under certain circumstances."

The committee amendment H—3068 was adopted.

McKinney of Dallas asked and received unanimous consent that House File 108 be deferred and placed on the calendar under unfinished business.

House File 607, a bill for an act relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties, was taken up for consideration.

SENATE FILE 491 SUBSTITUTED FOR HOUSE FILE 607

Halvorson of Webster asked and received unanimous consent to substitute Senate File 491 for House File 607.

Senate File 491, a bill for an act relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties, was taken up for consideration.

Halvorson of Webster asked and received unanimous consent that Senate File 491 be deferred and that the bill retain its place on the calendar.

Unfinished Business Calendar

McKinney of Dallas asked and received unanimous consent that House File 87 be deferred and placed on the calendar under unfinished business.

Ways and Means Calendar

House File 683, a bill for an act relating to the establishment of a toxics pollution prevention program, providing for the imposition of toxics pollution prevention and air contaminant source fees, and providing a penalty, was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that House File 683 be deferred and placed on the calendar under unfinished business.

Regular Calendar

House File 680, a bill for an act requiring registration of persons located outside of this state who issue credit cards, providing for an examination fee, and providing a penalty, was taken up for consideration.

SENATE FILE 311 SUBSTITUTED FOR HOUSE FILE 680

Halvorson of Webster asked and received unanimous consent to substitute Senate File 311 for House File 680.

Senate File 311, a bill for an act requiring registration of persons

located outside of this state who issue credit cards, providing for an examination fee, and providing a penalty, was taken up for consideration.

Halvorson of Webster asked and received unanimous consent that Senate File 311 be deferred and that the bill retain its place on the calendar.

House File 512, a bill for an act relating to the accreditation process for schools and school districts, was taken up for consideration.

SENATE FILE 313 SUBSTITUTED FOR HOUSE FILE 512

Nielsen of Linn asked and received unanimous consent to substitute Senate File 313 for House File 512.

Senate File 313, a bill for an act relating to the accreditation process for schools and school districts, was taken up for consideration.

Ollie of Clinton offered the following amendment H—3526 filed by him and moved its adoption:

H—3526

- 1 Amend Senate File 313, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by inserting after line 6 the
- 4 following:
- 5 "Sec. ____ MANDATE REVIEW. The department of
- 6 education shall review all functions that school
- 7 districts are required to perform in order to receive
- 8 state or local funds or to remain accredited. The
- 9 department shall evaluate the utility of and the need
- 10 for each of the functions and assign a priority to
- 11 each function that reflects whether the function must
- 12 be retained, could be modified or combined with other
- 13 functions, or is no longer necessary and can be
- 14 abolished. The department shall submit its review,
- 15 along with the evaluation of functions and assignment
- 16 of priorities, in a report to the general assembly by
- 17 January 1, 1993."
- 18 2. By renumbering as necessary.

Amendment H—3526 was adopted.

Nielsen of Linn offered the following amendment H—3522 filed by her and moved its adoption:

H—3522

- 1 Amend Senate File 313, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 6 and 7.

Amendment H—3522 was adopted.

Nielsen 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. 313)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 2:

Brammer Daggett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 512 WITHDRAWN

Nielsen of Linn asked and received unanimous consent to withdraw House File 512 from further consideration by the House.

On motion by McKinney of Dallas, the House was recessed at 10:47 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 688, by committee on ways and means, a bill for an act relating to health insurance reforms by limiting small group premium rating practices, increasing access to affordable basic benefits health insurance, and authorizing certain premium credits and tax exemptions for qualifying health insurance plans and insureds.

Read first time and placed on the **ways and means calendar**.

House File 689, by committee on ways and means, a bill for an act relating to the establishment of joint water utilities and their tax status.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 336, by committee on state government, a bill for an act relating to the historical resource development program.

Read first time and referred to committee on **state government**.

Senate File 484, by committee on judiciary, a bill for an act relating to operating a motor vehicle while under the influence by eliminating the restitution limit.

Read first time and referred to committee on **judiciary and law enforcement**.

MOTION TO RECONSIDER

(Senate File 470)

I move to reconsider the vote by which Senate File 470 passed the House on April 10, 1991.

GRUBBS of Scott

PRESENTATION OF VISITORS

Kistler of Jefferson presented to the House the Honorable George Swearingen and his wife, Marian. Mr. Swearingen is a former member of the House representing Keokuk County.

The Speaker announced that the following visitors were present in the House chamber:

Forty-five junior high students from Colo-Nesco High School, Colo, accompanied by Steve Lively and Steve Buhrow. By Bernau and Garman of Story.

Three high school students from Jefferson High School, Jefferson. By Blanshan of Greene.

Fifty-six fifth grade students from Madrid Elementary School, Madrid. By Blanshan of Greene.

Fifty-two fifth grade students from Westridge Elementary School, West Des Moines, accompanied by Miss Ehlert. By Carpenter of Polk.

Seven junior high students from Lamoni Junior-Senior High School, Lamoni, accompanied by Brad Kunecke. By Daggett of Adams.

Sixty-five fifth grade students from Oak Park Elementary School, Des Moines, accompanied by Sue Renaud. By Sherzan of Polk.

SUBCOMMITTEE ASSIGNMENTS

House File 686

Ways and Means: Doderer, Chair; Blanshan and De Groot.

Senate File 10

Human Resources: Osterberg, Chair; Haverland and Plasier.

Senate File 159

Human Resources: Plasier, Chair; Murphy and Wissing.

Senate File 481

Local Government: Shearer, Chair; Eddie and Spear.

Senate File 508

Energy and Environmental Protection: Adams, Chair; Banks and Osterberg.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 325

Ways and Means: Svoboda, Chair; Holveck and McKean.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 326 Ways and Means

Relating to the Iowa finance authority's housing trust fund program and increasing the real estate transfer tax for revenues for the fund.

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 COMMERCE

Senate File 318, a bill for an act creating a statewide dual party relay service system, establishing telephone utility assessments, and authorizing distribution of telecommunications devices to the deaf.

Fiscal Note is not required.

Recommended **Do Pass** April 10, 1991.

Senate File 411, a bill for an act relating to the availability of certain information concerning nonprofit agencies or corporations receiving public funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3590** April 10, 1991.

Senate File 435, a bill for an act relating to the transfer of regulatory authority over mortgage bankers and brokers from the superintendent of savings and loans to the superintendent of banking.

Fiscal Note is not required.

Recommended **Do Pass** April 10, 1991.

Senate File 494, a bill for an act relating to the transfer of the regulatory authority of the superintendent of savings and loan associations to the director of the department of commerce and the superintendent of banking.

Fiscal Note is not required.

Recommended **Do Pass** April 10, 1991.

Senate File 504, a bill for an act relating to the method of deregulation of communication services and facilities.

Fiscal Note is not required.

Recommended **Do Pass** April 10, 1991.

Senate File 506, a bill for an act relating to establishing incentive regulation for utilities furnishing communication services.

Fiscal Note is not required.

Recommended **Do Pass** April 10, 1991.

Senate File 507, a bill for an act relating to the authority of the superintendent of banking to remove officers and directors of state banks and to prohibit an institution-affiliated party from participating in the conduct of the affairs of a state bank, and providing civil penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3595 April 10, 1991.

Senate File 519, a bill for an act relating to entities and subject matter subject to regulation under the regulated industries unit of the division of insurance, including business opportunity promotions, continuing care and senior adult congregate living retirement communities, and loan brokers, establishing certain fees, and making penalties applicable.

Fiscal Note is not required.

Recommended Do Pass April 10, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Senate File 297, a bill for an act relating to the confidentiality of information identifying inert ingredients in pesticides, and providing retroactive applicability and effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3601 April 11, 1991.

COMMITTEE ON HUMAN RESOURCES

Senate File 10, a bill for an act relating to the establishment and registration of elder family homes.

Fiscal Note is not required.

Recommended Do Pass April 10, 1991.

Senate File 176, a bill for an act relating to providing an income tax exemption for payments received by persons providing in-home health-related care services to related individuals, and providing a retroactive applicability date.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—3592 April 10, 1991.

Pursuant to Rule 31.7, Senate File 176 was referred to the committee on ways and means.

Senate File 342, a bill for an act relating to the prevention of disabling conditions by establishing a prevention of disabilities policy board and a technical assistance committee of the board and by making an appropriation.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3596 April 10, 1991.

Pursuant to Rule 31.7, Senate File 342 was referred to the committee on appropriations.

Senate File 343, a bill for an act relating to the medical assistance program.

Fiscal Note is not required.

Recommended Do Pass April 10, 1991.

Senate File 412, a bill for an act relating to the department of inspections and appeals by expanding its investigatory authority, providing that certain information regarding health care facilities be available to the public, relating to health care facilities under receivership, providing additional grounds for suspension and revocation of certain licenses issued by the department, increasing criminal penalties for wanton neglect of a resident of a health care facility, and providing an effective date and a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3591 April 10, 1991.

Senate File 471, a bill for an act relating to state policies and procedures affecting children.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3593 April 10, 1991.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2, a bill for an act relating to sexual exploitation by a counselor or therapist and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3600 April 11, 1991.

Senate File 211, a bill for an act relating to crimes against the elderly and disabled persons by creating a cause of action, creating a special fund, and providing a civil penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3602 April 11, 1991.

Senate File 291, a bill for an act relating to the date of completion of the transfer of responsibilities for certain child support orders from the department of human services to the judicial department.

Fiscal Note is not required.

Recommended Do Pass April 11, 1991.

Senate File 434, a bill for an act relating to judgment liens.

Fiscal Note is not required.

Committee Action: Failed to Pass April 11, 1991.

Senate File 496, a bill for an act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties.

Fiscal Note is not required.

Recommended Do Pass April 11, 1991.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 501, a bill for an act relating to collective bargaining by delineating

certain duties and powers of the public employment relations board and modifying certain collective bargaining procedures for teachers.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3603 April 11, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Senate File 323, a bill for an act relating to delegates to the Iowa congress on resource enhancement and protection.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3589 April 10, 1991.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 638), relating to health insurance reforms by limiting small group premium rating practices, increasing access to affordable basic benefits health insurance, and authorizing certain premium credits and tax exemptions for qualifying health insurance plans and insureds.

Fiscal Note is not required.

Recommended Amend and Do Pass April 11, 1991.

Committee Bill (Formerly House File 659), relating to the establishment of joint water utilities and their tax status.

Fiscal Note is not required.

Recommended Amend and Do Pass April 11, 1991.

RESOLUTION FILED

HCR 24, by committee on commerce, a concurrent resolution relating to the establishment of an interim committee to study the establishment of a statewide one-call notification program.

Laid over under Rule 25.

AMENDMENTS FILED

H—3584	H.F.	653	Svoboda of Tama
H—3585	H.F.	687	Shearer of Louisa
H—3586	S.F.	479	Spear of Lee
H—3587	H.F.	407	Bennett of Ida
H—3588	H.F.	650	Spear of Lee
H—3589	S.F.	323	Committee on Natural Resources and Outdoor Recreation
H—3590	S.F.	411	Committee on Commerce
H—3591	S.F.	412	Committee on Human Resources

H-3592	S.F.	176	Committee on Human Resources
H-3593	S.F.	471	Committee on Human Resources
H-3594	S.F.	470	Grubbs of Scott Rafferty of Scott
H-3595	S.F.	507	Committee on Commerce
H-3596	S.F.	342	Committee on Human Resources
H-3597	H.F.	650	Spear of Lee
H-3598	H.F.	108	Wise of Lee
H-3599	S.F.	317	Peterson of Carroll
H-3600	S.F.	2	Committee on Judiciary and Law Enforcement
H-3601	S.F.	297	Committee on Energy and Environmental Protection
H-3602	S.F.	211	Committee on Judiciary and Law Enforcement
H-3603	S.F.	501	Committee on Labor and Industrial Relations

On motion by McKinney of Dallas, the House adjourned at 3:04 p.m., until 9:00 a.m., Friday, April 12, 1991.

JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day — Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 12, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by the Honorable Robert Johnson, state representative from Clinton County.

The Journal of Thursday, April 11, 1991 was approved.

CONSIDERATION OF BILLS Regular Calendar

House File 671, a bill for an act relating to the regulation of dairy products, and providing effective dates, was taken up for consideration.

SENATE FILE 525 SUBSTITUTED FOR HOUSE FILE 671

De Groot of Lyon asked and received unanimous consent to substitute Senate File 525 for House File 671.

Senate File 525, a bill for an act relating to the regulation of dairy products, providing for the repeal of certain sections, and providing effective dates, was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 525 be deferred and that the bill retain its place on the calendar.

House File 608, a bill for an act relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties, was taken up for consideration.

SENATE FILE 455 SUBSTITUTED FOR HOUSE FILE 608

Mertz of Kossuth asked and received unanimous consent to substitute Senate File 455 for House File 608.

Senate File 455, a bill for an act relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties, was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 455 be deferred and that the bill retain its place on the calendar.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 689.

Ways and Means Calendar

House File 689, a bill for an act relating to the establishment of joint water utilities and their tax status, was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that House File 689 be deferred and placed on the calendar under unfinished business.

Regular Calendar

House File 555, a bill for an act relating to the repeal of chapter 536B, and the restrictions on investments made by, and debt instruments offered for sale by, an industrial loan company, was taken up for consideration.

SENATE FILE 310 SUBSTITUTED FOR HOUSE FILE 555

Blanshan of Greene asked and received unanimous consent to substitute Senate File 310 for House File 555.

Senate File 310, a bill for an act relating to the repeal of chapter 536B, and the restrictions on investments made by, and debt instruments offered for sale by, an industrial loan company, was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 310 be deferred and that the bill retain its place on the calendar.

Unfinished Business Calendar

McKinney of Dallas asked and received unanimous consent that House File 609 be deferred and placed on the calendar under unfinished business.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of April, 1991: House File 309.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 11, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 307, an act making technical Code changes relating to transportation.

House File 322, an act relating to the establishment of a small business advisory council.

Senate File 254, an act relating to economic development by transferring funds to the revolving fund of the rural community 2000 program, establishing time frames for the completion of the community builder program, establishing a planning category in the rural community 2000 program, and providing an effective date.

Senate File 284, an act to permit the sale of disposable containers for the consumption of beer or wine by wholesalers to retailers for one-time use by retail customers on the premises of licensed establishments.

Senate File 436, an act to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date.

Senate File 518, an act relating to the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the insurance division as an approved insurance regulator by the national association of insurance commissioners, imposing civil liability, authorizing administrative and criminal penalties, and providing effective dates and applicability provisions.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 11, 1991

The Honorable Bob Arnould
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

House File 344, an act relating to the membership of the state revenue estimating conference and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 344 changes the membership of the Revenue Estimating Conference to include the state auditor and the state treasurer and amends the process used to arrive at a revenue estimate.

Currently the REC consists of the governor or the governor's designee, the director of the legislative fiscal bureau, and a third member agreed to by the other two. Since

its creation during the reorganization of state government, the director of the department of management has served as my designee and a respected former state comptroller has served as the third member.

The present membership of the REC has served the state well. The revenue estimates provided by these individuals whose profession is budgeting have been accurate despite the difficulty of the task of arriving at such estimates. In fact, in four of the last five years the revenue estimates made by the REC have been below actual receipts. The addition of two members will not enhance the accuracy of the conference's estimates.

The REC was created to ensure that the executive and legislative branches use the same revenue estimate for budgeting purposes. It was designed in such a way to require its membership to reach a consensus on revenue estimates in an objective and professional manner. House File 344 changes the process to require only three of the REC's five members to agree on an estimate, with the result being determined by a majority vote. Given the importance of the estimate for budgeting purposes, the process should be one which yields a result agreed upon by each member of the conference.

Our state budget problems come from spending too much of the taxpayers' money. Those problems will not be resolved by adding two additional officials to the REC and changing the revenue forecasting process. They will be resolved only by difficult and sometimes painful decisions to cut spending on an item by item basis. I will be making additional spending reduction recommendations for fiscal year 1992.

For the above reasons, I hereby respectfully disapprove House File 344.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty fifth and sixth grade students from Harris Lake Park Elementary School, Harris. By Gruhn of Dickinson and De Groot of Lyon.

SUBCOMMITTEE ASSIGNMENTS

Senate File 278

State Government: Carpenter, Chair; Bisignano, Poncy, Spenner and Teaford.

Senate File 336

State Government: Teaford, Chair; Connors and Lundby.

Senate File 346

State Government: Blanshan, Chair; Carpenter and Renaud.

Senate File 364

State Government: Blanshan, Chair; Peterson of Carroll and Renken.

Senate File 390

State Government: Knapp, Chair; Garman and Krebsbach.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 326**

Ways and Means: Adams, Chair; Blanshan, De Groot, Groninga and Petersen of Muscatine.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 56, a bill for an act requiring reporting of county aid by societies organized to administer local fairs.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3621 April 11, 1991.

Senate File 200, a bill for an act relating to soil conservation by providing for protection of land subject to a public interest.

Fiscal Note is not required.

Committee Action: Failed to Pass April 11, 1991.

Senate File 429, a bill for an act relating to agricultural land held by corporations, limited partnerships, and trusts, and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3620 April 11, 1991.

Senate File 452, a bill for an act relating to the administration of fairs.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3622 April 11, 1991.

COMMITTEE ON EDUCATION

Senate File 23, a bill for an act relating to the teaching of American sign language in accredited schools.

Fiscal Note is not required.

Recommended Do Pass April 11, 1991.

Senate File 138, a bill for an act requiring the acceptance of a student's postsecondary options credits as high school academic or vocational-technical credits by a school district or accredited nonpublic school.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3615 April 11, 1991.

Senate File 314, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—3614 April 11, 1991.

Senate File 473, a bill for an act relating to accredited schools and school districts, making changes in the department of education's biennial report on the condition of schools, changing the requirements for certain pilot projects, providing exceptions to certain uses of funds received under an instructional support program, and changing the district in which shared-time pupils are counted under the postsecondary enrollment options Act.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3616 April 11, 1991.

Senate File 478, a bill for an act to establish a parent education program and making teachers participating in the program eligible for performance-based pay.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—3617 April 11, 1991.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Senate File 362, a bill for an act relating to petroleum underground storage tanks by raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals, imposing an environmental damage offset, and providing an effective date.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—3623 April 12, 1991.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 457, a bill for an act relating to collective bargaining.

Fiscal Note is not required.

Recommended Do Pass April 11, 1991.

Senate File 458, a bill for an act including within the scope of collective bargaining negotiations insurance costs for retirees.

Fiscal Note is not required.

Recommended Do Pass April 11, 1991.

Senate File 502, a bill for an act relating to workers' health, safety, and welfare, by providing funding for the second injury fund and providing applicability and effective dates.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—3613 April 11, 1991.

COMMITTEE ON STATE GOVERNMENT

Senate File 101, a bill for an act relating to the loss of pay while on military leave of absence.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3608 April 11, 1991.

Senate File 110, a bill for an act relating to the presence of certain persons under the age of twenty-one years on excursion gambling boats, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3612 April 11, 1991.

Senate File 172, a bill for an act establishing a state fair challenge grant foundation.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3610 April 11, 1991.

Senate File 327, a bill for an act requiring that certain settlements of claims involving governmental bodies be filed with the governmental bodies as public records.

Fiscal Note is not required.

Recommended Do Pass April 11, 1991.

Senate File 340, a bill for an act relating to retirement benefits of members of the Iowa public employees' retirement system who retire due to disability and providing an effective date and applicability date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3609 April 11, 1991.

Senate File 346, a bill for an act relating to payments made pursuant to public contracts.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3611 April 11, 1991.

Senate File 465, a bill for an act relating to the department of inspections and appeals by creating new licensing and fee requirements for gaming activities.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3607 April 11, 1991.

Pursuant to Rule 31.7, Senate File 465 was referred to the committee on ways and means.

COMMITTEE ON TRANSPORTATION

Senate File 166, a bill for an act restricting the burning of vegetation or debris within rights-of-way of public roads and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3605 April 11, 1991.

Senate File 329, a bill for an act authorizing the state department of transportation to adopt rules requiring public utilities to comply with the utility accommodation policy for certain Iowa road systems.

Fiscal Note is not required.

Recommended Do Pass April 11, 1991.

Senate File 330, a bill for an act relating to tinted windows and making penalties applicable.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3604 April 11, 1991.

Senate File 461, a bill for an act requiring confidential use of social security numbers on noncommercial driver's license applications.

Fiscal Note is not required.

Committee Action: Failed to Pass April 11, 1991.

RESOLUTIONS FILED

HCR 25, by McKinney and Van Maanen, a concurrent resolution relating to honoring members of the Iowa national guard and reserve units called to active duty for Operation Desert Shield and Desert Storm.

Laid over under **Rule 25**.

HR 14, by Millage, Miller, Bennett, Petersen of Muscatine, Rafferty, Gipp, De Groot, Johnson, Grubbs, Metcalf, Kistler, Diemer, Hanson of Black Hawk, Spenner, Shoning, Banks, Halvorson of Clayton, Harbor, McNeal, Plasier, Van Maanen, McKean, Kremer, Hester, Bartz, Tyrrell, Hahn, Krebsbach, Iverson, Branstad, Eddie, Garman, Beaman, Lageschulte, Maulsby, Weidman, Hanson of Delaware, Siegrist, Carpenter, Renken, Hurley, Royer, Svoboda, Doderer, Burke, Mertz, Hammond, Dickinson, Black, Hansen of Woodbury and

Halvorson of Webster, a resolution stating the intent of the House of Representatives and making certain requests concerning the state communications network.

Referred to committee on **appropriations**.

HR 15, by Tyrrell, a resolution relating to the Vietnam Women's Memorial Project and honoring female Vietnam era veterans.

Laid over under Rule 25.

AMENDMENTS FILED

H-3604	S.F.	330	Committee on Transportation
H-3605	S.F.	166	Committee on Transportation
H-3606	H.F.	608	Mertz of Kossuth
H-3607	S.F.	465	Committee on State Government
H-3608	S.F.	101	Committee on State Government
H-3609	S.F.	340	Committee on State Government
H-3610	S.F.	172	Committee on State Government
H-3611	S.F.	346	Committee on State Government
H-3612	S.F.	110	Committee on State Government
H-3613	S.F.	502	Committee on Labor and Industrial Relations
H-3614	S.F.	314	Committee on Education
H-3615	S.F.	138	Committee on Education
H-3616	S.F.	473	Committee on Education
H-3617	S.F.	478	Committee on Education
H-3618	S.F.	46	Banks of Plymouth
H-3619	S.F.	311	Groninga of Cerro Gordo
H-3620	S.F.	429	Committee on Agriculture
H-3621	S.F.	56	Committee on Agriculture
H-3622	S.F.	452	Committee on Agriculture
H-3623	S.F.	362	Committee on Energy and Environmental Protection

On motion by McKinney of Dallas, the House adjourned at 9:18 a.m., until 10:00 a.m., Monday, April 15, 1991.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day — Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 15, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by Reverend Dwight Rengstorf, pastor of Trinity Lutheran Church, Shenandoah.

The Journal of Friday, April 12, 1991, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Diemer of Black Hawk on request of Hanson of Black Hawk; Doderer of Johnson on request of Pavich of Pottawattamie, until their arrival.

CONSIDERATION OF BILLS Regular Calendar

Senate File 231, a bill for an act allowing the issuance of personalized collegiate registration plates for motor vehicles 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?" (S.F. 231)

The ayes were, 89:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Dvorsky	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage

Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 6:

Eddie	Halvorson, R. N.	Maulsby	Renken
Royer	Weidman		

Absent or not voting, 5:

Brammer	Chapman	Diemer	Doderer
Jay			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 268, a bill for an act establishing and allocating moneys to the arts and cultural enhancement and endowment program, with report of committee recommending amendment and passage was taken up for consideration.

Shearer of Louisa offered the following amendment H—3563 filed by the committee on education:

H—3563

- 1 Amend Senate File 268, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 32, by inserting after the figure
- 4 "303C.2" the following: " , which consists of funds
- 5 received from private sources, and which may include
- 6 funds appropriated by the general assembly".
- 7 2. Page 2, line 1, by inserting after the figure
- 8 "303C.2" the following: " , which consists, upon the
- 9 making of an appropriation by the general assembly, of
- 10 public funds".
- 11 3. By striking page 2, line 16, through page 3,
- 12 line 14, and inserting the following:
- 13 "1. ENHANCEMENT ACCOUNT. The enhancement account
- 14 shall be administered by the arts division of the
- 15 department for purposes of the enhancement program
- 16 described in section 303C.3.
- 17 Upon the making of an appropriation by the general
- 18 assembly for deposit in the enhancement account, funds
- 19 in the enhancement account shall be used as follows:
- 20 eighty percent shall be available for distribution on

21 a matching basis to nonprofit organizations pursuant
22 to section 303C.4; fifteen percent shall be available
23 for distribution as block grants to qualified
24 organizations pursuant to section 303C.5; and five
25 percent shall be available to the arts division for
26 the administration of the regional conferences and the
27 statewide caucus on arts and cultural enhancement
28 pursuant to section 303C.6 and for the administration
29 of the enhancement program.

30 2. ENDOWMENT ACCOUNT. The endowment account shall
31 be administered by the endowment foundation
32 established in section 303C.7, subsection 2, for
33 purposes of the endowment program established in
34 section 303C.7, subsection 1.

35 Beginning in 1993, the endowment foundation shall,
36 annually, on July 1, certify to the department of
37 management and the legislative fiscal bureau, the
38 amount of funds received from private sources for use
39 in the endowment program. The general assembly may
40 appropriate funds to the endowment account. However,
41 the use of funds in the endowment account described in
42 this subsection is not contingent upon the making of
43 an appropriation by the general assembly.

44 Only the interest on the funds in the endowment
45 account are available for use for the endowment
46 program, and shall be allocated as follows: ninety-
47 five percent for distribution for grants, fellowships,
48 and scholarships to nonprofessional, professional, and
49 student artists pursuant to section 303C.7, subsection
50 1; and five percent to the endowment foundation

Page 2

1 established in section 303C.7, subsection 2, for the
2 administration of the endowment program."

3 4. Page 3, line 20, by striking the word "Funds"
4 and inserting the following: "Upon the making of an
5 appropriation by the general assembly, funds".

6 5. Page 4, line 15, by inserting after the word
7 "arts" the following: "and cultural".

8 6. Page 4, line 24, by inserting after the word
9 "persons," the following: "senior citizens,".

10 7. Page 5, line 11, by inserting after the word
11 "association," the following: "the chairperson of the
12 statewide caucus, the department of education,".

13 8. Page 6, by striking lines 9 through 11 and
14 inserting the following: "resolution. The persons
15 attending each conference shall elect six persons to
16 serve as delegates to the caucus, and one person to
17 serve as chairperson of the region. The selection of
18 persons at each conference to serve as delegates to
19 the caucus shall conform to the gender balance

20 requirements of section 69.16A."

21 9. Page 7, line 3, by striking the word "amateur"

22 and inserting the following: "nonprofessional".

23 10. Title page, line 1, by striking the words

24 "and allocating moneys to".

Shearer of Louisa offered the following amendment H—3578, to the committee amendment H—3563, filed by him and moved its adoption:

H—3578

1 Amend amendment, H—3563, to Senate File 268, as
2 passed by the Senate, as follows:

3 1. Page 1, line 45, by striking the word "are"

4 and inserting the following: "is".

5 2. Page 1, line 50, by striking the word

6 "endowment" and inserting the following:

7 "endowment".

8 3. Page 2, by inserting after line 20 the

9 following:

10 "_____. Page 6, line 35, by striking the word "are"

11 and inserting the following: "is".

Amendment H—3578 was adopted.

On motion by Shearer of Louisa, the committee amendment H—3563, as amended, was adopted.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 268)

The ayes were, 92:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer

Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 8:

Brammer	Chapman	Diemer	Doderer
Harbor	Jay	Shoultz	Van Maanen

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 389, a bill for an act relating to the department of human rights commission of Latino affairs and commission on the status of blacks, with report of committee recommending passage was taken up for consideration.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 389)

The ayes were, 91:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner

Svoboda
Wise

Teaford
Wissing

Tyrrell
Mr. Speaker
Arnould

Weidman

The nays were, none.

Absent or not voting, 9:

Brammer
Iverson
Van Maanen

Chapman
Jay

Diemer
Lundby

Doderer
Plasier

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 182, a bill for an act relating to administrative rulemaking, with report of committee recommending passage was taken up for consideration.

Hanson of Black Hawk offered the following amendment H—3394 filed by him and Pavich of Pottawattamie and moved its adoption:

H—3394

- 1 Amend Senate File 182, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "subdivision" the following: ", or an entity
- 5 representing the affected political subdivision".

Amendment H—3394 was adopted.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 182)

The ayes were, 92:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz

Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 8:

Brammer	Chapman	Diemer	Doderer
Harbor	Jay	Schrader	Van Maanen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 326, a bill for an act exempting members, employees, and the secretary of the board of trustees for the statewide fire and police retirement system from certain liabilities, providing per diem compensation for board members, appropriating funds to the board, changing the date for completion of an actuarial study, providing that certain cities that did not participate in a chapter 411 retirement system as of May 3, 1990, are not required to participate in the statewide system, and providing retroactive applicability and effective date provisions, with report of committee recommending passage was taken up for consideration.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 326)

The ayes were, 89:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Carpenter	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney

McNeal	Mertz	Metcalf	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 5:

Branstad	Iverson	Miller	Petersen, D. F.
Renken			

Absent or not voting, 6:

Brammer	Chapman	Diemer	Doderer
Harbor	Jay		

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 11:04 a.m., until the fall of the gavel.

The House resumed session at 11:38 a.m., Speaker Arnould in the chair.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent that the rules be suspended to distribute the Tuesday, April 16, 1991, Daily Debate Calendar.

REFERRED TO COMMITTEE ON WAYS AND MEANS

The Speaker announced that on April 12, 1991 **House File 635**, presently on the **regular calendar**, was referred to the committee on **ways and means**.

On motion by McKinney of Dallas, the House was recessed at 11:40 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hammond of Story, until her return, on request of Neuhauser of Johnson.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 104, a bill for an act relating to certain administrative functions of the department of personnel, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 104)

The ayes were, 90:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Branstad
Brown	Burke	Chapman	Cphoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Dvorsky	Eddie
Fogarty	Gill	Gipp	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. E.	Hanson, D. R.	Harbor	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalfe	Millage	Muhlbauer
Murphy	Neuhausser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 1:

Hatch

Absent or not voting, 9:

Brammer	Brand	Carpenter	Doderer
Garman	Groninga	Hammond	Hansen, S. D.
Miller			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Bisignano of Polk in the chair at 1:58 p.m.

Senate File 308, a bill for an act relating to the Iowa uniform controlled substances Act, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 308)

The ayes were, 93:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Blanshan	Branstad
Brown	Burke	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spencer	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Bisignano			
Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Brand	Carpenter	Doderer
Hammond	Hibbard	Krebsbach	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REMOVED FROM REGULAR CALENDAR

McKinney of Dallas asked and received unanimous consent that

the following bills be removed from the regular calendar and rereferred to the committees of last referral as listed:

House File 13	Judiciary and Law Enforcement
House File 85	Education
House File 163	Judiciary and Law Enforcement
House File 170	Transportation
House File 174	Local Government
House File 305	Transportation
House File 321	Small Business, Economic Development and Trade
House File 341	Natural Resources and Outdoor Recreation
House File 393	Agriculture
House File 395	Human Resources
House File 404	State Government
House File 407	Human Resources
House File 447	Natural Resources and Outdoor Recreation
House File 535	State Government
House File 572	Local Government
House File 587	Judiciary and Law Enforcement
House File 600	Energy and Environmental Protection
House File 629	State Government
House File 632	Judiciary and Law Enforcement
House File 640	Commerce
House File 641	Energy and Environmental Protection
House File 642	Small Business, Economic Development and Trade
House File 653	Agriculture
House File 665	State Government
House File 669	Agriculture
House File 674	State Government
House File 677	State Government

Regular Calendar

The House resumed consideration of **Senate File 422**, a bill for an act allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act, previously deferred.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—3459 filed by him on April 2, 1991.

McKinney of Dallas asked and received unanimous consent that Senate File 422 be deferred and that the bill retain its place on the calendar.

Senate File 179, a bill for an act relating to the protection of trade secrets and providing an effective date, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 179)

The ayes were, 93:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Blanshan	Brand	Branstad
Brown	Burke	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Bisignano			
Presiding			

The nays were, none.

Absent or not voting, 7:

Black	Brammer	Carpenter	Doderer
Gruhn	Hammond	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 171, a bill for an act providing for the identification and eradication of marijuana plants, with report of committee recommending passage was taken up for consideration.

Gruhn of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 171)

The ayes were, 99:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Bisignano	
		Presiding	

The nays were, none.

/ Absent or not voting, 1:

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 53, a bill for an act relating to certificates required for moving swine, and creating penalties, with report of committee recommending passage was taken up for consideration.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 53)

The ayes were, 99:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Bisignano	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 213, a bill for an act relating to probate code provisions with respect to testamentary trusts, investments by fiduciaries, conservatorships, and the distribution of decedents' property by affidavit, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 213)

The ayes were, 99:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalfe	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Bisignano	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 419, a bill for an act relating to voting hours for drainage or levee district trustee elections, with report of committee recommending passage was taken up for consideration.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 419)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett

Bernau	Black	Blanshan	Brand
Branstad	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Bisignano		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Brammer Brown

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 33, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers, and providing for fees, with report of committee recommending passage was taken up for consideration.

Banks of Plymouth offered the following amendment H—3358 filed by him and moved its adoption:

H—3358

- 1 Amend Senate File 33, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the fol-
- 4 lowing:
- 5 "Section 1. Section 206.5, Code 1991, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 6A. An employee of a commercial
- 8 applicator applying pesticides for the purpose of
- 9 preserving a wooden utility pole shall not be required

- 10 to satisfy any continuing education requirement, if
- 11 the commercial applicator passes an examination each
- 12 year as provided by the secretary under this section."
- 13 2. Title page, line 2, by inserting after the
- 14 word "pesticide" the following: "applicators and".
- 15 3. By renumbering as necessary.

Amendment H—3358 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. 33)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Bisignano		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Blanshan Brammer

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 383, a bill for an act relating to the installation of smoke detectors in multiple-unit residential buildings and single-family dwellings and making penalties applicable, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 383)

The ayes were, 73:

Adams	Arnould, Spkr.	Baker	Beatty
Bennett	Bernau	Blanshan	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Gill	Gipp	Groninga	Gruhn
Hahn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	McKean	McKinney	McNeal
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spenner	Teaford
Van Maanen	Weidman	Wise	Wissing
Bisignano			
Presiding			

The nays were, 25:

Banks	Bartz	Beaman	Black
Branstad	Daggett	De Groot	Fogarty
Garman	Grubbs	Halvorson, R. N.	Iverson
Johnson	Krebsbach	Maulsby	Mertz
Millage	Miller	Plasier	Poney
Renken	Royer	Spears	Svoboda
Tyrrell			

Absent or not voting, 2:

Brammer Jay

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 115, a bill for an act relating to the income eligibility level for the payment of indigent obstetrical and newborn care costs, with report of committee recommending passage was taken up for consideration.

Hammond of Story offered the following amendment H—3524 filed by her and Carpenter of Polk and moved its adoption:

H—3524

- 1 Amend Senate File 115, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 26 the
- 4 following:
- 5 "Sec. _____. Section 255A.14, Code 1991, is
- 6 repealed."
- 7 2. Title page, line 1, by inserting after the
- 8 word "to" the following: "the obstetrical and newborn
- 9 indigent patients care program by providing for the
- 10 reversion of the unencumbered balance to the state
- 11 general fund and by increasing".
- 12 3. By renumbering as necessary.

Amendment H—3524 was adopted.

Spenner of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 115)

The ayes were, 99:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz

Siegrist
Teaford
Wise

Spear
Tyrrell
Wissing

Spenner
Van Maanen
Bisignano
Presiding

Svoboda
Weidman

The nays were, none.

Absent or not voting, 1:

Brammer

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 422**, a bill for an act allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act, previously deferred.

Carpenter of Polk offered the following amendment H—3438 filed by her and moved its adoption:

H—3438

- 1 Amend Senate File 422, as passed by the Senate, as
- 2 follows:
- 3 1. Page 8, line 16, by inserting after the word
- 4 "ballots." the following: "The commissioner shall
- 5 notify the voter that the ballot has been received."

Roll call was requested by Van Maanen of Mahaska and Black of Jasper.

On the question "Shall amendment H—3438 be adopted?"
(S.F. 422)

The ayes were, 44:

Banks
Branstad
De Groot
Gipp
Hanson, D. E.
Hurley
Krebsbach
Maulsby
Millage
Rafferty
Siegrist

Bartz
Carpenter
Diemer
Grubbs
Hanson, D. R.
Iverson
Kremer
McKean
Miller
Renken
Tyrrell

Beaman
Corbett
Eddie
Hahn
Harbor
Johnson
Lageschulte
McNeal
Petersen, D. F.
Royer
Van Maanen

Bennett
Daggett
Garman
Halvorson, R. A.
Hester
Kistler
Lundby
Metcalf
Plasier
Shoning
Weidman

The nays were, 53:

Adams
Bernau
Brown

Arnould, Spkr.
Black
Burke

Baker
Blanshan
Chapman

Beatty
Brand
Cohoon

Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Shoultz	Spear	Spenner
Svoboda	Teaford	Wise	Wissing
Bisignano			
Presiding			

Absent or not voting, 3:

Brammer	Connors	Sherzan
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Amendment H—3438 lost.

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. 422)

The ayes were, 51:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Gill	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Svoboda	Teaford
Wise	Wissing	Bisignano	
		Presiding	

The nays were, 48:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gipp	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean

McNeal	Mertz	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Siegrist	Spear
Spanner	Tyrrell	Van Maanen	Weidman

Absent or not voting, 1:

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 664 WITHDRAWN

Teaford of Black Hawk asked and received unanimous consent to withdraw House File 664 from further consideration by the House.

Regular Calendar

Senate File 488, a bill for an act relating to the appointment of the clerk or secretary to a city civil service commission, with report of committee recommending passage was taken up for consideration.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 488)

The ayes were, 97:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beamn	Beatty	Bennett
Bernau	Black	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist

Spear
Van Maanen
Bisignano
Presiding

Spenner
Weidman

Svoboda
Wise

Tyrrell
Wissing

The nays were, none.

Absent or not voting, 3:

Blanshan

Brammer

Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 479**, a bill for an act relating to the reassignment of duties from the division of children, youth, and families of the department of human rights to the division of child and family services within the department of human services, previously deferred.

Spear of Lee offered the following amendment H—3569 filed by him and moved its adoption:

H—3569

- 1 Amend Senate File 479, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, line 15, by inserting after the word
- 4 "house" the following: "after consultation with the
- 5 majority leader and the minority leader of the house".

Amendment H—3569 was adopted.

Spear of Lee offered the following amendment H—3568 filed by him and moved its adoption:

H—3568

- 1 Amend Senate File 479, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 25, by striking the word "seven"
- 4 and inserting the following: "six".

Amendment H—3568 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3567 filed by him on April 10, 1991.

Spear of Lee offered the following amendment H—3570 filed by him and moved its adoption:

H—3570

- 1 Amend Senate File 479, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 3, line 27, by inserting after the word
 4 "appointment." the following: "Of the members
 5 appointed under paragraph "b", at least two members
 6 shall be members of a minority race. For purposes of
 7 this section, Hispanics shall be considered a racial
 8 group."

Amendment H—3570 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3586 filed by him on April 11, 1991.

Carpenter 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. 479)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Black	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Bisignano
			Presiding

The nays were, none.

Absent or not voting, 4:

Bernau	Blanshan	Brammer	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.

HOUSE FILE 666 WITHDRAWN

Carpenter of Polk asked and received unanimous consent to withdraw House File 666 from further consideration by the House.

The House resumed consideration of **Senate File 355**, a bill for an act relating to authorizing a spouse to execute a power of attorney instrument sufficient to relinquish homestead rights and surviving spouse's statutory share in the homestead, previously deferred.

Doderer of Johnson offered the following amendment H—3554 filed by her and moved its adoption:

H—3554

- 1 Amend Senate File 355, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, lines 8 and 9, by striking the words
- 4 “; and the instrument or power of attorney sets out the
- 5 legal description of the homestead” and inserting
- 6 the following: “; and the instrument or power of attorney
- 7 sets out the legal description of the homestead”.

Amendment H—3554 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. 355)

The ayes were, 81:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Brand	Brown	Burke
Carpenter	Cohoon	Connors	Daggett
Dickinson	Diemer	Doderer	Eddie
Fogarty	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Haverland	Hester
Holveck	Hurley	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
McKean	McKinney	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz

Siegrist
Teaford
Bisignano
Presiding

Spear
Tyrrell

Spenner
Weidman

Svoboda
Wise

The nays were, 12:

Banks
Garman
Maulsby

Branstad
Hatch
McNeal

Corbett
Iverson
Renken

De Groot
Johnson
Van Maanen

Absent or not voting, 7:

Blanshan
Hibbard

Brammer
Royer

Chapman
Wissing

Dvorsky

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 622 WITHDRAWN

Peterson of Carroll asked and received unanimous consent to withdraw House File 622 from further consideration by the House.

Regular Calendar

Senate File 337, a bill for an act relating to contracts for road, bridge, and culvert construction, with report of committee recommending passage was taken up for consideration.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 337)

The ayes were, 92:

Adams
Bartz
Bernau
Brown
Connors
Dickinson
Eddie
Groninga
Halvorson, R. A.
Hanson, D. E.
Hester
Iverson
Kistler
Kremer
McKean
Metcalf

Arnould, Spkr.
Beaman
Black
Burke
Corbett
Diemer
Fogarty
Grubbs
Halvorson, R. N.
Hanson, D. R.
Hibbard
Jesse
Knapp
Lageschulte
McKinney
Millage

Baker
Beatty
Brand
Carpenter
Daggett
Doderer
Gill
Gruhn
Hammond
Hatch
Holveck
Jochum
Koenigs
Lundby
McNeal
Miller

Banks
Bennett
Branstad
Cohoon
De Groot
Dvorsky
Gipp
Hahn
Hansen, S. D.
Haverland
Hurley
Johnson
Krebsbach
Maulsby
Mertz
Muhlbauer

Murphy	Neuhauser	Nielsen	Ollie
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Bisignano
			Presiding

The nays were, none.

Absent or not voting, 8:

Blanshan	Brammer	Chapman	Garman
Harbor	Jay	Osterberg	Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REFERRED TO COMMITTEE ON WAYS AND MEANS

The Speaker announced that Senate File 362, presently on the **regular calendar**, was referred to the committee on **ways and means**.

MOTIONS TO RECONSIDER (Senate File 33)

I move to reconsider the vote by which Senate File 33 passed the House on April 15, 1991.

BRAND of Benton

(Senate File 422)

I move to reconsider the vote by which Senate File 422 passed the House on April 15, 1991.

CHAPMAN of Linn

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 10, 11 and 12, 1991. Had I been present, I would have voted "aye" on the motion to withdraw House Joint Resolution 5 from the Ways and Means committee; and Senate Files 313 and 470.

DAGGETT of Adams

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-six fifth through eighth grade talented and gifted students from Emmetsburg Community Schools, Emmetsburg, accompanied by Judy McDowall. By Fogarty of Palo Alto.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 15, 1991, he approved and transmitted to the Secretary of State the following bill:

Senate File 146, an act relating to the time of making decisions for and notice of final decisions for increases in tuition, fees, or charges at institutions of higher education under the control of the state board of regents.

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

- | | |
|----------|--|
| 1991-106 | Eric D. Haler, Waukon — For attaining Eagle Scout, the highest rank in the Boy Scouts of America. |
| 1991-107 | Franklin Elementary School, Council Bluffs — For receiving the FINE "First in the Nation in Education" Award, recognizing the school as a "model" elementary school. |
| 1991-108 | Rue Elementary School, Council Bluffs — For receiving the FINE "First in the Nation in Education" Award, for its "Rainbows for All Children" program. |
| 1991-109 | North High Jazz Band, Sioux City — For receiving first place in the Class 4A High School Jazz Championship and for receiving three of the four "Outstanding Soloist" Awards. |
| 1991-110 | Ryan Kisor, Sioux City North High School — For receiving one of four "Outstanding Soloist" Awards in the Class 4A High School Jazz Championship. |
| 1991-111 | Ben Bernstein, Sioux City North High School — For receiving one of four "Outstanding Soloist" Awards in the Class 4A High School Jazz Championship. |
| 1991-112 | Kirk Lilly, Sioux City North High School — For receiving one of four "Outstanding Soloist" Awards in the Class 4A High School Jazz Championship. |
| 1991-113 | Lewis Central High School, Council Bluffs — For winning the State Prep Chess Championship with players John Cross, Mike Parks, Mike Bowman, Lance Lachney and Tony Reed. |

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 294, a bill for an act providing for the establishment of agricultural enterprise zones, restricting nuisance suits, providing for tax exemptions on facilities within such zones, and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3624 April 11, 1991.

Pursuant to Rule 31.7, Senate File 294 was referred to the committee on ways and means.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Senate File 216, a bill for an act relating to requirements for insulation in housing projects assisted under the rental assistance programs of the United States department of housing and urban development and providing a five-year grace period for owners of existing housing projects.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3635 April 12, 1991.

Senate File 508, a bill for an act relating to energy efficiency by expanding the entities entitled to financial assistance for implementing energy conservation measures, requiring implementation of life cycle cost analyses and providing exemptions from the implementation requirements, requiring the appropriation of abandoned utility refunds and deposits, establishing energy efficiency standards for certain products, establishing various energy efficiency-related programs and projects, and providing for a sales and use tax credit for the purchase of fuel-efficient motor vehicles.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3636 April 12, 1991.

Pursuant to Rule 31.7, Senate File 508 was referred to the committee on ways and means.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 4, a bill for an act relating to consideration of voluntary and involuntary annexation petitions which concern the same territory or city.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3627 April 12, 1991.

Senate File 221, a bill for an act relating to amending or repealing city ordinances, and adopting by reference portions of the Code of Iowa.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3625** April 12, 1991.

Senate File 492, a bill for an act relating to the classified civil service status of two second deputy sheriffs in certain counties.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 1991.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Senate File 181, a bill for an act relating to the reorganization of the department of natural resources, by creating two separate departments, by assigning powers and duties to the two departments, by making necessary amendments to the Code, and providing effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3631** April 12, 1991.

COMMITTEE ON STATE GOVERNMENT

Senate File 112, a bill for an act relating to the membership on community-based correctional program project advisory committees.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 1991.

Senate File 269, a bill for an act regulating transient food service establishments and providing for licensing fees.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 1991.

Senate File 278, a bill for an act relating to the salaries paid to chaplains employed in state institutions and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 1991.

Pursuant to Rule 31.7, Senate File 278 was referred to the committee on ways and means.

Senate File 336, a bill for an act relating to the historical resource development program.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 1991.

Senate File 364, a bill for an act relating to joint investment of funds by public entities.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 1991.

Senate File 476, a bill for an act relating to campaign finance disclosure by changing the definition of a candidate's committee, requiring the reporting to the treasurer of a committee of all contributions received by a person for the committee, requiring disclosure reports of out-of-state political action committees, changing the number of disclosure reports required in nonelection years, providing that the treasurer of a committee is not responsible for filing disclosure reports or liable for civil penalties, directing the use of leftover campaign funds, and providing for a civil penalty for violations regarding placement of political signs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3634** April 11, 1991.

Senate Concurrent Resolution 11, a concurrent resolution protesting the lack of progress and results of investigations of Americans missing in action in Southeast Asia.

Fiscal Note is not required.

Failed to Pass, Reconsidered and recommended **Amend and Do Pass with amendment H—3637** and laid over under Rule 25 April 12, 1991.

AMENDMENTS FILED

H—3624	S.F.	294	Committee on Agriculture
H—3625	S.F.	221	Committee on Local Government
H—3626	S.F.	323	Spear of Lee
H—3627	S.F.	4	Committee on Local Government
H—3628	S.F.	323	Spear of Lee
H—3629	S.F.	481	Spear of Lee
H—3630	H.F.	688	Haverland of Polk
H—3631	S.F.	181	Committee on Natural Resources and Outdoor Recreation
H—3632	S.F.	505	Grubbs of Scott
H—3633	S.F.	471	Bartz of Worth
H—3634	S.F.	476	Committee on State Government
H—3635	S.F.	216	Committee on Energy and Environmental Protection
H—3636	S.F.	508	Committee on Energy and Environmental Protection

H-3637	S.C.R.	11	Committee on State Government
H-3638	S.F.	476	Connors of Polk
H-3639	S.F.	453	Wissing of Scott Rafferty of Scott
H-3640	S.F.	317	Pavich of Pottawattamie Schrader of Marion Osterberg of Linn Hibbard of Madison
H-3641	S.F.	496	Krebsbach of Mitchell Grubbs of Scott McKean of Jones Hahn of Muscatine Corbett of Linn Branstad of Winnebago Miller of Cherokee
			Banks of Plymouth Johnson of Clinton Renken of Grundy Iverson of Wright Millage of Scott Bartz of Worth
H-3642	S.F.	343	Mertz of Kossuth Royer of Page Dickinson of Jackson Muhlbauer of Crawford

On motion by McKinney of Dallas, the House adjourned at 3:52 p.m., until 9:00 a.m., Tuesday, April 16, 1991.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day — Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 16, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by Reverend Glenn Wiechmann, pastor of Trinity Lutheran Church, Manilla.

The Journal of Monday, April 15, 1991 was approved.

CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of **Senate File 525**, a bill for an act relating to the regulation of dairy products, providing for the repeal of certain sections, and providing effective dates, previously deferred.

De Groot of Lyon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 525)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cphoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Jay	Jesse	Jochum	Johnson
Kistler	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer

Schrader
Shoultz
Svoboda
Wise

Shearer
Siegrist
Tyrrell
Wissing

Sherzan
Spear
Van Maanen
Mr. Speaker
Arnould

Shoning
Spenner
Weidman

The nays were, none.

Absent or not voting, 5:

Brammer
Teaford

Iverson

Knapp

Muhlbauer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 671 WITHDRAWN

De Groot of Lyon asked and received unanimous consent to withdraw House File 671 from further consideration by the House.

Senate File 453, a bill for an act relating to judicial officers having jurisdiction over civil commitment proceedings and providing an effective date, with report of committee recommending passage was taken up for consideration.

Wissing of Scott offered the following amendment H—3639 filed by him and Rafferty of Scott:

H—3639

- 1 Amend Senate File 453, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by inserting after line 35, the
- 4 following:
- 5 "Sec. _____. Section 229.13, Code 1991, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 **NEW UNNUMBERED PARAGRAPH.** If, after placement and
- 8 admission of a respondent in a hospital or other
- 9 suitable facility, the respondent departs from the
- 10 hospital or facility without prior proper
- 11 authorization from the chief medical officer, upon
- 12 receipt of notification of the respondent's departure
- 13 by the chief medical officer, a peace officer of the
- 14 state shall without further order of the court
- 15 exercise all due diligence to take the respondent into
- 16 protective custody and return the respondent to the
- 17 hospital or facility."
- 18 2. By renumbering as necessary.

McKean of Jones rose on a point of order that amendment H—3639 was not germane.

The Speaker ruled the point well taken and amendment H—3639 not germane.

Wissing of Scott asked and received unanimous consent to suspend the rules to consider amendment H—3639.

On motion by Wissing of Scott, amendment H—3639 was adopted.

Connors of Polk in the chair at 9:34 a.m.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 453)

The ayes were, 94:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Connors		
	Presiding		

The nays were, 5:

De Groot	Eddie	Hatch	Maulsby
Renken			

Absent or not voting, 1:

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 411, a bill for an act relating to the availability of certain information concerning nonprofit agencies or corporations receiving public funds, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn offered the following amendment H—3590 filed by the committee on commerce and moved its adoption:

H—3590

- 1 Amend Senate File 411, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "directors" the following: ", and the salary of each
- 5 officer and director's fee of each director of the
- 6 corporation or nonprofit agency".

The committee amendment H—3590 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. 411)

The ayes were, 99:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrell	Van Maanen	Weidman
Wise	Wissing	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 291, a bill for an act relating to the date of completion of the transfer of responsibilities for certain child support orders from the department of human services to the judicial department, with report of committee recommending passage was taken up for consideration.

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, 94:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Connors		
	Presiding		

The nays were, 4:

Beatty

Brown

Hatch

Jesse

Absent or not voting, 2:

Brammer Jay

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 471, a bill for an act relating to state policies and procedures affecting children, with report of committee recommending amendment and passage was taken up for consideration.

Haverland of Polk offered the following amendment H—3593 filed by the committee on human resources:

H—3593

- 1 Amend Senate File 471, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 5, line 26, through page 6,
- 4 line 18.
- 5 2. Title page, line 1, by inserting after the
- 6 word "state" the following: "foster care, child care,
- 7 and adoption registry".
- 8 3. Title page, lines 1 and 2, by striking the
- 9 words "affecting children".
- 10 4. By renumbering as necessary.

Peterson of Carroll offered the following amendment H—3643, to the committee amendment H—3593, filed by him from the floor:

H—3643

- 1 Amend amendment, H—3593, to Senate File 471, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "_____. Page 1, by inserting after line 30 the
- 6 following:
- 7 "Sec. _____. Section 232.22, Code 1991, is amended
- 8 by adding the following new subsection:
- 9 **NEW SUBSECTION. 6.** If the court has waived its
- 10 jurisdiction over the child for the alleged commission
- 11 of a forcible felony offense pursuant to section
- 12 232.45, the child shall not be eligible for placement
- 13 in a facility under subsection 2, paragraph "a". The
- 14 child may be held in the county jail as any other
- 15 postarrest or pretrial detainee, notwithstanding the
- 16 provisions of section 232.22 for the detention of
- 17 juveniles.
- 18 Sec. _____. **NEW SECTION. 232.45A WAIVER TO AND**
- 19 **CONVICTION BY DISTRICT COURT — PROCESSING.**
- 20 1. Once jurisdiction over a child has been waived
- 21 by the juvenile court as provided in section 232.45,

22 and a conviction is entered by the district court, the
23 clerk of the juvenile court shall immediately send a
24 certified copy of the findings required by section
25 232.45, subsection 8, and the judgment of conviction
26 to the department of public safety. The department
27 shall maintain a file on each child who has previously
28 been waived to and convicted by the district court in
29 a prosecution as an adult. The file shall be
30 accessible by law enforcement officers on a twenty-
31 four hour per day basis.

32 2. Once a child has been waived to and convicted
33 by district court, all criminal proceedings against
34 the child for any felony occurring subsequent to the
35 date of the conviction of the child shall begin in
36 district court, notwithstanding sections 232.8 and
37 232.45. A copy of the findings required by section
38 232.45, subsection 8, shall be made a part of the
39 record in the district court proceedings. The child
40 shall be subject to all arrest and citation provisions
41 and preappearance, postappearance, and pretrial bail
42 and detention provisions.

43 3. If proceedings against a child who has
44 previously been waived to and convicted by the
45 district court are mistakenly begun in the juvenile
46 court, the matter shall be transferred to district
47 court upon the discovery of the prior waiver and
48 conviction, notwithstanding sections 232.8 and
49 232.45." "

50 2. Page 1, by striking line 7 and inserting the

Page 2

- 1 following: "children waived to adult court, and
- 2 adoption registry".

Plasier of Sioux rose on a point of order that amendment H—3643 was not germane.

The Speaker ruled the point well taken and amendment H—3643 not germane.

Peterson of Carroll moved that the rules be suspended to consider amendment H—3643, to the committee amendment H—3593.

Roll call was requested by Peterson of Carroll and Sherzan of Polk.

On the question "Shall the rules be suspended to consider amendment H—3643?" (S.F. 471)

The ayes were, 67:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Fogarty	Garman	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	Lundby	McKean	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz
Spear	Spenner	Svoboda	Teaford
Wise	Wissing	Connors	
		Presiding	

The nays were, 32:

Bennett	Daggett	Eddie	Gipp
Grubbs	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Maulsby	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Siegrist	Tyrrell	Van Maanen	Weidman

Absent or not voting, 1:

Brammer

The motion prevailed and the rules were suspended.

On motion by Peterson of Carroll, amendment H—3643 was adopted.

On motion by Haverland of Polk, the committee amendment H—3593, as amended, was adopted.

Bartz of Worth offered the following amendment H—3633 filed by him and moved its adoption:

H—3633

- 1 Amend Senate File 471, as passed by the Senate, as
- 2 follows:
- 3 1. Page 5, by striking lines 3 through 25 and
- 4 inserting the following:
- 5 "Sec. 9. Section 237A.2, Code 1991, is amended by

6 adding the following new unnumbered paragraphs:

7 NEW UNNUMBERED PARAGRAPH. If the department has
8 denied or revoked a license because the applicant or
9 person has continually or repeatedly failed to operate
10 a licensed center in compliance with this chapter and
11 rules adopted pursuant to this chapter, the person
12 shall not own or operate a child care center for a
13 period of six months from the date the license is
14 denied or revoked. The department shall not act on an
15 application for a license submitted by the applicant
16 or person during the six-month period.

17 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
18 requirement established under this chapter, an
19 exception is provided for the period beginning on the
20 effective date of this Act and ending December 31,
21 1991, in accordance with the provisions of this
22 paragraph, to permit a center to care for one more
23 child than the amount of children authorized for the
24 center. The exception applies to any limit on the
25 number of children and to requirements for numerical
26 ratios of staff persons to children. The exception
27 applies only to a child who meets both of the
28 following circumstances: the child has a parent
29 serving in the United States armed services who is
30 stationed outside the state of Iowa due to the Persian
31 Gulf conflict and there is no charge for the care
32 provided to the child.

33 Sec. 10. Section 237A.3, Code 1991, is amended by
34 adding the following new subsections:

35 NEW SUBSECTION. 4. If the department has denied
36 or revoked a registration because the applicant or
37 person has continually or repeatedly failed to operate
38 a registered child day care facility in compliance
39 with this chapter and rules adopted pursuant to this
40 chapter, the person shall not own or operate a
41 registered facility for a period of six months from
42 the date the registration is denied or revoked. The
43 department shall not act on an application for
44 registration submitted by the applicant or person
45 during the six-month period.

46 NEW SUBSECTION. 5. Notwithstanding any
47 requirement established under this chapter, an
48 exception is provided for the period beginning on the
49 effective date of this Act and ending December 31,
50 1991, in accordance with the provisions of this

Page 2

1 subsection, to permit a family day care home or group
2 day care home to care for one more child than the
3 amount of children authorized for the home. The
4 exception applies to any limit on the number of

5 children and to requirements for numerical ratios of
 6 staff persons to children. The exception applies only
 7 to a child who meets both of the following
 8 circumstances: the child has a parent serving in the
 9 United States armed services who is stationed outside
 10 the state of Iowa due to the Persian Gulf conflict and
 11 there is no charge for the care provided to the
 12 child."

13 2. Page 6, by inserting after line 18, the
 14 following:

15 "Sec. _____. EFFECTIVE DATE. Sections 9 and 10 of
 16 this Act, being deemed of immediate importance, take
 17 effect upon enactment."

18 3. Title page, line 2, by inserting after the word
 19 "children" the following: "and providing an effective
 20 date".

Amendment H—3633 was adopted.

Haverland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 471)

The ayes were, 95:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Rafferty	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Bennett
Renaud

Brammer

Hurley

Neuhauser

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 114, a bill for an act relating to the definition of a physician for the purpose of the practice of nursing, with report of committee recommending amendment and passage was taken up for consideration.

Beatty of Warren offered the following amendment H—3513 filed by the committee on state government and moved its adoption:

H—3513

- 1 Amend Senate File 114, 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 152.1, subsection 6, Code
- 6 1991, is amended to read as follows:
- 7 6. "Physician" means a person licensed in this
- 8 state to practice medicine and surgery, osteopathy and
- 9 surgery, or osteopathy, or a person licensed in this
- 10 state to practice dentistry or podiatry when acting
- 11 within the scope of the license. A physician licensed
- 12 to practice medicine and surgery, osteopathic medicine
- 13 and surgery, or osteopathy in a state bordering this
- 14 state shall be considered a physician for purposes of
- 15 this chapter unless previously determined to be
- 16 ineligible for such consideration by the Iowa board of
- 17 medical examiners."

The committee amendment H—3513 was adopted.

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 114)

The ayes were, 98:

Adams
Bartz
Bernau
Brand
Carpenter
Daggett

Arnould, Spkr.
Beaman
Bisignano
Branstad
Chapman
De Groot

Baker
Beatty
Black
Brown
Cohoon
Dickinson

Banks
Bennett
Blanshan
Burke
Corbett
Diemer

Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Brammer Renaud

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 435, a bill for an act relating to the transfer of regulatory authority over mortgage bankers and brokers from the superintendent of savings and loans to the superintendent of banking, with report of committee recommending passage was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 435)

The ayes were, 99:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.

Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 338, a bill for an act relating to movement of indivisible loads of excessive size and weight and increasing the fee for escort services, with report of committee recommending amendment and passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H-3574 filed by the committee on transportation and moved its adoption:

H-3574

- 1 Amend Senate File 338, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "Sec. _____. Section 321E.9, subsection 1, Code
- 6 1991, is amended to read as follows:
- 7 1. Vehicles with indivisible loads having an
- 8 overall width not to exceed forty feet, zero inches,
- 9 an overall length not to exceed one hundred twenty
- 10 feet, zero inches, or a total gross weight not to
- 11 exceed one hundred thousand pounds may be moved,
- 12 provided the gross weight on any one axle shall not
- 13 exceed the maximum prescribed in section 321.463,
- 14 pursuant to rules adopted pursuant to chapter 17A.
- 15 The height of the vehicles and loads shall be limited
- 16 only to height limitations of underpasses, bridges,

17 power lines and other established height restrictions
18 on the specified route. A mobile home shall not be
19 moved under the provisions of this section if the
20 actual mobile home width exceeds twelve feet, five
21 inches or length exceeds sixty-seven feet, six inches,
22 excluding hitch or any overhang. The vehicle with
23 load shall be accompanied by an escort as required by
24 rules adopted pursuant to chapter 17A."
25 2. By renumbering as necessary.

The committee amendment H—3574 was adopted.

McKinney of Dallas asked and received unanimous consent that Senate File 338 be deferred and that the bill retain its place on the calendar.

Senate File 297, a bill for an act relating to the confidentiality of information identifying inert ingredients in pesticides, and providing retroactive applicability and effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Osterberg of Linn offered the following amendment H—3601 filed by the committee on energy and environmental protection and moved its adoption:

H—3601

1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by inserting after the figure
4 "206.2." the following: "The rules shall specify the
5 qualifications of individuals staffing an emergency
6 information system and shall specify the maximum
7 amount of time that a registrant may take to provide
8 the information to a poison control center or an
9 attending physician treating a patient exposed to the
10 registrant's product."

11 2. Page 1, line 17, by striking the word
12 "subsection" and inserting the following:
13 "subsections".

14 3. Page 1, by inserting after line 21 the
15 following:

16 "NEW SUBSECTION. 31. "Toxic to humans" means not
17 generally recognized as safe as provided by the United
18 States food and drug administration pursuant to 21
19 C.F.R. pt. 182."

20 4. Page 2, line 2, by inserting after the word
21 "provided" the following: "to".

22 5. Page 2, by inserting after line 31 the
23 following:

24 "This section shall not be construed to prohibit
 25 the release of information independently obtained from
 26 a source other than registrations filed under this
 27 chapter which links an inert ingredient to a pesticide
 28 registered in this state."

The committee amendment H-3601 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. 297)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Connors		
	Presiding		

The nays were, 1:

Carpenter

Absent or not voting, 1:

Brammer

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 338**, a bill for an act relating to movement of indivisible loads of excessive size and weight and increasing the fee for escort services, previously deferred.

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. 338)

The ayes were, 86:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. E.
Harbor	Haverland	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKinney	McNeal
Mertz	Metcalfe	Millage	Muhlbauer
Murphy	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Connors		
	Presiding		

The nays were, 12:

Branstad	Carpenter	Doderer	Halvorson, R. N.
Hanson, D. R.	Hester	McKean	Miller
Neuhauser	Nielsen	Osterberg	Shoultz

Absent or not voting, 2:

Brammer	Hatch
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 324, a bill for an act relating to authorized actions of local air pollution programs under the jurisdiction of the department of natural resources and providing penalties, with report of committee recommending passage was taken up for consideration.

Holveck of Polk asked and received unanimous consent that Senate File 324 be deferred and that the bill retain its place on the calendar.

Senate File 211, a bill for an act relating to crimes against the elderly and disabled persons by creating a cause of action, creating a special fund, and providing a civil penalty, with report of committee recommending amendment and passage was taken up for consideration.

Jay of Appanoose offered the following amendment H—3602 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3602

1 Amend Senate File 211, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause, and inserting the following:

5 "Section 1. **NEW SECTION. 668B.1 CIVIL PENALTY**
6 **AND CAUSE OF ACTION FOR CONSUMER FRAUDS COMMITTED**
7 **AGAINST ELDERLY — FUND ESTABLISHED.**

8 1. If a person violates section 714.16, and the
9 violation is committed against an older person, in
10 addition to any other civil penalty, the court may
11 impose an additional civil penalty not to exceed five
12 thousand dollars for each such violation.

13 A civil penalty imposed pursuant to this section
14 shall be paid to the treasurer of state, who shall
15 deposit the money in the elderly victim fund, a
16 separate fund created in the state treasury and
17 administered by the attorney general for the
18 investigation and prosecution of frauds against the
19 elderly. Notwithstanding section 8.33, any balance in
20 the fund on June 30 of any fiscal year shall not
21 revert to the general fund of the state. An award of
22 restitution pursuant to section 714.16 has priority
23 over a civil penalty imposed by the court pursuant to
24 this subsection.

25 2. In determining whether to impose a civil
26 penalty under subsection 1, and the amount of any such
27 penalty, the court shall consider the following:

28 a. Whether the defendant's conduct was in willful
29 disregard of the rights of the older person.

30 b. Whether the defendant knew or should have known
31 that the defendant's conduct was directed to an older
32 person.

33 c. Whether the older person was substantially more
34 vulnerable to the defendant's conduct because of age,
35 poor health, infirmity, impaired understanding, re-

- 36 stricted mobility, or disability, than other persons.
 37 d. Any other factors the court deems appropriate.
 38 3. As used in this section, "older person" means a
 39 person who is sixty-five years of age or older."
 40 2. Title page, by striking lines 1 through 3, and
 41 inserting the following: "An Act relating to consumer
 42 frauds against the elderly, providing a civil penalty,
 43 and creating a special fund."

The committee amendment H-3602 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. 211)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Connors
			Presiding

The nays were, 2:

Metcalf Renken

Absent or not voting, 2:

Brammer Hanson, D. E.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 494, a bill for an act relating to the transfer of the regulatory authority of the superintendent of savings and loan associations to the director of the department of commerce and the superintendent of banking, with report of committee recommending passage was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 494)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Brammer Jesse

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 205, a bill for an act relating to residency requirements for commercial mussel fishers and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Knapp of Dubuque offered the following amendment H—3487 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H—3487

1 Amend Senate File 205, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 3 through 11 and
4 inserting the following:

5 "5. "Commercial mussel fisher" means a person who
6 is licensed to take and sell freshwater mussels from
7 waters of the state. A resident commercial mussel
8 license holder must have resided in this state for one
9 year preceding the person's application for a
10 commercial mussel fishing license.

11 Sec. _____. Section 109B.4, subsection 6, paragraphs
12 g, h, and i, Code 1991, are amended to read as
13 follows:

14 g. Commercial mussel <u>fisher</u> , resident	\$ 30.00
15	100.00
16 h. Commercial mussel buyer, resident	\$ 300.00
17	1,000.00
18 i. Commercial mussel buyer, nonresident	\$2,500.00
19	5,000.00

20 Sec. _____. Section 109B.4, subsection 6, Code 1991,
21 is amended by adding the following new paragraphs:

22 <u>NEW PARAGRAPH. l. Commercial mussel fisher, nonresident</u>	
23	\$2,500.00
24 <u>NEW PARAGRAPH. m. Commercial mussel helper, resident</u>	
25	\$ 50.00
26 <u>NEW PARAGRAPH. n. Commercial mussel helper,</u>	
27 <u>nonresident</u>	\$ 200.00

28 Sec. _____. Section 109B.12, subsection 1, paragraph
29 d, Code 1991, is amended by striking the paragraph and
30 inserting in lieu thereof the following:

31 d. A commercial mussel helper license is required
32 to assist commercial mussel fishers in the possessing,
33 processing, or transporting of commercial freshwater
34 mussels. The taking or sale of mussels or shells is
35 not permitted with a commercial mussel helper license.

36 Sec. _____. Section 109B.13, subsection 1, Code
37 1991, is amended to read as follows:

38 1. Reciprocal commercial fishing, and commercial
39 turtle fishing, and commercial freshwater mussel
40 fishing privileges are contingent upon a grant of

41 similar privileges by the appropriate state to
42 residents of this state.

43 Sec. _____. Section 109B.13, subsection 3, Code
44 1991, is amended by striking the subsection.

45 Sec. _____. Section 109B.14, Code 1991, is amended
46 to read as follows:

47 109B.14 REPORTS REQUIRED.

48 All commercial fishers, commercial turtle fishers,
49 and commercial mussel fishers, and commercial mussel
50 buyers shall submit a monthly report supplying all

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1 information requested on forms furnished by the
2 commission. Reports must be received by the
3 commission no later than the fifteenth day of the
4 following month.

5 Sec. _____. APPLICABILITY.

6 1. The new fees established in this Act are
7 applicable to licenses applied for on or after the
8 effective date of this Act.

9 2. The residency requirement established in this
10 Act is applicable to licenses applied for on or after
11 the effective date of this Act."

12 2. Title page, by striking line 2 and inserting
13 the following: "fishers and providing effective and
14 applicability dates".

15 3. By renumbering sections as required.

The committee amendment H—3487 was adopted, placing out of order amendment H—3244 filed by Spear of Lee on March 15, 1991.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 205)

The ayes were, 99:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum

Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 10, a bill for an act relating to the establishment and registration of elder family homes, 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. 10)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich

Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Connors
			Presiding

The nays were, 1:

Metcalf

Absent or not voting, 3:

Brammer Hibbard Holveck

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 210, a bill for an act relating to agreements by physicians restricting professional practices, providing that such agreements violate public policy, and providing effective date and retroactive applicability provisions, with report of committee recommending amendment and passage was taken up for consideration.

Wissing of Scott offered the following amendment H—3581 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3581

- 1 Amend Senate File 210, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, lines 11 and 12, by striking the words
- 4 "AND RETROACTIVE APPLICABILITY PROVISIONS" and
- 5 inserting the following: "PROVISION".
- 6 2. Page 1, line 13, by striking the figure: "1."
- 7 3. Page 1, by striking lines 16 through 26.
- 8 4. Title page, by striking lines 3 and 4, and
- 9 inserting the following: "public policy, and
- 10 providing an effective date."

The committee amendment H—3581 was adopted.

Wissing of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 210)

The ayes were, 63:

Adams	Arnould, Spkr.	Baker	Banks
Beatty	Bennett	Bernau	Bisignano

Black	Blanshan	Brand	Branstad
Brown	Burke	Cohoon	Dickinson
Dvorsky	Eddie	Gill	Gipp
Groninga	Grubbs	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Hurley	Jay
Jesse	Johnson	Knapp	Koenigs
Krebsbach	Kremer	Lundby	McKean
McKinney	Mertz	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spenner	Svoboda
Teaford	Wissing	Connors	
		Presiding	

The nays were, 34:

Bartz	Beaman	Carpenter	Chapman
Corbett	Daggett	De Groot	Diemer
Doderer	Garman	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Iverson	Jochum	Kistler	Lageschulte
Maulsby	McNeal	Metcalf	Millage
Miller	Neuhauser	Plasier	Poncy
Renken	Royer	Spear	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 3:

Brammer	Fogarty	Wise
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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.

On motion by McKinney of Dallas, the House was recessed at 11:55 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-seven members present, twenty-three absent.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 323, a bill for an act relating to delegates to the Iowa congress on resource enhancement and protection, with report of committee recommending amendment and passage was taken up for consideration.

Black of Jasper offered the following amendment H—3589 filed by the committee on natural resources and outdoor recreation:

H—3589

1 Amend Senate File 323, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 256.34, subsection 1,
6 unnumbered paragraph 1, Code 1991, is amended to read
7 as follows:

8 A conservation education program board is created
9 in the department. The board shall have three five
10 members appointed as follows:

11 Sec. 2. Section 256.34, subsection 1, Code 1991,
12 is amended by adding the following new paragraphs:

13 NEW PARAGRAPH. d. One member appointed by the
14 president of the Iowa association of naturalists.

15 NEW PARAGRAPH. e. One member appointed by the
16 president of the Iowa conservation education council.

17 Sec. 3. Section 455A.19, subsection 1, paragraph
18 b, subparagraph (4), Code 1991, is amended to read as
19 follows:

20 (4) Funds allocated to the counties under
21 subparagraphs (1), (2), and (3) may be used for land
22 easements or acquisitions, capital improvements,
23 stabilization and protection of resources, repair and
24 upgrading of facilities, environmental education, and
25 equipment. However, expenditures are not allowed for
26 single or multipurpose athletic fields, baseball or
27 softball diamonds, tennis courts, golf courses,
28 swimming pools, and other group or organized sport
29 facilities. Funds may be used for county projects
30 located within the boundaries of a city.

31 Sec. 4. Section 455A.19, subsection 1, paragraph
32 b, subparagraph (5), Code 1991, is amended to read as
33 follows:

34 (5) Funds allocated pursuant to subparagraphs (2)
35 and (3) shall only be allocated to counties dedicating
36 property tax revenue at least equal to twenty-two
37 cents per thousand dollars of the assessed value of
38 taxable property in the county to county conservation
39 purposes. State funds received under this paragraph
40 shall not reduce or replace county tax revenues
41 appropriated for county conservation purposes. The
42 county ~~treasurer~~ auditor shall submit documentation
43 annually of the dedication of property tax revenue for
44 county conservation purposes. The annual audit of the
45 financial transactions and condition of a county shall
46 certify compliance with requirements of this
47 subparagraph. Funds not allocated to counties not

48 qualifying for the allocations under subparagraph (2)
49 as a result of this subparagraph shall be held in
50 reserve for each county for two years. Counties

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1 qualifying within two years may receive the funds held
2 in reserve. Funds not spent by a county within two
3 years shall revert to the general pool of county funds
4 for reallocation to other counties where needed.

5 Sec. 5. Section 455A.19, subsection 1, paragraph
6 d, Code 1991, is amended to read as follows:

7 d. Fifteen percent shall be allocated to a cities'
8 parks and open space account. The moneys allocated in
9 this paragraph may be used to fund competitive grants
10 to cities to acquire, establish, and maintain natural
11 parks, preserves, and open spaces. The grants may
12 include expenditures for multipurpose trails, restroom
13 facilities, shelter houses, and picnic facilities, but
14 expenditures for single or multipurpose athletic
15 fields, baseball or softball diamonds, tennis courts,
16 golf courses, swimming pools, and other group or
17 organized sport facilities requiring specialized
18 equipment are excluded. The grants may be used for
19 city projects located outside of a city's boundaries.
20 The natural resource commission, by rule, shall
21 establish procedures for application, review, and
22 selection of city projects on a competitive basis.
23 The rules shall provide for three categories of cities
24 based on population within which the cities shall
25 compete for grants. There is appropriated from the
26 cities' parks and open space account to the department
27 the amount in that account, or so much thereof as is
28 necessary, to carry out the competitive grant program
29 as provided in this paragraph.

30 Sec. 6. Section 455A.20, subsection 1, paragraph
31 c, Code 1991, is amended to read as follows:

32 c. The chairperson titular head or the
33 chairperson's head's designee of each recognized farm
34 organization having a county organization in the
35 county. The designee shall be a member of the
36 organization represented. The recognized farm
37 organizations are the following:

- 38 (1) The Iowa farm bureau federation, the.
39 (2) The Iowa farmers union, the.
40 (3) The Iowa grange, the.
41 (4) The national farmers organization, and the.
42 (5) The Iowa farm unity coalition.
43 (6) Any other recognized farm or farm commodity
44 group.

45 Sec. 7. Section 455A.20, subsection 1, paragraph
46 d, subparagraph (9), Code 1991, is amended to read as

47 follows:

48 (9) Other recognized wildlife, conservation,
49 environmental, recreation, or conservation education
50 groups, or a nonpartisan governmental research or

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1 study group limited to the league of women voters."

2 2. Title page, by striking line 1, and inserting
3 the following: "An Act relating to the resource".

4 3. Title page, line 2, by inserting after the
5 word "protection" the following: "program".

Spear of Lee asked and received unanimous consent to withdraw amendment H—3626, to the committee amendment H—3589, filed by him on April 15, 1991.

Spear of Lee offered the following amendment H—3650, to the committee amendment H—3589, filed by him from the floor and moved its adoption:

H—3650

1 Amend the committee amendment, H—3589, to Senate
2 File 323, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 6 through 16 and
4 inserting the following: "Code 1991, is amended by
5 striking the subsection and inserting in lieu thereof
6 the following:

7 1. A conservation education program board is
8 created in the department. The board shall have five
9 members appointed as follows:

10 a. One member appointed by the director.

11 b. One member appointed by the director after
12 consultation with the director of the department of
13 natural resources.

14 c. One member appointed by the director after
15 consultation with the president of the Iowa
16 association of county conservation boards.

17 d. One member appointed by the director after
18 consultation with the president of the Iowa
19 association of naturalists.

20 e. One member appointed by the director after
21 consultation with the president of the Iowa
22 conservation education council."

Amendment H—3650 lost.

Spear of Lee offered the following amendment H—3651, to the committee amendment H—3589, filed by him from the floor and moved its adoption:

H—3651

1 Amend the committee amendment, H—3589, to Senate

2 File 323, as passed by the Senate, as follows:

3 1. Page 1, by inserting before line 17 the

4 following:
5 "Sec. _____. Section 256.34, subsection 1, Code
6 1991, is amended by adding the following new
7 unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. Section 69.16 does not
9 apply to appointments made pursuant to this subsec-
10 tion."

Amendment H—3651 was adopted.

Black of Jasper offered the following amendment H—3652, to the committee amendment H—3589, filed by him from the floor and moved its adoption:

H—3652

1 Amend the Committee amendment, H—3589, to Senate
2 File 323, as passed by the Senate, as follows:
3 1. Page 2, line 49, by striking the word "or" and
4 inserting the following: "or".
5 2. Page 2, line 49, by inserting after the word
6 "education" the following: ", or historical-cultural
7 preservation".

Amendment H—3652 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McNeal of Hardin, until his arrival, on request of Gipp of Winneshiek.

Spear of Lee offered the following amendment H—3628, to the committee amendment H—3589, filed by him and moved its adoption:

H—3628

1 Amend the committee amendment, H—3589, to Senate
2 File 323, as passed by the Senate, as follows:
3 1. Page 3, by inserting after line 1, the
4 following:
5 "Sec. _____. Section 455A.20, subsection 1,
6 paragraph e, Code 1991, is amended to read as follows:
7 e. If a question arises as to whether a recognized
8 county organization exists under paragraph "c" or "d",
9 the question shall be decided by a majority vote of
10 the members selected under paragraphs "a" and "b"
11 excluding the representative of the county
12 conservation board. Sections 69.16 and 69.16A do not
13 apply to appointments made pursuant to this
14 subsection."

Amendment H—3628 was adopted.

On motion by Black of Jasper, the committee amendment H—3589, as amended, was adopted.

Black of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 323)

The ayes were, 93:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
McKean	McKinney	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Connors			
Presiding			

The nays were, 4:

Branstad	Halvorson, R. A.	Harbor	Maulsby
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Absent or not voting, 3:

Brammer	Jay	McNeal
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 495, a bill for an act relating to the ability of a mentally disabled person to obtain a marriage license or an annulment, and findings by the court in guardianship proceedings concerning capacity to contract a valid marriage, with report of committee recommending passage was taken up for consideration.

Sherzan of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 495)

The ayes were, 95:

Adams	Arnould, Spkr.	Baker	Banks
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lundby	Maulsby	McKean	McKinney
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Connors	
		Presiding	

The nays were, 2:

Bartz Lageschulte

Absent or not voting, 3:

Brammer Hibbard McNeal

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 317**, a bill for an act relating to the regulation of pay-per-call service and advertisements and providing for the applicability of established penalties, previously deferred.

Pavich of Pottawattamie offered the following amendment H-3640 filed by Pavich, et al., and moved its adoption:

H-3640

- 1 Amend Senate File 317, as amended, passed, and re-
- 2 printed by the Senate, as follows:

- 3 1. Page 1, by inserting before line 1 the fol-
4 lowing:
5 "Section 1. NEW SECTION. 477C.1 OPTIONAL
6 INFORMATION ACCESS TELEPHONE SERVICE.
7 The utilities board within the utilities division
8 of the department of commerce shall establish rules
9 directing all telephone companies which provide pay-
10 per-call service, as defined in section 714A.1, to
11 provide the service only as an optional additional
12 service to the basic telephone service provided to
13 customers and to provide for the transition of
14 information access telephone service currently
15 provided to customers to an optional service, and
16 establishing a rate structure for the optional ser-
17 vices."
18 2. Renumber as necessary.

Amendment H—3640 was adopted.

Peterson of Carroll offered the following amendment H—3599
filed by him and moved its adoption:

H—3599

- 1 Amend Senate File 317, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by striking lines 23 through 26 and
4 inserting the following: "service if such person has
5 actual knowledge of the failure of the pay-per-call
6 service to comply with the requirements of this
7 chapter. A person is deemed to have such knowledge if
8 upon receipt of a complaint, an investigation is
9 conducted within thirty days of receipt of the
10 complaint which establishes the failure of the pay-
11 per-call service to comply with such requirements.
12 Billing".

Amendment H—3599 was adopted.

Shearer of Louisa offered the following amendment H—3533 filed
by him and moved its adoption:

H—3533

- 1 Amend Senate File 317 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 30 the
4 following:
5 "Additionally, a person shall not bill or collect a
6 charge for a pay-per-call service unless the call for
7 which the charge is being made, is completed."

Amendment H—3533 was adopted.

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. 317)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	Mertz	Metcalf
Millage	Miller	Muhlbauser	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 4:

Brammer	Hibbard	McNeal	Wissing
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 643 WITHDRAWN

Hansen of Woodbury asked and received unanimous consent to withdraw House File 643 from further consideration by the House.

Regular Calendar

Senate File 78, a bill for an act relating to the membership of the college student aid commission, to substitute a representative from the community colleges for the member of the state council on vocational education, with report of committee recommending passage was taken up for consideration.

Nielsen 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. 78)

The ayes were, 95:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Hatch	McNeal	Mertz
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 444, a bill for an act relating to law enforcement, victim services, and domestic abuse, establishing certain training and certification requirements, establishing and increasing certain criminal penalties, imposing mandatory minimum sentences, establishing a domestic abuse services fund, establishing an income tax checkoff for domestic abuse, increasing certain court costs and fees, eliminating certain court costs, requiring batterers treatment by offenders, establishing a pilot program, and containing effective date and applicability provisions, with report of committee recommending passage was taken up for consideration.

Schrader of Marion asked and received unanimous consent that Senate File 444 be deferred and placed on the calendar under unfinished business.

Senate File 318, a bill for an act creating a statewide dual party relay service system, establishing telephone utility assessments, and authorizing distribution of telecommunications devices to the deaf, with report of committee recommending passage was taken up for consideration.

Schrader of Marion asked and received unanimous consent that Senate File 318 be deferred and placed on the calendar under unfinished business.

Senate File 454, a bill for an act authorizing the state department of transportation to contract for a light rail study, with report of committee recommending passage was taken up for consideration.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 454)

The ayes were, 94:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wissing	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer
McNeal

Holveck
Wise

Jay

McKinney

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 506, a bill for an act relating to establishing incentive regulation for utilities furnishing communication services, with report of committee recommending passage was taken up for consideration.

Schrader of Marion asked and received unanimous consent that Senate File 506 be deferred and that the bill be placed on the calendar under unfinished business.

The House resumed consideration of **Senate File 310**, a bill for an act relating to the repeal of chapter 536B, and the restrictions on investments made by, and debt instruments offered for sale by, an industrial loan company, previously deferred.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 310)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning

Shoultz
Svoboda
Weidman

Siegrist
Teaford
Wise

Spear
Tyrrell
Wissing

Spenner
Van Maanen
Connors
Presiding

The nays were, none.

Absent or not voting, 4:

Brammer

Jay

McKinney

McNeal

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 555 WITHDRAWN

Blanshan of Greene asked and received unanimous consent to withdraw House File 555 from further consideration by the House.

Senate File 273, a bill for an act authorizing a class "B" wine permittee who also holds a class "E" liquor control license to sell wine to liquor control licensees, with report of committee recommending amendment and passage was taken up for consideration.

Schrader of Marion asked and received unanimous consent that Senate File 273 be deferred and that the bill be placed on the calendar under unfinished business.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 532, a bill for an act relating to reductions and increases in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, transferring moneys to the general fund of the state, and providing an effective date.

JOHN F. DWYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 532, by committee on appropriations, a bill for an act relating to reductions and increases in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, transferring moneys to the general fund of the state, and providing an effective date.

Read first time and referred to committee on appropriations.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 16, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 309, a bill for an act relating to maximum lengths of saddle mounted or full mounted power unit combination vehicles and the length of draw bar or other connections on certain towing vehicles.

Senate File 477, a bill for an act relating to cooperative ownership of residential, business property, providing an applicability date, and providing an effective date.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

UNIVERSITY OF NORTHERN IOWA

An Interim Report from The Applied Technology Program, University of Northern Iowa.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixteen sophomore and eight Talented and Gifted students from Dows Community School, Dows, accompanied by Virginia Hoelscher and Nancy Hemphill. By Iverson of Wright.

Fifty fifth grade students from Union Whitten, Beaman, Conrad, Liscomb Community School, Union, accompanied by Mary Pieper and John Ehn. By Renken of Grundy and McNeal of Hardin.

Fifty sixty grade students from Clarinda Middle School, Clarinda. By Royer of Page.

AMENDMENTS FILED

H-3644	S.F.	343	Grubbs of Scott
H-3645	S.F.	46	Banks of Plymouth
H-3646	S.F.	330	Lageschulte of Bremer
H-3647	S.F.	97	Jay of Appanoose
H-3648	S.F.	478	Shoultz of Black Hawk
			Baker of Polk
H-3649	S.F.	457	Tyrrell of Iowa
			Krebsbach of Mitchell
			Renken of Grundy
			Eddie of Buena Vista

H-3653	S.F.	505	Hanson of Delaware Garman of Story Carpenter of Polk Metcalf of Polk Renken of Grundy Krebsbach of Mitchell
H-3654	S.F.	470	Rafferty of Scott
H-3655	S.F.	101	Blanshan of Greene
H-3656	S.F.	324	Holveck of Polk
H-3657	S.F.	329	Muhlbauer of Crawford
H-3658	S.F.	505	Grubbs of Scott
H-3659	S.F.	491	Halvorson of Webster
H-3660	S.F.	505	Connors of Polk

On motion by Schrader of Marion, the House adjourned at 2:28 p.m., until 9:00 a.m., Wednesday, April 17, 1991.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day — Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 17, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by Dr. Richard Trost, pastor of Faith Lutheran Church, Clive.

The Journal of Tuesday, April 16, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth and Shearer of Louisa on request of Gruhn of Dickinson; Jesse of Jasper on request of Brown of Lucas; Corbett of Linn on request of Banks of Plymouth, all until their arrival.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **House File 689**, a bill for an act relating to the establishment of joint water utilities and their tax status, previously deferred and placed on the unfinished business calendar.

Dvorsky of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 689)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Johnson	Kistler	Knapp

Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Poney	Rafferty	Renaud
Renken	Royer	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, none.

Absent or not voting, 7:

Brammer	Corbett	Jesse	Jochum
Mertz	Plasier	Shearer	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 138, a bill for an act requiring the acceptance of a student's postsecondary options credits as high school academic or vocational-technical credits by a school district or accredited nonpublic school, with report of committee recommending amendment and passage was taken up for consideration.

Wise of Lee offered the following amendment H—3615 filed by the committee on education and moved its adoption:

H—3615

- 1 Amend Senate File 138, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 261C.4, Code 1991, is amended
- 6 to read as follows:
- 7 261C.4 AUTHORIZATION.
- 8 An eligible pupil may make application to an
- 9 eligible institution to allow the eligible pupil to
- 10 enroll for academic or vocational-technical credit in
- 11 a nonsectarian course offered at that eligible
- 12 institution. A comparable course, as defined in rules
- 13 made by the board of directors of the public school
- 14 district, must not be offered by the school district
- 15 or accredited nonpublic school in which the pupil is
- 16 enrolled. If an eligible institution accepts an
- 17 eligible pupil for enrollment under this section, the

18 institution shall send written notice to the pupil,
 19 the pupil's school district or accredited nonpublic
 20 school, and the department of education. The notice
 21 shall list the course, the clock hours the pupil will
 22 be attending the course, and the number of hours of
 23 postsecondary academic or vocational-technical credit
 24 that the eligible pupil will receive from the eligible
 25 institution upon successful completion of the course."

26 2. Page 1, line 8, by inserting after the word
 27 "institution." the following: "Eligible pupils, who
 28 have completed the eleventh grade but who have not yet
 29 completed the requirements for graduation, may take up
 30 to seven semester hours of credit during the summer
 31 months when school is not in session and receive
 32 credit for that attendance, if the pupil pays the cost
 33 of attendance of those summer credit hours."

34 3. Page 1, by inserting after line 20, the
 35 following:

36 "Sec. _____. This Act, being deemed of immediate
 37 importance, takes effect upon enactment."

38 4. Title page, line 1, by striking the word "a"
 39 and inserting the following: "any".

40 5. Title page, line 4, by inserting after the
 41 word "school" the following: "and providing an
 42 effective date".

43 6. By numbering and renumbering as necessary.

The committee amendment H-3615 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. 138)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Branstad
Brown	Burke	Carpenter	Chapman
Cphoon	Connors	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney

McNeal	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Rafferty
Renaud	Renken	Royer	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 6:

Brammer	Brand	Corbett	Jochum
Mertz	Shearer		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 48, a bill for an act relating to professional titles and abbreviations of physical therapists and physical therapist assistants, and licensure, examination fees, and conditions of practice of physical therapist assistants, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware offered the following amendment H—3558 filed by him:

H—3558

- 1 Amend Senate File 48, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 32, the
- 4 following:
- 5 "5. This section does not prevent a person
- 6 licensed to practice medicine and surgery, osteopathic
- 7 medicine and surgery, or osteopathy from directly
- 8 supervising a physical therapist assistant who is an
- 9 employee of that physician."

Dickinson of Jackson in the chair at 9:50 a.m.

Hanson of Delaware moved the adoption of amendment H—3558.

A non-record roll call was requested.

The ayes were 24, nays 57.

Amendment H—3558 lost.

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 48)

The ayes were, 93:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Dickinson			
Presiding			

The nays were, 2:

Halvorson, R. N. Hanson, D. R.

Absent or not voting, 5:

Brammer	Chapman	Corbett	Jochum
Mertz			

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 491**, a bill for an act relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties, previously deferred.

Halvorson of Webster offered the following amendment H—3659 filed by him and moved its adoption:

H—3659

- 1 Amend Senate File 491, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 5, by inserting after line 16, the
4 following:
5 "a. The rental company agrees to waive any and all
6 claims against the customer for any damages to or loss
7 of the rental vehicle during the term of the rental
8 agreement for an amount less than or equal to the full
9 value of the rental vehicle for a cost not to exceed
10 six dollars per day.
11 The allowable cost for the collision damage waiver
12 may be adjusted on an annual basis by an amount equal
13 to the current allowable cost for the collision damage
14 waiver multiplied by the percentage increase in the
15 consumer price index for the preceding calendar year.
16 The attorney general shall publish by rule at least
17 thirty days prior to January of each year, the maximum
18 amounts which can be charged for a collision damage
19 waiver."
20 2. Page 5, by inserting after line 25, the
21 following: "contain the terms of the collision damage
22 waiver in simple and readable words with common
23 meanings and must".
24 3. Renumber and reletter as necessary.

Amendment H—3659 was adopted.

Halvorson of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 491)

The ayes were, 94:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Rafferty

Renaud	Renken	Royer	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Dickinson		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Beatty	Brammer	Corbett	Jochum
Mertz	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 607 WITHDRAWN

Halvorson of Webster asked and received unanimous consent to withdraw House File 607 from further consideration by the House.

MOTION TO RECONSIDER PREVAILED (Senate File 33)

Brand of Benton called up for consideration the motion to reconsider Senate File 33, filed on April 15, 1991, and moved to reconsider the vote by which Senate File 33, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers, and providing for fees, passed the House and was placed on its last reading on April 15, 1991.

A non-record roll call was requested.

The ayes were 66, nays 34.

The motion prevailed and the House reconsidered Senate File 33.

Banks of Plymouth asked and received unanimous consent to reconsider the vote by which amendment H—3358, found on pages 1247 and 1248 of the House Journal, was adopted by the House on April 15, 1991.

Banks of Plymouth asked and received unanimous consent to withdraw amendment H—3358, filed by him.

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. 33)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrell	Van Maanen
Weidman	Wise	Wissing	Dickinson
			Presiding

The nays were, none.

Absent or not voting, 4:

Brammer	Corbett	Jochum	Mertz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 101, a bill for an act relating to the loss of pay while on military leave of absence, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—3608 filed by the committee on state government and moved its adoption:

H—3608

- 1 Amend Senate File 101, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "hours." the following: "However, during the first
- 5 thirty days of a leave of absence, a public employer
- 6 shall pay a public officer or employee ordered to

- 7 active federal or state service only for the amount of
8 pay by which the pay normally received for civil
9 employment exceeds the pay received for military
10 service."

The committee amendment H—3608 was adopted.

Blanshan of Greene offered the following amendment H—3655 filed by him and moved its adoption:

H—3655

- 1 Amend Senate File 101, 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 29A.27, unnumbered paragraph
6 1, Code 1991, is amended to read as follows:
7 Officers and enlisted persons while in active state
8 service shall receive the same pay, per diem, and
9 allowances as are paid for the same rank or grade for
10 service in the armed forces of the United States.
11 However, a person shall not be paid at a base rate of
12 pay of less than fifty seventy-five dollars per
13 calendar day of active state service."
14 2. Page 1, line 19, by inserting after the word
15 "hours," the following: "During a military leave of
16 absence, a public officer or employee may retain all
17 health, disability, life, or other insurance benefits
18 which the public officer or employee received when
19 called to active state or federal service and at the
20 same cost, if any, at which the insurance benefits are
21 provided to other full-time public officers or
22 employees by the public employer. During a leave of
23 absence, a public officer or employee shall be
24 credited for the purpose of calculating retirement
25 benefits for public civil employment with the full
26 amount of pay which the officer or employee would have
27 received from civil employment if the officer or
28 employee had not been called to active state or
29 federal service."
30 3. Page 1, by inserting after line 21 the
31 following:
32 "Sec. _____. Section 29A.57, subsection 3, Code
33 1991, is amended by adding the following new
34 paragraph:
35 NEW PARAGRAPH. d. Grant a temporary or permanent
36 easement with or without monetary consideration for
37 utility or public highway purposes if granting the
38 easement will not adversely affect use of the real
39 estate for military purposes."
40 4. Title page, line 1, by inserting after the

- 41 word "the" the following: "Iowa national guard by
 42 increasing the minimum salary for active state
 43 service, by authorizing the granting of easements by
 44 the state armory board, and by relating to the".
 45 5. By renumbering sections as required.

Amendment H—3655 was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 101)

The ayes were, 93:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cphoon	Connors
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing
Dickinson			
Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Corbett	Jochum	Mertz
Osterberg	Petersen, D. F.	Wise	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

INTRODUCTION OF BILL

House File 690, by committee on ways and means, a bill for an act relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a sales and services tax, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

Read first time and placed on the **ways and means calendar**.

PLACED ON CALENDAR

The Speaker announced that **Senate File 508**, previously referred to the committee on **ways and means pursuant to Rule 31.7**, was placed on the **calendar**.

On motion by McKinney of Dallas, the House was recessed at 11:05 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sherzan of Polk on request of Bisignano of Polk; Haverland of Polk on request of Ollie of Clinton, both until their return.

INTRODUCTION OF BILLS

House File 691, by committee on ways and means, a bill for an act relating to the county agricultural extension education tax by adjusting the maximum levy and increasing the maximum dollar amount of property tax revenue which may be raised, and providing effective and applicability dates.

Read first time and placed on the **ways and means calendar**.

House File 692, by committee on ways and means, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund and providing for effective and retroactive applicability dates.

Read first time and placed on the **ways and means calendar**.

House File 693, by committee on ways and means, a bill for an act relating to alternative forms of local government and creating a

new alternative form of local government for cities known as a consolidated metropolitan corporation, with provisions relating to its charter process, legislative body, tax collection, and service delivery, and to a new alternative form of county government.

Read first time and placed on the **ways and means calendar**.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **Senate File 324**, a bill for an act relating to authorized actions of local air pollution programs under the jurisdiction of the department of natural resources and providing penalties, previously deferred.

Holveck of Polk offered the following amendment H—3656 filed by him and moved its adoption:

H—3656

- 1 Amend Senate File 324, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the word "local"
- 4 and inserting the following: "a city or county which
- 5 maintains".
- 6 2. Page 1, line 15, by striking the word "assess"
- 7 and inserting the following: "provide".

Amendment H—3656 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?" (S.F. 324)

The ayes were, 76:

Adams	Baker	Banks	Beaman
Beatty	Bernau	Bisignano	Black
Blanshan	Brand	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Gill	Gipp
Groninga	Grubbs	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Hibbard
Holveck	Hurley	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	McKean
McKinney	McNeal	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie

Osterberg	Pavich	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Teaford	Tyrrell
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 19:

Bartz	Bennett	Branstad	De Groot
Eddie	Garman	Hahn	Hester
Iverson	Johnson	Krebsbach	Maulsby
Millage	Miller	Petersen, D. F.	Renken
Royer	Svoboda	Van Maanen	

Absent or not voting, 5:

Brammer	Fogarty	Haverland	Mertz
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 314, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Adams of Hamilton offered the following amendment H—3614 filed by the committee on education and moved its adoption:

H—3614

- 1 Amend Senate File 314, 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 281.15, subsection 7, Code
- 6 1991, is amended to read as follows:
- 7 7. All Except as otherwise provided in this
- 8 subsection, all reimbursements received by the area
- 9 education agencies for eligible services shall be paid
- 10 annually to the treasurer of state. The area
- 11 education agencies shall, after determining the
- 12 administrative costs associated with the
- 13 implementation of medical assistance reimbursement for
- 14 the eligible services, be permitted to retain up to
- 15 twenty-five percent of the total amount reimbursed to
- 16 pay for the administrative costs. Funds received
- 17 under this subsection shall not be considered or
- 18 included as part of the area education agencies'
- 19 budgets when calculating funds that are to be received

20 by area education agencies during a fiscal year.
 21 Except as otherwise provided in this subsection, the
 22 treasurer of state shall credit all receipts received
 23 under this subsection to the general fund of the
 24 state.

25 Sec. 2. Section 281.15, Code 1991, is amended by
 26 adding the following new subsection:

27 NEW SUBSECTION. 10. The department of human
 28 services shall offer assistance to the area education
 29 agencies in the identification of children eligible
 30 for reimbursement for services under this section."

31 2. Title page, by striking lines 1 through 4 and
 32 inserting the following: "An Act relating to federal
 33 reimbursements for certain special education
 34 services."

The committee amendment H-3614 was adopted.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 314)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cphoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Brammer

Haverland

Mertz

Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 327, a bill for an act requiring that certain settlements of claims involving governmental bodies be filed with the governmental bodies as public records, with report of committee recommending passage was taken up for consideration.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 327)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbaeyer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 6:

Brammer
OsterbergHaverland
Sherzan

Kistler

Mertz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 340, a bill for an act relating to retirement benefits of members of the Iowa public employees' retirement system who retire due to disability and providing an effective date and applicability date, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—3609 filed by the committee on state government and moved its adoption:

H—3609

- 1 Amend Senate File 340, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 14, by striking the figure "1987"
- 4 and inserting the following: "1987 1990".
- 5 2. Page 1, by striking line 19 and inserting the
- 6 following: "1990."
- 7 3. Page 2, line 3, by striking the figure "1987"
- 8 and inserting the following: "1990".

The committee amendment H—3609 was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 340)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer

Schrader
Siegrist
Teaford
Wise

Shearer
Spear
Tyrrell
Wissing

Shoning
Spenner
Van Maanen
Mr. Speaker
Arnould

Shoultz
Svoboda
Weidman

The nays were, none.

Absent or not voting, 5:

Beaman
Sherzan

Brammer

Haverland

Mertz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 97, a bill for an act increasing penalties for interfering with a traffic control device, with report of committee recommending amendment and passage was taken up for consideration.

Hibbard of Madison offered the following amendment H—3512 filed by the committee on transportation and moved its adoption:

H—3512

- 1 Amend Senate File 97, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 15 and 16 and
- 4 inserting the following: "relating to a stop sign or
- 5 a yield sign may be required to".
- 6 2. Page 1, by striking line 21 and inserting the
- 7 following: "by reason of the person's employment by
- 8 legal right or authority. Any person convicted of".
- 9 3. Page 1, by inserting after line 24 the
- 10 following:
- 11 "Sec. _____. Section 321.423, subsection 1,
- 12 paragraph d, Code 1991, is amended by striking the
- 13 paragraph.
- 14 Sec. _____. Section 321.423, subsection 2, paragraph
- 15 f, Code 1991, is amended to read as follows:
- 16 f. A flashing white light, used in conjunction
- 17 with hazard lights, is permitted on a vehicle pursuant
- 18 to subsection 7.
- 19 Sec. _____. Section 321.423, subsection 7,
- 20 unnumbered paragraph 1, Code 1991, is amended to read
- 21 as follows:
- 22 7. Except as provided in section 321.373,
- 23 subsection 7, and subsection 2, paragraph "c" of this
- 24 section, a flashing white light shall only be used on
- 25 a vehicle when used in conjunction with hazard lights
- 26 and a flashing white light shall not be used on a

- 27 vehicle except in any of the following circumstances:"
28 4. Title page, line 2, by inserting after the
29 word "device" the following: "and relating to the use
30 of flashing white lights".
31 5. By renumbering and relettering as necessary.

The committee amendment H—3512 was adopted.

Jay of Appanoose offered the following amendment H—3647 filed by him:

H—3647

- 1 Amend Senate File 97, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 24, the
4 following:
5 "Sec. _____. Section 668.10, subsection 1, Code
6 1991, is amended to read as follows:
7 1. The failure to place, erect, or install a stop
8 sign, traffic control device signal, or other
9 regulatory sign as defined in the uniform manual for
10 traffic control devices adopted pursuant to section
11 321.252. However, once a regulatory device has been
12 placed, created or installed, the state or
13 municipality may be assigned a percentage of fault for
14 its failure to maintain the device."
15 2. Title page, line 2, by inserting after the
16 word "device" the following: ", and relating to
17 governmental exemptions concerning traffic control
18 signals under the comparative fault statute".
19 3. By renumbering as necessary.

Koenigs of Mitchell rose on a point of order that amendment H—3647 was not germane.

The Speaker ruled the point well taken and amendment H—3647 not germane.

Jay of Appanoose asked for unanimous consent to consider amendment H—3647.

Objection was raised.

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. 97)

The ayes were, 93:

Adams
Beaman
Black

Baker
Beatty
Blanshan

Banks
Bennett
Brand

Bartz
Bernau
Branstad

Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schrader	Shearer
Shoning	Shultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 1:

Bisignano

Absent or not voting, 6:

Brammer	Doderer	Haverland	Mertz
Rafferty	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 329, a bill for an act authorizing the state department of transportation to adopt rules requiring public utilities to comply with the utility accommodation policy for certain Iowa road systems, with report of committee recommending passage was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H—3657 filed by him and moved its adoption:

H—3657

- 1 Amend Senate File 329, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "installation." the following: "The rules shall
- 5 recognize emergency situations and the need for
- 6 immediate installation of service extensions subject
- 7 to the standards adopted by the department and the
- 8 utilities board."

Amendment H—3657 was adopted.

Muhlbauer of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 329)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Brammer	Chapman	Haverland	Mertz
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 172, a bill for an act establishing a state fair challenge grant foundation, with report of committee recommending amendment and passage was taken up for consideration.

Connors of Polk offered the following amendment H—3610 filed by the committee on state government and moved its adoption:

H—3610

- 1 Amend Senate File 172, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 4, by striking the words
- 4 "challenge grant".
- 5 2. Page 1, line 11, by striking the words
- 6 "challenge grant".
- 7 3. Page 1, lines 18 and 19, by striking the words
- 8 "CHALLENGE GRANT".
- 9 4. Page 1, line 20, by striking the words
- 10 "challenge grant".
- 11 5. Title page, line 1, by striking the words
- 12 "challenge grant".

The committee amendment H—3610 was adopted.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 172)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Metcalf
Millage	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 6:

Brammer
Royer

Haverland
Sherzan

Mertz

Neuhauser

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Dvorsky of Johnson in the chair at 2:11 p.m.

Senate File 46, a bill for an act relating to aboveground petroleum tanks and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 46 be deferred and placed on the calendar under unfinished business.

Senate File 429, a bill for an act relating to agricultural land held by corporations, limited partnerships, and trusts, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Svoboda of Tama offered the following amendment H—3620 filed by the committee on agriculture:

H—3620

1 Amend Senate File 429, as passed by the Senate, as

2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 108.13, subsection 3, Code
6 1991, is amended to read as follows:

7 3. This section does not prevent a landowner from
8 utilizing the bed of a protected wetland for pasture
9 or cropland during a period of drought if there is no
10 construction of dikes, ditches, tile lines, or
11 buildings and the agricultural use does not result in
12 drainage."

13 2. Page 1, line 12, by striking the word "fifty"
14 and inserting the following: "fifty fifteen".

15 3. Page 1, by inserting after line 17, the
16 following:

17 "Sec. _____. Section 172C.4, Code 1991, is amended
18 by adding the following new subsection:

19 **NEW SUBSECTION. 12.** Agricultural land purchased
20 from an association organized as a cooperative
21 association in which another cooperative association
22 organized under chapter 497, 498, or 499, is a member,
23 if the association selling such land held the land on
24 July 1, 1975, and the association selling the land

25 operated or leased the land primarily for use as a
26 swine genetics facility until the date of the sale."

27 4. Page 1, line 24, by striking the word "fifty"
28 and inserting the following: "fifty fifteen".

29 5. Page 2, line 2, by striking the word "fifty"
30 and inserting the following: "fifty fifteen".

31 6. Page 3, by striking lines 13 and 14, and
32 inserting the following:

33 "The secretary of state shall do all things
34 necessary to implement this chapter. The secretary of
35 state shall notify".

36 7. Title page, line 1, by inserting after the
37 word "land" the following: ", by providing for land
38 use, and land".

39 8. By renumbering as necessary.

Bernau of Story offered the following amendment H—3680, to the committee amendment H—3620, filed by him from the floor and moved its adoption:

H—3680

1 Amend the amendment, H—3620, to Senate File 429, as
2 passed by the Senate, as follows:

3 1. Page 1, line 14, by striking the word
4 "fifteen" and inserting the following: "forty-five".

5 2. Page 1, line 28, by striking the word
6 "fifteen" and inserting the following: "forty-five".

7 3. Page 1, line 30, by striking the word
8 "fifteen" and inserting the following: "forty-five".

Amendment H—3680 lost.

Bernau of Story offered the following amendment H—3681, to the committee amendment H—3620, filed by him from the floor and moved its adoption:

H—3681

1 Amend amendment, H—3620, to Senate File 429, as
2 passed by the Senate, as follows:

3 1. Page 1, line 14, by striking the word
4 "fifteen" and inserting the following: "twenty-
5 five".

6 2. Page 1, line 28, by striking the word
7 "fifteen" and inserting the following: "twenty-
8 five".

9 3. Page 1, line 30, by striking the word
10 "fifteen" and inserting the following: "twenty-
11 five".

A non-record roll call was requested.

The ayes were 50, nays 45.

Amendment H—3681 was adopted.

On motion by Svoboda of Tama, the committee amendment H—3620, as amended, 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?" (S.F. 429)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Dvorsky
			Presiding

The nays were, none.

Absent or not voting, 4:

Bisignano	Brammer	Haverland	Mertz
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 457, a bill for an act relating to collective bargaining, with report of committee recommending passage was taken up for consideration.

Tyrrell of Iowa offered the following amendment H—3649 filed by Tyrrell, et al.:

H—3649

1 Amend Senate File 457, 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 20.1, unnumbered paragraph 1,
6 Code 1991, is amended to read as follows:

7 The general assembly declares that it is the public
8 policy of the state to promote harmonious and co-
9 operative relationships between government and its
10 employees by permitting public employees to organize
11 and bargain collectively; to protect the citizens of
12 this state by assuring effective and orderly
13 operations of government in providing for their
14 health, safety, and welfare; to prohibit and prevent
15 all strikes by public employees; and to protect the
16 rights of public employees to join or refuse to join,
17 and to participate in or refuse to participate in,
18 employee organizations; and to permit individual
19 employees to negotiate with their employers and file
20 grievances without interference from employee
21 organizations.

22 Sec. 2. Section 20.3, subsection 4, Code 1991, is
23 amended to read as follows:

24 4. "Employee organization" means an organization
25 of any kind in which public employees participate, and
26 which exists for the primary purpose of representing
27 public employees in their employment relations, and
28 which has obtained signed membership cards from public
29 employees.

30 Sec. 3. Section 20.6, subsection 3, Code 1991, is
31 amended to read as follows:

32 3. Maintain, after consulting with individual
33 employees, employee organizations, and public
34 employers, a list of qualified persons representative
35 of the public to be available to serve as mediators
36 and arbitrators and establish their compensation
37 rates.

38 Sec. 4. Section 20.8, Code 1991, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 5. Bargain for their contracts
41 individually with their employer and to file
42 grievances on their own behalf as an individual.

43 Sec. 5. Section 20.9, unnumbered paragraph 1, Code

44 1991, is amended to read as follows:

45 The public employer and the any employee
46 organization and individual employee choosing to
47 participate shall meet at reasonable times, including
48 meetings reasonably in advance of the public
49 employer's budget-making process, to negotiate in good
50 faith with respect to wages, hours, vacations,

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1 insurance, holidays, leaves of absence, shift
2 differentials, overtime compensation, supplemental
3 pay, seniority, transfer procedures, job
4 classifications, health and safety matters, evaluation
5 procedures, procedures for staff reduction, in-service
6 training and other matters mutually agreed upon.
7 Negotiations shall also include terms authorizing dues
8 checkoff for members of the employee organization and
9 individual employees, and grievance procedures for
10 resolving any questions arising under the agreement,
11 which shall be embodied in a written agreement and
12 signed by the parties. If an agreement provides for
13 dues checkoff, a member's dues may be checked off only
14 upon the member's written request and the member may
15 terminate the dues checkoff at any time by giving
16 thirty days' written notice and that termination shall
17 be effective immediately. Such obligation to
18 negotiate in good faith does not compel either party
19 to agree to a proposal or make a concession.

20 Sec. 6. Section 20.10, subsection 2, paragraph e,
21 Code 1991, is amended by striking the paragraph and
22 inserting in lieu thereof the following:

23 e. Refuse to negotiate with individual employees
24 or with an employee organization as required in this
25 chapter.

26 Sec. 7. Section 20.10, subsection 2, paragraph f,
27 Code 1991, is amended by striking the paragraph.

28 Sec. 8. Section 20.10, subsection 3, paragraph c,
29 Code 1991, is amended to read as follows:

30 c. Refuse to bargain collectively with a public
31 employer as required in this chapter.

32 Sec. 9. Section 20.12, subsection 5, Code 1991, is
33 amended to read as follows:

34 5. If an employee organization or any of its
35 officers is held to be in contempt of court for
36 failure to comply with an injunction pursuant to this
37 section, or is convicted of violating this section,
38 the employee organization shall be immediately
39 decertified, shall cease to represent the bargaining
40 unit not represent employees in negotiations, contract
41 administration, grievances procedures, or other
42 actions under this chapter, shall cease to receive any

43 dues by checkoff, and may again be certified only
44 after twelve months have elapsed from the effective
45 date of decertification and only after a new
46 compliance with section 20.14 only act as a bargaining
47 agent and collect dues by checkoff after five years
48 have elapsed. The penalties provided in this section
49 may be suspended or modified by the court, but only
50 upon request of the public employer and only if the

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1 court determines the suspension or modification is in
2 the public interest.

3 Sec. 10. Section 20.16, Code 1991, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 20.16 DUTY TO BARGAIN.

7 Upon receipt by a public employer of a request from
8 an individual employee or an employee organization
9 acting as an agent for individual employees, the duty
10 to engage in bargaining shall arise.

11 Sec. 11. Section 20.17, subsection 1, Code 1991,
12 is amended by striking the subsection.

13 Sec. 12. Section 20.17, subsection 2, Code 1991,
14 is amended to read as follows:

15 2. The An individual employee or employee
16 organization and the public employer may designate any
17 individual as its representative to engage in
18 collective bargaining negotiations.

19 Sec. 13. Section 20.17, subsection 3, Code 1991,
20 is amended to read as follows:

21 3. Negotiating sessions, strategy meetings of
22 public employers, individual employees, or employee
23 organizations, mediation and the deliberative process
24 of arbitrators shall be exempt from the provisions of
25 chapter 21. However, the individual employee or the
26 employee organization shall present its initial
27 bargaining position to the public employer at the
28 first bargaining session. The public employer shall
29 present its initial bargaining position to the
30 individual employee or the employee organization at
31 the second bargaining session, which shall be held no
32 later than two weeks following the first bargaining
33 session. Both sessions shall be open to the public
34 and subject to the provisions of chapter 21. Hearings
35 conducted by arbitrators shall be open to the public.

36 Sec. 14. Section 20.17, subsection 4, Code 1991,
37 is amended by striking the subsection and inserting in
38 lieu thereof the following:

39 4. The terms of a proposed bargaining agreement
40 shall be available to the public and reasonable notice
41 shall be given to the public employees prior to

42 ratification of the agreement. The agreement is
43 binding on the public employer and all employees who
44 sign the agreement.

45 Sec. 15. Section 20.17, subsection 5, Code 1991,
46 is amended to read as follows:

47 5. Terms of any collective bargaining agreement
48 may be enforced by a civil action in the district
49 court of the county in which the agreement was made
50 upon the initiative of either any party.

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1 Sec. 16. Section 20.17, subsection 6, Code 1991,
2 is amended to read as follows:

3 6. No collective bargaining agreement or
4 arbitrators' decision shall be valid or enforceable if
5 its implementation would be inconsistent with any
6 statutory limitation on the public employer's funds,
7 spending or budget or would substantially impair or
8 limit the performance of any statutory duty by the
9 public employer. A collective bargaining agreement or
10 arbitrators' award may provide for benefits
11 conditional upon specified funds to be obtained by the
12 public employer, but the agreement shall provide
13 either for automatic reduction of such conditional
14 benefits or for additional bargaining if the funds are
15 not obtained or if a lesser amount is obtained.

16 Sec. 17. Section 20.17, subsection 7, Code 1991,
17 is amended by striking the subsection.

18 Sec. 18. Section 20.17, subsection 10, Code 1991,
19 is amended to read as follows:

20 10. The negotiation of a proposed collective
21 bargaining agreement by representatives of a state
22 public employer and a state an individual employee or
23 an employee organization shall be complete not later
24 than March 15 of the year when the agreement is to
25 become effective. The board shall provide, by rule, a
26 date on which any impasse item must be submitted to
27 binding arbitration and for such other procedures as
28 deemed necessary to provide for the completion of
29 negotiations of proposed state collective bargaining
30 agreements not later than March 15. The date selected
31 for the mandatory submission of impasse items to
32 binding arbitration shall be sufficiently in advance
33 of March 15 to insure that the arbitrators' decision
34 can be reasonably made before March 15.

35 Sec. 19. Section 20.18, Code 1991, is amended to
36 read as follows:

37 20.18 GRIEVANCE PROCEDURES.

38 An agreement with an employee organization which is
39 the exclusive representative of public employees in an
40 appropriate unit may provide procedures for the

41 consideration of public employee grievances and of
42 disputes over the interpretation and application of
43 agreements. Negotiated procedures may provide for
44 binding arbitration of public employee grievances and
45 of disputes over the interpretation and application of
46 existing agreements. An arbitrator's decision on a
47 grievance may not change or amend the terms,
48 conditions or applications of the collective
49 bargaining agreement. Such procedures shall provide
50 for the invoking of arbitration only with the approval

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1 of the employee organization, and in the case of an
2 employee grievance, only with the approval of the
3 public employee. The costs of arbitration shall be
4 shared equally by the parties.

5 Public employees of the state or public employees
6 covered by civil service shall follow either the
7 grievance procedures provided in a collective
8 bargaining agreement, or in the event that grievance
9 procedures are not provided, shall follow grievance
10 procedures established pursuant to chapter 19A or
11 chapter 400, as applicable.

12 Sec. 20. Section 20.19, Code 1991, is amended to
13 read as follows:

14 20.19 IMPASSE PROCEDURES — AGREEMENT OF PARTIES.

15 As the first step in the performance of their duty
16 to bargain, the public employer and the individual
17 employee or the employee organization shall endeavor
18 to agree upon impasse procedures. Such agreement
19 shall provide for implementation of these impasse
20 procedures not later than one hundred twenty days
21 prior to the certified budget submission date of the
22 public employer. If the parties fail to agree upon
23 impasse procedures under the provisions of this
24 section, the impasse procedures provided in sections
25 20.20 to 20.22 shall apply.

26 Sec. 21. Section 20.21, Code 1991, is amended to
27 read as follows:

28 20.21 FACT-FINDING.

29 If the impasse persists ten days after the mediator
30 has been appointed, the board shall appoint a fact-
31 finder representative of the public, from a list of
32 qualified persons maintained by the board. The fact-
33 finder shall conduct a hearing, may administer oaths,
34 and may request the board to issue subpoenas. The
35 fact-finder shall make written findings of facts and
36 recommendations for resolution of the dispute and, not
37 later than fifteen days from the day of appointment,
38 shall serve such findings on the public employer and
39 the certified individual employee or the negotiator

40 for the employee organization.

41 The public employer and the certified employee
42 organization shall immediately accept the fact-
43 finder's recommendation or shall within five days
44 submit the fact-finder's recommendations to the
45 governing body and members of the certified employee
46 organization for acceptance or rejection. If the
47 dispute continues ten days after the report is
48 submitted, the report shall be made public by the
49 board. If the parties to the mediation procedures do
50 not immediately accept the fact-finder's

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1 recommendation, the report shall be made public by the
2 board.

3 Sec. 22, Section 20.22, subsections 4, 5, 9, and
4 12, Code 1991, are amended to read as follows:

5 4. The panel of arbitrators shall consist of three
6 members appointed in the following manner:

7 a. One member shall be appointed by the public
8 employer.

9 b. One member shall be appointed by the employee
10 organization or individual employees.

11 c. One member shall be appointed mutually by the
12 members appointed by the public employer and the
13 employee organization or individual employees. The
14 last member appointed shall be the chairperson of the
15 panel of arbitrators. No member appointed shall be an
16 employee of the parties.

17 d. The public employer and employee organization
18 or individual employees shall each pay the fees and
19 expenses incurred by the arbitrator each selected.
20 The fee and expenses of the chairperson of the panel
21 and all other costs of arbitration shall be shared
22 equally.

23 5. If the third member has not been selected
24 within four days of notification as provided in
25 subsection 2, a list of three arbitrators shall be
26 submitted to the parties by the board. The two
27 arbitrators selected by the public employer and the
28 employee organization or individual employees shall
29 determine by lot which arbitrator shall remove the
30 first name from the list submitted by the board. The
31 arbitrator having the right to remove the first name
32 shall do so within two days and the second arbitrator
33 shall have one additional day to remove one of the two
34 remaining names. The person whose name remains shall
35 become the chairperson of the panel of arbitrators and
36 shall call a meeting within ten days at a location
37 designated by the chairperson.

38 9. The panel of arbitrators shall consider, in

39 addition to any other relevant factors, the following
40 factors:

41 a. Past collective bargaining contracts between
42 the parties including the bargaining that led up to
43 such contracts.

44 b. Comparison of wages, hours and conditions of
45 employment of the involved public employees with those
46 of other public employees doing comparable work,
47 giving consideration to factors peculiar to the area
48 and the classifications involved.

49 c. The interests and welfare of the public, the
50 ability of the public employer to finance economic

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1 adjustments and the effect of such adjustments on the
2 normal standard of services.

3 d. The power of the public employer to levy taxes
4 and appropriate funds for the conduct of its
5 operations.

6 12. The selections by the panel of arbitrators and
7 items agreed upon by the public employer and the
8 employee organization or individual employees, shall
9 be deemed to be the collective bargaining agreement
10 between the parties.

11 Sec. 23. Section 20.25, subsections 1, 6, and 7,
12 Code 1991, are amended to read as follows:

13 1. Every employee organization which is certified
14 as a representative of public employees engages in
15 negotiations, grievance adjustments, or collects dues
16 by checkoff under the provisions of this chapter shall
17 file with the board a registration report, signed by
18 its president or other appropriate officer. The
19 report shall be in a form prescribed by the board and
20 shall be accompanied by two copies of the employee
21 organization's constitution and bylaws. A filing by a
22 national or international employee organization of its
23 constitution and bylaws shall be accepted in lieu of a
24 filing of such documents by each subordinate
25 organization. All changes or amendments to such
26 constitutions and bylaws shall be promptly reported to
27 the board.

28 6. An employee organization that has not
29 registered or filed an annual report, or that has
30 failed to comply with other provisions of this
31 chapter, shall not be certified negotiate, handle
32 grievances, or collect dues by checkoff. Certified
33 employee organizations failing to comply with this
34 chapter may have such certification revoked by the
35 board. Prohibitions may be enforced by injunction
36 upon the petition of the board to the district court
37 of the county in which the violation occurs.

38 Complaints of violation of this section shall be filed
39 with the board.

40 7. Upon the written request of any member of a
41 certified employee organization, the auditor of state
42 may audit the financial records of the certified
43 employee organization.

44 Sec. 24. REPEALS. Sections 20.13, 20.14, and
45 20.15, Code 1991, are repealed."

46 2. Title page, by striking line 1, and inserting
47 the following: "An Act relating to bargaining by
48 individual employees."

Tyrrell of Iowa offered the following amendment H—3675, to amendment H—3649, filed by him from the floor and moved its adoption:

H—3675

1 Amend the amendment, H—3649, to Senate File 457, as
2 passed by the Senate, as follows:

3 1. Page 3, line 17, by inserting after the word
4 "individual" the following: "or organization".

Amendment H—3675 was adopted.

Tyrrell of Iowa offered amendment H—3687, to amendment H—3649, filed by him from the floor and requested division as follows:

H—3687

1 Amend the amendment, H—3649, to Senate File 457 as
2 passed by the Senate, as follows:

H—3687A

3 1. Page 3, by striking lines 24 and 25 and
4 inserting the following: "of arbitrators shall be
5 exempt from open to the public and subject to the
6 provisions of chapter 21. However, the The individual
7. employee or the".

H—3687B

8 2. Page 7, by inserting after line 43, the
9 following:

10 "Sec. _____. Section 20.26, unnumbered paragraph 1,
11 Code 1991, is amended to read as follows:

12 An employee organization shall not make any direct
13 or indirect contribution out of the funds of the
14 employee organization to any political party or
15 organization or in support of any candidate for
16 elective public office. A collective bargaining
17 agreement shall not provide for a checkoff for a
18 political action committee.

19 Dues checkoff shall be immediately suspended upon

- 20 evidence that funds from dues checkoff are being
21 contributed to a political action committee."
22 3. By renumbering as necessary.

On motion by Tyrrell of Iowa, amendment H—3687A was adopted.

On motion by Tyrrell of Iowa, amendment H—3687B was adopted.

Connors of Polk rose on a point of order that amendment H—3649 was not germane.

The Speaker ruled the point well taken and amendment H—3649, as amended, not germane.

McKinney of Dallas asked and received unanimous consent that Senate File 457 be deferred and placed on the calendar under unfinished business.

The House resumed consideration of **Senate File 356**, a bill for an act relating to the administration of the individual income tax, by amending the requirement that each tax return include two voter registration forms; providing uniformity in the priority of the various income tax credits; specifying that the incomes covered in the government pension exclusion are considered for purposes of determining if taxpayers qualify for total exemption from tax; providing that qualification for the tuition and textbook deduction and the tuition and textbook credit is based on taxpayers' net incomes instead of their federal adjusted gross incomes; providing for revision in the computation of the child and dependent care credit and allocation of the credit between married taxpayers and nonresidents and part-year resident taxpayers; relating to the penalty for delinquent payment of fuel taxes resulting from a check given in payment but not honored because of insufficient funds; relating to access to confidential tax information by certain persons and the application of confidentiality laws of the state; relating to penalty provisions on the filing of certain tax returns and failure to submit payment of taxes as required by the rules of the director of revenue and finance; relating to the due date for income tax returns for nonprofit corporations subject to the unrelated business income tax; relating to use tax on vehicles subject to registration or only subject to the issuance of title; relating to the exemption from inheritance tax of the share of the estate passing to the surviving spouse; relating to payment of interest to taxpayers owed refunds for inheritance tax; relating to payment of refunds of the environmental protection charge; and providing effective dates, previously deferred.

Holveck of Polk offered the following amendment H—3500 filed by him and moved its adoption:

H—3500

- 1 Amend Senate File 356 as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 9.
- 4 2. Title page 1, by striking lines 2 and 3 and
- 5 inserting the following: "tax, by providing
- 6 uniformity in the".
- 7 3. By renumbering and correcting internal
- 8 references.

Amendment H—3500 was adopted.

Connors of Polk asked and received unanimous consent to withdraw amendment H—3538 filed by him on April 8, 1991.

Holveck of Polk offered the following amendment H—3572 filed by him and Groninga of Cerro Gordo and moved its adoption:

H—3572

- 1 Amend Senate File 356, as passed by the Senate, as
- 2 follows:
- 3 1. Page 10, by inserting after line 19, the
- 4 following:
- 5 "Sec. _____. Section 422.45, Code 1991, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 46. The gross receipts from the
- 8 sale of property which the seller transfers to a
- 9 carrier for shipment to a point outside of Iowa,
- 10 places in the United States mail or parcel post
- 11 directed to a point outside of Iowa, or transports to
- 12 a point outside of Iowa by means of the seller's own
- 13 vehicles, and which is not thereafter returned to a
- 14 point within Iowa, except solely in the course of
- 15 interstate commerce or transportation. This exemption
- 16 shall not apply if the purchaser, consumer, or their
- 17 agent, other than a carrier, takes physical possession
- 18 of the property in Iowa."

Amendment H—3572 was adopted.

Holveck of Polk offered the following amendment H—3523 filed by him and moved its adoption:

H—3523

- 1 Amend Senate File 356, as passed by the Senate, as
- 2 follows:
- 3 1. By striking title page 1, line 1 through title
- 4 page 2, line 7, and inserting the following: "An Act

- 5 relating to the procedures, confidentiality,
- 6 penalties, refunds, and nonsubstantive changes for
- 7 taxes administered by the department of revenue and
- 8 finance, relating to refunds of the environmental
- 9 protection charge, and providing effective dates."

Amendment H—3523 was adopted, placing out of order lines 4 through 6 of amendment H—3500, previously 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?" (S.F. 356)

The ayes were, 94:

Adams	Arnould, Spkr.	Baker	Banks
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	McKean	McKinney
McNeal	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wissing	Dvorsky		
	Presiding		

The nays were, 3:

Bartz	Branstad	Maulsby
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Absent or not voting, 3:

Brammer	Mertz	Wise
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 684 WITHDRAWN

Holveck of Polk asked and received unanimous consent to withdraw House File 684 from further consideration by the House.

Senate File 502, a bill for an act relating to workers' health, safety, and welfare, by providing funding for the second injury fund and providing applicability and effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Beatty of Warren offered the following amendment H—3613 filed by the committee on labor and industrial relations:

H—3613

1 Amend Senate File 502, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1 through page 3,
4 line 11 and inserting the following:

5 "Section 1. SECOND INJURY FUND TASK FORCE
6 ESTABLISHED.

7 1. The second injury fund task force is
8 established. The following persons shall serve as
9 voting members of the task force:

10 a. The attorney general or the attorney general's
11 designee.

12 b. The industrial commissioner or the
13 commissioner's designee.

14 c. An employer insured under a workers'
15 compensation insurance policy, from the business
16 sector.

17 d. The director of the department of employment
18 services, or the director's designee.

19 e. Two attorneys from the Iowa workers'
20 compensation advisory committee, one of whom
21 represents claimants in workers' compensation cases,
22 and one of whom represents defendants in workers'
23 compensation cases.

24 f. The commissioner of insurance, or the
25 commissioner's designee.

26 g. A representative of a labor union,
27 organization, or association.

28 h. A representative of a workers' compensation
29 liability insurance carrier.

30 The task force shall also consist of four ex
31 officio, nonvoting legislative members, one appointed
32 by the president of the senate, in consultation with
33 the majority leader of the senate, one appointed by
34 the minority leader of the senate, one appointed by
35 the speaker of the house of representatives, in

36 consultation with the majority leader of the house of
37 representatives, and one appointed by the minority
38 leader of the house of representatives.

39 2. The treasurer of state shall organize the task
40 force and perform administrative functions for the
41 task force.

42 3. The task force shall study the following issues
43 related to the workers' compensation second injury
44 fund:

45 a. The long-term needs and goals of the fund.

46 b. Whether current funding mechanisms are
47 sufficient to adequately finance the fund, and if not,
48 what types of additional funding mechanisms would be
49 appropriate.

50 c. Recommendations for payment of administrative

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1 costs associated with the fund.

2 d. Changes in the administrative structure
3 concerning the fund or a replacement payment
4 mechanism.

5 e. The role and purpose served by the second
6 injury fund within the workers' compensation system.

7 f. Any other related issues concerning the
8 operation, administration, purposes, and funding of
9 the second injury fund.

10 4. The task force may contract for professional
11 services necessary for completion of the charge of the
12 task force.

13 5. Actual and necessary expenses of the task force
14 shall be paid from the second injury fund.

15 6. In addition to organizing and administering the
16 task force, the treasurer of state, in consultation
17 with the legislative fiscal bureau, shall examine the
18 financial condition of the fund, including, but not
19 limited to, any trends concerning the fund. The
20 treasurer, in consultation with the legislative fiscal
21 bureau, shall prepare a report of the findings of the
22 examination and transmit the report to the task force.

23 7. The task force shall submit a report of its
24 findings and recommendations to the committee on
25 business and labor relations of the senate and the
26 committee on labor and industrial relations of the
27 house of representatives by January 15, 1992.

28 Sec. 2. SURCHARGE FOR 1991 AND 1992 FISCAL YEARS.

29 1. For the fiscal year commencing July 1, 1990,
30 the treasurer of state may assess a surcharge on
31 workers' compensation weekly benefits paid in the
32 state during the immediately preceding fiscal year.
33 The surcharge is payable by all self-insured employers
34 making weekly benefit payments and all insurers making

35 weekly benefit payments on behalf of insured
36 employers. The surcharge applies to all workers'
37 compensation insurance policies and self-insurance
38 coverages of employers approved for self-insurance by
39 the commissioner of insurance pursuant to section 87.4
40 or 87.11, and to the state of Iowa, its departments,
41 divisions, agencies, commissions, and boards, or any
42 political subdivision coverages whether insured or
43 self-insured. The surcharge shall not apply to any
44 reinsurance or retrocessional transaction under
45 section 520.4 or 520.9. The treasurer of state shall
46 base the surcharge for each payor upon the payor's pro
47 rata share of weekly benefits paid in the state during
48 the immediately preceding fiscal year. The treasurer
49 may use reports of weekly benefits paid derived from
50 the last completed policy or reporting year, or other

Page 3

1 consistent allocation methodology. The surcharge is
2 collectable by an insurer or from its policyholders if
3 the insured employer fails to pay the insurer. An
4 insurance carrier, its agent, or a third-party
5 administrator shall not be entitled to any portion of
6 the surcharge as a fee or commission for its
7 collection. The surcharge is not subject to any
8 taxes, licenses, or fees. The surcharge is not deemed
9 to be an assessment or tax, but shall be deemed an
10 additional benefit paid for injuries compensable under
11 the second injury fund. However, the treasurer of
12 state shall not collect over four hundred thousand
13 dollars in assessing the surcharge.

14 2. For the fiscal year commencing July 1, 1991,
15 the treasurer of state may assess a surcharge as
16 provided in subsection 1, except that the treasurer of
17 state shall not collect over eight hundred seventy
18 thousand dollars in assessing the surcharge, unless
19 the general assembly authorizes a greater amount to be
20 assessed.

21 3. The surcharges collected pursuant to this
22 section shall be deposited in the second injury fund,
23 and may be used for the payment of claims,
24 settlements, and administrative costs. The expenses
25 incurred by the treasurer of state, the attorney
26 general, the second injury fund, the task force, or
27 the department of revenue and finance, in connection
28 with the second injury fund and may be paid from the
29 fund."

30 2. Page 4, line 8, by striking the words "legal
31 contest" and inserting the following: "action".

32 3. Page 4, by inserting after line 13 the
33 following:

- 34 "_____. An employer who fails to pay the surcharges
 35 imposed under this section shall not be allowed to
 36 purchase workers' compensation insurance coverage or
 37 to renew a self-insurance authorization unless and
 38 until the surcharge has been paid."
 39 4. By renumbering as necessary.

Speaker Arnould in the chair at 3:35 p.m.

Beatty of Warren asked and received unanimous consent that Senate File 502 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—3613 pending.)

Senate File 23, a bill for an act relating to the teaching of American sign language in accredited schools, with report of committee recommending passage was taken up for consideration.

Bartz of Worth asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments for consideration of amendment H—3668 filed by him from the floor as follows:

H—3668

- 1 Amend Senate File 23, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 4 through 6, and
- 4 inserting the following: "than American sign
- 5 language. Provision of instruction in American sign
- 6 language shall be in addition to and not in lieu of,
- 7 provision of instruction in other foreign languages.
8. The department may waive the third".

On motion by Bartz of Worth, amendment H—3668 was adopted.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 23)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Blanshan	Brammer	Gipp	Mertz
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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 56, a bill for an act requiring reporting of county aid by societies organized to administer local fairs, with report of committee recommending amendment and passage was taken up for consideration.

Brand of Benton offered the following amendment H—3621 filed by the committee on agriculture and moved its adoption:

H—3621

- 1 Amend Senate File 56, as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by striking lines 7 and 8, and
- 4 inserting the following: "statement to the county
- 5 board of supervisors. The statement shall".

The committee amendment H—3621 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. 56)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau

Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, none.

Absent or not voting, 2:

Brammer Mertz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 110, a bill for an act relating to the presence of certain persons under the age of twenty-one years on excursion gambling boats, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Bisignano of Polk offered the following amendment H—3612 filed by the committee on state government:

H—3612

- 1 Amend Senate File 110, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "twenty-
- 4 one" and inserting the following: "twenty-one
- 5 eighteen".
- 6 2. Page 1, by striking lines 6 through 8 and
- 7 inserting the following: "being conducted."
- 8 3. Page 1, by inserting after line 8, the
- 9 following:

- 10 "Sec. _____. Section 99F.15, subsection 2, Code
 11 1991, is amended to read as follows:
 12 2. A person knowingly permitting a person under
 13 the age of ~~twenty-one~~ eighteen years to make a wager
 14 is guilty of a simple misdemeanor."
 15 4. Title page, line 1, by striking the words "the
 16 presence of certain" and inserting the following:
 17 "wagers by".
 18 5. Title page, line 2, by striking the word
 19 "twenty-one" and inserting the following: "eighteen".
 20 6. By renumbering as necessary.

Blanshan of Greene in the chair at 3:54 p.m.

Bisignano of Polk moved the adoption of the committee amendment H—3612.

Roll call was requested by Bisignano of Polk and Sherzan of Polk.

Rule 75 was invoked.

On the question "Shall the committee amendment H—3612 be adopted?" (S.F. 110)

The ayes were, 51:

Adams	Baker	Bartz	Beatty
Bernau	Bisignano	Brand	Brown
Burke	Chapman	Cohoon	Connors
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Harbor	Hatch	Hibbard
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Krebsbach	Kremer
Lundby	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Sherzan
Shoultz	Spear	Spenner	Teaford
Wise	Wissing	Blanshan	
		Presiding	

The nays were, 47:

Arnould, Spkr.	Banks	Beaman	Bennett
Black	Branstad	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Gipp	Grubbs	Gruhn
Hahn	Hammond	Hanson, D. E.	Hanson, D. R.
Haverland	Hester	Holveck	Hurley
Iverson	Kistler	Lageschulte	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Ollie	Osterberg	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shearer	Shoning	Siegrist	Svoboda
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 2:

Brammer Mertz

The committee amendment H—3612 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Grubbs of Scott, for the remainder of the day, on request of Van Maanen of Mahaska.

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. 110)

The ayes were, 53:

Adams	Arnould, Spkr.	Baker	Bartz
Beatty	Bernau	Bisignano	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Harbor	Hatch
Haverland	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Krebsbach
Kremer	Lundby	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Sherzan	Shoultz	Spear
Spenner	Teaford	Wise	Wissing
Blanshan			
Presiding			

The nays were, 43:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Gruhn	Hahn	Hanson, D. E.
Hanson, D. R.	Hester	Hibbard	Holveck
Hürley	Iverson	Kistler	Lageschulte
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Osterberg	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shearer	Shoning	Siegrist	Svoboda
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 4:

Brammer Grubbs Hammond Mertz

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 457**, a bill for an act relating to collective bargaining, previously deferred and placed on the unfinished business calendar.

McNeal of Hardin asked for unanimous consent to suspend Rule 31.8 for the consideration of amendment H—3676.

Objection was raised.

McNeal of Hardin moved to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—3676 filed by him from the floor as follows:

H—3676

1 Amend Senate File 457, as passed by the Senate, as
2 follows:

3 1. Page 1, line 9, by inserting after the word
4 "discharge" the following: "unless the employee is a
5 probationary teacher pursuant to section 279.19".

6 2. Page 1, line 29, by striking the figure
7 "279.19" and inserting the following: "279.18".

Roll call was requested by McNeal of Hardin and Harbor of Mills.

On the question "Shall Rule 31.8 be suspended on amendment H—3676?" (S.F. 457)

The ayes were, 43:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Harbor	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Siegrist	Spanner
Tyrrell	Van Maanen	Weidman	

The nays were, 51:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie

Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Blanshan	
		Presiding	

Absent or not voting, 6:

Brammer	Grubbs	Gruhn	Haverland
Mertz	Shoning		

The motion to suspend Rule 31.8 lost.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 457)

The ayes were, 52:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Brand
Brown	Burke	Chapman	Cphoon
Connors	Dickinson	Doderer	Dvorsky
Gill	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Lundby	McKean
McKinney	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Svoboda	Teaford	Wise	Wissing

The nays were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gipp	Gruhn	Hahn
Halvorson, R. A.	Hanson, D. E.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Koenigs	Krebsbach	Kremer	Lageschulte
Maulsby	McNeal	Metcalf	Millage
Miller	Muhlbauer	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Shearer
Spenner	Tyrrell	Van Maanen	Weidman
Blanshan			
Presiding			

Absent or not voting, 3:

Brammer	Grubbs	Mertz
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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 16, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 502, a bill for an act relating to eliminating the requirement that a financial institution disclose certain information related to financial services offered by the financial institution.

JOHN F. DWYER, Secretary

MOTIONS TO RECONSIDER

(Senate File 491)

I move to reconsider the vote by which Senate File 491 passed the House on April 17, 1991.

HALVORSON of Webster

(Senate File 491)

I move to reconsider the vote by which Senate File 491 passed the House on April 17, 1991.

HARBOR of Mills

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday morning, April 17, 1991. Had I been present, I would have voted "aye" on House File 689 and Senate Files 33, 48, 101, 138 and 491.

CORBETT of Linn

PRESENTATION OF VISITORS

Ollie of Clinton presented to the House the Reverend Wilfried Romberg and his wife Barbara. Reverend Romberg is pastor of the City Church in Ludwigslust, Mecklenburg of what was formerly the GDR (East Germany).

Carpenter of Polk presented to the House Vincente Solis, of the Philippines.

The Speaker announced that the following visitors were present in the House chamber:

Thirty ninth grade students from Newton High School, Newton, accompanied by Frank Kruse. By Black of Jasper.

Twenty-six third grade students from Winterset Community Schools, Winterset, accompanied by Mrs. Julie Wheeler. By Hibbard of Madison.

Twenty-seven fifth grade students from Lakeview Elementary School, Centerville, accompanied by Sherry Murphy. By Jay of Appanoose.

Thirty-seven students from Pekin Community School, Packwood, accompanied by Bill Anderson and Art Millikin. By Kistler of Jefferson.

Senior high school students from Charles City High School, Charles City, accompanied by Chuck Redenius. By Krebsbach of Mitchell.

SUBCOMMITTEE ASSIGNMENTS

House File 389

Appropriations: Ollie, Chair; Maulsby and Wise.

House File 633

Appropriations: Hatch, Chair; Gipp and Jochum.

Senate File 278

Ways and Means: Knapp, Chair; Burke and Carpenter.

Senate File 294

Ways and Means: Hibbard, Chair; Bennett and Dickinson.

Senate File 342

Appropriations: Dvorsky, Chair; Hester and Wise.

Senate File 362

Ways and Means: Groninga, Chair; Daggett, Hibbard, Osterberg and Petersen of Muscatine.

Senate File 403

Appropriations: Poncy, Chair; Harbor and Hatch.

Senate File 441

Appropriations: Ollie, Chair; Halvorson of Clayton and Poncy.

Senate File 465

Ways and Means: Knapp, Chair; Haverland and Renken.

Senate File 508

Ways and Means: Osterberg, Chair; Adams, Groninga, Hanson of Delaware and Metcalf.

Senate File 529

Appropriations: Jochum, Chair; Bisignano, Halvorson of Clayton, Hatch and Maulsby.

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 259, a bill for an act relating to counties, amending county recorders' filing provisions, including parcel number designations on plats of survey, amending the real estate transfer tax exemption, requiring both the county auditor and treasurer to submit tax dedication documentation for participation in the resource enhancement and protection program, and establishing constructive notice of right-of-way easements in drainage districts.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3684 April 16, 1991.

Committee Bill (Formerly House File 95), including veterans of the Persian Gulf Conflict as veterans eligible to serve on county commissions of veteran affairs, to receive certain veterans benefits, and to be eligible for a property tax exemption, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass April 16, 1991.

Committee Bill (Formerly House File 495), relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a sales and services tax, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass April 16, 1991.

Committee Bill (Formerly House File 663), relating to alternative forms of local government and creating a new alternative form of local government for cities known as a consolidated metropolitan corporation, with provisions relating to its charter process, legislative body, tax collection, and service delivery, and to a new alternative form of county government.

Fiscal Note is not required.

Recommended Amend and Do Pass April 16, 1991.

Committee Bill (Formerly House File 667), relating to the county agricultural extension education tax by adjusting the maximum levy and increasing the maximum dollar amount of property tax revenue which may be raised, establishing state supplemental assistance for districts which are unable to raise a minimum dollar amount by the permitted property tax levy, and providing an appropriation and effective and applicability dates.

Fiscal Note is not required.

Recommended Amend and Do Pass April 16, 1991.

Committee Bill (Formerly House Study Bill 134), relating to the limitation period for filing for an Iowa income tax credit or refund.

Fiscal Note is not required.

Recommended Amend and Do Pass April 16, 1991.

AMENDMENTS FILED

H-3661	S.F.	342	Neuhauser of Johnson
H-3662	S.F.	412	Nielsen of Linn
			Murphy of Dubuque
H-3666	S.F.	508	Neuhauser of Johnson
H-3667	H.F.	688	Haverland of Polk
H-3669	S.F.	505	Hanson of Delaware
H-3670	S.F.	505	Hanson of Delaware
			Garman of Story
H-3671	S.F.	505	Hanson of Delaware
H-3672	S.F.	505	Hanson of Delaware
H-3673	S.F.	505	Carpenter of Polk
			Spenner of Henry
			Hanson of Delaware
H-3674	S.F.	476	Halvorson of Webster
			Teaford of Black Hawk
			Pavich of Pottawattamie
			Beatty of Warren
			Hanson of Delaware
			Renken of Grundy
H-3677	S.F.	508	Krebsbach of Mitchell
H-3678	S.F.	505	Neuhauser of Johnson
			Spenner of Henry
			Hanson of Delaware
			Carpenter of Polk
H-3679	H.F.	690	Dvorsky of Johnson
H-3682	S.F.	473	Corbett of Linn
H-3683	S.F.	473	Corbett of Linn
H-3684	S.F.	259	Committee on Ways and Means
H-3685	S.F.	476	Hanson of Delaware
			Carpenter of Polk

H—3686	S.F.	503	Wissing of Scott
H—3688	H.F.	690	Wissing of Scott
			Grubbs of Scott
H—3689	S.F.	181	Schrader of Marion
H—3690	S.F.	46	Spear of Lee
H—3691	S.F.	508	Adams of Hamilton
H—3692	H.F.	502	Senate Amendment
H—3693	S.F.	506	Dickinson of Jackson
H—3694	S.F.	502	Spear of Lee
H—3695	S.F.	502	Beatty of Warren
			Spear of Lee
H—3696	S.F.	42	Osterberg of Linn
			Krebsbach of Mitchell
			Bartz of Worth
			Murphy of Dubuque
			Hibbard of Madison
H—3697	S.F.	476	Halvorson of Webster
			Hanson of Delaware
H—3698	H.F.	693	Connors of Polk
H—3699	S.F.	465	Jay of Appanoose
H—3700	S.F.	501	Connors of Polk
H—3701	H.F.	693	Pavich of Pottawattamie

On motion by McKinney of Dallas, the House adjourned at 4:50 p.m., until 9:00 a.m., Thursday, April 18, 1991.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day — Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 18, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by the Honorable Horace Daggett, state representative from Adams County.

The Journal of Wednesday, April 17, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth on request of McKinney of Dallas; Shoultz of Black Hawk, until his arrival, on request of Petersen of Muscatine; Bernau of Story on request of Brand of Benton.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 5, a bill for an act relating to the payment of pension benefits to surviving spouses under the chapters 97A, 410, and 411 retirement systems, and providing retroactive applicability dates.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 91, a bill for an act exempting certain decorative fountains from regulation as swimming pools and spas.

Also: That the Senate has on April 16, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 233, a bill for an act relating to the hunter safety and ethics education program, and providing a penalty for violations.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 254, a bill for an act relating to corn shellers and feed grinders and special mobile equipment.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 275, a bill for an act requiring the state department of transportation to adopt administrative rules relating to damage to highways and highway structures.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 285, a bill for an act relating to the approval of certain businesses or activities in a health care facility.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 288, a bill for an act relating to boating registration requirements for boat manufacturers or dealers and providing an effective date.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 289, a bill for an act relating to the operation of snowmobiles, all-terrain vehicles, and motorcycles and limiting safety certification to certain operators on public lands and waters.

Also: That the Senate has on April 16, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 296, a bill for an act relating to record checks and evaluations concerning facilities providing care to children and state institutions controlled by the department of human services, and containing applicability provisions.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 306, a bill for an act relating to the collateral effect of job service division determinations regarding claims for unemployment benefits.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 334, a bill for an act to permit districts which reorganize to change the area education agency which will provide services to students in the new or enlarged district.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 373, a bill for an act authorizing the issuance of warning citations by state conservation officers and employees who are peace officers.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 386, a bill for an act relating to public utility reorganizations and providing an effective date.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 392, a bill for an act relating to animals specially trained or being trained to assist a disabled or handicapped person, making a penalty applicable, and providing an effective date.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 419, a bill for an act relating to school bus traffic violations and making a penalty applicable.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 426, a bill for an act relating to Pearl Harbor motor vehicle registration plates.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 459, a bill for an act relating to the administration of the employment security law by the division of job service of the department of employment services and providing an effective date.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 486, a bill for an act to permit the board of educational examiners to deem national board certificate holders as meeting the requirements for Iowa teachers' licenses or endorsements.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 499, a bill for an act relating to demolition insurance reserves required for property within the corporate limits of a city.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 565, a bill for an act relating to contracts for the purchase of goods or services by a city.

Also: That the Senate has on April 16, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 566, a bill for an act relating to defective motor vehicles and providing statutory procedures under which a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the warranty, providing certain remedies, providing an administrative fine, making a penalty applicable, and providing an effective date.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 567, a bill for an act relating to the requirements for a notice of right to cure concerning an obligation secured by a deed of trust or mortgage.

Also: That the Senate has on April 16, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 577, a bill for an act relating to required reporting on state parks and preserves.

Also: That the Senate has on April 16, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 589, a bill for an act relating to the administration of a voluntary shared work unemployment compensation program administered by the department of employment services, and providing an effective date.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 592, a bill for an act relating to documents filed with the general assembly by officials and departments.

Also: That the Senate has on April 16, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 598, a bill for an act relating to the payment of certain court filing fees by the United States.

Also: That the Senate has on April 16, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 625, a bill for an act relating to issuance of junking certificates and certificates of title.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **Senate File 502**, a bill for an act relating to workers' health, safety, and welfare, by providing funding for the second injury fund and providing applicability and effective dates, and the committee amendment H-3613, found on pages 1337 through 1340 of the House Journal, previously deferred.

Gill of Woodbury in the chair at 9:10 a.m.

Beatty of Warren offered the following amendment H-3695, to the committee amendment H-3613, filed by her and Spear of Lee and moved its adoption:

H-3695

- 1 Amend amendment, H-3613, to Senate File 502, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 29 the
- 5 following:
- 6 "The voting members listed in paragraphs "c", "e",
- 7 "g", and "h" shall be appointed by the treasurer of
- 8 state."

Amendment H-3695 was adopted.

Spear of Lee offered the following amendment H—3694, to the committee amendment H—3613, filed by him and moved its adoption:

H—3694

- 1 Amend the amendment, H—3613, to Senate File 502, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 38, the
- 5 following:
- 6 "The task force shall be exempt from the provisions
- 7 of section 69.16."

A non-record roll call was requested.

The ayes were 36, nays 46.

Amendment H—3694 lost.

Beatty of Warren moved the adoption of the committee amendment H—3613, as amended.

A non-record roll call was requested.

The ayes were 56, nays 11.

The committee amendment H—3613, as amended, was adopted.

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 502)

The ayes were, 74:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Beatty	Bisignano	Black
Blanshan	Brand	Brown	Burke
Carpenter	Cohoon	Connors	Corbett
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Gipp
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
McKean	McKinney	McNeal	Metcalf
Millage	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear

Spenner
Wise

Svoboda
Gill
Presiding

Teaford

Weidman

The nays were, 18:

Banks
Garman
Johnson
Petersen, D. F.
Tyrrell

Bennett
Grubbs
Krebsbach
Rafferty
Van Maanen

Branstad
Hahn
Maulsby
Renken

De Groot
Iverson
Miller
Royer

Absent or not voting, 8:

Bernau
Murphy

Brammer
Plasier

Chapman
Shoultz

Mertz
Wissing

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 42, a bill for an act relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—3473 filed by the committee on state government and moved its adoption:

H—3473

1 Amend Senate File 42, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 6, by striking the words "the
4 supervising physician an authorized prescriber" and
5 inserting the following: "the supervising physician".

6 2. Page 1, line 16, by striking the word
7 "subsections" and inserting the following:
8 "subsection".

9 3. Page 1, lines 18 and 19, by striking the words
10 "or when it is in the best interests of the patient,".

11 4. By striking page 1, line 27, through page 2,
12 line 18, and inserting the following:

13 "Sec. 2. NEW SECTION. 147.108 DELEGATION OF
14 PRESCRIBING PRIVILEGE.

15 1. As used in this section, unless the context
16 otherwise requires:

17 a. "Physician assistant" means a physician
18 assistant licensed pursuant to chapter 148C.

19 b. "Physician" means a person licensed to practice
20 medicine and surgery pursuant to chapter 148, a person
21 licensed to practice osteopathy pursuant to chapter
22 150, or a person licensed to practice osteopathic
23 medicine and surgery pursuant to chapter 150A.

24 2. Notwithstanding section 147.107, a physician
25 may delegate the function of prescribing drugs and
26 medical devices to a physician assistant pursuant to
27 protocols and guidelines established by rule of the
28 board of medical examiners after consultation with the
29 board of physician assistant examiners and the board
30 of pharmacy examiners. The rules adopted under this
31 subsection shall address the types of substances which
32 may be prescribed, the level of supervision of a
33 physician assistant required, the education, training,
34 and experience required of a physician assistant; the
35 nature of the practice; and the documentation required
36 for prescriptions written pursuant to protocol.
37 Complementary rules to the rules adopted by the board
38 of medical examiners under this subsection shall be
39 adopted and administered by the board of physician
40 assistant examiners which shall have sole jurisdiction
41 over physician assistant compliance and disciplinary
42 action with respect to the rules. The rules shall be
43 adopted by the board of medical examiners in final
44 form no later than January 10, 1992. Rules adopted
45 under this subsection shall not be construed to limit
46 or restrict the privileges of physician assistants
47 which exist on January 1, 1991.

48 3. Health care providers shall consider the
49 instructions of a physician assistant to be instruc-
50 tions of the supervising physician if the instructions

Page 2

1 concern duties delegated to the physician assistant by
2 a supervising physician. If instructions exceed the
3 scope of authority delegated by a supervising
4 physician, the physician assistant shall defend,
5 indemnify, and hold harmless any health care provider
6 relying upon the physician assistant's apparent
7 authority."

8 5. Page 2, by inserting after line 24 the fol-
9 lowing:

10 "Sec. _____. EFFECTIVE DATE. This Act, being deemed
11 of immediate importance, takes effect upon enactment."

12 6. Title page, line 3, by inserting after the
13 word "substances" the following: ", and providing an
14 effective date".

15 7. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 48, nays 42.

The committee amendment H—3473 was adopted, placing out of order amendment H—3696 filed by Osterberg, et al., on April 17, 1991.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 42)

The ayes were, 92:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Maulsby	McKean	McKinney	McNeal
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Plasier
Poney	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Gill
			Presiding

The nays were, 4:

Hatch	Jochum	Lundby	Petersen, D. F.
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Absent or not voting, 4:

Bernau	Brammer	Mertz	Shoultz
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 166, a bill for an act restricting the burning of vegetation or debris within rights-of-way of public roads and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—3605 filed by the committee on transportation:

H—3605

1 Amend Senate File 166, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 13, by striking the word "shall"
4 and inserting the following: "may".

5 2. Page 1, line 16, by striking the word "shall"
6 and inserting the following: "may".

7 3. Page 1, line 23, by striking the word "shall"
8 and inserting the following: "may".

9 4. Page 1, line 25, by striking the word "shall"
10 and inserting the following: "may".

Speaker Arnould in the chair at 11:20 a.m.

Fogarty of Palo Alto moved the adoption of amendment H—3605.

A non-record roll call was requested.

The ayes were 45, nays 35.

The committee amendment H—3605 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 166)

The ayes were, 50:

Baker	Banks	Bartz	Beaman
Beatty	Bisignano	Blanshan	Brand
Brown	Burke	Daggett	De Groot
Fogarty	Garman	Groninga	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. E.	Harbor	Hatch	Haverland
Hibbard	Hurley	Jay	Johnson
Kistler	Knapp	Koenigs	Kremer
Lundby	Maulsby	McKinney	Millage
Muhlbauer	Murphy	Poncy	Rafferty
Renken	Royer	Shearer	Sherzan
Spenner	Svoboda	Tyrrell	Van Maanen
Weidman	Mr. Speaker Arnould		

The nays were, 45:

Adams	Bennett	Black	Branstad
Carpenter	Chapman	Cohoon	Corbett
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Gill	Gipp	Grubbs
Hammond	Hanson, D. R.	Hester	Holveck

Iverson	Jesse	Jochum	Krebsbach
Lageschulte	McKean	McNeal	Metcalf
Miller	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Renaud	Schrader	Shoning
Siegrist	Spear	Teaford	Wise
Wissing			

Absent or not voting, 5:

Bernau	Brammer	Connors	Mertz
Shoultz			

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

INTRODUCTION OF BILL

House File 694, by committee on ways and means, a bill for an act including veterans of the Persian Gulf Conflict as veterans eligible to serve on county commissions of veteran affairs, to receive certain veterans benefits, and to be eligible for a property tax exemption, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 42** be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules to consider House Files 690, 691 and 693 on Friday, April 19, 1991.

McKinney of Dallas asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, on House Files 690, 691 and 693 on Friday, April 19, 1991.

On motion by McKinney of Dallas, the House was recessed at 11:45 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 269, a bill for an act regulating transient food service establishments and providing for licensing fees, with report of committee recommending passage was taken up for consideration.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 269)

The ayes were, 88:

Adams	Baker	Bartz	Beaman
Bennett	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	McKean	McKinney
McNeal	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 6:

Banks	Corbett	De Groot	Eddie
Maulsby	Van Maanen		

Absent or not voting, 6:

Beatty	Bernau	Brammer	Mertz
Osterberg	Shultz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 336, a bill for an act relating to the historical resource development program, with report of committee recommending passage was taken up for consideration.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 336)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groning	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Bernau	Brammer	Mertz	Osterberg
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 501, a bill for an act relating to collective bargaining by delineating certain duties and powers of the public employment relations board and modifying certain collective bargaining procedures for teachers, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 501 be deferred and placed on the calendar under unfinished business.

Senate File 503, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code concerning occupational safety and health penalties, boiler inspections, child labor laws, and out-of-state contractor bonding requirements, with report of committee recommending amendment and passage was taken up for consideration.

Wissing of Scott offered amendment H—3571 filed by the committee on labor and industrial relations and requested division as follows:

H—3571

- 1 Amend Senate File 503, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—3571A

- 3 1. Page 2, line 3, by inserting after the word
- 4 "jurisdiction" the following: "which relate to the
- 5 payment of fees or penalties".

H—3571B

- 6 2. Page 4, line 19, by inserting after the word
- 7 "school." the following: "A written agreement, as
- 8 defined in section 92.11, subsection 1, shall not be
- 9 required for the issuance of a work permit under this
- 10 section."

Wissing of Scott moved the adoption of the committee amendment H—3571A.

A non-record roll call was requested.

The ayes were 43, nays 45.

The committee amendment H—3571A lost.

On motion by Wissing of Scott, the committee amendment H—3571B was adopted.

Wissing of Scott offered the following amendment H—3686 filed by him and moved its adoption:

H—3686

- 1 Amend Senate File 503, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 3, the
- 4 following:
- 5 "Sec. _____. Section 91C.1, subsection 1, Code 1991,
- 6 is amended to read as follows:
- 7 1. As used in this chapter, unless the context

- 8 otherwise requires, "contractor" means a person who
9 engages in the business of construction, as the term
10 "construction" is defined in section 345-3.82 (96),
11 Iowa Administrative Code, for purposes of the Iowa
12 employment security law. However, a person who earns
13 less than one thousand dollars annually or who
14 performs work or has work performed on the person's
15 own property is not a contractor for purposes of this
16 chapter. The state, its boards, commissions,
17 agencies, departments, and its political subdivisions
18 including school districts and other special purpose
19 districts, are not contractors for purposes of this
20 chapter."
- 21 2. Title page, line 4, by inserting after the
22 word "laws," the following: "the definition of a
23 contractor,".
- 24 3. By renumbering as necessary.

Amendment H—3686 was adopted.

Wissing of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 503)

The ayes were, 91:

Adams	Baker	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 1:

Bartz

Absent or not voting, 8:

Bernau
Jochum

Brammer
Mertz

Eddie
Osterberg

Jay
Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 181, a bill for an act relating to the reorganization of the department of natural resources, by creating two separate departments, by assigning powers and duties to the two departments, by making necessary amendments to the Code, and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 181 be deferred and placed on the calendar under unfinished business.

Senate File 363, a bill for an act to permit advanced nurse practitioners to prescribe noncontrolled substances or devices under certain circumstances, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—3461 filed by the committee on state government and moved its adoption:

H—3461

- 1 Amend Senate File 363, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "nursing" the following: "in consultation with the
- 5 board of pharmacy examiners".

The committee amendment H—3461 was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 363)

The ayes were, 94:

Adams
Beaman
Black
Brown

Baker
Beatty
Blanshan
Burke

Banks
Bennett
Brand
Carpenter

Bartz
Bisignano
Branstad
Chapman

Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalfe	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 1:

Jochum

Absent or not voting, 5:

Bernau
Shoultz

Brammer

Mertz

Osterberg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 216, a bill for an act relating to requirements for insulation in housing projects assisted under the rental assistance programs of the United States department of housing and urban development and providing a five-year grace period for owners of existing housing projects, with report of committee recommending amendment and passage was taken up for consideration.

Dvorsky of Johnson offered the following amendment H—3635 filed by the committee on energy and environmental protection and moved its adoption:

H—3635

- 1 Amend Senate File 216, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 17 through 20 and
- 4 inserting the following: "of which begins on or after
- 5 July 1, 1991."
- 6 2. Title page, line 2, by inserting after the

7 word "projects" the following: ", starting
8 construction on or after July 1, 1991,".
9 3. Title page, lines 3 through 5, by striking the
10 words "and providing a five-year grace period for
11 owners of existing housing projects".

The committee amendment H—3635 was adopted.

Neuhauser of Johnson asked and received unanimous consent that Senate File 216 be deferred and that the bill retain its place on the calendar.

Senate File 364, a bill for an act relating to joint investment of funds by public entities, with report of committee recommending passage was taken up for consideration.

Neuhauser of Johnson asked and received unanimous consent that Senate File 364 be deferred and that the bill be placed on the calendar under unfinished business.

Senate File 221, a bill for an act relating to amending or repealing city ordinances, and adopting by reference portions of the Code of Iowa, with report of committee recommending amendment and passage was taken up for consideration.

Cohoon of Des Moines offered the following amendment H—3625 filed by the committee on local government and moved its adoption:

H—3625

1 Amend Senate File 221, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the fol-
4 lowing:

5 "Section 1. Section 331.302, subsection 4, Code
6 1991, is amended to read as follows:

7 4. An amendment to an ordinance or to a code of
8 ordinances shall specifically repeal the ordinance or
9 code, or the section, or subsection, paragraph, or
10 subpart to be amended, and shall set forth in full the
11 ordinance, code, section, or subsection, paragraph, or
12 subpart as amended.

13 Sec. 2. Section 331.302, Code 1991, is amended by
14 adding the following new subsection:

15 **NEW SUBSECTION. 4A. a.** A county may by ordinance
16 adopt by reference any portion of the Code of Iowa in
17 effect at the time of the adoption in the manner
18 provided in section 380.8 for adoption of a proposed
19 code of ordinances containing a proposed new ordinance
20 or amendment, subject to the following limitations:

21 (1) The ordinance shall describe the subject

22 matter and identify the portion of the Code of Iowa
 23 adopted by chapter, section, and subsection or other
 24 subpart, as applicable.

25 (2) A portion of the Code of Iowa may be adopted
 26 by reference only if the criminal penalty provided by
 27 the law adopted does not exceed thirty days'
 28 imprisonment or a one hundred dollar fine.

29 (3) Amendments or other changes to those portions
 30 of the Code of Iowa which have been adopted by
 31 reference shall serve as an automatic modification of
 32 the applicable ordinance.

33 b. An ordinance which adopts by reference any
 34 portion of the Code of Iowa may provide that
 35 violations of the ordinance are county infractions and
 36 subject to the limitations of section 331.307."

37 2. Title page, line 1, by inserting after the
 38 word "city" the following: "or county".

The committee amendment H—3625 was adopted.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 221)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 1:

Hanson, D. E.

Absent or not voting, 5:

Bernau
Shoultz

Brammer

Mertz

Osterberg

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 505, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties, with report of committee recommending passage was taken up for consideration.

Neuhauser of Johnson asked and received unanimous consent that Senate File 505 be deferred and that the bill be placed on the calendar under unfinished business.

Senate File 519, a bill for an act relating to entities and subject matter subject to regulation under the regulated industries unit of the division of insurance, including business opportunity promotions, continuing care and senior adult congregate living retirement communities, and loan brokers, establishing certain fees, and making penalties applicable, with report of committee recommending passage was taken up for consideration.

Neuhauser of Johnson asked and received unanimous consent that Senate File 519 be deferred and that the bill be placed on the calendar under unfinished business.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterberg of Linn, for the afternoon session, on request of McKinney of Dallas.

Senate File 473, a bill for an act relating to accredited schools and school districts, making changes in the department of education's biennial report on the condition of schools, changing the requirements for certain pilot projects, providing exceptions to certain uses of funds received under an instructional support program, and changing the district in which shared-time pupils are counted under the postsecondary enrollment options Act, with report of committee recommending amendment and passage was taken up for consideration.

Nielsen of Linn offered the following amendment H—3616 filed by the committee on education:

H-3616

- 1 Amend Senate File 473, as passed by the Senate as
- 2 follows:
- 3 1. Page 2, by inserting after line 21, the
- 4 following:
- 5 "Sec. _____. Section 3 of this Act does not apply to
- 6 funds received by a district for the instructional
- 7 support program as a result of a levy which was
- 8 authorized prior to the effective date of this Act."
- 9 2. By numbering and renumbering as necessary.

Corbett of Linn offered the following amendment H-3683, to the committee amendment H-3616, filed by him:

H-3683

- 1 Amend the amendment, H-3616, to Senate File 473, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 8, and
- 4 inserting the following:
- 5 "_____. By striking page 1, line 28 through page 2,
- 6 line 9."

Adams of Hamilton in the chair at 3:43 p.m.

Connors of Polk in the chair at 4:17 p.m.

Corbett of Linn moved the adoption of amendment H-3683, to the committee amendment H-3616.

A non-record roll call was requested.

The ayes were 31, nays 54.

Amendment H-3683 lost.

Spear of Lee offered the following amendment H-3724, to the committee amendment H-3616, filed by him from the floor and moved its adoption:

H-3724

- 1 Amend the amendment, H-3616, to Senate File 473, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the word "Sec.
- 4 _____" and inserting the following: "Sec. 100."
- 5 2. Page 1, by inserting after line 8, the
- 6 following:
- 7 "Sec. _____. Sections 3 and 100 of this Act, being
- 8 deemed of immediate importance, take effect upon
- 9 enactment."
- 10 3. Title page, line 7, by inserting after the
- 11 word "Act" the following: "and providing an effective
- 12 date".
- 13 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 47, nays 32.

Amendment H—3724 was adopted.

Nielsen of Linn moved the adoption of the committee amendment H—3616, as amended.

A non-record roll call was requested.

The ayes were 48, nays 24.

The committee amendment H—3616, as amended, was adopted.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—3682 filed by him on April 17, 1991.

Nielsen 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. 473)

The ayes were, 88:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cphoon	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
McKean	McKinney	McNeal	Metcalf
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Peterson, M. K.
Poncy	Rafferty	Renaud	Renken
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Connors
			Presiding

The nays were, 7:

Corbett	Lageschulte	Maulsby	Miller
Petersen, D. F.	Plasier	Royer	

Absent or not voting, 5:

Bernau
Osterberg

Bisignano

Brammer

Mertz

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 473** be immediately messaged to the Senate.

Senate File 331, a bill for an act extending traffic enforcement authority to mobile home parks, with report of committee recommending passage was taken up for consideration.

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. 331)

The ayes were, 90:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Cohoon
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Maulsby
McKean	McKinney	McNeal	Metcalf
Millage	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Bernau	Bisignano	Brammer	Chapman
Holveck	Lundby	Mertz	Murphy
Osterberg	Sherzan		

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 311**, a bill for an act requiring registration of persons located outside of this state who issue credit cards, providing for an examination fee, and providing a penalty, previously deferred.

McKinney of Dallas asked and received unanimous consent that Senate File 311 be deferred and that the bill be placed on the calendar under unfinished business.

Senate File 193, a bill for an act relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science examiners, prohibiting the practice of marital and family therapy and mental health counseling without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, providing for a temporary waiver of certain licensing requirements, and providing other properly related matters, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 193 be deferred and that the bill be placed on the calendar under unfinished business.

Senate File 492, a bill for an act relating to the classified civil service status of two second deputy sheriffs in certain counties, with report of committee recommending passage was taken up for consideration.

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. 492)

The ayes were, 94:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter

Chapman	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Bernau	Brammer	Mertz	Osterberg
Rafferty	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 330, a bill for an act relating to tinted windows and making penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 330 be deferred and that the bill be placed on the calendar under unfinished business.

MOTION TO RECONSIDER WITHDRAWN (Senate File 422)

Chapman of Linn asked and received unanimous consent to withdraw the motion to reconsider Senate File 422, a bill for an act allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act, filed by her on April 15, 1991.

Senate File 412, a bill for an act relating to the department of inspections and appeals by expanding its investigatory authority, providing that certain information regarding health care facilities be available to the public, relating to health care facilities under receivership, providing additional grounds for suspension and revocation of certain licenses issued by the department, increasing criminal penalties for wanton neglect of a resident of a health care facility, and providing an effective date and a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Burke of Marshall offered the following amendment H—3591 filed by the committee on human resources and moved its adoption:

H—3591

- 1 Amend Senate File 412, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 7 the
- 4 following:
- 5 "3. The person conducts an activity constituting a
- 6 criminal offense in the food establishment and is
- 7 convicted of a serious misdemeanor or a more serious
- 8 offense as a result."
- 9 2. Page 4, by striking lines 8 through 16.
- 10 3. Page 4, by inserting after line 25 the
- 11 following:
- 12 "3. The person conducts an activity constituting a
- 13 criminal offense in the food service establishment and
- 14 is convicted of a serious misdemeanor or a more
- 15 serious offense as a result."
- 16 4. Page 4, by striking lines 26 through 34.
- 17 5. Page 5, by inserting after line 11 the
- 18 following:
- 19 "3. The person conducts an activity constituting a
- 20 criminal offense in the hotel and is convicted of a
- 21 serious misdemeanor or a more serious offense as a
- 22 result."
- 23 6. Page 5, by striking lines 12 through 28.
- 24 7. Page 6, by inserting after line 2 the
- 25 following:
- 26 "3. The person conducts an activity constituting a
- 27 criminal offense in the home food establishment and is
- 28 convicted of a serious misdemeanor or a more serious
- 29 offense as a result."
- 30 8. By renumbering as necessary.

The committee amendment H—3591 was adopted.

Nielsen of Linn offered the following amendment H—3662 filed by her and Murphy of Dubuque:

H—3662

1 Amend Senate File 412, as passed and reprinted by
2 the Senate, as follows:

3 1. Page 1, by inserting after line 29 the fol-
4 lowing:

5 "Sec. _____. Section 135C.14, subsection 8,
6 unnumbered paragraph 1, Code 1991, is amended to read
7 as follows:

8 Facility policies and procedures regarding the
9 treatment, care, and rights of residents. The rules
10 shall apply the federal resident's rights contained in
11 the federal Omnibus Budget Reconciliation Act of 1987,
12 Pub. L. No. 100-203, and the regulations adopted
13 pursuant to the Act and contained in 42 C.F.R. §
14 483.10, 483.12, 483.13, and 483.15, as amended to
15 February 2, 1989, to all health care facilities as
16 defined in this chapter and shall include procedures
17 for implementing and enforcing the federal rules.

18 Rules regarding the posting of annual surveys of a
19 facility shall require that the survey, in order to be
20 readily accessible to the residents, be placed at eye
21 level in a central, public place in the facility which
22 is frequently visited by the majority of the residents
23 and by the public. The rules shall also require that
24 the results of all revisits and investigations of
25 complaints regarding the facility which occur before
26 the next annual survey be posted in the same manner as
27 annual surveys. The department shall also adopt rules
28 relating to the following:"

29 2. Title page, line 4, by inserting after the
30 word "public," the following: "providing for
31 accessibility of the department's annual surveys of
32 and complaint resolutions regarding health care
33 facilities,".

34 3. By renumbering as necessary.

Plasier of Sioux rose on a point of order that amendment H—3662 was not germane.

The Speaker ruled the point well taken and amendment H—3662 not germane.

Burke of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 412)

The ayes were, 95:

Adams.
Bartz

Arnould, Spkr.
Beaman

Baker
Beatty

Banks
Bennett

Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Bernau	Brammer	Chapman	Mertz
Osterberg			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 458, a bill for an act including within the scope of collective bargaining negotiations insurance costs for retirees, with report of committee recommending passage was taken up for consideration.

Schrader of Marion asked and received unanimous consent that Senate File 458 be deferred and placed on the calendar under unfinished business.

The House resumed consideration of **Senate File 455**, a bill for an act relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties, previously deferred.

Schrader of Marion asked and received unanimous consent that Senate File 455 be deferred and placed on the calendar under unfinished business.

Senate File 112, a bill for an act relating to the membership on community-based correctional program project advisory committees, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 112)

The ayes were, 95:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cphoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Metcalf
Millage	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Bernau	Brammer	Mertz	Neuhauser
Osterberg			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 507, a bill for an act relating to the authority of the superintendent of banking to remove officers and directors of state

banks and to prohibit an institution-affiliated party from participating in the conduct of the affairs of a state bank, and providing civil penalties, with report of committee recommending amendment and passage was taken up for consideration.

Schrader of Marion asked and received unanimous consent that Senate File 507 be deferred and that the bill be placed on the calendar under unfinished business.

Senate File 343, a bill for an act relating to the medical assistance program, with report of committee recommending passage was taken up for consideration.

Schrader of Marion asked and received unanimous consent that Senate File 343 be deferred and that the bill be placed on the calendar under unfinished business.

HOUSE FILE 149 WITHDRAWN

Halvorson of Webster asked and received unanimous consent to withdraw House File 149 from further consideration by the House.

REREFERRED TO COMMITTEE ON COMMERCE

McKinney of Dallas asked and received unanimous consent to rerefer **Senate File 506**, presently on the **unfinished business calendar**, to the committee on **commerce**.

REREFERRED TO COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

McKinney of Dallas asked and received unanimous consent to rerefer **Senate File 216**, presently on the **regular calendar**, to the committee on **energy and environmental protection**.

MOTION TO RECONSIDER (Senate File 166)

I move to reconsider the vote by which Senate File 166 failed to pass the House on April 18, 1991.

SPEAR of Lee

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of

the House and the President of the Senate, and presented to the Governor for his approval on this 18th day of April, 1991: House File 274.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

Van Maanen of Mahaska presented to the House the Honorable Vic Stueland, former member of the House representing Clinton County.

The Speaker announced that the following visitors were present in the House chamber:

Thirty-five twelfth grade students from Colo-Nesco High School, Colo, accompanied by Jack Roberts. By Bernau of Story and Garman of Story.

Six students from South Clay Community School, Gillett Grove, accompanied by Larry Stegge. By Fogarty of Palo Alto.

Ninety eleventh and twelfth grade students from North High School, Sioux City, accompanied by Larry Twait. By Gill of Woodbury and Hansen of Woodbury.

Forty-five students from North High School, Sioux City, accompanied by Larry Twait, Steve Maguire and Dr. Sharon Ocher. By Hansen, Gill and Shoning, all of Woodbury.

Five FFA students from Guttenberg High School, Guttenberg, accompanied by Mrs. Walke. By Halvorson of Clayton.

Forty-two sixth grade students from Keota Elementary School, Keota, accompanied by Rod Hill and Joanne Winters. By Kistler of Jefferson.

Twelve eighth grade students from Waukee Middle School, Waukee, accompanied by Monte Friestad. By McKinney of Dallas.

Twenty-eight students from Schleswig, accompanied by George Pickup. By Muhlbauer of Crawford.

Sixty eighth grade students from Pella Christian School, Pella. By Schrader of Marion.

RESOLUTION FILED

HCR 26, by Dickinson, a concurrent resolution expressing opposition to a proposed graduated annual fee for recreational vessels operated on navigable waters of the United States where the coast guard is present.

Referred to committee on **natural resources and outdoor recreation**.

AMENDMENTS FILED

H-3702	H.F.	625	Senate Amendment
H-3703	H.F.	577	Senate Amendment
H-3704	H.F.	589	Senate Amendment
H-3705	H.F.	566	Senate Amendment
H-3706	H.F.	296	Senate Amendment
H-3707	H.F.	233	Senate Amendment
H-3708	S.F.	476	Hanson of Delaware Halvorson of Webster Carpenter of Polk
H-3709	S.F.	311	Halvorson of Webster Kremer of Buchanan
H-3710	S.F.	362	Grubbs of Scott
H-3711	H.F.	650	Spear of Lee
H-3712	H.F.	650	Spear of Lee
H-3713	S.F.	181	Fogarty of Palo Alto Gruhn of Dickinson Bennett of Ida Koenigs of Mitchell Kremer of Buchanan
H-3714	S.F.	193	Jay of Appanoose Renken of Grundy Hanson of Delaware Beatty of Warren
H-3715	S.F.	444	Millage of Scott
H-3716	S.F.	504	Holveck of Polk
H-3717	S.F.	343	Grubbs of Scott
H-3719	S.F.	506	Holveck of Polk
H-3720	S.F.	519	Gill of Woodbury
H-3721	H.F.	650	Spear of Lee
H-3722	S.F.	346	Blanshan of Greene
H-3723	H.F.	693	Dvorsky of Johnson
H-3725	S.F.	452	Gruhn of Dickinson
H-3726	S.F.	193	Hanson of Delaware
H-3727	S.F.	478	Neuhauser of Johnson

H-3728	S.F.	506	Holveck of Polk Chapman of Linn
H-3729	S.F.	506	Holveck of Polk Halvorson of Webster
H-3730	H.F.	693	Murphy of Dubuque Bisignano of Polk
H-3731	S.F.	166	Spear of Lee
H-3732	S.F.	166	Spear of Lee

On motion by McKinney of Dallas, the House adjourned at 5:22 p.m., until 9:00 a.m., Friday, April 19, 1991.

JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day — Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 19, 1991

The House met pursuant to adjournment, Speaker Arnould in the chair.

Prayer was offered by the Honorable Jane Teaford, state representative from Black Hawk County.

The Journal of Thursday, April 18, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Wise of Lee from three hundred sixteen constituents favoring parental notification before a minor obtains an abortion and statistical reporting of abortions.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lundby of Linn on request of Garman of Story; Bernau of Story on request of Brand of Benton; Mertz of Kossuth on request of Fogarty of Palo Alto; Osterberg of Linn on request of Van Maanen of Mahaska.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 92, a bill for an act relating to establishing commencement dates and terms of office for airport commissioners by ordinance.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 152, a bill for an act relating to boxing and wrestling laws administered by the athletic commissioner.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 198, a bill for an act relating to nonsubstantive Code and Act corrections.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 297, a bill for an act relating to driver's license reciprocity for minors.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 324, a bill for an act relating to aiding and abetting and retaliation under the civil rights law.

Also: That the Senate has on April 17, 1991, 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 enforcement authority of the Iowa utilities board regarding intrastate pipelines and electric transmission lines and providing civil penalties.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 357, a bill for an act establishing the Iowa uniform premarital agreement Act, and providing effective date and applicability provisions.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 375, a bill for an act relating to the prohibiting of the disposal of baled solid waste at a sanitary landfill.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 384, a bill for an act to establish a single method for obtaining agency consent for an employee to sell goods or services to individuals, associations, or corporations subject to the regulatory authority of the agency.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 420, a bill for an act relating to corrective changes to Iowa's election laws and providing emergency powers to the state commissioner of elections, and relating to the affidavit filing requirements for a single public office by primary election candidates and certain general election candidates, and relating to absentee voting.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 449, a bill for an act relating to the composition of the advisory committee to the office of rural health.

Also: That the Senate has on April 18, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 479, a bill for an act relating to appropriations for state departments, agencies, programs, funds, and INTERNET, and adjusting the school foundation aid program, delaying the effective date of certain tax rate reductions, credits, or rent reimbursements, redirecting net lottery revenues, relating to the amount of federal income taxes deductible for the state individual income tax, and providing for effective and applicability dates.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 480, a bill for an act relating to levee and drainage districts.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 485, a bill for an act to establish a math and science grant program under the administration of the department of education, creating a math and science account, and providing for licensing changes by the board of educational examiners.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 487, a bill for an act relating to the imposition of the state sales, services, and use tax on pay television service provided by a municipality.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 491, a bill for an act relating to acquisition of rights-of-way for highways.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 498, a bill for an act relating to updating criteria under the Iowa retraining program and providing an effective date.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 500, a bill for an act relating to requirements for child day care facilities operated in a school building in which child day care is an adjunct to the primary purpose of the building and providing an effective date.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 501, a bill for an act relating to establishing a durable power of attorney authorized to make health care decisions.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 506, a bill for an act relating to the admission into evidence of reproduced, rerecorded, or duplicated original writings, documents, and other records kept in the regular course of business or activity.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 516, a bill for an act to establish a teacher exchange program within the state.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 520, a bill for an act relating to testing to detect the presence of radon gas or radon progeny.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 534, a bill for an act relating to changes and corrections in the court administration system.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 558, a bill for an act relating to child support by affecting informational requirements of the child support recovery unit and the receipt and disbursement of child support payments.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 570, a bill for an act relating to limitations on the use of automatic dialing-announcing device equipment and providing a penalty.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 593, a bill for an act relating to employment of personnel under sharing agreements and agreements to combine merged areas.

Also: That the Senate has on April 16, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 601, a bill for an act relating to open end credit accounts by eliminating the requirement that the banking division compile and report a summary of the volume of consumer installment credit to the administrator of the Iowa consumer credit code and providing for a change in terms in the agreement.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 602, a bill for an act relating to the transfer of ownership of a vehicle by operation of law.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 617, a bill for an act relating to the central location of original loan documentation recordkeeping functions at the office of a bank holding company.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 618, a bill for an act relating to the marketable title of real estate and the lapse of stale mineral interests.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 619, a bill for an act relating to the preservation of financial institution records.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 626, a bill for an act relating to adverse claims over deposits held by a savings and loan association.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 627, a bill for an act relating to transfer of title by affidavit of the surviving spouse.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 639, a bill for an act relating to the Iowa community cultural grants program.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 655, a bill for an act relating to emergency care providers who are exposed to contagious or infectious diseases, and making penalties applicable.

Also: That the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 657, a bill for an act relating to alcohol blended gasoline, by changing references from gasohol to ethanol blended gasoline.

Also: That the Senate has on April 17, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 661, a bill for an act relating to certain general permits for activities affecting the environment.

Also: That the Senate has on April 17, 1991, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 18, a concurrent resolution naming a highway route and urging the United States House Public Works and Transportation Committee and the United States Senate Environment and Public Works Committee to establish priority funding measures for development of a four-lane highway in Missouri, Iowa, and Minnesota to connect the cities of St. Louis, Missouri, and St. Paul, Minnesota, more commonly referred to as "The Avenue of the Saints".

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 4, a bill for an act relating to consideration of voluntary and involuntary annexation petitions which concern the same territory or city, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 4 be deferred and that the bill be placed on the calendar under unfinished business.

Senate File 102, a bill for an act eliminating the requirement that the clerk of the district court file an annual report with the treasurer of state on certain fines, penalties, forfeitures, and recognizances, with report of committee recommending passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 102 be deferred and that the bill be placed on the calendar under unfinished business.

Senate File 134, a bill for an act relating to the use of fireworks in state parks and preserves and providing a penalty, with report of committee recommending passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 134 be deferred and that the bill be placed on the calendar under unfinished business.

Senate File 452, a bill for an act relating to the administration of fairs, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 452 be deferred and that the bill be placed on the calendar under unfinished business.

Ways and Means Calendar

House File 691, a bill for an act relating to the county agricultural extension education tax by adjusting the maximum levy and increasing the maximum dollar amount of property tax revenue which may be raised, and providing effective and applicability dates, was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that House File 691 be deferred and that the bill retain its place on the calendar.

Regular Calendar

Senate File 2, a bill for an act relating to sexual exploitation by a counselor or therapist and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 2 be deferred and that the bill be placed on the calendar under unfinished business.

Senate File 184, a bill for an act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 184 be deferred and that the bill be placed on the calendar under unfinished business.

Senate File 478, a bill for an act to establish a parent education program and making teachers participating in the program eligible for performance-based pay, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 478 be deferred and that the bill be placed on the calendar under unfinished business.

Senate File 476, a bill for an act relating to campaign finance disclosure by changing the definition of a candidate's committee, requiring the reporting to the treasurer of a committee of all contributions received by a person for the committee, requiring disclosure reports of out-of-state political action committees, changing the number of disclosure reports required in nonelection years, providing that the treasurer of a committee is not responsible for filing disclosure reports or liable for civil penalties, directing the use of leftover campaign funds, and providing for a civil penalty for violations regarding placement of political signs, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 476 be deferred and that the bill be placed on the calendar under unfinished business.

Ways and Means Calendar

House File 690, a bill for an act relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority,

by providing for the imposition of a sales and services tax, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date, was taken up for consideration.

Dvorsky of Johnson offered the following amendment H—3679 filed by him and moved its adoption:

H—3679

- 1 Amend House File 690 as follows:
- 2 1. Page 3, line 7, by striking the word "twenty"
- 3 and inserting the following: "ten".

A non-record roll call was requested.

The ayes were 50, nays 22.

Amendment H—3679 was adopted.

Wissing of Scott offered the following amendment H—3688 filed by him and Grubbs of Scott and moved its adoption:

H—3688

- 1 Amend House File 690 as follows:
- 2 1. Page 14, line 17, by inserting after the word
- 3 "expended" the following: "and the date of expiration
- 4 of the tax".

Amendment H—3688 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?" (H.F. 690)

The ayes were, 88:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	McKean	McKinney	McNeal
Metcalf	Millage	Miller	Muhlbauer

Murphy	Neuhauser	Nielsen	Ollie
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 5:

Bennett	Bisignano	Daggett	De Groot
Maulsby			

Absent or not voting, 7:

Bernau	Brammer	Jochum	Lundby
Mertz	Osterberg	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 496, a bill for an act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties, with report of committee recommending passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 496 be deferred and placed on the calendar under unfinished business.

Senate File 504, a bill for an act relating to the method of deregulation of communication services and facilities, with report of committee recommending passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 504 be deferred and placed on the calendar under unfinished business.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 508.

Senate File 508, a bill for an act relating to energy efficiency by expanding the entities entitled to financial assistance for implementing energy conservation measures, requiring implementation of life cycle cost analyses and providing exemptions from the implementation requirements, requiring the appropriation of abandoned utility refunds and deposits, establishing energy efficiency standards for certain products, establishing various energy efficiency-related programs

and projects, and providing for a sales and use tax credit for the purchase of fuel-efficient motor vehicles, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 508 be deferred and placed on the calendar under unfinished business.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for meetings of the committees on appropriations and ways and means upon recess.

On motion by McKinney of Dallas, the House was recessed at 9:58 a.m., until the fall of the gavel.

The House reconvened at 10:58 a.m., Speaker Arnould in the chair.

CONSIDERATION OF BILLS

Ways and Means Calendar

The House resumed consideration of **House File 691**, a bill for an act relating to the county agricultural extension education tax by adjusting the maximum levy and increasing the maximum dollar amount of property tax revenue which may be raised, and providing effective and applicability dates, previously deferred.

Maulsby of Calhoun offered the following amendment H—3740 filed by him from the floor and moved its adoption:

H—3740

1 Amend House File 691 as follows:

2 1. By striking page 1, line 1, through page 4,

3 line 18, and inserting the following:

4 "Section 1. Section 176A.10, Code 1991, is amended

5 to read as follows:

6 176A.10 COUNTY AGRICULTURAL EXTENSION EDUCATION

7 TAX.

8 The extension council of each extension district

9 shall, at a regular or special meeting held in January

10 in each year, estimate the amount of money required to

11 be raised by taxation for financing the county

12 agricultural extension education program authorized in

13 this chapter. The annual tax levy and the amount of

14 money to be raised from such the levy for the county

15 agricultural extension education fund shall not exceed

16 the following:

17 1. For an extension district having a population

18 of less than thirty thousand, an annual levy not to

19 exceed twenty and one-fourth of thirty cents per
20 thousand dollars of the assessed valuation of the
21 taxable property in the district up to a maximum of
22 fifty-five thousand dollars for the fiscal year
23 commencing July 1, 1982, sixty thousand dollars for
24 the fiscal year commencing July 1, 1983, sixty-five
25 thousand dollars for the fiscal year commencing July
26 1, 1984, seventy thousand dollars for the fiscal year
27 commencing July 1, 1985, and seventy-five thousand
28 dollars for eighty-seven thousand dollars payable
29 during the fiscal year commencing July 1, 1992, and
30 payable during each subsequent fiscal year.

31 2. For an extension district having a population
32 of thirty thousand or more but less than fifty
33 thousand population, an annual levy not to exceed of
34 twenty and one-fourth cents per thousand dollars of
35 the assessed valuation of the taxable property in the
36 district up to a maximum of sixty-six thousand dollars
37 for the fiscal year commencing July 1, 1982, seventy-
38 two thousand dollars for the fiscal year commencing
39 July 1, 1983, seventy-eight thousand dollars for the
40 fiscal year commencing July 1, 1984, eighty-four
41 thousand dollars for the fiscal year commencing July
42 1, 1985, and ninety thousand dollars for one hundred
43 four thousand dollars payable during the fiscal year
44 commencing July 1, 1992, and payable during each
45 subsequent fiscal year.

46 3. For an extension district having a population
47 of fifty thousand or more but less than one hundred
48 ninety thousand population, an annual levy not to
49 exceed of thirteen and one-half cents per thousand
50 dollars of the assessed valuation of the taxable

Page 2

1 property in the district up to a maximum of eighty-two
2 thousand five hundred dollars for the fiscal year
3 commencing July 1, 1982, ninety thousand dollars for
4 the fiscal year commencing July 1, 1983, ninety-seven
5 thousand five hundred dollars for the fiscal year
6 commencing July 1, 1984, one hundred five thousand
7 dollars for the fiscal year commencing July 1, 1985,
8 and one hundred twelve thousand five hundred dollars
9 for one hundred thirty thousand five hundred dollars
10 payable during the fiscal year commencing July 1,
11 1992, and payable during each subsequent fiscal year.

12 4. For an extension district having a population
13 of one hundred ninety thousand or more but less than
14 two hundred thousand, an annual levy not to exceed of
15 thirteen and one-half cents per thousand dollars of
16 the assessed valuation of the taxable property in the
17 district up to a maximum of one hundred ten thousand

18 dollars for the fiscal year commencing July 1, 1982,
19 one hundred twenty thousand dollars for the fiscal
20 year commencing July 1, 1983, one hundred thirty
21 thousand dollars for the fiscal year commencing July
22 1, 1984, one hundred forty thousand dollars for the
23 fiscal year commencing July 1, 1985, and one hundred
24 fifty thousand dollars for one hundred eighty thousand
25 dollars payable during the fiscal year commencing July
26 1, 1992, and payable during each subsequent fiscal
27 year.

28 5. For an extension district having a population
29 of two hundred thousand or more, an annual levy of
30 five cents per thousand dollars of the assessed
31 valuation of the taxable property in the district up
32 to a maximum of two hundred thousand dollars payable
33 during the fiscal year commencing July 1, 1992, and
34 payable during each subsequent fiscal year.

35 6. If an extension council of an extension
36 district determines that its annual dollar amount
37 received pursuant to subsection 1, 2, 3, 4, or 5 is
38 insufficient to finance its operations, the extension
39 council may increase the maximum amount. Before the
40 new maximum amount shall go into effect, the extension
41 council shall submit the question of increasing the
42 maximum amount to the registered voters of the
43 district. The ballot proposition shall specify the
44 new maximum amount. The question of the increase may
45 be submitted at the time of the state general election
46 or city regular election, or may be submitted at a
47 special election. If the question of the increase is
48 approved by a majority of those voting on the question
49 the extension council may raise up to the maximum
50 amount approved. If a majority of those voting on the

Page 3

1 question vote against the question the council may
2 resubmit the question but not sooner than six months
3 after the date of the election.

4 The extension council in each extension district
5 shall comply with the provisions of chapter 24."

Roll call was requested by Van Maanen of Mahaska and Metcalf of Polk.

On the question "Shall amendment H-3740 be adopted?"
(H.F. 691)

The ayes were, 42:

Banks
Black
Diemer

Bartz
Branstad
Doderer

Beaman
Brown
Eddie

Bisignano
Carpenter
Garman

Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hibbard
Hurley	Iverson	Jesse	Johnson
Kistler	Krebsbach	Kremer	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Siegrist	Tyrrell
Van Maanen	Weidman		

The nays were, 53:

Adams	Baker	Beatty	Bennett
Blanshan	Brand	Burke	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hester	Holveck	Jay	Jochum
Knapp	Koenigs	Lageschulte	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Spear	Spenner
Svoboda	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 5:

Bernau	Brammer	Lundby	Mertz
Osterberg			

Amendment H—3740 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?" (H.F. 691)

The ayes were, 87:

Adams	Baker	Banks	Bartz
Beaman	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jochum

Johnson	Kistler	Koenigs	Kremer
Lageschulte	McKinney	McNeal	Metcalf
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 7:

Hurley	Jesse	Knapp	Krebsbach
Maulsby	McKean	Miller	

Absent or not voting, 6:

Beatty	Bernau	Brammer	Lundby
Mertz	Osterberg		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 690 and 691.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day, on request of Van Maanen of Mahaska.

Regular Calendar

Senate File 346, a bill for an act relating to payments made pursuant to public contracts, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—3611 filed by the committee on state government and moved its adoption:

H—3611

- 1 Amend Senate File 346, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by striking lines 7 and 8 and insert-
- 4 ing the following: "for a period of fourteen days".
- 5 2. Page 1, by striking lines 11 through 17 and
- 6 inserting the following: "corporation to first re-
- 7 ceive the request, or for a time period greater than

8 fourteen days, unless a time period greater than
 9 fourteen days is specified in the contract documents,
 10 not to exceed thirty days, to afford the public
 11 corporation a reasonable opportunity to inspect the
 12 work and to determine the adequacy of the contractor's
 13 performance under the contract."
 14 3. Page 2, line 17, by inserting after the word
 15 "days" the following: "unless a greater time period
 16 not to exceed fifty days is specified in the contract
 17 documents,".

The committee amendment H-3611 was adopted.

Blanshan of Greene offered the following amendment H-3722 filed by him and moved its adoption:

H-3722

1 Amend Senate File 346, as amended, passed, and
 2 reprinted, by the Senate, as follows:
 3 1. Page 3, line 17, by striking the word "ten"
 4 and inserting the following: "twenty".
 5 2. Page 3, line 18, by striking the words "date
 6 of" and inserting the following: "receipt by the
 7 public corporation of the".
 8 3. Page 3, line 21, by striking the word
 9 "eleventh" and inserting the following: "twenty-
 10 first".
 11 4. Page 4, by striking line 9, and inserting the
 12 following: "released and paid to the contractor
 13 within twenty days of receipt by the public
 14 corporation of evidence of entry".
 15 5. Page 4, by striking line 13, and inserting the
 16 following: "commencing on the twenty-first day after
 17 receipt by the public corporation of evidence of entry
 18 of judgment and".

Amendment H-3722 was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 346)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer

Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Maulsby	McKean	McKinney
McNeal	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 7:

Bernau	Brammer	Harbor	Lundby
Mertz	Osterberg	Svoboda	

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 693, a bill for an act relating to alternative forms of local government and creating a new alternative form of local government for cities known as a consolidated metropolitan corporation, with provisions relating to its charter process, legislative body, tax collection, and service delivery, and to a new alternative form of county government, was taken up for consideration.

Connors of Polk offered the following amendment H—3698 filed by him and moved its adoption:

H—3698

- 1 Amend House File 693 as follows:
- 2 1. Page 1, by inserting after line 12, the
- 3 following:
- 4 "Sec. _____. Section 331.231, subsection 6, Code
- 5 1991, is amended to read as follows:
- 6 6. County-county Multicounty consolidated form as
- 7 provided in section 331.253."
- 8 2. Page 10, by inserting after line 4, the
- 9 following:

10 "Sec. _____. Section 331.253, Code 1991, is amended
11 to read as follows:

12 331.253 REQUIREMENTS FOR COUNTY-COUNTY MULTICOUNTY
13 GOVERNMENT CONSOLIDATION.

14 1. Consolidation may be placed on the ballot only
15 by a joint report by ~~contiguous~~ two or more counties.

16 2. A final report must contain a consolidation
17 charter if ~~county-county~~ multicounty consolidation is
18 recommended. The consolidation charter must conform
19 to the provisions and requirements in accordance with
20 this part."

21 3. Page 10, by striking line 5 and inserting the
22 following:

23 "Sec. _____. Section 331.254, unnumbered paragraph 1
24 and subsection 5, Code 1991, are".

25 4. Page 10, by inserting after line 6, the
26 following:

27 "When county multicounty consolidation is
28 recommended, a petition must contain a consolidation
29 charter which provides for:"

30 5. Page 10, line 14, by striking the word
31 "subsection" and inserting the following:
32 "subsections".

33 6. Page 10, by inserting after line 17, the
34 following:

35 "NEW SUBSECTION. 7. The merger of the elective
36 offices of each consolidating county with the election
37 of new officers within sixty days after the effective
38 date of the charter. The elections shall be conducted
39 by the county commissioner of elections of each county
40 pursuant to section 69.13.

41 NEW SUBSECTION. 8. The merger of the appointive
42 offices of each consolidating county."

43 7. By renumbering as necessary.

Amendment H—3698 was adopted.

Murphy of Dubuque offered the following amendment H—3730
filed by him and Bisignano of Polk and moved its adoption:

H—3730

1 Amend House File 693 as follows:

2 1. Page 7, line 6, by striking the words "Unless
3 otherwise provided, the" and inserting the following:
4 "The".

5 2. Page 8, by striking lines 26 through 30.

6 3. Page 12, by striking line 34, and inserting
7 the following:

8 "11. The partisan election of".

9 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 41.

Amendment H—3730 was adopted.

Dvorsky of Johnson offered the following amendment H—3723 filed by him and moved its adoption:

H—3723

1 Amend House File 693 as follows:

2 1. By striking page 8, line 31, through page 9,
3 line 7, and inserting the following:

4 "Sec. _____. Section 331.249, subsections 1 and 2,
5 Code 1991, are amended by striking the subsections and
6 inserting in lieu thereof the following:

7 1. The consolidation of one or more cities and one
8 or more counties shall create a unified government
9 which includes a municipal corporation and a county.

10 The consolidated unit shall have the separate status
11 of a county and a city for all purposes and shall
12 constitute two political subdivisions, a consolidated
13 city and a county, under combined governance. The
14 consolidated unit shall retain one separate
15 constitutional debt limitation with respect to its
16 status as a city and a separate constitutional debt
17 limitation with respect to its status as a county.

18 2. A consolidated unit of local government may
19 include an area which is located in another county,
20 but which is within the corporate boundaries of one of
21 the consolidated cities. County services shall be
22 provided in the extra-county area and taxes to fund
23 those services shall be collected in the extra-county
24 area by the consolidated government, to the extent
25 permitted by the Constitution of the State of Iowa.
26 In addition to the right to vote in the county of
27 residence, electors residing in the extra-county area
28 shall have the right to vote on any matter related to
29 the consolidated unit of local government, including
30 election of its officials.

31 If a city-county consolidation charter is proposed,
32 within ninety days following the final report of the
33 commission, a resident or property owner of the
34 commission area proposed to be consolidated may bring
35 an action in district court for declaratory judgment
36 to determine the legality of the proposed charter and
37 to otherwise declare the effect of the charter. The
38 referendum on the proposed charter shall be stayed
39 during pendency of the action and for such additional
40 time during which the proposed charter or its enabling
41 legislation does not conform to the constitution or
42 laws of the state of Iowa. If in its final judgment
43 the court determines that the proposed charter fails

- 44 to conform to the constitution or laws of this state,
45 the commission shall have a period of six months in
46 which to revise and resubmit the proposed charter.
47 Sec. _____. Section 331.249, subsection 3, Code
48 1991, is amended to read as follows:"
49 2. By renumbering as necessary.

Amendment H—3723 was adopted.

Pavich of Pottawattamie offered the following amendment
H—3701 filed by him and moved its adoption:

H—3701

- 1 Amend House File 693 as follows:
2 1. Page 14, by inserting after line 18 the fol-
3 lowing:
4 "Sec. _____. Section 372.4, unnumbered paragraph 1,
5 Code 1991, is amended to read as follows:
6 A city governed by the mayor-council form has a
7 mayor and five council members elected at large,
8 unless by ordinance a city so governed chooses to have
9 a mayor elected at large and an odd number of council
10 members but not less than five, including at least two
11 council members elected at large and one council
12 member elected by and from each ward the council
13 representation plan is changed pursuant to section
14 372.13, subsection 11. The council may, by ordinance,
15 provide for a city manager and prescribe the manager's
16 powers and duties, and as long as the council contains
17 an odd number of council members, may change the
18 number of wards, abolish wards, or increase the number
19 of council members at large without changing the form.
20 Sec. _____. Section 372.5, unnumbered paragraph 2,
21 Code 1991, is amended to read as follows:
22 A city governed by the commission form has a
23 council composed of a mayor and four council members
24 elected at large, unless the council representation
25 plan is changed pursuant to section 372.13, subsection
26 11. The mayor administers the department of public
27 affairs and each other council member is elected to
28 administer one of the other four departments.
29 Sec. _____. Section 372.10, Code 1991, is amended by
30 adding the following new subsection:
31 NEW SUBSECTION. 5. A council representation plan
32 pursuant to section 372.13, subsection 11.
33 Sec. _____. Section 372.13, Code 1991, is amended by
34 adding the following new subsection:
35 NEW SUBSECTION. 11. Council members shall be
36 elected according to the council representation plans
37 under sections 372.4 and 372.5. However, the council
38 representation plan may be changed, by petition and

39 election, to one of those described in this
40 subsection. Upon receipt of a valid petition, as
41 defined in section 362.4, requesting a change to a
42 council representation plan, the council shall submit
43 the question at a special city election to be held
44 within sixty days. If a majority of the persons
45 voting at the special election approves the changed
46 plan, it becomes effective at the beginning of the
47 term following the next regular city election. If a
48 majority does not approve the changed plan, the
49 council shall not submit another proposal to change a
50 plan to the voters within the next two years.

Page 2

- 1 Eligible electors of a city may petition for one of
- 2 the following council representation plans:
- 3 a. Election at large without ward residence
- 4 requirements for the members.
- 5 b. Election at large but with equal-population
- 6 ward residence requirements for the members.
- 7 c. Election from single-member, equal-population
- 8 wards, in which the electors of each ward shall elect
- 9 one member who must reside in that ward.
- 10 d. Election of a specified number of members at
- 11 large and a specified number of members from single-
- 12 member, equal-population wards."
- 13 2. By renumbering as necessary.

Amendment H—3701 was adopted.

Dvorsky of Johnson offered the following amendment H—3741
filed by him from the floor and moved its adoption:

H—3741

- 1 Amend House File 693 as follows:
- 2 1. Page 20, by striking lines 29 through 33, and
- 3 inserting the following:
- 4 "The consolidation charter may provide for the
- 5 replacement of the city government of the member city
- 6 with the largest population, according to the most
- 7 recent certified federal census. That city shall be
- 8 known as the home city of the consolidated
- 9 metropolitan corporation. If its government is
- 10 replaced, the consolidation charter shall provide that
- 11 the home city be".
- 12 2. Page 21, line 3, by striking the words "and
- 13 revenue disbursement".

Amendment H—3741 was adopted.

Black of Jasper in the chair at 11:59 a.m.

Dvorsky of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 693)

The ayes were, 78:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Beatty	Bisignano	Blanshan
Brand	Brown	Burke	Carpenter
Chapman	Cphoon	Connors	Corbett
Dickinson	Diemer	Doderer	Dvorsky
Fogarty	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
McKean	McKinney	McNeal	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peterson, M. K.	Poncy	Rafferty	Renaud
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Weidman	Wise
Wissing	Black		
	Presiding		

The nays were, 15:

Banks	Bennett	Branstad	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Lageschulte	Maulsby	Petersen, D. F.	Plasier
Renken	Tyrrell	Van Maanen	

Absent or not voting, 7:

Bernau	Brammer	Harbor	Lundby
Mertz	Osterberg	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that House File 693 be immediately messaged to the Senate.

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 342, a bill for an act relating to the prevention of disabling conditions by establishing a prevention of disabilities policy board and a technical assistance committee of the board and by making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** April 19, 1991.

Senate File 403, a bill for an act relating to the state income tax refund checkoff for Olympics.

Fiscal Note is not required.

Recommended **Do Pass** April 19, 1991.

Senate File 441, a bill for an act relating to workers' compensation self-insurance, imposing civil and criminal penalties, and providing an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** April 19, 1991.

COMMITTEE ON WAYS AND MEANS

Senate File 294, a bill for an act providing for the establishment of agricultural enterprise zones, restricting nuisance suits, providing for tax exemptions on facilities within such zones, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** April 19, 1991.

Senate File 362, a bill for an act relating to petroleum underground storage tanks by raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals, imposing an environmental damage offset, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 19, 1991.

Senate File 465, a bill for an act relating to the department of inspections and appeals by creating new licensing and fee requirements for gaming activities.

Fiscal Note is not required.

Recommended **Do Pass** April 19, 1991.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of the following bills: Senate Files 294, 342, 362, 403, 441 and 465.

Appropriations Calendar

Senate File 342, a bill for an act relating to the prevention of disabling conditions by establishing a prevention of disabilities policy board and a technical assistance committee of the board and by making an appropriation, with report of committee recommending passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 342 be deferred and placed on the calendar under unfinished business.

Senate File 403, a bill for an act relating to the state income tax refund checkoff for Olympics, with report of committee recommending passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 403 be deferred and placed on the calendar under unfinished business.

Senate File 441, a bill for an act relating to workers' compensation self-insurance, imposing civil and criminal penalties, and providing an appropriation, with report of committee recommending passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 441 be deferred and placed on the calendar under unfinished business.

Ways and Means Calendar

Senate File 294, a bill for an act providing for the establishment of agricultural enterprise zones, restricting nuisance suits, providing for tax exemptions on facilities within such zones, and providing a

penalty, with reports of committees recommending passage and amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 294 be deferred and placed on the calendar under unfinished business.

Senate File 362, a bill for an act relating to petroleum underground storage tanks by raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals, imposing an environmental damage offset, and providing an effective date, with reports of committees recommending passage and amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 362 be deferred and placed on the calendar under unfinished business.

Senate File 465, a bill for an act relating to the department of inspections and appeals by creating new licensing and fee requirements for gaming activities, with reports of committees recommending passage and amendment and passage was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that Senate File 465 be deferred and placed on the calendar under unfinished business.

INTRODUCTION OF BILLS

House File 695, by committee on ways and means, a bill for an act relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes and providing retroactive applicability and effective dates.

Read first time and placed on the **ways and means calendar**.

House File 696, by committee on ways and means, 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 and providing for the repeal of this Act.

Read first time and placed on the **ways and means calendar**.

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 19th day of April, 1991: House Files 5, 306, 334, 459, 567, 592 and 598.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

A memorandum in response to requirements contained in Chapter 1251.83, 1990 Acts of the Seventy-third General Assembly.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty-eight fifth grade students from Atkins Elementary School, Atkins, accompanied by Dawn Anderson. By Brand of Benton.

Eighteen eighth grade students from St. Patricks School, Cedar Falls, accompanied by Sister Bridget. By Diemer of Black Hawk and Teaford of Black Hawk.

Six FFA students from Riceville Community School, Riceville, accompanied by Jim Green. By Koenigs of Mitchell.

Forty-two seventh grade students from Central City Middle School, Central City, accompanied by Craig Jensen and Alice Smith. By Lundby of Linn.

One hundred seventy fifth grade students from Washington Elementary School, Atlantic, accompanied by Paulette Hansen. By Weidman of Cass.

Sixty sixth grade students from Washington Elementary School, Atlantic, accompanied by Paulette Hansen, Carla Murphy and Stuart Dusenberry. By Weidman of Cass.

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 278, a bill for an act relating to the salaries paid to chaplains employed in state institutions and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Do Pass** April 19, 1991.

Committee Bill (Formerly House File 276), 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 and providing for the repeal of this Act.

Fiscal Note is not required.

Recommended **Do Pass** April 18, 1991.

Committee Bill (Formerly House Study Bill 203.1), relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes and providing retroactive applicability and effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 18, 1991.

AMENDMENTS FILED

H-3733	S.F.	46	Peterson of Carroll
H-3734	H.F.	479	Senate Amendment
H-3735	S.F.	504	Dickinson of Jackson
H-3736	S.F.	478	Shoultz of Black Hawk
H-3737	S.F.	478	Bartz of Worth
H-3738	S.F.	478	Bartz of Worth
H-3739	S.F.	478	Bartz of Worth

H-3742	H.F.	152	Senate Amendment
H-3743	H.F.	297	Senate Amendment
H-3744	H.F.	343	Senate Amendment
H-3745	H.F.	375	Senate Amendment
H-3746	H.F.	420	Senate Amendment
H-3747	H.F.	449	Senate Amendment
H-3748	H.F.	500	Senate Amendment
H-3749	H.F.	501	Senate Amendment
H-3750	H.F.	520	Senate Amendment
H-3751	H.F.	558	Senate Amendment
H-3752	H.F.	601	Senate Amendment
H-3753	H.F.	618	Senate Amendment
H-3754	H.F.	639	Senate Amendment
H-3755	H.F.	661	Senate Amendment
H-3756	S.F.	508	Chapman of Linn
H-3757	S.F.	529	Shearer of Louisa
Muhlbauer of Crawford			Brand of Benton
Halvorson of Webster			Adams of Hamilton
Gipp of Winneshiek			Beaman of Clarke
			McNeal of Hardin
H-3758	S.F.	508	McKean of Jones
			Nielsen of Linn
H-3759	S.F.	166	Spear of Lee

On motion by McKinney of Dallas, the House adjourned at 12:15 p.m., until 10:00 a.m., Monday, April 22, 1991.